CONGRESSIONAL RECORD.

PROCEEDINGS AND DEBATES OF THE SIXTIETH CONGRESS.

SECOND SESSION.

SENATE.

MONDAY, *December 7, 1908.*

The first Monday in December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the second session of the Sixtieth Congress commenced this day.

The Senate assembled in its Chamber at the Capitol.

The Vice-President (Mr. CHARLES W. FAIRBANKS) called the Senate to order at 12 o'clock noon.

PRAYER.

The Chaplain, Rev. Edward E. Hale, offered the following prayer:

Seek ye first the kingdom of God and His righteousness.

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The kingdom of God is within you.

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Because ye are sons of God, God sent forth the spirit of His Son into your hearts, crying Abba Father.

* * * * * * *

I must be about my Father's business.

Father of life, Father of love, Thy servants in this Congress meet again to do our Father's will, to enter into this service of Thine, which is perfect freedom. And we have Thy strength for our weakness; we have Thy light for our darkness; we have Thy wisdom for our direction.

Help Thy servants, Father, in every hour of every day in every day of every month, that this winter may be blessed to this land; that we may see Thy kingdom come, the reign of God establish itself in the world.

We remember before Thee, Thy servants, whom Thou hast called to higher and larger service. They are with Thee as Thou art with them.

Father, may every example of patriotism, of purity, of truth, of justice, of unselfishness be reflected in the lives of Thy servants who are here, that this may be a gathering together of Thine own children in our Father's work, ready to go about our Father's business; that this Nation may lift up what has fallen down; that this Nation may feed the hungry and the thirsty; that this Nation may make the Light of this world more clear and more true for those who come after us.

Here is our prayer. And for this Congress, Father, that Thou wilt bless us as Thou hast blessed our fathers. We ask it in Christ Jesus.

Our Father Who art in Heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is done in Heaven. Give us this day our daily bread; and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil; for Thine is the kingdom, and the power, and the glory, for ever and ever. Amen.

SENATOR FROM VERMONT.

Mr. DILLINGHAM. Mr. President, I present the credentials of Hon. CARROLL S. PAGE, who has been chosen by the legislature of Vermont a Senator of the United States to fill the vacancy caused by the death of Hon. Redfield Proctor.

The VICE-PRESIDENT. The credentials will be read by the Secretary.

The credentials of CARROLL S. PAGE, chosen by the legislature of the State of Vermont a Senator from that State for the unexpired portion of the term of the late Senator Redfield Proctor, ending March 3, 1911, were read and ordered to be filed.

Mr. DILLINGHAM. Mr. PAGE is present in the Chamber and prepared to take the oath of office.

The VICE-PRESIDENT. The Senator-elect from Vermont will present himself at the Vice-President's desk and take the oath prescribed by law.

Mr. PAGE was escorted to the Vice-President's desk by Mr. DILLINGHAM, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

CALLING OF THE ROLL.

The VICE-PRESIDENT. The Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Davis	Hopkins	Penrose
Ankeny	Depew	Johnston	Perkins
Bacon	Dick	Kean	Piles
Bailey	Dillingham	Knox	Platt
Bankhead	Dixon	La Follette	Rayner
Borah	Dolliver	Lodge	Richardson
Bourne	du Pont	Long	Scott
Brandegee	Elkins	McCreary	Simmons
Briggs	Flint	McCumber	Smith, Md.
Brown	Foraker	McEnery	Smith, Mich.
Burkett	Foster	McLaurin	Smoot
Burnham	Frazier	Martin	Stephenson
Burrows	Frye	Milton	Sutherland
Carter	Fulton	Money	Taliaferro
Clapp	Gallinger	Nelson	Taylor
Clark, Wyo.	Gamble	Newlands	Teller
Clay	Gore	Nixon	Warner
Crane	Guggenheim	Overman	Warren
Culberson	Hale	Owen	Wetmore
Cullom	Hemenway	Page	
Curtis	Heyburn	Paynter	

The VICE-PRESIDENT. Eighty-two Senators have answered to their names. A quorum of the Senate is present.

SENATORS PRESENT.

By States the Senators present were as follows:

Alabama—John H. Bankhead and Joseph F. Johnston.
Arkansas—Jefferson Davis.
California—Frank P. Flint and George C. Perkins.
Colorado—Simon Guggenheim and Henry M. Teller.
Connecticut—Frank B. Brandegee.
Delaware—Henry A. du Pont and Harry H. Richardson.
Florida—William H. Milton and James P. Taliaferro.
Georgia—Augustus O. Bacon and Alexander S. Clay.
Idaho—William E. Borah and Weldon B. Heyburn.
Illinois—Shelby M. Cullom and Albert J. Hopkins.
Indiana—James A. Hemenway.
Iowa—Jonathan P. Dolliver.
Kansas—Charles Curtis and Chester I. Long.
Kentucky—James B. McCreary and T. H. Paynter.
Louisiana—Murphy J. Foster and Samuel D. McEnery.
Maine—William P. Frye and Eugene Hale.
Maryland—Isidor Rayner and John Walter Smith.
Massachusetts—Winthrop Murray Crane and Henry Cabot Lodge.
Michigan—Julius C. Burrows and William Alden Smith.
Minnesota—Moses E. Clapp and Knute Nelson.
Mississippi—Anselm J. McLaurin and H. D. Money.
Missouri—William Warner.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Montana—Thomas H. Carter and Joseph M. Dixon.
Nebraska—Norris Brown and Elmer J. Burkett.
Nevada—Francis G. Newlands and George S. Nixon.
New Hampshire—Henry E. Burnham and Jacob H. Gallinger.
New Jersey—Frank O. Briggs and John Kean.
New York—Chauncey M. Depew and Thomas C. Platt.
North Carolina—Lee S. Overman and F. M. Simmons.
North Dakota—Porter J. McCumber.
Ohio—Charles Dick and Joseph B. Foraker.
Oklahoma—Thomas P. Gore and Robert L. Owen.
Oregon—Charles W. Fulton and Jonathan Bourne.
Pennsylvania—Philander Chase Knox and Boies Penrose.
Rhode Island—Nelson W. Aldrich and George Peabody Wetmore.
South Dakota—Robert J. Gamble.
Tennessee—James B. Frazier and Robert L. Taylor.
Texas—Joseph W. Bailey and Charles A. Culberson.
Utah—Reed Smoot and George Sutherland.
Vermont—William P. Dillingham and Carroll S. Page.
Virginia—Thomas S. Martin.
Washington—Levi Ankeny and Samuel H. Piles.
West Virginia—Stephen B. Elkins and Nathan B. Scott.
Wisconsin—Robert M. La Follette and Isaac Stephenson.
Wyoming—Clarence D. Clark and Francis E. Warren.

NOTIFICATION TO THE HOUSE.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled, and that the Senate is ready to proceed to business.

NOTIFICATION TO THE PRESIDENT.

Mr. ALDRICH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of three Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled, and that Congress is ready to receive any communication he may be pleased to make.

The VICE-PRESIDENT appointed as the committee Mr. ALDRICH, Mr. GALLINGER, and Mr. TELLER.

HOUR OF MEETING.

Mr. CULLOM submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian until otherwise ordered.

DEATH OF SENATOR WILLIAM B. ALLISON.

Mr. DOLLIVER. Mr. President, it is a painful duty to announce to the Senate the death of Senator ALLISON. He died at his home in Dubuque on the 4th day of August.

At a future time, at the convenience of the Senate, I will ask that an hour be set aside for suitable tributes to his memory. I offer the resolutions which I send to the desk, and ask for their adoption.

The VICE-PRESIDENT. The Senator from Iowa submits resolutions which will be read by the Secretary.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. WILLIAM BOYD ALLISON, for more than thirty-five years a Senator from the State of Iowa.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Mr. DOLLIVER. Mr. President, as a further tribute of respect to the memory of the late Senator ALLISON, I move that the Senate do now adjourn.

The motion was unanimously agreed to, and (at 12 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 8, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 7, 1908.*

This being the day designated by the Constitution for the annual meeting of Congress, the Members of the House of Representatives assembled in their Hall for the second session of the Sixtieth Congress, and at 12 o'clock m. were called to order by the Speaker.

PRAYER.

Rev. Henry N. Couden, D. D., Chaplain of the House, offered the following prayer:

Our Father in heaven, source of all that is truest, noblest, best in man, we look up to Thee for inspiration, strength, and guidance. Receiving with unfeigned love and gratitude all that has come down to us out of the past which makes for the larger life and higher civilization, yet we realize that our work is not done; hence we most fervently pray for a larger, clearer vision that we may go forward with unfaltering footsteps, high ideals, and unswerving integrity to the tasks before us, that we may add somewhat to the sum of human happiness and thus fulfill the law of Christ.

Be Thou a living presence, we beseech Thee, moving in the minds and hearts of all our people, that good citizenship may more and more obtain. Safeguard every home throughout our land, fill them each with love and affection, that peace and righteousness may dwell therein.

Inspire these Thy servants, the representatives of the people, that they may hold fast to the traditions of our fathers and leave behind them a record worthy of emulation.

Strengthen, support, and guide the Speaker of this House in his arduous duties, that with justice and equity he may guide to the highest possible results.

Protect the President of these United States from violence and give to him and his advisers light from on high, that the ship of state may be guided with unerring precision through all the storms that may arise to a safe and peaceful harbor.

Quicken the minds of our judiciary, that their judgments may "be true and righteous altogether," that thus working together with Thee as a people we may hasten the coming of Thy kingdom in all the earth. In the spirit of the Lord Jesus Christ. Amen.

The SPEAKER directed the Clerk to call the roll by States to ascertain the presence of a quorum, when the following-named Members responded:

ALABAMA.

George W. Taylor.
Henry D. Clayton.
W. B. Craig.
J. Thomas Heflin.
Richmond P. Hobson.
John L. Burnett.
William Richardson.
Oscar W. Underwood.

ARKANSAS.

Robert Bruce Macon.
Stephen Brundidge, jr.
John C. Floyd.
Ben Cravens.
Charles C. Reid.
Joseph T. Robinson.
Robert M. Wallace.

CALIFORNIA.

W. F. Englebright.
Duncan E. McKinlay.
Joseph R. Knowland.
Julius Kahn.
Everis A. Hayes.
James C. Needham.
James McLachlan.
Sylvester C. Smith.

COLORADO.

George W. Cook.
Robert W. Bonynge.
Warren A. Haggott.

CONNECTICUT.

Nehemiah D. Sperry.
Edwin W. Higgins.
Ebenezer J. Hill.

DELAWARE.

Hiram R. Burton.

FLORIDA.

Stephen M. Sparkman.
Frank Clark.

GEORGIA.

James M. Griggs.
William C. Adamson.
Leonidas F. Livingston.
Charles L. Bartlett.
Gordon Lee.
Thomas M. Bell.
Thomas W. Hardwick.
William G. Brantley.

IDAHO.

Burton L. French.

ILLINOIS.

Martin B. Madden.
James R. Mann.
William W. Wilson.
James T. McDermott.
Adolph J. Sabath.
Philip Knopf.
Charles McGavin.
Henry S. Boutell.
George Edmund Foss.
Howard M. Snapp.
Charles E. Fuller.
Frank O. Lowden.
James McKinney.
George W. Prince.
Joseph V. Graff.
John A. Sterling.
Joseph G. Cannon.
William B. McKinley.
Henry T. Rainey.
Ben F. Caldwell.
William A. Rodenberg.
Martin D. Foster.
Pleasant T. Chapman.
Napoleon B. Thistlewood.

INDIANA.

John H. Foster.
John C. Chaney.
William E. Cox.
Lincoln Dixon.
Elias S. Holliday.
Jesse Overstreet.
John A. M. Adair.
Charles B. Landis.
Edgar D. Crumpacker.
George W. Rauch.
Clarence C. Gilhams.

IOWA.

Charles A. Kennedy.
Albert F. Dawson.
Benjamin P. Birdsall.
Gilbert N. Haugen.
Daniel W. Hamilton.
John A. T. Hull.
William P. Hepburn.
Walter I. Smith.
James P. Conner.
Elbert H. Hubbard.

KANSAS.

Charles F. Scott.
Philip P. Campbell.
James M. Miller.
William A. Calderhead.
William A. Reeder.
E. H. Madison.
Victor Murdock.

Ollie M. James.
Augustus O. Stanley.
Addison D. James.
Ben Johnson.
Swagar Sherley.

Robert F. Broussard.
John T. Watkins.
Joseph E. Ransdell.

Amos L. Allen.

Joshua F. C. Talbott.
John Gill, jr.

George P. Lawrence.
Frederick H. Gillett.
Charles G. Washburn.
Charles Q. Tirrell.
Butler Ames.
Augustus P. Gardner.
Ernest W. Roberts.

Edwin Denby.
Charles E. Townsend.
Washington Gardner.
Edward L. Hamilton.
Samuel W. Smith.
Henry McMorran.

James A. Tawney.
W. S. Hammond.
Charles R. Davis.
Frederick C. Stevens.
Frank M. Nye.

Ezekiel S. Candler, jr.
Benjamin G. Humphreys.
Wilson S. Hill.

James T. Lloyd.
William W. Rucker.
Joshua W. Alexander.
Charles F. Booher.
Edgar C. Ellis.
David A. De Armond.

Ernest M. Pollard.
Gilbert M. Hitchcock.
J. F. Boyd.

Cyrus A. Sulloway.

Henry C. Loudenslager.
John J. Gardner.
Benjamin F. Howell.
Ira W. Wood.
Charles N. Fowler.

William W. Cocks.
George H. Lindsay.
Charles B. Law.
George E. Waldo.
William M. Calder.
John J. Fitzgerald.
Daniel J. Riordan.
Henry M. Goldfogle.
William Sulzer.
Charles V. Fornes.
William Bourke Cockran.
Herbert Parsons.
William Willett, jr.
J. Van Vechten Olcott.
William S. Bennet.
Joseph A. Goulden.
Thomas W. Bradley.

Claude Kitchin.
Charles R. Thomas.
Edward W. Pou.
William W. Kitchin.
John H. Small.

Thomas F. Marshall.

Nicholas Longworth.
Herman P. Goebel.
J. Eugene Harding.
William E. Tou Velle.
Timothy T. Ansberry.
Matt R. Denver.
J. Warren Keifer.
Ralph D. Cole.
Isaac R. Sherwood.
Albert Douglas.

KENTUCKY.

W. P. Kimball.
Joseph B. Bennett.
John W. Langley.
Don C. Edwards.

LOUISIANA.

George K. Favrot.
Arsène P. Pujo.

MAINE.

Edwin C. Burleigh.

MARYLAND.

Sydney E. Mudd.
George A. Pearre.

MASSACHUSETTS.

Samuel W. McCall.
John A. Keliher.
Joseph F. O'Connell.
Andrew J. Peters.
John W. Weeks.
William S. Greene.
William C. Lovering.

MICHIGAN.

Joseph W. Fordney.
James C. McLaughlin.
George A. Loud.
Archibald B. Darragh.
H. Olin Young.

MINNESOTA.

Charles A. Lindbergh.
Andrew J. Volstead.
J. Adam Bede.
Halvor Steenerson.

MISSISSIPPI.

Eaton J. Bowers.
John Sharp Williams.

MISSOURI.

Courtney W. Hamlin.
Dorsey W. Shackleford.
Champ Clark.
Richard Bartholdt.
Henry S. Caulfield.
Joseph J. Russell.

MONTANA.

Charles N. Pray.

NEBRASKA.

Edmund H. Hinshaw.
George W. Norris.
Moses P. Kinkaid.

NEVADA.

George A. Bartlett.

NEW HAMPSHIRE.

Frank D. Currier.

NEW JERSEY.

William Hughes.
Richard Wayne Parker.
Le. Gage Pratt.
Eugene W. Leake.
James A. Hamill.

NEW YORK.

Samuel McMillan.
William H. Draper.
George N. Southwick.
George W. Fairchild.
Cyrus Durey.
George R. Malby.
James S. Sherman.
Charles L. Knapp.
Michael E. Driscoll.
John W. Dwight.
Sereno E. Payne.
James Breck Perkins.
J. Sloat Fassett.
Peter A. Porter.
William H. Ryan.
De Alva S. Alexander.
Edward B. Vreeland.

NORTH CAROLINA.

Hannibal L. Godwin.
Robert N. Page.
Richard N. Hackett.
Edwin Y. Webb.

NORTH DAKOTA.

Asle J. Gronna.

OHIO.

Edward L. Taylor, jr.
Grant E. Mouser.
Jay F. Laning.
Beman G. Dawes.
William A. Ashbrook.
James Kennedy.
W. Aubrey Thomas.
Paul Howland.
Theodore E. Burton.

Bird S. McGuire.
Elmer L. Fulton.

OKLAHOMA.

Charles D. Carter.
Scott Ferris.

OREGON.

Willis C. Hawley.

W. R. Ellis.

PENNSYLVANIA.

Henry H. Bingham.
Joel Cook.
J. Hampton Moore.
Reuben O. Moon.
W. W. Foulkrod.
George D. McCreary.
Thomas S. Butler.
Irving P. Wanger.
H. Burd Cassel.
T. D. Nicholls.
John T. Lenahan.
Charles N. Brumm.
John H. Rothermel.
George W. Kipp.
William B. Wilson.
John G. McHenry.

Benjamin K. Focht.
Marlin E. Olmsted.
John M. Reynolds.
Daniel F. Lafean.
Charles F. Barclay.
George F. Huff.
Allen F. Cooper.
Ernest F. Acheson.
Arthur L. Bates.
J. Davis Brodhead.
Joseph G. Beale.
Nelson P. Wheeler.
William H. Graham.
John Dalzell.
James Francis Burke.
Andrew J. Barchfeld.

RHODE ISLAND.

Daniel L. D. Granger.

Adin B. Capron.

SOUTH CAROLINA.

James O. Patterson.
Joseph T. Johnson.

J. Edwin Ellerbe.
Asbury F. Lever.

SOUTH DAKOTA.

Philo Hall.

TENNESSEE.

Walter P. Brownlow.
Nathan W. Hale.
John A. Moon.
Cordell Hull.
William C. Houston.

John Wesley Gaines.
Lemuel P. Padgett.
Thetus W. Sims.
Finis J. Garrett.
George W. Gordon.

TEXAS.

Morris Sheppard.
Gordon Russell.
Choice B. Randell.
Jack Beall.
Rufus Hardy.
John M. Moore.
George F. Burgess.

Albert S. Burleson.
Robert L. Henry.
Oscar W. Gillespie.
John H. Stephens.
James L. Slayden.
John N. Garner.
William R. Smith.

UTAH.

Joseph Howell.

VERMONT.

David J. Foster.

Kittredge Haskins.

VIRGINIA.

William A. Jones.
Harry L. Maynard.
John Lamb.
Francis R. Lassiter.
E. W. Saunders.

James Hay.
Charles C. Carlin.
C. Bascom Slemp.
Henry D. Flood.

WASHINGTON.

Wesley L. Jones.
Francis W. Cushman.

William E. Humphrey.

WEST VIRGINIA.

William P. Hubbard.
George C. Sturgiss.
Joseph Holt Gaines.

Harry C. Woodyard.
James A. Hughes.

WISCONSIN.

Henry A. Cooper.
John M. Nelson.
William H. Stafford.
John J. Esch.

James H. Davidson.
Gustav Küstermann.
John J. Jenkins.

WYOMING.

Frank W. Mondell.

The SPEAKER. Three hundred and forty-four Members have responded to the call—a quorum.

CREDENTIALS OF NEWLY ELECTED MEMBERS.

The SPEAKER laid before the House the credentials of the following newly elected Members, which were severally read:

Mr. O. C. WILEY, Second Congressional District of the State of Alabama, to succeed the late Mr. A. A. Wiley.

Mr. HENRY A. BARNHART, Thirteenth Congressional District of the State of Indiana, to succeed the late Mr. Abraham L. Brick.

Mr. ALBERT ESTOPINAL, First Congressional District of Louisiana, to succeed the late Mr. Adolph Meyer.

Mr. JOHN P. SWASEY, Second Congressional District of the State of Maine, to fill the vacancy occasioned by the resignation of Mr. Charles E. Littlefield.

Mr. FRANK E. GUERNSEY, Fourth Congressional District of the State of Maine, to succeed the late Mr. Llewellyn Powers.

Mr. EBEN W. MARTIN, State of South Dakota, at large, to succeed the late Mr. William H. Parker.

THIRD CONGRESSIONAL DISTRICT, NEW YORK.

Mr. CALDER. Mr. Speaker, I ask unanimous consent that Mr. OTTO G. FOELKER be permitted to take the oath, having been elected for the Third Congressional District, the certificate not having yet arrived.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman from New York why that gentleman does not have a certificate.

Mr. CALDER. The state board of canvassers of our State does not meet until the 10th of December.

Mr. CLARK of Missouri. How much of a majority has this gentleman?

Mr. CALDER. Three thousand and one hundred.

Mr. CLARK of Missouri. I understand, Mr. Speaker, that there is no doubt of this gentleman's election by a good round majority, and therefore I offer no objection to his being sworn in.

The SPEAKER. Is there objection to administering the oath to the gentleman from New York? (After a pause.) The Chair hears none. The gentlemen whose credentials have been read, and any who have not previously been sworn in, will present themselves.

The following Members then presented themselves at the bar of the House and took the oath of office:

Mr. O. C. WILEY, Mr. HENRY A. BARNHART, Mr. ALBERT ESTOPINAL, Mr. JOHN P. SWASEY, Mr. FRANK E. GUERNSEY, Mr. OTTO G. FOELKER, Mr. H. BURD CASSEL, and Mr. EBEN W. MARTIN.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed the following resolutions:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Also:

Resolved, That a committee consisting of three Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that Congress is ready to receive any communication he may be pleased to make.

And that in compliance with the foregoing resolution the Vice-President had appointed as said committee Mr. ALDRICH, Mr. GALLINGER, and Mr. TELLER.

Also:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. WILLIAM BOYD ALLISON, for more than thirty-five years a Senator from the State of Iowa.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased Senator, the Senate do now adjourn.

COMMITTEE TO NOTIFY THE PRESIDENT.

Mr. PAYNE. Mr. Speaker, I offer the following resolution and ask for its immediate consideration:

The Clerk read as follows:

Resolved, That a committee of three Members be appointed on the part of the House, to join the committee appointed by the Senate, to wait upon the President and inform him that a quorum of the two Houses is assembled and that Congress is ready to receive any communication he may have to make.

The question was taken, and the resolution was agreed to.

The SPEAKER announced the appointment of Mr. PAYNE, Mr. MCKINLEY of Illinois, and Mr. CLARK of Missouri as the committee on the part of the House under the resolution just adopted.

NOTIFICATION OF THE SENATE.

Mr. WEEKS. Mr. Speaker, I offer the following resolution:

The Clerk read as follows:

Resolved, That the Clerk of the House inform the Senate that a quorum of the House of Representatives has appeared, and that the House is ready to proceed to business.

The resolution was agreed to.

DAILY HOUR OF MEETING.

Mr. DALZELL. Mr. Speaker, I offer the following resolution.

The Clerk read as follows:

Resolved, That until otherwise ordered the hour of daily meeting of the House of Representatives shall be 12 o'clock meridian.

The resolution was agreed to.

WITNESSES BEFORE COMMITTEE ON WAYS AND MEANS.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the following resolution.

The SPEAKER. The gentleman from New York asks unanimous consent for the immediate consideration of the following resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Committee on Ways and Means, in their investigation and inquiry for the purpose of preparing a bill to revise the present tariff laws, shall have power to subpœna and examine witnesses under oath, and to send for records, papers, and all other evidence that may be necessary to make the investigation and inquiry full and complete, and that the Speaker shall have authority to sign and the Clerk to attest subpœnas during the recess of Congress.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

ADDITIONAL EMPLOYEES, HOUSE POST-OFFICE.

Mr. HUGHES of West Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The gentleman from West Virginia asks unanimous consent for the present consideration of the following resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That there shall be paid out of the contingent fund of the House compensation at the rate of $100 per month during the present session to three additional messengers, to be employed under the direction of the Postmaster of the House in delivering mail to officers and employees of the House and to committee rooms in the House wing of the Capitol and for duty in the branch post-office therein.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, I should like to inquire of the gentleman from West Virginia if this resolution is authorized by the committee?

Mr. HUGHES of West Virginia. No; this is not authorized by the committee. It was suggested by the Committee on the Distribution of Rooms that this was necessary, on account of the removal of the post-office to the new Office Building.

Mr. CLARK of Missouri. Who is responsible for the post-office being moved over to the other building, anyhow?

Mr. HUGHES of West Virginia. The Committee on Distribution of Rooms.

Mr. TAWNEY. Mr. Speaker, if the gentleman will permit me, I can answer that. The House of Representatives is responsible.

Mr. CLARK of Missouri. Did they move it?

Mr. TAWNEY. At the last session of Congress; and now unless this service is authorized, or this resolution is adopted, there will be no means whereby the Members of the House who do not occupy rooms in the House Office Building can have their mail delivered as it is delivered to other Members of the House who have rooms over in the Office Building. That is the necessity of this resolution.

Mr. CLARK of Missouri. Can they not get along without these men?

Mr. TAWNEY. There is no means whereby the mail can be delivered to Members of the House or to committees in this building. They have to send over and have their mail brought over here. Members who do not have rooms in the House Office Building, and Members who are chairmen of committees that remain in the House wing of the Capitol, will have to send over there or go over there themselves in order to get their mail, for the reason that there is no means of delivering it, no means whereby that service can be given to those Members of the House.

Mr. FITZGERALD. Will the gentleman state what happened to those messengers who were authorized at the last session to deliver mail in the Office Building while the post-office over here?

Mr. TAWNEY. They are delivering mail in the Office Building now.

Mr. FITZGERALD. Why can they not continue to deliver it?

Mr. TAWNEY. It is intended that they shall continue to deliver mail in the Office Building, but there are no men for the service required on the part of the House itself and Members of the House who have no rooms over in the Office Building.

Mr. FITZGERALD. Will it require three men to deliver the committee mail from the House Office Building?

Mr. TAWNEY. It will.

Mr. UNDERWOOD. I would like to ask the gentleman a question. Are not all the offices that are occupied by Members in the Capitol now occupied by Members who are chairmen of committees?

Mr. TAWNEY. I did not catch the first part of the gentleman's question.

Mr. CLARK of Missouri. Mr. Speaker, I will cut this matter short by objecting and let it go to the Committee on Accounts.

Mr. PAYNE. I would suggest to the gentleman from West Virginia that this is suspension day.

The SPEAKER. It is suspension day.

Mr. HUGHES of West Virginia. This is for the accommodation of Members of the House, but I will let it go over and go to the Committee on Accounts.

The SPEAKER. Objection is heard.

BILLS STRICKEN FROM THE CALENDAR.

The SPEAKER. The Chair lays before the House a list of bills, some on the Union Calendar, some on the House Calendar, and some on the Private Calendar, which bills have been acted upon by the House and passed in what is known as the "omnibus bill." Without objection, the bills will be stricken from the Calendar.

The Clerk read as follows:

On the Union Calendar: H. R. 10446, H. R. 1, H. R. 14783, H. R. 14395, S. R. 28, H. R. 19418, H. R. 18519, H. R. 13663, S. R. 9, H. R. 20430, H. R. 19087, H. R. 20348, H. R. 13844, H. R. 213, H. J. Res. 51, H. R. 21048, H. R. 21091, and H J. Res. 150.

On the House Calendar: H. R. 3932, H. R. 18350, H. R. 18351, H. R. 18450, H. R. 10502, H. J. Res. 117, S. 5133, H. R. 19412, H. R. 19964, H. R. 20115, H. R. 20384, H. R. 20383, and H. R. 16063.

On the Private Calendar: H. R. 20062, H. R. 20244, S. 6071, H. R. 20432, H. R. 20482, H. R. 20824, H. R. 20836, H. R. 21127, S. 5938, S. 6192, H. R. 21135, H. R. 21406, H. R. 21684, S. 6715, S. 6846, H. R. 4377, S. 6569, S. 6987, S. 6988, S. 5412, S. 7123, and S. 4341.

The SPEAKER. Without objection, the Committee of the Whole will be discharged from the further consideration of the bills on the Union Calendar and the bills on the Private Calendar, and those bills, together with the bills on the House Calendar, the numbers of which have been read, will be laid upon the table. The Chair hears no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GRANGER, until further notice, on account of sickness.

To Mr. EDWARDS of Georgia (at the request of Mr. CLARK of Missouri), indefinitely, on account of sickness.

To Mr. MUDD, for thirty days, on account of sickness.

To Mr. LEGARE, indefinitely, on account of sickness.

To Mr. CLARK of Florida, indefinitely, on account of important business.

To Mr. LAMAR of Florida, indefinitely, on account of important business.

DEATH OF REPRESENTATIVE DUNWELL.

Mr. FOELKER. Mr. Speaker, it is with profound sorrow that I announce to the Members of this House the death of the Hon. CHARLES T. DUNWELL, whose seat I have the honor to occupy now.

At a later day I shall ask the House to set apart a day when Members may be afforded an opportunity to pay tribute to his life, character, and public service.

I now offer the following resolution, and ask that the Clerk read it.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. CHARLES T. DUNWELL, late a Representative from the State of New York.

The resolution was agreed to.

DEATH OF REPRESENTATIVE POWERS.

Mr. GUERNSEY. Mr. Speaker, it is with regret that I rise to announce the death of a former Member of this House, Hon. LLEWELLYN POWERS, and offer the resolution which I send to the Clerk's desk. At a later day I shall ask that the House set apart a time for its consideration.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. LLEWELLYN POWERS, a Representative from the State of Maine.

The resolution was agreed to.

DEATH OF REPRESENTATIVE PARKER.

Mr. HALL. Mr. Speaker, I offer the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of the Hon. WILLIAM H. PARKER, a Representative from the State of South Dakota, who died at his home in Deadwood, S. Dak., on June 25, 1908.

The resolution was agreed to.

DEATH OF SENATOR ALLISON.

Mr. HEPBURN. Mr. Speaker, a message from the Senate has given official announcement of the death of WILLIAM B. ALLISON, late a Senator from the State of Iowa. In behalf of the delegation from that State, I offer the following resolution and ask its present consideration.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow and sincere regret of the death of Hon. WILLIAM BOYD ALLISON, who served with distinction for eight years as a member of this body and continuously for more than thirty-five years as a Senator from the State of Iowa.

Resolved, That a copy of this resolution be sent to the Senate.

The resolution was agreed to.

DEATH OF REPRESENTATIVE WILEY.

Mr. CLAYTON. Mr. Speaker, it becomes my melancholy duty to announce to the House of Representatives the death of our former colleague, Hon. ARIOSTO A. WILEY, a Member of the House of Representatives from the Second Congressional District of Alabama.

On a later day I shall ask the House to set aside a day in which suitable eulogies on the work, life, and character of our friend and colleague may be paid.

I now desire to offer the following resolutions, which I send to the Clerk's desk, and move their adoption.

ADJOURNMENT.

The Clerk read as follows:

Resolved, That the House of Representatives has heard with profound sorrow of the death of Hon. ARIOSTO A. WILEY, a Member of the House of Representatives from the Second Congressional District of Alabama; that the Clerk communicate these resolutions to the Senate, and send a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of our deceased colleagues, Hon. WILLIAM BOYD ALLISON, Hon. WILLIAM H. PARKER, Hon. LLEWELLYN POWERS, Hon. ARIOSTO A. WILEY, and Hon. CHARLES TAPPAN DUNWELL, the House do now adjourn.

The resolution was agreed to.

Accordingly, at 1 o'clock and 2 minutes p. m., the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Smithsonian Institution, transmitting a detailed statement of expenditures for the fiscal year ended June 30, 1908, for certain specified purposes—to the Committee on Appropriations and ordered to be printed.

A letter from the Sergeant-at-Arms of the House, transmitting an account of money drawn and disbursed by him—to the Committee on Accounts and ordered to be printed.

A letter from the Sergeant-at-Arms of the House, transmitting a list of property in his charge on November 30, 1908—to the Committee on Accounts and ordered to be printed.

A letter from the Secretary of the Smithsonian Institution, transmitting a report of travel by the officers of the Institution from Washington to points outside the District of Columbia during the fiscal year ended June 30, 1908—to the Committee on Appropriations and ordered to be printed.

A letter from the Attorney-General, transmitting a copy of a letter from the attorney for the middle district of Alabama in reference to a judgment against G. W. Black—to the Committee on the Judiciary and ordered to be printed.

A letter from the Commissioner of Indian Affairs, transmitting a report as to the improvement of the water system at Rapid City Indian School—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Commissioner of Indian Affairs, transmitting a report as to disposition of certain nonreservation Indian schools—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Postmaster-General, transmitting reports as to the finances, expenditures, and estimated revenues of the department—to the Committee on the Post-Office and Post-Roads and ordered to be printed.

A letter from the chief clerk of the Court of Claims, transmitting a statement of all judgments rendered by the court for the year ended December 5, 1908—to the Committee on Appropriations and ordered to be printed.

A letter from the Postmaster-General, transmitting a report as to travel of officers and employees on official business from Washington to points outside the District of Columbia during the fiscal year ended June 30, 1908—to the Committee on Expenditures in the Post-Office Department and ordered to be printed.

A letter from the Postmaster-General, transmitting a report of the public property in the Post-Office Department—to the Committee on Expenditures in the Post-Office Department and ordered to be printed.

A letter from the Secretary of the Interior, transmitting the report of the Superintendent of the Government Hospital for the Insane—to the Committee on the District of Columbia and ordered to be printed.

A letter from the Acting Secretary of the Interior, transmitting legislative journals of Porto Rico—to the Committee on Insular Affairs.

A letter from the Clerk of the House, transmitting a report as to the employees of the House, expenditures from the contingent fund, stationery accounts, etc.—to the Committee on Accounts and ordered to be printed.

A letter from the Commissioners of the District of Columbia, transmitting their annual report for the year ended June 30, 1908—to the Committee on the District of Columbia and ordered to be printed.

A letter from the Secretary of the Interior, transmitting an itemized statement of expenditures in his department for con-

tingent expenses for the fiscal year ended June 30, 1908—to the Committee on Expenditures in the Interior Department and ordered to be printed.

A letter from the Doorkeeper of the House, transmitting a list of books, maps, and pamphlets in the folding room—to the Committee on Accounts and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 1400) granting a pension to Sydney B. Strunk—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1527) granting a pension to Ernest W. Hilliard—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1759) granting a pension to Francis S. Griest—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2212) granting an increase of pension to Samuel A. Rask—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6358) granting an increase of pension to William F. Pike—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10113) granting a pension to Thomas J. Parker—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11403) granting an increase of pension to Charles Falbisaner—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12479) granting an increase of pension to Robert Phillips—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12577) granting an increase of pension to Florence L. M. Mentz—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13799) granting a pension to John H. Leslie—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14253) granting an increase of pension to Carl B. Traver—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15618) granting a pension to David H. Burket—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17234) granting an increase of pension to Gifford Ramey—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19351) granting an increase of pension to Daniel A. Brown—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20412) granting a pension to Charles S. Kinman—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20641) granting an increase of pension to W. H. Riner—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20684) granting an increase of pension to Michael J. Maw—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20738) granting an increase of pension to John M. Williams—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20742) granting a pension to Ruth E. Dietz—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21011) ganting a pension to William C. Stanford—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21360) granting a pension to Juan Deciderio Valdez—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21543) granting a pension to Leonisco Martin—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21615) granting an increase of pension to James C. Burwell—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21773) granting a pension to Alvina McCabe—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 22273) to enable the people of New Mexico to form a constitution and state government, and be admitted into the Union on an equal footing with the original States—to the Committee on the Territories.

By Mr. STEVENS of Minnesota: A bill (H. R. 22274) to authorize the St. Paul Bridge and Terminal Railway Company to construct a bridge across the Mississippi River at or near St. Paul, Minn.—to the Committee on Interstate and Foreign Commerce.

By Mr. OLCOTT: A bill (H. R. 22275) for relief of war telegraphers—to the Committee on Military Affairs.

By Mr. HOBSON: A bill (H. R. 22276) to regulate the strength and promote the efficiency of the personnel of the United States Navy—to the Committee on Naval Affairs.

By Mr. OLCOTT: A bill (H. R. 22277) to create in the Navy Department a roll to be known as "the Volunteer and Regular Navy and Marine Corps Civil War Service List"—to the Committee on Naval Affairs.

Also, a bill (H. R. 22278) for the relief of certain surgeons, passed assistant surgeons, and assistant surgeons, United States Navy, retired—to the Committee on Naval Affairs.

Also, a bill (H. R. 22279) increasing the salaries paid to circuit and district court judges of the United States—to the Committee on Judiciary.

By Mr. ALEXANDER of New York: A bill (H. R. 22280) to regulate the judicial procedure of the courts of the United States—to the Committee on the Judiciary.

By Mr. McKINLEY of Illinois: A bill (H. R. 22281) to increase the efficiency of the Army of the United States—to the Committee on Military Affairs.

By Mr. MADDEN: A bill (H. R. 22282) to establish and disburse a public-school teachers' retirement fund in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GOULDEN: A bill (H. R. 22283) to create an executive department of education—to the Committee on Education.

By Mr. HENRY of Texas: A bill (H. R. 22284) to amend the act approved July 2, 1890, entitled "An act to protect trade and commerce against any unlawful restraints and monopolies"—to the Committee on the Judiciary.

Also, a bill (H. R. 22285) for the erection of a federal building for the United States post-office at Belton, Tex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22286) for the erection of a federal building for the post-office at Marlin, Tex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22287) for improving Brazos River from Old Washington to Waco—to the Committee on Rivers and Harbors.

By Mr. STEPHENS of Texas: A bill (H. R. 22288) pensioning the surviving officers and enlisted men of the Texas Volunteers employed in the defense of the frontier of that State against Mexican marauders and Indian depredations from January 1, 1851, to January 1, 1861, and from 1866 to 1876, inclusive, and for other purposes—to the Committee on Pensions.

By Mr. LAFEAN: A bill (H. R. 22289) to provide for the erection of a public building at Gettysburg, Pa.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22290) amending section 2 of the act of April 19, 1908, increasing the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of deceased soldiers and sailors of the late civil war—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22291) providing for an experimental rural parcel-post system to be confined entirely to rural-delivery routes in not to exceed four counties in the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMILL: A bill (H. R. 22292) making an appropriation for the site and building for a post-office and other government offices at Jersey City, N. J.—to the Committee on Public Buildings and Grounds.

By Mr. OVERSTREET: A bill (H. R. 22293) to promote the efficiency of the army, to disseminate useful military knowledge among the people of the United States of America, and for other purposes—to the Committee on Military Affairs.

By Mr. CASSEL: A bill (H. R. 22294) to provide for the erection of a public building at Columbia, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. KINKAID: A bill (R. R. 22295) to provide additional facilities for the transmission of small sums through the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENS of Texas: A bill (H. R. 22296) relating to foreigners obtaining copyright or patents in the United States—to the Committee on Patents.

By Mr. HULL of Iowa: A bill (H. R. 22297) for preventing the manufacture, sale, or transportation of imitated or misbranded articles of commerce and regulating the traffic therein, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG: A bill (H. R. 22298) to regulate the issue of injunctions from federal courts—to the Committee on the Judiciary.

By Mr. SMITH of California: A bill (H. R. 22299) appropriating money for the improvement of San Diego Harbor, California—to the Committee on Rivers and Harbors.

By Mr. ADAIR: A bill (H. R. 22300) in amendment of section 2 of an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war"—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 22301) to regulate commerce with foreign nations so as to equalize the footing of American vessels with foreign, to make preference for the use of American ships in our own trade, to extend the postal service by American steamships, and to promote the commercial independence of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. ROBINSON: A bill (H. R. 22302) appropriating the sum of $250,000 for the construction and repair of dikes and revetment work at Pine Bluff, Ark.—to the Committee on Rivers and Harbors.

By Mr. STANLEY: A bill (H. R. 22303) for the construction of a lock and dam in the Ohio River below the mouth of Green River—to the Committee on Rivers and Harbors.

By Mr. GARRETT: A bill (H. R. 22304) for the purchase of a site and erection of a public building at Humboldt, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. HALE: A bill (H. R. 22305) to pension certain soldiers of the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. BRODHEAD: A bill (H. R. 22306) to authorize the Delaware, Lackawanna and Western Railroad and the Lackawanna Railroad Company of New Jersey to construct and maintain a bridge across the Delaware River—to the Committee on Interstate and Foreign Commerce.

By Mr. MADDEN: A bill (H. R. 22307) to remove the charge of desertion on the rolls against officers and enlisted men of the Army, Navy, and Marine Corps—to the Committee on Military Affairs.

By Mr. SIMS: A bill (H. R. 22308) declaring the carrying openly or concealed about the person any pistol, bowie knife, dirk or dirk knife, black-jack, dagger, sword cane, slung shot, brass or other metal knuckle in the District of Columbia a felony—to the Committee on the District of Columbia.

By Mr. WILEY: A bill (H. R. 22309) authorizing that agents be sent into China and other eastern countries for the purpose of inquiring into and stimulating our trade relations with those countries, removing the boycott, and urging the use of American cotton goods—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 22310) for the relief of locators of military bounty land warrants and surveyor-generals' certificates—to the Committee on the Public Lands.

Also, a bill (H. R. 22311) for the establishment of a fish-cultural station for the propagation of shad on the Coosa or Alabama River, near Wetumpka, Ala.—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 22312) to provide for the issue of emergency currency and to prevent the recurrence of the present money stringency—to the Committee on Banking and Currency.

Also, a bill (H. R. 22313) to provide a site and erect a public building at Luverne, Ala.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22314) to provide a site and erect a public building at Greenville, Ala.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22315) to provide a site and erect a public building at Andalusia, Ala.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22316) appropriating $30,000 to improve the public building at Montgomery, Ala., so as to meet the necessities of the public business—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22317) to establish fish-hatching and fish-cultural stations in the various States, and for other purposes—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 22318) to add a corps of dental surgeons to the Bureau of Medicine and Surgery of the Navy—to the Committee on Naval Affairs.

Also, a bill (H. R. 22319) to amend the acts to regulate commerce so as to provide that interstate railroads may grant free or reduced transportation to bona fide members of the Old Time Telegraphers' and Historical Association and the Society of the United States Military Telegraph Corps while attending annual reunions—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 22320) to fix the fees of court criers, bailiffs, and witnesses in attendance upon the United States courts in Alabama—to the Committee on the Judiciary.

Also, a bill (H. R. 22321) to establish a soldiers' home at or near Daphne, in Baldwin County, Ala.—to the Committee on Military Affairs.

Also, a bill (H. R. 22322) for the erection of a monument to Jeremiah O'Brien—to the Committee on the Library.

Also, a bill (H. R. 22323) authorizing the construction upon the military reservation at Fort Morgan, Ala., of a suitable building for the use and accommodation of the customs service—to the Committee on Military Affairs.

Also, a bill (H. R. 22324) to aid in the establishment and temporary support of common schools—to the Committee on Education.

Also, a bill (H. R. 22325) to prevent the exclusion of a newspaper or periodical from the United States mails as second-class matter after having been entered to such privilege, without due process of law—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 22326) to appropriate $500,000 to deepen the channel and remove obstructions in the Alabama River, in the State of Alabama—to the Committee on Rivers and Harbors.

By Mr. PUJO: A bill (H. R. 22327) to erect an extension to the post-office and federal court building at Alexandria, La.—to the Committee on Public Buildings and Grounds.

By Mr. SHEPPARD: A bill (H. R. 22328) for the erection of a new federal building for court, post-office, and other government purposes at Jefferson, Tex., and for the disposition of the present structure—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22329) for an addition or annex to the federal building at Paris, Tex., said addition or annex to consist of a separate post-office building on the site now owned by the United States—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22330) to provide for the erection of a federal building at Mount Pleasant, Tex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22331) to provide for the erection of a federal building at Cooper, Tex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22332) to provide for the erection of a federal building at Mount Vernon, Tex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22333) to provide for the erection of a federal building at Daingerfield, Tex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22334) to provide for the erection of a federal building at Atlanta, Tex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22335) to provide for the erection of a federal building at Pittsburg, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. LOUD: A bill (H. R. 22336) to provide for opening a channel at Rogers City, Mich.—to the Committee on Rivers and Harbors.

By Mr. HULL of Iowa: A bill (H. R. 22337) to provide for the purchase of a site and the erection of a public building thereon at Perry, in the State of Iowa—to the Committee on Public Buildings and Grounds.

By Mr. HENRY of Texas: A bill (H. R. 22338) to prohibit dealing in future contracts on agricultural products by forbidding the use of mail and interstate commerce facilities and to prevent sending fictitious prices made on exchanges—to the Committee on Agriculture.

By Mr. LAFEAN: A bill (H. R. 22339) to construct a Lincoln memorial highway from the White House, Washington, D. C., to the battlefield of Gettysburg, Gettysburg, Pa.—to the Committee on Appropriations.

By Mr. MANN: A bill (H. R. 22340) relating to injured employees on the Isthmian Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. GUERNSEY: Resolution (H. Res. 441) to pay Frank C. Merritt a certain sum of money—to the Committee on Accounts.

By Mr. HUGHES of West Virginia: Resolution (H. Res. 442) providing for the payment of three additional messengers in the House post-office—to the Committee on Accounts.

By Mr. RAINEY: Resolution (H. Res. 443) providing for the appointment of a committee to investigate the purchase of the Panama Canal property—to the Committee on Rules.

By Mr. CLARK of Florida: Joint resolution (H. J. Res. 198) providing for a joint committee to investigate and report concerning a permanent government for the District of Columbia, etc.—to the Committee on the District of Columbia.

By Mr. BRODHEAD: Joint resolution (H. J. Res. 199) proposing an amendment to the Constitution giving to Congress the power to establish uniform laws regulating marriages and divorces throughout the United States—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of New York: A bill (H. R. 22341) granting a pension to Mabel Hasty and Edwin Hasty—to the Committee on Pensions.

Also, a bill (H. R. 22342) granting an increase of pension to John Fidinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22343) granting an increase of pension to John Lanyon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22344) granting an increase of pension to Harley Demming—to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 22345) granting an increase of pension to John A. Flint—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22346) granting an increase of pension to Joel M. Sawyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22347) granting an increase of pension to James H. Pike—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22348) granting an increase of pension to Benjamin M. Redlon—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 22349) to correct the military record of James Brown, late Company H, United States Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 22350) granting a pension to Nettie Metzgar, formerly Nettie Hoe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22351) granting an increase of pension to John Arris, late Company K, Seventy-fourth Pennsylvania Volunteer Infantry—to the Commitee on Invalid Pensions.

Also, a bill (H. R. 22352) granting an increase of pension to John Israel, late Company B, Sixty-second Pennsylvania Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22353) granting an increase of pension to George W. Powell, Company H, Sixth Regiment West Virginia Volunteer Cavalry—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: A bill (H. R. 22354) for the relief of the heirs of Lawrence Smith, deceased—to the Committee on War Claims.

By Mr. BATES: A bill (H. R. 22355) granting an increase of pension to William Eich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22356) granting an increase of pension to Amos Chipman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22357) granting an increase of pension to William J. Heany—to the Committee on Pensions.

Also, a bill (H. R. 22358) granting an increase of pension to Lorenzo M. Bartholomew—to the Committee on Invalid Pensions.

By Mr. BEALE of Pennsylvania: A bill (H. R. 22359) granting a pension to Jane Barr—to the Committee on Pensions.

Also, a bill (H. R. 22360) granting a pension to Martha A. Bollman—to the Committee on Pensions.

Also, a bill (H. R. 22361) granting an increase of pension to John Marshall—to the Committee on Pensions.

Also, a bill (H. R. 22362) granting an increase of pension to John C. Cribbs—to the Committee on Pensions.

Also, a bill (H. R. 22363) granting an increase of pension to George D. Hamm—to the Committee on Pensions.

Also, a bill (H. R. 22364) granting an increase of pension to John Lukecart—to the Committee on Pensions.

Also, a bill (H. R. 22365) granting an increase of pension to William E. Weckerly—to the Committee on Pensions.

By Mr. BOOHER: A bill (H. R. 22366) granting an increase of pension to John Garrett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22367) granting an increase of pension to John T. Walters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22368) to correct the military record of Otis B. Vanfleet—to the Committee on Military Affairs.

By Mr. BRADLEY: A bill (H. R. 22369) granting an increase of pension to Christian G. Walter—to the Committee on Pensions.

Also, a bill (H. R. 22370) granting an increase of pension to Margaret T. Brower—to the Committee on Pensions.

Also, a bill (H. R. 22371) granting an increase of pension to Lewis S. Whitaker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22372) granting an increase of pension to Harrison C. Pembleton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22373) granting an increase of pension to Louisa Conklin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22374) granting an increase of pension to Joseph Ward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22375) granting an increase of pension to Lewis Grant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22376) granting an increase of pension to Henry J. Vredenburgh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22377) granting an increase of pension to Gilbert Theal—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22378) granting an increase of pension to Almira Goetchius—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22379) granting an increase of pension to Nelson S. Bowdish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22380) granting an increase of pension to Jesse F. Camp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22381) granting an increase of pension to Rosina W. Ostrander—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22382) granting an increase of pension to John M. Detrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22383) granting an increase of pension to Charles C. Mullen—to the Committee on Invalid Pensions.

By Mr. BRODHEAD: A bill (H. R. 22384) granting an increase of pension to Henry A. Rothrock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22385) granting an increase of pension to Edwin Brinker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22386) granting an increase of pension to Daniel Hunt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22387) granting an increase of pension to Tilghman Rhoad—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22388) granting an increase of pension to Charles Schortz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22389) granting an increase of pension to Dwight H. Flint—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22390) granting an increase of pension to Charles Somers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22391) granting an increase of pension to Solomon Lilly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22392) granting an increase of pension to Sanford Jacoby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22393) granting an increase of pension to Willoughby D. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22394) granting a pension to George Deufel—to the Committee on Pensions.

Also, a bill (H. R. 22395) granting a pension to Howard S. Gardner—to the Committee on Pensions.

Also, a bill (H. R. 22396) granting a pension to Sophia Eichelberger—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 22397) granting an increase of pension to James L. Mayers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22398) granting an increase of pension to Joseph M. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22399) granting an increase of pension to George Cantrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22400) granting an increase of pension to John McArdle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22401) granting an increase of pension to Silas Flournoy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22402) granting an increase of pension to James A. Lemon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22403) granting an increase of pension to Thomas Potter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22404) granting an increase of pension to Joseph R. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22405) granting an increase of pension to Milton W. Jeffries—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22406) granting an increase of pension to P. A. Cobb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22407) granting an increase of pension to William Lee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22408) granting a pension to Charles F. Isbell—to the Committee on Pensions.

Also, a bill (H. R. 22409) granting a pension to Tide Owens—to the Committee on Pensions.

Also, a bill (H. R. 22410) granting a pension to R. S. B. Nave—to the Committee on Pensions.

Also, a bill (H. R. 22411) for the relief of William Gardner—to the Committee on Military Affairs.

By Mr. BUTLER: A bill (H. R. 22412) granting a pension to James A. Finney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22413) granting an increase of pension to Franklin Weidler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22414) granting an increase of pension to Samuel Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22415) granting an increase of pension to John McCausland—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 22416) granting a pension to Harriet J. Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22417) granting an increase of pension to Margaret A. Fay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22418) granting an increase of pension to Michael J. Daley—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 22419) granting an increase of pension to David Sleeth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22420) granting an increase of pension to William F. Langston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22421) granting an increase of pension to Harrison Ingram—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 22422) granting an increase of pension to Charles H. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22423) granting an increase of pension to Andrew J. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22424) granting an increase of pension to Isaac Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22425) granting an increase of pension to William F. Wallace—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22426) granting an increase of pension to John Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22427) granting an increase of pension to Christian Ulrici—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22428) granting an increase of pension to John C. Davidson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22429) granting an increase of pension to Benoni Williams—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 22430) granting an increase of pension to Dora E. Atkinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22431) granting an increase of pension to Ellsworth A. Mapes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22432) granting an increase of pension to James Crosswhite—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22433) granting an increase of pension to James M. Nicholas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22434) granting an increase of pension to William R. Wooten—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 22435) for the relief of the estate of Enos Davis—to the Committee on War Claims.

By Mr. CAPRON: A bill (H. R. 22436) granting an increase of pension to Joseph Henry Jewett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22437) granting an increase of pension to Samuel E. Reynolds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22438) granting an increase of pension to Henry S. Sharpe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22439) granting an increase of pension to Isaac Y. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22440) granting an increase of pension to Joseph L. Straight—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22441) granting an increase of pension to Bradford A. Gavitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22442) granting a pension to Caroline M. Marsh—to the Committee on Pensions.

By Mr. CASSEL: A bill (H. R. 22443) to provide for the revision of the military record of Horace L. Haldeman—to the Committee on Military Affairs.

Also, a bill (H. R. 22444) to remove the charge of desertion against Henry Dimler—to the Committee on Military Affairs.

Also, a bill (H. R. 22445) to correct the military record of George W. Stape—to the Committee on Military Affairs.

Also, a bill (H. R. 22446) for the relief of Emaline Johns—to the Committee on War Claims.

Also, a bill (H. R. 22447) for the relief of George J. Diller—to the Committee on Claims.

Also, a bill (H. R. 22448) for the relief of John G. Stauffer & Son—to the Committee on Claims.

Also, a bill (H. R. 22449) granting a pension to Mary Gembe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22450) granting a pension to Lizzie S. Engroff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22451) granting a pension to Mary J. Light Lawrence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22452) granting a pension to Edward R. Paschall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22453) granting a pension to Samuel Bard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22454) granting a pension to Robert R. Clendenin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22455) granting a pension to John Zellers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22456) granting a pension to Anna E. Siple—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22457) granting a pension to Thomas Whitson—to the Committee on Pensions.

Also, a bill (H. R. 22458) granting a pension to George Ochs—to the Committee on Pensions.

Also, a bill (H. R. 22459) granting a pension to David Graeff—to the Committee on Pensions.

Also, a bill (H. R. 22460) granting an increase of pension to Jeremiah F. Kline—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22461) granting an increase of pension to William Thomas Coleman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22462) granting an increase of pension to John E. Metzger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22463) granting an increase of pension to Samupel J. Hogentogler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22464) granting an increase of pension to Jacob Rhoades—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22465) granting an increase of pension to William Filby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22466) granting an increase of pension to John M. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22467) granting an increase of pension to Samuel L. Hartman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22468) granting an increase of pension to George F. Steinheiser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22469) granting an increase of pension to William T. Wiley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22470) granting an increase of pension to John H. Hegener—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22471) granting an increase of pension to George W. Shriner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22472) for the relief of the Columbia National Bank, of Columbia, Pa.—to the Committee on War Claims.

Also, a bill (H. R. 22473) for the relief of parties from whom cigars were seized on account of bearing counterfeit stamps—to the Committee on Claims.

By Mr. CHANEY: A bill (H. R. 22474) granting a pension to Pernetta J. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22475) granting a pension to Sarah P. Dobbins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22476) granting a pension to William G. Potts—to the Committee on Pensions.

Also, a bill (H. R. 22477) granting an increase of pension to Isaac Patrick—to the Committee no Invalid Pensions.

Also, a bill (H. R. 22478) granting an increase of pension to Theodore Pridemore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22479) granting an increase of pension to James N. Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22480) granting a pension to Jesse M. Kimberlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22481) granting an increase of pension to Wilson Watkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22482) granting an increase of pension to David F. Beyers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22483) granting an increase of pension to Caleb J. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22484) granting an increase of pension to Richard Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22485) granting an increase of pension to John W. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22486) granting an increase of pension to William H. Grant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22487) granting an increase of pension to Benjamin Hopkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22488) granting an increase of pension to Henry C. Stogsdill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22489) granting an increase of pension to John S. Roberts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22490) granting an increase of pension to Thomas Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22491) granting an increase of pension to Elias W. Ecker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22492) granting an increase of pension to William H. Power—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22493) granting an increase of pension to John Keene—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22494) granting an increase of pension to Milton Harrold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22495) granting an increase of pension to J. M. Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22496) granting an increase of pension to Elmore F. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22497) granting a pension to Howard Boling—to the Committee on Pensions.

Also, a bill (H. R. 22498) granting an increase of pension to Samuel S. Weaver—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 22499) granting an increase of pension to Benjamin F. L. Meredith—to the Committee on Invalid Pensions.

By Mr. COOK of Pennsylvania: A bill (H. R. 22500) granting a pension to Charles S. Swain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22501) granting an increase of pension to George W. Lenoir—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22502) granting an increase of pension to Nathan Sternberg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22503) granting an increase of pension to William Gilligan—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 22504) granting an increase of pension to Nancy Cox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22505) granting an increase of pension to John H. Ormsby—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 22506) granting an increase of pension to George Hecock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22507) granting an increase of pension to Ornaldo H. Ramsdell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22508) granting an increase of pension to Elizabeth M. Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22509) granting an increase of pension to Antoinette M. Barnhart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22510) granting an increase of pension to Patrick H. Conway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22511) granting an increase of pension to James Knight—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22512) granting an increase of pension to Brooks B. Martis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22513) granting an increase of pension to Francis Weiss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22514) granting an increase of pension to Jacob F. Bradt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22515) granting an increase of pension to Henry F. Carr—to the Committee on Invalid Pensions.

By Mr. DUREY: A bill (H. R. 22516) granting a pension to Charles P. Lounsbury—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 22517) granting a pension to Amanda M. McKenney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22518) granting an increase of pension to Alonzo Matteson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22519) granting an increase of pension to Ezer D. Largent—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22520) granting an increase of pension to Eli Fields—to the Committee on Invalid Pensions.

By Mr. FORNES: A bill (H. R. 22521) granting a pension to Anna T. O'Connell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22522) granting an increase of pension to Erastus Barry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22523) granting an increase of pension to David Koch—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 22524) granting an increase of pension to Thomas Sanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22525) granting an increase of pension to William W. Thayer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22526) granting an increase of pension to Wellington Harder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22527) granting an increase of pension to William Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22528) granting an increase of pension to William Agnew—to the Committee on Invalid Pensions.

By Mr. FULTON: A bill (H. R. 22529) granting a pension to John R. Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22530) for the relief of Sarah Caroline Russell—to the Committee on War Claims.

By Mr. GARDNER of Massachusetts: A bill (H. R. 22531) granting a pension to Matthew F. Gibney—to the Committee on Pensions.

Also, a bill (H. R. 22532) granting an increase of pension to Edward Upton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22533) granting a pension to John S. Lafleur—to the Committee on Pensions.

By Mr. GARRETT: A bill (H. R. 22534) granting an increase of pension to R. H. Naurey—to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 22535) for the relief of Charles A. Caswell—to the Committee on Claims.

Also, a bill (H. R. 22536) granting a pension to Sarah A. Cardwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22537) granting a pension to Lilly B. Parkhurst—to the Committee on Pensions.

Also, a bill (H. R. 22538) granting a pension to Frank J. Kendrew—to the Committee on Pensions.

Also, a bill (H. R. 22539) granting an increase of pension to Monroe Snow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22540) granting an increase of pension to John Buchanan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22541) granting an increase of pension to Nahan E. Harvey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22542) granting an increase of pension to Edwin H. Atwood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22543) granting an increase of pension to Denis Healy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22544) granting an increase of pension to Isadore L. Gaboury—to the Committee on Invalid Pensions.

By Mr. GODWIN: A bill (H. R. 22545) granting an increase of pension to Lee M. Shanefelter—to the Committee on Pensions.

By Mr. GOULDEN: A bill (H. R. 22546) for the relief of Peter Gouker—to the Committee on Military Affairs.

Also, a bill (H. R. 22547) for the relief of John Sullivan—to the Committee on Naval Affairs.

Also, a bill (H. R. 22548) granting a pension to Anna M. Tucker—to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 22549) granting an increase of pension to Alexander Ingram—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 22550) granting an increase of pension to Thomas W. Devaney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22551) granting an increase of pension to John Coppock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22552) granting an increase of pension to Robert W. Gibbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22553) granting an increase of pension to Christian Schaick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22554) granting an increase of pension to Josiah D. Mater—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22555) granting an increase of pension to William C. Maupin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22556) granting an increase of pension to Isaac A. Pearce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22557) granting an increase of pension to James Eldridge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22558) granting an increase of pension to Christopher C. Roddy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22559) granting an increase of pension to John T. Chiles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22560) granting an increase of pension to William D. Hudgens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22561) granting an increase of pension to Thomas C. Blevins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22562) granting an increase of pension to Wesley Owens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22563) granting an increase of pension to Samuel B. Montgomery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22564) granting a pension to Alford McConnell—to the Committee on Invalid Pensions

Also, a bill (H. R. 22565) granting a pension to Elizabeth Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22566) granting a pension to Joseph A. Bray—to the Committee on Pensions.

Also, a bill (H. R. 22567) granting a pension to John L. Johnson—to the Committee on Pensions.

Also, a bill (H. R. 22568) granting a pension to Daniel Cahill—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 22569) granting an increase of pension to Levi E. Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22570) granting an increase of pension to Charles C. Miller—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 22571) granting an increase of pension to George W. Hayden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22572) granting an increase of pension to George W. Peters—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 22573) granting an increase of pension to Reuben A. Finnell—to the Committee on Pensions.

By Mr. HELM: A bill (H. R. 22574) granting an increase of pension to John J. Burnett—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 22575) granting an increase of pension to Andrew S. Johnston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22576) granting an increase of pension to James H. Easley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22577) granting an increase of pension to De Witt C. Holmes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22578) granting a pension to Harvey E. Blackburn—to the Committee on Pensions.

Also, a bill (H. R. 22579) granting a pension to Mary A. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22580) granting a pension to Minnie Landers—to the Committee on Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 22581) granting a pension to Matilda C. Lyman—to the Committee on Pensions.

Also, a bill (H. R. 22582) granting a pension to Nancy A. Watkins—to the Committee on Invalid Pensions.

By Mr. HUFF: A bill (H. R. 22583) granting an increase of pension to Lewis Keefer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22584) granting an increase of pension to John Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22585) granting an increase of pension to Adam Bruner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22586) granting an increase of pension to Matthew G. Burkholder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22587) granting an increase of pension to Wilson Kennedy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22588) granting an increase of pension to Samuel C. Burkholder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22589) granting an increase of pension to Lewis Peters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22590) granting an increase of pension to Jonathan H. Fleming—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22591) granting an increase of pension to George H. Gibson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22592) granting an increase of pension to Andrew McMurry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22593) granting a pension to Samuel S. Jamison—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 22594) granting an increase of pension to James S. Ward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22595) granting an increase of pension to Hiram Fuller—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 22596) granting an increase of pension to Henry B. Summey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22597) granting an increase of pension to Robert J. McKee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22598) granting an increase of pension to Charles E. Upham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22599) granting an increase of pension to William Christy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22600) granting an increase of pension to John W. Cox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22601) granting an increase of pension to John M. Cochran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22602) granting an increase of pension to F. Loehle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22603) granting a pension to Victor S. Blair—to the Committee on Pensions.

Also, a bill (H. R. 22604) granting a pension to Adolphus E. Edwards—to the Committee on Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 22605) granting a pension to H. R. Lett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22606) granting a pension to J. K. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22607) granting a pension to Andrew J. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22608) granting an increase of pension to Louis Hebert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22609) granting an increase of pension to Jay Lane—to the Committee on Pensions.

Also, a bill (H. R. 22610) granting an increase of pension to Joseph Stamps—to the Committee on Pensions.

By Mr. JENKINS: A bill (H. R. 22611) granting an increase of pension to William R. Ingalls—to the Committee on Invalid Pensions.

By Mr. KIMBALL: A bill (H. R. 22612) to reimburse certain citizens of the city of Versailles, Ky., for losses sustained by donation of money for a public building—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22613) granting an increase of pension to Eveline Aikin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22614) granting an increase of pension to Richard Vaughn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22615) granting an increase of pension to William E. Oldham—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 22616) granting an increase of pension to Charles E. Flower—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22617) granting an increase of pension to Dyer A. Conklin—to the Committee on Invalid Pensions.

By Mr. KIPP: A bill (H. R. 22618) granting an increase of pension to Edwin S. Rolls—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22619) granting an increase of pension to John Kloz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22620) granting an increase of pension to George L. Forbes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22621) granting an increase of pension to Edward Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22622) granting an increase of pension to Jeremiah E. Vancise—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22623) granting an increase of pension to Lyman Beers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22624) granting an increase of pension to Asa H. Patrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22625) granting an increase of pension to Franklin Granger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22626) granting a pension to Harry A. Caskey—to the Committee on Pensions.

Also, a bill (H. R. 22627) granting an increase of pension to Enos H. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22628) granting an increase of pension to Nelson Northrop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22629) granting an increase of pension to Harry H. Aumick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22630) granting an increase of pension to Horace H. Vail—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22631) granting an increase of pension to Woodford C. May—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22632) granting an increase of pension to William H. Crawford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22633) granting an increase of pension to John Marley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22634) granting an increase of pension to Daniel H. Dornsife—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22635) granting an increase of pension to William Spangenburg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22636) granting an increase of pension to Henry Forbes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22637) granting an increase of pension to John Mann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22638) granting a pension to Ambrose G. Bailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22639) granting an increase of pension to James P. Chaffee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22640) granting an increase of pension to Martin T. Horton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22641) granting an increase of pension to Isaac B. Decker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22642) granting an increase of pension to George Viall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22643) granting an increase of pension to Freeman N. Dixon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22644) granting an increase of pension to Weston Russell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22645) granting an increase of pension to Josephine Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22646) granting an increase of pension to John Hartman, alias John Simmins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22647) granting an increase of pension to Morton Brandemere—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22648) granting an increase of pension to Charles N. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22649) granting an increase of pension to Nicholas J. Snyder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22650) granting an increase of pension to John Henley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22651) granting an increase of pension to Watson C. Hull—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22652) granting an increase of pension to Ward Haines—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22653) granting an increase of pension to Perry Kipp—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 22654) for the relief of James Parker—to the Committee on Claims.

Also, a bill (H. R. 22655) for the relief of William Coad—to the Committee on Claims.

Also, a bill (H. R. 22656) granting a pension to Thomas Gill—to the Committee on Invalid Pensions.

By Mr. KÜSTERMANN: A bill (H. R. 22657) granting an increase of pension to August Krause—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22658) granting an increase of pension to Pulaski Fraker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22659) granting an increase of pension to George M. Rickaby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22660) granting an increase of pension to William Styers—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 22661) granting an increase of pension to William H. Zeigler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22662) granting an increase of pension to Joshua S. Kemp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22663) granting an increase of pension to Lewis I. Renaut—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22664) granting an increase of pension to James Spealman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22665) granting an increase of pension to James Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22666) granting an increase of pension to John Cline—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22667) granting an increase of pension to James J. Poleman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22668) to correct the military record of Peter Stough—to the Committee on Military Affairs.

By Mr. LINDSAY: A bill (H. R. 22669) granting an increase of pension to John Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22670) granting an increase of pension to Joseph Wittmann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22671) granting an increase of pension to John A. Walsh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22672) granting an increase of pension to Matthew Grau, alias John A. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22673) granting an increase of pension to Adam Hartman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22674) granting an increase of pension to Gabriel Muneret—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22675) granting an increase of pension to Peter Becker—to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 22676) granting an increase of pension to John W. Mefford—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 22677) granting a pension to Hubert Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22678) granting a pension to Sylvester C. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22679) granting a pension to Gilbert Stickles—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 22680) granting a pension to Kate C. Simkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22681) granting a pension to Enos W. Ruland—to the Committee on Invalid Pensions.

By Mr. LOWDEN: A bill (H. R. 22682) granting an increase of pension to John A. Binninger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22683) granting an increase of pension to Charles L. Dyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22684) granting an increase of pension to Allen McClure—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22685) granting an increase of pension to Jasper N. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22686) granting an increase of pension to Isaac Gage—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22687) granting an increase of pension to Theodore Kundinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22688) granting an increase of pension to Henry R. Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22689) granting an increase of pension to Martin J. Klock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22690) granting an increase of pension to Thomas Roberts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22691) granting an increase of pension to James B. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22692) granting an increase of pension to Simeon Davis—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 22693) granting an increase of pension to William A. Myers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22694) granting an increase of pension to John M. Lukens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22695) granting an increase of pension to Lucien B. Doughty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22696) granting an increase of pension to John T. Williamson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22697) granting a pension to Emma Mattocks—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 22698) to remove the charge of desertion from the record of William H. Gibson—to the Committee on Military Affairs.

Also, a bill (H. R. 22699) to remove the charge of desertion from the record of C. G. S. Mills—to the Committee on Military Affairs.

Also, a bill (H. R. 22700) granting an increase of pension to John Brookbanks—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 22701) granting an increase of pension to Joseph G. Hutcheson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22702) granting an increase of pension to Henry H. Klock—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 22703) granting an increase of pension to George I. Graham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22704) granting an increase of pension to Annie M. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22705) granting a pension to Stephen Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22706) for the relief of Samuel D. Hawley—to the Committee on Military Affairs.

By Mr. MOON of Tennessee: A bill (H. R. 22707) granting an increase of pension to James H. Cady—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22708) granting an increase of pension to Thomas B. T. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22709) granting an increase of pension to Mary L. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22710) for the relief of the heirs of Erban Powell, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22711) for the relief of the estate of Robert Langford, deceased—to the Committee on War Claims.

By Mr. NEEDHAM: A bill (H. R. 22712) granting an increase of pension to John Gallagher—to the Committee on Invalid Pensions.

By Mr. NICHOLLS: A bill (H. R. 22713) to remove the charge of desertion from the military record of William H. Thomas—to the Committee on Military Affairs.

Also, a bill (H. R. 22714) granting a pension to Etta C. Polhamus—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22715) granting an increase of pension to Le Grand Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22716) granting an increase of pension to James Jeremiah—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22717) granting an increase of pension to George H. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22718) granting an increase of pension to Merritt Tompkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22719) granting an increase of pension to Charles L. Atwater—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22720) granting an increase of pension to Jonathan S. Crawford—to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 22721) granting an increase of pension to William H. H. Kennedy—to the Committee on Invalid Pensions.

By Mr. OLCOTT: A bill (H. R. 22722) granting an increase of pension to Hastings Allaway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22723) for the relief of Tracey Edson—to the Committee on Naval Affairs.

By Mr. OVERSTREET: A bill (H. R. 22724) granting an increase of pension to James A. McAllister—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22725) granting an increase of pension to John H. Butcher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22726) granting an increase of pension to Bladen A. Kendall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22727) granting an increase of pension to Cealica Gurley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22728) granting a pension to Julia A. Ragland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22729) granting a pension to Andrew R. Lewis—to the Committee on Pensions.

Also, a bill (H. R. 22730) granting a pension to Lydia A. Swift—to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 22731) granting a pension to Nellie A. Lovell—to the Committee on Invalid Pensions.

By Mr. PRINCE: A bill (H. R. 22732) granting an increase of pension to Ira G. Kinney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22733) granting an increase of pension to Henry C. Yetter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22734) granting an increase of pension to William J. Lessig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22735) granting an increase of pension to James H. Conner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22736) granting an increase of pension to Isaac N. Coakley—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 22737) granting a pension to Isaac N. Bynum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22738) granting a pension to David R. Bellomy—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 22739) for the relief of the trustees of the Pleasant Hill Baptist Church—to the Committee on War Claims.

Also, a bill (H. R. 22740) for the relief of Mrs. M. A. Hibbard—to the Committee on War Claims.

Also, a bill (H. R. 22741) for the relief of the heirs of Azraih Mitchell—to the Committee on War Claims.

By Mr. RUSSELL of Missouri: A bill (H. R. 22472) granting an increase of pension to Philemon Deverux—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22743) granting an increase of pension to John Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22744) granting an increase of pension to Alexander Welker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22745) granting an increase of pension to William Minix—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22746) granting an increase of pension to Peter T. Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22747) granting an increase of pension to Benjamin F. McRaven—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22748) granting an increase of pension to John N. Pendergrass—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22749) granting an increase of pension to Milton G. Patillo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22750) granting an increase of pension to James H. Parker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22751) granting an increase of pension to Josiah Rayburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22752) granting an increase of pension to Brumit Rose—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22753) granting an increase of pension to Allen Sanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22754) granting an increase of pension to Joseph W. Bivens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22755) granting an increase of pension to John A. Barnhouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22756) granting an increase of pension to John M. Bunn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22757) granting an increase of pension to Robert B. Coy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22758) granting an increase of pension to John H. Dye—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22759) granting an increase of pension to Francis M. Forbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22760) granting an increase of pension to James N. Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22761) granting an increase of pension to Charles F. Hinrich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22762) granting an increase of pension to Peter S. Welsch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22763) granting an increase of pension to Delmus L. Wabington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22764) granting an increase of pension to Alfred Spence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22765) granting an increase of pension to Albert H. Hannaford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22766) granting an increase of pension to William McDonald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22767) granting a pension to William W. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22768) granting a pension to Elias G. Friend—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22769) granting a pension to Joseph C. White—to the Committee on Pensions.

Also, a bill (H. R. 22770) granting a pension to Thomas J. Hughes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22771) granting a pension to Eliza Wall—to the Committee on Pensions.

By Mr. RYAN: A bill (H. R. 22772) granting an increase of pension to William Fay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22773) granting an increase of pension to Charles H. Rice—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22774) granting an increase of pension to William H. Eldridge—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 22775) granting an increase of pension to Henry Carbon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22776) granting an increase of pension to Michael Stagg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22777) granting an increase of pension to George L. McCullum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22778) granting an increase of pension to Benjamin F. Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22779) granting an increase of pension to John W. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22780) granting an increase of pension to Samuel Palmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22781) granting an increase of pension to William A. Drew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22782) granting an increase of pension to Floyd Cornwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22783) granting an increase of pension to Amanda Blake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22784) granting an increase of pension to David Detty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22785) granting a pension to Clara J. Kiser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22786) granting an increase of pension to Ulrich Levenberger—to the Committee on Invalid Pensions.

By Mr. SMITH of California: A bill (H. R. 22787) granting an increase of pension to Elijah J. Freeman—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 22788) granting a pension to Mary Gotham—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 22789) granting a pension to John O'Donnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22790) granting a pension to Johanna Fruin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22791) granting an increase of pension to Thomas J. Sanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22792) granting a pension to David H. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22793) granting an increase of pension to Charles C. Sater—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22794) granting a pension to Marjorie Stewart—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 22795) for the relief of Maj. James M. Burns—to the Committee on Military Affairs.

By Mr. SULLOWAY: A bill (H. R. 22796) granting an increase of pension to Ephraim Plumpton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22797) granting an increase of pension to Jason Lamprey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22798) granting an increase of pension to John Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22799) granting an increase of pension to William D. Wyman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22800) granting an increase of pension to John Bracey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22801) granting an increase of pension to Charles W. York—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22802) granting an increase of pension to Nahum Yeaton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22803) granting an increase of pension to John Orale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22804) granting an increase of pension to Valentine M. Currin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22805) granting an increase of pension to Augustus Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22806) granting an increase of pension to Lyman Wyman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22807) granting an increase of pension to John M. W. Emery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22808) granting an increase of pension to James S. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22809) granting an increase of pension to Nicholas Stuber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22810) granting an increase of pension to Asa Dimmick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22811) granting an increase of pension to John L. Quimby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22812) granting an increase of pension to Horatio W. Longa—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 22813) for the relief of Thomas Campbell—to the Committee on Military Affairs.

By Mr. THISTLEWOOD: A bill (H. R. 22814) granting an increase of pension to Charles G. Sanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22815) granting an increase of pension to James N. McDaniel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22816) granting an increase of pension to William T. Freeze—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22817) granting an increase of pension to James H. Weatherby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22818) granting an increase of pension to Liberty G. Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22819) granting an increase of pension to Ignatius O'Daniell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22820) granting an increase of pension to Alfred B. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22821) granting an increase of pension to E. C. Wafer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22822) granting an increase of pension to William Bolam—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22823) granting an increase of pension to John Gulley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22824) granting an increase of pension to Allen Patrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22825) granting an increase of pension to Aaron F. Youngblood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22826) granting an increase of pension to William Banks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22827) granting an increase of pension to William A. Fry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22828) granting an increase of pension to George N. Dennis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22829) granting an increase of pension to Henry F. Potter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22830) granting an increase of pension to William A. Ice—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22831) granting an increase of pension to James W. Woodward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22832) granting a pension to Jackson T. Mygatt—to the Committee on Pensions.

Also, a bill (H. R. 22833) granting a pension to Allie C. Glover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22834) granting a pension to Jane Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22835) to remove the charge of desertion from the record of Charles W. Cook—to the Committee on Military Affairs.

Also, a bill (H. R. 22836) to remove the charge of desertion from the record of Alfred Rinehart—to the Committee on Military Affairs.

Also, a bill (H. R. 22837) to remove the charge of desertion from the record of John A. Lyons—to the Committee on Military Affairs.

By Mr. WANGER: A bill (H. R. 22838) granting a pension to Sarah Radcliffe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22839) granting a pension to Robert K. Stevenson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22840) granting an increase of pension to Conrad Maiser—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 22841) granting an increase of pension to Edward H. Wolfe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22842) granting an increase of pension to Jabez Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22843) granting an increase of pension to Samuel G. Vance—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22844) granting an increase of pension to Martin Ottinger—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 22845) granting a pension to Euphoneous Carter—to the Committee on Pensions.

Also, a bill (H. R. 22846) granting a pension to Daniel Cannon—to the Committee on Pensions.

Also, a bill (H. R. 22847) granting an increase of pension to Harmon S. Gatlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22848) granting an increase of pension to Ben de Lemos—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22849) granting an increase of pension to Isapheny Harden—to the Committee on Pensions.

Also, a bill (H. R. 22850) granting an increase of pension to Nancy Harmon—to the Committee on Pensions.

Also, a bill (H. R. 22851) granting a pension to James T. Cloud—to the Committee on Pensions.

Also, a bill (H. R. 22852) for the relief of Sarah Autrey—to the Committee on War Claims.

Also, a bill (H. R. 22853) for the relief of William F. Nail—to the Committee on War Claims.

Also, a bill (H. R. 22854) to carry into effect the findings of the Court of Claims in the matter of the claim of John Mantel—to the Committee on War Claims.

Also, a bill (H. R. 22855) for the relief of Mrs. E. W. Williams—to the Committee on War Claims.

Also, a bill (H. R. 22856) for the relief of the heirs of Dr. Willis Calhoun, of Noxubee County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 22857) for the relief of the estate of A. P. Gafford, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22858) for the relief of the estate of Robert Barber, deceased—to the Committee on Claims.

Also, a bill (H. R. 22859) for the relief of R. D. Johnston—to the Committee on Claims.

Also, a bill (H. R. 22860) for the relief of A. L. Hall—to the Committee on Claims.

Also, a bill (H. R. 22861) for the relief of John S. May—to the Committee on Military Affairs.

Also, a bill (H. R. 22862) for the relief of Samuel T. Townsend—to the Committee on War Claims.

Also, a bill (H. R. 22863) for the relief of John D. Toppin and George W. Beard, U. S. Navy, retired—to the Committee on Naval Affairs.

Also, a bill (H. R. 22864) for the relief of Lieut. Commander Henry A. Wiley, U. S. Navy—to the Committee on Naval Affairs.

By Mr. WOODYARD: A bill (H. R. 22865) granting an increase of pension to Martin L. Willets—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22866) granting an increase of pension to Franklin T. Lockhart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22867) granting a pension to Ida M. Sterling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22868) granting an increase of pension to Augustus Gilmore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22869) granting an increase of pension to Henry Blair—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22870) granting an increase of pension to Barney O. Flinn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22871) granting an increase of pension to Elam T. Heatherly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22872) granting an increase of pension to Jordan McKee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22873) granting an increase of pension to Eli W. Metcalf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22874) granting an increase of pension to Gideon Mason—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22875) granting an increase of pension to Daniel W. Bartlett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22876) granting an increase of pension to George W. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22877) granting an increase of pension to Abraham Hickman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22878) granting an increase of pension to Linden Batten—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Petition of citizens of Bluffton, Ind., against the passage of S. 3940 (proper observance of Sunday as day of rest in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. ADAMSON: Papers to accompany bills for relief of John M. Strickland and Jesse J. Bull—to the Committee on War Claims.

By Mr. ALEXANDER of New York: Petition of New York County Lawyers' Association, favoring S. 6973 (increase of salaries of United States judges)—to the Committee on the Judiciary.

Also, petition of William A. Sawyer and others, of Buffalo, N. Y., favoring the pensioning of members of the Military Telegraphers' Corps in civil war—to the Committee on Invalid Pensions.

By Mr. ALLEN: Petition of Central Labor Union, of Biddeford and Saco, Me., for an act to prevent illiterate immigration and for better ship accommodations for immigrants—to the Committee on Immigration and Naturalization.

By Mr. ASHBROOK: Paper to accompany bill for relief of Gifford Ramey (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. BARTLETT of Georgia: Papers to accompany bill for relief of heirs of Lawrence Smith—to the Committee on War Claims.

By Mr. BATES: Paper to accompany bill for relief of Lorenzo M. Bartholomew—to the Committee on Invalid Pensions.

By Mr. BRADLEY: Petition of Newburgh Hat Finishers' Association, for an amendment to the Sherman antitrust law, Pearre anti-injunction bill, and extension of the eight-hour law—to the Committee on the Judiciary.

By Mr. BURLESON: Petition of Federal Labor Union, No. 8786, against enactment of illiteracy test in immigration legislation and for better sanitary accommodations to steerage immigrants—to the Committee on Immigration and Naturalization.

By Mr. BURTON of Ohio: Petition of 130 citizens of Cleveland, Ohio, against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. CANDLER: Papers to accompany bill for relief of B. H. Davis—to the Committee on War Claims.

By Mr. CAPRON: Papers to accompany bills granting an increase of pension to Samuel E. Reynolds, Henry S. Shoop, and Joseph Henry Jewett, Company B, Eleventh Rhode Island Volunteers; Isaac Y. Taylor, Joseph L. Straight, and Bradford A. Gavitt—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting pension to Caroline M. Marsh—to the Committee on Pensions.

By Mr. CLARK of Florida: Memorial of legislature of State of Florida, sessions of 1899 and 1905, asking for import duty on Egyptian cotton—to the Committee on Ways and Means.

Also, petition of C. P. Whitford, L. E. Cunningham, Oscar Blackwelden, C. B. Alston, and others, citizens of Florida, against Senate bill 3940 (religious observance in the District of Columbia)—to the Committee on the District of Columbia.

Also, petition of the New Orleans Cotton Exchange, for free jute bagging and steel cotton ties—to the Committee on Ways and Means.

Also, petition of James R. Powell and others, of Carleton, Fla., and Richard Mann and others, of McMeekin, Fla., for legislation pensioning United States military telegraphers who served in the civil war—to the Committee on Invalid Pensions.

By Mr. COLE: Paper to accompany bill for relief of Benjamin F. L. Meredith—to the Committee on Invalid Pensions.

By Mr. COOK of Pennsylvania: Petition of Thomas E. Brown & Son, Rowland Hunt, Glen Knitting Company, Thomas W. Buck Hosiery Company, Brown-Moore Hosiery Company, Lee Hosiery Mills, Harry C. Aberle & Co., National Association of Hosiery and Underwear Manufacturers, Thomas E. Brown, William B. Threapleton's Sons, German-American Hosiery Company, and Brown Knitting Company, against any reduction of the tariff on hosiery goods and underwear—to the Committee on Ways and Means.

Also, petition of assistant postmasters of Pennsylvania, in convention at Williamsport, favoring extension of the civil-service law over assistant postmasters—to the Committee on Reform in the Civil Service.

Also, petition of Albert Dippel, for protection of bookbinders—to the Committee on Ways and Means.

By Mr. BURNETT: Soldier's affidavit in support of bill granting a pension to John J. Burnett—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Veteran Army of the Philippines, J. G. Harbord, department commander, asking legislation that will permit the Army, Navy, and Marine Corps to observe August 13 as a legal holiday—to the Committee on Military Affairs.

By Mr. EDWARDS of Kentucky: Paper to accompany bill for relief of James R. Campbell—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of J. G. Hibbard, department commander of Veteran Army of the Philippines, for legislation making August 13 a legal holiday, to be known as "Occupation Day"—to the Committee on the Judiciary.

Also, petition of Biscuit and Cracker Manufacturers' Association, in annual convention July 15 and 16, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. FORNES: Petition of Rear-Admiral H. F. Pickering Naval Garrison, No. 4, of Erie, Pa., for legislation retiring petty officers and enlisted men of the navy after twenty-five years of continuous service—to the Committee on Naval Affairs.

Also, petition of David Homer Bates and others, for legislation to pension members of the Telegraph Corps of the civil war—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Patent Law Association of Chicago, favoring legislation increasing salaries of federal judges—to the Committee on the Judiciary.

Also, petition of William R. Prickett, of Edwardsville, Ill., favoring the Fuller bill (H. R. 19250), with certain amendments—to the Committee on Military Affairs.

By Mr. GARRETT: Paper to accompany bill for relief of Richard H. Nanney—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of A. G. Almond and Charles Henry—to the Committee on Invalid Pensions.

By Mr. GOULDEN: Petition of Rear-Admiral H. F. Pickering Naval Garrison, No. 4, of Erie, Pa., National Corps Army and Navy Union, for legislation retiring petty officers and enlisted men of the United States Navy after twenty-five years of actual service—to the Committee on Naval Affairs.

By Mr. GRAHAM: Petition of Paul Synnestredt, favoring legislation to increase salaries of federal judges—to the Committee on the Judiciary.

Also, petition of citizens of Pittsburg, Pa., for legislation pensioning members of the United States Telegraph Corps in the civil war—to the Committee on Invalid Pensions.

Also, a petition of citizens of Pennsylvania, favoring the Tirrell bill (H. R. 12405) and the Bacon bill (S. 5151), to prohibit liquor selling in Hawaii, etc.—to the Committee on the Judiciary.

Also, petition of J. G. Harbard, of Veteran Army of Philippines, for legislation making August 13 a legal holiday, to be known as "Occupation Day"—to the Committee on the Judiciary.

Also, petition of Rear-Admiral H. F. Pickering Naval Garrison, No. 4, of Erie, Pa., favoring retirement of petty officers and enlisted men of the navy after twenty-five years of actual service—to the Committee on Naval Affairs.

By Mr. HAY: Petition of citizens of Woodstock, Va., for law to pension members of United States Telegraphers' Union in civil war—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: Petitions of Local Union of Miners and Smelters, No. 249, of West Jordan, and Local Union of Miners and Smelters, No. 144, of Park City, Utah, for investigation and regulation of the Treadwell Mining Company, of Douglas Island, Alaska—to the Committee on Mines and Mining.

Also, petition of operators and miners of Bingham Canyon, Utah, against reduction of duties on lead and lead ores—to the Committee on Ways and Means.

By Mr. HUFF: Papers to accompany bills for relief of Jonathan H. Fleming, Lewis Peters, Samuel C. Burkholder, Wilson Kennedy, Mathew G. Burkholder, Adam Bruner, John Adams, Lewis Keefer, and Samuel S. Jamison—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Andrew McMurray and George H. Gibson—to the Committee on Invalid Pensions.

By Mr. KNAPP: Papers to accompany bills for the relief of James Parker and William Coad—to the Committee on Claims.

Also, papers to accompany bill granting a pension to Thomas Gill—to the Committee on Invalid Pensions.

By Mr. KIPP: Petition of G. E. Cromwell and others, for legislation pensioning members of United States Military Telegraphers' Union in civil war—to the Committee on Invalid Pensions.

By Mr. LLOYD: Petition of citizens of Queen City, Mo., against passage of Sunday law—to the Committee on the District of Columbia.

By Mr. MADDEN: Petition of several hundred citizens of Chicago, asking legislation to provide pensions for the United States Military Telegraph Corps of the United States Army during civil war—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Papers to accompany bill granting an increase of pension to Thomas B. F. Anderson, of Chattanooga, Tenn.—to the Committee on Invalid Pensions.

Also, papers to accompany bills in re civil-war claims of

estate of Robert Langford, deceased; estate of Alex O. Smith, deceased, and heirs of Erban. Powell, deceased—to the Committee on War Claims.

Also, papers to accompany bill granting a pension to Mary L. Wright—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of W. F. Anderson—to the Committee on Invalid Pensions.

Also, petitions of J. K. P. Marshall and others, of Cleveland, Tenn., and William Street and others, of Chattanooga, Tenn., for legislation pensioning members of the United States Military Telegraphers' Corps of the civil war—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Hartford Matherly, James H. Cady, and Joshua E. Carlton—to the Committee on Invalid Pensions.

By Mr. NYE: Petition of citizens of the State of Minnesota, against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. OLCOTT: Paper to accompany bill for relief of Hastings Allaway—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: Paper to accompany H. R. 175, for pension to United States Military Telegraph Corps of the United States Army in the war of the rebellion—to the Committee on Invalid Pensions.

Also, papers to accompany bill securing legislation to promote efficiency in the army, to disseminate useful military knowledge among the people of the United States, and for other purposes—to the Committee on Military Affairs.

Also, papers to accompany bills for relief of Cealica Gurley, Lydia A. Swift, Bladen A. Kendall, Evan H. Pritchard (H. R. 21245), John H. Butcher, James A. McAllister, and Julia A. Ragland—to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of Andrew R. Lewis—to the Committee on Pensions.

By Mr. RICHARDSON: Paper to accompany bill for relief of J. N. Bynum—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of David R. Bellamy—to the Committee on Invalid Pensions.

By Mr. ROBINSON: Papers to accompany bills for relief of Nancy E. Williams (H. R. 7262), J. H. Coburn (H. R. 21619), and Guy S. McMickle (H. R. 13408)—to the Committee on Invalid Pensions.

Also, papers to accompany H. R. 21174, a bill appropriating $50,000 for protection of the banks of the Arkansas River at Douglas, Ark.—to the Committee on Rivers and Harbors.

Also, petition of John H. Avery and others, for legislation pensioning members of the Telegraph Corps of the United States Army in civil war—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of heirs of William W. Davis—to the Committee on War Claims.

By Mr. RYAN: Paper to accompany bill for relief of James Cupps—to the Committee on Invalid Pensions.

Also, petition of New York County Lawyers' Association, favoring increase of salaries of United States circuit and district court judges—to the Committee on the Judiciary.

By Mr. SCOTT: Petition of citizens of Blue Mound, Kans., against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

Also, petition of citizens of Pleasanton, Kans., for legislation pensioning members of United States Telegraph Corps who served in civil war—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Petition of D. L. Greenfield and others, of New York, for legislation pensioning the members of the United States Military Telegraph Corps who served in the civil war—to the Committee on Invalid Pensions.

By Mr. STURGISS: Petition of Huntington Chamber of Commerce, favoring Senate bill 4825, providing for establishment of the Appalachian-White Mountain National Forest Reservation—to the Committee on Agriculture.

By Mr. THISTLEWOOD: Petition of citizens of southern Illinois, Twenty-fifth Congressional District, against any parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Cairo, Ill., against S. 3940, for the proper observance of Sundays in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WANGER: Petition of Rear-Admiral H. F. Pickering Naval Garrison, No. 4, of Erie, Pa., for legislation retiring petty officers and enlisted men of the United States Navy after twenty-five years' actual service—to the Committee on Naval Affairs.

By Mr. YOUNG: Petition of Rear-Admiral H. F. Pickering Naval Garrison, No. 4, of Erie, Pa., for retirement of petty officers and enlisted men of the United States Navy after twenty-five years of actual service—to the Committee on Naval Affairs.

SENATE.

TUESDAY, *December 8, 1908.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Edward E. Hale.

JAMES P. CLARKE, a Senator from the State of Arkansas; MORGAN G. BULKELEY, a Senator from the State of Connecticut; WILLIAM J. STONE, a Senator from the State of Missouri; FRANK B. GARY, a Senator from the State of South Carolina; ALFRED B. KITTREDGE, a Senator from the State of South Dakota; and JOHN W. DANIEL, a Senator from the State of Virginia, appeared in their seats to-day.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM IOWA.

Mr. DOLLIVER presented the credentials of ALBERT B. CUMMINS, chosen by the legislature of the State of Iowa a Senator from that State for the unexpired portion of the term of the late Senator WILLIAM B. ALLISON, ending March 3, 1911, which were read and ordered to be filed.

Mr. DOLLIVER. Mr. CUMMINS is present and ready to take the oath of office.

The VICE-PRESIDENT. The Senator-elect will present himself at the Vice-President's desk and take the oath prescribed by law.

Mr. CUMMINS was escorted to the Vice-President's desk by Mr. DOLLIVER, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

MESSAGE FROM THE HOUSE.

William J. Browning, Chief Clerk of the House of Representatives, appeared and delivered the following message:

Mr. President, I am directed by the House of Representatives to inform the Senate that a quorum of the House of Representatives has assembled, and that the House is ready to proceed to business.

Also that a committee of three Members has been appointed by the Speaker, on the part of the House of Representatives, to join a committee of the Senate to wait upon the President of the United States, and to inform him that a quorum of the two Houses has assembled, and that Congress is ready to receive any communication he may have to make, and that Mr. PAYNE, Mr. MCKINLEY of Illinois, and Mr. CLARK of Missouri have been appointed members of the committee on the part of the House.

The message further communicated to the Senate the intelligence of the deaths of Hon. CHARLES T. DUNWELL, late a Representative from the State of New York; of Hon. LLEWELLYN POWERS, late a Representative from the State of Maine; of Hon. WILLIAM H. PARKER, late a Representative from the State of South Datoka; and of Hon. ARIOSTO A. WILEY, late a Representative from the State of Alabama, and transmitted resolutions of the House thereon.

The message also transmitted resolutions of the House on the death of Hon. WILLIAM BOYD ALLISON, late a Senator from the State of Iowa.

NOTIFICATION TO THE PRESIDENT.

Mr. ALDRICH, Mr. GALLINGER, and Mr. TELLER, the committee appointed to wait upon the President of the United States, appeared; and

Mr. ALDRICH said: Mr. President, the committees appointed by the Senate and the House of Representatives to wait upon the President of the United States and inform him that the two Houses have assembled and were ready to receive any communication he should be pleased to make to them, beg leave to report that they have discharged that duty and that the President will at once communicate in writing with the two Houses.

PRESIDENT'S ANNUAL MESSAGE.

Mr. M. C. Latta, one of the secretaries of the President of the United States, appeared and said: Mr. President, I am directed by the President of the United States to deliver to the Senate a message in writing.

The message was received from the secretary and handed to the Vice-President.

The VICE-PRESIDENT. The Chair lays before the Senate the following message from the President of the United States, which will be read by the Secretary.

The Secretary [Mr. Charles G. Bennett] read the message, as follows:

To the Senate and House of Representatives:

FINANCES.

The financial standing of the Nation at the present time is excellent, and the financial management of the Nation's interests by the Government during the last seven years has shown the most satisfactory results. But our currency system is imperfect, and it is earnestly to be hoped that the Currency Commis-

sion will be able to propose a thoroughly good system which will do away with the existing defects.

During the period from July 1, 1901, to September 30, 1908, there was an increase in the amount of money in circulation of $902,991,399. The increase in the per capita during this period was $7.06. Within this time there were several occasions when it was necessary for the Treasury Department to come to the relief of the money market by purchases or redemptions of United States bonds; by increasing deposits in national banks; by stimulating additional issues of national bank notes, and by facilitating importations from abroad of gold. Our imperfect currency system has made these proceedings necessary, and they were effective until the monetary disturbance in the fall of 1907 immensely increased the difficulty of ordinary methods of relief. By the middle of November the available working balance in the Treasury had been reduced to approximately $5,000,000. Clearing house associations throughout the country had been obliged to resort to the expedient of issuing clearing house certificates, to be used as money. In this emergency it was determined to invite subscriptions for $50,000,000 Panama Canal bonds, and $100,000,000 three per cent certificates of indebtedness authorized by the act of June 13, 1898. It was proposed to re-deposit in the national banks the proceeds of these issues, and to permit their use as a basis for additional circulating notes of national banks. The moral effect of this procedure was so great that it was necessary to issue only $24,631,980 of the Panama Canal bonds and $15,436,500 of the certificates of indebtedness.

During the period from July 1, 1901, to September 30, 1908, the balance between the net ordinary receipts and the net ordinary expenses of the Government showed a surplus in the four years 1902, 1903, 1906, and 1907, and a deficit in the years 1904, 1905, 1908, and a fractional part of the fiscal year 1909. The net result was a surplus of $99,283,413.54. The financial operations of the Government during this period, based upon these differences between receipts and expenditures, resulted in a net reduction of the interest-bearing debt of the United States from $987,141,040 to $897,253,990, notwithstanding that there had been two sales of Panama Canal bonds amounting in the aggregate to $54,631,980, and an issue of 3 per cent certificates of indebtedness under the act of June 13, 1898, amounting to $15,436,500. Refunding operations of the Treasury Department under the act of March 14, 1900, resulted in the conversion into 2 per cent consols of 1930 of $200,309,400 bonds bearing higher rates of interest. A decrease of $8,687,956 in the annual interest charge resulted from these operations.

In short, during the seven years and three months there has been a net surplus of nearly one hundred millions of receipts over expenditures, a reduction of the interest-bearing debt by ninety millions, in spite of the extraordinary expense of the Panama Canal, and a saving of nearly nine millions on the annual interest charge. This is an exceedingly satisfactory showing, especially in view of the fact that during this period the Nation has never hesitated to undertake any expenditure that it regarded as necessary. There have been no new taxes and no increases of taxes; on the contrary some taxes have been taken off; there has been a reduction of taxation.

CORPORATIONS.

As regards the great corporations engaged in interstate business, and especially the railroads, I can only repeat what I have already again and again said in my messages to the Congress. I believe that under the interstate clause of the Constitution the United States has complete and paramount right to control all agencies of interstate commerce, and I believe that the National Government alone can exercise this right with wisdom and effectiveness so as both to secure justice from, and to do justice to, the great corporations which are the most important factors in modern business. I believe that it is worse than folly to attempt to prohibit all combinations as is done by the Sherman anti-trust law, because such a law can be enforced only imperfectly and unequally, and its enforcement works almost as much hardship as good. I strongly advocate that instead of an unwise effort to prohibit all combinations, there shall be substituted a law which shall expressly permit combinations which are in the interest of the public, but shall at the same time give to some agency of the National Government full power of control and supervision over them. One of the chief features of this control should be securing entire publicity in all matters which the public has a right to know, and furthermore, the power, not by judicial but by executive action, to prevent or put a stop to every form of improper favoritism or other wrongdoing.

The railways of the country should be put completely under the Interstate Commerce Commission and removed from the domain of the anti-trust law. The power of the Commission should be made thoroughgoing, so that it could exercise complete supervision and control over the issue of securities as well as over the raising and lowering of rates. As regards rates, at least, this power should be summary. The power to investigate the financial operations and accounts of the railways has been one of the most valuable features in recent legislation. Power to make combinations and traffic agreements should be explicitly conferred upon the railroads, the permission of the Commission being first gained and the combination or agreement being published in all its details. In the interest of the public the representatives of the public should have complete power to see that the railroads do their duty by the public, and as a matter of course this power should also be exercised so as to see that no injustice is done to the railroads. The shareholders, the employees and the shippers all have interests that must be guarded. It is to the interest of all of them that no swindling stock speculation should be allowed, and that there should be no improper issuance of securities. The guiding intelligences necessary for the successful building and successful management of railroads should receive ample remuneration; but no man should be allowed to make money in connection with railroads out of fraudulent over-capitalization and kindred stock-gambling performances; there must be no defrauding of investors, oppression of the farmers and business men who ship freight, or callous disregard of the rights and needs of the employees. In addition to this the interests of the shareholders, of the employees, and of the shippers should all be guarded as against one another. To give any one of them undue and improper consideration is to do injustice to the others. Rates must be made as low as is compatible with giving proper returns to all the employees of the railroad, from the highest to the lowest, and proper returns to the shareholders; but they must not, for instance, be reduced in such fashion as to necessitate a cut in the wages of the employees or the abolition of the proper and legitimate profits of honest shareholders.

Telegraph and telephone companies engaged in interstate business should be put under the jurisdiction of the Interstate Commerce Commission.

It is very earnestly to be wished that our people, through their representatives, should act in this matter. It is hard to say whether most damage to the country at large would come from entire failure on the part of the public to supervise and control the actions of the great corporations, or from the exercise of the necessary governmental power in a way which would do injustice and wrong to the corporations. Both the preachers of an unrestricted individualism, and the preachers of an oppression which would deny to able men of business the just reward of their initiative and business sagacity, are advocating policies that would be fraught with the gravest harm to the whole country. To permit every lawless capitalist, every law-defying corporation, to take any action, no matter how iniquitous, in the effort to secure an improper profit and to build up privilege, would be ruinous to the Republic and would mark the abandonment of the effort to secure in the industrial world the spirit of democratic fair-dealing. On the other hand, to attack these wrongs in that spirit of demagogy which can see wrong only when committed by the man of wealth, and is dumb and blind in the presence of wrong committed against men of property or by men of no property, is exactly as evil as corruptly to defend the wrongdoing of men of wealth. The war we wage must be waged against misconduct, against wrongdoing wherever it is found; and we must stand heartily for the rights of every decent man, whether he be a man of great wealth or a man who earns his livelihood as a wage-worker or a tiller of the soil.

It is to the interest of all of us that there should be a premium put upon individual initiative and individual capacity and an ample reward for the great directing intelligences alone competent to manage the great business operations of to-day. It is well to keep in mind that exactly as the anarchist is the worst enemy of liberty and the reactionary the worst enemy of order, so the men who defend the rights of property have most to fear from the wrongdoers of great wealth, and the men who are championing popular rights have most to fear from the demagogues who in the name of popular rights would do wrong to oppress honest business men, honest men of wealth; for the success of either type of wrongdoer necessarily invites a violent reaction against the cause the wrongdoer nominally upholds. In point of danger to the Nation there is nothing to choose between on the one hand the corruptionist, the bribe-giver, the bribe-taker, the man who employs his great talent to swindle his fellow-citizens on a large scale, and, on the other hand, the preacher of class hatred, the man who, whether from

ignorance or from willingness to sacrifice his country to his ambition, persuades well-meaning but wrong-headed men to try to destroy the instruments upon which our prosperity mainly rests. Let each group of men beware of and guard against the shortcomings to which that group is itself most liable. Too often we see the business community in a spirit of unhealthy class consciousness deplore the effort to hold to account under the law the wealthy men who in their management of great corporations, whether railroads, street railways, or other industrial enterprises, have behaved in a way that revolts the conscience of the plain, decent people. Such an attitude can not be condemned too severely, for men of property should recognize that they jeopardize the rights of property when they fail heartily to join in the effort to do away with the abuses of wealth. On the other hand, those who advocate proper control on behalf of the public, through the State, of these great corporations, and of the wealth engaged on a giant scale in business operations, must ever keep in mind that unless they do scrupulous justice to the corporation, unless they permit ample profit, and cordially encourage capable men of business so long as they act with honesty, they are striking at the root of our national wellbeing; for in the long run, under the mere pressure of material distress, the people as a whole would probably go back to the reign of an unrestricted individualism rather than submit to a control by the State so drastic and so foolish, conceived in a spirit of such unreasonable and narrow hostility to wealth, as to prevent business operations from being profitable and therefore to bring ruin upon the entire business community and ultimately upon the entire body of citizens.

The opposition to Government control of these great corporations makes its most effective effort in the shape of an appeal to the old doctrine of States' rights. Of course there are many sincere men who now believe in unrestricted individualism in business, just as there were formerly many sincere men who believed in slavery—that is, in the unrestricted right of an individual to own another individual. These men do not by themselves have great weight, however. The effective fight against adequate Government control and supervision of individual, and especially of corporate, wealth engaged in interstate business is chiefly done under cover; and especially under cover of an appeal to States' rights. It is not at all infrequent to read in the same speech a denunciation of predatory wealth fostered by special privilege and defiant of both the public welfare and law of the land, and a denunciation of centralization in the Central Government of the power to deal with this centralized and organized wealth. Of course the policy set forth in such twin denunciations amounts to absolutely nothing, for the first half is nullified by the second half. The chief reason, among the many sound and compelling reasons, that led to the formation of the National Government, was the absolute need that the Union, and not the several States, should deal with interstate and foreign commerce; and the power to deal with interstate commerce was granted absolutely and plenarily to the Central Government and was exercised completely as regards the only instruments of interstate commerce known in those days—the waterways, the highroads, as well as the partnerships of individuals who then conducted all of what business there was. Interstate commerce is now chiefly conducted by railroads; and the great corporation has supplanted the mass of small partnerships or individuals. The proposal to make the National Government supreme over, and therefore to give it complete control over, the railroads and other instruments of interstate commerce is merely a proposal to carry out to the letter one of the prime purposes, if not the prime purpose, for which the Constitution was founded. It does not represent centralization. It represents merely the acknowledgment of the patent fact that centralization has already come in business. If this irresponsible outside business power is to be controlled in the interest of the general public it can only be controlled in one way; by giving adequate power of control to the one sovereignty capable of exercising such power—the National Government. Forty or fifty separate state governments can not exercise that power over corporations doing business in most or all of them; first, because they absolutely lack the authority to deal with interstate business in any form; and second, because of the inevitable conflict of authority sure to arise in the effort to enforce different kinds of state regulation, often inconsistent with one another and sometimes oppressive in themselves. Such divided authority can not regulate commerce with wisdom and effect. The Central Government is the only power which, without oppression, can nevertheless thoroughly and adequately control and supervise the large corporations. To abandon the effort for National control means to abandon the effort for all adequate control and yet to render likely continual bursts of action by State legislatures, which can not achieve the purpose sought for, but which can do a great deal of damage to the corporation without conferring any real benefit on the public.

I believe that the more farsighted corporations are themselves coming to recognize the unwisdom of the violent hostility they have displayed during the last few years to regulation and control by the National Government of combinations engaged in interstate business. The truth is that we who believe in this movement of asserting and exercising a genuine control, in the public interest, over these great corporations have to contend against two sets of enemies, who, though nominally opposed to one another, are really allies in preventing a proper solution of the problem. There are, first, the big corporation men, and the extreme individualists among business men, who genuinely believe in utterly unregulated business—that is, in the reign of plutocracy; and, second, the men who, being blind to the economic movements of the day, believe in a movement of repression rather than of regulation of corporations, and who denounce both the power of the railroads and the exercise of the Federal power which alone can really control the railroads. Those who believe in efficient national control, on the other hand, do not in the least object to combinations; do not in the least object to concentration in business administration. On the contrary, they favor both, with the all important proviso that there shall be such publicity about their workings, and such thoroughgoing control over them, as to insure their being in the interest, and not against the interest, of the general public. We do not object to the concentration of wealth and administration; but we do believe in the distribution of the wealth in profits to the real owners, and in securing to the public the full benefit of the concentrated administration. We believe that with concentration in administration there can come both the advantage of a larger ownership and of a more equitable distribution of profits, and at the same time a better service to the commonwealth. We believe that the administration should be for the benefit of the many; and that greed and rascality, practiced on a large scale, should be punished as relentlessly as if practiced on a small scale.

We do not for a moment believe that the problem will be solved by any short and easy method. The solution will come only by pressing various concurrent remedies. Some of these remedies must lie outside the domain of all government. Some must lie outside the domain of the Federal Government. But there is legislation which the Federal Government alone can enact and which is absolutely vital in order to secure the attainment of our purpose. Many laws are needed. There should be regulation by the National Government of the great interstate corporations, including a simple method of account keeping, publicity, supervision of the issue of securities, abolition of rebates and of special privileges. There should be short time franchises for all corporations engaged in public business; including the corporations which get power from water rights. There should be National as well as State guardianship of mines and forests. The labor legislation hereinafter referred to should concurrently be enacted into law.

To accomplish this, means of course a certain increase in the use of—not the creation of—power by the Central Government. The power already exists; it does not have to be created; the only question is whether it shall be used or left idle—and meanwhile the corporations over which the power ought to be exercised will not remain idle. Let those who object to this increase in the use of the only power available, the national power, be frank, and admit openly that they propose to abandon any effort to control the great business corporations and to exercise supervision over the accumulation and distribution of wealth; for such supervision and control can only come through this particular kind of increase of power. We no more believe in that empiricism which demands absolutely unrestrained individualism than we do in that empiricism which clamors for a deadening socialism which would destroy all individual initiative and would ruin the country with a completeness that not even an unrestrained individualism itself could achieve. The danger to American democracy lies not in the least in the concentration of administrative power in responsible and accountable hands. It lies in having the power insufficiently concentrated, so that no one can be held responsible to the people for its use. Concentrated power is palpable, visible, responsible, easily reached, quickly held to account. Power scattered through many administrators, many legislators, many men who work behind and through legislators and administrators, is impalpable, is unseen, is irresponsible, can not be reached, can not be held to account. Democracy is in peril wherever the administration of political power is scattered among a variety of men who work in secret, whose very names are unknown to the common people. It is

not in peril from any man who derives authority from the people, who exercise it in sight of the people, and who is from time to time compelled to give an account of its exercise to the people.

LABOR.

There are many matters affecting labor and the status of the wage-worker to which I should like to draw your attention, but an exhaustive discussion of the problem in all its aspects is not now necessary. This administration is nearing its end; and, moreover, under our form of government the solution of the problem depends upon the action of the States as much as upon the action of the Nation. Nevertheless, there are certain considerations which I wish to set before you, because I hope that our people will more and more keep them in mind. A blind and ignorant resistance to every effort for the reform of abuses and for the readjustment of society to modern industrial conditions represents not true conservatism but an incitement to the wildest radicalism; for wise radicalism and wise conservatism go hand in hand, one bent on progress, the other bent on seeing that no change is made unless in the right direction. I believe in a steady effort, or perhaps it would be more accurate to say in steady efforts in many different directions, to bring about a condition of affairs under which the men who work with hand or with brain, the laborers, the superintendents, the men who produce for the market and the men who find a market for the articles produced, shall own a far greater share than at present of the wealth they produce, and be enabled to invest it in the tools and instruments by which all work is carried on. As far as possible I hope to see a frank recognition of the advantages conferred by machinery, organization, and division of labor, accompanied by an effort to bring about a larger share in the ownership by wage-worker of railway, mill, and factory. In farming, this simply means that we wish to see the farmer own his own land; we do not wish to see the farms so large that they become the property of absentee landlords who farm them by tenants, nor yet so small that the farmer becomes like a European peasant. Again, the depositors in our savings banks now number over one-tenth of our entire population. These are all capitalists, who through the savings banks loan their money to the workers—that is, in many cases to themselves—to carry on their various industries. The more we increase their number, the more we introduce the principles of cooperation into our industry. Every increase in the number of small stockholders in corporations is a good thing, for the same reasons; and where the employees are the stockholders the result is particularly good. Very much of this movement must be outside of anything that can be accomplished by legislation; but legislation can do a good deal. Postal savings banks will make it easy for the poorest to keep their savings in absolute safety. The regulation of the national highways must be such that they shall serve all people with equal justice. Corporate finances must be supervised so as to make it far safer than at present for the man of small means to invest his money in stocks. There must be prohibition of child labor, diminution of woman labor, shortening of hours of all mechanical labor; stock watering should be prohibited, and stock gambling so far as is possible discouraged. There should be a progressive inheritance tax on large fortunes. Industrial education should be encouraged. As far as possible we should lighten the burden of taxation on the small man. We should put a premium upon thrift, hard work, and business energy; but these qualities cease to be the main factors in accumulating a fortune long before that fortune reaches a point where it would be seriously affected by any inheritance tax such as I propose. It is eminently right that the Nation should fix the terms upon which the great fortunes are inherited. They rarely do good and they often do harm to those who inherit them in their entirety.

PROTECTION FOR WAGEWORKERS.

The above is the merest sketch, hardly even a sketch in outline, of the reforms for which we should work. But there is one matter with which the Congress should deal at this session. There should no longer be any paltering with the question of taking care of the wageworkers who, under our present industrial system, become killed, crippled, or worn out as part of the regular incidents of a given business. The majority of wage-workers must have their rights secured for them by State action; but the National Government should legislate in thoroughgoing and far-reaching fashion not only for all employees of the National Government, but for all persons engaged in interstate commerce. The object sought for could be achieved to a measurable degree, as far as those killed or crippled are concerned, by proper employers' liability laws. As far as concerns those who have been worn out, I call your attention to the fact that definite steps toward providing old-age pensions have been taken in many of our private industries. These may be indefinitely extended through voluntary association and contributory schemes, or through the agency of savings banks, as under the recent Massachusetts plan. To strengthen these practical measures should be our immediate duty; it is not at present necessary to consider the larger and more general governmental schemes that most European governments have found themselves obliged to adopt.

Our present system, or rather no system, works dreadful wrong, and is of benefit to only one class of people—the lawyers. When a workman is injured what he needs is not an expensive and doubtful lawsuit, but the certainty of relief through immediate administrative action. The number of accidents which result in the death or crippling of wageworkers, in the Union at large, is simply appalling; in a very few years it runs up a total far in excess of the aggregate of the dead and wounded in any modern war. No academic theory about "freedom of contract" or "constitutional liberty to contract" should be permitted to interfere with this and similar movements. Progress in civilization has everywhere meant a limitation and regulation of contract. I call your especial attention to the bulletin of the Bureau of Labor which gives a statement of the methods of treating the unemployed in European countries, as this is a subject which in Germany, for instance, is treated in connection with making provision for worn out and crippled workmen.

Pending a thoroughgoing investigation and action there is certain legislation which should be enacted at once. The law, passed at the last session of the Congress, granting compensation to certain classes of employees of the Government, should be extended to include all employees of the Government and should be made more liberal in its terms. There is no good ground for the distinction made in the law between those engaged in hazardous occupations and those not so engaged. If a man is injured or killed in any line of work, it was hazardous in his case. Whether 1 per cent or 10 per cent of those following a given occupation actually suffer injury or death ought not to have any bearing on the question of their receiving compensation. It is a grim logic which says to an injured employee or to the dependents of one killed that he or they are entitled to no compensation because very few people other than he have been injured or killed in that occupation. Perhaps one of the most striking omissions in the law is that it does not embrace peace officers and others whose lives may be sacrificed in enforcing the laws of the United States. The terms of the act providing compensation should be made more liberal than in the present act. A year's compensation is not adequate for a wage-earner's family in the event of his death by accident in the course of his employment. And in the event of death occurring, say, ten or eleven months after the accident, the family would only receive as compensation the equivalent of one or two months' earnings. In this respect the generosity of the United States towards its employees compares most unfavorably with that of every country in Europe—even the poorest.

The terms of the act are also a hardship in prohibiting payment in cases where the accident is in any way due to the negligence of the employee. It is inevitable that daily familiarity with danger will lead men to take chances that can be construed into negligence. So well is this recognized that in practically all countries in the civilized world, except the United States, only a great degree of negligence acts as a bar to securing compensation. Probably in no other respect is our legislation, both State and National, so far behind practically the entire civilized world as in the matter of liability and compensation for accidents in industry. It is humiliating that at European international congresses on accidents the United States should be singled out as the most belated among the nations in respect to employers' liability legislation. This Government is itself a large employer of labor, and in its dealings with its employees it should set a standard in this country which would place it on a par with the most progressive countries in Europe. The laws of the United States in this respect and the laws of European countries have been summarized in a recent bulletin of the Bureau of Labor, and no American who reads this summary can fail to be struck by the great contrast between our practices and theirs—a contrast not in any sense to our credit.

The Congress should without further delay pass a model employers' liability law for the District of Columbia. The employers' liability act recently declared unconstitutional, on account of apparently including in its provisions employees engaged in intrastate commerce as well as those engaged in interstate commerce, has been held by the local courts to be still in effect so far as its provisions apply to the District of Columbia. There should be no ambiguity on this point. If there is

any doubt on the subject, the law should be reenacted with special reference to the District of Columbia. This act, however, applies only to employees of common carriers. In all other occupations the liability law of the District is the old common law. The severity and injustice of the common law in this matter has been in some degree or another modified in the majority of our States, and the only jurisdiction under the exclusive control of the Congress should be ahead and not behind the States of the Union in this respect. A comprehensive employers' liability law should be passed for the District of Columbia.

I renew my recommendation made in a previous message that half-holidays be granted during summer to all wage-workers in Government employ.

I also renew my recommendation that the principle of the eight-hour day should as rapidly and as far as practicable be extended to the entire work carried on by the Government; the present law should be amended to embrace contracts on those public works which the present wording of the act seems to exclude.

THE COURTS.

I most earnestly urge upon the Congress the duty of increasing the totally inadequate salaries now given to our Judges. On the whole there is no body of public servants who do as valuable work, nor whose moneyed reward is so inadequate compared to their work. Beginning with the Supreme Court the Judges should have their salaries doubled. It is not befitting the dignity of the Nation that its most honored public servants should be paid sums so small compared to what they would earn in private life that the performance of public service by them implies an exceedingly heavy pecuniary sacrifice.

It is earnestly to be desired that some method should be devised for doing away with the long delays which now obtain in the administration of justice, and which operate with peculiar severity against persons of small means, and favor only the very criminals whom it is most desirable to punish. These long delays in the final decisions of cases make in the aggregate a crying evil; and a remedy should be devised. Much of this intolerable delay is due to improper regard paid to technicalities which are a mere hindrance to justice. In some noted recent cases this over-regard for technicalities has resulted in a striking denial of justice, and flagrant wrong to the body politic.

At the last election certain leaders of organized labor made a violent and sweeping attack upon the entire judiciary of the country, an attack couched in such terms as to include the most upright, honest and broad-minded judges, no less than those of narrower mind and more restricted outlook. It was the kind of attack admirably fitted to prevent any successful attempt to reform abuses of the judiciary, because it gave the champions of the unjust judge their eagerly desired opportunity to shift their ground into a championship of just judges who were unjustly assailed. Last year, before the House Committee on the Judiciary, these same labor leaders formulated their demands, specifying the bill that contained them, refusing all compromise, stating they wished the principle of that bill or nothing. They insisted on a provision that in a labor dispute no injunction should issue except to protect a property right, and specifically provided that the right to carry on business should not be construed as a property right; and in a second provision their bill made legal in a labor dispute any act or agreement by or between two or more persons that would not have been unlawful if done by a single person. In other words, this bill legalized blacklisting and boycotting in every form, legalizing, for instance, those forms of the secondary boycott which the anthracite coal strike commission so unreservedly condemned; while the right to carry on a business was explicitly taken out from under that protection which the law throws over property. The demand was made that there should be trial by jury in contempt cases, thereby most seriously impairing the authority of the courts. All this represented a course of policy which, if carried out, would mean the enthronement of class privilege in its crudest and most brutal form, and the destruction of one of the most essential functions of the judiciary in all civilized lands.

The violence of the crusade for this legislation, and its complete failure, illustrate two truths which it is essential our people should learn. In the first place, they ought to teach the workingman, the laborer, the wageworker, that by demanding what is improper and impossible he plays into the hands of his foes. Such a crude and vicious attack upon the courts, even if it were temporarily successful, would inevitably in the end cause a violent reaction and would band the great mass of citizens together, forcing them to stand by all the judges, competent and incompetent alike, rather than to see the wheels of justice stopped. A movement of this kind can ultimately result in nothing but damage to those in whose behalf it is nominally undertaken. This is a most healthy truth, which it is wise for all our people to learn. Any movement based on that class hatred which at times assumes the name of "class consciousness" is certain ultimately to fail, and if it temporarily succeeds, to do far-reaching damage. "Class consciousness," where it is merely another name for the odious vice of class selfishness, is equally noxious whether in an employer's association or in a workingman's association. The movement in question was one in which the appeal was made to all workingmen to vote primarily, not as American citizens, but as individuals of a certain class in society. Such an appeal in the first place revolts the more high-minded and far-sighted among the persons to whom it is addressed, and in the second place tends to arouse a strong antagonism among all other classes of citizens, whom it therefore tends to unite against the very organization on whose behalf it is issued. The result is therefore unfortunate from every standpoint. This healthy truth, by the way, will be learned by the socialists if they ever succeed in establishing in this country an important national party based on such class consciousness and selfish class interest.

The wageworkers, the workingmen, the laboring men of the country by the way in which they repudiated the effort to get them to cast their votes in response to an appeal to class hatred, have emphasized their sound patriotism and Americanism. The whole country has cause to feel pride in this attitude of sturdy independence, in this uncompromising insistence upon acting simply as good citizens, as good Americans, without regard to fancied—and improper—class interests. Such an attitude is an object-lesson in good citizenship to the entire nation.

But the extreme reactionaries, the persons who blind themselves to the wrongs now and then committed by the courts on laboring men, should also think seriously as to what such a movement as this portends. The judges who have shown themselves able and willing effectively to check the dishonest activity of the very rich man who works iniquity by the mismanagement of corporations, who have shown themselves alert to do justice to the wageworker, and sympathetic with the needs of the mass of our people, so that the dweller in the tenement houses, the man who practices a dangerous trade, the man who is crushed by excessive hours of labor, feel that their needs are understood by the courts—these judges are the real bulwark of the courts; these judges, the judges of the stamp of the President-elect, who have been fearless in opposing labor when it has gone wrong, but fearless also in holding to strict account corporations that work iniquity, and far-sighted in seeing that the workingman gets his rights, are the men of all others to whom we owe it that the appeal for such violent and mistaken legislation has fallen on deaf ears, that the agitation for its passage proved to be without substantial basis. The courts are jeoparded primarily by the action of these Federal and State judges who show inability or unwillingness to put a stop to the wrongdoing of very rich men under modern industrial conditions, and inability or unwillingness to give relief to men of small means or wageworkers who are crushed down by these modern industrial conditions; who, in other words, fail to understand and apply the needed remedies for the new wrongs produced by the new and highly complex social and industrial civilization which has grown up in the last half century.

The rapid changes in our social and industrial life which have attended this rapid growth have made it necessary that, in applying to concrete cases the great rule of right laid down in our Constitution, there should be a full understanding and appreciation of the new conditions to which the rules are to be applied. What would have been an infringement upon liberty half a century ago may be the necessary safeguard of liberty to-day. What would have been an injury to property then may be necessary to the enjoyment of property now. Every judicial decision involves two terms—one, an interpretation of the law; the other, the understanding of the facts to which it is to be applied. The great mass of our judicial officers are, I believe, alive to these changes of conditions which so materially affect the performance of their judicial duties. Our judicial system is sound and effective at core, and it remains, and must ever be maintained, as the safeguard of those principles of liberty and justice which stand at the foundation of American institutions; for, as Burke finely said, when liberty and justice are separated, neither is safe. There are, however, some members of the judicial body who have lagged behind in their understanding of these great and vital changes in the body politic, whose minds have never been opened to the new applications of the old principles made necessary by the new conditions. Judges of this stamp do lasting harm by their decisions, because they convince poor men in need of protection that the courts of the land are profoundly ignorant of and out of sympathy with their

needs, and profoundly indifferent or hostile to any proposed remedy. To such men it seems a cruel mockery to have any court decide against them on the ground that it desires to preserve "liberty" in a purely technical form, by withholding liberty in any real and constructive sense. It is desirable that the legislative body should possess, and wherever necessary exercise, the power to determine whether in a given case employers and employees are not on an equal footing, so that the necessities of the latter compel them to submit to such exactions as to hours and conditions of labor as unduly to tax their strength; and only mischief can result when such determination is upset on the ground that there must be no "interference with the liberty to contract"—often a merely academic "liberty," the exercise of which is the negation of real liberty.

There are certain decisions by various courts which have been exceedingly detrimental to the rights of wageworkers. This is true of all the decisions that decide that men and women are, by the Constitution, "guaranteed their liberty" to contract to enter a dangerous occupation, or to work an undesirable or improper number of hours, or to work in unhealthy surroundings; and therefore can not recover damages when maimed in that occupation and can not be forbidden to work what the legislature decides is an excessive number of hours, or to carry on the work under conditions which the legislature decides to be unhealthy. The most dangerous occupations are often the poorest paid and those where the hours of work are longest; and in many cases those who go into them are driven by necessity so great that they have practically no alternative. Decisions such as those alluded to above nullify the legislative effort to protect the wage-workers who most need protection from those employers who take advantage of their grinding need. They halt or hamper the movement for securing better and more equitable conditions of labor. The talk about preserving to the misery-hunted beings who make contracts for such service their "liberty" to make them, is either to speak in a spirit of heartless irony or else to show an utter lack of knowledge of the conditions of life among the great masses of our fellow-countrymen, a lack which unfits a judge to do good service just as it would unfit any executive or legislative officer.

There is also, I think, ground for the belief that substantial injustice is often suffered by employees in consequence of the custom of courts issuing temporary injunctions without notice to them, and punishing them for contempt of court in instances where, as a matter of fact, they have no knowledge of any proceedings. Outside of organized labor there is a widespread feeling that this system often works great injustice to wageworkers when their efforts to better their working condition result in industrial disputes. A temporary injunction procured ex parte may as a matter of fact have all the effect of a permanent injunction in causing disaster to the wage-workers' side in such a dispute. Organized labor is chafing under the unjust restraint which comes from repeated resort to this plan of procedure. Its discontent has been unwisely expressed, and often improperly expressed, but there is a sound basis for it, and the orderly and law-abiding people of a community would be in a far stronger position for upholding the courts if the undoubtedly existing abuses could be provided against.

Such proposals as those mentioned above as advocated by the extreme labor leaders, contain the vital error of being class legislation of the most offensive kind, and even if enacted into law I believe that the law would rightly be held unconstitutional. Moreover, the labor people are themselves now beginning to invoke the use of the power of injunction. During the last ten years, and within my own knowledge, at least fifty injunctions have been obtained by labor unions in New York City alone, most of them being to protect the union label (a "property right"), but some being obtained for other reasons against employers. The power of injunction is a great equitable remedy, which should on no account be destroyed. But safeguards should be erected against its abuse. I believe that some such provisions as those I advocated a year ago for checking the abuse of the issuance of temporary injunctions should be adopted. In substance, provision should be made that no injunction or temporary restraining order issue otherwise than on notice, except where irreparable injury would otherwise result; and in such case a hearing on the merits of the order should be had within a short fixed period, and, if not then continued after hearing, it should forthwith lapse. Decisions should be rendered immediately, and the chance of delay minimized in every way. Moreover, I believe that the procedure should be sharply defined, and the judge required minutely to state the particulars both of his action and of his reasons therefor, so that the Congress can, if it desires, examine and investigate the same.

The chief lawmakers in our country may be, and often are, the judges, because they are the final seat of authority. Every time they interpret contract, property, vested rights, due process of law, liberty, they necessarily enact into law parts of a system of social philosophy; and as such interpretation is fundamental, they give direction to all law-making. The decisions of the courts on economic and social questions depend upon their economic and social philosophy; and for the peaceful progress of our people during the twentieth century we shall owe most to those judges who hold to a twentieth century economic and social philosophy and not to a long outgrown philosophy, which was itself the product of primitive economic conditions. Of course a judge's views on progressive social philosophy are entirely second in importance to his possession of a high and fine character; which means the possession of such elementary virtues as honesty, courage, and fairmindedness. The judge who owes his election to pandering to demagogic sentiments or class hatreds and prejudices, and the judge who owes either his election or his appointment to the money or the favor of a great corporation, are alike unworthy to sit on the bench, are alike traitors to the people; and no profundity of legal learning, or correctness of abstract conviction on questions of public policy, can serve as an offset to such shortcomings. But it is also true that judges, like executives and legislators, should hold sound views on the questions of public policy which are of vital interest to the people.

The legislators and executives are chosen to represent the people in enacting and administering the laws. The judges are not chosen to represent the people in this sense. Their function is to interpret the laws. The legislators are responsible for the laws; the judges for the spirit in which they interpret and enforce the laws. We stand aloof from the reckless agitators who would make the judges mere pliant tools of popular prejudice and passion; and we stand aloof from those equally unwise partisans of reaction and privilege who deny the proposition that, inasmuch as judges are chosen to serve the interests of the whole people, they should strive to find out what those interests are, and, so far as they conscientiously can, should strive to give effect to popular conviction when deliberately and duly expressed by the lawmaking body. The courts are to be highly commended and staunchly upheld when they set their faces against wrongdoing or tyranny by a majority; but they are to be blamed when they fail to recognize under a government like ours the deliberate judgment of the majority as to a matter of legitimate policy, when duly expressed by the legislature. Such lawfully expressed and deliberate judgment should be given effect by the courts, save in the extreme and exceptional cases where there has been a clear violation of a constitutional provision. Anything like frivolity or wantonness in upsetting such clearly taken governmental action is a grave offense against the Republic. To protest against tyranny, to protect minorities from oppression, to nullify an act committed in a spasm of popular fury, is to render a service to the Republic. But for the courts to arrogate to themselves functions which properly belong to the legislative bodies is all wrong, and in the end works mischief. The people should not be permitted to pardon evil and slipshod legislation on the theory that the court will set it right; they should be taught that the right way to get rid of a bad law is to have the legislature repeal it, and not to have the courts by ingenious hair-splitting nullify it. A law may be unwise and improper; but it should not for these reasons be declared unconstitutional by a strained interpretation, for the result of such action is to take away from the people at large their sense of responsibility and ultimately to destroy their capacity for orderly self restraint and self government. Under such a popular government as ours, founded on the theory that in the long run the will of the people is supreme, the ultimate safety of the Nation can only rest in training and guiding the people so that what they will shall be right, and not in devising means to defeat their will by the technicalities of strained construction.

For many of the shortcomings of justice in our country our people as a whole are themselves to blame, and the judges and juries merely bear their share together with the public as a whole. It is discreditable to us as a people that there should be difficulty in convicting murderers, or in bringing to justice men who as public servants have been guilty of corruption, or who have profited by the corruption of public servants. The result is equally unfortunate, whether due to hairsplitting technicalities in the interpretation of law by judges, to sentimentality and class consciousness on the part of juries, or to hysteria and sensationalism in the daily press. For much of this failure of justice no responsibility whatever lies on rich men as such. We who make up the mass of the people can not

shift the responsibility from our own shoulders. But there is an important part of the failure which has specially to do with inability to hold to proper account men of wealth who behave badly.

The chief breakdown is in dealing with the new relations that arise from the mutualism, the interdependence of our time. Every new social relation begets a new type of wrongdoing—of sin, to use an old-fashioned word—and many years always elapse before society is able to turn this sin into crime which can be effectively punished at law. During the lifetime of the older men now alive the social relations have changed far more rapidly than in the preceding two centuries. The immense growth of corporations, of business done by associations, and the extreme strain and pressure of modern life, have produced conditions which render the public confused as to who its really dangerous foes are; and among the public servants who have not only shared this confusion, but by some of their acts have increased it, are certain judges. Marked inefficiency has been shown in dealing with corporations and in re-settling the proper attitude to be taken by the public not only towards corporations, but towards labor, and towards the social questions arising out of the factory system, and the enormous growth of our great cities.

The huge wealth that has been accumulated by a few individuals of recent years, in what has amounted to a social and industrial revolution, has been as regards some of these individuals made possible only by the improper use of the modern corporation. A certain type of modern corporation, with its officers and agents, its many issues of securities, and its constant consolidation with allied undertakings, finally becomes an instrument so complex as to contain a greater number of elements that, under various judicial decisions, lend themselves to fraud and oppression than any device yet evolved in the human brain. Corporations are necessary instruments of modern business. They have been permitted to become a menace largely because the governmental representatives of the people have worked slowly in providing for adequate control over them.

The chief offender in any given case may be an executive, a legislature, or a judge. Every executive head who advises violent, instead of gradual, action, or who advocates ill-considered and sweeping measures of reform (especially if they are tainted with vindictiveness, and disregard for the rights of the minority) is particularly blameworthy. The several legislatures are responsible for the fact that our laws are often prepared with slovenly haste and lack of consideration. Moreover, they are often prepared, and still more frequently amended during passage, at the suggestion of the very parties against whom they are afterwards enforced. Our great clusters of corporations, huge trusts and fabulously wealthy multimillionaires, employ the very best lawyers they can obtain to pick flaws in these statutes after their passage; but they also employ a class of secret agents who seek, under the advice of experts, to render hostile legislation innocuous by making it unconstitutional, often through the insertion of what appear on their face to be drastic and sweeping provisions against the interests of the parties inspiring them; while the demagogues, the corrupt creatures who introduce blackmailing schemes to "strike" corporations, and all who demand extreme, and undesirably radical, measures, show themselves to be the worst enemies of the very public whose loud-mouthed champions they profess to be. A very striking illustration of the consequences of carelessness in the preparation of a statute was the employers' liability law of 1906. In the cases arising under that law, four out of six courts of first instance held it unconstitutional; six out of nine justices of the Supreme Court held that its subject-matter was within the province of congressional action; and four of the nine justices held it valid. It was, however, adjudged unconstitutional by a bare majority of the court—five to four. It was surely a very slovenly piece of work to frame the legislation in such shape as to leave the question open at all.

Real damage has been done by the manifold and conflicting interpretations of the interstate commerce law. Control over the great corporations doing interstate business can be effective only if it is vested with full power in an administrative department, a branch of the Federal executive, carrying out a Federal law; it can never be effective if a divided responsibility is left in both the States and the Nation; it can never be effective if left in the hands of the courts to be decided by lawsuits.

The courts hold a place of peculiar and deserved sanctity under our form of government. Respect for the law is essential to the permanence of our institutions; and respect for the law is largely conditioned upon respect for the courts. It is an offense against the Republic to say anything which can weaken this respect, save for the gravest reason and in the most carefully guarded manner. Our judges should be held in peculiar honor; and the duty of respectful and truthful comment and criticism, which should be binding when we speak of anybody, should be especially binding when we speak of them. On an average they stand above any other servants of the community, and the greatest judges have reached the high level held by those few greatest patriots whom the whole country delights to honor. But we must face the fact that there are wise and unwise judges, just as there are wise and unwise executives and legislators. When a president or a governor behaves improperly or unwisely, the remedy is easy, for his term is short; the same is true with the legislator, although not to the same degree, for he is one of many who belong to some given legislative body, and it is therefore less easy to fix his personal responsibility and hold him accountable therefor. With a judge, who, being human, is also likely to err, but whose tenure is for life, there is no similar way of holding him to responsibility. Under ordinary conditions the only forms of pressure to which he is in any way amenable are, public opinion, and the action of his fellow judges. It is the last which is most immediately effective, and to which we should look for the reform of abuses. Any remedy applied from without is fraught with risk. It is far better, from every standpoint, that the remedy should come from within. In no other nation in the world do the courts wield such vast and far-reaching power as in the United States. All that is necessary is that the courts as a whole should exercise this power with the farsighted wisdom already shown by those judges who scan the future while they act in the present. Let them exercise this great power not only honestly and bravely, but with wise insight into the needs and fixed purposes of the people, so that they may do justice, and work equity, so that they may protect all persons in their rights, and yet break down the barriers of privilege, which is the foe of right.

FORESTS.

If there is any one duty which more than another we owe it to our children and our children's children to perform at once, it is to save the forests of this country, for they constitute the first and most important element in the conservation of the natural resources of the country. There are of course two kinds of natural resources. One is the kind which can only be used as part of a process of exhaustion; this is true of mines, natural oil and gas wells, and the like. The other, and of course ultimately by far the most important, includes the resources which can be improved in the process of wise use; the soil, the rivers, and the forests come under this head. Any really civilized nation will so use all of these three great national assets that the nation will have their benefit in the future. Just as a farmer, after all his life making his living from his farm, will, if he is an expert farmer, leave it as an asset of increased value to his son, so we should leave our national domain to our children, increased in value and not worn out. There are small sections of our own country, in the East and in the West, in the Adirondacks, the White Mountains, and the Appalachians, and in the Rocky Mountains, where we can already see for ourselves the damage in the shape of permanent injury to the soil and the river systems which comes from reckless deforestation. It matters not whether this deforestation is due to the actual reckless cutting of timber, to the fires that inevitably follow such reckless cutting of timber, or to reckless and uncontrolled grazing, especially by the great migratory bands of sheep, the unchecked wandering of which over the country means destruction to forests and disaster to the small home makers, the settlers of limited means.

Shortsighted persons, or persons blinded to the future by desire to make money in every way out of the present, sometimes speak as if no great damage would be done by the reckless destruction of our forests. It is difficult to have patience with the arguments of these persons. Thanks to our own recklessness in the use of our splendid forests, we have already crossed the verge of a timber famine in this country, and no measures that we now take can, at least for many years, undo the mischief that has already been done. But we can prevent further mischief being done; and it would be in the highest degree reprehensible to let any consideration of temporary convenience or temporary cost interfere with such action, especially as regards the National Forests which the nation can *now*, at this very moment, control.

All serious students of the question are aware of the great damage that has been done in the Mediterranean countries of Europe, Asia, and Africa by deforestation. The similar damage that has been done in Eastern Asia is less well known. A recent investigation into conditions in North China by Mr. Frank N. Meyer, of the Bureau of Plant Industry of the United States Department of Agriculture, has incidentally furnished in very

striking fashion proof of the ruin that comes from reckless deforestation of mountains, and of the further fact that the damage once done may prove practically irreparable. So important are these investigations that I herewith attach as an appendix [a] to my message certain photographs showing present conditions in China. They show in vivid fashion the appalling desolation, taking the shape of barren mountains and gravel-and-sand-covered plains, which immediately follows and depends upon the deforestation of the mountains. Not many centuries ago the country of northern China was one of the most fertile and beautiful spots in the entire world, and was heavily forested. We know this not only from the old Chinese records, but from the accounts given by the traveler, Marco Polo. He, for instance, mentions that in visiting the provinces of Shansi and Shensi he observed many plantations of mulberry trees. Now there is hardly a single mulberry tree in either of these provinces, and the culture of the silkworm has moved farther south, to regions of atmospheric moisture. As an illustration of the complete change in the rivers, we may take Polo's statement that a certain river, the Hun Ho, was so large and deep that merchants ascended it from the sea with heavily laden boats; today this river is simply a broad sandy bed, with shallow, rapid currents wandering hither and thither across it, absolutely unnavigable. But we do not have to depend upon written records. The dry wells, and the wells with water far below the former watermark, bear testimony to the good days of the past and the evil days of the present. Wherever the native vegetation has been allowed to remain, as, for instance, here and there around a sacred temple or imperial burying ground, there are still huge trees and tangled jungle, fragments of the glorious ancient forests. The thick, matted forest growth formerly covered the mountains to their summits. All natural factors favored this dense forest growth, and as long as it was permitted to exist, the plains at the foot of the mountains were among the most fertile on the globe, and the whole country was a garden. Not the slightest effort was made, however, to prevent the unchecked cutting of the trees, or to secure reforestation. Doubtless for many centuries the tree-cutting by the inhabitants of the mountains worked but slowly in bringing about the changes that have now come to pass; doubtless for generations the inroads were scarcely noticeable. But there came a time when the forest had shrunk sufficiently to make each year's cutting a serious matter, and from that time on the destruction proceeded with appalling rapidity; for of course each year of destruction rendered the forest less able to recuperate, less able to resist next year's inroad. Mr. Meyer describes the ceaseless progress of the destruction even now, when there is so little left to destroy. Every morning men and boys go out armed with mattock or ax, scale the steepest mountain sides, and cut down and grub out, root and branch, the small trees and shrubs still to be found. The big trees disappeared centuries ago, so that now one of these is never seen save in the neighborhood of temples, where they are artificially protected; and even here it takes all the watch and care of the tree-loving priests to prevent their destruction. Each family, each community, where there is no common care exercised in the interest of all of them to prevent deforestation, finds its profit in the immediate use of the fuel which would otherwise be used by some other family or some other community. In the total absence of regulation of the matter in the interest of the whole people, each small group is inevitably pushed into a policy of destruction which can not afford to take thought for the morrow. This is just one of those matters which it is fatal to leave to unsupervised individual control. The forests can only be protected by the State, by the Nation; and the liberty of action of individuals must be conditioned upon what the State or Nation determines to be necessary for the common safety.

The lesson of deforestation in China is a lesson which mankind should have learned many times already from what has occurred in other places. Denudation leaves naked soil; then gullying cuts down to the bare rock; and meanwhile the rock-waste buries the bottomlands. When the soil is gone, men must go; and the process does not take long.

This ruthless destruction of the forests in northern China has brought about, or has aided in bringing about, desolation, just as the destruction of the forests in central Asia aid in bringing ruin to the once rich central Asian cities; just as the destruction of the forests in northern Africa helped towards the ruin of a region that was a fertile granary in Roman days. Shortsighted man, whether barbaric, semi-civilized, or what he mistakenly regards as fully civilized, when he has destroyed the forests, has rendered certain the ultimate destruction of the land itself. In northern China the mountains are now such as are shown by the accompanying photographs, absolutely barren peaks. Not only have the forests been destroyed, but because of their destruction the soil has been washed off the naked rock. The terrible consequence is that it is impossible now to undo the damage that has been done. Many centuries would have to pass before soil would again collect, or could be made to collect, in sufficient quantity once more to support the old-time forest growth. In consequence the Mongol Desert is practically extending eastward over northern China. The climate has changed and is still changing. It has changed even within the last half century, as the work of tree destruction has been consummated. The great masses of arboreal vegetation on the mountains formerly absorbed the heat of the sun and sent up currents of cool air which brought the moisture-laden clouds lower and forced them to precipitate in rain a part of their burden of water. Now that there is no vegetation, the barren mountains, scorched by the sun, send up currents of heated air which drive away instead of attracting the rain clouds, and cause their moisture to be disseminated. In consequence, instead of the regular and plentiful rains which existed in these regions of China when the forests were still in evidence, the unfortunate inhabitants of the deforested lands now see their crops wither for lack of rainfall, while the seasons grow more and more irregular; and as the air becomes drier certain crops refuse longer to grow at all. That everything dries out faster than formerly is shown by the fact that the level of the wells all over the land has sunk perceptibly, many of them having become totally dry. In addition to the resulting agricultural distress, the watercourses have changed. Formerly they were narrow and deep, with an abundance of clear water the year around; for the roots and humus of the forests caught the rainwater and let it escape by slow, regular seepage. They have now become broad, shallow stream beds, in which muddy water trickles in slender currents during the dry seasons, while when it rains there are freshets, and roaring muddy torrents come tearing down, bringing disaster and destruction everywhere. Moreover, these floods and freshets, which diversify the general dryness, wash away from the mountain sides, and either wash away or cover in the valleys, the rich fertile soil which it took tens of thousands of years for Nature to form; and it is lost forever, and until the forests grow again it can not be replaced. The sand and stones from the mountain sides are washed loose and come rolling down to cover the arable lands, and in consequence, throughout this part of China, many formerly rich districts are now sandy wastes, useless for human cultivation and even for pasture. The cities have been of course seriously affected, for the streams have gradually ceased to be navigable. There is testimony that even within the memory of men now living there has been a serious diminution of the rainfall of northeastern China. The level of the Sungari River in northern Manchuria has been sensibly lowered during the last fifty years, at least partly as the result of the indiscriminate cutting of the forests forming its watershed. Almost all the rivers of northern China have become uncontrollable, and very dangerous to the dwellers along their banks, as a direct result of the destruction of the forests. The journey from Pekin to Jehol shows in melancholy fashion how the soil has been washed away from whole valleys, so that they have been converted into deserts.

In northern China this disastrous process has gone on so long and has proceeded so far that no complete remedy could be applied. There are certain mountains in China from which the soil is gone so utterly that only the slow action of the ages could again restore it; although of course much could be done to prevent the still further eastward extension of the Mongolian Desert if the Chinese Government would act at once. The accompanying cuts from photographs show the inconceivable desolation of the barren mountains in which certain of these rivers rise—mountains, be it remembered, which formerly supported dense forests of larches and firs, now unable to produce any wood, and because of their condition a source of danger to the whole country. The photographs also show the same rivers after they have passed through the mountains, the beds having become broad and sandy because of the deforestation of the mountains. One of the photographs shows a caravan passing through a valley. Formerly, when the mountains were forested, it was thickly peopled by prosperous peasants. Now the floods have carried destruction all over the land and the valley is a stony desert. Another photograph shows a mountain road covered with the stones and rocks that are brought down in the rainy season from the mountains which have already been deforested by human hands. Another shows a pebbly river-bed in southern Manchuria where what was once a great stream has dried up owing to the deforestation in the mountains. Only some scrub wood is left, which will disappear

[a] Not printed in RECORD.

within a half century. Yet another shows the effect of one of the washouts, destroying an arable mountain side, these washouts being due to the removal of all vegetation; yet in this photograph the foreground shows that reforestation is still a possibility in places.

What has thus happened in Northern China, what has happened in Central Asia, in Palestine, in North Africa, in parts of the Mediterranean countries of Europe, will surely happen in our country if we do not exercise that wise forethought which should be one of the chief marks of any people calling itself civilized. Nothing should be permitted to stand in the way of the preservation of the forests, and it is criminal to permit individuals to purchase a little gain for themselves through the destruction of forests when this destruction is fatal to the wellbeing of the whole country in the future.

INLAND WATERWAYS.

Action should be begun forthwith, during the present session of the Congress, for the improvement of our inland waterways—action which will result in giving us not only navigable but navigated rivers. We have spent hundreds of millions of dollars upon these waterways, yet the traffic on nearly all of them is steadily declining. This condition is the direct result of the absence of any comprehensive and far-seeing plan of waterway improvement. Obviously we can not continue thus to expend the revenues of the Government without return. It is poor business to spend money for inland navigation unless we get it.

Inquiry into the condition of the Mississippi and its principal tributaries reveals very many instances of the utter waste caused by the methods which have hitherto obtained for the so-called "improvement" of navigation. A striking instance is supplied by the "improvement" of the Ohio, which, begun in 1824, was continued under a single plan for half a century. In 1875 a new plan was adopted and followed for a quarter of a century. In 1902 still a different plan was adopted and has since been pursued at a rate which only promises a navigable river in from twenty to one hundred years longer.

Such shortsighted, vacillating, and futile methods are accompanied by decreasing water-borne commerce and increasing traffic congestion on land, by increasing floods, and by the waste of public money. The remedy lies in abandoning the methods which have so signally failed and adopting new ones in keeping with the needs and demands of our people.

In a report on a measure introduced at the first session of the present Congress, the Secretary of War said: "The chief defect in the methods hitherto pursued lies in the absence of executive authority for originating comprehensive plans covering the country or natural divisions thereof." In this opinion I heartily concur. The present methods not only fail to give us inland navigation, but they are injurious to the army as well. What is virtually a permanent detail of the corps of engineers to civilian duty necessarily impairs the efficiency of our military establishment. The military engineers have undoubtedly done efficient work in actual construction, but they are necessarily unsuited by their training and traditions to take the broad view, and to gather and transmit to the Congress the commercial and industrial information and forecasts, upon which waterway improvement must always so largely rest. Furthermore, they have failed to grasp the great underlying fact that every stream is a unit from its source to its mouth, and that all its uses are interdependent. Prominent officers of the Engineer Corps have recently even gone so far as to assert in print that waterways are not dependent upon the conservation of the forests about their headwaters. This position is opposed to all the recent work of the scientific bureaus of the Government and to the general experience of mankind. A physician who disbelieved in vaccination would not be the right man to handle an epidemic of smallpox, nor should we leave a doctor skeptical about the transmission of yellow fever by the Stegomyia mosquito in charge of sanitation at Havana or Panama. So with the improvement of our rivers; it is no longer wise or safe to leave this great work in the hands of men who fail to grasp the essential relations between navigation and general development and to assimilate and use the central facts about our streams.

Until the work of river improvement is undertaken in a modern way it can not have results that will meet the needs of this modern nation. These needs should be met without further dilly-dallying or delay. The plan which promises the best and quickest results is that of a permanent commission authorized to coordinate the work of all the Government departments relating to waterways, and to frame and supervise the execution of a comprehensive plan. Under such a commission the actual work of construction might be entrusted to the reclamation service; or to the military engineers acting with a sufficient number of civilians to continue the work in time of war; or it might be divided between the reclamation service and the corps of engineers. Funds should be provided from current revenues if it is deemed wise—otherwise from the sale of bonds. The essential thing is that the work should go forward under the best possible plan, and with the least possible delay. We should have a new type of work and a new organization for planning and directing it. The time for playing with our waterways is past. The country demands results.

NATIONAL PARKS.

I urge that all our National parks adjacent to National forests be placed completely under the control of the forest service of the Agricultural Department, instead of leaving them as they now are, under the Interior Department and policed by the army. The Congress should provide for superintendents with adequate corps of first-class civilian scouts, or rangers, and further, place the road construction under the superintendent instead of leaving it with the War Department. Such a change in park management would result in economy and avoid the difficulties of administration which now arise from having the responsibility of care and protection divided between different departments. The need for this course is peculiarly great in the Yellowstone Park. This, like the Yosemite, is a great wonderland, and should be kept as a national playground. In both all wild things should be protected, and the scenery kept wholly unmarred.

I am happy to say that I have been able to set aside in various parts of the country small, well-chosen tracts of ground to serve as sanctuaries and nurseries for wild creatures.

DENATURED ALCOHOL.

I had occasion in my message of May 4, 1906, to urge the passage of some law putting alcohol, used in the arts, industries, and manufactures, upon the free list; that is, to provide for the withdrawal free of tax of alcohol which is to be denatured for those purposes. The law of June 7, 1906, and its amendment of March 2, 1907, accomplished what was desired in that respect, and the use of denatured alcohol, as intended, is making a fair degree of progress and is entitled to further encouragement and support from the Congress.

PURE FOOD.

The pure food legislation has already worked a benefit difficult to overestimate.

INDIAN SERVICE.

It has been my purpose from the beginning of my administration to take the Indian Service completely out of the atmosphere of political activity, and there has been steady progress toward that end. The last remaining stronghold of politics in that service was the agency system, which had seen its best days and was gradually falling to pieces from natural or purely evolutionary causes, but, like all such survivals, was decaying slowly in its later stages. It seems clear that its extinction had better be made final now, so that the ground can be cleared for larger constructive work on behalf of the Indians, preparatory to their induction into the full measure of responsible citizenship. On November 1 only eighteen agencies were left on the roster; with two exceptions, where some legal questions seemed to stand temporarily in the way, these have been changed to superintendencies, and their heads brought into the classified civil service.

SECRET SERVICE.

Last year an amendment was incorporated in the measure providing for the Secret Service, which provided that there should be no detail from the Secret Service and no transfer therefrom. It is not too much to say that this amendment has been of benefit only, and could be of benefit only, to the criminal classes. If deliberately introduced for the purpose of diminishing the effectiveness of war against crime it could not have been better devised to this end. It forbade the practices that had been followed to a greater or less extent by the executive heads of various departments for twenty years. To these practices we owe the securing of the evidence which enabled us to drive great lotteries out of business and secure a quarter of a million of dollars in fines from their promoters. These practices have enabled us to discover some of the most outrageous frauds in connection with the theft of government land and government timber by great corporations and by individuals. These practices have enabled us to get some of the evidence indispensable in order to secure the conviction of the wealthiest and most formidable criminals with whom the Government has to deal, both those operating in violation of the anti-trust law and others. The amendment in question was of benefit to no one excepting to these criminals, and it seriously hampers the Government in the detection of crime and the securing of justice. Moreover, it not only affects departments outside of the Treasury but it tends to hamper the Secretary of

the Treasury himself in the effort to utilize the employees of his department so as to best meet the requirements of the public service. It forbids him from preventing frauds upon the customs service, from investigating irregularities in branch mints and assay offices, and has seriously crippled him. It prevents the promotion of employees in the Secret Service, and this further discourages good effort. In its present form the restriction operates only to the advantage of the criminal, of the wrongdoer. The chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by Secret Service men. Very little of such investigation has been done in the past; but it is true that the work of the Secret Service agents was partly responsible for the indictment and conviction of a Senator and a Congressman for land frauds in Oregon. I do not believe that it is in the public interest to protect criminals in any branch of the public service, and exactly as we have again and again during the past seven years prosecuted and convicted such criminals who were in the executive branch of the Government, so in my belief we should be given ample means to prosecute them if found in the legislative branch. But if this is not considered desirable a special exception could be made in the law prohibiting the use of the Secret Service force in investigating members of Congress. It would be far better to do this than to do what actually was done, and strive to prevent or at least to hamper effective action against criminals by the executive branch of the Government.

POSTAL SAVINGS BANKS.

I again renew my recommendation for postal savings banks, for depositing savings with the security of the Government behind them. The object is to encourage thrift and economy in the wage-earner and person of moderate means. In fourteen States the deposits in savings banks as reported to the Comptroller of the Currency amount to $3,590,245,402, or 98.4 per cent of the entire deposits, while in the remaining 32 States there are only $70,308,543, or 1.6 per cent, showing conclusively that there are many localities in the United States where sufficient opportunity is not given to the people to deposit their savings. The result is that money is kept in hiding and unemployed. It is believed that in the aggregate vast sums of money would be brought into circulation through the instrumentality of the postal savings banks. While there are only 1,453 savings banks reporting to the Comptroller there are more than 61,000 post-offices, 40,000 of which are money order offices. Postal savings banks are now in operation in practically all the great civilized countries with the exception of the United States.

PARCEL POST.

In my last annual message I commended the Postmaster-General's recommendation for an extension of the parcel post on the rural routes. The establishment of a local parcel post on rural routes would be to the mutual benefit of the farmer and the country storekeeper, and it is desirable that the routes, serving more than 15,000,000 people, should be utilized to the fullest practicable extent. An amendment was proposed in the Senate at the last session, at the suggestion of the Postmaster-General, providing that, for the purpose of ascertaining the practicability of establishing a special local parcel post system on the rural routes throughout the United States, the Postmaster-General be authorized and directed to experiment and report to the Congress the result of such experiment by establishing a special local parcel post system on rural delivery routes in not to exceed four counties in the United States for packages of fourth-class matter originating on a rural route or at the distributing post office for delivery by rural carriers. It would seem only proper that such an experiment should be tried in order to demonstrate the practicability of the proposition, especially as the Posmaster-General estimates that the revenue derived from the operation of such a system on all the rural routes would amount to many million dollars.

EDUCATION.

The share that the National Government should take in the broad work of education has not received the attention and the care it rightly deserves. The immediate responsibility for the support and improvement of our educational systems and institutions rests and should always rest with the people of the several States acting through their state and local governments, but the Nation has an opportunity in educational work which must not be lost and a duty which should no longer be neglected.

The National Bureau of Education was established more than forty years ago. Its purpose is to collect and diffuse such information "as shall aid the people of the United States in the establishment and maintenance of efficient school systems and otherwise promote the cause of education throughout the country." This purpose in no way conflicts with the educational work of the States, but may be made of great advantage to the States by giving them the fullest, most accurate, and hence the most helpful information and suggestion regarding the best educational systems. The Nation, through its broader field of activities, its wider opportunity for obtaining information from all the States and from foreign countries, is able to do that which not even the richest States can do, and with the distinct additional advantage that the information thus obtained is used for the immediate benefit of all our people.

With the limited means hitherto provided, the Bureau of Education has rendered efficient service, but the Congress has neglected to adequately supply the bureau with means to meet the educational growth of the country. The appropriations for the general work of the bureau, outside education in Alaska, for the year 1909 are but $87,500—an amount less than they were ten years ago, and some of the important items in these appropriations are less than they were thirty years ago. It is an inexcusable waste of public money to appropriate an amount which is so inadequate as to make it impossible properly to do the work authorized, and it is unfair to the great educational interests of the country to deprive them of the value of the results which can be obtained by proper appropriations.

I earnestly recommend that this unfortunate state of affairs as regards the national educational office be remedied by adequate appropriations. This recommendation is urged by the representatives of our common schools and great state universities and the leading educators, who all unite in requesting favorable consideration and action by the Congress upon this subject.

CENSUS.

I strongly urge that the request of the Director of the Census in connection with the decennial work so soon to be begun, be complied with and that the appointments to the census force be placed under the civil service law, waiving the geographical requirements as requested by the Director of the Census. The supervisors and enumerators should not be appointed under the civil service law, for the reasons given by the Director. I commend to the Congress the careful consideration of the admirable report of the Director of the Census, and I trust that his recommendations will be adopted and immediate action thereon taken.

REDISTRIBUTION OF BUREAUS.

It is highly advisable that there should be intelligent action on the part of the Nation on the question of preserving the health of the country. Through the practical extermination in San Francisco of disease-bearing rodents our country has thus far escaped the bubonic plague. This is but one of the many achievements of American health officers; and it shows what can be accomplished with a better organization than at present exists.

PUBLIC HEALTH.

The dangers to public health from food adulterations and from many other sources, such as the menace to the physical, mental and moral development of children from child labor, should be met and overcome. There are numerous diseases, which are now known to be preventable, which are, nevertheless, not prevented. The recent International Congress on Tuberculosis has made us painfully aware of the inadequacy of American public health legislation. This Nation can not afford to lag behind in the world-wide battle now being waged by all civilized people with the microscopic foes of mankind, nor ought we longer to ignore the reproach that this Government takes more pains to protect the lives of hogs and of cattle than of human beings. The first legislative step to be taken is that for the concentration of the proper bureaus into one of the existing departments. I therefore urgently recommend the passage of a bill which shall authorize a redistribution of the bureaus which shall best accomplish this end.

GOVERNMENT PRINTING OFFICE.

I recommend that legislation be enacted placing under the jurisdiction of the Department of Commerce and Labor the Government Printing Office. At present this office is under the combined control, supervision, and administrative direction of the President and of the Joint Committee on Printing of the two Houses of the Congress. The advantage of having the 4,069 employees in this office and the expenditure of the $5,761,377.57 appropriated therefor supervised by an executive department is obvious, instead of the present combined supervision.

SOLDIERS' HOMES.

All Soldiers' Homes should be placed under the complete jurisdiction and control of the War Department.

INDEPENDENT BUREAUS AND COMMISSIONS.

Economy and sound business policy require that all existing independent bureaus and commissions should be placed under the jurisdiction of appropriate executive departments. It is unwise from every standpoint, and results only in mischief, to have any executive work done save by the purely executive bodies, under the control of the President; and each such executive body should be under the immediate supervision of a Cabinet Minister.

STATEHOOD.

I advocate the immediate admission of New Mexico and Arizona as States. This should be done at the present session of the Congress. The people of the two Territories have made it evident by their votes that they will not come in as one State. The only alternative is to admit them as two, and I trust that this will be done without delay.

INTERSTATE FISHERIES.

I call the attention of the Congress to the importance of the problem of the fisheries in the interstate waters. On the Great Lakes we are now, under the very wise treaty of April 11th of this year, endeavoring to come to an international agreement for the preservation and satisfactory use of the fisheries of these waters which can not otherwise be achieved. Lake Erie, for example, has the richest fresh water fisheries in the world; but it is now controlled by the statutes of two Nations, four States, and one Province, and in this Province by different ordinances in different counties. All these political divisions work at cross purposes, and in no case can they achieve protection to the fisheries, on the one hand, and justice to the localities and individuals on the other. The case is similar in Puget Sound.

But the problem is quite as pressing in the interstate waters of the United States. The salmon fisheries of the Columbia River are now but a fraction of what they were twenty-five years ago, and what they would be now if the United States Government had taken complete charge of them by intervening between Oregon and Washington. During these twenty-five years the fishermen of each State have naturally tried to take all they could get, and the two legislatures have never been able to agree on joint action of any kind adequate in degree for the protection of the fisheries. At the moment the fishing on the Oregon side is practically closed, while there is no limit on the Washington side of any kind, and no one can tell what the courts will decide as to the very statutes under which this action and nonaction result. Meanwhile very few salmon reach the spawning grounds, and probably four years hence the fisheries will amount to nothing; and this comes from a struggle between the associated, or gill-net, fishermen on the one hand, and the owners of the fishing wheels up the river. The fisheries of the Mississippi, the Ohio, and the Potomac are also in a bad way. For this there is no remedy except for the United States to control and legislate for the interstate fisheries as part of the business of interstate commerce. In this case the machinery for scientific investigation and for control already exists in the United States Bureau of Fisheries. In this as in similar problems the obvious and simple rule should be followed of having those matters which no particular State can manage taken in hand by the United States; problems, which in the seesaw of conflicting State legislatures are absolutely unsolvable, are easy enough for the Congress to control.

FISHERIES AND FUR SEALS.

The federal statute regulating interstate traffic in game should be extended to include fish. New federal fish hatcheries should be established. The administration of the Alaskan fur-seal service should be vested in the Bureau of Fisheries.

FOREIGN AFFAIRS.

This Nation's foreign policy is based on the theory that right must be done between nations precisely as between individuals, and in our actions for the last ten years we have in this matter proven our faith by our deeds. We have behaved, and are behaving, towards other nations, as in private life an honorable man would behave towards his fellows.

LATIN-AMERICAN REPUBLICS.

The commercial and material progress of the twenty Latin-American Republics is worthy of the careful attention of the Congress. No other section of the world has shown a greater proportionate development of its foreign trade during the last ten years and none other has more special claims on the interest of the United States. It offers to-day probably larger opportunities for the legitimate expansion of our commerce than any other group of countries. These countries will want our products in greatly increased quantities, and we shall correspondingly need theirs. The International Bureau of the American Republics is doing a useful work in making these nations and their resources better known to us, and in acquainting them not only with us as a people and with our purposes towards them, but with what we have to exchange for their goods. It is an international institution supported by all the governments of the two Americas.

PANAMA CANAL.

The work on the Panama Canal is being done with a speed, efficiency and entire devotion to duty, which make it a model for all work of the kind. No task of such magnitude has ever before been undertaken by any nation; and no task of the kind has ever been better performed. The men on the Isthmus, from Colonel Goethals and his fellow commissioners through the entire list of employees who are faithfully doing their duty, have won their right to the ungrudging respect and gratitude of the American people.

OCEAN MAIL LINES.

I again recommend the extension of the ocean mail act of 1891 so that satisfactory American ocean mail lines to South America, Asia, the Philippines, and Australasia may be established. The creation of such steamship lines should be the natural corollary of the voyage of the battle fleet. It should precede the opening of the Panama Canal. Even under favorable conditions several years must elapse before such lines can be put into operation. Accordingly I urge that the Congress act promptly where foresight already shows that action sooner or later will be inevitable.

HAWAII.

I call particular attention to the Territory of Hawaii. The importance of those islands is apparent, and the need of improving their condition and developing their resources is urgent. In recent years industrial conditions upon the islands have radically changed. The importation of coolie labor has practically ceased, and there is now developing such a diversity in agricultural products as to make possible a change in the land conditions of the Territory, so that an opportunity may be given to the small land owner similar to that on the mainland. To aid these changes, the National Government must provide the necessary harbor improvements on each island, so that the agricultural products can be carried to the markets of the world. The coastwise shipping laws should be amended to meet the special needs of the islands, and the alien contract labor law should be so modified in its application to Hawaii as to enable American and European labor to be brought thither.

We have begun to improve Pearl Harbor for a naval base and to provide the necessary military fortifications for the protection of the islands, but I can not too strongly emphasize the need of appropriations for these purposes of such an amount as will within the shortest possible time make those islands practically impregnable. It is useless to develop the industrial conditions of the islands and establish there bases of supply for our naval and merchant fleets unless we insure, as far as human ingenuity can, their safety from foreign seizure.

One thing to be remembered with all our fortifications is that it is almost useless to make them impregnable from the sea if they are left open to land attack. This is true even of our own coast, but it is doubly true of our insular possessions. In Hawaii, for instance, it is worse than useless to establish a naval station unless we establish it behind fortifications so strong that no landing force can take them save by regular and long-continued siege operations.

THE PHILIPPINES.

Real progress toward self-government is being made in the Philippine Islands. The gathering of a Philippine legislative body and Philippine assembly marks a process absolutely new in Asia, not only as regards Asiatic colonies of European powers but as regards Asiatic possessions of other Asiatic powers; and, indeed, always excepting the striking and wonderful example afforded by the great Empire of Japan, it opens an entirely new departure when compared with anything which has happened among Asiatic powers which are their own masters. Hitherto this Philippine legislature has acted with moderation and self-restraint, and has seemed in practical fashion to realize the eternal truth that there must always be government, and that the only way in which any body of individuals can escape the necessity of being governed by outsiders is to show that they are able to restrain themselves, to keep down wrongdoing and disorder. The Filipino people, through their officials, are therefore making real steps in the direction of self-government. I hope and believe that these steps mark the beginning of a course which will continue till the Filipinos become fit to decide for themselves whether they desire to be an independent nation. But it is well for them (and well also for those Americans who during the past decade have done so much damage to the Filipinos by agitation for an immediate independence for which they were totally unfit) to remember that self-government depends, and must depend, upon the Filipinos themselves. All

we can do is to give them the opportunity to develop the capacity for self-government. If we had followed the advice of the foolish doctrinaires who wished us at any time during the last ten years to turn the Filipino people adrift, we should have shirked the plainest possible duty and have inflicted a lasting wrong upon the Filipino people. We have acted in exactly the opposite spirit. We have given the Filipinos constitutional government; a government based upon justice; and we have shown that we have governed them for their good and not for our aggrandizement. At the present time, as during the past ten years, the inexorable logic of facts shows that this Government must be supplied by us and not by them. We must be wise and generous; we must help the Filipinos to master the difficult art of self-control, which is simply another name for self-government. But we can not give them self-government save in the sense of governing them so that gradually they may, if they are able, learn to govern themselves. Under the present system of just laws and sympathetic administration, we have every reason to believe that they are gradually acquiring the character which lies at the basis of self-government, and for which, if it be lacking, no system of laws, no paper constitution, will in any wise serve as a substitute. Our people in the Philippines have achieved what may legitimately be called a marvelous success in giving to them a government which marks on the part of those in authority both the necessary understanding of the people and the necessary purpose to serve them disinterestedly and in good faith. I trust that within a generation the time will arrive when the Philippines can decide for themselves whether it is well for them to become independent, or to continue under the protection of a strong and disinterested power, able to guarantee to the islands order at home and protection from foreign invasion. But no one can prophesy the exact date when it will be wise to consider independence as a fixed and definite policy. It would be worse than folly to try to set down such a date in advance, for it must depend upon the way in which the Philippine people themselves develop the power of self-mastery.

PORTO RICO.

I again recommend that American citizenship be conferred upon the people of Porto Rico.

CUBA.

In Cuba our occupancy will cease in about two months' time; the Cubans have in orderly manner elected their own governmental authorities, and the island will be turned over to them. Our occupation on this occasion has lasted a little over two years, and Cuba has thriven and prospered under it. Our earnest hope and one desire is that the people of the island shall now govern themselves with justice, so that peace and order may be secure. We will gladly help them to this end; but I would solemnly warn them to remember the great truth that the only way a people can permanently avoid being governed from without is to show that they both can and will govern themselves from within.

JAPANESE EXPOSITION.

The Japanese Government has postponed until 1917 the date of the great international exposition, the action being taken so as to insure ample time in which to prepare to make the exposition all that it should be made. The American commissioners have visited Japan and the postponement will merely give ampler opportunity for America to be represented at the exposition. Not since the first international exposition has there been one of greater importance than this will be, marking as it does the fiftieth anniversary of the ascension to the throne of the Emperor of Japan. The extraordinary leap to a foremost place among the nations of the world made by Japan during this half century is something unparalleled in all previous history. This exposition will fitly commemorate and signalize the giant progress that has been achieved. It is the first exposition of its kind that has ever been held in Asia. The United States, because of the ancient friendship between the two peoples, because each of us fronts on the Pacific, and because of the growing commercial relations between this country and Asia, takes a peculiar interest in seeing the exposition made a success in every way.

I take this opportunity publicly to state my appreciation of the way in which in Japan, in Australia, in New Zealand, and in all the States of South America, the battle fleet has been received on its practice voyage around the world. The American Government can not too strongly express its appreciation of the abounding and generous hospitality shown our ships in every port they visited.

THE ARMY.

As regards the Army I call attention to the fact that while our junior officers and enlisted men stand very high, the present system of promotion by seniority results in bringing into the higher grades many men of mediocre capacity who have but a short time to serve. No man should regard it as his vested right to rise to the highest rank in the Army any more than in any other profession. It is a curious and by no means creditable fact that there should be so often a failure on the part of the public and its representatives, to understand the great need, from the standpoint of the service and the Nation, of refusing to promote respectable, elderly incompetents. The higher places should be given to the most deserving men without regard to seniority; at least seniority should be treated as only one consideration. In the stress of modern industrial competition no business firm could succeed if those responsible for its management were chosen simply on the ground that they were the oldest people in its employment; yet this is the course advocated as regards the Army, and required by law for all grades except those of general officer. As a matter of fact, all of the best officers in the highest ranks of the Army are those who have attained their present position wholly or in part by a process of selection.

The scope of retiring boards should be extended so that they could consider general unfitness to command for any cause, in order to secure a far more rigid enforcement than at present in the elimination of officers for mental, physical or temperamental disabilities. But this plan is recommended only if the Congress does not see fit to provide what in my judgment is far better; that is, for selection in promotion, and for elimination for age. Officers who fail to attain a certain rank by a certain age should be retired—for instance, if a man should not attain field rank by the time he is 45 he should of course be placed on the retired list. General officers should be selected as at present, and one-third of the other promotions should be made by selection, the selection to be made by the President or the Secretary of War from a list of at least two candidates proposed for each vacancy by a board of officers from the arm of the service from which the promotion is to be made. A bill is now before the Congress having for its object to secure the promotion of officers to various grades at reasonable ages through a process of selection, by boards of officers, of the least efficient for retirement with a percentage of their pay depending upon length of service. The bill, although not accomplishing all that should be done, is a long step in the right direction; and I earnestly recommend its passage, or that of a more completely effective measure.

The cavalry arm should be reorganized upon modern lines. This is an arm in which it is peculiarly necessary that the field officers should not be old. The cavalry is much more difficult to form than infantry, and it should be kept up to the maximum both in efficiency and in strength, for it can not be made in a hurry. At present both infantry and artillery are too few in number for our needs. Especial attention should be paid to development of the machine gun. A general service corps should be established. As things are now the average soldier has far too much labor of a nonmilitary character to perform.

NATIONAL GUARD.

Now that the organized militia, the National Guard, has been incorporated with the Army as a part of the national forces, it behooves the Government to do every reasonable thing in its power to perfect its efficiency. It should be assisted in its instruction and otherwise aided more liberally than heretofore. The continuous services of many well-trained regular officers will be essential in this connection. Such officers must be specially trained at service schools best to qualify them as instructors of the National Guard. But the detailing of officers for training at the service schools and for duty with the National Guard entails detaching them from their regiments which are already greatly depleted by detachment of officers for assignment to duties prescribed by acts of the Congress.

A bill is now pending before the Congress creating a number of extra officers in the Army, which if passed, as it ought to be, will enable more officers to be trained as instructors of National Guard and assigned to that duty. In case of war it will be of the utmost importance to have a large number of trained officers to use for turning raw levies into good troops.

There should be legislation to provide a complete plan for organizing the great body of volunteers behind the Regular Army and National Guard when war has come. Congressional assistance should be given those who are endeavoring to promote rifle practice so that our men, in the services or out of them, may know how to use the rifle. While teams representing the United States won the rifle and revolver championships of the world against all comers in England this year, it is unfortunately true that the great body of our citizens shoot less and less as time goes on. To meet this we should encourage rifle practice among schoolboys, and indeed among all

classes, as well as in the military services, by every means in our power. Thus, and not otherwise, may we be able to assist in preserving the peace of the world. Fit to hold our own against the strong nations of the earth, our voice for peace will carry to the ends of the earth. Unprepared, and therefore unfit, we must sit dumb and helpless to defend ourselves, protect others, or preserve peace. The first step—in the direction of preparation to avert war if possible, and to be fit for war if it should come—is to teach our men to shoot.

THE NAVY.

I approve the recommendations of the General Board for the increase of the Navy, calling especial attention to the need of additional destroyers and colliers, and above all, of the four battleships. It is desirable to complete as soon as possible a squadron of eight battleships of the best existing type. The *North Dakota*, *Delaware*, *Florida*, and *Utah* will form the first division of this squadron. The four vessels proposed will form the second division. It will be an improvement on the first, the ships being of the heavy, single caliber, all big gun type. All the vessels should have the same tactical qualities, that is, speed and turning circle, and as near as possible these tactical qualities should be the same as is in the four vessels before named now being built.

I most earnestly recommend that the General Board be by law turned into a General Staff. There is literally no excuse whatever for continuing the present bureau organization of the Navy. The Navy should be treated as a purely military organization, and everything should be subordinated to the one object of securing military efficiency. Such military efficiency can only be guaranteed in time of war if there is the most thorough previous preparation in time of peace—a preparation, I may add, which will in all probability prevent any need of war. The Secretary must be supreme, and he should have as his official advisers a body of line officers who should themselves have the power to pass upon and coordinate all the work and all the proposals of the several bureaus. A system of promotion by merit, either by selection or by exclusion, or by both processes, should be introduced. It is out of the question, if the present principle of promotion by mere seniority is kept, to expect to get the best results from the higher officers. Our men come too old, and stay for too short a time, in the high command positions.

Two hospital ships should be provided. The actual experience of the hospital ship with the fleet in the Pacific has shown the invaluable work which such a ship does, and has also proved that it is well to have it kept under the command of a medical officer. As was to be expected, all of the anticipations of trouble from such a command have proved completely baseless. It is as absurd to put a hospital ship under a line officer as it would be to put a hospital on shore under such a command. This ought to have been realized before, and there is no excuse for failure to realize it now.

Nothing better for the Navy from every standpoint has ever occurred than the cruise of the battle fleet around the world. The improvement of the ships in every way has been extraordinary, and they have gained far more experience in battle tactics than they would have gained if they had stayed in the Atlantic waters. The American people have cause for profound gratification, both in view of the excellent condition of the fleet as shown by this cruise, and in view of the improvement the cruise has worked in this already high condition. I do not believe that there is any other service in the world in which the average of character and efficiency in the enlisted men is as high as is now the case in our own. I believe that the same statement can be made as to our officers, taken as a whole; but there must be a reservation made in regard to those in the highest ranks—as to which I have already spoken—and in regard to those who have just entered the service; because we do not now get full benefit from our excellent naval school at Annapolis. It is absurd not to graduate the midshipmen as ensigns; to keep them for two years in such an anomalous position as at present the law requires is detrimental to them and to the service. In the academy itself, every first classman should be required to turn to serve as petty officer and officer; his ability to discharge his duties as such should be a prerequisite to his going into the line, and his success in commanding should largely determine his standing at graduation. The Board of Visitors should be appointed in January, and each member should be required to give at least six days' service, only from one to three days' to be performed during June week, which is the least desirable time for the board to be at Annapolis so far as benefiting the Navy by their observations is concerned.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *Tuesday, December 8, 1908.*

The VICE-PRESIDENT. The message will be printed and lie on the table.

HULL CITY PLACER MINING CLAIM.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Mines and Mining and ordered to be printed:

To the Senate of the United States:

In response to Senate resolution No. 207, of May 29, 1908, as follows:

"Whereas on the 5th day of February, 1898, patent was issued to W. S. Montgomery and others for the Hull City placer mining claim, situate in the Pueblo (Colo.) land district; and

"Whereas it is alleged said patent was secured through bribery, perjury, and subornation of perjury, and other wrongful acts on the part of those securing said patent; and

"Whereas the attention of the Interior Department and Department of Justice has been called to the aforesaid charges and proof of said wrongful acts furnished said departments, and no action has been taken thereon: Therefore be it

"*Resolved*, That the Secretary of the Interior and the Attorney-General of the United States be, and they are hereby, directed to transmit to the Senate of the United States all correspondence of every kind and description between any officer, agent, or employee of the United States Government and any other person or persons whomsoever, pertaining or appertaining to said matter."

I transmit herewith a communication from the Attorney-General, which sets forth all the facts of any importance contained in the correspondence called for by the resolution. There are a great number of documents, altogether too many for the department to be able to copy with its present force of clerks. To have these documents copied would, in my judgment, necessitate a wasteful expenditure of public money which ought not to be incurred until the attention of the Senate has been specifically called to the facts. If after consideration of the facts the Senate feels that the documents should be copied, an appropriation should be made for that purpose.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 8, 1908.*

JUVENILE COURT OF THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on the District of Columbia and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the Second Annual Report of the Juvenile Court of the District of Columbia, with accompanying papers, for the consideration of the Congress.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 8, 1908.*

RELATIONS WITH COLOMBIA.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate:

I transmit herewith the accompanying papers in response to the resolution of the Senate of May 5, 1908, requesting the President, if not in his judgment incompatible with the interests of the public service, to communicate to the Senate all correspondence since January 18, 1904, relative to any further request by Colombia for arbitration, if such request was made, and any response of this Government thereto.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 8, 1908.*

PLAZUELA SUGAR COMPANY, PORTO RICO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and section 2 of the joint resolution amending said act, approved May 1, 1900, I transmit herewith copy of a franchise granted by the executive council of Porto Rico, entitled "An ordinance granting to the Plazuela Sugar Company the right to construct, maintain, and operate a pier on the sea front at 'Palmas Altas,' in the municipal district of Manati."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 8, 1908.*

GOVERNMENT EMPLOYEES IN PANAMA.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Interoceanic Canals and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the report of the special commission appointed by me to investigate conditions of labor and housing of government employees on the Isthmus of Panama. The commission made careful and extended inspection of the workshops and living quarters of the employees and conferred with representatives from all classes of workmen employed by the Isthmian Canal Commission and the Panama Railroad. After a thorough investigation the commission state that "The general sentiment of the workers was expressed in the words of a mechanic in one of the conferences which we held with representatives of different trades: 'We want it understood that we are American citizens and that we are proud to have a share in this great work. We

believe the Government is treating us right, and we are as much interested to see this thing a success as anyone.' This spirit of loyalty and interest in the work was evinced on many occasions and should be accounted an asset of the highest value to the Government in the accomplishment of its colossal task. The American people are entitled to just pride in the standard set by their Government for the treatment of the workers and the loyal service which has been the appropriate result."

The commission expresses the hope that "the liberal and progressive policy adopted in civil administration, in education, and in the care and treatment of employees of all races will be maintained and that progress and improvement will be the watchword to the end." I am glad that the official reports previously received are confirmed by these unprejudiced investigators.

The commission submitted valuable recommendations regarding minor defects of the service. Such of these as come under executive authority I have ordered put into effect as far as possible. But I would call the attention of the Congress to the recommendation that the liberal housing policy of the administration be continued as an essential condition of the industrial efficiency of the employees.

I especially urge your favorable consideration of the recommendation to make a more liberal provision for employees permanently disabled in work on the Isthmian Canal. In the event of permanent disablement those engaged in this great national enterprise should receive as generous treatment as is accorded to those who have been disabled in the defense of their country. After faithful and hazardous service these workers should not, when disabled, become public charges in almshouses or burdens upon relatives unable to provide for their support.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 8, 1908.*

VOLUNTEER ARMY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Military Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the draft of a bill intended to replace the present law under which the United States in time of emergency would proceed to raise a volunteer army. What we now have on the statute books was placed there piecemeal and hurriedly, partly on the eve of the war with Spain and partly after hostilities had actually commenced.

Everyone familiar with the existing law is aware that it is faulty and wholly inadequate to a speedy and proper organization of a volunteer force, and that in part it has become obsolete through recent legislation affecting the organized militia. This proposed measure was drawn up under the supervision of the Chief of Staff and has the hearty approval of the War Department. It is a carefully prepared draft embodying as much of the existing law as seems wise and designed to afford the complete machinery by which, should we be confronted with a foreign war, the executive power could proceed at once to transform enthusiastic and patriotic citizens into efficient and organized soldiers. Happily there is at present no cloud upon our horizon, but that very fact affords us the best opportunity to proceed with deliberation and care in the preparation of laws adequate and indispensable for our possible war needs.

This measure would not call for a dollar's expenditure during the years of peace, and its enactment into law now would merely be to place at the disposition of the executive power machinery whereby, should war threaten, the means to wage it could be swiftly brought into being. To do this, however, requires not merely adequate legislative provision. Grounded upon the law there must be a vast mass of detail wrought into a comprehensive plan and ready upon the instant to be set into motion. The Congress has provided a General Staff Corps and built for the War College a permanent and beautiful home, and the next logical step is to pass a comprehensive volunteer act to the end that the existing agencies may work out in advance the details of its execution.

The proposed bill is elastic: Under its provisions a force of 2,000,000 men could be raised as well as one of 50,000. In making a volunteer army a sufficient staff is indispensable at the start, since without it organization can not proceed. This bill provides for this need and for every other matter connected with raising a volunteer force which it is thought wise to incorporate in the law. It was prepared under the direction of Mr. Taft when Secretary of War, and has, therefore, the approval of the gentleman who is to be my successor as Commander in Chief, and I trust it may commend itself to the favorable consideration of the Congress as it has to mine.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 8, 1908.*

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened.

JOINT INAUGURAL COMMITTEE.

Mr. KNOX, from the Committee on Rules, reported the following concurrent resolution, which was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect of the United States on the 4th day of March next.

BILL INTRODUCED.

Mr. CULLOM introduced a bill (S. 7274) to create in the War and Navy departments, respectively, a roll to be known as the "Civil war officers' annuity honor roll," to authorize placing thereon with pay certain surviving officers who served in the Volunteer or Regular Army, Navy, or Marine Corps of the United States in the civil war, and who are not now on the retired list of the Regular Army, Navy, or Marine Corps, and for other purposes, which was read twice by its title and referred to the Committee on Military Affairs.

DEATH OF REPRESENTATIVES PARKER, WILEY, AND POWERS.

Mr. GAMBLE. Mr. President, I submit the resolution which I send to the desk and ask for its adoption.

The resolution was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. WILLIAM H. PARKER, late a Representative from the State of South Dakota.

Mr. JOHNSTON submitted the following resolution, which was read, considered by unanimous consent, and unanimously agreed to:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. ARIOSTO A. WILEY, late a Representative from the State of Alabama.

Mr. GALLINGER. Mr. President, I venture to inquire if there are other resolutions of a similar nature to be offered. If not, in behalf of the senior Senator from Maine [Mr. HALE], I offer the following resolutions.

The VICE-PRESIDENT. The resolutions submitted by the Senator from New Hampshire will be read by the Secretary.

The resolutions were read, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. LLEWELLYN POWERS, late a Representative from the State of Maine.

Resolved, That as an additional mark of respect to the memory of those Representatives whose deaths have been announced the Senate do now adjourn.

The VICE-PRESIDENT. The question is on agreeing to the resolutions submitted by the Senator from New Hampshire.

The resolutions were unanimously agreed to; and (at 2 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, December 9, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 8, 1908.

SUPERVISING INSPECTOR OF STEAM VESSELS.

Daniel J. Dougherty, of Pennsylvania, who was appointed August 7, 1908, during the recess of the Senate, to be supervising inspector of steam vessels for the seventh district, in the Steamboat-Inspection Service, Department of Commerce and Labor.

CONSULS-GENERAL.

John P. Bray, of North Dakota, lately consul-general at Melbourne, to be consul-general of the United States of class 4 at Sydney, New South Wales, Australia, to which office he was transferred during the last recess of the Senate, to fill an original vacancy.

Hector de Castro, of New York, lately consul-general at Rome, to be consul-general of the United States of class 5 at Zurich, Switzerland, to which office he was transferred during the last recess of the Senate, vice Adam Lieberknecht, declined transfer.

Ernest L. Harris, of Illinois, lately consul of class 6 at Smyrna, to be consul-general of the United States of class 6 at Smyrna, Turkey, to which office he was promoted during the last recess of the Senate, to fill an original vacancy.

John Edward Jones, of the District of Columbia, lately consul of class 6 at Winnipeg, to be consul-general of the United States of class 5 at Winnipeg, Manitoba, Canada, to which office he was promoted during the last recess of the Senate, to fill an original vacancy.

Paul Nash, of New York, lately consul at Rheims, to be consul-general of the United States of class 6 at Budapest, Hungary, to which office he was promoted during the last recess of the Senate, vice Frank Dyer Chester, resigned.

James A. Smith, of Vermont, lately consul-general of class 5 at Boma, to be consul-general of the United States of class 5 at Genoa, Italy, to which office he was transferred during the last recess of the Senate, to fill an original vacancy.

Hunter Sharp, of North Carolina, lately consul of class 3 at Kobe, to be consul-general of the United States of class 4 at Moscow, Russia, to which office he was promoted during the last recess of the Senate, vice Samuel Smith, recalled.

Robert P. Skinner, of Ohio, lately consul-general of class 4 at Marseille, to be consul-general of the United States of class 2 at Hamburg, Germany, to which office he was promoted during the last recess of the Senate, vice Hugh Pitcairn, recalled.

George N. West, of the District of Columbia, lately consul of class 7 at Sydney, Nova Scotia, to be consul-general of the United States of class 5 at Vancouver, British Columbia, Canada, to which office he was promoted during the last recess of the Senate, vice L. Edwin Dudley, recalled.

Horace Lee Washington, of the District of Columbia, lately consul-general at large, to be consul-general of the United States of class 4 at Marseille, France, to which office he was promoted during the last recess of the Senate, vice Robert P. Skinner, promoted to be consul-general of class 2 at Hamburg.

CONSULS.

Joseph M. Authier, of Rhode Island, lately consul of class 9 at St. Hyacinthe, to be consul of the United States of class 9 at Guadeloupe, West Indies, to which office he was transferred during the last recess of the Senate, vice G. Jarvis Bowens, resigned.

George B. Anderson, of the District of Columbia, lately consul of class 9 at Antigua, to be consul of the United States of class 8 at Martinique, West Indies, to which office he was promoted during the last recess of the Senate, vice Chester W. Martin, promoted to be consul of class 7 at Barbados.

George A. Bucklin, jr., of Oklahoma, lately consul of class 9 at Glauchau, to be consul of the United States of class 8 at San Luis Potosi, Mexico, to which office he was promoted during the last recess of the Senate, to fill an original vacancy.

William Bardel, of New York, lately consul at Bamberg, to be consul of the United States of class 6 at Rheims, France, to which office he was promoted during the last recess of the Senate, vice Paul Nash, promoted to be consul-general of class 6 at Budapest.

Robert S. S. Bergh, of North Dakota, lately consul of class 7 at Mainz, to be consul of the United States of class 7 at Belgrade, Servia, to which office he was transferred during the last recess of the Senate, vice Maxwell K. Moorhead, transferred and appointed to be consul of class 8 at Acapulco.

David R. Birch, of Pennsylvania, lately consul at Genoa, to be consul of the United States of class 6 at Alexandria, Egypt, to which office he was transferred during the last recess of the Senate, to fill an original vacancy.

Orlando H. Baker, of Iowa, lately consul at Sydney, New South Wales, to be consul of the United States of class 7 at Sandakan, British North Borneo, to which office he was transferred during the last recess of the Senate, vice Lester Maynard, promoted to be consul of class 6 at Vladivostok.

Wallace C. Bond, of Wyoming, lately consul of class 8 at Aden, to be consul of the United States of class 7 at Karachi, India, to which office he was promoted during the last recess of the Senate, to fill an original vacancy.

Chapman Coleman, of Kentucky, lately consul at Roubaix, to be consul of the United States of class 6 at Rome, Italy, to which office he was promoted during the last recess of the Senate, to fill an original vacancy.

Edward A. Creevey, of Connecticut, lately consul of class 7 at Colombo, to be consul of the United States of class 7 at St. Michaels, Azores, to which office he was transferred during the last recess of the Senate, vice John F. Jewell, transferred and appointed to be consul of class 7 at Melbourne.

Arthur J. Clare, of the District of Columbia, lately consul of class 7 at Barbados, to be consul of the United States of class 6 at Georgetown, Guiana, to which office he was promoted during the last recess of the Senate, vice Selah Merrill, transferred and appointed consul of class 8 at Stettin.

William Coffin, of Kentucky, lately consul of class 9 at Maskat, to be consul of the United States of class 8 at Tripoli, Tripoli, to which office he was promoted during the last recess of the Senate, to fill an original vacancy.

Frederick D. Cloud, of Iowa, lately a student interpreter at the legation to China, to be consul of the United States of class 8 at Antung, China, to which office he was promoted during the last recess of the Senate, to fill an original vacancy.

Herando de Soto, of California, lately consul at Warsaw, to be consul of the United States of Class 7 at Riga, Russia, to which office he was promoted during the last recess of the Senate, vice Alexander Heingartner, promoted to be consul at Batum.

Harry P. Dill, of Maine, lately consul of class 8 at Port Hope, to be consul of the United States of class 8 at Orillia, Ontario, Canada, to which office he was transferred during the last recess of the Senate, vice Ernest A. Wakefield, promoted to be consul of class 6 at Rangoon.

Frank C. Denison, of Vermont, lately consul of class 9 at Woodstock, to be consul of the United States of class 9 at Fernie, British Columbia, Canada, to which office he was transferred during the last recess of the Senate, to fill an original vacancy.

John Fowler, of Massachusetts, lately consul-general at Chefoo, to be consul of the United States of class 4 at Chefoo, China, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

Percival Gassett, of the District of Columbia, to be consul of the United States of class 8 at Jeres de la Frontera, Spain, to which office he was appointed during the last recess of the Senate, vice Hilary S. Brunot, resigned.

Arthur Garrels, of Missouri, to be consul of the United States of class 8 at Zanzibar, Zanzibar, to which office he was appointed during the last recess of the Senate, vice Calvin F. Smith, resigned.

Edwin N. Gunsaulus, of Ohio, lately consul of class 6 at Rimouski, to be consul of the United States of class 3 at Johannesburg, Transvaal, to which office he was promoted during the last recess of the Senate, to fill an original vacancy.

Michael J. Hendrick, of New York, lately consul of class 9 at Belleville, to be consul of the United States of class 9 at Moncton, New Brunswick, Canada, to which office he was transferred during the last recess of the Senate, vice Gustave Beutelspacher, resigned.

Arminius T. Haeberle, of Missouri, to be consul of the United States of class 9 at Manzanillo, Mexico, to which office he was appointed during the last recess of the Senate, vice Carl F. Deichman, promoted to be consul of class 7 at Tamsui.

Joseph E. Haven, of Illinois, lately consul of class 8 at Crefeld, to be consul of the United States of class 8 at Roubaix, France, to which office he was transferred during the last recess of the Senate, vice Chapman Coleman, promoted to be consul of class 6 at Rome.

Alexander Heingartner, of Ohio, lately consul at Riga, to be consul of the United States of class 8 at Batum, Russia, to which office he was promoted during the last recess of the Senate, vice William W. Masterson, promoted to be consul of class 7 at Harput.

Percival Heintzleman, of Pennsylvania, lately a student interpreter at the legation to China, assigned to duty in the Division of Far Eastern Affairs, Department of State, to be consul of the United States of class 8 at Swatow, China, to which office he was promoted during the last recess of the Senate, vice Thomas W. Haskins, deceased.

George N. Ifft, of Idaho, lately consul of class 7 at Annaberg, to be consul of the United States of class 5 at Warsaw, Russia, to which office he was promoted during the last recess of the Senate, vice Hernando de Soto, promoted to be consul at Riga.

John F. Jewell, of Illinois, lately consul of class 7 at St. Michaels, to be consul of the United States of class 7 at Melbourne, Australia, to which office he was transferred during the last recess of the Senate, vice John P. Bray, transferred and appointed to be consul-general at Sydney, New South Wales.

George H. Jackson, of Connecticut, lately consul of class 8 at La Rochelle, to be consul of the United States of class 8 at Cognac, France, to which office he was transferred during the last recess of the Senate, to fill an original vacancy.

Douglas Jenkins, of South Carolina, to be consul of the United States of class 9 at St. Pierre, St. Pierre Island, to which office he was appointed during the last recess of the Senate, vice Charles M. Freeman, transferred and appointed to be consul of class 9 at Durango.

Jesse B. Jackson, of Ohio, lately consul of class 8 at Alexandretta, to be consul of the United States of class 7 at Aleppo, Turkey, to which office he was promoted during the last recess of the Senate, to fill an original vacancy.

John E. Kehl, of Ohio, lately consul of class 8 at Stettin, to be consul of the United States of class 7 at Sydney, Nova Scotia, to which office he was promoted during the last recess of the Senate, vice George N. West, promoted to be consul-general of class 5 at Vancouver.

Will L. Lowrie, of Illinois, lately consul of class 8 at Weimar, to be consul of the United States of class 8 at Erfurt, Germany, to which office he was transferred during the last recess of the Senate, to fill an original vacancy.

C. Ludlow Livingston, of Pennsylvania, to be consul of the United States of class 9 at Salina Cruz, Mexico, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

Alphonse J. Lespinasse, of New York, lately consul of class 9 at Tuxpam, to be consul of the United States of class 7 at Frontera, Mexico, to which office he was promoted during the last recess of the Senate, to fill an original vacancy.

William W. Masterson, of Kentucky, lately consul of class 8 at Batum, to be consul of the United States of class 7 at Harput, Turkey, to which office he was promoted during the last recess of the Senate, vice Evan E. Young, promoted to be consul of class 6 at Saloniki.

Chester W. Martin, of Michigan, lately consul of class 8 at Martinique, to be consul of the United States of class 7 at Barbados, West Indies, to which office he was promoted during the

last recess of the Senate, vice Arthur J. Clare, promoted to be consul of class 6 at Georgetown.

Robert E. Mansfield, of Indiana, lately consul of class 6 at Lucerne, to be consul of the United States of class 4 at St. Gall, Switzerland, to which office he was promoted during the last recess of the Senate, vice Silas C. McFarland, promoted to be consul-general at large.

Samuel E. Magill, of Illinois, lately consul-general at San Salvador, to be consul of the United States of class 6 at Guadalajara, Mexico, to which office he was transferred during the last recess of the Senate, to fill an original vacancy.

Frederick M. Ryder, of Connecticut, lately consul of class 6 at San Juan del Norte, to be consul of the United States of class 6 at Rimouski, Quebec, Canada, to which office he was transferred during the last recess of the Senate, vice Edwin N. Gunsaulus, promoted to be consul of class 3 at Johannesburg.

Samuel C. Reat, of Illinois, to be consul of the United States of class 9 at Port Louis, Mauritius, to which office he was appointed during the last recess of the Senate, vice Theodosius Botkin, transferred and appointed to be consul of class 9 at Campbellton.

James W. Ragsdale, of California, lately consul-general at St. Petersburg, to be consul of the United States of class 6 at St. Petersburg, Russia, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

John E. Rowen, of Iowa, lately consul of class 9 at Port Stanley, to be consul of the United States of class 7 at Punta Arenas, Chile, to which office he was promoted during the last recess of the Senate, to fill an original vacancy.

Augustus G. Seyfert, of Pennsylvania, lately consul of class 8 at Collingwood, to be consul of the United States of class 8 at Owen Sound, Ontario, Canada, to which office he was transferred during the last recess of the Senate, to fill an original vacancy.

John H. Snodgrass, of West Virginia, lately consul of class 3 at Pretoria, to be consul of the United States of class 3 at Kobe, Japan, to which office he was transferred during the last recess of the Senate, vice Hunter Sharp, promoted to be consul-general of class 4 at Moscow.

Nathaniel B. Stewart, of Georgia, lately consul of class 9 at Castellamare di Stabia, to be consul of the United States of class 7 at Madras, India, to which office he was promoted during the last recess of the Senate, to fill an original vacancy.

Clarence Rice Slocum, of New York, lately consul of class 8 at Zittau, to be consul of the United States of class 6 at Fiume, Hungary, to which office he was promoted during the last recess of the Senate, to fill an original vacancy.

Ralph J. Totten, of Tennessee, to be consul of the United States of class 9 at Puerto Plata, Dominican Republic, to which office he was appointed during the last recess of the Senate, vice William H. Gale, promoted to be consul of class 8 at Malta.

William C. Teichmann, of Missouri, lately consul of class 8 at Eibenstock, to be consul of the United States of class 7 at Colombo, Ceylon, to which office he was promoted during the last recess of the Senate, vice Edward A. Creevey, transferred and appointed to be consul of class 7 at St. Michaels.

Ernest A. Wakefield, of Maine, lately consul of class 8 at Orillia, to be consul of the United States of class 6 at Rangoon, India, to which office he was promoted during the last recess of the Senate, to fill an original vacancy.

Evan E. Young, of South Dakota, lately consul of class 7 at Harput, to be consul of the United States of class 6 at Saloniki, Turkey, to which office he was promoted during the last recess of the Senate, to fill an original vacancy.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. Francis Adelbert Levis to be captain in the Revenue-Cutter Service of the United States, to rank as such from April 25, 1908, in place of Worth Gwynn Ross, promoted. Mr. Levis is now serving under a temporary commission issued during the recess of the Senate.

Second Lieut. Benjamin Little Brockway to be first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from January 22, 1908, in place of Frederick Jules Haake, promoted. Mr. Brockway is now serving under a temporary commission issued during the recess of the Senate.

Second Lieut. John Boedeker to be first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from March 9, 1908, in place of George Metcalf Daniels, promoted. Mr. Boedeker is now serving under a temporary commission issued during the recess of the Senate.

Second Lieut. Harold Dale Hinckley to be first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from January 1, 1908, in place of George Creighton Carmine, promoted. Mr. Hinckley is now serving under a temporary commission issued during the recess of the Senate.

Second Lieut. Charles Frederic Howell to be first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from April 7, 1908, in place of Detlef Frederick Argentino de Otte, promoted. Mr. Howell is now serving under a temporary commission issued during the recess of the Senate.

Second Lieut. William Henry Munter to be first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from April 22, 1908, in place of Francis Saltus Van Boskerck, promoted. Mr. Munter is now serving under a temporary commission issued during the recess of the Senate.

Second Lieut. John Lovejoy Maher to be first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from April 25, 1908, in place of Francis Adelbert Levis, promoted. Mr. Maher is now serving under a temporary commission issued during the recess of the Senate.

Second Lieut. William Ambrose O'Malley to be first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from October 26, 1908, in place of Colin Samuel Craig, deceased. Mr. O'Malley is now serving under a temporary commission issued during the recess of the Senate.

Second Lieut. Henry William Pope to be first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from December 15, 1907, in place of Charles Thomas Brian, retired. Mr. Pope is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. Wales Alfred Benham to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from January 22, 1908, in place of Benjamin Little Brockway, promoted. Mr. Benham is now serving under a temporary commission issued during a recess of the Senate.

Third Lieut. Joseph Tillotson Drake to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from September 4, 1907, in place of James Freeman Hottel, promoted. Mr. Drake is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. John Jenkins Hutson to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from April 16, 1908, to fill a vacancy created by the act of Congress approved April 16, 1908. Mr. Hutson is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. Raymond Lockwood Jack to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from March 9, 1908, in place of John Boedeker, promoted. Mr. Jack is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. Chester Hardy Jones to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from April 16, 1908, to fill a vacancy created by the act of Congress approved April 16, 1908. Mr. Jones is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. John Farrell McGourty to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from April 7, 1908, in place of Charles Frederic Howell, promoted. Mr. McGourty is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. Fred Arthur Nichols to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from April 16, 1908, to fill a vacancy created by the act of Congress approved April 16, 1908. Mr. Nichols is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. Philip Francis Roach to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from January 1, 1908, in place of Harold Dale Hinckley, promoted. Mr. Roach is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. Thomas Andrew Shanley to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from December 15, 1907, in place of Henry William Pope, promoted. Mr. Shanley is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. Charles Frederic Seiter to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from April 16, 1908, to fill a vacancy created by the act of Congress approved April 16, 1908. Mr. Seiter is now serving under a temporary commission issued during the recess of the Senate.

First Lieut. of Engineers Frederick Elias Owen to be senior engineer in the Revenue-Cutter Service of the United States, to rank as such from July 1, 1908, in place of John Richard Dally, retired. Mr. Owen is now serving under a temporary commission issued during the recess of the Senate.

Second Lieut. of Engineers John Irvin Bryan to be first lieutenant of engineers in the Revenue-Cutter Service of the

United States, to rank as such from July 1, 1908, in place of Frederick Elias Owen, promoted. Mr. Bryan is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. of Engineers John Thomas Carr to be second lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from April 16, 1908, to fill a vacancy created by the act of Congress approved April 16, 1908. Mr. Carr is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. of Engineers Clarence James Curtiss to be second lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from April 16, 1908, to fill a vacancy created by the act of Congress approved April 16, 1908. Mr. Curtiss is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. of Engineers Webb Cudworth Maglathlin to be second lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from April 25, 1908, in place of Charles Augustus Wheeler, promoted. Mr. Maglathlin is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. of Engineers Whitney Matthews Prall to be second lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from July 1, 1908, in place of John Irvin Bryan, promoted. Mr. Prall is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. of Engineers Albert Frank Patterson to be second lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from April 16, 1908, to fill a vacancy created by the act of Congress approved April 16, 1908. Mr. Patterson is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. of Engineers Frederick Harvey Young to be second lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from April 16, 1908, to fill a vacancy created by the act of Congress approved April 16, 1908. Mr. Young is now serving under a temporary commission issued during the recess of the Senate.

Cadet Engineer Frank Everett Bagger, of New York, to be third lieutenant of engineers in the Revenue-Cutter Service of the United States. Mr. Bagger is now serving under a temporary commission issued during the recess of the Senate.

Cadet Engineer Alvan Hovey Bixby, of Massachusetts, to be third lieutenant of engineers in the Revenue-Cutter Service of the United States. Mr. Bixby is now serving under a temporary commission issued during the recess of the Senate.

Cadet Engineer Martin Augustus Doyle, of Virginia, to be third lieutenant of engineers in the Revenue-Cutter Service of the United States. Mr. Doyle is now serving under a temporary commission issued during the recess of the Senate.

Cadet Engineer Philip Bently Eaton, of Connecticut, to be third lieutenant of engineers in the Revenue-Cutter Service of the United States. Mr. Eaton is now serving under a temporary commission issued during the recess of the Senate.

Cadet Engineer Norman Brierley Hall, of New York, to be third lieutenant of engineers in the Revenue-Cutter Service of the United States. Mr. Hall is now serving under a temporary commission issued during the recess of the Senate.

Cadet Engineer Sydney Baxter Orne, of Maine, to be third lieutenant of engineers in the Revenue-Cutter Service of the United States. Mr. Orne is now serving under a temporary commission issued during the recess of the Senate.

Cadet Engineer Hugh Burton Robinson, of New York, to be third lieutenant of engineers in the Revenue-Cutter Service of the United States. Mr. Robinson is now serving under a temporary commission issued during the recess of the Senate.

Cadet Engineer Thomas Homer Yeager, of Virginia, to be third lieutenant of engineers in the Revenue-Cutter Service of the United States. Mr. Yeager is now serving under a temporary commission issued during the recess of the Senate.

COLLECTORS OF CUSTOMS.

John R. Willis, of Alaska, to be collector of customs for the district of Alaska, in the Territory of Alaska, in place of Clarence L. Hobart, resigned. This appointment to take effect not earlier than December 31, 1908.

Walter T. Blake, of California, to be collector of customs for the district of San Diego, in the State of California, in place of Frank W. Barnes, deceased.

Sherman T. Newton, of New Hampshire, to be collector of customs for the district of Portsmouth, in the State of New Hampshire. (Reappointment.)

John F. O'Brien, of New York, to be collector of customs for the district of Champlain, in the State of New York, in place of Walter C. Witherbee, resigned. Mr. O'Brien is now serving under a temporary commission issued during the recess of the Senate.

Charles A. Judson, of Ohio, to be collector of customs for the district of Sandusky, in the State of Ohio. Mr. Judson's term of office expired April 29, 1908, and he held over under his commission dated April 30, 1904, until September 29, 1908, when he was reappointed by a temporary commission, under which he is now serving.

William D. Crum, of South Carolina, to be collector of customs for the district of Charleston, in the State of South Carolina. (Reappointment.)

SURVEYORS OF CUSTOMS.

J. Frank Taylor, of Kentucky, to be surveyor of customs for the port of Louisville, in the State of Kentucky, in place of William G. Dearing, resigned. Mr. Taylor is now serving under a temporary commission issued during the recess of the Senate.

Oscar I. Robbins, of Ohio, to be surveyor of customs for the port of Dayton, in the State of Ohio. Mr. Robbins's term of office expired April 29, 1908, and he held over under his commission dated April 30, 1904, until September 1, 1908, when he was reappointed by a temporary commission, under which he is now serving.

PASSED ASSISTANT SURGEONS, MARINE-HOSPITAL SERVICE.

Asst. Surg. George L. Collins to be passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 9, 1908. Mr. Collins is now serving under a temporary commission issued during the recess of the Senate.

Asst. Surg. Harvey G. Ebert to be passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 9, 1908. Mr. Ebert is now serving under a temporary commission issued during the recess of the Senate.

Asst. Surg. Herbert M. Manning to be passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 9, 1908. Mr. Manning is now serving under a temporary commission issued during the recess of the Senate.

Asst. Surg. Norman Roberts to be passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 9, 1908. Mr. Roberts is now serving under a temporary commission issued during the recess of the Senate.

Asst. Surg. Ernest A. Sweet to be passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 28, 1908. Mr. Sweet is now serving under a temporary commission issued during the recess of the Senate.

Asst. Surg. Robert D. Spratt to be passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 9, 1908. Mr. Spratt is now serving under a temporary commission issued during the recess of the Senate.

Asst. Surg. Frederick C. Smith to be passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 9, 1908. Mr. Smith is now serving under a temporary commission issued during the recess of the Senate.

Asst. Surg. Thomas W. Salmon to be passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 9, 1908. Mr. Salmon is now serving under a temporary commission issued during the recess of the Senate.

Asst. Surg. William M. Wightman to be passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 25, 1908. Mr. Wightman is now serving under a temporary commission issued during the recess of the Senate.

ASSISTANT SURGEONS, MARINE-HOSPITAL SERVICE.

Randolph M. Grimm, of Virginia, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States. Mr. Brimm is now serving under a temporary commission issued during the recess of the Senate.

Paul Preble, of Maine, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States. Mr. Preble is now serving under a temporary commission issued during the recess of the Senate.

Joseph R. Ridlon, of Maine, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States. Mr. Ridlon is now serving under a temporary commission issued during the recess of the Senate.

MEMBERS OF THE BOARD OF CHARITIES.

George E. Hamilton, of the District of Columbia, to be a member of the Board of Charities of the District of Columbia for the term of three years from July 1, 1908, to which office he was appointed during the last recess of the Senate, vice Charles P. Neill, retired.

Myer Cohen, of the District of Columbia, to be a member of the Board of Charities of the District of Columbia for the term of three years from July 1, 1908, to which office he was reappointed during the last recess of the Senate.

George W. Cook, of the District of Columbia, to be a member of the Board of Charities of the District of Columbia for the term ending June 30, 1910, to which office he was appointed during the last recess of the Senate, vice George M. Lightfoot, resigned.

COMMISSIONER OF LABOR.

Charles P. Neill, of the District of Columbia, to be Commissioner of Labor, Department of Commerce and Labor. To take effect February 1, 1909. (Reappointment.)

ASSISTANT TREASURERS.

Gideon C. Bantz, of Maryland, to be assistant treasurer of the United States, in place of James F. Meline, deceased. Mr. Bantz is now serving under a temporary commission issued during the recess of the Senate.

George S. Terry, of New York, to be assistant treasurer of the United States, in place of Hamilton Fish, resigned.

DEPUTY ASSISTANT TREASURER.

William H. Gibson, of Pennsylvania, to be deputy assistant treasurer of the United States, in place of Gideon C. Bantz, promoted. Mr. Gibson is now serving under a temporary commission issued during the recess of the Senate.

DEPUTY COMPTROLLER OF THE CURRENCY.

Willis J. Fowler, of Indiana, to be Deputy Comptroller of the Currency. New office created by act of Congress approved May 22, 1908. Mr. Fowler is now serving under a temporary commission issued during the recess of the Senate.

MELTER AND REFINER OF THE MINT.

Edwin R. Leach, of California, to be melter and refiner of the mint of the United States at San Francisco, Cal., in place of Charles M. Gorham, resigned. Mr. Leach is now serving under a temporary commission issued during the recess of the Senate.

GENERAL APPRAISER OF MERCHANDISE.

Roy H. Chamberlain, of Iowa, to be general appraiser of merchandise, in place of Wilbur F. Lunt, deceased. Mr. Chamberlain is now serving under a temporary commission issued during the recess of the Senate.

COLLECTORS OF INTERNAL REVENUE.

Wanton A. Shippee, of California, to be collector of internal revenue for the fourth district of California, in place of Henry C. Bell, deceased. Mr. Shippee is now serving under a temporary commission issued during the recess of the Senate.

Malcolm J. McLeod, of Michigan, to be collector of internal revenue for the first district of Michigan, in place of David Meginnity, resigned. Mr. McLeod is now serving under a temporary commission issued during the recess of the Senate.

Bernhard Bettmann, of Ohio, to be collector of internal revenue for the first district of Ohio, in place of Herman F. Cellarius, resigned. Mr. Bettmann is now serving under a temporary commission issued during the recess of the Senate.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

H. Percival Dodge, of Massachusetts, lately envoy extraordinary and minister plenipotentiary to Honduras and Salvador, to be envoy extraordinary and minister plenipotentiary of the United States to Salvador, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

Philip M. Brown, of Massachusetts, lately secretary of the embassy at Constantinople, to be envoy extraordinary and minister plenipotentiary of the United States to Honduras, to which office he was promoted during the last recess of the Senate, vice William B. Sorsby, resigned.

William L. Merry, of California, lately envoy extraordinary and minister plenipotentiary to Nicaragua and Costa Rica, to be envoy extraordinary and minister plenipotentiary of the United States to Costa Rica, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

James F. Stutesman, of Indiana, to be envoy extraordinary and minister plenipotentiary of the United States to Bolivia, to which office he was appointed during the last recess of the Senate, vice William B. Sorsby, appointed envoy extraordinary and minister plenipotentiary to Honduras.

MINISTER RESIDENT AND CONSUL-GENERAL.

Hoffman Philip, of New York, lately secretary of the legation and consul-general at Tangier, to be minister resident and consul-general of the United States to Abyssinia, to which office he was promoted during the last recess of the Senate, to fill an original vacancy.

SECRETARIES OF EMBASSIES.

Lewis Einstein, of New York, lately second secretary of the embassy at Constantinople, to be secretary of the embassy of the United States at Constantinople, Turkey, to which office he was promoted during the last recess of the Senate, vice Philip M. Brown, promoted to be envoy extraordinary and minister plenipotentiary to Honduras.

John W. Garrett, of Maryland, lately second secretary of the embassy at Berlin, to be secretary of the embassy of the United States at Rome, Italy, to which office he was promoted during the last recess of the Senate, vice R. S. Reynolds Hitt, transferred and appointed secretary of the embassy at Berlin.

R. S. Reynolds Hitt, of Illinois, lately secretary of the embassy at Rome, to be secretary of the embassy of the United States at Berlin, Germany, to which office he was transferred during the last recess of the Senate, vice Spencer F. Eddy, promoted to be envoy extraordinary and minister plenipotentiary to the Argentine Republic.

Henry L. Janes, of Wisconsin, lately secretary of the legation at Santiago, to be secretary of the embassy of the United States at Rio de Janeiro, Brazil, to which office he was promoted during the last recess of the Senate, vice George L. Lorillard, transferred and appointed secretary of the legation at Lisbon.

William F. Sands, of the District of Columbia, lately secretary of the legation at Guatemala, to be secretary of the embassy of the United States at Mexico, Mexico, to which office he was promoted during the last recess of the Senate, vice John Gardner Coolidge, promoted to be envoy extraordinary and minister plenipotentiary to Nicaragua.

SECOND SECRETARIES OF EMBASSIES.

Joseph C. Grew, of Massachusetts, lately third secretary of the embassy at St. Petersburg, to be second secretary of the embassy of the United States at Berlin, Germany, to which office he was promoted during the last recess of the Senate, vice John W. Garrett, promoted to be secretary of the embassy at Rome.

John Van A. MacMurray, of New Jersey, lately secretary of the legation and consul-general at Bangkok, to be second secretary of the embassy of the United States at St. Petersburg, Russia, to which office he was transferred during the last recess of the Senate, vice Irwin B. Laughlin, transferred and appointed secretary of the legation to Greece and Montenegro.

A. Campbell Turner, of Missouri, lately second secretary of the legation at Habana, to be second secretary of the embassy at Mexico, Mexico, to which office he was promoted during the last recess of the Senate, vice Paxton Hibben, transferred and appointed secretary of the legation at Bogota.

William Blumenthal, of New York, lately third secretary of the embassy at Paris, to be second secretary of the embassy of the United States at Constantinople, Turkey, to which office he was promoted during the last recess of the Senate, vice Lewis Einstein, promoted to be secretary of the embassy at Constantinople.

THIRD SECRETARIES OF EMBASSIES.

Leland Harrison, of Illinois, to be third secretary of the embassy of the United States at Tokyo, Japan, to which office he was appointed during the recess of the Senate, to fill an original vacancy.

Henry Coleman May, of the District of Columbia, lately secretary of the legation at Panama, to be third secretary of the embassy at St. Petersburg, Russia, to which office he was transferred during the last recess of the Senate, vice Joseph C. Grew, promoted to be second secretary of the embassy at Berlin.

Arthur Orr, of Illinois, lately third secretary of the embassy at Berlin, to be third secretary of the embassy of the United States at London, England, to which office he was transferred during the last recess of the Senate, vice U. Grant Smith, promoted to be secretary of the legation at Santiago.

SECRETARIES OF LEGATIONS.

Frederic Ogden de Billier, of the District of Columbia, to be secretary of the legation of the United States at Teheran, Persia, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

Hugh S. Gibson, of California, to be secretary of the legation of the United States at Tegucigalpa, Honduras, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

John H. Gregory, jr., of Louisiana, lately secretary of the legation to Honduras and Salvador, to be secretary of the legation of the United States at Managua, Nicaragua, to which office he was transferred during the last recess of the Senate, to fill an original vacancy.

Paxton Hibben, of Indiana, lately second secretary of the embassy at Mexico, to be secretary of the legation of the United States at Bogota, Colombia, to which office he was transferred during the last recess of the Senate, vice William Heimké, promoted to be envoy extraordinary and minister plenipotentiary to Guatemala.

Philip M. Hoefele, of Missouri, former third secretary of the embassy at Mexico, to be secretary of the legation of the United States at Santo Domingo, Dominican Republic, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

Irwin B. Laughlin, of Pennsylvania, lately second secretary of the embassy at St. Petersburg, to be secretary of the legation to Greece and Montenegro, to which office he was transferred during the last recess of the Senate, vice Stanton Sickles.

George L. Lorillard, of Rhode Island, lately secretary of the embassy at Rio de Janeiro, to be secretary of the legation of the United States at Lisbon, Portugal, to which office he was transferred during the last recess of the Senate, vice Thomas Ewing Moore.

Jacob Sleeper, of Massachusetts, lately secretary of the legation at Caracas, to be secretary of the legation of the United States at Berne, Switzerland, to which office he was transferred during the last recess of the Senate, vice Paul Grand d'Hauteville, resigned.

U. Grant Smith, of Pennsylvania, lately third secretary of the embassy at London, to be secretary of the legation of the United States at Santiago, Chile, to which office he was promoted during the last recess of the Senate, vice Henry L. Janes, promoted to be secretary of the embassy at Rio de Janeiro.

Algernon Sartoris, of the District of Columbia, to be secretary of the legation at Guatemala, Guatemala, to which office he was appointed during the last recess of the Senate, vice William F. Sands, promoted to be secretary of the embassy at Mexico.

George T. Weitzel, of Missouri, lately secretary of the legation to Nicaragua and Costa Rica, to be secretary of the legation of the United States at Panama, Panama, to which office he was transferred during the last recess of the Senate, vice Henry Coleman May, transferred and appointed third secretary of the embassy at St. Petersburg.

SECOND SECRETARY OF LEGATION.

G. Cornell Tarler, of New York, to be second secretary of the legation of the United States at Habana, Cuba, to which office he was appointed during the last recess of the Senate, vice A. Campbell Turner, promoted to be second secretary of the embassy at Mexico.

SECRETARY OF LEGATION AND CONSUL-GENERAL.

Arthur Hugh Frazier, of Pennsylvania, to be secretary of the legation and consul-general of the United States at San Salvador, Salvador, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

COMMISSIONERS-GENERAL AT TOKYO.

Francis B. Loomis, of Ohio, to be a commissioner-general of the United States to the national exposition to be held at Tokyo in the year 1912, under the provisions of the act of Congress approved May 22, 1908, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

Francis D. Millet, of New York, to be a commissioner-general of the United States to the national exposition to be held at Tokyo in the year 1912, under the provisions of the act of Congress approved May 22, 1908, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

Frederick J. V. Skiff, of Illinois, to be a commissioner-general of the United States to the national exposition to be held at Tokyo in the year 1912, under the provision of the act of Congress approved May 22, 1908, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

COMMISSIONER-GENERAL OF IMMIGRATION.

Daniel J. Keefe, of Michigan, who was appointed December 1, 1908, during the recess of the Senate, to be Commissioner-General of Immigration in the Department of Commerce and Labor.

ASSISTANT COMMISSIONER OF INDIAN AFFAIRS.

Robert G. Valentine, of Holliston, Mass., who was appointed November 30, 1908, during the recess of the Senate, to be Assistant Commissioner of Indian Affairs, vice Charles F. Larrabee, resigned.

INDIAN INSPECTORS.

Z. Lewis Dalby, of Roanoke, Va., who was appointed June 1, 1908, during the recess of the Senate, to be an Indian inspector, vice Cyrus Beede, term expired.

Samuel F. O'Fallon, of Oregon, Mo., who was appointed June 1, 1908, during the recess of the Senate, to be an Indian inspector, vice J. George Wright, transferred, and Clinton H. Scovell, temporary appointee.

Will M. Tipton, of Los Angeles, Cal., who was appointed June 1, 1908, during the recess of the Senate, to be an Indian inspector, vice James E. Jenkins, resigned, and James W. Du Bois Gould, temporary appointee.

INTERSTATE COMMERCE COMMISSIONER.

Martin A. Knapp, of New York, to be an Interstate Commerce Commissioner for the term of seven years from July 1, 1909. This is a reappointment.

JUDGE OF THE UNITED STATES COURT FOR CHINA.

Rufus H. Thayer, of the District of Columbia, to be judge of the United States court for China, vice Lebbeus R. Wilfley, resigned.

ASSISTANT ATTORNEYS-GENERAL.

James A. Fowler, of Tennessee, to be Assistant Attorney-General, who was appointed during the last recess of the Senate, vice Edward T. Sanford, appointed judge of the eastern and middle districts of Tennessee.

Wade H. Ellis, of Ohio, to be assistant to the Attorney-General, who was appointed during the last recess of the Senate, vice Milton D. Purdy, appointed judge, Minnesota.

DISTRICT JUDGES.

Milton Dwight Purdy, of Minnesota, to be United States district judge for the district of Minnesota, who was appointed during the last recess of the Senate, vice William Lochren, resigned. (Mr. Purdy was nominated at the first session of the Sixtieth Congress and failed of confirmation.)

John E. Sater, of Ohio, to be United States district judge for the southern district of Ohio, who was appointed during the last recess of the Senate under the provisions of the act approved February 25, 1907, entitled "An act to provide for the appointment of an additional district judge in and for the southern district of the State of Ohio." (Judge Sater was nominated at the first session of the Sixtieth Congress and failed of confirmation.)

Oscar R. Hundley, of Alabama, to be United States district judge for the northern district of Alabama, who was appointed during the last recess of the Senate, under the provisions of the act approved February 25, 1907, entitled "An act providing for a United States judge for the northern judicial district of Alabama." (Judge Hundley was nominated at the first session of the Sixtieth Congress and failed of confirmation.)

UNITED STATES ATTORNEYS.

Edward E. Wagner, of South Dakota, to be United States attorney for the district of South Dakota, who was appointed during the last recess of the Senate, vice James D. Elliott, who failed of confirmation at the second session of the Fifty-ninth Congress. (Mr. Wagner was nominated at the first session of the Sixtieth Congress and failed of confirmation.)

Curg H. Lingenfelter, of Idaho, to be United States attorney for the district of Idaho, who was appointed during the last recess of the Senate, vice Norman M. Ruick, removed.

UNITED STATES MARSHALS.

Shadrach L. Hodgin, of Idaho, to be United States marshal for the district of Idaho, who was appointed during the last recess of the Senate, vice Ruel Rounds, removed.

Henry K. Love, of Iowa, to be United States marshal for the district of Alaska, division No. 3, who was appointed during the last recess of the Senate, vice George G. Perry, removed.

SECRETARY OF WAR.

Luke E. Wright, of Tennessee, to be Secretary of War, to which office he was appointed during the last recess of the Senate, vice William H. Taft, resigned.

SECRETARY OF THE NAVY.

Truman H. Newberry, of Michigan, to be Secretary of the Navy, to which office he was appointed during the last recess of the Senate, vice Victor H. Metcalf, resigned.

ASSISTANT SECRETARY OF THE NAVY.

Herbert Livingstone Satterlee, of New York, to be Assistant Secretary of the Navy, vice Truman H. Newberry, appointed Secretary of the Navy.

EXECUTIVE COUNCIL OF PORTO RICO.

Luis Sanchez Morales, of Porto Rico, to be a member of the executive council of Porto Rico for the term of four years from January 17, 1909, under the provisions of the act of Congress approved April 12, 1900. This is a reappointment.

Rafael del Valle, of Porto Rico, to be a member of the executive council of Porto Rico for the term of four years from January 10, 1909, under the provisions of the act of Congress approved April 12, 1900. This is a reappointment.

COMMISSIONER OF IMMIGRATION.

Graham L. Rice, of Wisconsin, to be commissioner of immigration at the Port of San Juan, P. R., Department of Commerce and Labor, to take effect December 15, 1908. (Reappointment.)

PUBLIC PRINTER.

Samuel B. Donnelly, of New York, to be Public Printer, to which office he was appointed during the last recess of the Senate, vice John S. Leech, resigned.

EXAMINER IN CHIEF.

Frank C. Skinner, of Missouri, now a principal examiner, to be an examiner in chief in the Patent Office, vice Levin H. Campbell, resigned.

REGISTERS OF THE LAND OFFICE.

Nathan H. Alexander, of Montgomery, Ala., who was appointed June 1, 1908, during the recess of the Senate, to be register of the land office at Montgomery, Ala., vice Robert D. Johnston, resigned.

Frank H. Parker, of Phoenix, Ariz., who was appointed October 12, 1908, during the recess of the Senate, to be register of the land office at Phoenix, Ariz., vice Lyman W. Wakefield, resigned.

Robert N. Dunn, of Idaho, whose term will expire December 15, 1908, to be register of the land office at Coeur d'Alene, Idaho. (Reappointment.)

Lester Bartlett, of Buffalo, Minn., who was appointed September 28, 1908, during the recess of the Senate, to be register of the land office at Cass Lake, Minn., vice Egbert S. Oakley, resigned.

Matthew R. Wilson, of Livingston, Mont., who was appointed November 9, 1908, during the recess of the Senate, to be register of the land office at Bozeman, Mont., vice Burgess W. Marshall, temporary appointee, resigned.

Thomas C. Tillotson, of Lower Penasco, N. Mex., who was appointed October 12, 1908, during the recess of the Senate, to be register of the land office at Roswell, N. Mex., vice Howard Leland, deceased.

Cyrus C. Carpenter, of Sisseton, S. Dak., who was appointed June 19, 1908, during the recess of the Senate, to be register of the land office at Lemmon, S. Dak., to fill original vacancy.

RECEIVERS OF PUBLIC MONEYS.

Jesse W. Freeman, of Berryville, Ark., who was appointed October 29, 1908, during the recess of the Senate, to be receiver of public moneys at Harrison, Ark., vice William F. Reeves, resigned.

Charles E. Arnold, of Phoenix, Ariz., who was appointed November 11, 1908, during the recess of the Senate, to be receiver of public moneys at Phoenix, Ariz., vice Fen S. Hildreth, resigned.

Andrew P. Adolphson, of Leadville, Colo., who was appointed June 11, 1908, during the recess of the Senate, to be receiver of public moneys at Leadville, Colo., vice Lutian Q. Hobbs, deceased.

Edwin G. Coleman, of Flandreau, S. Dak., who was appointed June 19, 1908, during the recess of the Senate, to be receiver of public moneys at Lemmon, S. Dak., to fill original vacancy.

SURVEYOR-GENERAL.

William L. Distin, of Quincy, Ill., whose term will expire December 14, 1908, to be surveyor-general of Alaska. (Reappointment.)

SECOND ASSISTANT POSTMASTER-GENERAL.

Joseph Stewart, of Missouri, to be Second Assistant Postmaster-General, to which office he was appointed during the last recess of the Senate, vice James T. McCleary, resigned.

PROMOTIONS IN THE ARMY.

QUARTERMASTER'S DEPARTMENT.

Capt. Joseph T. Davidson, quartermaster, to be quartermaster with the rank of major, from April 25, 1908, vice Crabbs, retired from active service.

MEDICAL CORPS.

To be lieutenant-colonels.

Maj. Edward Champe Carter, Medical Corps, from April 23, 1908, vice Crampton, promoted.

Maj. William Stephenson, Medical Corps, from May 1, 1908, vice Powell, retired from active service.

Maj. Henry P. Birmingham, Medical Corps, to be lieutenant-colonel from April 23, 1908, vice Torney, promoted.

NOTE.—The above-named officer was nominated to the Senate on May 18, 1908, and confirmed on May 21, 1908, for promotion to a vacancy created on May 1, 1908, by the retirement of Lieut. Col. Junius L. Powell, Medical Corps, but by reason of the failure of two of his seniors to pass satisfactory examinations for promotion Major Birmingham became entitled to promotion from April 23, 1908.

To be majors.

Capt. James R. Church, Medical Corps, from May 1, 1908, vice Stephenson, promoted.

Capt. Joseph H. Ford, Medical Corps, from May 20, 1908, vice Hallock, retired from active service.

Capt. Percy M. Ashburn, Medical Corps, from June 24, 1908, vice Kieffer, retired from active service.

CORPS OF ENGINEERS.

To be colonels.

Lieut. Col. Smith S. Leach, Corps of Engineers, from June 2, 1908, vice Sears, retired from active service.

Lieut. Col. Dan C. Kingman, Corps of Engineers, from July 6, 1908, vice Marshall, appointed Chief of Engineers.

Lieut. Col. William M. Black, Corps of Engineers, from July 28, 1908, vice Symons, retired from active service.

Lieut. Col. Walter L. Fisk, Corps of Engineers, from August 7, 1908, vice Hoxie, retired from active service.

To be lieutenant-colonels.

Maj. William C. Langfitt, Corps of Engineers, from June 2, 1908, vice Leach, promoted.

Maj. James C. Sanford, Corps of Engineers, from July 6, 1908, vice Kingman, promoted.

Maj. Hiram M. Chittenden, Corps of Engineers, from July 28, 1908, vice Black, promoted.

Maj. Graham D. Fitch, Corps of Engineers, from August 7, 1908, vice Fisk, promoted.

To be majors.

Capt. Charles W. Kutz, Corps of Engineers, from June 2, 1908, vice Langfitt, promoted.

Capt. Meriwether L. Walker, Corps of Engineers, from July 6, 1908, vice Sanford, promoted.

Capt. Robert R. Raymond, Corps of Engineers, from July 28, 1908, vice Chittenden, promoted.

Capt. William B. Ladue, Corps of Engineers, from August 7, 1908, vice Fitch, promoted.

To be captains.

First Lieut. George R. Spalding, Corps of Engineers, from June 2, 1908, vice Kutz, promoted.

First Lieut. Elliott J. Dent, Corps of Engineers, from July 6, 1908, vice Walker, promoted.

First Lieut. William G. Caples, Corps of Engineers, from July 28, 1908, vice Raymond, promoted.

First Lieut. Henry C. Jewett, Corps of Engineers, from August 7, 1908, vice Ladue, promoted.

To be first lieutenants.

Second Lieut. Roger G. Powell, Corps of Engineers, from June 2, 1908, vice Spalding, promoted.

Second Lieut. John N. Hodges, Corps of Engineers, from July 6, 1908, vice Dent, promoted.

Second Lieut. Arthur R. Ehrnbeck, Corps of Engineers, from July 28, 1908, vice Caples, promoted.

Second Lieut. Harold S. Hetrick, Corps of Engineers, from August 7, 1908, vice Jewett, promoted.

ORDNANCE DEPARTMENT.

Capt. Edward P. O'Hern, Ordnance Department, to be major from October 31, 1908, vice Fuller, retired from active service.

CHAPLAINS.

Chaplain Halsey C. Gavitt, First Cavalry, to be chaplain with the rank of major from October 27, 1908.

Chaplain Henry A. Brown, Corps of Engineers, to be chaplain with the rank of major from November 12, 1908.

CAVALRY ARM.

Lieut. Col. James B. Hickey, unassigned, to be colonel from November 15, 1908, vice Godwin, Fourteenth Cavalry, retired from active service.

Maj. William D. Beach, Fifteenth Cavalry, to be lieutenant-colonel from November 15, 1908, vice Taylor, Fourth Cavalry, detailed as adjutant-general.

Capt. William F. Flynn, Eighth Cavalry, to be major from November 15, 1908, vice Beach, Fifteenth Cavalry, promoted.

To be captains.

First Lieut. Alvan C. Gillem, Fifth Cavalry, from September 21, 1908, vice Heidt, Eleventh Cavalry, retired from active service.

First Lieut. William B. Cowin, Third Cavalry, from November 15, 1908, vice Flynn, Eighth Cavalry, promoted.

To be first lieutenants.

Second Lieut. Sidney D. Maize, Third Cavalry, from May 18, 1908, vice Lusk, Twelfth Cavalry, retired from active service.

Second Lieut. William S. Barriger, Fifteenth Cavalry, from July 1, 1908, vice Jordan, Eighth Cavalry, detailed in the Ordnance Department.

Second Lieut. Ralph M. Parker, Eleventh Cavalry, from July 30, 1908, vice Dixon, Fifth Cavalry, detailed in the Signal Corps.

Second Lieut. John H. Howard, Ninth Cavalry, from August 2, 1908, vice Mangum, Eighth Cavalry, retired from active service.

Second Lieut. John K. Hume, Fourteenth Cavalry, from September 21, 1908, vice Gillem, Fifth Cavalry, promoted.

Second Lieut. Matt C. Bristol, Thirteenth Cavalry, from November 15, 1908, vice Cowin, Third Cavalry, promoted.

FIELD ARTILLERY ARM.

First Lieut. Morris E. Locke, First Field Artillery, to be captain from August 25, 1908, vice Overton, Third Field Artillery, retired from active service.

To be first lieutenants.

Second Lieut. Fred T. Cruse, Third Field Artillery, from July 1, 1908, vice Kean, First Field Artillery, detailed in the Ordnance Department.

Second Lieut. James P. Marley, First Field Artillery, from July 20, 1908, vice Roemer, Sixth Field Artillery, deceased.

Second Lieut. Waldo C. Potter, Fifth Field Artillery, from August 25, 1908, vice Locke, First Field Artillery, promoted.

Second Lieut. Harry Pfeil, Fifth Field Artillery, from September 17, 1908, vice Selfridge, First Field Artillery, deceased.

COAST ARTILLERY CORPS.

To be colonels.

Lieut. Col. George L. Anderson, Coast Artillery Corps, from July 10, 1908, vice Cummins, retired from active service.

Lieut. Col. William H. Coffin, Coast Artillery Corps, from September 1, 1908, vice Homer, retired from active service.

Lieut. Col. Albert Todd, Coast Artillery Corps, from October 10, 1908, vice Stewart, retired from active service.

To be lieutenant-colonels.

Maj. Charles L. Phillips, Coast Artillery Corps, from July 10, 1908, vice Woodward, detailed as inspector-general.

Maj. Charles J. Bailey, Coast Artillery Corps, from September 1, 1908, vice Coffin, promoted.

Maj. Clarence P. Townsley, Coast Artillery Corps, from October 10, 1908, vice Todd, promoted.

To be majors.

Capt. William C. Davis, Coast Artillery Corps, from July 10, 1908, vice Phillips, promoted.

Capt. Frank G. Mauldin, Coast Artillery Corps, from September 1, 1908, vice Bailey, promoted.

Capt. Daniel W. Ketcham, Coast Artillery Corps, from October 10, 1908, vice Townsley, promoted.

To be captains.

First Lieut. James A. Thomas, Coast Artillery Corps, from July 13, 1908, vice Marshall, detailed as quartermaster.

First Lieut. John C. Ohnstad, Coast Artillery Corps, from September 1, 1908, vice Mauldin, promoted.

First Lieut. Clarence M. Condon, Coast Artillery Corps, from September 21, 1908, vice Macon, retired from active service.

First Lieut. Curtis G. Rorebeck, Coast Artillery Corps, from September 28, 1908, vice Vance, retired from active service.

First Lieut. James D. Watson, Coast Artillery Corps, from September 29, 1908, vice Applewhite, retired from active service.

To be first lieutenants.

Second Lieut. John E. Townes, jr., Coast Artillery Corps, from July 1, 1908, vice Gatewood, detailed in the Ordnance Department.

Second Lieut. Robert E. Vose, Coast Artillery Corps, from July 1, 1908, vice Wilhelm, detailed in the Ordnance Department.

Second Lieut. Dean Hall, Coast Artillery Corps, from July 1, 1908, vice Mahaffey, detailed in the Ordnance Department.

Second Lieut. John S. Williams, Coast Artillery Corps, from July 13, 1908, vice Thomas, promoted.

Second Lieut. George Ruhlen, jr., Coast Artillery Corps, from July 27, 1908, vice Scott, resigned.

Second Lieut. John E. Mort, Coast Artillery Corps, from September 1, 1908, vice Ohnstad, promoted.

Second Lieut. Junnius Pierce, Coast Artillery Corps, from September 21, 1908, vice Condon, promoted.

Second Lieut. Henry W. T. Eglin, Coast Artillery Corps, from September 28, 1908, vice Rorebeck, promoted.

Second Lieut. Halvor G. Coulter, Coast Artillery Corps, from September 29, 1908, vice Watson, promoted.

INFANTRY ARM.

To be colonels.

Lieut. Col. William H. C. Bowen, Eighteenth Infantry, from July 1, 1908, vice Allen, Twelfth Infantry, retired from active service.

Lieut. Col. Henry E. Robinson (since retired from active service), detailed adjutant-general, from October 24, 1908, vice Smith, Eighth Infantry, appointed brigadier-general.

Lieut. Col. Charles W. Mason, Twenty-ninth Infantry, from October 28, 1908, vice Robinson, unassigned, retired from active service.

To be lieutenant-colonels.

Maj. Alexis R. Paxton, Thirteenth Infantry, from June 25, 1908, vice Augur, Twenty-fourth Infantry, deceased.

Maj. Zerah W. Torrey, detailed inspector-general, from July 1, 1908, vice Bowen, Eighteenth Infantry, promoted.

Maj. James B. Jackson, Eleventh Infantry, from July 18, 1908, vice Hardin, Twenty-sixth Infantry, retired from active service.

Maj. Reuben B. Turner, Eighth Infantry, from October 28, 1908, vice Mason, Twenty-ninth Infantry, promoted.

Maj. Daniel A. Frederick, Twenty-second Infantry, from October 28, 1908, vice Jones, Nineteenth Infantry, detailed as adjutant-general.

To be majors.

Capt. Beaumont B. Buck, Sixteenth Infantry, from June 25, 1908, vice Paxton, Thirteenth Infantry, promoted.

Capt. William F. Martin, Fifth Infantry, from June 30, 1908, vice Purssell, Eighteenth Infantry, retired from active service.

Capt. Evan M. Johnson, jr., Eighth Infantry, from July 3, 1908, vice Bundy, Sixth Infantry, detailed as inspector-general.

Capt. Frank McIntyre (major, Bureau of Insular Affairs) from July 18, 1908, vice Jackson, Eleventh Infantry, promoted.

Capt. David J. Baker, jr., Ninth Infantry, from July 18, 1908, vice McIntyre, detailed in the Bureau of Insular Affairs.

Capt. Benjamin A. Poore, Sixth Infantry, from October 28, 1908, vice Frederick, Twenty-second Infantry, promoted.

Capt. James H. McRae, Third Infantry, from October 31, 1908, vice Leonhaeuser, Sixteenth Infantry, retired from active service.

To be captains.

First Lieut. Ernest E. Haskell, Twenty-ninth Infantry, from April 3, 1908, vice Laws, Twenty-fourth Infantry, deceased.

First Lieut. Jack Hayes, Sixteenth Infantry, from April 3, 1908, vice Stone, Twenty-second Infantry, detailed as quartermaster.

First Lieut. William H. Waldron, detailed in the Signal Corps, from April 3, 1908, vice Ford, Fifth Infantry, detailed as quartermaster.

First Lieut. Joseph K. Partello, Fifth Infantry, from April 24, 1908, vice Parmerter, Twenty-first Infantry, promoted.

First Lieut. Leon L. Roach, Sixteenth Infantry, from May 9, 1908, vice Smiley, Fifteenth Infantry, promoted.

First Lieut. Horace P. Hobbs, Seventeenth Infantry, from May 15, 1908, vice Devore, Twenty-third Infantry, promoted.

First Lieut. Louis J. Van Schaick, Fourth Infantry, from June 25, 1908, vice Buck, Sixteenth Infantry, promoted.

First Lieut. George S. Tiffany, Twenty-first Infantry, from June 30, 1908, vice Martin, Fifth Infantry, promoted.

First Lieut. Edgar A. Myer, Eleventh Infantry, from July 3, 1908, vice Lawton, Nineteenth Infantry, retired from active service.

First Lieut. Arthur M. Shipp, Twentieth Infantry, from July 3, 1908, vice Johnson, Eighth Infantry, promoted.

First Lieut. Joseph W. Beacham, jr., Twenty-seventh Infantry, from July 18, 1908, vice Baker, Ninth Infantry, promoted.

First Lieut. Francis J. McConnell, Seventeenth Infantry, from July 24, 1908, vice Shelton, Eleventh Infantry, detailed in the Bureau of Insular Affairs.

First Lieut. Richard P. Rifenberick, jr., Twenty-ninth Infantry, from September 8, 1908, vice Moore, Fifteenth Infantry, deceased.

First Lieut. Graham L. Johnson, Eleventh Infantry, from September 16, 1908, vice Walton, Sixth Infantry, retired from active service.

First Lieut. Charles E. Hay, jr., Twenty-fourth Infantry, from October 2, 1908, vice Chiles, Eleventh Infantry, deceased.

First Lieut. Robert H. Wescott, Sixteenth Infantry, from October 19, 1908, vice Parker, Twenty-fourth Infantry, retired from active service.

First Lieut. George W. Wallace, Twentieth Infantry, from October 28, 1908, vice Poore, Sixth Infantry, promoted.

First Lieut. Paul Hurst, Third Infantry, from October 31, 1908, vice McRae, Third Infantry, promoted.

To be first lieutenants.

Second Lieut. Gilbert H. Stewart, detailed first lieutenant in the Ordnance Department, from November 24, 1907, vice Mullen, Twenty-first Infantry, retired from active service.

Second Lieut. Edward J. Moran, Twenty-seventh Infantry, from November 24, 1907, vice Gibert, detailed in the Ordnance Department.

Second Lieut. John R. McGinness, Sixth Infantry, from December 5, 1907, vice Wilson, Twenty-second Infantry, resigned.

Second Lieut. Henry M. Nelly, Twentieth Infantry, from December 11, 1907, vice De Funiak, Eleventh Infantry, promoted.

Second Lieut. Frederick F. Black, Tenth Infantry, from December 23, 1907, vice Armstrong, Sixth Infantry, retired from active service.

Second Lieut. James M. Hobson, jr., Twenty-seventh Infantry, from December 23, 1907, vice McCoy, Twenty-seventh Infantry, promoted.

Second Lieut. David H. Bower, Twelfth Infantry, from December 28, 1907, vice Townsend, Twenty-third Infantry, promoted.

Second Lieut. Hiram M. Cooper, Tenth Infantry, from January 1, 1908, vice Brewer, Twenty-first Infantry, promoted.

Second Lieut. Benjamin F. Miller, Twenty-seventh Infantry, from January 27, 1908, vice Parsons, Twentieth Infantry, promoted.

Second Lieut. Louis Soléliac, Sixteenth Infantry, from February 13, 1908, vice Ball, Twenty-first Infantry, promoted.

Second Lieut. Charles M. Blackford, Sixth Infantry, from March 5, 1908, vice Smith, Eighteenth Infantry, promoted.

Second Lieut. Walter O. Boswell, Sixteenth Infantry, from March 8, 1908, vice Doster, Twenty-first Infantry, promoted.

Second Lieut. Deshler Whiting, Ninth Infantry, from March 14, 1908, vice Price, Fifth Infantry, promoted.

Second Lieut. Gulielmus V. Heidt, Sixth Infantry, from March 14, 1908, vice Warfield, Thirtieth Infantry, promoted.

Second Lieut. Samuel J. Sutherland, Thirteenth Infantry, from March 14, 1908, vice McCaskey, Twenty-first Infantry, promoted.

Second Lieut. Edmund B. Iglehart, Third Infantry, from March 14, 1908, vice Lang, Fifteenth Infantry, promoted.

Second Lieut. Emory S. Adams, Fourteenth Infantry, from March 15, 1908, vice Dockery, Third Infantry, promoted.

Second Lieut. Ralph W. Drury, Ninth Infantry, from March 16, 1908, vice Thomas, Seventeenth Infantry, promoted.

Second Lieut. John C. Fairfax, Twenty-first Infantry, from March 18, 1908, vice Elliott, Thirteenth Infantry, promoted.

Second Lieut. Fred C. Miller, Twenty-third Infantry, from March 24, 1908, vice Freeman, Twenty-first Infantry, promoted.

Second Lieut. Charles L. Mitchell, Twenty-fourth Infantry, from April 3, 1908, vice Hunt, Eighth Infantry, promoted.

Second Lieut. Alfred Brandt, Twenty-fifth Infantry, from April 3, 1908, vice Haskell, Twenty-ninth Infantry, promoted.

Second Lieut. Robert John West, Twenty-sixth Infantry, from April 3, 1908, vice Hayes, Sixteenth Infantry, promoted.

Second Lieut. Seeley A. Wallen, Twenty-fifth Infantry, from April 15, 1908, vice Lewis, Eighteenth Infantry, detailed in the Signal Corps.

Second Lieut. Archibald G. Hutchinson, Third Infantry, from April 24, 1908, vice Partello, Fifth Infantry, promoted.

Second Lieut. Odiorne H. Sampson, Second Infantry, from May 15, 1908, vice Hobbs, Seventeenth Infantry, promoted.

Second Lieut. Charles G. Sturtevant, Ninth Infantry, from June 5, 1908, vice Smith, Sixteenth Infantry, retired from active service.

Second Lieut. Albert Hardman, Twelfth Infantry, from June 7, 1908, vice Vredenburgh, Eleventh Infantry, resigned.

Second Lieut. William E. Holliday, Seventeenth Infantry, from June 25, 1908, vice Van Schaick, Fourth Infantry, promoted.

Second Lieut. Frank B. Kobes, Fourteenth Infantry, from June 30, 1908, vice Tiffany, Twenty-first Infantry, promoted.

TO BE RETIRED.

With the rank of brigadier-general.

Under the provisions of an act of Congress approved April 23, 1904, I nominate Col. James B. Hickey, cavalry, unassigned, to be placed on the retired list of the army, with the rank of brigadier-general from the date on which he shall be retired from active service.

Col. Edward A. Godwin, retired, with rank from November 15, 1908.

With the rank of captain.

First Lieut. Samuel T. Weirick, retired, with rank from June 18, 1908.

First Lieut. James Reagles, retired, with rank from September 12, 1908.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICER.

Col. Frederick A. Smith, Eighth Infantry, to be brigadier-general from October 24, 1908, vice Reade, retired from active service.

CORPS OF ENGINEERS.

Col. William L. Marshall, Corps of Engineers, to be Chief of Engineers, with the rank of brigadier-general from July 2, 1908, vice Mackenzie, retired from active service.

Under the provisions of an act of Congress approved May 27, 1908, I nominate the officers of the late Porto Rico Provisional Regiment of Infantry for reappointment in the Porto Rico Regiment of Infantry of the United States Army.

To be captains.

Capt. Stewart McC. Decker, with rank from July 1, 1904.
Capt. Frank L. Graham, with rank from July 2, 1904.
Capt. John M. Field, with rank from July 3, 1904.
Capt. Edwin J. Griffith, with rank from July 4, 1904.
Capt. Ralph E. Gambell, with rank from July 5, 1904.
Capt. Miles K. Taulbee, with rank from July 6, 1904.
Capt. Orval P. Townshend, with rank from July 7, 1904.
Capt. Laurance Angel, with rank from November 20, 1906.
Capt. Frank C. Wood, with rank from November 21, 1906.
Capt. Emil J. Huebscher, with rank from November 22, 1906.
Capt. William S. Woodruff, with rank from November 23, 1906.

To be first lieutenants.

First Lieut. Abram I. Miller, with rank from July 1, 1904.
First Lieut. Samuel S. Bryant, with rank from November 30, 1904.
First Lieut. William H. Armstrong, with rank from December 1, 1904.
First Lieut. Henry C. Rexach, with rank from April 1, 1905.
First Lieut. Pedro J. Parra, with rank from February 23, 1906.
First Lieut. Teofio Marxuach, with rank from November 20, 1906.
First Lieut. Eduardo Iriarte, with rank from November 21, 1906.
First Lieut. Jaime Nadal, with rank from November 22, 1906.
First Lieut. Eugenio C. de Hostos, with rank from November 23, 1906.
First Lieut. Felix Emmanuelli, with rank from August 25, 1907.

To be second lieutenants.

Second Lieut. Pascual Lopez, with rank from March 3, 1905.
Second Lieut. Louis S. Emmanuelli, with rank from March 4, 1905.
Second Lieut. Daniel Rodriguez, with rank from January 17, 1906.

MEDICAL CORPS.

To be first lieutenants, with rank from June 13, 1908.

John Raymond Barber, of Oregon, vice Godfrey, deceased.

Joseph Arliss Worthington, of Arkansas, vice Newgarden, promoted.

Mahlon Ashford, of the District of Columbia, vice Williamson, resigned.

Edward Godfrey Huber, of Missouri, vice Edwards, resigned.

John Sioussa Lambie, jr., of Pennsylvania, vice Reilly, retired from active service.

Arthur Newman Tasker, of the District of Columbia, vice Straub, promoted.

Howard McCrum Snyder, of Wyoming, vice Stark, promoted.

Calvin Duvall Cowles, jr., at large, vice Lynch, promoted.

Garfield Lesley McKinney, of Pennsylvania, vice Kulp, promoted.

Hiram Alfred Phillips, of Kentucky, vice Munson, promoted.

To be first lieutenant, with rank from June 16, 1908.

Contract Surg. Samuel T. Weirick (since retired from active service), vice Roberts, retired from active service.

MEDICAL RESERVE CORPS.

To be first lieutenants, with rank from July 5, 1908.

Orlando Wood Sherwin, of Vermont.
Robert F. Weir, of New York.
Theodore Andrews McGraw, of Michigan.
Harry C. Yarrow, of the District of Columbia.
Walter S. Thorne, of California.
Frank Pierce Foster, of New York.
Edmond Souchon, of Louisiana.
Louis Favrot Reynaud, of Louisiana.
Reginald Heber Fitz, of Massachusetts.
Henry O. Walker, of Michigan.
Joseph D. Bryant, of New York.
John Allan Wyeth, of New York.
Francis Parker Kinnicutt, of New York.
James Cornelius Wilson, of Pennsylvania.
A. Alexander Smith, of New York.
Virgil Pendleton Gibney, of New York.
Frederick Cheever Shattuck, of Massachusetts.
Charles Beylard G. de Nancrede, of Michigan.
J. Henry Carstens, of Michigan.
Thomas Waterman Huntington, of California.
William Tillinghast Bull, of New York.
Frederic Shepard Dennis, of New York.
J. William White, of Pennsylvania.
Myles Standish, of Massachusetts.
Victor Clarence Vaughan, of Michigan.
Robert Abbe, of New York.
Sanger Brown, of Illinois.
Roswell Park, of New York.
William Stewart Halsted, of Maryland.
George Henry Simmons, of Illinois.
William Thomas Councilman, of Massachusetts.
Frank Billings, of Illinois.
Alvah Hunt Doty, of New York.
Harry Mitchell Sherman, of California.
Samuel Jason Mixter, of Massachusetts.
Richard Hickman Harte, of Pennsylvania.
William M. Conant, of Massachusetts.
Carl Beck, of New York.
John H. Musser, of Pennsylvania.
Charles Sumner Bacon, of Illinois.
William Gilman Thompson, of New York.
Robert Tuttle Morris, of New York.
Harvey Gilmer Mudd, of Missouri.
John Benjamin Murphy, of Illinois.
Andrew J. McCosh, of New York.
John C. Munro, of Massachusetts.
Thomas Darlington, of New York.
George Edmund de Schweinitz, of Pennsylvania.
Paul Emile Archinard, of Louisiana.
Theobald Smith, of Massachusetts.
Edward Martin, of Pennsylvania.
Samuel Treat Armstrong, of New York.
Alexander Crever Abbott, of Maryland.
Samuel Lloyd, of New York.
Charles Locke Scudder, of Massachusetts.
Henry Baird Favill, of Illinois.
Rudolph Matas, of Louisiana.
Barton Cooke Hirst, of Pennsylvania.
Arthur D. Bevan, of Illinois.
Charles Williamson Richardson, of the District of Columbia.
Alexander Lambert, of New York.
William Bradley Coley, of New York.
Charles Bingham Penrose, of Pennsylvania.
Angus McLean, of Michigan.
Malcolm La Salle Harris, of Illinois.
Hobart Amory Hare, of Pennsylvania.
George David Stewart, of New York.
Simon Flexner, of New York.
John Miller Turpin Finney, of Maryland.
James G. Mumford, of Massachusetts.
Franklin Greene Balch, of Massachusetts.
William Sydney Thayer, of Maryland.
George W. Crile, of Ohio.
John Chalmers Da Costa, of Pennsylvania.
Emmet Rixford, of California.
Robert Grier Le Conte, of Pennsylvania.
Charles Gabriel Levison, of California.
Emil Otto Jellinek, of California.
Isadore Dyer, of Louisiana.
John Bapst Blake, of Massachusetts.
William Fitch Cheney, of California.
Lewis Atterbury Conner, of New York.
Farrar Cobb, of Massachusetts.
John G. Clark, of Pennsylvania.
Joseph Colt Bloodgood, of Maryland.
Herbert C. Moffitt, of California.
William Edward Schroeder, of Illinois.
Albert John Ochsner, of Illinois.
Albert Edward Halstead, of Illinois.
Richard Clarke Cabot, of Massachusetts.
Alfred Stengel, of Pennsylvania.
Wallace Irving Terry, of California.
William Henry Haskin, of New York.
Harvey Cushing, of Maryland.
David Linn Edsall, of Pennsylvania.
John Wilson Shiels, of California.
John Taylor Bottomley, of Massachusetts.
Frederic A. Washburn, of Massachusetts.
Charles Louis Mix, of Illinois.
Charles Harrison Frazier, of Pennsylvania.
John Heysham Gibbon, of Pennsylvania.
James Farnandis Mitchell, of the District of Columbia.
John Joseph Archinard, of Louisiana.
Walter Clarke Howe, of Massachusetts.
Bertram Francis Alden, of California.
Albert Joshua Houston, of California.
William Pepper, of Pennsylvania.
Francis Denison Patterson, of Pennsylvania.
David Cheever, of Massachusetts.

To be first lieutenants, with rank from July 7, 1908.

Contract Surg. William F. de Niedman, of Kansas.
Contract Surg. Leonard Knight Graves, of New York.
Contract Surg. Ira Christopher Brown, of New York.
Contract Surg. S. Chase de Krafft, of Maryland.
Contract Surg. Frederick Hadra, of Texas.
Contract Surg. John Robert Hereford, of Missouri.
Contract Surg. Albert H. Eber, of Michigan.
Contract Surg. Isaac Williams Brewer, of New York.
Contract Surg. Joseph Lipscomb Sanford, of Virginia.
Contract Surg. Charles Henry Stearns, of Missouri.
Contract Surg. George Sellers Wallace, of Pennsylvania.
Contract Surg. George Henry Richardson, of California.
Contract Surg. James K. Stockard, of North Carolina.
Contract Surg. Frank E. Artaud, of Louisiana.
Contract Surg. Waller Holladay Dade, of Kentucky.
Contract Surg. William H. Tukey, of Maine.
Contract Surg. Wilson Murray, of Missouri.
Contract Surg. Clark Ingersoll Wertenbaker, of Ohio.
Contract Surg. Elmer Seth Tenney, of Massachusetts.
Contract Surg. James Stewart Kennedy, of Pennsylvania.
Contract Surg. Walter Whitney, of Georgia.
Contract Surg. Frederick Morgan Barney, of New York.
Contract Surg. Albert Leonard Miller, of Wisconsin.
Contract Surg. J. Marchal Wheate, of Idaho.
Contract Surg. Harold Leroy Coffin, of Washington.
Contract Surg. Frederick Hessler Sparrenberger, of New Jersey.
Contract Surg. Henry W. Eliot, of Connecticut.
Contract Surg. Francis Marion McCallum, of Kansas.
Contract Surg. George Washington Daywalt, of California.
Contract Surg. Thomas W. Jackson, of Pennsylvania.
Contract Surg. William O. Cutliffe, of New York.
Contract Surg. Michael Edward Hughes, of Massachusetts.
Contract Surg. Donald Paul McCord, of Missouri.
Contract Surg. Henry du Rest Phelan, of California.
Contract Surg. Luke Baker Peck, of Massachusetts.
Contract Surg. James Botterell Pascoe, at large.
Contract Surg. Thomas S. Lowe, of Pennsylvania.
Contract Surg. Ernest Kinloch Johnstone, of California.
Contract Surg. Julius Cæsar Le Hardy, of Georgia.
Contract Surg. Arthur Richard Jarrett, of New York.
Contract Surg. John Patrick Kelly, of Florida.
Contract Surg. Charles Everett MacDonald, of New York.
Contract Surg. James B. Ferguson, of Minnesota.

Contract Surg. Wallace Edgar Sabin, of Illinois.
Contract Surg. Jesse P. Truax, of Nebraska.
Contract Surg. J. Samuel White, of Pennsylvania.
Contract Surg. Thomas Gabriel Holmes, of Michigan.
Contract Surg. Victor Egbert Watkins, of the District of Columbia.
Contract Surg. Herbert Ira Harris, of New York.
Contract Surg. William Robert Sim George, of Texas.
Contract Surg. James William Hart, of West Virginia.
Contract Surg. Leonard Samuel Hughes, of Kentucky.
Contract Surg. Elias Hull Porter, of Ohio.
Contract Surg. George Newlove, of Pennsylvania.
Contract Surg. Edward Bailey, of Washington.
Contract Surg. James Christopher Dougherty, of New York.
Contract Surg. Charles Lee Baker, of West Virginia.
Contract Surg. H. Newton Kieruff, of California.
Contract Surg. Frederick Hubbell Mills, of New York.
Contract Surg. David Durward Hogan, of Wisconsin.
Contract Surg. Edwin Wambaugh Patterson, of the District of Columbia.
Contract Surg. John Findley Leeper, of Wyoming.
Contract Surg. Leonard Philip Bell, of Indiana.
Contract Surg. John Newton Merrick, of Ohio.
Contract Surg. Benjamin Beckham Warriner, of Virginia.
Contract Surg. William James Enders, of Pennsylvania.
Contract Surg. Thomas Benton McCown, of Missouri.
Contract Surg. Madison Harlan Bowman, of Kentucky.
Contract Surg. Harry Hill Van Kirk, of Ohio.
Contract Surg. Clarance Fitzhugh Dickenson, of California.
Contract Surg. Charles Wilson Johnson, of Illinois.
Contract Surg. Fred T. Koyle, of New York.
Contract Surg. Robert E. Sievers, at large.
Contract Surg. Wilmont E. Brown, of Ohio.
Contract Surg. Francis Marion Wall, of Indiana.
Contract Surg. Alpha M. Chase, of Colorado.
Contract Surg. Frank C. Griffis, of Ohio.
Contract Surg. Ernest Frederick Slater, of South Carolina.
Contract Surg. Francis Marion Wells, of Indiana.
Contract Surg. George Fitzpatrick Adair, of the District of Columbia.
Contract Surg. Clemens Wesley McMillan, of Texas.
Contract Surg. Clarence Albert Treuholtz, of California.
Contract Surg. George Ruben Clayton, of Iowa.
Contract Surg. James Kennedy Ashburn, of Ohio.
Contract Surg. Alva Rufus Hull, of Iowa.
Contract Surg. Oscar Franklin Davis, of Indiana.
Contract Surg. Rodney D. Smith, of Indiana.
Contract Surg. Wallace Ernest Parkman, of California.
Contract Surg. Preston S. Kellogg, of Michigan.
Contract Surg. Joseph Wooding Love, of Missouri.
Contract Surg. George Bass Tuttle, of Missouri.
Contract Surg. Samuel Alexander Springwater, of Illinois.
Contract Surg. Polk Duncan Brown, of Tennessee.
Contract Surg. Joseph Pinquard, of Kansas.
Contract Surg. Harrison Warder Stuckey, of Ohio.
Contract Surg. Everett Allen Anderson, of North Dakota.
Contract Surg. Marion Fraser Marvin, of Florida.
Contract Surg. Frederic Elmer Jenkins, of Maryland.
Contract Surg. John Michael Hewitt, of Pennsylvania.
Contract Surg. Ernest Eugene Roberts, of Iowa.
Contract Surg. Frank Suggs, of Arkansas.
Contract Surg. William Eugene Hall, of Missouri.
Contract Surg. James Rudolph Mount, of Kansas.
Contract Surg. Edgar James Farrow, of California.
Contract Surg. George B. Jones, of Indiana.
Contract Surg. Albion McDowell Coffey, of Missouri.
Contract Surg. W. Church Griswold, of New York.
Contract Surg. Herbert William Yemans, of New York.
Contract Surg. John MacIntosh Shepherd, of New York.
Contract Surg. Edward H. Jordan, of Colorado.
Contract Surg. Robert Lemmon, of Virginia.
Contract Surg. George Elliot Chamberlain, of Vermont.
Contract Surg. Luis G. de Quevedo, of Porto Rico.
Contract Surg. Thomas Carl Walker, of North Carolina.
Contract Surg. Henry C. Bierbower, of Pennsylvania.
Contract Surg. Oswald Frederick Henning, of Illinois.
Contract Surg. Hermon Erwin Hasseltine, of Vermont.
Contract Surg. George French Campbell, of Wyoming.
Contract Surg. William H. Myers, of Kentucky.
Contract Surg. Charles H. Halliday, of Illinois.
Contract Surg. Charles Travis Dulin, of Washington.
Contract Surg. Leon Carre Garcia, of Missouri.
Contract Surg. Samuel Brown McPheeters, of Missouri.
Contract Surg. Clarence Cameron Kress, at large.
Contract Surg. George Thomas Tyler, of New York.
Contract Surg. Charles W. Cullen, of Ohio.
Contract Surg. Daniel Warwick Harmon, of Virginia.
Contract Surg. George W. Cook, of Pennsylvania.
Contract Surg. Edgar Clyde Jones, of Ohio.
Contract Surg. George Philip Stallman, of New York.
Contract Surg. Fred J. Conzelmann, of New York.
Contract Surg. Herbert Cody Woolley, of New York.
Contract Surg. Edmund William Bayley, of Minnesota.
Contract Surg. Andrew Victor Stephenson, of Nebraska.
Contract Surg. Daniel Parker Card, of New York.
Contract Surg. Raphael John Wren, of Ohio.
Contract Surg. Sylvester Francis O'Day, of New York.
Contract Surg. Lee Roy Dunbar, of New York.
Contract Surg. George Trotter-Tyler, of Kentucky.
Contract Surg. Arthur C. Delacroix, of New York.
Contract Surg. Harlow Comstock McLeod, of New York.
Contract Surg. Henry Freeman Lincoln, of Missouri.
Contract Surg. William Hope Smith, of Texas.
Contract Surg. Herbert Lentz Freeland, of Illinois.
Contract Surg. Chauncey Leonard Chase, of Indiana.
Contract Surg. Arnold Dwight Tuttle, of New York.
Contract Surg. Charles Arthur Tetrault, of Massachusetts.
Contract Surg. Dayton Carroll Wiggin, of New Hampshire.
Contract Surg. William Meade Archer, jr., of Virginia.
Contract Surg. James Connallin Magee, of Pennsylvania.
Contract Surg. Elsworth Wilson, of Oklahoma.
Contract Surg. Howard Priest, of Pennsylvania.
Contract Surg. Percy G. Drake, of the District of Columbia.
Contract Surg. James I. Thorne, at large.
Contract Surg. Joseph Edward Bastion, of Massachusetts.
Contract Surg. Henry Reuben Weston, of Vermont.
Contract Surg. George Gorgas Craig, of Illinois.
Contract Surg. William Henry Pomeroy, of Massachusetts.
Contract Surg. Zotique Rousseau, of New York.
Contract Surg. Julian Augustus Mead, of Massachusetts.
Contract Surg. William Hull Ramsey, of Nebraska.
Contract Surg. Samuel C. Stanton, of Illinois.
Contract Surg. Carlisle F. Ferrin, of Connecticut.
William Richard Dear, of the District of Columbia.
Eben Clayton Hill, of Maryland.
Armin Mueller, of Wisconsin.
Rozier Clagett Bayly, of Virginia.

To be first lieutenants, with rank from September 9, 1908.

First Lieut. James Reagles (since retired from active service), vice Jean, retired from active service.

First Lieut. Francis A. Halliday (since retired from active service), vice Kirby-Smith, resigned.

To be first lieutenants, with rank from September 14, 1908.

Henry Clay Coburn, of the District of Columbia.
John Brockenbrough Harvie Waring, of Virginia.
Charles Edward Doerr, of Ohio.
Frederick Starr Wright, of New York.
Ralph Harvard Goldthwaite, of Massachusetts.
Donald Miner, of New Jersey.
Robert William Kerr, of Rhode Island.
Norman Lincoln McDiarmid, of Ohio.
James Arthur Wilson, of Michigan.
Addison Dimmitt Davis, of South Dakota.
Corydon Goodrich Snow, of Illinois.
Morrison Clay Stayer, of Pennsylvania.
George Dawson Heath, jr., of South Carolina.
Richard Augustine Kearny, of Louisiana.
Alexander Dwight Parce, of Missouri.
Henry Fuller Philips, of Texas.
Thomas James Leary, of Pennsylvania.
William Stephens Shields, of Pennsylvania.
George Hudson McLellan, of Ohio.
Clarence Elmer Fronk, of Missouri.

To be first lieutenant, with rank from September 15, 1908.

First Lieut. William L. Hart, vice Chidester, resigned.

To be first lieutenants, with rank from September 23, 1908.

Howard Andrew Knox, of Massachusetts.
Ralph Waldo Newton, of Massachusetts.
Nelson Walton Wilson, of New York.
Edgar Robinson McGuire, of New York.

To be first lieutenants, with rank from September 25, 1908.

James Clinton Ballard, of Mississippi.
James Edward Maloney, of New York.
Thomas Madden Foley, of the District of Columbia.

To be first lieutenants, with rank from September 29, 1908.

Joseph August Pargon, of Oregon.
Maurice Buchsbaum, of Oklahoma.

To be first lieutenants, with rank from September 30, 1908.

Frank Salter Nicholson, of Nebraska.
Charles D. W. Colby, of North Carolina.
Charles Allen Betts, of Washington.
Ziba Lindley Henry, of Ohio.
Walter Fundenberg Leech, of West Virginia.

To be first lieutenant, with rank from October 2, 1908.

James Andrew Egan, of Illinois.

To be first lieutenant, with rank from October 5, 1908.

Lester Winslow Lord, of New Hampshire.

To be first lieutenant, with rank from October 27, 1908.

William Ward Plummer, of New York.

To be first lieutenants, with rank from October 31, 1908.

Edmund Douglas Shortlidge, of Delaware.
Llewellyn Powell Williamson, of Missouri.
John Ryan Devereux, of the District of Columbia.
Walter Clifford Chidester, of Ohio.
Reynold Marvin Kirby-Smith, of Tennessee.
Samuel Ernest Lambert, of Alabama.
James Franklin Edwards, of Pennsylvania.
William Evans Richards, of Mississippi.
Edward Warwick Pinkham, of Massachusetts.
Clarence Beacom Millhoff, of Pennsylvania.
Howard Walter Beal, of Maine.
Jerome Stuart Chaffee, of New York.

CHAPLAINS.

To be chaplains with the rank of first lieutenant.

WITH RANK FROM JUNE 9, 1908.

Rev. Walter Kenyon Lloyd, of Arkansas, to fill an original vacancy.

Rev. Clinton Herby Snyder, of Ohio, to fill an original vacancy.

Rev. Frederick Lawrence Kunnecke, of Maryland, to fill an original vacancy.

Rev. Edward Russell Chase, of Maine, to fill an original vacancy.

Rev. Laurence Leo Denning, of Ohio, to fill an original vacancy.

Rev. Michael Gabriel Doran, of New York, to fill an original vacancy.

WITH RANK FROM JUNE 29, 1908.

Rev. Stephen Richard Wood, of California, vice Steward, Twenty-fifth Infantry, retired from active service.

WITH RANK FROM SEPTEMBER 22, 1908.

Rev. Stanley Clayton Ramsden, of New Jersey, vice Brockmann, Twenty-seventh Infantry resigned.

CAVALRY ARM.

To be second lieutenants, with rank from September 25, 1908.

Herbert Hamlin White, of Idaho.
Chauncey St. Claire McNeill, of West Virginia.
John Pullman, of New York.
Frank Keet Ross, of Pennsylvania.
Herman Kobbé, of California.
John Ashley Warden, of Texas.
John Caffery Walker, jr., of Texas.
Victor McDowell Whitside, of the District of Columbia.

FIELD ARTILLERY.

To be second lieutenants, with rank from September 25, 1908.

Edward Postell King, jr., of Georgia.
Kenneth Sheild Perkins, of Virginia.
Robert George Kirkwood, of Illinois.
Harold Everett Marr, of Maine.
Joseph Wright Rumbough, of Virginia.
William McCleave, of Montana.
Allan Clay McBride, of Maryland.
Joe Reese Brabson, of Tennessee.
Leonard Craig Sparks, of Washington.
John Alden Crane, of Maryland.
Albert Kenny Craven Palmer, of Maine.
Frederick Almyron Prince, of Illinois.
Marshall Magruder, of the District of Columbia.
Truby Cheney Martin, of Kansas.
Wilbur Rogers, of Kansas.
Louis Roberts Dougherty, of California.
Samuel Roland Hopkins, of Maryland.
Frederick Warren Stewart, at large.
Joseph Taylor Clement, of Florida.

COAST ARTILLERY CORPS.

To be second lieutenants, with rank from June 9, 1908.

Robert Ross Welshimer, of Illinois, late midshipman United States Navy.

William Whinery Hicks, of Alabama, late midshipman, United States Navy.

To be second lieutenants, with rank from July 1, 1908.

Eugene Bonfils Walker, of California, late midshipman, United States Navy.

To be second lieutenants, with rank from September 4, 1908.

Louis David Pepin, of Minnesota.
Karl F. Baldwin, of Ohio.
Charles Kleber Wing, jr., of North Dakota.
Robert Octavious Edwards, of Virginia.
Everett Martin Balcom, of New Hampshire.
Guy Agard Mix, of New York.

To be second lieutenants, with rank from September 25, 1908.

John Henry Pirie, of Texas.
George Rothwell Norton, of Massachusetts.
Eugene Reybold, of Delaware.
Wilmot Alfred Danielson, of Iowa.
Hugo Ernest Pitz, of Iowa.
Thomas Clair Cook, of Ohio.
Olin Harrington Longino, of Georgia.
Peter Hill Ottosen, of Iowa.
Edgar Hall Thompson, of Rhode Island.
Samuel Harvey McLeary, of Porto Rico.
John Norton Reynolds, of the District of Columbia.
Lewis Edward Goodier, jr., of New York.
Rufus Foote Maddux, of Kentucky.
Herbert Austin McCune, of Iowa.
Lincoln Beaumont Chambers, of Oregon.
Willis Craig Knight, of Washington.
John Robert Ellis, of Arkansas.
John Mather, of Connecticut.
Chester Raymond Snow, of New Jersey.
Robert Emmett Mason Goolrick, of Virginia.
Walter Putney Boatwright, of Virginia.
John Piper Smith, of Pennsylvania.
Harry Read Vaughan, of Georgia.
Abney Payne, of West Virginia.
Edwin Kennedy Smith, of Tennessee.
Clarence Talmage Marsh, of North Carolina.
John Blackwell Maynard, of Virginia.
Isaac Edwin Titus, of Ohio.
Jacob Frank, of Vermont.
Warren Reigle Bell, of Pennsylvania.
Arthur Griffith Campbell, of Virginia.
John Thomas Rowe, of Virginia.
Frederick Le Roy Martin, of Indiana.

To be second lieutenant, with rank from October 1, 1908.

Sergt. Harold Lincoln Gardiner, One hundred and ninth Company, Coast Artillery Corps.

INFANTRY ARM.

To be second lieutenant, with rank from June 9, 1908.

Alva Lee, of Wyoming, late midshipman, United States Navy.

To be second lieutenants, with rank from August 29, 1908.

Corp. Roy Walter Winton, Company H, Twenty-sixth Infantry.

Sergt. Frederick Caldwell Phelps, Sixth Company, Coast Artillery Corps.

Q. M. Sergt. James Luke Frink, Troop H, Thirteenth Cavalry.

Sergt. John Burges Johnson, Company B, Hospital Corps.

Q. M. Sergt. Edmund Russell Andrews, One hundred and eighteenth Company, Coast Artillery Corps.

Master Gunner Spencer Montgomery Smith, Coast Artillery Corps.

Sergt. Joseph Albert Rogers, Company G, Ninth Infantry.

Sergt. Walter Richard Taliaferro, One hundred and tenth Company, Coast Artillery Corps.

Squadron Sergt. Maj. Henry John Damm, Third Cavalry.

Master Gunner Max Robert Wainer, Coast Artillery Corps.

Sergt. Emmett Wilbur Smith, Company I, Twenty-eighth Infantry.

Sergt. Charles Thorpe Griffith, Troop H, Thirteenth Cavalry.

To be second lieutenants, with rank from September 4, 1908.

Robert Henry Willis, jr., of South Carolina.
Charles Elting Coates, of Pennsylvania.

To be second lieutenants, with rank from September 25, 1908.

Martin Conrad Shallenberger, of Nebraska.
William Baldridge Loughborough, at large.
James Wallace Peyton, of Virginia.
Oral Eugene Clark, of Michigan.
Robert Coker, of Massachusetts.
Marcel Selby Keene, of Maryland.
William Ferguson Hoey, jr., of Delaware.
John Hale Stutesman, of Indiana.
William Willis Boddie, of North Carolina.
William Gladstone Langwill, of Iowa.
James Anthony Sarratt, of South Carolina.
Frank Melvin Kennedy, of Illinois.
John Thomas Harris, of West Virginia.
Albert Sidney Johnston Tucker, of Virginia.
Marion Ogilvie French, of New York.
George William Carlyle Whiting, of Virginia.
George Robbins Simpson, of Virginia.
Charles Winslow Elliott, of Minnesota.
James Douglas Rivet, of Massachusetts.
George Richard Koehler, of New Jersey.
James Alfred Merritt, of Maryland.
Oliver Seth Wood, of Arkansas.
Alexander Warner Cleary, of New York.
Allen Mitchell Burdett, of Georgia.
Herbert Clarence Fooks, of Maryland.
John Register Emory, jr., of Virginia.
Jacob Herman Rudolph, of Wisconsin.
Elbe Allen Lathrop, of Minnesota.
Raymond Ceward Baird, of Iowa.
Matthew Addison Palen, of California.

PROMOTIONS IN THE NAVY.

Capt. John K. Barton to be Engineer in Chief and Chief of the Bureau of Steam Engineering, in the Department of the Navy, with the rank of rear-admiral, vice Engineer in Chief Charles W. Rae, deceased.

Lieut. (Junior Grade) Charles W. Densmore, to be a lieutenant in the navy from the 30th day of July, 1907, to fill a vacancy existing in that grade on that date.

Ensign Clarence S. Vanderbeck to be a lieutenant (junior grade) in the navy from the 30th day of July, 1907, upon the completion of three years' service in present grade.

Lieut. (Junior Grade) Clarence S. Vanderbeck to be a lieutenant in the navy from the 30th day of July, 1907, to fill a vacancy existing in that grade on that date.

Lieut. (Junior Grade) Kirby B. Crittenden to be a lieutenant in the navy from the 1st day of November, 1907, to fill a vacancy existing in that grade on that date.

Lieut. Henry T. Baker to be a lieutenant-commander in the navy from the 18th day of November, 1907, vice Lieut. Commander William B. Fletcher, promoted.

The following-named lieutenants (junior grade) to be lieutenants in the navy from the 3d day of February, 1908, to fill vacancies existing in that grade on that date:

William W. Smyth,
John S. Arwine, jr., and
Butler Y. Rhodes.

Lieut. Commander John M. Ellicott to be a commander in the navy from the 24th day of April, 1908, vice Commander York Noel, deceased.

Lieut. Commander Charles W. Dyson to be a commander in the navy from the 15th day of May, 1908, vice Commander Frank F. Fletcher, promoted.

Commander Frank E. Beatty to be a captain in the navy from the 1st day of July, 1908, vice Capt. Charles P. Perkins, retired.

Commander Moses L. Wood to be a captain in the navy from the 1st day of July, 1908, vice Capt. Theodoric Porter, retired.

Commander Robert M. Doyle to be a captain in the navy from the 1st day of July, 1908, vice Capt. George L. Dyer, retired.

Commander Wythe M. Parks to be a captain in the navy from the 1st day of July, 1908, vice Capt. Charles W. Bartlett, retired.

Commander Frank H. Bailey, an additional number in grade, to be a captain in the navy from the 1st day of July, 1908, with Capt. Wythe M. Parks, promoted.

Commander William B. Caperton to be a captain in the navy from the 1st day of July, 1908, vice Capt. Henry Morrell, retired.

Commander James T. Smith to be a captain in the navy from the 1st day of July, 1908, vice Capt. John M. Robinson, retired.

Commander George S. Willits to be a captain in the navy from the 1st day of July, 1908, vice Capt. Robert G. Denig, retired.

Commander Walter F. Worthington to be a captain in the navy from the 1st day of July, 1908, vice Capt. George H. Peters, retired.

Commander William N. Little to be a captain in the navy from the 1st day of July, 1908, vice Capt. William C. Eaton, retired.

Lieut. Commander Harry George to be a commander in the navy from the 1st day of July, 1908, vice Commander Frank E. Beatty, promoted.

Lieut. Commander Frederick L. Chapin to be a commander in the navy from the 1st day of July, 1908, vice Commander Moses L. Wood, promoted.

Lieut. Commander William C. Herbert to be a commander in the navy from the 1st day of July, 1908, vice Commander Robert M. Doyle, promoted.

Lieut. Commander Alexander S. Halstead to be a commander in the navy from the 1st day of July, 1908, vice Commander Wythe M. Parks, promoted.

Lieut. Commander Harry A. Field to be a commander in the navy from the 1st day of July, 1908, vice Commander William B. Caperton, promoted.

Lieut. Commander Chester M. Knepper to be a commander in the navy from the 1st day of July, 1908, vice Commander James T. Smith, promoted.

Lieut. Commander Clarence S. Williams to be a commander in the navy from the 1st day of July, 1908, vice Commander George S. Willits, promoted.

Lieut. Commander Frank K. Hill to be a commander in the navy from the 1st day of July, 1908, vice Commander Walter F. Worthington, promoted.

Lieut. Commander Roger Welles to be a commander in the navy from the 1st day of July, 1908, vice Commander William N. Little, promoted.

Lieut. Commander John D. McDonald to be a commander in the navy from the 1st day of July, 1908, vice Commander Horace W. Harrison, retired.

Lieut. Commander Hilary P. Jones, jr., to be a commander in the navy from the 1st day of July, 1908, vice Commander Percival J. Werlich, retired.

Lieut. Commander William R. Shoemaker to be a commander in the navy from the 1st day of July, 1908, vice Commander John L. Gow, retired.

Lieut. Commander Charles M. Fahs to be a commander in the navy from the 1st day of July, 1908, vice Commander Harry Hall, retired.

Lieut. Commander Charles P. Plunkett to be a commander in the navy from the 1st day of July, 1908, vice Commander James G. Doyle, retired.

Capt. John E. Pillsbury to be a rear-admiral in the navy from the 4th day of July, 1908, vice Rear-Admiral Charles M. Thomas, deceased.

Capt. Adolph Marix, an additional number in grade, to be a rear-admiral in the navy from the 4th day of July, 1908, with Capt. John E. Pillsbury, promoted.

Capt. Raymond P. Rodgers, an additional number in grade, to be a rear-admiral in the navy from the 4th day of July, 1908, with Capt. Adolph Marix, promoted.

Commander Frank H. Eldridge to be a captain in the navy from the 4th day of July, 1908, vice Capt. John E. Pillsbury, promoted.

Lieut. Commander Volney O. Chase to be a commander in the navy from the 4th day of July, 1908, vice Commander Frank H. Eldridge, promoted.

Capt. Royal R. Ingersoll to be a rear-admiral in the navy from the 11th day of July, 1908, vice Rear-Admiral Richardson Clover, retired.

Capt. Seaton Schroeder, an additional number in grade, to be a rear-admiral in the navy from the 11th day of July, 1908, with Capt. Royal R. Ingersoll, promoted.

Capt. Richard Wainwright, an additional number in grade, to be a rear-admiral in the navy from the 11th day of July, 1908, with Capt. Seaton Schroeder, promoted.

Capt. Thomas C. McLean to be a rear-admiral in the navy from the 19th day of July, 1908, vice Rear-Admiral William T. Burwell, retired.

Commander Templin M. Potts to be a captain in the navy from the 19th day of July, 1908, vice Capt. Thomas C. McLean, promoted.

Lieut. Commander George R. Slocum to be a commander in the navy from the 19th day of July, 1908, vice Commander Templin M. Potts, promoted.

Commander Burns T. Walling to be a captain in the navy from the 20th day of July, 1908, vice Capt. Henry McCrea, deceased.

The following-named ensigns to be lieutenants (junior grade) in the navy from the 30th day of July, 1908, upon the completion of three years' service in present grade:

Charles H. Bullock,
Hugh McL. Walker,

John Grady,
Arthur C. Kail, and
Robert W. Kessler.

The following-named lieutenants (junior grade) to be lieutenants in the navy from the 30th day of July, 1908, to fill vacancies existing in that grade on that date:

Charles H. Bullock,
Hugh McL. Walker, and
John Grady.

Capt. William J. Barnette to be a rear-admiral in the navy from the 1st day of August, 1908, vice Rear-Admiral William S. Cowles, retired.

Commander Clifford J. Boush to be a captain in the navy from the 1st day of August, 1908, vice Capt. William J. Barnette, promoted.

Lieut. Commander Joseph Strauss to be a commander in the navy from the 3d day of September, 1908, vice Commander James H. Sears, promoted.

Capt. Edwin K. Moore to be a rear-admiral in the navy from the 7th day of September, 1908, vice Rear-Admiral John P. Merrell, retired.

Capt. John A. Rodgers, an additional number in grade, to be a rear-admiral in the navy from the 7th day of September, 1908, with Capt. Edwin K. Moore, promoted.

Commander Abraham E. Culver to be a captain in the navy from the 7th day of September, 1908, vice Capt. Edwin K. Moore, promoted.

Lieut. Commander Robert L. Russell to be a commander in the navy from the 7th day of September, 1908, vice Commander Abraham E. Culver, promoted.

Capt. James D. Adams to be a rear-admiral in the navy from the 25th day of October, 1908, vice Rear-Admiral James H. Dayton, retired.

Commander Henry T. Mayo to be a captain in the navy from the 25th day of October, 1908, vice Capt. James D. Adams, promoted.

Lieut. Commander Harrison A. Bispham to be a commander in the navy from the 25th day of October, 1908, vice Commander Henry T. Mayo, promoted.

Capt. Gottfried Blocklinger to be a rear-admiral in the navy from the 30th day of October, 1908, vice Rear-Admiral Albert R. Couden, retired.

Lieut. Commander Armistead Rust to be a commander in the navy from the 30th day of October, 1908, vice Commander Charles C. Rogers, promoted.

Ensign Edgar G. Oberlin to take rank as an ensign in the navy from the 31st day of January, 1907, to correct the date from which he takes rank as confirmed on May 14, 1908.

Midshipman Sylvester H. Lawton, jr., to be an ensign in the navy from the 31st day of January, 1907, upon the completion of three years' service in present grade.

The following-named midshipmen to be ensigns in the navy from the 13th day of February, 1908, to fill vacancies existing in that grade on that date:

George S. Bryan,
Edward S. Moses,
Milo F. Draemel,
Isaac C. Shute,
Henry G. Fuller,
Andrew S. Hickey,
Francis M. Robinson,
John F. Connor,
Charles C. Hartigan,
William H. Booth,
Charles S. McWhorter,
Douglas W. Fuller,
Herbert E. Emerson,
George E. Lake,
Albert S. Rees,
Fred F. Rogers,
Lynn B. Bernheim,
Wilfred E. Clarke,
Garrett K. Davis,
William B. Howe,
Hamilton F. Glover,
Herndon B. Kelly,
Arthur A. Garcelon, jr., and
Jefferson B. Goldman.

Gunner James J. Manning and Boatswain Benjamin J. Greene to be ensigns in the navy from the 30th day of July, 1908, in accordance with the provisions of an act of Congress approved March 3, 1901, as amended by the acts of March 3, 1903, and April 27, 1904.

I nominate the following-named assistant surgeons to be passed assistant surgeons in the navy from the dates set opposite their names, upon the completion of three years' service in present grade:

Milton E. Lando, October 26, 1907;
Judson L. Taylor, December 17, 1907;
Paul R. Stalnaker, May 3, 1908; and
George S. Hathaway, August 1, 1908.

Passed Asst. Surg. John J. Snyder to be a surgeon in the navy from the 4th day of April, 1908, vice Surg. John E. Page, retired.

Passed Asst. Surg. Edward M. Blackwell to be a surgeon in the navy from the 4th day of April, 1908, vice Surg. John M. Moore, dismissed.

Passed Asst. Surg. George F. Freeman to be a surgeon in the navy from the 2d day of August, 1908, vice Surg. John F. Urie, retired.

Medical Inspector Lucien G. Heneberger to be a medical director in the navy from the 2d day of September, 1908, vice Medical Director Walter A. McClurg, retired.

Surg. Henry T. Percy to be a medical inspector in the navy from the 2d day of September, 1908, vice Medical Inspector Lucien G. Heneberger, promoted.

Surg. James D. Gatewood to be a medical inspector in the navy from the 18th day of September, 1908, vice Medical Inspector John M. Steele, retired.

Surg. Oliver Diehl to be a medical inspector in the navy from the 11th day of October, 1908, vice Medical Inspector Clement Biddle, retired.

The following-named citizens to be assistant surgeons in the navy from the 15th day of June, 1908, to fill vacancies existing in that grade on that date:

David G. Allen, a citizen of Georgia;
Lindsay C. Whiteside, a citizen of Pennsylvania;
Chandler W. Smith, a citizen of Pennsylvania; and
George C. Thomas, a citizen of Pennsylvania.

The following-named citizens to be assistant surgeons in the navy from the 15th day of July, 1908, to fill vacancies existing in that grade on that date:

Joseph R. Phelps, a citizen of Massachusetts;
George B. Crow, a citizen of Missouri; and
Alfred L. Clifton, a citizen of Delaware.

Harry W. B. Turner, a citizen of California, to be an assistant surgeon in the navy from the 30th day of July, 1908, to fill a vacancy existing in that grade on that date.

Reginald B. Henry, a citizen of New York, and Harry A. Giltner, a citizen of Indiana, to be assistant surgeons in the navy from the 10th day of September, 1908, to fill vacancies existing in that grade on that date.

Lloyd P. Shippen, a citizen of Maryland, and Lucius W. Johnson, a citizen of Pennsylvania, to be assistant surgeons in the navy from the 17th day of September, 1908, to fill vacancies existing in that grade on that date.

The following-named citizens to be assistant surgeons in the navy from the 3d day of October, 1908, to fill vacancies existing in that grade on that date:

John B. Pollard, a citizen of Virginia;
Arthur H. Dodge, a citizen of Rhode Island;
George F. Cottle, a citizen of New York; and
William L. Mann, jr., a citizen of Texas.

The following-named citizens to be assistant surgeons in the navy from the 12th day of October, 1908, to fill vacancies existing in that grade on that date:

Roy Cuthbertson, a citizen of Michigan;
George B. Whitmore, a citizen of New York;
John A. B. Sinclair, a citizen of Virginia; and
Donald H. Noble, a citizen of Pennsylvania.

Passed Asst. Paymaster George P. Auld to be a paymaster in the navy from the 5th day of December, 1906, vice Paymaster Dexter Tiffany, jr., resigned.

Paymaster William J. Littell to be a pay inspector in the navy from the 5th day of April, 1908, vice Pay Inspector Charles S. Williams, promoted.

Passed Asst. Paymaster John A. B. Smith, jr., to be a paymaster in the navy from the 5th day of April, 1908, vice Paymaster William J. Littell, promoted.

Paymaster Martin McM. Ramsay to be a pay inspector in the navy from the 2d day of May, 1908, vice Pay Inspector Thomas J. Cowie, promoted.

Passed Asst. Paymaster Felix R Holt to be a paymaster in the navy from the 2d day of May, 1908, vice Paymaster Martin McM. Ramsay, promoted.

Passed Asst. Paymaster Emmett C. Gudger to be a paymaster in the navy from the 5th day of May, 1908, vice Paymaster Walter L. Wilson, retired.

The following-named assistant paymasters in the navy to be passed assistant paymasters in the navy from the dates set

opposite their names, upon the completion of three years' service in present grade:

Fred W. Holt, October 23, 1907;
Walter D. Sharp, October 23, 1907;
Raymond B. Westlake, October 23, 1907;
Gordon A. Helmicks, October 23, 1907;
John M. Hancock, October 23, 1907;
Graham M. Adee, October 23, 1907;
George R. Crapo, October 23, 1907;
Thom Williamson, jr., October 23, 1907;
William N. Hughes, October 23, 1907;
Howard H. Alkire, November 30, 1907;
John N. Jordan, January 6, 1908;
Harold W. Browning, March 15, 1908;
Benjamin H. Brooke, July 8, 1908;
Thomas J. Bright, July 8, 1908;
Emory D. Stanley, July 8, 1908;
Lewis W. L. Jennings, July 8, 1908;
Brantz Mayer, July 8, 1908;
Swinton L. Bethea, July 8, 1908;
William G. Neill, July 8, 1908;
Harry E. Collins, July 8, 1908;
John H. Gunnell, July 8, 1908;
Emmett H. Tebeau, July 8, 1908;
Charles E. Parsons, July 8, 1908;
William J. Hine, July 8, 1908;
Francis J. Daly, July 8, 1908; and
Roland W. Schumann, July 8, 1908.

The following-named citizens to be assistant paymasters in the navy from the 23d day of July, 1908, to fill vacancies existing in that grade on that date:

William R. Van Buren, a citizen of New York;
Raymond E. Corcoran, a citizen of South Carolina;
Elwood A. Cobey, a citizen of Maryland;
Spencer E. Dickinson, a citizen of California;
Robert S. Chew, jr., a citizen of the District of Columbia;
Russell Van De W. Bleecker, a citizen of New York; and
Thomas R. Le Compte, a citizen of Maryland.

Ensign Allan J. Chantry, jr., to be an assistant naval constructor in the navy from the 30th day of October, 1908, to fill a vacancy existing in that grade on that date.

The following-named boatswains in the navy to be chief boatswains in the navy from the dates set opposite their names upon the completion of six years' service in present grade:

Daniel Montague, June 15, 1904;
John Winn, November 5, 1907;
John Eberwine, March 11, 1908;
August Wohltman, March 11, 1908;
John A. Riley, March 11, 1908;
William Martin, March 11, 1908; and
Harry G. Jacklin, July 5, 1908.

The following-named gunners to be chief gunners in the navy from the dates set opposite their names upon the completion of six years' service in present grade:

August C. Steinbrenner, August 1, 1906;
Leonard Roll, March 11, 1908;
Isaiah Wilbur, March 11, 1908; and
George A. Messing, March 11, 1908.

Major, Assistant Adjutant and Inspector Rufus H. Lane to be an assistant adjutant and inspector in the United States Marine Corps with the rank of lieutenant-colonel from the 13th day of May, 1908, to fill a vacancy created by an act of Congress approved on that date.

Captain, Assistant Quartermaster William B. Lemly to be an assistant quartermaster in the United States Marine Corps with the rank of major from the 13th day of May, 1908, vice Major, Assistant Quartermaster Charles L. McCawley, promoted.

Captain, Assistant Quartermaster Henry L. Roosevelt to be an assistant quartermaster in the United States Marine Corps with the rank of major from the 13th day of May, 1908, to fill a vacancy created by an act of Congress approved on that date.

Captain, Asst. Paymaster William G. Powell to be an assistant paymaster in the United States Marine Corps with the rank of major from the 13th day of May, 1908, to fill a vacancy created by an act of Congress approved on that date.

First Lieut. Logan Tucker to be an assistant quartermaster in the United States Marine Corps with the rank of captain from the 28th day of September, 1908, vice Captain, Asst. Quartermaster Edwin A. Jonas, retired.

Second Lieut. Edward H. Conger to be a first lieutenant in the United States Marine Corps from the 14th day of March, 1908, vice First Lieut. Cleyburn McCauley, retired.

Capt. Philip M. Bannon to be a major in the United States Marine Corps from the 5th day of May, 1908, vice Maj. Edward R. Lowndes, retired.

First Lieut. William H. Pritchett to be a captain in the United States Marine Corps from the 5th day of May, 1908, vice Capt. Philip M. Bannon, promoted.

Second Lieut. Jeter R. Horton to be a first lieutenant in the United States Marine Corps from the 5th day of May, 1908, vice First Lieut. William H. Pritchett, promoted.

Lieut. Col. Lincoln Karmany to be a colonel in the United States Marine Corps from the 13th day of May, 1908, to fill a vacancy created by an act of Congress approved on that date.

Maj. John A. Lejeune to be a lieutenant-colonel in the United States Marine Corps from the 13th day of May, 1908, vice Lieut. Col. Lincoln Karmany, promoted.

Maj. Eli K. Cole to be a lieutenant-colonel in the United States Marine Corps from the 13th day of May, 1908, to fill a vacancy created by an act of Congress approved on that date.

Capt. Newt H. Hall to be a major in the United States Marine Corps from the 13th day of May, 1908, vice Maj. John A. Lejeune, promoted.

Capt. Henry Leonard to be a major in the United States Marine Corps from the 13th day of May, 1908, vice Maj. Smedley D. Butler, an additional number in grade.

Capt. George C. Thorpe to be a major in the United States Marine Corps from the 13th day of May, 1908, vice Maj. Henry Leonard, an additional number in grade.

Capt. Charles S. Hill to be a major in the United States Marine Corps from the 13th day of May, 1908, to fill a vacancy created by an act of Congress approved on that date.

Capt. Henry C. Davis to be a major in the United States Marine Corps from the 13th day of May, 1908, to fill a vacancy created by an act of Congress on that date.

First Lieut. William G. Fay to be a captain in the United States Marine Corps from the 13th day of May, 1908, vice Capt. Henry Leonard, promoted.

First Lieut. Robert Y. Rhea to be a captain in the United States Marine Corps from the 13th day of May, 1908, vice Capt. George C. Thorpe, promoted.

First Lieut. Thomas Holcomb, jr., to be a captain in the United States Marine Corps from the 13th day of May, 1908, vice Capt. Henry C. Davis, promoted.

The following-named first lieutenants to be captains in the United States Marine Corps from the 13th day of May, 1908, to fill vacancies created by an act of Congress approved on that date:

Edward A. Greene,
Edward B. Manwaring,
Thomas M. Clinton,
Hamilton D. South,
James T. Buttrick,
Giles Bishop, jr.,
James K. Tracy,
Arthur J. O'Leary,
Berton W. Sibley,
Frank F. Robards,
William Brackett,
Chandler Campbell,
William L. Redles,
Woodell A. Pickering,
Charles T. Westcott, jr., and
Franklin S. Wiltse.

Second Lieut. Henry N. Manney, jr., to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Frank C. Lander, promoted.

Second Lieut. Clifford P. Meyer to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Thomas H. Brown, promoted.

Second Lieut. Franklin B. Garrett to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. William G. Fay, promoted.

Second Lieut. Calvin B. Matthews to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Eli T. Fryer, promoted.

Second Lieut. Arthur A. Racicot, jr., to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Edward A. Greene, promoted.

Second Lieut. Tom D. Barber to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Hamilton D. South, promoted.

Second Lieut. Hermann T. Vulte to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. James T. Buttrick, promoted.

Second Lieut. Edward W. Sturdevant, jr., to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Giles Bishop, jr., promoted.

Second Lieut. Andrew B. Drum to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. James K. Tracy, promoted.

Second Lieut. Victor I. Morrison to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Ellis B. Miller, promoted.

Second Lieut. Maurice E. Shearer to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Arthur J. O'Leary, promoted.

Second Lieut. Ward Ellis to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Berton W. Sibley, promoted.

Second Lieut. Charles A. Lutz to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. William Brackett, promoted.

Second Lieut. Calhoun Ancrum to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Chandler Campbell, promoted.

Second Lieut. David M. Randall to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. William L. Redles, promoted.

Second Lieut. John R. Henley to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Charles T. Westcott, jr., promoted.

Second Lieut. Henry S. Green to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Franklin S. Wiltse, promoted.

Second Lieut. Ralph L. Shepard to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Frederick A. Ramsey, promoted.

The following-named second lieutenants in the United States Marine Corps to be first lieutenants in the Marine Corps from the 13th day of May, 1908, to fill vacancies created in that grade by an act of Congress approved on that date:

Howard W. Stone,
Bennet Puryear, jr.,
William W. Buckley,
William C. Wise, jr.,
William D. Smith,
Harold B. Pratt, and
Randolph Coyle.

First Lieut. Frederick A. Ramsey to be a captain in the United States Marine Corps from the 13th day of May, 1908, to fill a vacancy created by an act of Congress approved on that date.

First Lieut. John A. Hughes to be a captain in the United States Marine Corps from the 14th day of May, 1908, vice Capt. Harold C. Reisinger, appointed captain, assistant quartermaster.

Second Lieut. Philip H. Torrey to be a first lieutenant in the United States Marine Corps from the 14th day of May, 1908, vice First Lieut. Earl H. Ellis, promoted.

Second Lieut. Robert L. Denig to be a first lieutenant in the United States Marine Corps from the 14th day of May, 1908, vice First Lieut. John A. Hughes, promoted.

Second Lieut. Logan Tucker to be a first lieutenant in the United States Marine Corps from the 14th day of May, 1908, vice First Lieut. Frank Halford, appointed a captain, assistant quartermaster.

Second Lieut. Charles S. McReynolds to be a first lieutenant in the United States Marine Corps from the 14th day of May, 1908, vice First Lieut. Walter E. Noa, appointed a captain, assistant quartermaster.

Second Lieut. Charles F. B. Price to be a first lieutenant in the United States Marine Corps from the 14th day of May, 1908, vice First Lieut. Seth Williams, appointed a captain, assistant quartermaster.

Second Lieut. William C. Powers, jr., to be a first lieutenant in the United States Marine Corps from the 14th day of May, 1908, vice First Lieut. Davis B. Wills, appointed a captain, assistant paymaster.

Second Lieut. Russell H. Davis to be a first lieutenant in the United States Marine Corps from the 14th day of May, 1908, vice First Lieut. Edward W. Banker, appointed a captain, assistant quartermaster.

Second Lieut. Sydney S. Lee to be a first lieutenant in the United States Marine Corps from the 14th day of May, 1908, vice First Lieut. Charles R. Sanderson, appointed a captain, assistant quartermaster.

Second Lieut. Robert Tittoni to be a first lieutenant in the United States Marine Corps from the 17th day of May, 1908, vice First Lieut. William A. Howard, retired.

First Lieut. Thomas C. Turner to be a captain in the United States Marine Corps from the 17th day of June, 1908, vice Capt. Henry O. Bisset, retired.

Second Lieut. Ross E. Rowell to be a first lieutenant in the United States Marine Corps from the 17th day of June, 1908, vice First Lieut. Thomas C. Turner, promoted.

Capt. Smedley D. Butler to be a major in the United States Marine Corps from the 13th day of May, 1908, vice Maj. Eli K. Cole, promoted.

Templin M. Potts, jr., a citizen of West Virginia, to be a second lieutenant in the United States Marine Corps from the 10th day of March, 1905, to fill a vacancy existing in that grade on that date.

Clarke H. Wells, a citizen of the District of Columbia, to be a second lieutenant in the United States Marine Corps from the 9th day of September, 1908, to fill a vacancy existing in that grade on that date.

POSTMASTERS.

ALABAMA.

James A. Chambliss to be postmaster at Enterprise, Ala., in place of James A. Chambliss. Incumbent's commission expires December 15, 1908.

William B. Dale to be postmaster at Camden, Ala., in place of William J. Leppert, resigned.

Daniel A. Ewing to be postmaster at Florala, Ala., in place of Theodore S. Lanz, resigned.

May T. Fowler to be postmaster at Uniontown, Ala., in place of May T. Fowler. Incumbent's commission expires December 15, 1908.

A. W. Hawke to be postmaster at Samson, Ala. Office became presidential April 1, 1908.

Henry L. Marsh to be postmaster at Abbeville, Ala. Office became presidential April 1, 1906.

James W. Pilgreen to be postmaster at Calera, Ala. Office became presidential July 1, 1908.

Thomas H. Stephens to be postmaster at Gadsden, Ala., in place of Thomas H. Stephens. Incumbent's commission expires December 15, 1908.

Byron Trammell to be postmaster at Dothan, Ala., in place of Byron Trammell. Incumbent's commission expires December 15, 1908.

Robert H. Trammell to be postmaster at Lockhart, Ala. Office became presidential October 1, 1908.

Charley N. Thompson to be postmaster at Piedmont, Ala., in place of Charley N. Thompson. Incumbent's commission expired April 27, 1908.

William Wagner to be postmaster at Atmore, Ala. Office became presidential October 1, 1906.

Newton L. Wilson to be postmaster at Blocton, Ala., in place of Newton L. Wilson. Incumbent's commission expired June 19, 1906.

Lea Woodruff to be postmaster at Demopolis, Ala., in place of Wiley F. Kennamer. Incumbent's commission expired December 19, 1907.

ARKANSAS.

James F. Burrus to be postmaster at Atkins, Ark. Office became presidential October 1, 1908.

Lyman S. Roach to be postmaster at Texarkana, Ark., in place of Lyman S. Roach. Incumbent's commission expires February 1, 1909.

J. E. Woodson to be postmaster at Hope, Ark., in place of James R. Gibson. Incumbent's commission expired February 23, 1908.

CALIFORNIA.

John M. Jolley to be postmaster at Oceanside, Cal., in place of John M. Jolley. Incumbent's commission expires December 12, 1908.

James G. Mason to be postmaster at Menlo Park, Cal., in place of Jane E. Loveland, resigned.

Oscar L. Meek to be postmaster at Marysville, Cal., in place of John P. Swift, resigned.

Esther Murphy to be postmaster at Alhambra, Cal., in place of Frank B. Elwood, resigned.

Frederick B. Nichols to be postmaster at McCloud, Cal., in place of Frederick B. Nichols. Incumbent's commission expires December 12, 1908.

Nellie Pellet to be postmaster at Brawley, Cal. Office became presidential July 1, 1908.

H. C. Trippett to be postmaster at Roseville, Cal. Office became presidential October 1, 1908.

J. H. Williams to be postmaster at Compton, Cal., in place of Lorenzo A. Rockwell, removed.

COLORADO.

Francis M. Carman to be postmaster at Limon, Colo. Office became presidential October 1, 1908.

Henry W. Lance to be postmaster at Rocky Ford, Colo., in place of Henry W. Lance. Incumbent's commission expires December 15, 1908.

Griffith R. Lewis to be postmaster at Cripple Creek, Colo., in place of Daniel M. Sullivan. Incumbent's commission expired January 4, 1908.

Robert S. Lewis to be postmaster at Canon City, Colo., in place of Robert S. Lewis. Incumbent's commission expires December 15, 1908.

CONNECTICUT.

John W. Cook to be postmaster at Beacon Falls, Conn. Office became presidential July 1, 1908.

Alexander B. Gardner to be postmaster at Milford, Conn., in place of Alexander B. Gardner. Incumbent's commission expires December 14, 1908.

Harvey S. Halligan to be postmaster at Seymour, Conn., in place of Wilbur W. Smith, deceased.

Nelson R. Jessup to be postmaster at Stamford, Conn., in place of Joshua A. Fessenden, deceased.

William L. Judson to be postmaster at Woodbury, Conn. Office became presidential October 1, 1908.

William H. Kelsey to be postmaster at Clinton Conn., in place of William H. Kelsey. Incumbent's commission expires December 12, 1908.

Giles P. Lecrenier to be postmaster at Moodus, Conn. Office became presidential October 1, 1908.

Charles H. Taylor to be postmaster at Georgetown, Conn. Office became presidential July 1, 1908.

DELAWARE.

John R. Black to be postmaster at Milton, Del. Office became presidential April 1, 1908.

FLORIDA.

Frank Vans Agnew to be postmaster at Kissimmee, Fla., in place of Willard L. Van Duzor, removed.

Charles E. Barnes to be postmaster at Plant City, Fla., in place of Eben B. Trask, resigned.

Newell B. Hull to be postmaster at Starke, Fla., in place of Newell B. Hull. Incumbent's commission expires December 16, 1908.

Charles H. Jones to be postmaster at Quincy, Fla., in place of George A. W. Wendell, resigned.

GEORGIA.

John R. Barclay to be postmaster at Rome, Ga., in place of John R. Barclay. Incumbent's commission expires December 12, 1908.

William T. Edwards to be postmaster at Canton, Ga., in place of William T. Edwards. Incumbent's commission expires December 12, 1908.

George B. Grier to be postmaster at Dublin, Ga., in place of Clark Grier, resigned.

Helen D. Longstreet to be postmaster at Gainesville, Ga., in place of Helen D. Longstreet. Incumbent's commission expired December 8, 1908.

Henry M. Miller to be postmaster at Colquitt, Ga. Office became presidential July 1, 1908.

Thomas M. Scovill to be postmaster at Oglethorpe, Ga. Office became presidential July 1, 1908.

HAWAII.

M. T. Lyons to be postmaster at Wailuku, Hawaii, in place of Vetle A. Vetlesen. Incumbent's commission expired November 17, 1907.

IDAHO.

Charles C. Moore to be postmaster at St. Anthony, Idaho, in place of Marcellus J. Gray, removed.

A. T. Shane to be postmaster at Idaho Falls, Idaho, in place of Ed F. Winn, removed.

Thomas C. White to be postmaster at St. Maries, Idaho. Office became presidential October 1, 1908.

ILLINOIS.

John F. Ashwill to be postmaster at Toledo, Ill., in place of John F. Ashwill. Incumbent's commission expires December 14, 1908.

Henry C. Bogue to be postmaster at Vermont, Ill., in place of Henry C. Bogue. Incumbent's commission expires December 16, 1908.

Theodore Boltenstern to be postmaster at Cambridge, Ill., in place of Swan J. Chilberg, resigned.

Orange L. Campbell to be postmaster at Knoxville, Ill., in place of Orange L. Campbell. Incumbent's commission expires December 12, 1908.

Frank J. Chapman to be postmaster at McLeansboro, Ill., in place of Augustus Gibson, deceased.

Albert S. Corl to be postmaster at North Crystal Lake, Ill. (late Munda), in place of Albert S. Corl. To change name of office.

Joel W. Ellis to be postmaster at Seneca, Ill., in place of Joel W. Ellis. Incumbent's commission expires December 12, 1908.

John Holliday to be postmaster at Kirkwood, Ill., in place of John Holliday. Incumbent's commission expires December 12, 1908.

Henry C. Jones to be postmaster at Marion, Ill., in place of Henry C. Jones. Incumbent's commission expires December 12, 1908.

William A. Kelly to be postmaster at West Frankfort, Ill. Office became presidential January 1, 1908.

Warren J. Lincoln to be postmaster at Mount Pulaski, Ill., in place of Warren J. Lincoln. Incumbent's commission expires December 12, 1908.

Robert L. Lutton to be postmaster at Clifton, Ill. Office became presidential October 1, 1908.

Henry P. Miller to be postmaster at Cobden, Ill., in place of Orlando E. Baldwin, resigned.

Robert J. Morray to be postmaster at Creal Springs, Ill. Office became presidential October 1, 1908.

Fred W. Pattee to be postmaster at Elburn, Ill., in place of Fred W. Pattee. Incumbent's commission expires December 12, 1908.

Edgar Rodee to be postmaster at Prophetstown, Ill., in place of Ansel B. Case, resigned.

Paul P. Shutt to be postmaster at Paris, Ill., in place of George W. Baber, deceased.

Frederick J. Simater to be postmaster at Minonk, Ill., in place of Alfred R. Wilcox, resigned.

William L. Spear to be postmaster at Rankin, Ill., in place of Samuel S. Irwin. Incumbent's commission expires January 9, 1909.

J. W. Thompson to be postmaster at Granite City, Ill., in place of Frank M. Cauger. Incumbent's commission expired November 17, 1907.

Charles G. Watrous to be postmaster at Waukegan, Ill., in place of Charles G. Watrous. Incumbent's commission expires December 16, 1908.

INDIANA.

Joseph E. Gordon to be postmaster at Versailles, Ind., in place of Lewis A. Lee, resigned.

Charles E. Hillstrom to be postmaster at Chesterton, Ind., in place of Charles E. Hillstrom. Incumbent's commission expires December 12, 1908.

Charles Fremont Hoover to be postmaster at Akron, Ind. Office became presidential October 1, 1908.

Knode D. Porter to be postmaster at Hagerstown, Ind., in place of Knode D. Porter. Incumbent's commission expired January 4, 1908.

William E. Sholty to be postmaster at Windfall, Ind. Office became presidential October 1, 1908.

Phineas O. Small to be postmaster at Laporte, Ind., in place of Phineas O. Small. Incumbent's commission expires December 14, 1908.

Moses Specter to be postmaster at East Chicago, Ind., in place of Mary Ann Ross. Incumbent's commission expires December 12, 1908.

IOWA.

Carlos G. Aldrich to be postmaster at Schaller, Iowa, in place of Charles G. Aldrich. Incumbent's commission expires December 12, 1908.

Martin A. Aasgaard to be postmaster at Lake Mills, Iowa, in place of Ferdinand A. Christensen. Incumbent's commission expired January 11, 1908.

George Banger to be postmaster at Laporte City, Iowa, in place of George Banger. Incumbent's commission expired January 11, 1908.

Charles O. Barry to be postmaster at Walker, Iowa. Office became presidential October 1, 1908.

Edgar O. Beanblossom to be postmaster at Whiting, Iowa, in place of Edgar O. Beanblossom. Incumbent's commission expires December 12, 1908.

Dennis Bittner to be postmaster at Olin, Iowa. Office became presidential October 1, 1908.

William L. Comstock to be postmaster at Mechanicsville, Iowa, in place of William L. Comstock. Incumbent's commission expires December 14, 1908.

Hans Evenson to be postmaster at Calmar, Iowa. Office became presidential July 1, 1908.

Fred J. Fearis to be postmaster at Richland, Iowa. Office became presidential October 1, 1908.

John H. Hunt to be postmaster at Allison, Iowa, in place of Lambert J. Rogers. Incumbent's commission expired November 17, 1907.

J. E. T. Johnson to be postmaster at Gowrie, Iowa, in place of Victor Nelson. Incumbent's commission expired April 27, 1908.

Louis N. Kramer to be postmaster at McGregor, Iowa, in place of Alonzo C. Boyle, resigned.

Frank J. Mann to be postmaster at Burt, Iowa, in place of Lincoln Hall, resigned.

John C. Meredith to be postmaster at Allerton, Iowa, in place of Samuel H. Hedrix, resigned.

A. W. Sleeper to be postmaster at Sheldon, Iowa, in place of Joe Morton, resigned.

Lewis W. Sley to be postmaster at Oxford Junction, Iowa. Office became presidential July 1, 1908.

Charles Smith to be postmaster at Clarence, Iowa, in place of Charles Smith. Incumbent's commission expires December 14, 1908.

Charles M. Stevens to be postmaster at Williams, Iowa. Office became presidential April 1, 1908.

L. H. Surber to be postmaster at Indianola, Iowa, in place of Evan B. Dowell. Incumbent's commission expired April 19, 1908.

Frank J. Tishenbanner to be postmaster at Gilmore City, Iowa, in place of Lyman Beers, resigned.

W. H. Vance to be postmaster at Winterset, Iowa, in place of Edward M. Smith, resigned.

KANSAS.

Eli A. Baum to be postmaster at Burden, Kans. Office became presidential October 1, 1908.

Orlando A. Cheney to be postmaster at Fort Scott, Kans., in place of Orlando A. Cheney. Incumbent's commission expires December 13, 1908.

Frank S. McKelvey to be postmaster at Gas, Kans., in place of Frank S. McKelvey. Incumbent's commission expires December 13, 1908.

Lewis Pickrell to be postmaster at Minneapolis, Kans., in place of Thomas E. Hurley, resigned.

KENTUCKY.

Charles Cowell to be postmaster at Earlington, Ky., in place of Charles G. Robinson, deceased.

George A. Harding to be postmaster at Campbellsville, Ky., in place of Thomas C. Taylor, removed.

H. G. Hicks to be postmaster at Olive Hill, Ky. Office became presidential January 1, 1907.

William H. Jones to be postmaster at Glasgow, Ky., in place of James F. Taylor, resigned.

William J. Manby to be postmaster at La Grange, Ky., in place of Joseph P. Bozarth. Incumbent's commission expired January 11, 1908.

John D. Littlejohn to be postmaster at Grayson, Ky. Office became presidential October 1, 1908.

John W. Shields to be postmaster at Williamstown, Ky., in place of John W. Shields. Incumbent's commission expires December 12, 1908.

William A. Wallace to be postmaster at Leitchfield, Ky., in place of Daniel O'Riley. Incumbent's commission expires December 12, 1908.

LOUISIANA.

Philip P. Blanchard to be postmaster at White Castle, La., in place of Randolph Blanchard, resigned.

Joseph J. Lafargue to be postmaster at Donaldsonville, La., in place of John F. Terrio, deceased.

Theodore W. Schmidt to be postmaster at Patterson, La., in place of John A. Duplan, deceased.

Margarette L. Tatum to be postmaster at Gibsland, La. Office became presidential October 1, 1908.

MAINE.

Edward B. Buck to be postmaster at Foxcroft, Me., in place of Edward B. Buck. Incumbent's commission expires December 14, 1908.

Freeman D. Dearth to be postmaster at Dexter, Me., in place of Freeman D. Dearth. Incumbent's commission expired December 8, 1908.

Charles B. Haskell to be postmaster at Pittsfield, Me., in place of Oramel Murray, deceased.

Charles A. Lang to be postmaster at Harrison, Me. Office became presidential July 1, 1908.

Frank W. Mallett to be postmaster at Fort Kent, Me. Office became presidential October 1, 1908.

Charles F. Plumly to be postmaster at Lincoln, Me., in place of Charles F. Plumly. Incumbent's commission expired December 8, 1908.

MARYLAND.

Ida E. Macfarlane to be postmaster at Mount Savage, Md. Office became presidential January 1, 1908.

Daniel R. Randall to be postmaster at Annapolis, Md., in place of Washington G. Tuck, deceased.

Asbury C. Riley to be postmaster at Snow Hill, Md., in place of Charles W. Farrow, removed.

Rose E. Walls to be postmaster at Millington, Md. Office became presidential October 1, 1908.

MASSACHUSETTS.

Samuel Atwell to be postmaster at Kingston, Mass., in place of Samuel Atwell. Incumbent's commission expired December 8, 1908.

James S. Burbank to be postmaster at Mattapoisett, Mass. Office became presidential July 1, 1908.

Eunice Agnes Burtch to be postmaster at Sheffield, Mass. Office became presidential July 1, 1908.

Asa B. Fay to be postmaster at Northboro, Mass., in place of Asa B. Fay. Incumbent's commission expired December 8, 1908.

Harrison V. Hall to be postmaster at Wrentham, Mass. Office became presidential October 1, 1908.

George E. Ricker to be postmaster at Merrimac, Mass., in place of George E. Ricker. Incumbent's commission expires December 12, 1908.

Joseph C. Sheehan to be postmaster at East Bridgewater, Mass., in place of Joseph C. Sheehan. Incumbent's commission expired December 8, 1908.

Charles J. Shepard to be postmaster at Waltham, Mass., in place of Charles J. Shepard. Incumbent's commission expired December 8, 1908.

Osgood L. Small to be postmaster at Sagamore, Mass. Office became presidential October 1, 1908.

George M. Solomon to be postmaster at Hinsdale, Mass. Office became presidential October 1, 1908.

Elmer Standley to be postmaster at Beverly Farms, Mass., in place of Elmer Standley. Incumbent's commission expired December 8, 1908.

Marie E. White to be postmaster at South Hadley, Mass., in place of Marie E. White. Incumbent's commission expired December 8, 1908.

William F. Wiley to be postmaster at Peabody, Mass., in place of William F. Wiley. Incumbent's commission expires December 16, 1908.

MICHIGAN.

Eber S. Andrews to be postmaster at Williamston, Mich., in place of Eber S. Andrews. Incumbent's commission expires December 12, 1908.

Stuart Beatty to be postmaster at Utica, Mich. Office became presidential October 1, 1908.

Thomas H. Berryman to be postmaster at Mohawk, Mich. Office became presidential July 1, 1908.

Charles M. Butler to be postmaster at Morenci, Mich., in place of Charles M. Butler. Incumbent's commission expires December 12, 1908.

Theron D. Childs to be postmaster at Three Oaks, Mich., in place of Theron D. Childs. Incumbent's commission expires December 12, 1908.

David J. Evans to be postmaster at Millington, Mich., in place of Henry B. Henderson, removed.

Charles W. Glover to be postmaster at Bear Lake, Mich. Office became presidential October 1, 1908.

Jens Hemingsen to be postmaster at Grant, Mich. Office became presidential October 1, 1908.

A. M. Humphrey to be postmaster at Saline, Mich., in place of George Burkhart, resigned.

William F. Johnston to be postmaster at Roscommon, Mich. Office became presidential October 1, 1908.

Christopher C. Smith to be postmaster at Algonac, Mich., in place of Christopher C. Smith. Incumbent's commission expires December 12, 1908.

William Trevarthen to be postmaster at South Range, Mich. Office became presidential July 1, 1908.

MINNESOTA.

Marion G. Crawford to be postmaster at Lakefield, Minn., in place of Marion G. Crawford. Incumbent's commission expires December 12, 1908.

F. E. Toomey to be postmaster at Scanlon, Minn., in place of Theodore G. Fasteen, removed.

James Walker to be postmaster at Ellsworth, Minn. Office became presidential July 1, 1908.

MISSISSIPPI.

Dozier Anderson to be postmaster at Tupelo, Miss., in place of Dozier Anderson. Incumbent's commission expired April 1, 1906.

James N. Atkinson to be postmaster at Summit, Miss., in place of Lea Van Sample, removed.

Edward F. Brennan to be postmaster at Brookhaven, Miss., in place of Edward H. Thompson, removed.

Jasper F. Butler to be postmaster at Holly Springs, Miss., in place of Priscilla S. Scruggs, removed.

W. J. Price to be postmaster at Meridian, Miss., in place of Andrew J. Hyde, resigned.

Thomas Richardson to be postmaster at Port Gibson, Miss., in place of Thomas Richardson. Incumbent's commission expired February 18, 1908.

MISSOURI.

Henry A. Herkstroeter to be postmaster at Washington, Mo., in place of Albert C. Krog, resigned.

John W. Key to be postmaster at Mountain Grove, Mo., in place of John W. Key. Incumbent's commission expires December 14, 1908.

Iola W. Morsey to be postmaster at Warrenton, Mo., in place of Iola W. Morsey. Incumbent's commission expires December 13, 1908.

William F. Norris to be postmaster at Perry, Mo. Office became presidential January 1, 1908.

Edwin W. Pritchett to be postmaster at Martinsburg, Mo. Office became presidential January 1, 1908.

George Stoolfer to be postmaster at Skidmore, Mo., in place of Thomas L. Howden, removed.

James A. Williams to be postmaster at Crane, Mo. Office became presidential July 1, 1908.

MONTANA.

Richard W. Garland to be postmaster at Malta, Mont. Office became presidential July 1, 1908.

NEBRASKA.

Augustine A. Hyers to be postmaster at Havelock, Nebr., in place of Augustine A. Hyers. Incumbent's commission expires December 12, 1908.

Charles F. Leetham to be postmaster at St. Paul, Nebr., in place of Ches Chinn, resigned.

Charles W. Meeker to be postmaster at Imperial, Nebr. Office became presidential July 1, 1908.

Isaac Roush to be postmaster at Kimball, Nebr. Office became presidential July 1, 1908.

Clifton F. Stockwell to be postmaster at Bassett, Nebr. Office became presidential October 1, 1908.

Fay Whitfield to be postmaster at Peru, Nebr., in place of Fay Whitfield. Incumbent's commission expires December 12, 1908.

NEVADA.

Herbert Badt to be postmaster at Wells, Nev. Office became presidential July 1, 1908.

Jessie E. Burnett to be postmaster at McGill, Nev. (late Smelter). Office became presidential October 1, 1908, and to change name of office.

George C. Fetterman to be postmaster at Caliente, Nev. Office became presidential July 1, 1908.

Fred L. Littell to be postmaster at Yerington, Nev. Office became presidential January 1, 1908.

NEW HAMPSHIRE.

Joseph H. Avery to be postmaster at Milton, N. H., in place of Joseph H. Avery. Incumbent's commission expires December 14, 1908.

John H. Brown to be postmaster at Concord, N. H., in place of John H. Brown. Incumbent's commission expired December 7, 1908.

E. Bertram Pike to be postmaster at Pike, N. H., in place of Edwin B. Pike, deceased.

NEW JERSEY.

Frederick P. Baker to be postmaster at Millington, N. J., in place of Frederick P. Baker. Incumbent's commission expires December 13, 1908.

Albert M. Bradshaw to be postmaster at Lakewood, N. J., in place of Albert M. Bradshaw. Incumbent's commission expires December 14, 1908.

Frederick W. Bohlen to be postmaster at Maurer, N. J. Office became presidential October 1, 1908.

Charles F. Burney to be postmaster at Bradley Beach, N. J. Office became presidential July 1, 1908.

Charles S. Day to be postmaster at New Market, N. J. Office became presidential October 1, 1908.

Thomas Graham to be postmaster at Point Pleasant, N. J., in place of Thomas Graham. Incumbent's commission expires December 13, 1908.

Arthur F. Stecher to be postmaster at Riverside, N. J., in place of August C. Stecher, deceased.

NEW MEXICO.

Robert Kellahin to be postmaster at Roswell, N. Mex., in place of Robert Kellahin. Incumbent's commission expires December 12, 1908.

Ira O. Wetmore to be postmaster at Carrizozo, N. Mex. Office became presidential July 1, 1908.

NEW YORK.

Arthur C. Agan to be postmaster at Fayetteville, N. Y., in place of Arthur C. Agan. Incumbent's commission expires December 13, 1908.

N. Austin Baker to be postmaster at Salem, N. Y., in place of N. Austin Baker. Incumbent's commission expires December 13, 1908.

Flora E. Bassett to be postmaster at Walton, N. Y., in place of Charles B. Bassett, deceased.

Thomas A. Braniff to be postmaster at New Brighton, N. Y., in place of John H. Eadie, deceased.

Robert P. Brown to be postmaster at West New Brighton, N. Y., in place of Robert P. Brown. Incumbent's commission expires December 13, 1908.

Thomas A. Chisholm to be postmaster at Fort Covington, N. Y. Office became presidential October 1, 1908.

Orley W. Closson to be postmaster at Schuylerville, N. Y. (late Schuylersville), in place of Orley W. Closson, to change name of office.

William H. Clark to be postmaster at Nichols, N. Y. Office became presidential October 1, 1908.

Henry E. Corwin to be postmaster at Bellport, N. Y. Office became presidential July 1, 1908.

William Cowie to be postmaster at Syracuse, N. Y., in place of Dwight H. Bruce, deceased.

Fred A. Davis to be postmaster at Fort Edward, N. Y., in place of Fred A. Davis. Incumbent's commission expires December 16, 1908.

Timothy Dinneen to be postmaster at St. Johnsville, N. Y., in place of James Fox. Incumbent's commission expired March 12, 1908.

Charles W. Fletcher to be postmaster at Montour Falls, N. Y., in place of Charles B. Ball, removed.

Horace B. Fromer to be postmaster at Hunter, N. Y., in place of Alfred E. Greene, deceased.

Lee V. Gardner to be postmaster at Centerville Station, N. Y. Office became presidential July 1, 1908.

John F. Heim to be postmaster at Lancaster, N. Y., in place of John F. Heim. Incumbent's commission expired April 27, 1908.

Durward B. Kelly to be postmaster at Griffin Corners, N. Y. Office became presidential July 1, 1908.

Annie Larrabee to be postmaster at Oyster Bay, N. Y., in place of Annie Larrabee. Incumbent's commission expires December 16, 1908.

William J. McClure to be postmaster at Delanson, N. Y. Office became presidential July 1, 1908.

Jonathan B. Morey to be postmaster at Dansville, N. Y., in place of Frank J. McNeil. Incumbent's commission expired January 22, 1907.

Henry Morgan to be postmaster at Aurora, N. Y., in place of Christopher B. Morgan, resigned.

George Mumford to be postmaster at Milford, N. Y. Office became presidential October 1, 1908.

Frederick B. Powell to be postmaster at Amityville, N. Y., in place of Frederick B. Powell. Incumbent's commission expires December 13, 1908.

William Purcell to be postmaster at Scottsville, N. Y., in place of William Purcell. Incumbent's commission expires December 16, 1908.

Frank Stumpf to be postmaster at Stillwater, N. Y. Office became presidential October 1, 1908.

Alexander S. Taylor to be postmaster at Westbury, N. Y. (late Westbury Station), in place of Alexander S. Taylor, to change name of office.

Mortimer R. Tefft to be postmaster at Greenwich, N. Y., in place of Mortimer R. Tefft. Incumbent's commission expired December 17, 1907.

Frederick Torns to be postmaster at Lindenhurst, N. Y. Office became presidential October 1, 1908.

Charles K. Williams to be postmaster at Phoenix, N. Y., in place of Oscar E. Ward, deceased.

NORTH CAROLINA.

John M. Burrows to be postmaster at Ashboro, N. C. Office became presidential January 1, 1908.

Daniel E. Forrest to be postmaster at Efland, N. C. Office became presidential July 1, 1908.

Augusta Meares to be postmaster at Clarkton, N. C. Office became presidential October 1, 1908.

Benjamin O. Morris to be postmaster at Mocksville, N. C., in place of Edwin H. Morris, resigned.

Zach Stephenson to be postmaster at Clayton, N. C. Office became presidential January 1, 1908.

NORTH DAKOTA.

Perry Brown to be postmaster at Sherwood, N. Dak. Office became presidential July 1, 1906.

William T. Cameron to be postmaster at Aneta, N. Dak., in place of Bertha M. Gunderson. Incumbent's commission expired November 19, 1907.

Henry Engelter to be postmaster at New Salem, N. Dak., in place of Henry Engelter. Incumbent's commission expired January 25, 1908.

Alice Gilbertson to be postmaster at Towner, N. Dak., in place of Joseph L. Killion. Incumbent's commission expired December 19, 1907.

OHIO.

Harlow N. Aldrich to be postmaster at Elmore, Ohio, in place of Harlow N. Aldrich. Incumbent's commission expired January 27, 1908.

William S. Atkinson to be postmaster at Salem, Ohio, in place of Frederick T. Miles. Incumbent's commission expired March 8, 1908.

George C. Braden to be postmaster at Warren, Ohio, in place of John Campbell. Incumbent's commission expires January 20, 1909.

Edward H. Collins to be postmaster at Bedford, Ohio, in place of Charles B. Marble, deceased.

Selah S. Connell to be postmaster at West Carrollton, Ohio, in place of Selah S. Connell. Incumbent's commission expired February 13, 1906.

John Ellis to be postmaster at Massillon, Ohio, in place of Louis A. Koons. Incumbent's commission expired April 27, 1908.

E. C. Gething to be postmaster at Hubbard, Ohio, in place of William M. Evans. Incumbent's commission expired February 29, 1908.

Herman C. Glander to be postmaster at West Alexandria, Ohio. Office became presidential January 1, 1907.

W. E. Halley to be postmaster at Greenville, Ohio, in place of Alonzo L. Jones. Incumbent's commission expired June 30, 1906.

Thomas L. Knauf to be postmaster at Calla, Ohio, in place of Thomas L. Knauf. Incumbent's commission expires December 13, 1908.

Henry M. Larkins to be postmaster at Sebring, Ohio, in place of Henry M. Larkins. Incumbent's commission expires December 13, 1908.

James H. Muir to be postmaster at Pemberville, Ohio. Office became presidential January 1, 1908.

John K. Niesz to be postmaster at Maumee, Ohio, in place of David H. Perrin, removed.

William C. Newell to be postmaster at Bainbridge, Ohio. Office became presidential July 1, 1908.

Lee G. Pennock to be postmaster at Urbana, Ohio, in place of Roger H. Murphy. Incumbent's commission expired March 13, 1907.

W. A. Ritter to be postmaster at Napoleon, Ohio, in place of Elmer A. Palmer. Incumbent's commission expired March 8, 1908.

Charles L. Thompson to be postmaster at Georgetown, Ohio, in place of Mary L. Thompson. Incumbent's commission expired March 3, 1907.

Henry S. Winsper to be postmaster at East Palestine, Ohio, in place of George B. Alaback. Incumbent's commission expired March 3, 1907.

OKLAHOMA.

Henry Amey to be postmaster at Fort Cobb, Okla. Office became presidential January 1, 1908.

Alfred M. Clark to be postmaster at Gage, Okla., in place of Alfred M. Clark. Incumbent's commission expired April 12, 1908.

Stephen A. Douglas to be postmaster at Ardmore, Okla., in place of Stephen A. Douglas. Incumbent's commission expires December 16, 1908.

Horace Gray to be postmaster at Tahlequah, Okla., in place of Robert B. Ross, resigned.

Ira A. Hill to be postmaster at Cherokee, Okla. Office became presidential October 1, 1905.

Alexander B. Holliday to be postmaster at Crescent, Okla. Office became presidential January 1, 1908.

Will Huston to be postmaster at Thomas, Okla., in place of William Thomas, resigned.

Walter F. McCague to be postmaster at Ralston, Okla. Office became presidential January 1, 1908.

Erastus G. McRee to be postmaster at Granite, Okla., in place of Thomas J. Molinari, resigned.

Downey Milburne to be postmaster at Coweta, Okla., in place of Adolphus D. Orcutt, resigned.

Alice M. Robertson to be postmaster at Muskogee, Okla., in place of Alice M. Robertson. Incumbent's commission expires December 14, 1908.

George Ruddell to be postmaster at Weatherford, Okla., in place of Adolph Bollenbach. Incumbent's commission expired April 27, 1908.

A. J. Thompson to be postmaster at Okarche, Okla., in place of Gustave A. Hall, resigned.

Merrel L. Thompson to be postmaster at Hartshorne, Okla., in place of Francis M. Savage. Incumbent's commission expired December 16, 1907.

John D. Wilkins to be postmaster at Pryor (late Pryor Creek), Okla., in place of Flavius J. Sullivan. Incumbent's commission expired November 17, 1907. To change name of office.

Benjamin F. Williams to be postmaster at Sayre, Okla., in place of Benjamin F. Williams. Incumbent's commission expired January 11, 1908.

OREGON.

John E. Loggan to be postmaster at Burns, Oreg., in place of Frank W. Welcome, removed.

Land B. Rutherford to be postmaster at Rainier, Oreg., in place of Lucien R. Farris, resigned.

Ben Weathers to be postmaster at Enterprise, Oreg., in place of W. T. Bell, resigned.

John C. Young to be postmaster at Portland, Oreg., in place of John W. Minto. Incumbent's commission expired December 8, 1908.

PENNSYLVANIA.

Marcellus J. B. Brooks to be postmaster at Driftwood, Pa. Office became presidential July 1, 1908.

Clara Brown to be postmaster at Linesville, Pa., in place of William E. Brown, deceased.

Frank M. Butterfield to be postmaster at New Milford, Pa., in place of Gardner C. Howell, removed.

Elmer D. Carl to be postmaster at Greencastle, Pa., in place of Elmer D. Carl. Incumbent's commission expires December 15, 1908.

Thomas J. Davis to be postmaster at Avoca, Pa. Office became presidential October 1, 1906.

Henry O. Garber to be postmaster at Berwyn, Pa., in place of Henry O. Garber. Incumbent's commission expires December 15, 1908.

William S. Gleason to be postmaster at Johnsonburg, Pa., in place of William S. Gleason. Incumbent's commission expires December 15, 1908.

John Gowland to be postmaster at Philipsburg, Pa., in place of John Gowland. Incumbent's commission expired December 7, 1908.

Ralph M. Lashelle, sr., to be postmaster at Centralia, Pa. Office became presidential October 1, 1908.

Timothy J. Leahy to be postmaster at Sayre, Pa., in place of George D. Bonfoey, removed.

Iddo M. Lewis to be postmaster at Rossiter, Pa. Office became presidential July 1, 1908.

Frank J. Roethline to be postmaster at Northampton, Pa., in place of Frank J. Roethline. Incumbent's commission expired March 3, 1907.

Royal A. Stratton to be postmaster at Conneaut Lake, Pa., in place of Royal A. Stratton. Incumbent's commission expires December 13, 1908.

Albert H. Swing to be postmaster at Coatesville, Pa., in place of Albert H. Swing. Incumbent's commission expires December 15, 1908.

Frank M. Tiffany to be postmaster at Dalton, Pa. Office became presidential October 1, 1908.

RHODE ISLAND.

Nathaniel H. Brown to be postmaster at East Greenwich, R. I., in place of Nathaniel H. Brown. Incumbent's commission expired December 8, 1908.

Hulda J. Fessenden to be postmaster at Saylesville, R. I., in place of Hulda J. Fessenden. Incumbent's commission expired December 8, 1908.

Edward W. Jones to be postmaster at River Point, R. I., in place of Edward W. Jones. Incumbent's commission expires December 14, 1908.

SOUTH CAROLINA.

W. Clarence Clinkscales to be postmaster at Belton, S. C., in place of William C. Brown, resigned.

Allen T. Collins to be postmaster at Conway, S. C., in place of Benjamin G. Collins, resigned.

Alonzo M. Folger to be postmaster at Easley, S. C., in place of Alonzo M. Folger. Incumbent's commission expired April 27, 1908.

Arthur R. Garner to be postmaster at Timmonsville, S. C., in place of Arthur R. Garner. Incumbent's commission expires December 12, 1908.

Thomas Hester to be postmaster at Gaffney, S. C., in place of Alfred R. N. Folger. Incumbent's commission expired December 16, 1907.

Leila Jackson Huntley to be postmaster at Cheraw, S. C., in place of Mary L. Wells, resigned.

Louis Jacobs to be postmaster at Kingstree, S. C., in place of Louis Jacobs. Incumbent's commission expires December 12, 1908.

SOUTH DAKOTA.

J. R. Calder to be postmaster at Edgemont, S. Dak., in place of James A. Stewart, resigned.

Irene Fuller to be postmaster at Blunt, S. Dak. Office became presidential July 1, 1908.

Frank E. McLaughlin to be postmaster at Geddes, S. Dak., in place of William A. Lyons, resigned.

Marion H. Moore to be postmaster at Bellefourche, S. Dak., in place of Daniel J. Arnold, resigned.

Thomas T. Smith to be postmaster at Canton, S. Dak., in place of Thomas T. Smith. Incumbent's commission expires December 12, 1908.

Frank B. Williams to be postmaster at Hurley, S. Dak., in place of John J. Mansfield. Incumbent's commission expired November 17, 1907.

TENNESSEE.

William A. Anderson to be postmaster at Bellbuckle, Tenn., in place of Robert A. Espey, resigned.

James L. Cotham to be postmaster at Hohenwald, Tenn. Office became presidential April 1, 1908.

John W. Jackson to be postmaster at Columbia, Tenn., in place of Archelaus M. Hughes, removed.

William T. Smythe to be postmaster at Mountain City, Tenn., in place of William T. Smythe. Incumbent's commission expires January 10, 1909.

TEXAS.

John D. Anderson to be postmaster at Miles, Tex. (late Miles Station), in place of John D. Anderson, to change name of office.

George W. Andruss to be postmaster at Rotan, Tex. Office became presidential July 1, 1908.

W. L. Brown to be postmaster at Hamlin, Tex. Office became presidential June 1, 1908.

John Edwin Clarke to be postmaster at Knox City, Tex. Office became presidential October 1, 1908.

Harry H. Cooper to be postmaster at Nacogdoches, Tex., in place of Harry H. Cooper. Incumbent's commission expired January 20, 1907.

C. A. Cox to be postmaster at Lott, Tex., in place of J. M. Westmoreland, resigned.

David C. Dodge to be postmaster at Claude, Tex. Office became presidential October 1, 1908.

Christian Doss to be postmaster at Palacios, Tex. Office became presidential October 1, 1908.

George C. Hopkins to be postmaster at Winnsboro, Tex., in place of Isham Russell. Incumbent's commission expired June 27, 1908.

J. S. House to be postmaster at Kingsville, Tex., in place of R. G. Flats, resigned.

Albert S. Jones to be postmaster at Kosse, Tex. Office became presidential October 1, 1908.

Robert B. Rentfro to be postmaster at Brownsville, Tex., in place of Joel B. Sharpe. Incumbent's commission expired January 27, 1908.

Joseph Stanley to be postmaster at Schulenburg, Tex., in place of George W. Hoeffert, removed.

Elisa Palacias Stockwell to be postmaster at San Diego, Tex., in place of Jose V. Palacios, resigned.

Ernest R. Williams to be postmaster at Hamilton, Tex., in place of Ernest R. Williams. Incumbent's commission expired January 22, 1907.

VERMONT.

Lyman P. Bailey to be postmaster at Putney, Vt., in place of Lyman P. Bailey. Incumbent's commission expires December 12, 1908.

VIRGINIA.

William S. Gregory, jr., to be postmaster at Drakes Branch, Va. Office become presidential July 1, 1908.

Frederick I. Hanmer to be postmaster at Keysville, Va. Office became presidential April 1, 1907.

R. L. Hervey to be postmaster at Chase City, Va., in place of John M. Sloan, deceased.

Frank D. Lumpkin to be postmaster at Danville, Va., in place of Champ T. Barksdale. Incumbent's commission expired June 25, 1906.

Harry A. Sager to be postmaster at Herndon, Va. Office became presidential July 1, 1908.

E. T. Sproles to be postmaster at Clinchport, Va. Office became presidential April 1, 1908.

B. P. Wall to be postmaster at Pine Beach, Va. Office became presidential April 1, 1908.

WASHINGTON.

John W. Conn to be postmaster at Camas, Wash. Office became presidential July 1, 1908.

George W. Edgerton to be postmaster at Puyallup, Wash., in place of George W. Edgerton. Incumbent's commission expired February 29, 1908.

Theo Hall to be postmaster at Medical Lake, Wash. Office became presidential October 1, 1908.

A. C. Johansen to be postmaster at Enumclaw, Wash., in place of Maude Potter, resigned.

George F. Russell to be postmaster at Seattle, Wash., in place of George M. Stewart, removed.

WEST VIRGINIA.

J. W. Edwards to be postmaster at Welch, W. Va., in place of E. Leslie Long, resigned.

WISCONSIN.

Altie B. Barnard to be postmaster at Redgranite, Wis. Office became presidential October 1, 1908.

Fred A. Brandt to be postmaster at Sparta, Wis., in place of De Witt C. Beebe, deceased.

John L. Extrom to be postmaster at Tomahawk, Wis., in place of Ambrose K. Woodworth, deceased.

Isa Faulds to be postmaster at Arcadia, Wis., in place of George H. Dodge, deceased.

Ray Haggerty to be postmaster at Park Falls, Wis., in place of Anton J. Haas, resigned.

Robert Johnson to be postmaster at Mellen, Wis., in place of Robert Johnson. Incumbent's commission expires December 14, 1908.

Asenath A. Kasson to be postmaster at Mattoon, Wis. Office became presidential October 1, 1908.

George E. King to be postmaster at Winneconne, Wis. Office became presidential July 1, 1908.

William Knelling to be postmaster at Shullsburg, Wis., in place of William Knelling. Incumbent's commission expires December 12, 1908.

Judson L. Marvin to be postmaster at Mauston, Wis., in place of William Case, deceased.

Thomas Stout, jr., to be postmaster at Clear Lake, Wis. Office became presidential October 1, 1908.

WYOMING.

Frederick E. Davis to be postmaster at Wheatland, Wyo., in place of Frederick E. Davis. Incumbent's commission expires December 13, 1908.

William O'Connell to be postmaster at Kemmerer, Wyo., in place of Nora Sammon, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 8, 1908.

POSTMASTERS.

GEORGIA.

Helen D. Longstreet at Gainesville, Ga.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 8, 1908.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read.

NOTIFICATION OF THE PRESIDENT.

Mr. PAYNE. Mr. Speaker, the committee appointed by the House to join a like committee on the part of the Senate to wait upon the President of the United States and inform him that a quorum of the two Houses has assembled and that Congress was ready to receive any communication he might have to make, report that they have performed that duty, and the President has replied that he would communicate to the Congress by a message in writing.

APPOINTMENTS ON COMMITTEES.

The SPEAKER. The Chair announces the following appointments to committees:

The Clerk read as follows:

Mr. HIGGINS, to the Committee on the Judiciary, in place of Mr. Littlefield.

Mr. MARTIN, to the Committee on Indian Affairs, in place of Mr. Parker, deceased.

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, I call for the regular order. While we are waiting for the message I think the House can proceed with business.

IMMIGRATION STATION, BOSTON, MASS.

The SPEAKER. The gentleman from New York demands the regular order. The Chair lays before the House from the Speaker's table the bill (H. R. 13851) providing for the purchase of a site and the erection of a new immigration station thereon at the city of Boston, Mass., with a Senate amendment.

The Senate amendment was read.

Mr. BENNET of New York. Mr. Speaker, I move that the House insist on its disagreement to the Senate amendment, agree to the conference asked for by the Senate, and that the Chair appoint the conferees.

The motion was agreed to.

The Speaker announced the following conferees.

The Clerk read as follows:

Mr. HOWELL of New Jersey, Mr. GARDNER of Massachusetts, and Mr. BURNETT.

BUREAU OF IMMIGRATION AND NATURALIZATION.

The SPEAKER also laid before the House the bill (H. R. 21052) to amend sections 11 and 13 of the act entitled "An act to establish a Bureau of Immigration and Naturalization and to provide uniform rule for the naturalization throughout the United States," with Senate amendments.

The Senate amendments were read.

Mr. BENNET of New York. Mr. Speaker, I move that the House insist on its disagreement to the amendment of the Senate numbered 5, agree to the conference asked for by the Senate, and that the Chair appoint the conferees.

The motion was agreed to.

The Speaker announced the following conferees.

The Clerk read as follows:

Mr. HOWELL of New Jersey, Mr. BENNET of New York, and Mr. BURNETT.

AMENDING SECTION 1 OF THE PASSENGER ACT OF 1882.

The SPEAKER also laid before the House the bill S. 5083, to amend section 1 of the passenger act of 1882, with House amendments.

The amendments were read.

Mr. BENNET of New York. Mr. Speaker, I move that the House insist on its amendments, and agree to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER announced the following conferees.

The Clerk read as follows:

Mr. HOWELL of New Jersey, Mr. BENNET of New York, and Mr. BURNETT.

The SPEAKER. The business on the Speaker's table having been disposed of so far as demanded, the Clerk will call the committees.

CALL OF COMMITTEES.

The Clerk called the committees.

REGULATION OF SHIPMENTS IN INTERSTATE COMMERCE.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that we may return to the call of the Committee on Interstate and Foreign Commerce.

The SPEAKER. The gentleman from Iowa [Mr. HEPBURN] asks unanimous consent to return to the call of the Committee on Interstate and Foreign Commerce. Is there objection?

Mr. BARTLETT of Georgia. I would like to know of the gentleman from Iowa what the purpose is.

Mr. HEPBURN. When the call was made, or when the Committee on Interstate and Foreign Commerce was reached, the chairman of the committee was engaged upon another matter and did not notice that the committee was called. I desire to call up two bills reported to that committee.

Mr. BARTLETT of Georgia. May I inquire of the gentleman what bills they are?

Mr. HEPBURN. One of them is a bill (H. R. 17228) to promote safe transportation in interstate commerce of explosives and other dangerous articles. The other is the bill H. R. 17979, requiring common carriers engaged in interstate and foreign commerce to make full report of all accidents to the Interstate Commerce Commission.

Mr. BARTLETT of Georgia. Are those the only bills which it is the intention of the chairman to call up this morning?

Mr. HEPBURN. That is all I now think of.

Mr. BARTLETT of Georgia. If the return to the call of the committee is confined to the two bills named, I would not object.

Mr. HEPBURN. Mr. Speaker, I withdraw the motion.

FUTURE CONTRACTS ON AGRICULTURAL PRODUCTS.

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent for a change of reference. The bill H. R. 22338 was referred to the Committee on Agriculture, and I ask that it be referred to the Committee on the Judiciary.

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent to change the reference of the bill introduced yesterday from the Committee on Agriculture to the Committee on the Judiciary.

Mr. PAYNE. I think the title of the bill ought to be read, at least.

Mr. HENRY of Texas. I will read the title of the bill. It is as follows:

A bill (H. R. 22338) to prohibit dealing in future contracts on agricultural products by forbidding the use of mail and interstate-commerce facilities, and to prevent sending fictitious prices made on exchanges.

I ask that that bill be changed from reference to the Committee on Agriculture to the Committee on the Judiciary.

The SPEAKER. Is there objection?

Mr. POLLARD. Mr. Speaker, may I ask the gentleman a question?

Mr. HENRY of Texas. Certainly.

Mr. POLLARD. I would like to inquire the gentleman's object in transferring the bill.

Mr. HENRY of Texas. My recollection is that this same bill was referred to the Committee on the Judiciary, and I have no particular object for changing the reference now except that it is a judicial question, and should go to that committee.

Mr. MANN. Has not the committee still jurisdiction of the bill?

Mr. HENRY of Texas. This changes the verbiage just a little bit, and I reintroduced it.

Mr. POLLARD. I would like to suggest to the gentleman to permit the matter to go over until to-morrow.

Mr. HENRY of Texas. I do not know that it will stand any chance of passing at this session, but I happen to be a member of the Committee on the Judiciary, and I would like to have it before that committee, where it went last year.

Mr. POLLARD. I will have to object unless I can look into the bill.

Mr. HENRY of Texas. I will let it go over so that the gentleman can look into it.

SEWELL COULSON.

Mr. CHANEY. Mr. Speaker, I want to ask unanimous consent to have printed as a House document, with the accompanying report, No. 629 (H. R. 1072), for the relief of the representatives of Sewell Coulson, deceased, the letter of the Attorney-General discussing the merits of the claim.

The SPEAKER. The gentleman from Indiana [Mr. CHANEY] asks unanimous consent to have printed as a document a letter from the Attorney-General touching the bill referred to.

Mr. PAYNE. I would suggest to have it sent to the desk and have it read.

Mr. CHANEY. It is a request to have printed as a House document the letter of the Attorney-General in connection with Report No. 629 on bill H. R. 1072, made by the Committee on War Claims.

Mr. PAYNE. What is it about?

Mr. CHANEY. About the claim of the legal representatives of Sewell Coulson.

Mr. CLARK of Missouri. Mr. Speaker, we can not hear what is said.

Mr. CHANEY. Mr. Speaker, it is simply a request to have printed as a House document a letter of the Attorney-General of the United States addressed to the Committee on War Claims, for the use of the committee in connection with report No. 629 on H. R. 1072.

Mr. SULZER. What is the title of the bill?

Mr. CHANEY. For the relief of the legal representatives of Sewell Coulson, deceased.

Mr. PAYNE. I simply want to suggest to the gentleman that if it comes to the House over the Speaker's desk, it is already printed under the rule.

Mr. CHANEY. It is not in print now.

Mr. PAYNE. Well, it would be if it came as a letter addressed to the Speaker of the House.

Mr. CHANEY. It is a letter addressed to the Committee on War Claims.

Mr. SULZER. What did you say was the title of the bill?

Mr. CHANEY. For the relief of the legal representatives of Sewell Coulson, deceased.

Mr. SULZER. Let it be printed.

Mr. MANN. May I ask, Have not the Committee on War Claims authority to have printing done? If it can be done in that way, it would prevent the inauguration of a policy of having documents printed.

Mr. CHANEY. The Committee on War Claims might have printed it as a part of the report, but for some reason it was omitted, and there has been a request upon the part of several Members that this letter should be printed, to be used in connection with the report; and the report is now printed.

Mr. MANN. Can not that committee now, under order of the House, have such printing done as it may order?

Mr. CHANEY. Possibly so, but after advising with the Speaker we thought we should propose it now.

Mr. PAYNE. I suggest to the gentleman to wait until to-morrow, to see if it can not be done some other way.

The SPEAKER. The gentleman, for the present, objects.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Latta, one his secretaries.

ANNUAL MESSAGE OF THE PRESIDENT.

The SPEAKER laid before the House the annual message from the President of the United States, which was read.

[For text of message see Senate proceedings of this day.]

Mr. PAYNE. Mr. Speaker, I move that the message and accompanying documents be referred to the Committee of the Whole House on the state of the Union and printed.

The question was taken, and the motion was agreed to.

VOLUNTEER ARMY.

The SPEAKER also laid before the House the following message from the President of the United States, which was read, referred to the Committee on Military Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the draft of a bill intended to replace the present law under which the United States in time of emergency would proceed to raise a volunteer army. What we now have on the statute books was placed there piecemeal and hurriedly, partly on the eve of the war with Spain and partly after hostilities had actually commenced.

Every one familiar with the existing law is aware that it is faulty and wholly inadequate to a speedy and proper organization of a volunteer force, and that in part it has become obsolete through recent legislation affecting the organized militia. This proposed measure was drawn up under the supervision of the Chief of Staff and has the hearty approval of the War Department. It is a carefully prepared draft embodying as much of the existing law as seems wise and designed to afford the complete machinery by which, should we be confronted with a foreign war, the executive power could proceed at once to transform enthusiastic and patriotic citizens into efficient and organized soldiers. Happily there is at present no cloud upon our horizon, but that very fact affords us the best opportunity to proceed with deliberation and care in the preparation of laws adequate and indispensable for our possible war needs.

This measure would not call for a dollar's expenditure during the years of peace and its enactment into law now would merely be to place at the disposition of the executive power machinery whereby, should war threaten, the means to wage it could be swiftly brought into being. To do this, however, requires not merely adequate legislative provision. Grounded upon the law there must be a vast mass of detail wrought into a comprehensive plan and ready upon the instant to be set in motion. The Congress has provided a General Staff Corps and built for the War College a permanent and beautiful home; and the next logical step is to pass a comprehensive volunteer act to the end that the existing agencies may work out in advance the details of its execution.

The proposed bill is elastic; under its provisions a force of 2,000,000 men could be raised as well as one of 50,000. In making a volunteer army a sufficient staff is indispensable at the start, since without it organization can not proceed. This bill provides for this need and for every other matter connected with raising a volunteer force which it is thought wise to incorporate in the law. It was prepared under the direction of Mr. Taft when Secretary of War and has, therefore, the approval of the gentleman who is to be my successor as Commander in Chief, and I trust it may commend itself to the favorable consideration of the Congress as it has to mine.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 8, 1908.*

LABOR CONDITIONS ON THE ISTHMUS OF PANAMA.

The SPEAKER also laid before the House the following message from the President, which was read and, with the accompanying documents, ordered to be printed and referred to the Committee on Interstate and Foreign Commerce:

To the Senate and House of Representatives:

I transmit herewith the report of the special commission appointed by me to investigate conditions of labor and housing of government employees on the Isthmus of Panama. The commission made careful and extended inspection of the workshops and living quarters of the employees, and conferred with representatives from all classes of workmen employed by the Isthmian Canal Commission and the Panama Railroad. After a thorough investigation the commission state that "the general sentiment of the workers was expressed in the words of a mechanic in one of the conferences which we held with representatives of different trades: "We want it understood that we are American citizens and that we are proud to have a share in this great work. We believe the Government is treating us right, and we are as much interested to see this thing a success as anyone.' This spirit of loyalty and interest in the work was evinced on many occasions, and should be accounted an asset of the highest value to the Government in the accomplishment of its colossal task. The American people are entitled to just pride in the standard set by their Government for the treatment of the workers and the loyal service which has been the appropriate result."

The commission expresses the hope that "the liberal and progressive policy adopted in civil administration, in education, and in the care and treatment of employees of all races will be maintained, and that progress and improvement will be the watchword to the end." I am glad that the official reports previously received are confirmed by these unprejudiced investigators.

The commission submitted valuable recommendations regarding minor defects of the service. Such of these as come under executive authority I have ordered put into effect as far as possible. But I would call the attention of the Congress to the recommendation that the liberal housing policy of the administration be continued as an essential condition of the industrial efficiency of the employees.

I especially urge your favorable consideration of the recommendation to make a more liberal provision for employees permanently disabled in work on the Isthmian Canal. In the event of permanent disablement those engaged in this great national enterprise should receive as generous treatment as is accorded to those who have been disabled in the defense of their country. After faithful and hazardous service these workers should not, when disabled, become public charges in almshouses or burdens upon relatives unable to provide for their support.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 8, 1908.*

PLAZUELA SUGAR COMPANY, PORTO RICO.

The SPEAKER also laid before the House the following message from the President, which was read and, with the accompanying documents, ordered to be printed and referred to the Committee on Insular Affairs:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and section 2 of the joint resolution amending said act, approved May 1, 1900, I transmit herewith copy of a franchise granted by the executive council of Porto Rico, entitled "An ordinance granting to the Plazuela Sugar Company the right to construct, maintain, and operate a pier on the sea front at 'Palmas Altas,' in the municipal district of Manati."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 8, 1908.*

CHANGE OF REFERENCE.

Mr. GOLDFOGLE. Mr. Speaker——

The SPEAKER. The gentleman from New York. For what purpose does the gentleman rise?

Mr. GOLDFOGLE. I ask for a change of reference of the bill H. R. 22320 and of the bill H. R. 22279 from the Committee on the Judiciary to the Committee on Expenditures in the Department of Justice. They are bills peculiarly cognizable, under the rule, by the Committee on Expenditures in the Department of Justice.

The SPEAKER. Will the gentleman forward the bills to the Clerk's desk, so that the Clerk may read the titles? The gentleman asks unanimous consent, as the Chair understands, for a change of reference as indicated. The Clerk will report the titles of the bills.

The Clerk read as follows:

A bill (H. R. 22320) to fix the fees of court criers, bailiffs, and witnesses in attendance upon the United States courts in Alabama.

A bill (H. R. 22279) increasing the salaries paid to circuit and district court judges of the United States.

The SPEAKER. The request of the gentleman is to change the reference from the Committee on the Judiciary to the committee that he has indicated.

Mr. GOLDFOGLE. As provided for in Rule XI of the House.

The SPEAKER. Is there objection?

Mr. PAYNE. I object to that change of reference, Mr. Speaker.

The SPEAKER. The gentleman from New York objects.

Mr. GOLDFOGLE. Then, Mr. Speaker, I move a change of reference as already indicated by me. If the Speaker will hear me for a moment, Rule XI provides that all bills providing for the reduction or increase of the pay of officers shall be subjects within the jurisdiction of the nine standing committees on public expenditures in the several departments.

Mr. PAYNE. Mr. Speaker, I do not understand that the motion is as yet before the House.

The SPEAKER. The Chair was just trying to ascertain what the motion of the gentleman was.

Mr. GOLDFOGLE. The motion is to refer to the Committee on Expenditures in the Department of Justice the bills whose titles have been read by the Clerk, instead of referring them to the Committee on the Judiciary. They belong to the Committee on Expenditures in the Department of Justice, under the rules of this House.

The SPEAKER. Then the gentleman's motion is to change the reference from the Judiciary Committee to the committee indicated?

Mr. GOLDFOGLE. Both bills to the Committee on Expenditures in the Department of Justice.

Mr. PAYNE. I make the point of order that they are not in order.

Mr. GOLDFOGLE. I submit, Mr. Speaker, that the motion is in order. It is a privileged motion. The bills should have been referred to the committee having jurisdiction, under the express words of the rule.

The SPEAKER. The Chair will call the attention of the gentleman from New York making the motion to Rule XXII, clause 3:

> And corrections in case of error of reference may be made by the House without debate, in accordance with Rule XI, on any day immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.

The gentleman will find on page 282 of the Manual, the words which the Chair has read. It seems to the Chair that this is not immediately after the reading of the Journal.

Mr. GOLDFOGLE. The Chair will recall that I rose and addressed the Chair, but that the President's message having just been received, of course I could not be heard; but I did rise in my seat and address the Speaker for the purpose of asking this change in reference under the rules.

Mr. PAYNE. I trust my colleague did not mistake the reading of the message for the reading of the Journal.

Mr. GOLDFOGLE. No, certainly not. No one could.

The SPEAKER. After the reading of the Journal there was also a call of committees. The Chair is of opinion that the gentleman's motion is not in order at this time, under the rules.

Mr. GOLDFOGLE. A parliamentary inquiry, Mr. Speaker. Will the motion be in order to-morrow, immediately after the reading of the Journal?

The SPEAKER. The Chair will call the attention of the gentleman to the rule itself. It is very explicit and plain. It is so plain that it does not need any interpretation by the Chair.

Mr. GOLDFOGLE. I call the attention of the Chair to the fact that in the past these bills, which are specially cognizable by the Committee on Expenditures in the Department of Justice, were usually referred to the Committee on the Judiciary, and in order that there might be proper machinery provided for the Committee on Expenditures in the Department of Justice, they were given a clerk and all other facilities for doing this work, and the committee is prepared to do the work, and now has before it several bills——

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that my colleague be allowed five minutes to make a speech.

Mr. HENRY of Texas. I would like to know what these bills are.

The SPEAKER. If there is no objection, the gentleman from New York will state what the bills relate to. Of course, this proceeding is by unanimous consent.

Mr. HENRY of Texas. I understand that. I heard the reading of the rule, and I would like to know what the bills are, if there is no objection. I was not in the hall when the gentleman from New York made his statement.

Mr. GOLDFOGLE. I have no objection to the Clerk reading the titles again.

Mr. PAYNE. What is the request—to have the bills read?

The SPEAKER. No; simply the titles.

The Clerk read as follows:

A bill (H. R. 22320) to fix the fees of court criers, bailiffs, and witnesses in attendance upon the United States courts in Alabama.

A bill (H. R. 22279) increasing the salaries paid to circuit and district court judges of the United States.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the motion of Mr. PAYNE, by unanimous consent, on the request of Mr. MCLAUGHLIN, Mr. DIEKEMA was given indefinite leave of absence on account of sickness in his family.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. GRAHAM was given leave to withdraw from the files of the House, without leaving copies, papers in the case of James Charles Cramer, Sixtieth Congress, no adverse report being made thereon.

ADJOURNMENT.

The motion of Mr. PAYNE was then agreed to; and accordingly (at 2 o'clock and 35 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for rent of buildings for the use of the Civil Service Commission, etc.—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Pepperells Cove, Maine—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the custodian of dies, rolls, and plates, Bureau of Engraving and Printing, submitting an estimate of appropriation for an additional distributer of stock—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for completion of irrigation system on the Zuñi Reservation, N. Mex.—to the Committee on Indian Affairs and ordered to be printed.

A letter from the president of the Board of Commissioners of the District of Columbia, transmitting a detailed statement of contingent expenses for the fiscal year ended June 30, 1908—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a report of disbursements for the year ended June 30, 1908, for colleges of agriculture and mechanic arts in the several States—to the Committee on Expenditures in the Interior Department and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a statement as to the annual report for Porto Rico—to the Committee on Insular Affairs and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a statement as to the annual report of the commissioner of education of Porto Rico—to the Committee on Insular Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting a change in estimates of appropriation for the Indian Service for the fiscal year ending June 30, 1910—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of the annual report of the Maritime Canal Company of Nicaragua—to the Committee on Interstate and Foreign Commerce and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a statement as to the employment of persons in the meat-inspection service during the fiscal year ended June 30, 1908—to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a report of the contingent expenses of the department for the fiscal year ended June 30, 1908—to the Committee on Expenditures in the Treasury Department and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a combined statement of receipts and expenditures of the Government for the fiscal year ended June 30, 1908—to the Committee on Ways and Means and ordered to be printed.

A letter from the Secretary of War, transmitting, with a copy of a report from the Chief of Engineers, report of a board of officers appointed to investigate the hydraulics of Mare Island Straits and approaches, with a view to improvement—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Alabama and Coosa rivers—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Biloxi Harbor, Mississippi—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of mouth of Brazos River, Texas—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Mystic River, Massachusetts—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of New River, North Carolina—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of East River, New York—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Oldmans Creek, New Jersey—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of a channel from Pass Cavallo to Port Lavaca, Tex.—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a list of congressional cases dismissed on motion of the defendants November 16, 1908, for nonprosecution—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a list of congressional cases dismissed on motion of defendants May 14, 1908, for nonprosecution—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting list of congressional cases dismissed on motion of the defendants May 14, 1908, for nonprosecution—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting list of congressional cases dismissed on motion of defendants May 14, 1908, for nonprosecution—to the Committee on War Claims and ordered to be printed.

A letter from the president of the Board of Managers of the National Home for Disabled Volunteer Soldiers, transmitting the annual report for the fiscal year ended June 30, 1908—to the Committees on Appropriations and Military Affairs and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 16142) granting an increase of pension to Jacob Adams, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 22879) to amend an act entitled "An act to amend an act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved January 23, 1908—to the Committee on Interstate and Foreign Commerce.

By Mr. FLOOD: A bill (H. R. 22880) to construct a highway from the station in the town of Appomattox, Va., to the battlefield of Appomattox and other points of interest near said battlefield—to the Committee on Military Affairs.

By Mr. ENGLEBRIGHT: A bill (H. R. 22881) appropriating money for the improvement of the entrance to Humboldt Bay, California—to the Committee on Rivers and Harbors.

By Mr. BRUNDIDGE: A bill (H. R. 22882) to provide for the erection of a public building at Newport, Ark.—to the Committee on Public Buildings and Grounds.

By Mr. LOWDEN: A bill (H. R. 22883) for permanent consular improvement and commercial enlargement—to the Committee on Foreign Affairs.

By Mr. PAYNE: A bill (H. R. 22884) more completely to accomplish the objects contemplated by section 3 of the act of April 12, 1900, chapter 191—to the Committee on Ways and Means.

By Mr. McCALL: A bill (H. R. 22885) relating to deeds given by collectors and other officers of the United States Government under sundry acts of Congress providing for the sale of real estate for direct taxes—to the Committee on the Judiciary.

By Mr. WILEY: A bill (H. R. 22886) to donate certain lands in Baldwin County, Ala., for educational purposes—to the Committee on the Public Lands.

By Mr. WEEKS: A bill (H. R. 22887) granting thirty working days' leave of absence in each year, without forfeiture of pay during such leave, to certain employees at United States arsenals, proving grounds, and supply stations—to the Committee on Military Affairs.

Also, a bill (H. R. 22888) to protect migratory game birds of the United States—to the Committee on Agriculture.

By Mr. HINSHAW: A bill (H. R. 22889) authorizing the procuring of additional land for the site of the public building at Beatrice, Nebr.—to the Committee on Public Buildings and Grounds.

By Mr. CRAVENS: A bill (H. R. 22890) to provide for the erection of a public building at Nashville, Ark.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22891) for the enlargement of the federal building at Texarkana, Ark.-Tex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22892) for the erection of a new federal building for court, post-office, and other governmental purposes at Texarkana, Ark-Tex., and for the disposition of the present structure—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22893) to provide for the erection of a public building at Mena, Ark.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22894) to provide for the erection of a public building at Van Buren, Ark.—to the Committee on Public Buildings and Grounds.

By Mr. FOSTER of Illinois: A bill (H. R. 22895) to establish a biological and fish-cultural station in the Twenty-third Congressional District of Illinois—to the Committee on the Merchant Marine and Fisheries.

By Mr. RICHARDSON: A bill (H. R. 22896) to make it unlawful for certain federal officeholders to serve as delegates in a convention called to nominate a President of the United States or other elective United States officer—to the Commitee on Election of President, Vice-President, and Representatives in Congress.

By Mr. HENRY of Texas: A bill (H. R. 22897) to establish a fish hatchery and fish station near Waco, Tex.—to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH of Iowa: A bill (H. R. 22898) to avoid the expenses of the Government exceeding its revenues—to the Committee on Ways and Means.

By Mr. SPERRY: A bill (H. R. 22899) to provide for the purchase of a site and the erection of a public building thereon at Seymour, in the State of Connecticut—to the Committee on Public Buildings and Grounds.

By Mr. STERLING: A bill (H. R. 22900) to appropriate money for a protecting wall on the Ohio River at Fort Massac Park, Pope County, Ill.—to the Committee on Rivers and Harbors.

By Mr. TOWNSEND: A bill (H. R. 22901) to amend section 6 of an act entitled "An act to regulate commerce," approved February 4, 1887, and acts amendatory thereof—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 22902) to amend section 3 of an act entitled "An act to regulate commerce," approved February 4, 1887, and acts amendatory thereof—to the Committee on Interstate and Foreign Commerce.

Also a bill (H. R. 22903) to amend section 6 of an act entitled "An act to regulate commerce," approved February 4, 1887, and acts amendatory thereof—to the Committee on Interstate and Foreign Commerce.

By Mr. SHEPPARD: A bill (H. R. 22904) for the erection of a new federal building for court-house, post-office, and other governmental purposes at Texarkana, Ark.-Tex., and for the disposition of the present structure—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22905) for the enlargement of the federal building at Tekarkana, Ark.-Tex.—to the Committee on Public Buildings and Grounds.

By Mr. McMILLAN: Resolution (H. Res. 444) increasing salary of special messenger named in House resolution adopted by the House January 15, 1901—to the Committee on Accounts.

By Mr. GILL: Resolution (H. Res. 445) requesting the Commissioners of the District of Columbia to furnish the House with information relative to the police force of the District of Columbia—to the Committee on the District of Columbia.

By Mr. BOUTELL: Resolution (H. Res. 446) for the payment of a clerk to certain committees of the House—to the Committee on Accounts.

By Mr. GARDNER of Massachusetts: Resolution (H. Res. 447) requesting the Secretary of State to furnish the House with certain information—to the Committee on Foreign Affairs.

By Mr. GILL: Joint resolution (H. J. Res. 200) granting to the Fifth Regiment Maryland National Guard the use of the corridors of the court-house of the District of Columbia, upon such terms and conditions as may be prescribed by the marshal of the District—to the Committee on the District of Columbia.

By Mr. SMITH of Michigan: Joint resolution (H. J. Res. 201) to amend section 1608 of the Code of Law for the District of Columbia—to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 22906) granting an increase of pension to William H. Fetter—to the Committee on Invalid Pensions.

By Mr. ADAIR: A bill (H. R. 22907) granting a pension to Charles C. Studley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22908) granting a pension to James L. Perry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22909) granting a pension to Jesse Ault—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22910) granting a pension to Jonas Siegrist—to the Committee on Invalid Pensions.

By Mr. ADAMSON: A bill (H. R. 22911) granting an increase of pension to Martin R. Gentry—to the Committee on Pensions.

By Mr. ALEXANDER of Missouri: A bill (H. R. 22912) granting a pension to W. J. Prater—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22913) granting a pension to Elizabeth Ballew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22914) granting an increase of pension to William P. Sparks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22915) granting an increase of pension to Henry E. Gibson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22916) granting an increase of pension to Richard H. Swank—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 22917) granting an increase of pension to Lay W. Richardson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22918) granting an increase of pension to Emanual Reider—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22919) granting an increase of pension to James Snow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22920) granting an increase of pension to John M. Stuter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22921) granting an increase of pension to John B. Houtz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22922) granting an increase of pension to Adam Minsel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22923) granting an increase of pension to Joseph H. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22924) granting an increase of pension to Thomas J. Divert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22925) granting an increase of pension to David Wineland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22926) granting an increase of pension to George Sharp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22927) granting an increase of pension to Oscar Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22928) granting an increase of pension to William T. Bennett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22929) granting an increase of pension to Moses M. Haver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22930) granting an increase of pension to Loren G. Cox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22931) granting an increase of pension to Gregory Dolt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22932) granting an increase of pension to Levi Hosler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22933) granting an increase of pension to George W. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22934) granting an increase of pension to Hiram Hunt, alias Hiram Mace—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22935) granting an increase of pension to Fidelia Hale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22936) granting an increase of pension to Albert Kring—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22937) granting an increase of pension to William Hoover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22938) granting an increase of pension to Aaron C. Lawrence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22939) granting an increase of pension to James Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22940) granting an increase of pension to Jacob Sence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22941) granting an increase of pension to Joseph S. Ash—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22942) granting an increase of pension to James H. Alexander—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22943) granting an increase of pension to Henry Foss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22944) granting an increase of pension to Lydia A. Long—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22945) granting an increase of pension to Joseph Mase—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22946) granting an increase of pension to Edwin Cowell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22947) granting an increase of pension to Henry Matson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22948) granting an increase of pension to Joseph H. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22949) granting an increase of pension to William A. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22950) granting an increase of pension to James Hoy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22951) granting an increase of pension to Milton B. Evers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22952) granting an increase of pension to William N. Clutter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22953) granting an increase of pension to Franklin H. Sullinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22954) granting a pension to Edward Kerns—to the Committee on Pensions.

Also, a bill (H. R. 22955) granting a pension to Harry Van Holzer—to the Committee on Pensions.

Also, a bill (H. R. 22956) granting a pension to Fred F. Travis—to the Committee on Pensions.

Also, a bill (H. R. 22957) granting a pension to Huldah E. Harden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22958) granting a pension to Lydia A. Stock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22959) granting a pension to Jefferson Elder—to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 22960) granting an increase of pension to David Creger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22961) granting an increase of pension to James B. Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22962) granting an increase of pension to Josiah Hensel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22963) granting an increase of pension to Anna Irvine—to the Committee on Pensions.

Also, a bill (H. R. 22964) granting an increase of pension to Hiram H. Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22965) granting a pension to Eva B. Jones and children—to the Committee on Pensions.

Also, a bill (H. R. 22966) granting a pension to W. E. Tyler—to the Committee on Invalid Pensions.

By Mr. BARCLAY: A bill (H. R. 22967) granting an increase of pension to Aaron B. Myers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22968) granting an increase of pension to Abram V. Miller—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: A bill (H. R. 22969) for the relief of the heirs and legal representatives of Martha McLeroy—to the Committee on War Claims.

Also, a bill (H. R. 22970) for the relief of the estate of Calvin W. Battle, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22971) for the relief of the trustees of Timber Ridge Presbyterian Church—to the Committee on War Claims.

By Mr. BIRDSALL: A bill (H. R. 22972) granting an increase of pension to Benjamin F. Rantz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22973) granting an increase of pension to George R. Haner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22974) granting an increase of pension to Andrew R. Ladd—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 22975) to correct the military record of James H. Dunbar—to the Committee on Military Affairs.

By Mr. BRUNDIDGE: A bill (H. R. 22976) for the relief of the heirs of George Small, deceased—to the Committee on War Claims.

By Mr. CHANEY: A bill (H. R. 22977) granting a pension to Harriet Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22978) granting an increase of pension to William T. Crawford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22979) granting an increase of pension to William Duffner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22980) granting an increase of pension to Charles A. Radcliff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22981) granting a pension to George N. Puett—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 22982) granting a pension to Addie Martha Beard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22983) granting an increase of pension to Albert A. Newman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22984) granting a pension to Mary M. Edmonds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22985) granting a pension to John H. Barbee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22986) granting a pension to Julia Ann Casey—to the Committee on Invalid Pensions.

By Mr. COOK of Pennsylvania: A bill (H. R. 22987) to correct the military record of John W. Hayes—to the Committee on Military Affairs.

By Mr. COOPER of Pennsylvania: A bill (H. R. 22988) granting an increase of pension to John S. Reagan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22989) granting an increase of pension to George W. Gould—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22990) granting an increase of pension to George W. Kremer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22991) granting an increase of pension to John D. Mallory—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22992) granting an increase of pension to Irwin McCutcheon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22993) granting an increase of pension to William Newell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22994) granting an increase of pension to George W. Cable—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22995) granting an increase of pension to George W. Berkeybile—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 22996) granting an increase of pension to Henry Weatherholt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22997) granting an increase of pension to William Birth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22998) granting an increase of pension to William Newton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22999) granting an increase of pension to Benjamin F. X. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23000) granting an increase of pension to Sarah J. Zimmerle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23001) granting an increase of pension to William Andrew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23002) granting an increase of pension to Levi N. Erwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23003) granting an increase of pension to Thomas J. Parsons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23004) granting an increase of pension to Henry Berger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23005) granting an increase of pension to Henry C. Roberson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23006) granting an increase of pension to Thomas Lewis—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 23007) granting an increase of pension to Israel Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23008) granting an increase of pension to Joseph Morrow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23009) granting an increase of pension to Charles Fairbanks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23010) granting a pension to Hamilton P. Chase—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 23011) granting an increase of pension to William L. Sapp—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 23012) for the relief of the heirs of Robert J. Allen, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 23013) for the relief of the heirs of William F. Crenshaw, deceased—to the Committee on War Claims.

Also, a bill (H. R. 23014) granting an increase of pension to Abner Gwinn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23015) granting an increase of pension to John Bridge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23016) granting an increase of pension to John S. Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23017) granting an increase of pension to Calvin F. Boxley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23018) granting a pension to Louisa M. Ferrier—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 23019) granting an increase of pension to Albert B. Hayden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23020) granting an increase of pension to Jeremiah Robbins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23021) granting an increase of pension to Henry D. Wrighter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23022) granting an increase of pension to Herman N. Payne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23023) granting an increase of pension to Charles Benedict—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23024) granting an increase of pension to John Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23025) granting an increase of pension to Jonathan E. Havens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23026) granting an increase of pension to Harvey Stearns—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23027) granting an increase of pension to Marvin S. Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23028) granting an increase of pension to William A. Strong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23029) granting an increase of pension to Elbert F. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23030) granting an increase of pension to Charles Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23031) granting an increase of pension to Randal N. Bragg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23032) granting an increase of pension to Michael O'Brien—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23033) granting a pension to Eunice M. Stickle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23034) granting a pension to Almon Craver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23035) granting a pension to Levi F. Dean—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23036) granting a pension to John W. Davenport—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23037) granting a pension to Edward Middleton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23038) for the relief of James A. Watson—to the Committee on Military Affairs.

Also, a bill (H. R. 23039) to correct the military record of Joel Townsend—to the Committee on Military Affairs.

Also, a bill (H. R. 23040) to correct the military record of John Knapp—to the Committee on Military Affairs.

Also, a bill (H. R. 23041) to correct the military record of Albert P. Bliven—to the Committee on Military Affairs.

Also, a bill (H. R. 23042) granting an increase of pension to David A. Munson—to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 23043) granting a pension to William Schaffer—to the Committee on Pensions.

Also, a bill (H. R. 23044) granting a pension to Julia A. Strong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23045) granting an increase of pension to Henry Fuller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23046) granting an increase of pension to Levi M. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23047) granting an increase of pension to Daniel Allen—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 23048) for the relief of T. M. Rea—to the Committee on Claims.

Also, a bill (H. R. 23049) for the relief of W. F. Mitchell—to the Committee on Claims.

Also, a bill (H. R. 23050) granting a pension to James Huff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23051) granting a pension to W. L. Reynolds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23052) granting a pension to John H. Gray—to the Committee on Pensions.

Also, a bill (H. R. 23053) granting an increase of pension to James C. Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23054) granting an increase of pension to James H. Gifford—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 23055) granting an increase of pension to Samuel Gonder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23056) granting an increase of pension to Henry G. Chritzman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23057) granting an increase of pension to Henry H. Schrawder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23058) granting an increase of pension to William A. Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23059) granting an increase of pension to Alexander Flack—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23060) granting an increase of pension to Jacob S. Shaffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23061) granting an increase of pension to David G. Stahl—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 23062) granting an increase of pension to William Singleton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23063) granting an increase of pension to George K. Fairman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23064) granting an increase of pension to Henry Howe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23065) granting an increase of pension to Thomas Hefty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23066) granting a pension to Rebecca Wallace—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 23067) granting a pension to Ollie Arnold—to the Committee on Pensions.

Also, a bill (H. R. 23068) granting an increase of pension to Adam R. Gay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23069) granting an increase of pension to Varnel G. Compton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23070) granting an increase of pension to John Wingert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23071) granting an increase of pension to Benjamin Armiston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23072) granting an increase of pension to Jesse A. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23073) granting an increase of pension to Andrew J. Beard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23074) granting an increase of pension to William S. Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23075) granting an increase of pension to Henry H. Baltzell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23076) granting an increase of pension to T. M. Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23077) granting an increase of pension to Alexander Herrin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23078) granting an increase of pension to James W. Baker—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 23079) granting an increase of pension to Oliver D. Bemis—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 23080) granting a pension to Rosa S. Warne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23081) granting an increase of pension to William H. Lounsbury—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 23082) granting an increase of pension to Abraham J. Eastwood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23083) granting an increase of pension to Silas B. Merchant—to the Committee on Invalid Pensions.

By Mr. FULTON: A bill (H. R. 23084) granting a pension to Absalom Cunningham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23085) granting a pension to Charles B. Hunt—to the Committee on Pensions.

By Mr. GILL: A bill (H. R. 23086) for the relief of Marshall Honeycutt and Ida May Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23087) for the relief of John O'Rourk—to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 23088) granting an increase of pension to Samuel L. Jamison—to the Committee on Pensions.

Also, a bill (H. R. 23089) granting an increase of pension to Alexander Snodgrass—to the Committee on Pensions.

By Mr. HAMILL: A bill (H. R. 23090) granting a pension to Emily F. Freeborn—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: A bill (H. R. 23091) granting an increase of pension to William Hubbard—to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 23092) granting an increase of pension to John W. Lamb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23093) granting an increase of pension to D. B. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23094) granting an increase of pension to Mahala C. Lydick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23095) granting an increase of pension to John T. Starkey—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 23096) granting an increase of pension to Jessie Queen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23097) granting an increase of pension to William Lawson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23098) granting an increase of pension to Henry G. Pickens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23099) for the relief of the estate of Philip Null, deceased—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 23100) to remove the charge of desertion against John Downs—to the Committee on Military Affairs.

Also, a bill (H. R. 23101) granting a pension to George A. Womack—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 23102) holding and considering William Mullally to have been honorably discharged—to the Committee on Military Affairs.

Also, a bill (H. R. 23103) holding and considering James Perrott, alias James Parrott, to have been honorably discharged—to the Committee on Military Affairs.

By Mr. KIMBALL: A bill (H. R. 23104) granting an increase of pension to David C. Coleman—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 23105) granting an increase of pension to Freeman C. Moshier—to the Committee on Invalid Pensions.

By Mr. KÜSTERMANN: A bill (H. R. 23106) granting an increase of pension to John Nieland—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 23107) granting a pension to Margaret A. Manifold—to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 23108) for the relief of the heirs of those killed by the explosion at Fort Lafayette February 19, 1903—to the Committee on Claims.

By Mr. LEE: A bill (H. R. 23109) granting a pension to Henry C. Miller—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 23110) granting an increase of pension to S. G. Brock—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 23111) granting a pension to William H. H. Tilghman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23112) granting an increase of pension to Spencer C. Williams—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 23113) granting an increase of pension to Henry J. Earle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23114) granting an increase of pension to Harrison L. Higgins—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 23115) to amend the naval record of Jeremiah J. Hurley—to the Committee on Naval Affairs.

Also, a bill (H. R. 23116) to amend the military record of George A. Frost—to the Committee on Military Affairs.

Also, a bill (H. R. 23117) granting an increase of pension to William W. Lindsey—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 23118) granting a pension to Elmer E. King—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 23119) granting an increase of pension to Alfred C. Hawley—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 23120) granting a pension to Washington Mead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23121) granting an increase of pension to John N. Hess—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 23122) granting an increase of pension to Stephen A. Devers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23123) granting an increase of pension to John N. Raley—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 23124) for the relief of the estate of Mary A. Henderson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 23125) for the relief of the estate of Casandra Smith, deceased—to the Committee on War Claims.

Also, a bill (H. R. 23126) for the relief of the estate of Daniel C. Yarnell, deceased—to the Committee on War Claims.

By Mr. NYE: A bill (H. R. 23127) to correct the military record of Sylvester D. Foss—to the Committee on Military Affairs.

Also, a bill (H. R. 23128) to correct the military record of Silas Overmire—to the Committee on Military Affairs.

Also, a bill (H. R. 23129) granting an increase of pension to Albert Gardner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23130) granting an increase of pension to Henry A. Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23131) granting an increase of pension to John McDonald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23132) granting an increase of pension to Rufus R. S. Mayo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23133) for the relief of Sarah B. Schaeffer—to the Committee on Claims.

By Mr. OVERSTREET: A bill (H. R. 23134) granting an increase of pension to Edward Ayres—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 23135) for the relief of the estate of Banks C. Wells, deceased—to the Committee on War Claims.

By Mr. PAYNE: A bill (H. R. 23136) granting an increase of pension to Michael B. Van Buskirk—to the Committee on Invalid Pensions.

By Mr. PRAY: A bill (H. R. 23137) for the relief of Malcolm Gillis—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBERTS: A bill (H. R. 23138) granting an increase of pension to Don F. Willis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23139) granting an increase of pension to Andrew Goodwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23140) granting an increase of pension to Joseph W. Hartshorn—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 23141) granting an increase of pension to G. J. Palmer—to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 23142) granting an increase of pension to Charles H. Frushour—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 23143) granting an increase of pension to Josiah U. Luyster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23144) granting a pension to Myra E. Chapman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23145) granting an increase of pension to Abram Cox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23146) granting an increase of pension to Harrison Bryant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23147) granting an increase of pension to John C. Chapman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23148) granting an increase of pension to George W. Brookover, jr.—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 23149) granting an increase of pension to August Bierwirth—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 23150) for the relief of Ann Ford Mattingly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23151) granting an increase of pension to Barbara Mehringer—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 23152) granting an increase of pension to Edward W. Oliver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23153) granting an increase of pension to George E. Olcott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23154) granting an increase of pension to Morris G. Conkling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23155) to remove the charge of desertion from the military record of J. W. Decker—to the Committee on Military Affairs.

By Mr. SMITH of California: A bill (H. R. 23156) granting a pension to John J. Preston—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 23157) granting an increase of pension to Charles E. Sackett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23158) granting an increase of pension to William H. Darnell—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 23159) granting a pension to James R. Hutton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23160) granting a pension to J. C. Predmore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23161) granting a pension to N. C. Thomas—to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 23162) granting an increase of pension to Helen E. Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23163) granting an increase of pension to Theodore Breckenridge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23164) granting an increase of pension to Laura Cranson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23165) granting an increase of pension to John W. Merchant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23166) granting an increase of pension to Frederick Palmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23167) granting an increase of pension to William Ridge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23168) granting an increase of pension to Oliver M. Ober—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23169) granting an increase of pension to Leonard A. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23170) granting an increase of pension to Emory Post—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 23171) granting an increase of pension to Terrence McDonald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23172) granting an increase of pension to Michael Grogan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23173) granting an increase of pension to Frank B. Hitchcock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23174) granting an increase of pension to Sarah A. Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23175) granting an increase of pension to Edward E. Crandall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23176) granting an increase of pension to Pizarro S. Pullon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23177) granting an increase of pension to George L. Ballard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23178) granting an increase of pension to Jerome Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23179) granting an increase of pension to Bridget Mullens—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 23180) granting an increase of pension to George V. Myers—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 23181) for the relief of Edmund F. Jenkins—to the Committee on Military Affairs.

By Mr. TAYLOR of Alabama: A bill (H. R. 23182) granting an increase of pension to John Riley—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 23183) granting an increase of pension to Henry Horch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23184) granting an increase of pension to Joseph Linenkugel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23185) granting an increase of pension to Jacob Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23186) granting an increase of pension to Anna N. Burnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23187) granting an increase of pension to Newton S. Haller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23188) granting an increase of pension to Benjamin Strain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23189) granting an increase of pension to Nathan McGrew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23190) granting an increase of pension to John Macklin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23191) granting an increase of pension to William Burke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23192) granting an increase of pension to John C. Dawson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23193) granting an increase of pension to Charles T. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23194) granting an increase of pension to William Romosier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23195) granting an increase of pension to John D. Dean—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 23196) granting an increase of pension to Bessie P. August—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23197) granting an increase of pension to Orestes L. Strong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23198) granting an increase of pension to John Egan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23199) granting an increase of pension to James A. Trimble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23200) granting an increase of pension to Patrick Cox—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 23201) granting an increase of pension to Jasper Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23202) granting an increase of pension to Jesse S. Clum—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 23203) granting an increase of pension to William H. Dorrance—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23204) granting an increase of pension to James Bolton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23205) granting an increase of pension to Edward Blanchard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23206) granting an increase of pension to Alfred N. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23207) granting an increase of pension to William H. Jay—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 23208) to provide for the appointment and retirement of late Ensign John Tracey Edson as lieutenant in the United States Navy—to the Committee on Naval Affairs.

Also, a bill (H. R. 23209) granting an increase of pension to Martha R. Griswold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23210) granting an increase of pension to John McEnany—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23211) granting an increase of pension to Frank S. Nickerson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23212) granting a pension to George S. Parker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23213) granting a pension to Mary E. Libbey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23214) granting a pension to Charlotte A. Butters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23215) granting a pension to Patrick L. Farrell—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 23216) granting a pension to Julius Jensen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23217) granting a pension to John W. Kolste—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23218) granting a pension to August Capelle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23219) granting a pension to May A. Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23220) granting a pension to Rebecca Serles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23221) granting a pension to Conrad Herwig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23222) granting a pension to William H. Chapin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23223) granting a pension to Peter Medinger—to the Committee on Invalid Pension.

Also, a bill (H. R. 23224) granting a pension to James McMahone—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23225) granting an increase of pension to Herman Ecke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23226) granting an increase of pension to Franklin C. Mather—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23227) granting an increase of pension to Gottlieb Granold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23228) granting an increase of pension to Albert F. Pierce—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 23229) granting a pension to Martha Rebecca Young—to the Committee on Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 23230) granting an increase of pension to Wilson Wightman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23231) granting an increase of pension to Frank C. Bruner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23232) granting an increase of pension to Lorenz Valentine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23233) granting an increase of pension to Myra J. Strong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23234) granting an increase of pension to Henry W. Evory—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23235) granting an increase of pension to Edwin N. Gifford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23236) granting an increase of pension to Frederick A. Battey—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Rear-Admiral H. F. Pickering Naval Garrison, No. 4, of Erie, Pa., for legislation retiring petty officers and enlisted men of the navy after twenty-five years of continuous service—to the Committee on Naval Affairs.

Also, papers to accompany bills for relief of William H. Fetter and George Metz—to the Committee on Invalid Pensions.

Also, petition of citizens of New Wilmington, for legislation to pension members of the Telegraph Corps of the civil war—to the Committee on Invalid Pensions.

Also, petition of J. G. Harbard, of Veteran Army of Philippines, for legislation making August 13 a legal holiday, to be known as "Occupation Day"—to the Committee on the Judiciary.

By Mr. ALEXANDER of Missouri: Papers to accompany bills for relief of Rich. H. Swank, William A. Gibbany, and Henry E. Gibson—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: Petition of Oakwood and Brown townships, Ohio, against the Johnson Sunday bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. ASHBROOK: Papers to accompany bills for relief of Garrett H. Fowler and David Creger—to the Committee on Invalid Pensions.

Also, petition of Edith Wheaton and others, of Shreve, Ohio, against Johnson bill (S. 3940), providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BARTLETT of Georgia: Paper to accompany bill for relief of Timber Ridge Presbyterian Church—to the Committee on War Claims.

By Mr. BIRDSALL: Petition of Monday Afternoon Club, of Dubuque, Iowa, favoring Senate concurrent resolution No. 28, deploring acts of violence and inhumanity on the part of the Russian Government toward its subjects—to the Committee on Foreign Affairs.

Also, petition of citizens of Eldora, Iowa, favoring increase of salaries of federal judges—to the Committee on the Judiciary.

By Mr. BRUNDIDGE: Paper to accompany bill for relief of heirs of George Small—to the Committee on War Claims.

By Mr. BURNETT: Petition of Mobile Chamber of Commerce, favoring S. 4825, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. CAMPBELL: Petition of E. V. Langon, against duty on zinc ore—to the Committee on Ways and Means.

By Mr. CHANEY: Petition of Dr. J. H. Bennett and others, of Farmersburg, Ind., and Samuel Rowe and others, of Linton, Ind., against the passage of S. 3940 (proper observance of Sunday as day of rest in the District of Columbia)—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of George N. Puett—to the Committee on Invalid Pensions.

By Mr. COOK of Pennsylvania: Petition of Veteran Army of the Philippines, favoring legislation making August 13 a legal holiday, to be known as "Occupation Day"—to the Committee on the Judiciary.

Also, petition of Rear-Admiral H. F. Pickering Naval Garrison, No. 4, of Erie, Pa., National Corps Army and Navy Union, for legislation retiring petty officers and enlisted men of the United States Navy after twenty-five years of actual service—to the Committee on Naval Affairs.

By Mr. COX of Indiana: Petition of members of Grand Army of the Republic Post No. 436, for legislation affording general increase of civil-war soldiers' pensions—to the Committee on Invalid Pensions.

By Mr. DAVIDSON: Petition of Military Order of the Loyal Legion of Wisconsin, favoring legislation to place volunteer officers of the civil war on the retired list—to the Committee on Military Affairs.

Also, petition of the Chamber of Commerce of Oshkosh, Wis., favoring a nonpartisan tariff commission—to the Committee on Ways and Means.

By Mr. DE ARMOND: Papers to accompany bills for relief of heirs of William L. Rowland and heirs of Robert J. Allen—to the Committee on War Claims.

By Mr. ESCH: Paper to accompany bills for relief of Julia A. Strong, Harry Fuller, Levi King, and Daniel Allen—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William Schaffer—to the Committee on Pensions.

By Mr. FLOYD: Paper to accompany bill for relief of James L. Stevens—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Lewis A. Edwards—to the Committee on Invalid Pensions.

By Mr. FOCHT: Papers to accompany bills for relief of William H. Kough, Peter Godling, and J. H. Condon—to the Committee on Invalid Pensions.

By Mr. FULLER: Petitions of Byron Hewitt, of Rockford, Ill., and G. W. Rohr and Malcolm Bruner, favoring Fuller bill (H. R. 19250), to establish volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. GRAHAM: Paper to accompany bill for relief of Albert E. Beatty—to the Committee on Invalid Pensions.

Also, petition of citizens of Pennsylvania, favoring the Tirrell bill (H. R. 12405) and the Bacon bill (S. 5151), to prohibit liquor selling in Hawaii, etc.—to the Committee on the Judiciary.

By Mr. HAGGOTT: Petition of citizens of Colorado, against S. 3940 (religious legislation in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. HAMILL: Petition of citizens of Hudson County, N. J., for legislation pensioning United States military telegraphers who served in the civil war—to the Committee on Invalid Pensions.

By Mr. HARDWICK: Petition of Chamber of Commerce of Augusta, Ga., favoring Senate bill 4825, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. HASKINS: Petition of John L. Bacon and others, of White River Junction, Vt., for legislation pensioning members of the United States Telegraph Corps in the civil war—to the Committee on Invalid Pensions.

Also, petition of C. A. Thomson and others, of Windham County, Vt., against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of Combs Hendrickson—to the Committee on Invalid Pensions.

Also, petition of Atlantic Terra Cotta Company, of Rocky Hill, N. J., favoring removal of duty on plaster—to the Committee on Ways and Means.

Also, petition of residents of Matawan, N. J., for improvement of Matawan Creek—to the Committee on Rivers and Harbors.

By Mr. HOWELL of Utah: Petition of Governor Cutler and other citizens of Utah, favoring a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of candy manufacturers of Provo, Utah, for reduction of tariff on chicle and other materials used in manufacture of candy—to the Committee on Ways and Means.

By Mr. HUBBARD of West Virginia: Paper to accompany bill for relief of Elizabeth F. Brubaker—to the Committee on Invalid Pensions.

By Mr. KIMBALL: Petition of sundry citizens of Lexington, Ky., asking that the act of June 27, 1890, relative to pensions be amended—to the Committee on Invalid Pensions.

By Mr. KNAPP: Paper to accompany bill for relief of Freeman C. Moshier—to the Committee on Invalid Pensions.

By Mr. LEE: Papers to accompany bills for relief of David E. Tatum, heirs of Noah Fugate, estate of Howell Tatum, and heirs of John W. Gilliam—to the Committee on War Claims.

By Mr. LEVER: Petition of Columbia (S. C.) Chamber of Commerce, favoring H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. LOUD: Petition of citizens of Twining, Mich., against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. McKINLEY of Illinois: Petition of citizens of Sadorus, Ill., against the passage of S. 3940, entitled "An act for the proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. MANN: Memorial of Illinois Manufacturers' Association, adopted to discouraging measures tending to aggravate agitation against corporate interests, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of retail shoe merchants in Chicago, against duty on hides—to the Committee on Ways and Means.

Also, petition of Arche Club, of Chicago, praying for the establishment of the White Mountain and Appalachian Mountain Forest Reserve—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Alfred C. Hawley—to the Committee on Invalid Pensions.

Also, petition of Patent Law Association, of Chicago, favoring increase of salaries of federal judges—to the Committee on the Judiciary.

By Mr. MILLER: Petition of citizens of Emporia, Kans., against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. MOON of Tennessee: Papers to accompany bills for relief of Joshua E. Carlton and Susan A. Rail (previously referred to the Committee on Inavlid Pensions)—to the Committee on Military Affairs.

Also, papers to accompany bills for relief of estate of Daniel C. Yarnell, Mary A. Henderson, Hampton Hudgens, and Casandra Smith—to the Committee on War Claims.

By Mr. OVERSTREET: Paper to accompany bill for relief of Edward Ayres—to the Committee on Invalid Pensions.

By Mr. PADGETT: Paper to accompany bill for relief of estate of Banks C. Mills—to the Committee on War Claims.

By Mr. PARSONS: Petition of citizens of New York City, asking legislation to provide pensions for the United States Military Telegraph Corps of the United States Army during civil war—to the Committee on Invalid Pensions.

By Mr. PRAY: Petition of citizens of Montana, for law to pension members of United States Telegraphers' Union in civil war—to the Committee on Invalid Pensions.

Also, petition of Butte Stationary Engineers' Local Union, No. 83, for legislation empowering investigation of the Treadwell Mining Company—to the Committee on Mines and Mining.

By Mr. ROBINSON: Papers to accompany bills for relief of Mrs. M. A. Hibbard, heirs of Azriah Mitchell, and trustees of Pleasant Hill Baptist Church—to the Committee on War Claims.

By Mr. RYAN: Papers to accompany bills for relief of William H. Eldridge, Charles H. Rice, and William Fay—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Paper to accompany bill for relief of George E. Olcott—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: Petition of William H. Taylor and 73 others, against H. R. 4897, providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. TIRRELL: Petition of Moses C. Davis and others, against S. 3940, for religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Katherine Hall and others, favoring H. R. 18445, for methods of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

Also, petition of C. A. Cross & Co., favoring removal of duty on raw and refined sugar—to the Committee on Ways and Means.

By Mr. WEISSE: Petition of citizens of Wisconsin, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

SENATE.

WEDNESDAY, *December 9, 1908.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Edward E. Hale.

Mr. ALBERT J. BEVERIDGE, a Senator from the State of Indiana, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

REPORTS OF SECRETARY OF THE SENATE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Senate, transmitting, pursuant to law, a full and complete statement of the receipts and expenditures of the Senate of public moneys in his possession from July 1, 1907, to June 30, 1908, which, with the accompanying papers, was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of the Senate, transmitting a full and complete account of all property, including stationery, belonging to the United States in his possession on the 7th day of December, 1908, which, with the accompanying paper, was ordered to lie on the table and be printed.

REPORTS OF SERGEANT-AT-ARMS.

The VICE-PRESIDENT laid before the Senate a communication from the Sergeant-at-Arms of the Senate, transmitting a statement of the receipts from the sale of condemned property in his possession since December 2, 1907, which, with the accompanying paper, was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Sergeant-at-Arms of the Senate, giving a full and complete account of all property belonging to the United States in his possession on December 7, 1908, which, with the accompanying paper, was ordered to lie on the table and be printed.

ANNUAL REPORT OF THE PUBLIC PRINTER.

The VICE-PRESIDENT laid before the Senate the annual report of the Public Printer, showing the operations of the Gov-

ernment Printing Office for the fiscal year ended June 30, 1908, which was referred to the Committee on Printing.

CONSOLIDATION OF POWER PLANTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, pursuant to law, reports as to the amount of money expended on consolidation of power plants since the authorization for such consolidation was given, etc., in detail for each navy-yard in the country, etc., which, with the accompanying paper, was referred to the Committee on Naval Affairs and ordered to be printed.

CONSTRUCTION AND REPAIR OF VESSELS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the vessels which will require general overhauling to the extent of $200,000 or more during the fiscal year ending June 30, 1910, which, with the accompanying paper, was referred to the Committee on Naval Affairs and ordered to be printed.

EMPLOYEES OF WAR DEPARTMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, a statement showing what officers or employees of the War Department have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ending June 30, 1908, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

EMPLOYEES OF INTERIOR DEPARTMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement showing what officers or employees of the Secretary's office, etc., have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ending June 30, 1908, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PATENTS OBTAINED BY OFFICERS AND EMPLOYEES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of February 2, 1907, a list of the officers and employees of the Navy Department who have obtained patents in the United States or in foreign countries for inventions during their services, etc., which, with the accompanying paper, was referred to the Committee on Naval Affairs and ordered to be printed.

RAPID CITY (MICH.) INDIAN SCHOOL.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioner of Indian Affairs, transmitting, pursuant to law, a report relative to the improvement of the water system at the Rapid City Indian School, Michigan, etc., which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

NONRESERVATION INDIAN SCHOOLS.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioner of Indian Affairs, transmitting, pursuant to law, a statement with respect to the possibility of disposing of any nonreservation Indian schools which, in his judgment, are no longer of value to the Indian Service, etc., which, with the accompanying papers, was referred to the Committee on Indian Affairs and ordered to be printed.

MARE ISLAND STRAITS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, by direction of the President, the report of the board of army and navy officers appointed to investigate the question of the hydraulics of the Mare Island Straits and approaches thereto, etc., which, with the accompanying papers and illustrations, was referred to the Committee on Naval Affairs and ordered to be printed.

ANNUAL REPORT OF COMMISSIONERS OF DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate the annual report of the Commissioners of the District of Columbia for the fiscal year ended June 30, 1908, which was referred to the the Committee on the District of Columbia and ordered to be printed.

GOVERNMENT HOSPITAL FOR THE INSANE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting the annual report of the superintendent of the Government Hospital for the Insane for the fiscal year ended June 30, 1908, which, with the accompanying paper, was referred to the Committee on the District of Columbia and ordered to be printed.

ENDOWMENT OF AGRICULTURAL COLLEGES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the disbursements for the fiscal year ending June 30, 1909, made in the States and Territories, providing for an increase in the annual appropriations for the endowment and support of agricultural colleges and the mechanic arts, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

MARITIME CANAL COMPANY OF NICARAGUA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report of the Maritime Canal Company of Nicaragua, which, with the accompanying paper, was referred to the Committee on Interoceanic Canals and ordered to be printed.

LAWS OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting one copy each of the journals of the executive council of Porto Rico for the second session of the fourth legislative assembly and of the house of delegates and the executive council for the extraordinary session of the fourth legislative assembly, which was referred to the Committee on Pacific Islands and Porto Rico.

EXPENDITURES OF DEPARTMENT OF AGRICULTURE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a detailed statement of the expenditures of the Department of Agriculture for the fiscal year ended June 30, 1908, which, with the accompanying papers, was referred to the Committee on Agriculture and ordered to be printed.

TRAVEL OF AGRICULTURAL DEPARTMENT EMPLOYEES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement showing in detail the travel from Washington to points outside of the District of Columbia performed by officers and employees of the Department of Agriculture during the fiscal year 1908, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

TRAVEL OF EMPLOYEES OF CONGRESSIONAL LIBRARY.

The VICE-PRESIDENT laid before the Senate a communication from the Librarian of Congress, transmitting, pursuant to law, a statement of officers or employees of the Library of Congress who have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year 1907–8, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

ANNUAL REPORT OF LIBRARIAN OF CONGRESS.

The VICE-PRESIDENT laid before the Senate the annual report of the Librarian of Congress, together with the annual report of the Superintendent of the Library building and grounds for the fiscal year ending June 30, 1908, which was referred to the Committee on the Library and ordered to be printed.

SPRINGFIELD (MASS.) ARMORY AND ROCK ISLAND (ILL.) ARSENAL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, statements submitted by the Chief of Ordnance, United States Army, of the expenditures, and of arms, components or arms and appendages fabricated, altered, and repaired during the fiscal year ended June 30, 1908, at the Springfield Armory, Springfield, Mass., and at the Rock Island Arsenal, Rock Island, Ill., which, with the accompanying papers, was referred to the Committee on Military Affairs and ordered to be printed.

ANNUAL REPORT OF SECRETARY OF THE TREASURY.

The VICE-PRESIDENT laid before the Senate the annual report of the Secretary of the Treasury for the fiscal year ended June 30, 1908, which was referred to the Committee on Finance and ordered to be printed.

LIST OF JUDGMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting, pursuant to law, a statement of all judgments rendered by that court for the year ended December 5, 1908, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law and opinion filed under the act of January 20, 1885, in the French spoliation claims, set out in the annexed findings by the court relating to the vessel brig *Caroline Wilmans*, Daniel Jones, master, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims, set out in the annexed findings by the court relating to the vessel brig *Atalanta*, Stephen Griffith, master, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

He also laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting the findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court in the following causes:

In the cause of the vessel schooner *Betsey*, James Peterson, master;

In the cause of the vessel brig *Little Sarah*, John Russell, master;

In the cause of the vessel brig *Ariel*, John Griffis, master;

In the cause of the vessel schooner *Atlantic*, Ebenezer Stanton, master;

In the cause of the vessel schooner *Roebuck*, Simon Kinsman, master;

In the cause of the vessel ship *Antelope*, B. Hillar, master;

In the cause of the vessel schooner *Unity*, Samuel Caznean, master;

In the cause of the vessel schooner *Hope*, Tarbox Moulton, master;

In the cause of the vessel snow *Rover*, Wilson Jacobs, master;

In the cause of the vessel schooner *Swift*, Joseph McCammon, master;

In the cause of the vessel ship *Commerce*, John Jones, master;

In the cause of the vessel ship *Fame*, John Rust, master;

In the cause of the vessel ship *Mercury*, Samuel Gilpatrick, master;

In the cause of the vessel brig *Neptune*, Seth Burnham, master;

In the cause of the vessel sloop *Sally*, William Smith, master;

In the cause of the vessel schooner *Reliance*, Joseph Chandler, master; and

In the causes of the vessels ships *Kapperer*, Blom, master; brig *Young Frederick*, Harder, master; ship *Columbia Fortuna*, Paverick, master; snow *Gluckstern*, Pagels, master; snow *Fin Masken*, Jorgenson, master.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

LINNEKIN V. THE UNITED STATES.

The VICE-PRESIDENT laid before the Senate a communication from the chief justice of the Court of Claims, requesting that the finding of facts, etc., in the case of Linnekin *v.* The United States, etc., be returned to the Court of Claims for further consideration, which was referred to the Committee on Claims and ordered to be printed.

DISMISSAL OF CASES BY COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a list of congressional cases dismissed on motion of defendants May 14, 1908, for nonprosecution, which, with the accompanying papers, was referred to the Committee on Claims and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a list of congressional cases dismissed on motion of the defendants November 16, 1908, for nonprosecution, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Esther H. Kautz, executrix of Albert Kautz, deceased, *v.* The United States;

In the cause of J. A. Shackleton *v.* The United States;

In the cause of the trustees of the Methodist Episcopal Church of Macon, Mo., *v.* The United States;

In the cause of the trustees of Fredericksburg Lodge, No. 4, of Fredericksburg, Va., *v.* The United States;

In the cause of the trustees of the Glasgow graded common schools of Glasgow, Ky., *v.* The United States;

In the cause of the trustees of the Baptist Church of Paris, Ky., *v.* The United States; and

In the cause of Eliza Lethers, administratrix of Alfred Lethers, deceased, *v.* The United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

NATIONAL MONETARY COMMISSION.

The VICE-PRESIDENT reported that he had appointed Hon. A. J. HOPKINS to be a member on the part of the Senate of the National Monetary Commission to fill the vacancy caused by the death of Hon. William B. Allison.

CREDENTIALS.

Mr. FOSTER presented the credentials of SAMUEL D. MCENERY, chosen by the legislature of the State of Louisiana a Senator from that State for the term beginning March 4, 1909; which were read and ordered to be filed.

Mr. PAGE presented the credentials of WILLIAM P. DILLINGHAM, chosen by the legislature of the State of Vermont a Senator from that State for the term commencing March 4, 1909; which were read and ordered to be filed.

Mr. MONEY presented the credentials of JOHN SHARP WILLIAMS, chosen by the legislature of the State of Mississippi a Senator from that State for the term commencing March 4, 1911; which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House insists upon its amendments disagreed to by the Senate, to the bill (S. 5083) to amend section 1 of the passenger act of 1882; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOWELL of New Jersey, Mr. BENNET of New York, and Mr. BURNETT of Alabama managers at the conference on the part of the House.

The message also announced that the House insists upon its disagreement to the amendment of the Senate No. 5 to the bill (H. R. 21052) to amend sections 11 and 13 of an act entitled "An act to establish a Bureau of Immigration and Naturalization and to provide uniform rule for the naturalization throughout the United States;" agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOWELL of New Jersey, Mr. BENNET of New York, and Mr. BURNETT of Alabama managers at the conference on the part of the House.

The message further announced that the House insists upon its amendment to the amendment of the Senate to the bill (H. R. 13851) providing for the purchase of a site and the erection of a new immigration station thereon at the city of Boston, Mass.; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOWELL of New Jersey, Mr. FRENCH of Idaho, and Mr. BURNETT of Alabama managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Chamber of Commerce of Missoula, Mont., and a petition of the Chamber of Commerce of Spokane, Wash., praying for the enactment of legislation to increase the salaries of the judges of the circuit and district courts of the United States, which were referred to the Committee on the Judiciary.

He also presented a petition of the city council of Clinton, Iowa, praying that an annual appropriation of $2,000,000 be made for the improvement of the Mississippi River, which was referred to the Committee on Commerce.

He also presented a petition of the Republican State Convention of the State of Washington, praying for the enactment of legislation authorizing the Interstate Commerce Commission to investigate advances in freight rates before becoming effective, which was referred to the Committee on Interstate Commerce.

He also presented resolutions of the Trans-Mississippi Commercial Congress, favoring the enactment of legislation providing for the improvement of the rivers, harbors, and canals of the country, which were referred to the Committee on Commerce.

Mr. PLATT presented a petition of sundry citizens of the State of New York, praying for the enactment of legislation granting pensions to the surviving members of the United

States Military Telegraph Corps who served in the civil war, which was referred to the Committee on Pensions.

He also presented a memorial of J. F. Bingham Lodge, No. 155, Brotherhood of Locomotive Firemen, of New York City, N. Y., remonstrating against the adoption of certain proposed amendments to section 42 of the so-called "passenger act" of 1882, which was ordered to lie on the table.

He also presented a petition of the Army and Navy Union of the United States of America, praying for the enactment of legislation providing for the retirement of petty officers and enlisted men of the United States Navy, which was referred to the Committee on Naval Affairs.

He also presented a petition of the New York County Lawyers' Association, praying for the enactment of legislation to increase the salaries of circuit and district judges, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry members of the Veteran Army of the Philippines, praying for the enactment of legislation permitting the Army, Navy, and Marine Corps of the United States serving in the Philippines to observe August 13 as a legal holiday, to be known as "Occupation Day," which was referred to the Committee on Military Affairs.

Mr. FRYE presented a petition of the Commandery of the State of Maine, Military Order of the Loyal Legion of the United States, of Portland, Me., praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented a petition of the Bar Association of Penobscot County, Me., praying for the enactment of legislation to increase the salaries of circuit and district court judges, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of the New Hampshire Federation of Labor, of Keene, N. H., praying for the enactment of legislation providing for a modification of the Sherman antitrust law relative to injunctions, which was referred to the Committee on the Judiciary.

He also presented a petition of the International Order of Good Templars, of Manchester, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the Paul Jones Club, of Portsmouth, N. H., praying that an appropriation be made to secure a more suitable burial place for the remains of John Paul Jones, which was referred to the Committee on Appropriations.

He also presented petitions of sundry citizens of Milford, N. H., praying for the adoption of certain amendments to the so-called "Sherman antitrust law," which were referred to the Committee on the Judiciary.

He also presented a petition of the New Hampshire Baptist Convention, of Concord, N. H., praying for the enactment of legislation to compel all railway companies to diminish as much as practicable the Sunday work of their employees, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Columbia Heights Citizens' Association of the District of Columbia, remonstrating against any change being made in the present form of government of the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry members of the street cleaning department of the District of Columbia, praying for the enactment of legislation to increase the salaries of certain employees of that department, which was referred to the Committee on Appropriations.

He also presented petitions of sundry citizens of Washington, D. C., praying for the enactment of legislation providing for a high-pressure water system in that city, which were referred to the Committee on Appropriations.

Mr. CULLOM presented a petition of sundry officers of the civil war, of the State of Illinois, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Bureau, Ill., praying for the enactment of legislation granting pensions to the surviving members of the United States Military Telegraph Corps who served in the civil war, which was referred to the Committee on Pensions.

Mr. HEYBURN presented petitions of Local Unions Nos. 66, 45, 184, and 17, Silver City, Murray, Atlanta, and Wallace, United Mine Workers of America, all in the State of Idaho, praying that an investigation be made into the condition of mines operated by the Treadwell Mining Company, of Alaska, which were referred to the Committee on Mines and Mining.

Mr. WARREN presented a petition of sundry surviving officers of the civil war, of the State of Wyoming, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of the State of Wyoming, praying for the enactment of legislation to create an industrial commission to investigate the condition of mines on Douglas Island, Alaska, which were referred to the Committee on Mines and Mining.

Mr. WETMORE presented a petition of Local Lodge No. 119, International Association of Machinists, of Newport, R. I., praying for the enactment of legislation requiring the application of an illiteracy test to immigrants, and remonstrating against any further modification of the present immigration law, which was referred to the Committee on Immigration.

Mr. CARTER presented petitions of sundry citizens of Billings, Mont., praying for the enactment of legislation to extend the time until May 1, 1909, to homesteaders in which to establish residence thereon in that State, which were referred to the Committee on Public Lands.

Mr. SCOTT presented a petition of sundry citizens of Thomas, W. Va., praying for the enactment of legislation whereby members of the United States Military Telegraph Corps, of the United States Army, may be placed on a parity as regards pension and homestead rights with soldiers of the other arms of the service, which was referred to the Committee on Pensions.

He also presented a petition of the chamber of commerce of Huntington, W. Va., and a petition of the board of trade of Clarksburg, W. Va., praying for the enactment of legislation providing for the establishment of the Appalachian-White Mountain National Forest Reserve, which were ordered to lie on the table.

Mr. HOPKINS presented a memorial of the Illinois Manufacturers' Association, remonstrating against the enactment of any legislation tending to continue or aggravate the agitation against corporate interests, which was referred to the Committee on Finance.

Mr. NELSON presented a memorial of the Business Men's Association, of Winona, Minn., remonstrating against the passage of the so-called "parcel-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of St. Paul, Minn., praying for the enactment of legislation whereby members of the United States Military Telegraph Corps of the United States Army may be placed on a parity as regards pension and homestead rights with soldiers of the other arms of the service, which was referred to the Committee on Pensions.

Mr. SUTHERLAND (for Mr. WARNER) presented petitions of sundry citizens of St. Louis, Weston, and Kansas City, all in the State of Missouri, praying for the enactment of legislation granting pensions to the surviving members of the United States Military Telegraph Corps who served during the civil war, which were referred to the Committee on Pensions.

Mr. BURKETT presented sundry papers to accompany the bill (S. 5690) granting an increase of pension to Thomas S. Wineteer, which were referred to the Committee on Pensions.

He also presented sundry affidavits to accompany the bill (S. 3214) granting a pension to John Kemmer, which were referred to the Committee on Pensions.

He also presented an affidavit to accompany the bill (S. 1090) granting an increase of pension to Benjamin F. Dodd, which was referred to the Committee on Pensions.

He also presented an affidavit to accompany the bill (S. 1121) granting an increase of pension to Horace Perry, which was referred to the Committee on Pensions.

He also presented sundry affidavits to accompany the bill (S. 3211) granting an increase of pension to Charles F. M. Morgan, which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Omaha, Nebr., praying that the members of the Military Telegraph Corps of the United States Army during the civil war be placed on the same basis as those who served in other branches of the service, with regard to pension and homestead rights, which was referred to the Committee on Pensions.

He also presented the petition of C. C. Jerome, of Lincoln, Nebr., praying for a revision of the tariff on books, which was referred to the Committee on Finance.

He also presented a petition of the Commercial Club of Fremont, Nebr., and a petition of the Bar Association of Dodge County, Nebr., praying for the enactment of legislation to increase the salaries of United States circuit and district judges, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Auburn, Nebr., praying for the enactment of legislation granting pensions to the surviving members of the United States Military Telegraph Corps who served during the civil war, which was referred to the Committee on Pensions.

He also presented a petition of sundry members of the Veteran Army of the Philippines, praying for the enactment of legislation to establish August 13 as a national holiday in commemoration of the American occupation of the Philippines, which was referred to the Committee on Military Affairs.

Mr. GUGGENHEIM presented petitions of sundry citizens of Brookside, Coalcreek, and Garfield, all in the State of Colorado, praying that an investigation be made into the existing conditions of the Treadwell Mining Company of Alaska, which were referred to the Committee on Mines and Mining.

Mr. LONG presented a petition of sundry citizens of Wichita, Kans., praying for the enactment of legislation granting pensions to the surviving members of the United States Military Telegraph Corps who served during the civil war, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Haviland, Kans., praying for the enactment of legislation to reduce the expenses of the army and navy, which was referred to the Committee on Military Affairs.

Mr. FLINT presented a petition of the congregation of the First Baptist Church of Riverside, Cal., praying for the enactment of legislation authorizing the Department of Commerce and Labor to establish a permanent commission for the study of the child-labor problem, which was referred to the Committee on Education and Labor.

He also presented a petition of the Humboldt Chamber of Commerce, of Eureka, Cal., praying that an appropriation be made for repairing and extending the twin jetties at the entrance of Humboldt Bay, in that State, which was referred to the Committee on Commerce.

Mr. CLAY. I present the petition of Chappel Winfrey, of Dade County, Ga., with accompanying affidavits, praying that his war claim be referred to the Court of Claims under the provisions of the so-called "Tucker Act." The bill is pending before the Committee on Claims, and I move that the petition and affidavits be referred to that committee.

The motion was agreed to.

Mr. PERKINS presented a petition of the Humboldt Chamber of Commerce, of Eureka, Cal., praying that an appropriation be made for repairing and extending the twin jetties at the entrance of Humboldt Bay, in that State, which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Santa Cruz, Cal., praying for the enactment of legislation to place members of the Military Telegraph Corps who served in the civil war on a parity with soldiers of the service in respect to pensions and homestead rights, which was referred to the Committee on Pensions.

Mr. FORAKER presented petitions of sundry citizens of Ripley and Toledo, in the State of Ohio, praying for the enactment of legislation whereby members of the United States Military Telegraph Corps of the United States Army may be placed on a parity as regards pension and homestead rights with soldiers of the other arms of the service, which were referred to the Committee on Pensions.

Mr. HALE presented a petition of the Maine State Board of Trade, praying for the enactment of legislation providing for the establishment of a national forest preserve within that State, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BROWN presented a petition of sundry citizens of Albion, Nebr., praying for the enactment of legislation granting pensions to the surviving members of the United States Military Telegraph Corps who served in the civil war, which was referred to the Committee on Pensions.

Mr. GAMBLE presented the memorial of F. L. Wiley and 24 other citizens of Deadwood, S. Dak., and the memorial of A. C. Anderson and 21 other citizens of Lead, S. Dak., remonstrating against the enactment of legislation making the first day of the week a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. SMOOT presented sundry affidavits to accompany the bill (S. 7149) granting a pension to Nannie M. Lowe, which were referred to the Committee on Pensions.

BILLS INTRODUCED.

Mr. TALIAFERRO introduced a bill (S. 7275) granting a pension to Jesse Tyre, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 7276) providing for the improvement, repair, and an addition to the public building at Pensacola, Fla., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. McLAURIN introduced a bill (S. 7277) for the protection of Marengo Bend, near Natchez, Miss., which was read twice by its title and referred to the Committee on Commerce.

He also introduced a bill (S. 7278) for the relief of Mary L. Fitzgerald, which was read twice by its title and referred to the Committee on Claims.

Mr. FRYE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7279) granting a pension to Carlos Dinsmore;

A bill (S. 7280) granting an increase of pension to Josiah N. Eastman;

A bill (S. 7281) granting a pension to Elizabeth A. Nye;

A bill (S. 7282) granting an increase of pension to Rose E. Staples;

A bill (S. 7283) granting an increase of pension to John Lang;

A bill (S. 7284) granting an increase of pension to Richard Dearborn;

A bill (S. 7285) granting an increase of pension to Freeland Q. Andrews;

A bill (S. 7286) granting an increase of pension to Rufus E. Rounds;

A bill (S. 7287) granting an increase of pension to John M. Bryant;

A bill (S. 7288) granting an increase of pension to Alonzo Hill;

A bill (S. 7289) granting an increase of pension to Thomas Storah;

A bill (S. 7290) granting an increase of pension to John French;

A bill (S. 7291) granting an increase of pension to Emma T. Nash;

A bill (S. 7292) granting an increase of pension to Lucy McKusick;

A bill (S. 7293) granting a pension to Emma K. Frank;

A bill (S. 7294) granting a pension to Susan B. Merrill;

A bill (S. 7295) granting an increase of pension to George P. Tucker; and

A bill (S. 7296) granting an increase of pension to John L. Rushton.

Mr. FRYE introduced a bill (S. 7297) to remove the charge of desertion from the record of Augustus W. Hawes, which was read twice by its title and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. GALLINGER introduced a bill (S. 7298) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, which was read twice by its title and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 7299) to resubdivide squares 37 and 38 of C. Wilhelmina Dobbins's addition to the city of Washington, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. GALLINGER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7300) granting an increase of pension to Henry M. Washburn;

A bill (S. 7301) granting an increase of pension to Anson Buxton;

A bill (S. 7302) granting an increase of pension to Henry L. Harris;

A bill (S. 7303) granting a pension to John A. Flanders; and

A bill (S. 7304) granting an increase of pension to Warren Abbott.

Mr. GALLINGER. I introduce a bill for reference to the Committee on the District of Columbia. I desire to state that it has been prepared by the corporation counsel of the District.

The bill (S. 7305) amendatory of existing laws regulating the sale of intoxicating liquors in the District of Columbia was read twice by its title and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. CULLOM introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7306) granting an increase of pension to Thomas A. Banks;

A bill (S. 7307) granting an increase of pension to Alfred C. Hawley;

A bill (S. 7308) granting an increase of pension to William A. Ice; and

A bill (S. 7309) granting an increase of pension to Samuel W. Wallis.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7310) granting an increase of pension to Edward E. Brown;

A bill (S. 7311) granting an increase of pension to Benjamin V. Carey;

A bill (S. 7312) granting an increase of pension to James Clark;

A bill (S. 7313) granting an increase of pension to Orville T. Lee; and

A bill (S. 7314) granting an increase of pension to Arnold Rodgers.

Mr. PLATT introduced a bill (S. 7315) for the relief of certain surgeons, passed assistant surgeons, and assistant surgeons, United States Navy, retired, which was read twice by its title and referred to the Committee on Naval Affairs.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7316) granting an increase of pension to Matilda Butt;

A bill (S. 7317) granting a pension to Florence Haggerty; and

A bill (S. 7318) granting an increase of pension to Harry H. Short.

Mr. HEYBURN introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7319) granting an increase of pension to Charles W. Dalle;

A bill (S. 7320) granting an increase of pension to George W. Peck;

A bill (S. 7321) granting an increase of pension to William Thome;

A bill (S. 7322) granting an increase of pension to Ira S. Allen;

A bill (S. 7323) granting an increase of pension to James Kirby; and

A bill (S. 7324) granting an increase of pension to George D. Smith.

Mr. BEVERIDGE introduced a bill (S. 7325) for the relief of Cadmus E. Crabill, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 7326) to provide for the purchase of a site and the erection of a public building thereon in the city of Huntington, Ind., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions.

A bill (S. 7327) granting an increase of pension to Morrison Cayton;

A bill (S. 7328) granting an increase of pension to Rhoda J. Chase;

A bill (S. 7329) granting an increase of pension to Jemima Williams; and

A bill (S. 7330) granting an increase of pension to John Martindale.

Mr. McENERY introduced a bill (S. 7331) for the relief of the estate of Isabella Ann Fluker, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. DIXON introduced a bill (S. 7332) granting an increase of pension to Franklin R. St. John, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BOURNE introduced a bill (S. 7333) granting an increase of pension to John W. Son, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7334) granting an increase of pension to Susan E. Baker; and

A bill (S. 7335) granting an increase of pension to Robert R. Bratton.

Mr. BOURNE introduced a bill (S. 7336) to correct the military record of Jeremiah McLaughlin, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. GUGGENHEIM introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7337) granting an increase of pension to Henry Butler; and

A bill (S. 7338) granting an increase of pension to Abraham Rhodes.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7339) granting an increase of pension to Harry B. Kerr;

A bill (S. 7340) granting an increase of pension to Marshall K. Ames;

A bill (S. 7341) granting an increase of pension to John Burns;

A bill (S. 7342) granting a pension to Oliver H. Perry;

A bill (S. 7343) granting an increase of pension to Matthew Paul;

A bill (S. 7344) granting a pension to Etta B. Stewart;

A bill (S. 7345) granting an increase of pension to Christian R. Shirey;

A bill (S. 7346) granting an increase of pension to Charles R. Crouch; and

A bill (S. 7347) granting an increase of pension to Francis M. McMahan.

Mr. BURKETT introduced a bill (S. 7348) authorizing the procuring of additional land for the site of the public building at Beatrice, Nebr., which was read twice by its title and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 7349) to correct the military record of Charles Haskins, sr., which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7350) granting an increase of pension to Richard M. Johnson;

A bill (S. 7351) granting an increase of pension to Thomas A. Crouch;

A bill (S. 7352) granting an increase of pension to George W. Sisson;

A bill (S. 7353) granting an increase of pension to James W. Nauslar;

A bill (S. 7354) granting an increase of pension to Francis N. Brokaw;

A bill (S. 7355) granting an increase of pension to Harrison Presson;

A bill (S. 7356) granting an increase of pension to David C. Crawford;

A bill (S. 7357) granting a pension to Mildred E. Tigner;

A bill (S. 7358) granting an increase of pension to John Kraft; and

A bill (S. 7359) granting a pension to Anna A. Yule.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7360) to pension Michael Evans without deduction or rebate on account of former alleged overpayments or erroneous payments of pension;

A bill (S. 7361) granting an increase of pension to Howard G. Cleaveland;

A bill (S. 7362) granting an increase of pension to John C. Aaron;

A bill (S. 7363) granting an increase of pension to Alice E. Quillen;

A bill (S. 7364) granting an increase of pension to Lewis H. Laflin;

A bill (S. 7365) granting an increase of pension to John P. Miller;

A bill (S. 7366) granting an increase of pension to James K. Perry;

A bill (S. 7367) granting an increase of pension to James H. Valentine; and

A bill (S. 7368) granting an increase of pension to Hortense B. Follett.

Mr. LA FOLLETTE introduced a bill (S. 7369) reserving from entry and sale the mineral rights to coal and other materials mined for fuel, oil, gas, or asphalt upon or underlying the public lands of the United States, and providing for the sale of the surface of public lands underlaid with or containing coal or other minerals mined for fuel, oil, gas, or asphalt, and providing for the leasing of the mineral rights in such lands, which was read twice by its title and referred to the Committee on Public Lands.

Mr. DAVIS. I introduce two bills, and ask that they lie on the table, subject to call.

The bill (S. 7370) to prohibit any person or corporation, for themselves or for or in the interest of any other person or corporation, directly or indirectly, from delivering, receiving, or transmitting, and from being interested in, or aiding in any manner, the receiving, delivering, or transmitting by mail, telegraph, telephone, or other means whatever, in any State, district, country, Territory, or place over which the sovereignty of the United States of America now exists, any message, information intelligence, letter, writing, card, device, sign, symbol, cipher, or other thing whatsoever, the subject of the senses, or any of them, whereby intelligence or information may be conveyed or understood, relating to or in any manner or form concerning any transaction or proposed or suggested transaction, scheme, or plan to speculate or gamble, or gain or lose sums of money called margins, which gains or losses, respectively, are made to depend upon the future increase or decrease of the market price of any product of the soil, provided that at the time of such transaction, proposed transaction, scheme, or plan for so speculating or gambling, any such product of the soil be the subject of interstate commerce, or the subject of commerce from or by and between the people of the United States of America and the people of any foreign country, was read twice by its title.

The VICE-PRESIDENT. Without objection, the bill will lie on the table, subject to call.

Mr. DAVIS introduced a bill (S. 7371) to suppress pools, trusts, and combinations in trade and to provide penalties for violations of its provisions, and for other purposes, which was read twice by its title.

The VICE-PRESIDENT. Without objection, the bill will lie on the table, subject to call.

Mr. FULTON introduced a bill (S. 7372) to set apart certain lands in the State of Oregon as a public park, to be known as the "Saddle Mountain National Park," which was read twice by its title and, with the accompanying paper, referred to the Committee on Public Lands.

He also introduced a bill (S. 7373) to amend an act entitled "An act for the relief of certain settlers on the public lands and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands," which was read twice by its title and referred to the Committee on Public Lands.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

A bill (S. 7374) to provide for the purchase of a site and the erection of a public building thereon at Astoria, in the State of Oregon;

A bill (S. 7375) to provide for the purchase of a site and the erection of a public building thereon at Portland, in the State of Oregon; and

A bill (S. 7376) to provide for the purchase of a site and the erection of a building thereon at Oregon City, in the State of Oregon.

Mr. GAMBLE introduced a bill (S. 7377) authorizing the creation of a land district in the State of South Dakota, to be known as the "Bellefourche land district," which was read twice by its title and referred to the Committee on Public Lands.

He also introduced a bill (S. 7378) to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton and Gulf Railroad Company, which was read twice by its title and referred to the Committee on Commerce.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Indian Affairs:

A bill (S. 7379) to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect;

A bill (S. 7380) to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect; and

A bill (S. 7381) authorizing and directing the Secretary of the Interior to pay to the Flandreau tribe of Indians, in South Dakota, certain funds to the credit of said Indians.

Mr. GAMBLE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions.

A bill (S. 7382) granting an increase of pension to Robert L. Wilson;

A bill (S. 7383) granting an increase of pension to Edwin B. Paddock; and

A bill (S. 7384) granting an increase of pension to Gilman Stevens.

Mr. SMOOT introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7385) granting an increase of pension to Melvin P. Miller;

A bill (S. 7386) granting an increase of pension to Adam Wingenfield;

A bill (S. 7387) granting an increase of pension to Daniel Loftis;

A bill (S. 7388) granting an increase of pension to Thomas D. Stevenson; and

A bill (S. 7389) granting an increase of pension to George W. Becker.

Mr. SMOOT introduced a bill (S. 7390) for the relief of Christina Rockwell, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. DOLLIVER introduced a bill (S. 7391) to regulate the issue of securities by transportation, telegraph, and telephone companies engaged in interstate commerce, for the purpose of better protecting the people against unreasonable rates and charges, which was read twice by its title.

Mr. DOLLIVER. I ask that the bill lie on the table.

The VICE-PRESIDENT. Without objection, the bill will lie on the table.

Mr. DU PONT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7392) granting an increase of pension to Miers B. Betts; and

A bill (S. 7393) granting a pension to Samuel T. Henry.

Mr. KEAN introduced a bill (S. 7394) to correct the military record of Joseph A. Blanchard, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 7395) granting a pension to William Shannon, which was read twice by its title and referred to the Committee on Pensions.

Mr. SUTHERLAND introduced a bill (S. 7396) for the exchange of certain lands situated in the Fort Douglas Military Reservation, State of Utah, for lands adjacent thereto, between the Mount Olivet Cemetery Association of Salt Lake City, Utah, and the Government of the United States, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7397) granting an increase of pension to Berdette M. Sperry; and

A bill (S. 7398) granting an increase of pension to Edwin Kerns.

Mr. CURTIS introduced a bill (S. 7399) to provide for the organization, regulation, and control of corporations, companies, and associations doing an interstate business, and for other purposes, which was read twice by its title and referred to the Committee on the Judiciary.

He also (for Mr. WARNER) introduced a bill (S. 7400) authorizing and directing the Postmaster-General to credit the accounts of Frank Wyman, postmaster at St. Louis, Mo., in the sum of $4,139.13, which was read twice by its title and referred to the Committee on Claims.

He also (for Mr. WARNER) introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7401) granting an increase of pension to Marion Cunningham;

A bill (S. 7402) granting an increase of pension to Sarah F. Gillam;

A bill (S. 7403) granting an increase of pension to Sarah Dawson;

A bill (S. 7404) granting a pension to Heunetta Hordin; and

A bill (S. 7405) granting a pension to Robert Devling.

Mr. CURTIS (for Mr. WARNER) introduced a bill (S. 7406) authorizing and directing the Secretary of the Treasury to pay to Angeline C. Burgert the sum of $157.72, the amount of her distributive share of the net proceeds of the sale of the Painesville and Youngstown Railroad applicable to bond No. 209, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. CARTER introduced a bill (S. 7407) providing for the appointment of an inspector of mines for the district of Alaska, defining his powers and duties, fixing his compensation, and for

other purposes, which was read twice by its title and referred to the Committee on Mines and Mining.

He also introduced a bill (S. 7408) to amend Article VI of an agreement between the Turtle Mountain band of Chippewa Indians and the United States, through the commissioners of the United States duly appointed for that purpose, on the 2d day of October, 1892, as modified and amended by act approved April 21, 1904, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. CLARK of Wyoming introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7409) granting an increase of pension to Charles S. Baker; and

A bill (S. 7410) granting an increase of pension to Clark S. Devoe.

Mr. NELSON introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7411) granting an increase of pension to Berge Johnson;

A bill (S. 7412) granting an increase of pension to George A. Kogle; and

A bill (S. 7413) granting an increase of pension to George W. Hawkins.

Mr. BULKELEY introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7414) granting an increase of pension to Frederick M. Hart;

A bill (S. 7415) granting an increase of pension to Lyman H. Leach;

A bill (S. 7416) granting an increase of pension to George Soder;

A bill (S. 7417) granting an increase of pension to John Egan; and

A bill (S. 7418) granting a pension to Elizabeth Cook.

Mr. BURNHAM introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7419) granting an increase of pension to Charles N. Baker;

A bill (S. 7420) granting an increase of pension to James B. Herron;

A bill (S. 7421) granting an increase of pension to Charles W. Mansfield;

A bill (S. 7422) granting an increase of pension to Oscar Perkins;

A bill (S. 7423) granting an increase of pension to Orrin W. Reed; and

A bill (S. 7424) granting an increase of pension to Ira H. Thurber.

Mr. WETMORE introduced a bill (S. 7425) granting an increase of pension to Peter D. Melville, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7426) granting an increase of pension to William A. Richardson;

A bill (S. 7427) granting an increase of pension to Ferdinand Brown;

A bill (S. 7428) granting an increase of pension to Hiram Sweet;

A bill (S. 7429) granting an increase of pension to John H. Richards;

A bill (S. 7430) granting an increase of pension to Charles B. Chandler;

A bill (S. 7431) granting an increase of pension to John J. Card, alias John Carder; and

A bill (S. 7432) granting an increase of pension to John Ackley.

Mr. HOPKINS introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7433) granting an increase of pension to Edwin Martien; and

A bill (S. 7434) granting an increase of pension to Francis M. Behymer.

Mr. HOPKINS introduced a bill (S. 7435) granting an increase of pension to William P. Robbe, which was read twice by its title and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 7436) to authorize the issuance of a patent to Fred C. and C. Helen Fisher for land located in the county of Fremont, State of Wyoming, which was read twice by its title and, with the accompanying papers, referred to the Committee on Public Lands.

He also introduced a bill (S. 7437) granting an increase of pension to Alice D. Bainum, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DILLINGHAM introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7438) granting an increase of pension to Lucius Bigelow;

A bill (S. 7439) granting an increase of pension to Luman L. Grout;

A bill (S. 7440) granting an increase of pension to Edwin M. Haynes;

A bill (S. 7441) granting an increase of pension to Dana Fish;

A bill (S. 7442) granting an increase of pension to Francis L. Knapp; and

A bill (S. 7443) granting an increase of pension to Barney B. Mattimore.

Mr. DICK introduced a bill (S. 7444) for the establishment of a park at the intersection of Rhode Island avenue, North Capitol and U streets NW., Washington, D. C., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 7445) granting an increase of pension to Daniel A. Grosvenor, which was read twice by its title and referred to the Committee on Pensions.

Mr. FLINT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Commerce:

A bill (S. 7446) for the improvement of the harbor at San Diego, Cal.; and

A bill (S. 7447) directing the Secretary of the Treasury to reimburse the city of Coronado and the Coronado Beach Company for protecting property from the encroachment of the Pacific Ocean.

Mr. FLINT introduced a bill (S. 7448) to provide for an additional district judge for the southern district of California, which was read twice by its title and referred to the Committee on the Judiciary.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 7449) to remove the charge of desertion from the military record of Andrew A. St. John;

A bill (S. 7450) to correct the military record of Milton J. Arrington; and

A bill (S. 7451) to correct the military record of Charles R. Stevens.

Mr. FLINT introduced a bill (S. 7452) granting a pension to John T. Young, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7453) granting an increase of pension to Eliza Palmer;

A bill (S. 7454) granting an increase of pension to Charles A. Slocum;

A bill (S. 7455) granting an increase of pension to Henry K. Haskell;

A bill (S. 7456) granting an increase of pension to Henry W. Smith;

A bill (S. 7457) granting an increase of pension to Henry Tobin;

A bill (S. 7458) granting an increase of pension to Samuel McMurry;

A bill (S. 7459) granting an increase of pension to Francis I. Gardiner;

A bill (S. 7460) granting an increase of pension to James L. Fitzgerald;

A bill (S. 7461) granting an increase of pension to Jeremiah J. Hannon;

A bill (S. 7462) granting an increase of pension to Lyman A. Holcomb;

A bill (S. 7463) granting an increase of pension to William Stein; and

A bill (S. 7464) granting a pension to Cora E. Ruttinger.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7465) granting an increase of pension to Albert S. Winchester;

A bill (S. 7466) granting an increase of pension to John Hopper;

A bill (S. 7467) granting an increase of pension to Caspar Wilky;

A bill (S. 7468) granting an increase of pension to William Murray;

A bill (S. 7469) granting an increase of pension to Joseph B. Driesbach;

A bill (S. 7470) granting an increase of pension to Alphonso L. Stacy; and

A bill (S. 7471) granting an increase of pension to Elisha Bridges.

Mr. CLAPP introduced a bill (S. 7472) transferring the Indian school at Morris, Minn., to the State of Minnesota for an agricultural school, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. McCREARY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 7473) for the relief of D. B. Curd; and

A bill (S. 7474) for the relief of the estate of W. R. Decker, deceased.

Mr. CLAY introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7475) for the relief of the heirs and legal representatives of E. Ann Lowry;

A bill (S. 7476) for the relief of the estate of Howell Tatum, deceased;

A bill (S. 7477) for the relief of the trustees of Timber Ridge Presbyterian Church; and

A bill (S. 7478) for the relief of Theodore L. Mitchell.

Mr RAYNER introduced a bill (S. 7479) for the relief of the heirs of Elizabeth A. Jarboe, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 7480) granting a pension to Rebecca N. Ewers, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 7481) for the relief of the estate of Seth Waters, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. GORE introduced a bill (S. 7482) to remove the restrictions from the surplus lands of the Osage Indians in Oklahoma, to provide for the payment to certain members their share of the tribal funds, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. PERKINS introduced a bill (S. 7483) to correct the military record of Orlando A. Stebbins, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 7484) granting an increase of pension to William Quinlivan, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 7485) for the relief of the widow and children of John W. Geering, of Vallejo, Cal., which was read twice by its title and referred to the Committee on Claims.

Mr. JOHNSTON introduced a bill (S. 7487) to parole United States prisoners, and for other purposes, which was read twice by its title and referred to the Committee on the Judiciary.

He also introduced a bill (S. 7488) for the relief of the estate of John Allison, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. MONEY. I ask leave to introduce a bill for the relief of the estate of J. M. Fortenberry, deceased, to correct a typographical error or misprint in Senate bill 290. I ask that the bill be referred to the Committee on Claims.

The bill (S. 7489) for the relief of the estate of J. M. Fortenberry, deceased, was read twice by its title and referred to the Committee on Claims.

Mr. BROWN introduced a bill (S. 7490) granting an increase of pension to William H. Bettinger, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 7491) granting an increase of pension to Henry C. Walker, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7492) granting an increase of pension to James N. Titus;

A bill (S. 7493) granting an increase of pension to David F. Painter;

A bill (S. 7494) granting an increase of pension to Charles H. Rankin;

A bill (S. 7495) granting an increase of pension to William T. Collins;

A bill (S. 7496) granting an increase of pension to William H. Weidner;

A bill (S. 7497) granting an increase of pension to Hiram Dice;

A bill (S. 7498) granting an increase of pension to Joseph H. Owen;

A bill (S. 7499) granting an increase of pension to Gilbert L. Holmes; and

A bill (S. 7500) granting an increase of pension to George T. Anderson.

Mr. McCUMBER introduced a bill (S. 7501) establishing rate of pay for rural free carriers, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 7502) to amend an act entitled "An act to provide revenue for the Government, and to encourage the industries of the United States, which was read twice by its title and referred to the Committee on Finance.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7503) granting an increase of pension to James E. Herbert;

A bill (S. 7504) granting an increase of pension to Julius J. Kean;

A bill (S. 7505) granting an increase of pension to Daniel Thornton;

A bill (S. 7506) granting an increase of pension to Charles F. Chapman;

A bill (S. 7507) granting an increase of pension to Richard R. Davies;

A bill (S. 7508) granting an increase of pension to Evin K. Hegland, alias Evin Knudson; and

A bill (S. 7509) granting an increase of pension to W. O. Ward.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7510) granting an increase of pension to James Swinehart;

A bill (S. 7511) granting an increase of pension to E. F. Green; and

A bill (S. 7512) granting an increase of pension to Ira A. Silvernail.

Mr. McCUMBER introduced a bill (S. 7513) to correct the military record of John Brown, alias George Brown, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. KITTREDGE (for Mr. SCOTT) introduced a bill (S. 7514) for the relief of the estate of Philip Null, deceased, which was read twice by its title and referred to the Committee on Claims.

He also (for Mr. SCOTT) introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7515) granting an increase of pension to John S. Kenney;

A bill (S. 7516) granting an increase of pension to Peter Vandyke;

A bill (S. 7517) granting an increase of pension to Allen T. Landsess;

A bill (S. 7518) granting an increase of pension to Charles S. Cain;

A bill (S. 7519) granting an increase of pension to Jacob Hill; and

A bill (S. 7520) granting an increase of pension to William M. Pomroy.

Mr. KITTREDGE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7521) granting an increase of pension to Jay B. Sessions;

A bill (S. 7522) granting a pension to Charles H. Kibbee;

A bill (S. 7523) granting a pension to Frank D. Moore;

A bill (S. 7524) granting an increase of pension to Dilazon D. Holdridge;

A bill (S. 7525) granting an increase of pension to Marcus Daniels;

A bill (S. 7526) granting an increase of pension to William A. Menor;

A bill (S. 7527) granting an increase of pension to Rily J. Philbrook;

A bill (S. 7528) granting an increase of pension to John C. McMillan;

A bill (S. 7529) granting an increase of pension to John Larrabee;

A bill (S. 7530) granting an increase of pension to Tollef Olson Strand, alias Tollef Olson;

A bill (S. 7531) granting an increase of pension to Robert Hodges;

A bill (S. 7532) granting an increase of pension to Hamilton H. McLain;

A bill (S. 7533) granting an increase of pension to Henry C. Washburn;

A bill (S. 7534) granting a pension to George P. Dix;

A bill (S. 7535) granting an increase of pension to Bradford H. Tripp;

A bill (S. 7536) granting an increase of pension to Marcellus B. Kent; and

A bill (S. 7537) granting an increase of pension to Andrew J. Shipley.

Mr. ANKENY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7538) granting an increase of pension to Alexander Davidson; and

A bill (S. 7539) granting an increase of pension to Joseph D. Holt.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7540) granting an increase of pension to Eben C. Thomas;

A bill (S. 7541) granting an increase of pension to William S. Harper; and

A bill (S. 7542) granting an increase of pension to Rowland Fisher, alias Thomas Smith.

Mr. BACON introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7543) for the relief of the heirs of Noah Fugate, deceased;

A bill (S. 7544) for the relief of Jesse J. Bull;

A bill (S. 7545) for the relief of the heirs of Augustus and Christine Rich, deceased; and

A bill (S. 7546) for the relief of Elizabeth A. C. Galloway.

Mr. BURROWS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7547) granting an increase of pension to Wait B. Steenberg;

A bill (S. 7548) granting a pension to Ann Stearns, with accompanying papers; and

A bill (S. 7549) granting an increase of pension to Gustavus M. Gates, with accompanying papers.

Mr. FORAKER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 7550) to remove the charge of desertion from the military record of Daniel Fleming, with an accompanying paper; and

A bill (S. 7551) to remove the charge of desertion from the military record of Cornelius Hardin.

Mr. FORAKER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7552) granting an increase of pension to John Witcraft;

A bill (S. 7553) granting an increase of pension to George Richards;

A bill (S. 7554) granting a pension to Albert R. Huey; and

A bill (S. 7555) granting a pension to Albert S. Lowe.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7556) granting an increase of pension to George W. Palmer;

A bill (S. 7557) granting an increase of pension to Jacob M. Zartman;

A bill (S. 7558) granting an increase of pension to Charles A. Reeser;

A bill (S. 7559) granting an increase of pension to David K. Mitchell; and

A bill (S. 7560) granting an increase of pension to John A. C. Jones.

Mr. LODGE introduced a bill (S. 7561) granting an increase of pension to Joseph W. Hartshorn, which was read twice by its title and referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 7562) granting an increase of pension to Robert A. Hare, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 7563) granting an increase of pension to Adelbert Gardner, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HEMENWAY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7564) granting an increase of pension to Hiram T. Grayson;

A bill (S. 7565) granting an increase of pension to George L. Masters;

A bill (S. 7566) granting an increase of pension to Lewis Sims;

A bill (S. 7567) granting an increase of pension to Frederick Geiger; and

A bill (S. 7568) granting an increase of pension to William W. Coker.

Mr. PILES introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7569) granting an increase of pension to Charles W. Taylor;

A bill (S. 7570) granting an increase of pension to Fidelia A. Boyd;

A bill (S. 7571) granting an increase of pension to Robert Stewart;

A bill (S. 7572) granting an increase of pension to Ocran Dickinson;

A bill (S. 7573) granting an increase of pension to William H. Gifford;

A bill (S. 7574) granting an increase of pension to Eva A. Blanchard;

A bill (S. 7575) granting an increase of pension to August Brulot;

A bill (S. 7576) granting an increase of pension to Edward F. Parker;

A bill (S. 7577) granting an increase of pension to Sophia Ekstrand;

A bill (S. 7578) granting an increase of pension to James Brown;

A bill (S. 7579) granting an increase of pension to David A. Craddick; and

A bill (S. 7580) granting an increase of pension to William C. Shute.

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7581) granting an increase of pension to Eli W. Wilhite;

A bill (S. 7582) granting an increase of pension to Solomon S. Kirkpatrick;

A bill (S. 7583) granting an increase of pension to Andrew McMains;

A bill (S. 7584) granting a pension to Mary E. Ecclefield;

A bill (S. 7585) granting an increase of pension to David Detty;

A bill (S. 7586) granting a pension to Emilie J. Raff;

A bill (S. 7587) granting an increase of pension to John W. Riffe;

A bill (S. 7588) granting an increase of pension to William H. Scott;

A bill (S. 7589) granting an increase of pension to Norman A. Rupe;

A bill (S. 7590) granting an increase of pension to John D. C. Herriman;

A bill (S. 7591) granting an increase of pension to Wilson B. Hensy;

A bill (S. 7592) granting an increase of pension to James M. Nicholas;

A bill (S. 7593) granting an increase of pension to Hiram D. Brown;

A bill (S. 7594) granting an increase of pension to George D. Anderson;

A bill (S. 7595) granting a pension to Minnie D. Dobbins;

A bill (S. 7596) granting a pension to Eliza P. Tagart;

A bill (S. 7597) granting an increase of pension to Samuel T. Cromwell;

A bill (S. 7598) granting an increase of pension to Charles B. Fessenden, jr.; and

A bill (S. 7599) granting an increase of pension to Albert Hemming.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7600) granting a pension to Thomas Inman;

A bill (S. 7601) granting an increase of pension to A. F. Wade;

A bill (S. 7602) granting an increase of pension to Edward C. Smith;

A bill (S. 7603) granting an increase of pension to Robert E. Huff;

A bill (S. 7604) granting an increase of pension to Robert Hassey;

A bill (S. 7605) granting a pension to Eunice Inman;

A bill (S. 7606) granting an increase of pension to Samuel Radcliff; and

A bill (S. 7607) granting an increase of pension to John Brannan.

Mr. BRANDEGEE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7608) granting an increase of pension to Thomas B. Fish;

A bill (S. 7609) granting a pension to Mary A. Hill;

A bill (S. 7610) granting an increase of pension to Amos S. Hancox;

A bill (S. 7611) granting an increase of pension to James McEnany;

A bill (S. 7612) granting a pension to Mary Wilson;

A bill (S. 7613) granting an increase of pension to Thomas M. Lord;

A bill (S. 7614) granting an increase of pension to Francis McKeag;

A bill (S. 7615) granting an increase of pension to Esther A. Turner;

A bill (S. 7616) granting an increase of pension to Albert Leeds; and

A bill (S. 7617) granting a pension to Nora Davis.

Mr. BAILEY (by request) introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7618) for the relief of the estate of James B. Ogletree, deceased;

A bill (S. 7619) for the relief of the estate of J. W. Cumby, deceased; and

A bill (S. 7620) for the relief of the heirs or estate of William E. Crump, deceased.

Mr. HALE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7621) granting an increase of pension to John B. Hazen;

A bill (S. 7622) granting an increase of pension to John Harper;

A bill (S. 7623) granting an increase of pension to Ann Bacheller; and

A bill (S. 7624) granting an increase of pension to Wilson M. Mayo.

He also introduced a bill (S. 7625) granting an increase of pension to Charles W. Dinsmore, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 7626) for the relief of Lewis Myshrall, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 7627) for the relief of John H. Butman, which was read twice by its title and referred to the Committee on Naval Affairs.

Mr. GALLINGER introduced a joint resolution (S. R. 100) to amend section 1608 of the Code of Law for the District of Columbia, which was read twice by its title and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. FLINT introduced a joint resolution (S. R. 101) to restore the status of the First Battalion Mountaineers, California Volunteers, who served during the late war of the rebellion, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. BACON introduced a joint resolution (S. R. 102) proposing an amendment to the Constitution of the United States respecting the succession to the presidency in certain cases, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. CARTER introduced a joint resolution (S. R. 103) for the relief of certain settlers in the Lake Basin of the Billings (Mont.) land district, which was read twice by its title and referred to the Committee on Public Lands.

WILLIAM T. ROSSELL, JR., AND HARRY G. WEAVER.

Mr. JOHNSTON introduced a bill (S. 7486) authorizing the President to reinstate William T. Rossell, jr., and Harry G. Weaver as cadets in the United States Military Academy, which was read twice by its title.

Mr. JOHNSTON. Mr. President, I ask the leave of the Senate to have inserted in the RECORD the finding of the Secretary of War in this case. I desire to state the offenses these young men were charged with. The first charge was "requiring plebes or new cadets to catch ants." That is a very extraordinary and unusual thing, and one calculated to demoralize a new cadet. "Requiring them to brace or stand in a constrained position a long time and laying on of hands." This bracing was not considered cruel, and the laying on of hands was not violent. "Requiring them to clean his equipments." "Requiring them to put his tent in order." "Requiring them to wrestle with each other."

These are the serious offenses that are charged against these young men. When the Secretary of War came to consider the case, he said in regard to the offense:

> The act of Congress that forbids hazing and directs regulations to be made by the authorities of the academy does not prescribe what hazing is. This is not a technical term, and we can only ascertain the meaning of the word by reference to standard dictionaries. Webster's International Dictionary defines hazing: "To harass or annoy by playing abusive or shameful tricks upon; to humiliate by practical jokes—used especially of college students—as the sophomores hazed a freshman." The Century and Standard dictionaries give practically the same definition.

The Secretary says:

> Now, none of the acts shown to have been committed by these young men come within this definition of hazing. The evidence shows that while the offenders directed the plebes to "brace"—that is, stand at attention with their shoulders thrown back—rub buckles, clean guns, bring water from the spring, fall in at the first assembly call instead of five minutes later at the second call, still none of these acts can hardly be fairly brought within this definition. They all, undoubtedly, were improper interference with the plebes, constituting an assumption of authority over them in direct conflict with the regulations, for which severe punishment should be meted out.

The Secretary goes on to say—I will not read it all—

> This being so, I do not feel that it is just to extend the operations of this severe statute by implication, especially in view of the fact that, in my judgment, the offenses of which these young men were undoubtedly guilty can be adequately punished without resorting to the extreme penalty of expulsion.

But the Secretary finally recommended, following the recommendation of the superintendent at West Point, that two of these cadets be expelled and six were suspended for a year. This bill is to authorize the President to restore them.

It seems to me, Mr. President, that this is a very harsh punishment for a very small offense. I do not believe there is a Senator in this Chamber who would correct his boy for treating his brother in that way. There is no evidence whatever in the case, so far as I can ascertain, where anyone was hurt, where anyone was humiliated, where any damage was done to another. The punishment is excessive. These young men were in the first class, and their previous conduct had been excellent. I doubt if there is a Senator in this Chamber who has not submitted to much severer punishment than was shown to have been inflicted upon these cadets. Probably that is the reason we are here.

There is another thing. Hazing goes on everywhere in the world, in a way, and whilst I am opposed to inhumanity or brutality, I do not think we ought to set up an example at West Point which requires mothers to be there with their boys. We have hazing here in the Senate, as those of us who are juniors know—it is a very respectable, decent kind of hazing—by which those who have recently arrived are deprived of any choice of rooms or of assignment to committees and have to take positions at the foot or wherever they are placed. That is a mild form of hazing to which we must submit, and no one is complaining. We hope to remain here long enough to get out of this class.

I ask that the bill be referred to the Committee on Military Affairs, and that the paper containing the report of the Secretary of War be published in the RECORD and referred to that committee.

The bill was referred, with the accompanying paper, to the Committee on Military Affairs, and the paper was ordered to be printed in the RECORD, as follows:

DECISION IN CADETS' CASE.

[Army and Navy Journal, Aug. 29, 1908, p. 1438.]

The case of the West Point cadets charged with hazing reached a final conclusion on August 24, when Maj. Gen. Fred C. Ainsworth,

Adjutant-General, U. S. Army, forwarded letters to Cadets William T. Rossell, jr., and Harry T. Weaver, the suspended first-class men, informing them of their dismissal from the academy in pursuance of orders from the President and Secretary of War, and also sent letters to the six third-class men suspended from the academy, informing them that they had been suspended until June 15, 1909. The order in the cases of the cadets will not be published in the usual form because they are not officers of the army. So far as the War Department is concerned, this terminates the case of the cadets. Cadet Rossell is one of the honor men of the first class, and Washington press advices say he will endeavor, through Congress, to obtain permission to return to the academy in a lower class. The six suspended cadets are: George W. Chase, jr., of New York; James A. Gillespie, of Pennsylvania; Byron Q. Jones, of New York; William Nalle, jr., of Virginia; William W. Prude, of Alabama; and Isaac Spalding, of Oklahoma, all of the first class. This action of The Adjutant-General was taken in accordance with the following recommendation of Secretary Wright, which was approved by the President:

"Rossell and Weaver are the suspended first-class men. Rossell seems to have been a ringleader in interfering with the plebes, and, in at least one instance, and probably more, laid hands upon them, although not violently, and intimated, when objection was made, that the victim should either submit or fight. This probably brings him directly within the law, and I see no other course than that he should go. Weaver seems to have been not quite so pronounced in his behavior, although he was guilty of practically the same thing as Rossell. The remaining cadets are, I believe, third-class men. It seems to me that in dealing with these young men their difference in age and length of service in the academy should be given consideration. Rossell and Weaver, as first-class men, are much more matured, both in age and knowledge of the rules and consequences of their infraction, while the third-class men had just ceased to be plebes; and as they all say—and I have no doubt is the fact—were simply treating the newcomers just as they themselves had been treated, and probably, without any real reflection or perhaps knowledge of the gravity of their offenses as laid down in the rules. Under these circumstances I think a clear distinction should be drawn between the offenders belonging to the first and third classes.

"The act of Congress that forbids hazing and directs regulations to be made by the authorities of the academy does not prescribe what hazing is. This is not a technical term, and we can only ascertain the meaning of the word by reference to standard dictionaries. Webster's International Dictionary defines hazing: 'To harass or annoy by playing abusive or shameful tricks upon; to humiliate by practical jokes—used especially of college students; as the sophomores hazed a freshman.' The Century and Standard dictionaries give practically the same definition.

"Now, none of the acts shown to have been committed by these young men come within this definition of hazing. The evidence shows that while the offenders directed the plebes to 'brace'—that is, stand at attention with their shoulders thrown back, rub buckles, clean guns, bring water from the spring, fall in at the first assembly call, instead of five minutes later at the second call—still none of these acts can hardly be fairly brought within this definition. They all, undoubtedly, were improper interference with the plebes, constituting an assumption of authority over them in direct conflict with the regulations, for which severe punishment should be meted out.

"But the act of Congress which forbids hazing is extremely drastic in character, in that it provides that any cadet found guilty of hazing shall be summarily dismissed from the academy, and, in addition, shall not be reappointed to the corps of cadets or be eligible for appointment as a commissioned officer in the Army and Navy or Marine Corps until two years after the graduation of the class of which he was a member. This being so, I do not feel that it is just to extend the operations of this severe statute by implication, especially in view of the fact that, in my judgment, the offenses of which these young men were undoubtedly guilty can be adequately punished without resorting to the extreme penalty of expulsion. It is the certainty of punishment rather than the severity that deters the commission of offense. At the same time, it should be made very clear to all the young men at the academy that obedience to the regulations imposed and the observance of a proper deportment toward the younger members is exacted.

"I therefore recommend that Cadets Rossell and Weaver be dismissed from the academy, and that the other six be suspended, with loss of all pay and allowances, until June 15, 1909, when they will join the third class. This is the course recommended by Colonel Scott, and I am inclined to think, with him, that it will be better to have them remain in their homes during the year of suspension, rather than to go over the same course which they have just finished, which would be the case were they turned back a year and allowed to remain at the academy. He tells me that this is the usual procedure in such cases."

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. DICK submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims, and ordered to be printed.

TARIFF REPORTS, ETC.

Mr. ALDRICH. I present a series of reports upon tariff methods, with references to the debates in Congress from 1846 to 1897, prepared by Mr. George H. Boyd, superintendent of the Senate document room. The matter is mostly out of print, and I ask that it may be printed in document form for the use of the Senate and referred to the Committee on Finance.

There being no objection, the order was agreed to, as follows:

Ordered, That sundry documents and papers relative to tariff legislation, 1846–1897, reports on tariff acts, 1888, 1890, 1894, and 1897, be printed as one document for the use of the Senate and referred to the Committee on Finance.

JAMES A. KNIGHT.

On motion of Mr. FORAKER, it was

Ordered, That there may be withdrawn from the files of the Senate all papers relating to the bill (S. 4479, Fifty-ninth Congress, first session) granting an honorable discharge to James A. Knight, there having been no adverse report on said bill.

EMPLOYMENT OF STENOGRAPHER.

Mr. CURTIS submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Indian Depredations be, and the same is hereby, authorized to employ a stenographer, to be paid from the contingent fund of the Senate, at the rate of $1,200 per annum, said employment to continue during the Sixtieth Congress.

POSTAL SAVINGS BANKS.

Mr. BURKETT. Mr. President, I have here a copy of an address delivered by a very prominent banker of Nebraska before the State Bankers' Association of that State upon the subject of postal savings banks. It is not a very long address, and I ask unanimous consent to have it printed in the RECORD. It is a very able address, written by one of our most prominent bankers, a man who has carefully studied the subject, and it contains a great deal of useful information, which will be helpful to us, I think, in view of the fact that we are soon going to take up the consideration of the postal savings-bank bill.

The VICE-PRESIDENT. The Senator from Nebraska asks unanimous consent that the address referred to by him upon the subject of postal savings banks be printed in the RECORD without reading. Is there objection?

Mr. BACON. I do not, by the suggestion I am about to make, mean to indicate any hostility to the measure referred to, but I really think we ought not to load the RECORD. I should be very glad to have the address printed as a document, and in that form it would be more convenient.

Mr. CULLOM. I was going to make the suggestion that the address be printed as a document instead of being printed in the RECORD.

Mr. BACON. In the form of a document it would be more convenient for reference and examination by Senators than if printed in the RECORD.

Mr. BURKETT. My experience as to papers printed as documents is that Senators do not see them, but if printed in the RECORD—which is laid on Senators' desks and delivered at their houses each morning—they will be more likely to be glanced over. I do not want to violate any of the proprieties, I will say, of the Senate or of the RECORD, but I think I have observed heretofore that occasionally such addresses have been printed in the RECORD.

Mr. BACON. Yes; too many times that has occurred.

Mr. BURKETT. I suppose I could read this address, and it would then go into the RECORD; but I do not wish to do that.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nebraska [Mr. BURKETT]?

Mr. ALDRICH. If the motion of the Senator from Illinois [Mr. CULLOM] is not to be put, I should like to know what is the request of the Senator from Nebraska?

The VICE-PRESIDENT. The Chair understands that the Senator from Nebraska has the floor. Is there objection to his request?

Mr. ALDRICH. What is the request?

The VICE-PRESIDENT. The request is that the address submitted by him on the subject of postal savings banks by a banker of Nebraska be printed in the RECORD without reading.

Mr. ALDRICH. Mr. President, I shall certainly object to that. That is a precedent that should not be established.

The VICE-PRESIDENT. Objection is made.

Mr. BURKETT. Then I will ask to have the address read at the desk.

The VICE-PRESIDENT. Is there objection to the reading of the address?

Mr. CULLOM. I think the Senator had better consent to let it be printed as a document, for that is the most convenient form in which to have it and it will be just as much circulated in that shape as in any other.

Mr. BACON. There will be a number of speeches in the RECORD on the subject of postal savings banks. The Senator need not fear that the subject will not be aired sufficiently before we get a vote on it. I shall be very glad to read the speech, and I promise the Senator to do so, if he will have it printed as a document.

Mr. BURKETT. I will say that if this were a very long speech I would not have made the request that it be printed in the RECORD. As the Senator from Illinois [Mr. CULLOM] is going to object to that and really thinks it ought not to go into the RECORD, and as he has very kindly asked me to change my request so that the paper may be printed as a document, I am disposed to agree to the suggestion of the Senator from Illinois——

Mr. CULLOM. I hope the Senator will do that.

Mr. BURKETT. And ask to have the address printed as a document.

The VICE-PRESIDENT. In the absence of objection, the paper submitted by the Senator from Nebraska will be printed as a public document.

MEMORIAL ADDRESSES ON THE LATE SENATOR PROCTOR.

Mr. DILLINGHAM. Mr. President, prior to the adjournment of the last session of Congress I gave notice that on Saturday next I would ask the Senate to consider resolutions commemorative of the life and character of my late colleague, the Hon. REDFIELD PROCTOR. I desire now to withdraw that notice and to say that I will ask the Senate to consider those resolutions on Saturday, the 9th day of January next.

ANNUAL REPORT OF GOVERNOR OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress the annual report of the governor of Porto Rico for the fiscal year ending June 30, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 9, 1908.*

TELEPHONE LINES IN PORTO RICO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and section 2 of the joint resolution amending said act, approved May 1, 1900, I transmit herewith copy of an ordinance granted by the executive council of Porto Rico, entitled "An ordinance granting a revocable permit to Pablo Calcerrada, his heirs, executors, and assigns, the right to construct, maintain, and operate a private telephone line to connect the three plantations of Latorre, Bartolo, and Mirasol, in the municipal district of Lares."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 9, 1908.*

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I transmit herewith copy of an ordinance granted by the executive council of Porto Rico, entitled "An ordinance repealing an ordinance entitled 'An ordinance granting to the municipality of Guayama the right to construct a telephone line between Guayama and Arroyo, and to operate the same for public purposes,' enacted December 2, 1902."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 9, 1908.*

RAILROADS IN PORTO RICO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and section 2 of the joint resolution amending said act, approved May 1, 1900, I transmit herewith copy of an ordinance granted by the executive council of Porto Rico, entitled "An ordinance granting a revocable permit to the Insular Dock Company to connect its railway track on pier No. 2 with the track of the American Railroad Company lying along the bulkhead of the harbor of San Juan."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 9, 1908.*

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I transmit herewith copy of an ordinance granted by the executive council of Porto Rico November 5, 1908, entitled "An ordinance granting to the Compania de los Ferrocarriles de Puerto Rico, its successors and assigns, the right to take forty (40) liters of water per minute from the 'Quebrada Ojo de Agua' near Rincon for the purpose of furnishing water for its locomotives."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 9, 1908.*

BRIDGE OVER BAYAMON RIVER, PORTO RICO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I transmit herewith copy of an ordinance granted by the executive council of Porto Rico October 29, 1908, entitled "An ordinance granting to A. Monroig & Hijos, Sucesores, the right to construct an iron bridge over the Bayamon River, in the municipal district of Bayamon, barrio of Juan Sanchez."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 9, 1908.*

DISTRIBUTION AND SALE OF GAS IN SAN JUAN.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and section 2 of the joint resolution amending said act, approved May 1, 1900, I transmit herewith copy of an ordinance granted by the executive council of Porto Rico, entitled "An ordinance granting to Arturo Rodriguez the right to construct, maintain, and operate a system for the manufacture, distribution, and sale of gas for light, heat, and power purposes in the municipality of San Juan."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 9, 1908.*

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and section 2 of the joint resolution amending said act, approved May 1, 1900, I transmit herewith copy of an ordinance granted by the executive council of Porto Rico, entitled "An ordinance amending an ordinance entitled 'An ordinance granting to Arturo Rodriguez the right to construct, maintain, and operate a system for the manufacture, distribution, and sale of gas for light, heat, and power purposes in the municipality of San Juan.'"

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 9, 1908.*

PUBLIC PIER IN HARBOR OF SAN JUAN.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I transmit herewith copy of an ordinance granted by the executive council of Porto Rico, entitled "An ordinance granting to A. A. David the right to build, maintain, and operate a public pier in the harbor of San Juan, at Catano."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 9, 1908.*

SAN JUAN LIGHT AND TRANSIT COMPANY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I transmit herewith copy of an ordinance granted by the executive council of Porto Rico, entitled "An ordinance granting the San Juan Light and Transit Company a revocable permit or privilege to change the location of that part of its railroad extending from the northeastern corner of the junction of Comercio and Tanca streets to a point in San Justo street north of its intersection with Recinto Sur street to a new location, as follows: Northerly along the most practicable route to Racinto Sur street, and thence along said street to San Justo street."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 9, 1908.*

R. SANCHEZ MONTALVO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was

read and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I transmit herewith copy of a franchise granted by the executive council of Porto Rico, November 5, 1908, entitled "An ordinance granting R. Sanchez Montalvo, his heirs, successors, and assigns, the right to take and use 41 liters of water per second for industrial purposes from the brook Juan Gonzales, in the barrio Pallejas, in the municipal district of Adjuntas."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 9, 1908.*

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seventeen minutes spent in executive session the doors were reopened, and (at 1 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 10, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 9, 1908.

COLLECTOR OF CUSTOMS.

John T. Rich, of Michigan, to be collector of customs for the district of Huron, in the State of Michigan, in place of Lincoln Avery, removed.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Cadet James Pine, of New York, to be a third lieutenant in the Revenue-Cutter Service of the United States, to fill an original vacancy.

Cadet Michael John Ryan, of Colorado, to be a third lieutenant in the Revenue-Cutter Service of the United States, to fill an original vacancy.

Cadet Edward Joseph Donohue, of New York, to be a third lieutenant in the Revenue-Cutter Service of the United States, to fill an original vacancy.

Cadet Warner Kieth Thompson, of Iowa, to be a third lieutenant in the Revenue-Cutter Service of the United States, to fill an original vacancy.

Cadet Joseph Raoul Besse, of North Dakota, to be a third lieutenant in the Revenue-Cutter Service of the United States, to fill an original vacancy.

Cadet William Francis Towle, of Massachusetts, to be a third lieutenant in the Revenue-Cutter Service of the United States, to fill an original vacancy.

ASSISTANT APPRAISER OF MERCHANDISE.

John D. McEwen to be assistant appraiser of merchandise in the district of New York, in the State of New York, in place of John D. Smith, resigned.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Capt. Elmer A. Dean, Medical Corps, to be major from December 4, 1908, vice Kulp, retired from active service.

CAVALRY ARM.

Lieut. Col. Edward J. McClernand, First Cavalry, to be colonel from November 20, 1908, vice Bomus, Ninth Cavalry, retired from active service.

Maj. William A. Shunk, Eighth Cavalry, to be lieutenant-colonel from November 20, 1908, vice McClernand, First Cavalry, promoted.

Capt. Francis G. Irwin, Second Cavalry, to be major from November 20, 1908, vice Shunk, Eighth Cavalry, promoted.

First Lieut. Roger S. Fitch, First Cavalry, to be captain from November 20, 1908, vice Irwin, Second Cavalry, promoted.

COAST ARTILLERY CORPS.

Lieut. Col. Adam Slaker, Coast Artillery Corps, to be colonel from December 8, 1908, vice Greenough, retired from active service.

Maj. George F. Barney, Coast Artillery Corps, to be lieutenant-colonel from December 8, 1908, vice Slaker, promoted.

Capt. Thomas B. Lamoreux, Coast Artillery Corps, to be major from December 8, 1908, vice Barney, promoted.

INFANTRY ARM.

Maj. John C. F. Tillson, Fourth Infantry, to be lieutenant-colonel from December 7, 1908, vice Torrey, Eighteenth Infantry, deceased.

Capt. Amos B. Shattuck, unassigned, to be major from December 7, 1908, vice Tillson, Fourth Infantry, promoted.

First Lieut. Allen Parker, Twenty-sixth Infantry, to be captain from October 31, 1908, vice Ballou, Twelfth Infantry, detailed as quartermaster.

To be first lieutenants.

Second Lieut. Jesse M. Holmes, Eighteenth Infantry, from July 18, 1908, vice Beacham, Twenty-seventh Infantry, promoted.

Second Lieut. Maynard A. Wells, Tenth Infantry, from July 24, 1908, vice McConnell, Seventeenth Infantry, promoted.

Second Lieut. Hans O. Olsen, Eighteenth Infantry, from August 18, 1908, vice Stone, Third Infantry, retired from active service.

Second Lieut. Charles A. Thuis, Twenty-third Infantry, from August 27, 1908, vice Hazzard, Seventh Infantry, wholly retired.

Second Lieut. Claremont A. Donaldson, Twenty-third Infantry, from September 8, 1908, vice Rifenberick, Twenty-ninth Infantry, promoted.

Second Lieut. Franklin T. Burt, Twenty-fourth Infantry, from September 16, 1908, vice Johnson, Eleventh Infantry, promoted.

Second Lieut. Rutherfurd S. Hartz, Twenty-first Infantry, from September 28, 1908, vice Bloom, Fourth Infantry, deceased.

Second Lieut. Townsend Whelen, Thirtieth Infantry, from October 2, 1908, vice Hay, Twenty-fourth Infantry, promoted.

Second Lieut. Charles S. Hamilton, Thirteenth Infantry, from October 11, 1908, vice Pearce, Thirteenth Infantry, deceased.

Second Lieut. Joseph F. Ware, Twenty-first Infantry, from October 15, 1908, vice Gibert, Thirteenth Infantry, resigned.

Second Lieut. Harry L. Jordan, Eighth Infantry, from October 19, 1908, vice Wescott, Sixteenth Infantry, promoted.

Second Lieut. Dean Halford, Twenty-second Infantry, from October 27, 1908, vice Nettles, Twenty-first Infantry, retired from active service.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenant, with rank from November 11, 1908.

Alwin M. Guittard, of Ohio.

To be first lieutenants, with rank from November 24, 1908.

Felix Edward Ashcroft, of South Dakota.
Rhodric Winfield Browne, of Virginia.
Joseph Forrest Burnham, of Massachusetts.
John Tilden Burrus, of North Carolina.
George Abner Clotfelter, of Illinois.
George Peter Coopernail, of New York.
Guy Parker Dillon, of California.
Joseph Lewi Donhauser, of New York.
Edgar Francis Hamlin, of Rhode Island.
Hans Hansen, of Iowa.
James William Hartigan, of West Virginia.
Charles Byam Hollings, of Massachusetts.
Warren Edglie Kershner, of Maine.
George Christopher Kieffer, of Pennsylvania.
Fred Elsworth Lettice, of New York.
Charles James McGee, of Kansas.
William Marshall, jr., of Delaware.
Hugh Thomas Nelson, jr., of Virginia.
William Henry Steers, of New York.
Irwin Coleman Sutton, of Nebraska.
Ira Chestnut Young, of Missouri.
Herbert Homer Smith, of Kansas.
Herbert Holman Skinner, of Missouri.

To be first lieutenant, with rank from December 2, 1908.

Matthew J. Shields, of Pennsylvania.

CAVALRY ARM.

Claude De Busy Hunt, at large, to be second lieutenant, with rank from December 14, 1908.

APPOINTMENT, BY TRANSFER, IN THE ARMY.

COAST ARTILLERY CORPS.

Second Lieut. Marcel Selby Keene, Twenty-fourth Infantry, to the Coast Artillery Corps, with rank from October 2, 1908.

PLACED ON THE RETIRED LIST OF THE ARMY.

Col. George G. Greenough, retired, with the rank of brigadier-general from December 8, 1908.

First Lieut. Francis A. Halliday, retired, with rank of captain from September 13, 1908.

PROMOTION IN THE NAVY.

Rear-Admiral Newton E. Mason, U. S. Navy, to be Chief of the Bureau of Ordnance in the Department of the Navy,

with the rank of rear-admiral, for a term of four years from January 9, 1909.

MEMBERS OF THE PHILIPPINE COMMISSION.

Under the provisions of the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of affairs of civil government in the Philippines, and for other purposes," as amended by the act of Congress approved May 11, 1908, increasing the membership of the Philippine Commission, I submit the following nominations:

W. Cameron Forbes, of Massachusetts, to be vice-governor of the Philippine Islands, to which office he was appointed during the last recess of the Senate, vice Henry Clay Ide, resigned.

Gregorio Araneta, of the Philippine Islands, to be a member of the Philippine Commission and secretary of finance and justice in the government of the Philippine Islands, to which office he was appointed during the last recess of the Senate, vice Henry Clay Ide, resigned.

Newton W. Gilbert, of Indiana, to be a member of the Philippine Commission, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

Rafael Palma, of the Philippine Islands, to be a member of the Philippine Commission, to which office he was appointed during the last recess of the Senate, vice Benito Legarda, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 9, 1908.

SECRETARY OF WAR.

Luke E. Wright, of Tennessee, to be Secretary of War.

SECRETARY OF THE NAVY.

Truman H. Newberry, of Michigan, to be Secretary of the Navy.

MINISTER RESIDENT AND CONSUL-GENERAL.

Hoffman Philip, of New York, to be minister resident and consul-general to Abyssinia.

POSTMASTERS.

NEW HAMPSHIRE.

John H. Brown, at Concord, N. H.

WASHINGTON.

George H. Russell, at Seattle, Wash.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 9, 1908.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

ELECTION IN THE FIRST CONGRESSIONAL DISTRICT OF THE STATE OF LOUISIANA.

The SPEAKER. The Chair lays before the House the following memorial:

The Clerk read as follows:

LAWRENCE, LA., *December 4, 1908.*

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives, Washington, D. C.

SIR: I have the honor to present to you a memorial to the House of Representatives, contesting the right of ALBERT ESTOPINAL, who holds a certificate of election to fill the vacancy caused by the death of the Hon. Adolph Meyer. I beg that you have it referred to the Committee on Elections, and that I be notified by said committee when to appear and make good my memorial.

I have the honor to be
Your obedient servant, H. C. WARMOTH.

IN THE HOUSE OF REPRESENTATIVES, SIXTIETH CONGRESS OF THE UNITED STATES.

Henry C. Warmoth, contestant, *v.* Albert Estopinal, contestee.

To the honorable the Speaker and Members of the House of Representatives, Sixtieth Congress of the United States:

The memorial of Henry C. Warmoth, a citizen of the United States of America, respectfully represents—

That on the 3d day of November, 1908 A. D., an election was held in the First Congressional District of the State of Louisiana for Member of your honorable body to represent the said district in the Sixtieth Congress of the United States to fill the vacancy caused by the death of the Hon. Adolph Meyer; and in said election your memorialist was the candidate of the Republican party; that opposed to his candidacy the name of Albert Estopinal appeared upon the official ballot prepared by the secretary of state for said election, and as a candidate of the Democratic party; that the said Estopinal has been declared elected and has been commissioned to a seat in your honorable body in pursuance of said election.

The memorialist alleges that he desires to contest the right of the said Albert Estopinal to a seat in the Sixtieth Congress of the United States upon the following grounds and for reasons, to wit:

The election of the contestee was brought about as the nominee of the Democratic party, and the votes cast for him at the election on November 3, 1908, for Member of Congress for the First Congressional District of Louisiana were so cast in pursuance of his nomination as the Democratic candidate, which nomination was procured at a primary election held in said district by said party on ——, 1908. Said primary election was ordered and held under the terms of act 49 of 1906, known as the "primary election law," which provides in section 9:

"Be it further enacted, etc., That the qualifications of the voters and candidates in all primaries held under this act shall be the same as now required by the constitution and election laws of this State for voters at general elections, subject to an additional political qualification which may be prescribed by the state central committees of the respective political parties coming under the provisions of this act. The representative state central committee of the respective political parties coming under the provisions of this act shall meet within sixty days after the promulgation of this act and then fix the said additional political qualifications as herein authorized."

Acting under the authority above stated, the state central committee of the Democratic party, at a meeting held in the city of New Orleans, July 28, 1906, took up this question and disposed of it as follows:

"On motion of Congressman DAVEY it was declared that the additional qualifications authorized under the primary election law should be that the participants in the Democratic primaries should be 'white Democrats.' Judge Porter wanted the qualifications amended to 'well-known white Democrats.' This was not urged and Congressman DAVEY'S motion prevailed."

On ——— the Democratic executive committee of the First Congressional District of the State of Louisiana met in the city of New Orleans, and under the authority of the law above quoted, and by direction of the Democratic state central committee in its enactment to nominate a Democrat candidate for Congress in said district, to wit:

"Be it resolved by the committee, That a primary election be held throughout the First Congressional District on ———, at which qualified Democratic electors, who shall also be white Democrats, shall vote for a Democrat nominee for Congress for the said district, and also for member from each parish forming said district to be a member of said committee, and also for members at large from the said district, who shall be members of the committee under provisions of the act 49 of 1906."

In the Democratic primary, so called, and held on ——— ———, 1908, the contestee became a candidate for the Democratic nomination, and was finally declared nominated as the Democratic candidate, and in accordance with said nomination, so procured, his name was placed on the official ballot as such Democratic candidate, he was so voted upon at the general congressional election of November 3, 1908, and as a result thereof has been officially declared elected to the Sixtieth Congress of the United States as Representative from the First Congressional District of Louisiana.

Now contestant further alleges that the said nomination was absolutely null, void, and of no effect because procured and made in pursuance of Act 49 of 1906, which in so far as section 9 is concerned is in contradiction and defiance of the constitution of the State of Louisiana and of the fifteenth amendment of the Constitution of the United States, and therefore it is unconstitutional, null, and void; that this action of the state central committee of the Democratic party and of the first congressional committee of said party is likewise in contradition and defiance of the constitution of the State of Louisiana and the fifteenth amendment of the Constitution of the United States; that accordingly every act leading up to the nomination of the contestee was null and void; that said nomination was null and void, and every ballot cast for the contestee at the election of November 3, 1908, was a null and void ballot, absolutely without effect, and should not have been counted in ascertaining the result of said election.

Now contestant further shows that he was regularly nominated as the candidate of the Republican party for Member of the Sixtieth Congress of the United States to fill the vacancy caused by the death of the Hon. Adolph Meyer; that said nomination was made in a perfectly legal and constitutional manner; that as such nominee he received many legal votes, legally cast throughout the district, and that as a partisan Democratic board has returned and allowed him a number of such votes for member of your honorable body as a result of said election of November 3, 1908, and that as the votes cast for the contestant were the only legal and valid votes cast in said election, contestant upon the face of the returns is entitled to the seat in the Sixtieth Congress of the United States to which the contestee has been returned.

The contestant further shows that the entire election machinery in the State of Louisiana, including the contest of party nominations, the preparation of ballots and the distribution of said ballots, the appointment of commissioners of election, the count and canvass of votes, the compilation and promulgation of returns—in fact, every detail—is vested by unequal, unjust, and unconstitutional laws in the hands of partisan Democrats and Democratic boards, with the result that the Republican and every other form of opposition is being gradually counted out and legislated out of existence in the State of Louisiana; that said unequal, unjust, and unconstitutional laws have declared, and the courts of Louisiana have maintained, the proposition that there is not even an appeal to the courts for redress from the action of said partisan boards, and it has become an accepted Democratic doctrine in Louisiana that there is no "going behind the returns;" that under these circumstances contestant is shut out from all redress except by memorial to the Congress of the United States.

Wherefore your memorialist prays that this contest, notice of which has been given as required by law and by the rules and regulations of your Committee on Elections, be taken cognizance of by the House of Representatives of the Sixtieth Congress of the United States; that after due proceedings had and a hearing as to the matters herein contained and recited, contestant be given a seat as Representative in Congress from the First Congressional District of the State of Louisiana over the said Albert Estopinal, contestee, with all the privileges, duties, and emoluments of a duly elected Member of Congress, and contestant further prays for general relief.

HENRY C. WARMOTH, *Contestant.*

DECEMBER 1, 1908.

By unanimous consent the memorial was referred to Election Committee No. 1.

RESIGNATION AND APPOINTMENT OF CONFEREES.

The SPEAKER. Mr. GARDNER of Massachusetts asks to be excused from service as manager of conference on the bill (H. R.

13851) providing for the purchase of a site and the erection of a new immigration station thereon at the city of Boston, Mass.

Without objection, the request will be granted.

There was no objection.

The Chair appointed Mr. FRENCH in place of Mr. GARDNER of Massachusetts as manager on the part of the House.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted indefinitely to Mr. NORRIS on account of illness in his family.

THIRTEENTH DECENNIAL CENSUS.

Mr. CRUMPACKER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16954) to provide for the Thirteenth and subsequent decennial censuses.

The motion was agreed to.

The SPEAKER. On a former occasion the gentleman from Illinois, Mr. FULLER, presided over the committee. The Chair will ask him to now assume the chair.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the census bill, with Mr. FULLER in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 7. That the additional clerks and other employees provided for in section 6 shall be subject to such noncompetitive examination as the Director of the Census may prescribe, the said examination to be conducted by the United States Civil Service Commission: *Provided*, That they shall be selected without regard to the law of apportionment or to the political party affiliations of the applicants, and that preference may be given to persons having previous experience in census work whose efficiency records are satisfactory to the said Director, who may, in his discretion, accept such records in lieu of said examination: *And provided further*, That employees in other branches of the departmental service who have had previous experience in census work may be transferred without examination to the Census Office to serve during the whole or a part of the decennial census period, and at the end of such service the employees so transferred shall be eligible to appointment to positions of similar grade in any department without examination: *And provided further*, That during the decennial census period and no longer the Director of the Census may fill vacancies in the permanent force of the Census Office by the promotion or transfer of clerks or other employees employed on the temporary force authorized by section 6 of this act: *And provided further*, That at the expiration of the decennial census period the term of service of all employees so transferred and of all other temporary officers and employees appointed under the provisions of this act shall terminate, and such officers and employees shall not thereafter be eligible to appointment or transfer into the classified service of the Government by virtue of their examination or appointment under this act.

Mr. GILLETT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 4, line 19, after the word "employees," insert "except messengers, assistant messengers, messenger boys, watchmen, unskilled laborers, and charwomen."

In line 20 strike out "non."

Mr. GILLETT. Mr. Chairman, this amendment proposes, instead of the provision of the bill, that the selection of the clerks shall be by competitive examination. Now, this is an important question which I think interests the House, and I should like briefly to submit my reasons for the amendment which I have offered, but I can not do it in five minutes. I therefore ask unanimous consent that I may proceed for ten or fifteen minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GILLETT. This bill provides that no clerk shall be employed until he has successfully passed an examination, and it thereby recognizes and admits the value of an examination in determining fitness, and so far it is progressive and up-to-date; but the examination which it stipulates is not competitive, and therein it is, in my opinion, fundamentally and fatally defective.

I do not claim that a system of competitive examinations is ideal, that it always selects the best clerks; but I think it is infinitely preferable to the substitute which is offered in this bill or to any other which is practicable. The ideal method undoubtedly would be to leave the appointing officer absolutely free to select whatever assistants he pleased. Power ought to go with responsibility, and the head of a department or of a bureau who is responsible for the work accomplished by that bureau ought to have the unhampered power of selecting the agents through whom his work must be accomplished. Then, alone, can he be held strictly accountable for the work done and be entitled to either praise or blame according to the results. But we know that is impossible with our system of government; that if we should give theoretically a free hand to the appointing officers they would be compelled by outside influence to make appointments which they really did not desire; that it would be impossible for them to resist the pressure which would be brought against them and, therefore, some other system must be devised. What shall it be?

This bill leaves theoretically the appointment to the head of the bureau, but while the power is theoretically left to him, we know by long experience, and especially by the experience of the last census, that really he will have very little power of selection. We know that he will appoint, and it is intended that he shall appoint, not the clerks whom he thinks will best perform the work of the office, but the clerks whom members of Congress and other influential men press upon him. That system was tried ten years ago, and while contradictory statements are made as to its success and to its comparative efficiency, there is no question that men were appointed whom examination showed were not qualified. Under urgency from members of Congress, repeated examinations were held. If a favorite protégé failed once or twice, a third examination was arranged for him, such an examination as would meet the capacity of the applicant, and in this way under political pressure men were forced into the office who had been pronounced unfit by the regulations adopted.

So, while the kind of an examination which was required ten years ago and which it is now proposed to repeat accomplishes something and recognizes the growth of public opinion, and shows that the people will no longer permit clerkships to be allotted purely as congressional spoils without any regard to the merits of the applicants, still it is, I think, clearly inferior to a competitive examination. That at least gets the average material, and, I think, much better than the average material. The other does not. The other merely gets such material as members of Congress may choose to impose, and in their selection they are often not governed by the good of the service but by their own political needs.

But the advantage of selecting the force by competitive examination does not end with the original appointment. Under that system the force is constantly sifted, the best men are retained and the poorest men dropped. While the official does not have a free hand in selection, but has to take what the examination gives him, he is perfectly free subsequently; and he can, and his interests will compel him to, retain the men who are most capable and to drop out the others.

But under the system provided by this bill he is obliged to keep the men imposed upon him, regardless of their merits. The same influence which secured their appointment will be exerted with persistent effort to keep them in their places, and no matter how inferior their services or how gladly he would dismiss them, he is constrained by pressure to keep them, and so, instead of improving this force by weeding out the poor men and keeping the better ones, its condition remains the same and the poorest men with the influence back of them have the same chance of remaining as the best.

Moreover, the membership of Congress changes every two years, and then the new Member claims his proportion of clerks, and those whom his predecessor had appointed, and who, whatever their original qualifications, must have improved somewhat by two years' experience, are turned adrift and new men taken in their places. So that the system inevitably produces in the course of trial a poorer assortment of clerks than would exist under a competitive system where there was no selfish influence to either appoint or retain worthless clerks. The clerks who get in under competitive examination win their places by merit and by merit alone can they keep them. The others gain their places by patronage regardless of comparative merit, and by patronage they keep them whether with merit or without.

Moreover, not only does the system adopted in this bill prevent the selection of the best clerks originally and prevent the subsequent dropping of the poorest and retention of the best, but it also necessarily adds to the expense by making it difficult for the director to discharge clerks when they are no longer needed. Every Congressman, who ought to wish that the census work should be completed as quickly as possible, has, on the contrary, some selfish interest in the prolongation of the work and the increase of the force, and may be compelled to influence the director to retain superfluous clerks. A system is unfortunate which arrays a legislator's selfish interest against his public duty.

There is in this bill a clause which says that the clerks shall be appointed without regard to politics, and that has a lofty sound, but I understand that the real meaning of it for this census is only that they shall be divided equally among the Congressmen without regard to party. Ten years ago a Republican Member received more than a Democratic Member, but this year they are to be appointed without regard to politics, and the plan and arrangement is that each Member of Congress,

Republican or Democratic, shall receive the same number of appointments, except, undoubtedly, members of the Census Committee and some other special favorites who will get more than the regular allotment.

Mr. HENRY of Texas. Will the gentleman guarantee that?

Mr. LANGLEY. May I ask the gentleman where he obtained that information?

Mr. GILLETT. I obtained it from Members of this House, who said that was the understanding. Does not the gentleman think that will be the execution of the law?

Mr. LANGLEY. I have no authority to say one way or the other.

Mr. GILLETT. Do you think it will not?

Mr. LANGLEY. I think the Democrats will have their share of appointments. I think they ought to have.

Mr. GILLETT. Exactly; I think they will.

Mr. LANGLEY. Not under your proposition.

Mr. GILLETT. Under my proposition there would really be no politics in it. Neither Republicans nor Democrats would be able to appoint their men. The gentleman from Kentucky does not deny my proposition, and while I can not state it authoritatively, I believe and I think you all understand that it is the expectation this year that every Member of Congress will have the same number.

It seems to me this is an even more ignominious division than the old time-honored principle, "to the victors belong the spoils." Now the phrasing should be, "to Congress belong the spoils." The committee does not dare to live up to the old precept and allot the force entirely to the Republicans, because in that case the Democrats, not getting anything, would all vote against it, and enough Republicans who do not believe in the spoils system would join them to defeat it, so now they adopt the new maxim and say in this bill they shall be allotted equally to all without regard to politics. The old doctrine had at least something courageous about it. Demoralizing to the public service it was, but it was the result of a contest and was the reward of a hard-fought victory. But this doctrine is just as demoralizing and has no element of courage about it. It does not seize the spoils as an incident of victory, but it mean-spiritedly divides the booty evenly between the two parties. It is a selfish combination between two opponents not to fight longer but to temporarily drop their animosity in order that they may safely rob a third party, the indefensible public. It is like two unscrupulous lawyers pretending to contest, but really robbing a fat estate.

I can imagine a veteran of the old system, brought up under the doctrine that to the victors belong the spoils, appropriating the patronage mercilessly when he wins and suffering uncomplainingly when he loses, taking his medicine without complaining and when he wins forcing the medicine with a strong hand unsparingly upon his foe; I can imagine such a one looking with some contempt upon this degenerate scheme. This is not a contest; there is no risk, no courage here. It is "heads I win; tails you lose." The opposing forces call a temporary truce and enter into a treaty of barter and sale. Instead of fighting for the spoils they divide them peaceably between them and the public pays the bill. This is a degenerate relic of the old spoils system; it shows an encouraging fear to carry it out in its pristine vigor but a desire to accomplish much the same result without letting the public suspect it, and I hope it will not succeed.

The constant reciprocal influence of the legislative and executive departments is most demoralizing. The selection of clerks by competitive examination greatly lessens it. A department officer constantly desires legislation for his department. He can not, as he ought, be independent and stand up for the public interest when Congressmen assail him with requests about appointments if all the time he knows that he must go before them with other requests, and that by offending them now he will lay up enemies against his future legislation. Nor can a Congressman legislate fairly and impartially for a department when he is asking of that department favors in the way of patronage which will leave him under a sense of obligation or a sense of resentment. This whole system of interference by Congress in the distribution of offices by a department is improper, injures legislation, injures executive action by the department, takes away both from Congress and from the executive the sense of duty which alone should actuate their conduct, and necessarily compels them in their action to be influenced by selfish motives.

And there is another objection to this system. We are appointing a commissioner for the important and exacting work of the census because he is supposed to have special qualifications for that difficult task, and then we impose upon him, whose time ought to be free for the absorbing problems before him, the duty of distributing the patronage. We make him a mere agent to meet us and hear our claims and decide whether this or that clerk shall be appointed and take from him for such petty but worrying questions strength and time that should be given to his great problems. The last Director of the Census said that the first year and a half of his time was nearly all absorbed by the distribution of patronage to members of Congress. Every director is opposed to it and avows that it interferes with the success of the bureau. Experience and theory alike denounce it, and I trust the vote of this House will follow the lessons of experience.

Mr. CRUMPACKER. Mr. Chairman, the Committee on the Census recommend the adoption or the passage of the bill providing for the appointment of clerks and employees of the Census Office under a noncompetitive examination. There has been a good deal of criticism of the bill by civil-service reform associations throughout the country. The President in his message of yesterday recommended that the appointment of these clerks be put under the civil-service law, modified so as to exclude the rule of geographical apportionment. The civil-service law requires clerks to be appointed in the classified service according to the rule of apportionment, and if the civil-service law should apply to the selection of these clerks none of them would be appointed from the District of Columbia, from Virginia, Maryland, and adjoining States, because all these locations now have more than their lawful quota in the classified service.

Mr. GILLETT. Will the gentleman allow a suggestion?

Mr. CRUMPACKER. Yes.

Mr. GILLETT. My amendment does not provide anything about that. It leaves the bill just as you have it exactly.

Mr. CRUMPACKER. I know that. I am talking about the recommendation of the President. And the result would be that if the House should adopt the recommendation of the President and place the appointment of all the clerks—and the provision only refers to the clerks of the Census Office, perhaps amounting to thirty-two hundred or thirty-three hundred in all—under the civil-service law, with the elimination or the abolition of the rule of geographic apportionment, that, of course, would allow applicants in the District of Columbia and States adjoining to be considered, and it would in all probability result in the appointment of almost all of that force of clerks from the District of Columbia and adjoining States. That is a proposition I want to submit to the members of the Committee of the Whole for their consideration.

The gentleman from Massachusetts [Mr. GILLETT] informs us that there are probably four or five hundred men and women in the District of Columbia now who served very efficiently in the preparation or in the administration of the Twelfth Census law, a record of whose efficiency is now in the Census Office, and the bill is so framed that these clerks may be appointed in the office without any examination at all.

This work, gentlemen must bear in mind, is largely emergency work. These appointments are for a temporary period only. The average tenure of services of the temporary clerks will probably not exceed two years. Under the bill the salaries run from $600, the minimum, to $1,000, the maximum, and naturally most of the clerks, under almost any system of appointment, would come from locations comparatively near to the city of Washington, because for a temporary service of that character, with such limited emoluments, it seems to me it would be exceedingly difficult to secure enough clerks in the office if they were appointed under the civil-service law without modification.

Mr. SULZER and Mr. PARSONS rose.

Mr. SULZER. Will the gentleman yield for a question?

Mr. CRUMPACKER. I will first yield to the gentleman from New York [Mr. SULZER].

Mr. SULZER. I wish to ask the gentleman from Indiana what objections there are to placing all of these appointments under the present civil-service law, rules, and regulations?

Mr. CRUMPACKER. I am explaining some of the objections. One is that under the small salaries paid and the temporary period of appointment it would be practically impossible to secure sufficient appointments under the civil-service law, including the rule of geographical apportionment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. Mr. Chairman, I ask that the time of the gentleman may be extended for five minutes.

Mr. CRUMPACKER. I ask unanimous consent that I may be permitted to proceed for fifteen minutes, if necessary.

Mr. SULZER. I ask unanimous consent that the gentleman may proceed for fifteen minutes more.

There was no objection.

Mr. SULZER. You were answering my question.

Mr. CRUMPACKER. There is another objection.

Mr. PARSONS. Will the gentleman, before he passes from that point, answer this question: Does the Director of the Census consider that that would be an objection?

Mr. CRUMPACKER. Which?

Mr. PARSONS. That you could not get a sufficient number of employees if they were appointed through a competitive examination.

Mr. CRUMPACKER. Well, I presume that may be reckoned among the objections that the Director of the Census has to appointing these clerks under the civil-service law. The Director of the Census does not believe that the clerks ought to be appointed under the civil-service law, but he does believe that they ought to be appointed under a competitive examination rather than a noncompetitive examination. That is the attitude of the director.

Mr. PARSONS. May I ask this question: Why, if his recommendation in regard to the appointments is really competitive, the examination is not to be competitive?

Mr. CRUMPACKER. Here are the Representatives of all the congressional districts from all over this country responsible for legislation, and I expect every man here, when the time comes, to vote his convictions on the question. The Committee on Census in making the report on the bill made it this way. I have no personal pride in the matter; neither has the committee. This is the business of the country, to be conducted by the country's Representatives, and it is to be presumed that each Representative will discharge his duty in regard to this matter as he thinks it ought to be discharged.

Mr. MADDEN. Will the gentleman permit me?

Mr. CRUMPACKER. I yield to an interruption.

Mr. MADDEN. The appointments once made under the plan proposed by the bill now under discussion, when the term of service expires will there be any way of getting them off the pay roll?

Mr. CRUMPACKER. The bill expressly provides that when the term of service expires they shall quit the service; that they shall not be eligible to transfer or to reappointment or to appointment in any branch of the classified service because of their appointment or examination for the service in the Census Office. The bill is plain and clear upon that question, and is self-operative.

Mr. MADDEN. One more question.

Mr. CRUMPACKER. Well, I yield to the gentleman.

Mr. MADDEN. If the appointments are made under a competitive examination, known as the present civil-service rules, when the term of service expires is there any rule of law whereby the head of any department can eliminate the person so appointed from continuance on the pay roll?

Mr. CRUMPACKER. If the clerks are selected under the civil-service law, they will have a classified status, will be eligible to transfer and reappointment under the civil-service law and the rules and regulations in pursuance thereof.

Mr. OLMSTED. And they will all stay in the service.

Mr. MANN. Would it not be just as practical in the law to provide for the severance from the service of these people whether appointed under one method or the other?

Mr. CRUMPACKER. Well, of course, you can abolish the civil-service law.

Mr. MANN. The civil service will be abolished under this method of appointment.

Mr. CRUMPACKER. I am discussing the questions and conclusions the reform associations throughout the country are discussing, with a view of showing the utter impracticability of complying with their suggestions. I want to show, if I can, that these associations do not understand the situation; they do not know, in the main, what they are talking about when it comes to the selection of this force under the civil-service law.

Mr. MANN. While I agree with them largely, I agree with the gentleman—they seldom know what they are talking about.

Mr. GILLETT. I know the gentleman does not wish to befog the House, but I think the discussion is misleading the Members. The gentleman is aware, if the House is not, that my amendment does not provide that they shall go into the classified service, but it simply provides that they shall be selected by a noncompetitive examination, leaving them in every other respect exactly as the bill does. So the objection——

Mr. CRUMPACKER. I will do the gentleman the justice to say that he is right about it, and he occupies, in my judgment, the only defensible position of the merit system in the public service that is at all applicable to the selection of clerks for the Census Office.

Mr. GILLETT. I thank the gentleman. I simply desired to have that matter understood.

Mr. CRUMPACKER. It is the only defensible proposition, in my judgment, that can be submitted for the selection of these clerks under the merit system.

Mr. GILLETT. Inasmuch as the gentleman was opposing the other proposition, which is not mine, I was afraid that the House would think that the amendment now pending was the amendment which the gentleman was combating.

Mr. CRUMPACKER. I am directing my remarks in part to the gentleman's amendment and in part to the recommendation of the President in his message that was read yesterday.

Mr. PARSONS. The last proviso to this section provides that the term of these employees, however appointed, shall expire at the end of the census period.

Mr. CRUMPACKER. Yes.

Mr. PARSONS. So that if you allow their appointment as the result of a competitive examination you do not put them under the civil-service law, but under this proviso you still leave it so that when the census period is over they go out of the service.

Mr. CRUMPACKER. Well, if it were permitted to stand in that form it would be a modification of the civil-service law to that extent. Now, the President in his message recommends the modification of that law only to the extent of the abrogation of the rule of geographical apportionment. If we should follow his recommendation, every clerk and employee appointed to the Census Office would have a classified status, would be eligible to reappointment for a year after his separation from the service, eligible to transfer at any time during his service there, under the law and regulations; and I think most Members of Congress have had sufficient experience to know what that would mean. Recognizing the fact that their service in the Census Office would be temporary only, many of them would be prompted by motives of self-interest to seek transfers into the classified service in other branches of the Government, where their tenure would be permanent. They would seek this during their service in the Census Office.

I believe this force should understand that their tenure is temporary; that when the term ceases they will no longer have any connection with the public service and no special status that will allow them to enter into the classified service.

Mr. SULZER. How long, approximately, will this term of office be?

Mr. CRUMPACKER. The average will probably be two years. Now, in relation to the amendment proposed by the gentleman from Massachusetts [Mr. GILLETT] that the examinations be competitive instead of noncompetitive. The result of that amendment would be to abrogate practically the President's recommendation respecting the geographical apportionment rule. Competitive examinations mean competitive selection. It leaves no discretion with the Director of the Census, but he must select those upon the eligible register in accordance with their relative grades. If the examinations are to be conducted by the Civil Service Commission, as the bill provides, they may be held in all parts of the country.

The work in the Census Office is all emergency work. Appointments must be made without any sort of delay if the best and most economical results are to be obtained. When there is need for an addition to the clerical force in the Census Office the director will have no discretion. He can not make his appointments "immediately available," if I may use that term, but he must take them from the eligible list. Those with highest grades might be in California; they might be in Oregon; they might be in Maine; they might be scattered all over the United States, and he would be compelled to wait a week or two weeks or an indefinite period for them to come. Under the civil-service law the Census Office a year or two ago had need for an assistant engineer.

It asked the Civil Service Commission for eligibles, and the names of three men were certified, one of whom lived in St. Louis, one in South Dakota, and the other in Utah. The appointment officer selected the man closest to the city of Washington, the man in St. Louis. He was notified, and they waited two months before he arrived and reported for duty, in a position that paid $60 per month.

Now, if we want to put the temporary census work under a system of that character and continue this service indefinitely, we have the right and the power to do it, but my idea is that while there are objections, that the gentleman from Massachusetts [Mr. GILLETT] has so well pointed out, to the appointments of that official force under a noncompetitive examination, it does impose a great responsibility upon the director and gives him a free hand.

The Director of the Census is responsible for the great work he will have to do, and the highest motive that will prompt him will be to make a record of having taken the census in the most approved and economical manner. Some criticism has been made as to the appointment of the clerks in the Twelfth Census. The Twelfth Census was the most complete, trustworthy, and economical census that has ever been taken in the

history of this country. Some criticism has likewise been made in regard to the permanent Census Office created by Congress which placed the entire force under the civil-service law. Congress did that, and only did what the President had done repeatedly for the last twenty-five or thirty years. President Cleveland covered 3,000 clerks and employees in the Government Printing Office into the classified service without examination. Congress made the Census Office a permanent bureau.

They had records of efficiency; the clerks had demonstrated, not by a scholastic civil-service examination, but by several years' actual experience, their efficiency, and it was altogether a proper thing, a thing in the line with the merit system of the public service, to provide that those clerks who possessed a satisfactory record of efficiency should be put into the classified service. There is objection, I confess again, to the noncompetitive examination system, because there will be more or less of pressure brought upon the Director of the Census, but the director, I think, has the courage and the virtue to appoint no one but competent clerks in the office. People talk about the character of the census work. That depends in the main upon the work of the enumerators in the field, the men who do the actual counting.

Most of the work in the Census Office here is of a mechanical nature, conducted by mechanical devices, such as electrical punching machines, sorting machines, and tabulating machines, with which it is almost impossible to make a mistake. Then the Director of the Census contemplates putting the force in the office upon what is known as the "piece-price" basis, a policy which would require a further modification of the civil-service law to do. It will result in the saving to the Government of three or four hundred thousand dollars during the work of the temporary period. Taking everything into consideration, I believe that the recommendation of the committee is wise, that the force in the office should be appointed under a noncompetitive examination, which shall be prescribed by the Director of the Census, and the examinations be conducted by the Civil Service Commission, because it has the necessary machinery with which to conduct the examinations. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALDO Mr. Chairman, I wish to offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. There is an amendment already pending. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

Mr. GILLETT. Mr. Chairman, if there is to be no further debate, I would like to say just a word or two.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

There was no objection, and the amendment was again reported.

Mr. MADDEN. Mr. Chairman, I would ask the gentleman to explain his amendment.

Mr. GILLETT. That is what I want to do.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. GILLETT. Certainly.

Mr. MADDEN. I want to know what is meant by messengers and assistant messengers.

Mr. GILLETT. It is the same as the ordinary messenger service in every department.

Mr. MADDEN. To what does it apply?

Mr. GILLETT. Oh, we all know what messenger work is.

Mr. MANN. Will the gentleman explain what his amendment does?

Mr. GILLETT. That is what I was going to do. I fear from the remarks of the gentleman from Indiana [Mr. CRUMPACKER], which had been directed partly at my amendment and partly at other recommendations, that the House does not appreciate exactly what my amendment provides. I wish that it should, because it seems to me that many of the suggestions of the gentleman which may have seemed to the House plausible and forcible will be found not to apply to this amendment. The amendment provides that the word "non" in line 20 be stricken out. In other words, it provides that the clerical force employed here in Washington shall be selected by competitive examinations. That is all it provides. Otherwise, it leaves the bill exactly as the committee has reported it. Therefore the argument which the gentleman made about locality or about delay does not at all apply to my amendment.

Mr. CRUMPACKER. Will the gentleman yield for a question?

Mr. GILLETT. Yes.

Mr. CRUMPACKER. If the gentleman's amendment is adopted, it takes away from the Director of the Census all discretion. He must select the applicant upon the eligible list whose grade is the highest.

Mr. GILLETT. Certainly.

Mr. CRUMPACKER. Suppose he lived in San Francisco, Cal.?

Mr. GILLETT. Yes.

Mr. CRUMPACKER. Does not that involve in a way the question of delay and geographical apportionment?

Mr. GILLETT. No, Mr. Chairman; I do not think it does, and I think the illustration used on that point by the gentleman was absurd. The gentleman said that a man was in St. Louis and that it took him two months to get to Washington. That was not a case of geography. It might have taken him two months if he had been in the south end here. That was a case of stupidity or misfortune on the part of that man.

Mr. CRUMPACKER. Suppose the appointments were being made after a noncompetitive examination. The office could get the applicant who is immediately available.

Mr. GILLETT. Yes.

Mr. CRUMPACKER. It could get one who could begin the service without delay, and our argument is that this is all emergency service and there ought to be no more delays than are absolutely necessary.

Mr. GILLETT. Yes, Mr. Chairman, it is an emergency service, but he does not mean by that he wants it the very next minute. Now, the way these eligible rolls are provided is they do not wait to have an examination made when they find they want a man. They have examinations made months in advance and the eligible lists all over the country are before them months or weeks in advance and when they want a man and they have to get him in twenty-four or forty-eight hours they can get a man. So it seems to me that the suggestion of the gentleman is not pertinent in this connection.

Mr. WASHBURN. Will the gentleman allow me a question?

Mr. GILLETT. If the gentleman will allow me to answer one or two other suggestions which were made. The gentleman also argues that there are employees of the last census here in Washington whom he would want and who ought to be employed. I agree with the gentleman. I think that the Director of the Census ought to have the power to employ these, and my amendment does not at all conflict with the committee's provision allowing that. It allows the Director of the Census, just as this bill does, to call upon these employees without examination. Further, the gentleman stated his bill allowed the director a free hand and the competitive examination did not. It is unnecessary to argue that to this House. Every Member of this House who was here in the last census knows that the director did not have any free hand at all. He has to take the men and he will take the two or four men that every Member of Congress presents to him and he will not use a free hand. Under my system he does have a free hand to this extent: If he gets a man under the competitive system who is a poor man, he has a free hand to weed him out and drop him, but under your system he can not do that, because the same pressure that put him in will keep him there. So he will not have any free hand under either system in appointment, but under my system he will have a free hand after he gets them there to drop the poor ones, and under your system the poor ones are quite as liable to have pressure and influence behind them as the good ones.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent for five minutes to present the views of the Director of the Census. Mr. Chairman, in view of what the gentleman from Massachusetts has said, and in view of the argument or statement of the gentleman from Indiana, who has implicit confidence in the Director of the Census and his good judgment, I beg to call the attention of the gentleman from Indiana and the House to what the Director of the Census himself says on this very proposition in his report, an advance copy of which we received last night. Speaking of this section, he says:

But it does not relieve him—

That is, the Director of the Census—

from the overwhelming pressure to obtain clerkships—

That is what the gentleman from Massachusetts spoke about—

which has heretofore proved the most vexatious and difficult task connected with the decennial work, occupying during the first year and a half the time and thought of the director that ought to be wholly given to the enormous and difficult work for which he is responsible. A noncompetitive examination means that every one of the many thousands who will pass the examinations will have an equal right to appointment and that personal and political pressure must in the end, as always before, become the determining factor with regard to the great body of these temporary employments. I can not too earnestly urge that the Director of the Census be relieved from this unfortunate situation. If these clerks can be obtained as needed in the order certified from a competitive examination, a better service will be secured than will otherwise be possible, and the efficiency of the force will be greatly increased and the cost of the census correspondingly reduced.

The Director of the Census wishes to be relieved from this burden. It would destroy the efficiency of the force; it would increase the cost of taking the census, and, in his judgment, is inexpedient. He makes it so inexpedient that it becomes our duty to vote for the amendment proposed by the gentleman from Massachusetts.

Mr. LANGLEY. Will the gentleman yield for a question?

Mr. COOPER of Wisconsin. Certainly.

Mr. LANGLEY. Is the gentleman aware that the present Director of the Census did not make the twelfth census appointments; that Governor Merriam, who was the director, and who made those appointments, was and is of the opinion these temporary clerks ought not to be subjected to a competitive examination nor placed in the classified service?

Mr. GILLETT. Mr. Chairman, I would like to dispute that statement. I think the gentleman is mistaken, and although I do not like to use private conversation here, I would like to be cited to some statement of Governor Merriam's to that effect. I know he believes exactly the opposite.

Mr. LANGLEY. I know personally that that was his opinion; and my recollection is that in his testimony before the committee during the hearings last session he made some statement of that character.

Mr. GILLETT. I know personally that he has stated that was not his opinion.

Mr. HAY. Mr. Chairman, I think that the committee ought to know that when this bill was being prepared the then Director of the Census and the last Director of the Census were both before the Committee on the Census and made extended statements upon the subject which we have now under consideration. Governor Merriam stated in terms that in his judgment the best way to obtain a temporary force was by noncompetitive examination. [Applause]. He also stated that as a result of that mode of obtaining clerks there had been obtained in the Census Office a set of clerks which compare favorably with the clerks in any department of this Government.

Mr. North, the present Director of the Census, while he qualified some statements which he made with regard to it, did not object to the method proposed in this bill. Now, the method proposed in the amendment offered by the gentleman from Massachusetts [Mr. GILLETT] will not relieve the Director of the Census of the onerous duties which he says he will have to undertake if we have a noncompetitive examination. If there is a competitive examination, and if there is one place to fill, for example, and 10 persons pass the examination successfully, the Director of the Census, under the language of the amendment of the gentleman from Massachusetts [Mr. GILLETT] will have to select from those 10, and the same personal pressure and the same political influence can be brought to bear in favor of those who pass a competitive examination as those who pass a noncompetitive examination.

Mr. GILLETT. Will the gentleman allow a correction there?

Mr. HAY. Certainly.

Mr. GILLETT. Of course the competitive examination means that the top man is taken. So he will not have to be selected.

Mr. HAY. It does not mean that at all. The civil-service law says that, but this is not the civil-service law.

Mr. GILLETT. No; the gentleman is mistaken. The civil-service law says he shall take one of the first three, but this does not say that. In this the top man will get it.

Mr. HAY. How does the gentleman know that?

Mr. GILLETT. That is what "competitive" means.

Mr. HAY. Competitive examination means, of course, that half a dozen people may pass the examination and all pass the examination. You can not take away, without a special act, from an appointing power the right of the Director of the Census to appoint any man on the eligible list that he pleases to appoint. He will have a right to appoint any man on the eligible list.

Mr. GILLETT. Then neither law is good for anything, if that is so.

Mr. HAY. I think the law which is proposed, which has been thoroughly considered, and which has been found in the past to work well, ought to be made a law now, and it is not necessary for me to go over the reasons so ably given by the gentleman from Indiana.

Mr. WALDO. If the gentleman please, if the amendment still leaves this bill so that the director may appoint whoever he sees fit, why does he oppose the amendment?

Mr. HAY. Because it will place upon the Director of the Census a great deal more labor than the present provision will do, and because there is no necessity or reason for it.

Mr. WALDO. In what way does the gentleman believe that this will impose any further labor on the director than a noncompetitive examination?

Mr. HAY. Because the director will have to be all the time calling for competitive examinations to be held by the civil service. If he can have a noncompetitive examination covering all these appointments at once, there will be no necessity for having them all the time.

Mr. WALDO. We have had a great deal of trouble adopting a civil-service law, for the purpose of not only relieving officials from tremendous pressure, but also for the purpose of securing a better class of government employees, without regard to political affiliations.

It seems to me that this bill, as proposed by the committee, is a direct violation of the civil-service law—an attempt to repeal it in part; that it will be of no use to the census; on the contrary, it will give us a poorer class of employees. It will permit the employment of practically anyone who can secure sufficient political influence to bring pressure to bear upon the Director of the Census. That is the very thing that we have been trying to prevent in all branches of the Government. For that reason I hope that the amendment may prevail.

Mr. PARSONS. Mr. Chairman, I hope that the amendment of the gentleman from Massachusetts will prevail. I have listened to the various arguments stated by the gentlemen in favor of the provision of the bill, and have heard none made that seemed to have any convincing merits, unless it be that to have a competitive examination would involve delay. But I understand that the reason we are passing this bill so early is so that the Census Bureau can make full preparation for taking the census, and part of that preparation will be to enable the examinations to be held, so that the list of people eligible can be prepared in ample time, and that wipes away the argument respecting delay.

As I recollect the testimony before the Committee on the Census, the Secretary of the Department of Commerce and Labor favors the amendment proposed by the gentleman from Massachusetts. So does the Director of the Census, and I think we owe it to them, the men who are responsible for having as perfect a census as can be got, to give them, who ought to know, the best system of selection that they favor. I hope the amendment will be adopted.

Mr. ROBINSON. Mr. Chairman, I desire to make some reply to my friend from New York. My recollection of the hearings had before the Committee on the Census is that it was demonstrated to the satisfaction of that committee that the best way to secure the force demanded for this work, which is a temporary one, is that provided for by this bill. In the limited time which I have to discuss this subject, I am not assuming to go into the reasons that drive me to the conclusion, but I want to say, in reply to my friend from Massachusetts [Mr. GILLETT], who has suggested that some Democrats under this provision would be permitted to recommend appointments, that I thank him for that guaranty, and in reply to his statement that this is but a repetition of the old doctrine, "to the victor belongs the spoils," I want to call his attention to the fact, and this House's attention to the fact, with no sense of disrespect or meaning discourtesy to the Civil Service Commission, that that doctrine has applied in a large degree since the days of Andrew Jackson and does apply to a large degree during the days of Theodore Roosevelt. The appointment of a Commissioner of Immigration was said before the election to have been promised to one man, and it was denied. Now, the first appointment made after the election was the gentleman whom it had been charged was to be appointed in consideration of his fight on Gompers—"to the victor belongs the spoils," you see. But gentlemen repudiate the doctrine and at the same time apply it. But, gentlemen of the committee, I repeat the conviction that the hearings show that the best way to secure this temporary force is in this manner, and it is no argument, to my conviction, that gentlemen on that side of the House or on this side of the House may be permitted to make recommendations. Whenever I become so inane and so lacking in confidence in myself that I can not suggest a clerk under the provisions of law, then I am ready to retire and let the clerk take the position of Congressman for my district. Whenever you talk about competitive examinations being held, let me say to you if you had competitive examinations for Congress, high-school graduates, cadets, boys, and girls would come to Congress and retire one gentleman I know at least. I thank you. [Laughter and applause.]

Mr. BURLESON. Mr. Chairman, the issue presented by this amendment is quite simple and should be easily understood. It is whether the service to be rendered by the clerks and other employees will be more efficient, whether it will be more eco-

nomically performed if appointed under the bill as reported by the committee or if appointed under the plan proposed by the amendment offered by the gentleman from Massachusetts.

Now, I appeal to the common sense as well as the recollection of the Members of Congress who were here when the Twelfth Census was taken. Do you believe that more efficient clerks can be secured if every Member of this House can go to the Director of the Census and urge the appointment of two or three clerks and secure their appointment, or can more efficient clerks be secured if they are appointed after competitive examination?

Let every Member now answer, upon his conscience, if he proposes to be guided by his conscience in voting upon this amendment. Mr. Chairman, we all know that we have but little time and less inclination to acquaint ourselves with the qualifications of the persons who may apply to us for appointment as clerks in the Census Office. We know, furthermore, that we will probably recommend the first two of our honest constituents who will apply to us without a proper knowledge of the qualifications they possess for the duties that they will be called upon to discharge in the event of their appointment. Now, it has no bearing on this question, one way or the other, whether these people will all be appointed from the District of Columbia and Virginia, if this amendment is adopted, or whether they will be taken from all over the country.

The question is, Will they be more efficient if selected under the plan suggested by the gentleman from Massachusetts, or more efficient if selected as this bill provides for their selection? I think about this there can be no doubt. We know more efficiency can be had as a result of competition.

Now, another point, Mr. Chairman. Will it be more economical to have these employees selected in accordance with the plan embodied in the bill, or under the plan proposed by the amendment of the gentleman from Massachusetts? No one will doubt that, if this bill goes through, every Member of Congress will be called upon, whether he wants to do it or not, and will be urged to recommend to the Director of the Census the appointment of two or three or more clerks. The Census Director may say, "But, my dear sir, these clerks are not needed just now." We all know that the services of all these clerks will not be needed when the census work is first undertaken. A percentage of them will be needed the first six months, a larger percentage the second six months, and a still larger percentage the third six months, and so on; but the pressure upon the Director of the Census and the appointment clerk will be so fierce that he will be compelled to appoint for every Member of Congress an equal number of clerks, whether their serivces are needed or not at that particular time, and every gentleman here knows that that will be the history of it if this bill passes as it is drawn.

Now, can any gentleman here say that this census work will be more economically done if the amendment of the gentleman from Massachusetts is rejected? There can be but one answer to the question. The adoption of the amendment will make for economy. Gentlemen, these are small clerkships, positions of small consequence—$600 places. Surely it can not be a matter of vital concern to Members of Congress whether they are given the privilege of appointing two $600 clerks; but it is a matter of great concern, it is a matter of the gravest concern to every Member of Congress that this great census be taken efficiently; that it be taken accurately, and that it be done in the most economical manner. The basis of representation for membership of this House, for our seats upon this floor, depends upon the accuracy of the work to be done by the Census Bureau. Mr. Chairman, under the spoils system, which was in vogue during the taking of the Eleventh Census, this important work was not done as accurately and as carefully as it should be done. It is a fact that there have been sections of this country where the work of the Census Department resulted in padding the enumerators' rolls in order to increase representation. I do not hesitate to say that this is the best census bill ever brought before the Congress, but at the same time I assert that in my opinion this item sought to be amended is vicious and should be changed. If Director North can be given his way, if he can control the selection of his force, we will have a more accurate, a more efficient, and a more economical census than has ever been taken before in the history of our country. [Applause.] I sincerely hope the amendment of the gentleman from Massachusetts will be adopted.

Mr. SULZER. Mr. Chairman, I have just a few words to say. I shall vote for the amendment offered by the gentleman from Massachusetts [Mr. GILLETT]. It is in line with real civil service. An experience of years in public life has convinced me of the efficiency of the merit system, and for one I shall never do anything to break it down. I believe the adoption of this amendment will facilitate the work of the Census Bureau and be for the best interests of the Government. These clerks should be appointed under the competitive system. It will be fair to all. It will be best for all. We can trust the Director of the Census Bureau to provide that these examinations shall speedily be held all over this country and in ample time to get the very best clerks the country can produce for this service. I attach no importance whatever to the objections of the gentleman from Indiana [Mr. CRUMPACKER] to this amendment. They are untenable and, it seems to me, farfetched. I am in favor of true civil service—in a real merit system of appointment—as the best method of selection thus far devised. Hence, I hope the amendment will be adopted in the interest of the best service, in the interest of all the people of the country, and for the most efficient work in securing the next census.

Mr. DOUGLAS. I would like to ask the gentleman from Indiana, the chairman of the committee, a question: Where in the bill is the expression "decennial census period" defined?

Mr. CRUMPACKER. In section 2 of the bill. It there defines the words "decennial census period," and in another section provides that the temporary clerks appointed under the provisions of law shall be in the public service no longer.

Mr. DOUGLAS. I understand that, but whereabouts in section 2 is the definition?

Mr. CRUMPACKER. At the beginning.

Mr. DOUGLAS. I beg the gentleman's pardon, but I had not noticed it.

Mr. MANN. Mr. Chairman, while I do not like the exact form of the amendment offered by the gentleman from Massachusetts [Mr. GILLETT], I take it that if that amendment should be adopted, in some way the bill would finally be perfected so as to cover what the House has expressed itself in favor of. The real question after all is the efficiency of taking the census. Every Member of this House knows perfectly well that already he has been appealed to by a number of persons for employment as clerk in the Census Office. These people who come to us needing employment, anxious for position, as a rule are not the best gifted for the work. While we would desire to appoint them, we owe to the people at large the responsibility of taking the census in the best form and of giving to the country the most efficient service possible.

While I do not believe that the civil-service system, so called, is the ideal way of making appointments, yet in practice it works far better than making appointments through the recommendation of Members of Congress, as much as they may desire to give the very best people recommendations.

Now, I can understand why my friends on the other side of the aisle might have had some hesitancy in voting for this amendment before election, but I can assure them that in the division of spoils in the Census Bureau, if this amendment be not adopted, in the end the people on this side of the aisle will receive a larger quota than the gentlemen on my left. And you will stand a better show for your constituents, putting them up for competitive examination side by side with ours; and if your desire is to obtain their employment in the District of Columbia for this work, then you ought to vote for the amendment purely on the spoils theory. If you desire an efficient service for the Government, you ought to vote for the amendment on that ground. [Applause.]

Mr. MADDEN. Mr. Chairman, I assume that the thing in which we are all the most interested is to have the business of the Government conducted along the most efficient lines with due regard to the proper economy of expenditure of the public funds.

If the proper methods were pursued in the conduct of the business of the Government the heads of all the departments would be given a free hand in the selection and discharge of the men employed in those departments. Inasmuch as that can not be, perhaps the most successful way after that is the one now employed. The work of taking the census is perhaps as important as any work that comes under the jurisdiction of the Government. This work should be done as quickly as possible, as accurately as possible, and as economically as possible. Now, whether the amendment offered by the gentleman from Massachusetts [Mr. GILLETT] is the best way to make these appointments or whether some other method could be employed that is better, I am not prepared to say.

But it seems that the suggestion made by him meets the case from a business view point better than any suggestion that has been offered from any other source. I have no desire as a Member of Congress to ask the department heads for any places for my constituents, but I believe that every American citizen has the right to appeal to the Representative of the territory in which they live for employment in the government service, for, after all, Members of Congress are only the

servants of the people; and after they are elected they ought not to become so high toned that the people can not appeal to them for the things they want or think they ought to have. What is needed in the taking of the census is to save as much time as possible and as much money as can be saved, and at the same time get the best census that can be had with the money expended and the men employed, and I believe that inasmuch as we have not yet reached that stage of courage where we are willing to give a free hand to the Director of the Census to employ such men and women as he pleases, the next best thing for us to do is to adopt the amendment providing for competitive examinations, and that such appointments as may be made shall be made from the lists of those who have passed these competitive examinations.

Mr. McGUIRE. Mr. Chairman, the gentleman from Illinois [Mr. MANN] states that all Members of Congress have been appealed to by persons seeking employment, and that a good many of those persons seeking employment are incompetent. That is always the case. However, Mr. Chairman, the fact that persons may appeal to the Members of Congress and in this way seek employment is no evidence of itself that the person seeking employment is incompetent. I take this to be true for the reason that not only the gentleman from Illinois, but every person upon this floor has quite recently appealed to the people of this country for employment, and the fact that that has been done is no evidence, at least as to the gentleman from Illinois [Mr. MANN], judging from his able services in the past, is incompetent. I do not believe that a Member of Congress should shirk his duty to his constituency. One of the duties of every Member on this floor is to see to it, so far as he is able, that his district has its due share of representation in this Government, and by a competitive examination there are many sections of this country seldom reached. By a noncompetitive examination every district in the country and every State will be reached with a representation. [Applause.] Thereby the service may not be improved, but the efficiency of the service, in my judgment, will not be diminished, but will be more in conformity with the policy and duties of a free government, to have every community represented and fairly and honestly represented. [Applause.]

Mr. WILSON of Pennsylvania. Mr. Chairman, the contentions in connection with this proposition all hinge around the question of whether or not examinations shall be competitive or noncompetitive. The bill as proposed by the committee provides for an examination of applicants for positions in the Census department and in the taking of the census. The amendment merely provides that the examination shall be upon a competitive basis. As one member of the committee, I am opposed to that amendment for two reasons, first, because under the method provided by the committee greater opportunity is given to the Census Bureau to organize rapidly for the taking of the census during 1910 than would be possible under the amendment; and, secondly, because I realize that those points that are brought out in a competitive examination do not show all of the qualifications that are necessary for the work. [Applause.] A man may be able to pass a competitive examination and stand at the head of the list and yet his disposition be such that he would be incompetent to perform the labor. What should be required is, first, that an examination shall be passed to show that the men who are applicants are competent, and then permit the chief of the bureau to make a selection from amongst all of those that so qualify, so that he can get men who are energetic enough and whose disposition generally is such that they are competent to perform the office. I am opposed to the amendment. [Applause.]

Mr. LANGLEY. Mr. Chairman, I had not intended to participate in the debate on this section, and I shall do so now for a few minutes only. I had an experience as the appointment officer of the Twelfth Census which enables me to speak with some authority on this subject. Gentlemen who are advocating this amendment seem to proceed upon the theory that Members of Congress are inclined to recommend the appointment of persons who are inefficient and unworthy of appointment. That was not my experience. [Applause.] With but few exceptions, I found that Members of Congress recommended applicants who were representative citizens of their districts. [Applause.]

And I undertake to say further that the force of clerks obtained in that manner was as efficient and faithful as any employees in any bureau or department of the Government obtained through civil-service channels. [Applause.]

Mr. CRUMPACKER. Will the gentleman permit an interruption?

Mr. LANGLEY. Certainly.

Mr. CRUMPACKER. Right in that connection I want to quote from a statement made by Director North to the committee in reference to the efficiency of the force of clerks and the force that is in the office now. He said:

When the temporary office was made permanent the aim was to obtain of the thirty-five hundred clerks the most efficient of those clerks, and as a rule that was successfully accomplished, and as a result of that I believe that I can truly say, and I believe that I am duty bound to say, that at the present moment, in my judgment, the clerical force of the Census Office is the most efficient clerical force anywhere in the city of Washington.

Now, those were selected by Congressmen.

Mr. LANGLEY. I am obliged to the gentleman from Indiana for calling my attention to this statement. Not only that, Mr. Chairman, but I want to say in justice to the hundreds of employees who were not retained in the permanent office, because there was not room for them, that they were also an excellent body of clerks. I have in my mind a number of instances in which the best clerks did not pass the highest examination. The gentleman from Texas [Mr. BURLESON], who is favoring this amendment, will recall the case of one of his constituents, who succeeded in passing only after three trials and who subsequently became one of our most efficient clerks. There seems to be an impression that under the provisions of this section, as reported by the committee, there will not be a proper test of efficiency. There will be such a test, however, because the examination will be prescribed by the director, who will fix the minimum per cent that applicants must attain before they will be considered for appointment, and the examination will be conducted by the Civil Service Commission, which will insure absolute fairness, presumably, to all applicants. This is a decided step in advance of the Twelfth Census law in this respect.

Mr. GILLETT. May I ask the gentleman how that man happened to get three examinations?

Mr. LANGLEY. Because he was near enough to the passing point to entitle him to a reexamination under the rules which the director had prescribed.

Mr. GILLETT. Do you mean to indicate that there was not any pressure by his Congressman?

Mr. LANGLEY. In that particular instance I do not recall that there was.

Mr. GILLETT. What was the rule, may I ask? Do you mean to say that a man who came pretty near passing one examination could try again?

Mr. LANGLEY. I do not recall the rules in detail. If the applicant's examination indicated that he was likely to make an efficient employee in certain branches of the work, that fact was considered as a very material point by the examiner in passing upon his application for reexamination.

Mr. OLMSTED. And, if the gentleman will permit, do I understand that under the regular civil-service rules persons are not permitted to take more than one examination? I know of one stenographer who took three before he got in.

Mr. LANGLEY. Exactly so. I know of a number of instances in which persons who barely passed the census examination were much more efficient in the census work than persons who were appointed by the director on strength of a much higher rating by the Civil Service Commission, which was accepted in lieu of the census examination.

Mr. GILLETT. Of course in the case suggested by the gentleman from Pennsylvania the man waits and studies and prepares himself to come again. Of course that does not apply in this case. There was not much interval in these three examinations, I take it.

Mr. LANGLEY. Usually not over two weeks—that is, if I correctly recall the practice of——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Kentucky may have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. LANGLEY. I was just proceeding to say, Mr. Chairman, that a purely clerical test does not bring out all of the points that the Director of the Census may desire to consider in connection with appointment, and I think it would seriously handicap the work of the office if the proposition of the gentleman from Massachusetts should be adopted, so that the director would be prevented from appointing entirely efficient applicants who have passed a test which he regards as satisfactory and is compelled to appoint persons who are in reality less adapted to his work, merely because they happened to secure a higher rating in the examination. We did not have much difficulty in meeting the pressure that was brought to bear in connection with appointments in the Census Office during the Twelfth Census period, and I think the difficulty in that respect in carrying on the work has been greatly exaggerated by gentlemen who

are advocating this amendment. My observation was that the privilege which Members of Congress had in aiding in the selection of the clerical force of the Twelfth Census was an advantage rather than a disadvantage to the service, and I think it would be a mistake to adopt the amendment proposed by the gentleman from Massachusetts, the effect of which would be to deprive them entirely of any voice in the matter.

Mr. GILLETT. May I ask the gentleman if the Director of the Census, Mr. Merriam, did not say that nearly all of his time for a year and a half was taken up by Members of Congress about appointments?

Mr. LANGLEY. The gentleman must be mistaken. The proportion he mentions is altogether too large; as the appointment clerk of the census, I relieved the director of a large part of this pressure.

Mr. MANN. Will the gentleman yield to a question?

Mr. LANGLEY. Certainly.

Mr. MANN. Permit me to testify in that regard that the only gentleman I ever saw was the gentleman from Kentucky [Mr. LANGLEY] whose efficient service at the time adds now very largely to the value of his opinion.

Mr. LANGLEY. I thank the gentleman.

Mr. MANN. Under this proposition, both propositions, I understand, contemplate the same examination by the Civil Service Commission.

Mr. LANGLEY. Yes.

Mr. MANN. Which, under this authorization, can not be monkeyed with, as each one takes the examination?

Mr. LANGLEY. The effect of it would be that the applicant would present himself to the Civil Service Commission for examination, and if he passed his name would be certified to the director as an eligible for appointment.

Mr. MANN. The same examination is given in every case?

Mr. LANGLEY. Yes; I do not take it that this amendment would interfere with that.

Mr. MANN. The amendment provides the same thing.

Mr. LANGLEY. But it would interfere with the Members of Congress having anything whatever to say regarding the persons who should be appointed.

Mr. MANN. The question is really who shall designate and how they shall be designated for examination.

Mr. LANGLEY. Subject, of course, to the condition that they must pass the examination required by the director.

Mr. MANN. There is nothing in the amendment and there is nothing in the bill which suggests how people shall be designated. Even under the amendment of the gentleman from Massachusetts [Mr. GILLETT] it might be provided that no one could be examined unless he should be designated.

Mr. LANGLEY. I take it that that would be a question for the Director of the Census to provide for by prescribing suitable rules and regulations. The bill implies that power.

Mr. MANN. Now, one more question. Does the gentleman think that they would be likely to get a better or less efficient service by having the bulk of the employees selected from territory surrounding Washington, or from the city of Washington, or by scattering employees throughout the country, familiar with the different parts of the country?

Mr. LANGLEY. In regard to that, I will say I am so strongly in favor of "scattering" them that I would be willing to yield a little on the other proposition. [Laughter.] I think the bill as reported by the committee is entirely workable, and that the Director of the Census, by having this margin for exercising his discretion, can select a more efficient force of clerks. And I base that opinion on my own actual experience and observation while in charge of the Twelfth Census appointments.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. LANGLEY. Certainly.

Mr. PARSONS. The gentleman stated that where the competitive system existed there were questions the director might wish to ask an applicant that he could not ask now.

Mr. LANGLEY. I merely desired to emphasize what the gentleman from Pennsylvania said, to the effect that a written examination was not always the best test, especially of the applicant's fitness for work of this kind, and that an applicant might have talents in certain directions that a scholastic test alone would not develop. This is peculiarly true in the Census Office, where the work, as has already been stated, is of a temporary and emergency character. [Applause.]

Mr. FOWLER. Mr. Chairman, now as to the question of representation of all parts of the country, it ought to be distinctly understood that these examinations that will be held throughout the United States for this work will not be given until next July, and the object of passing this bill now is to make ready for the beginning of the work.

I do not know of the examinations the gentleman from Kentucky [Mr. LANGLEY], as appointment clerk, made on the recommendations on the part of Members, nor that Mr. Merriam made, but I doubt very much whether anyone recommended by Members of this House to these gentlemen were rejected because of examinations they made of these men, unless they found them utterly useless and unfit. Therefore the recommendations that went to the gentleman as appointment clerk and to the commissioner were of themselves virtually mandatory, and they regarded them as such.

Mr. LANGLEY. Will the gentleman yield to me for a moment?

Mr. FOWLER. Certainly.

Mr. LANGLEY. I am sure the gentleman does not want to leave a wrong impression as to what I said.

Mr. FOWLER. Certainly not.

Mr. LANGLEY. I tried to state, and the records of the office will bear me out, that there were hundreds and hundreds of cases where men and women were examined and failed to pass and were never appointed, although they were indorsed by some of the strongest men in public life.

Mr. FOWLER. That only bears out what I was going to say—that if they were utterly unfit to fill any of these offices, it showed a want of competency upon the part of Members of the House.

Mr. LANGLEY. Not "utterly unfit," but not up to the standard required.

Mr. FOWLER. Now, the fact is, in the first place, that you will be providing for examinations which shall be held throughout the length and breadth of the land. Now, in the next place, if all these appointments are made from all parts of the country through examinations, when they once are in the service they can be immediately discharged if unfit. On the other hand, the gentleman knows from experience that when a clerk is once in through the recommendation of a Member, the persistency on the part of the Member is so great that it is almost impossible to discharge him when once in the service.

Mr. LANGLEY. The gentleman is certainly mistaken.

Mr. FOWLER. The gentleman from Oklahoma remarked that this was a privilege that he and any other Member ought to have to serve their country by serving some one they wanted to recommend. Now, I take it our duty is to serve our country as against anyone that may be in our particular district, and the question now to decide is whether, in the first place, the service will be better, and in the second instance, whether the service will not be more economical.

Mr. HEPBURN. Will the gentleman allow me to ask him a question?

Mr. FOWLER. Certainly.

Mr. HEPBURN. I certainly agree with you about serving your country, but suppose that you had the power to recommend some one, could you not make such a recommendation as would still enable you to serve your country? [Applause.] Are you obliged, if you had that power, to recommend some scalawag who would rob the country of the salary he would receive?

Mr. FOWLER. No.

Mr. HEPBURN. If the gentleman will permit a second question, then why are you so anxious to protect yourself from the possibility of appointing a scalawag? [Laughter.]

Mr. FOWLER. I do not care to save myself from responsibility on that question, for we have no scalawags in my district. [Laughter.] But the idea I had on that question was that there are but one or two questions before the House. First, whether the clerks will be more efficient and the service better, and in the second place whether it will be more economical to this Government.

Now, the gentleman from Indiana [Mr. CRUMPACKER], read a paragraph in the statement of Mr. North. Of course, after 3,500 to 4,000 clerks have been sifted down until you have five or six hundred you have practically disposed of 3,500 or 4,000; and therefore it does not go to the larger number. Therefore, I hope that this amendment will prevail.

[Cries of "Vote!"]

Mr. KEIFER. Mr. Chairman, if gentlemen desire to vote I do not desire to speak. I do not feel that I can aid this committee materially in ascertaining how we should vote on the amendment of the gentleman from Massachusetts. But I wanted to call attention, however, to the fact that under the bill as it stands now it simply directs that the Director of the Census shall have examinations such as he thinks necessary in order to determine whether the applicant for a clerkship is fit to perform the duty. I do not think that we are

here engaged in determining whether the old Democratic doctrine of "To the victors belong the spoils" shall prevail. We have had such recent talk from the stump. But we have reformed in a hundred years. It is just a hundred years now since the distinguished Virginian, Thomas Jefferson, wrote a letter to his Secretary of the Treasury telling him to be careful in making his deposits that he made them with Democrats that believed in his administration. It is only more recently that the thing was better put and better stated, and more candidly by the distinguished soldier, Andrew Jackson, who bluntly stated it in these words: "To the victors belong the spoils." But we have reformed at this time, and whether through the civil service or not I am not very certain. This talk of civil service is old, too. A man who became distinguished in literature in England went through a competitive examination for a clerkship in the office of the Postmaster-General. He failed in his examination, but some one in authority told him if he would go over to the office and take a seat at a certain desk he could go to work.

He was very prompt in going there, but nobody assigned him any work, until one day he got notice that there was a defaulting postmaster in Ireland, and that he must go over there and investigate and report the conditions of the office. He went to Ireland and found the post-office, but as he had never been in an office of that kind and did not know anything about its management, he did not know how to make an investigation of the office or a report. He never had done anything of the sort. So he went to the culprit and employed him to get up a report showing the condition of his office and his own defalcation. He took this report back to England with him and filed it with the postmaster-general, and he was promoted on account of his extraordinary facility in making that sort of a report. [Laughter.]

We have a most striking instance in this country. There was a distinguished citizen of Ohio who lived in Cincinnati not quite half a century ago who came by stage and otherwise all the way from his home to this city to take a competitive examination for a clerkship in the United States Treasury Department. There were just two competitors. One was from Cincinnati, Ohio, and the other was from the State of Massachusetts, that learned State, even then advanced in education. The gentleman from Ohio failed in the examination and the other man succeeded. Scholastically the man from Massachusetts was the better man. So they turned down the man from Ohio, and he doubtless went grumbling back to his office in Cincinnati; but in 1861, in the month of March, that same citizen of Cincinnati held a little review in the Treasury Department in this city as Secretary of the Treasury. [Applause and laughter.] That was Salmon P. Chase, afterwards Chief Justice of the Supreme Court of the United States. Among the first of those who came by in review was a man bowed down with toil carrying his arms in front of his knees. He came at the head of the treasury clerks to pay his respects to the distinguished Secretary of the Treasury, and he was the man who had beaten Mr. Chase in the competitive examination a long while before. [Laughter and applause.]

Now, whether these things throw any light upon the examination necessary here to determine the manner in which these temporary clerks should be selected, I do not care. I am rather inclined to think the bill is all right as it is, and that if the Director of the Census wants to institute a severe examination as to the qualifications of clerks he can do so under the present bill, and it will be his fault if he does not get capable men and women as clerks to administer his office.

Mr. CRUMPACKER. Mr. Chairman, just a word before we vote. I want the committee to bear in mind the fact that there will not be any undesirables or incapables on the eligible list at all. In the first place, the examination will be of such a character as to illustrate the fitness and competency of every applicant who successfully passes it. The examination is to be conducted by that immaculate and incorruptible piece of administrative mechanism, the Civil Service Commission. So you can rest assured that the Director of the Census, with as much at stake as he has, will prescribe an examination that will secure efficient clerks, and that the examinations will be administered in a thorough and conscientious manner.

I think that is the proper view to take. The only benefit that the amendment suggested by the gentleman from Massachusetts [Mr. GILLETT] will have, will be to relieve the Director of the Census of the pressure that may be brought to bear upon him in making selections among men and women who are all competent, all efficient, who have been certified to him as competent by the Civil Service Commission. No scalawags from anybody's State can get on the list.

Under the amendment of the gentleman from Massachusetts I insist that the dispatch of the work in the Census Office would be seriously embarrassed, because the director may want an addition to his force for immediate work. There may be men and women at hand who are eligible. Under the plan of the gentleman from Massachusetts the director could not choose them, but would have first to notify those who by accident or good fortune had higher grades. He would have to notify them first and give them an opportunity to get ready to come to Washington and enter the service. I am an advocate of the merit system, but I believe a little business sense ought always to be injected into it. This is emergency work that we are undertaking to do. We will have no time for delays. A great army in line of battle has not time to conduct a civil-service examination to select the best men to carry muskets, and that principle applies to some extent to the administration of the great work of taking a decennial census. The proposition reported by the committee in nowise discredits the merit system. Our civil-service law is a good law as applied to the permanent service, but we want to exercise some sense of discrimination in its application to the work we are engaged in providing for.

We do not want to use it for the purpose of embarrassing, but for the improvement of the public service. Mr. Chairman, I ask for a vote on the amendment.

Mr. HEPBURN. Mr. Chairman, I would like to inquire of the gentleman in charge of the bill if the supervisors and enumerators, the special agents and interpreters, are under the civil service under the terms of this bill?

Mr. CRUMPACKER. They are not.

Mr. HEPBURN. Mr. Chairman, that fills me with alarm. [Laughter.] I am alarmed for the gentleman from Massachusetts. I am afraid that he has fallen from his high estate as a civil-service reformer. This bill under its terms as it stands now provides for putting some 3,000 people under the civil service, and yet 59,000 people that are provided for by the terms of this bill, who actually do the work, upon whose efficiency, industry, and integrity the value of this great work is to depend, are not protected from the rapacity of the spoilsman. I would like to know from the gentleman what this means. Has he recanted all the diatribes we have heard from him in the years past in regard to spoilsmen and the spoils system and the immaculate virtues of the merit system—has he gone back on all that?

We find him even now, Mr. Chairman, by the motion he makes, trying to emasculate the bill as it is and refuse to protect the Members of this House from the importunities and possible wrongs that may result from the charwomen, and the messengers, and the assistant messengers, and messenger boys, and the watchmen because of their passion for appointments. [Laughter.] Why not keep them under the civil service? Why not protect the membership of this House from the temptation to indulge in the spoliation of the Government? [Applause and laughter.]

Mr. Chairman, this bill, or the provisions in this bill, in my judgment, are a fair representation of the pretenses of our civil service. [Applause.] The fact is we have no improvement in the public service by our civil service. No man can point it out. There is no improvement in the character and efficiency of the clerks and employees that are affected by civil service. Look at the old clerks that we have now that were appointed under the "spoils system." I can point out a half a dozen for whom I had some instrumentality in securing places, among the best men in my district, who are to-day efficient clerks and, although they have been in the service for twenty-five or more years, will compare most favorably—ah, most favorably—with those that you secure under your so-called "improved merit system"—a system that gives you no knowledge of the fitness of the clerk whatever except scholastic attainments. How do you know anything of the industry, of the integrity, of the adaptation, of the clerks that you secure under your so-called "merit system," and that you propose to apply to those that are now to be taken into the service?

Mr. Chairman, I submit that this so-called "civil service," or the argument in favor of it, is simply a cowardly attempt to avoid the responsibilities that men take upon themselves when they need friends. [Applause.] Why should not the man who has been the beneficiary of kindly service for months and years of his friends at home, men who made him and brought him to the position where he may reap honor and be of service to his country, why should not he have some care, some solicitude for the ambitions and desires of that man?

Why, Mr. Chairman, all of these promotions and all of these honors are but relative in comparison. The man who wants to be a clerk wants to be a clerk as badly as a man who wants to be a Congressman. To him the clerkship is equally as desirable

as the other place of honor to the other man. I do not think that because a man has the power to recommend in such a way as possibly his advice will be adopted and the appointment of a friend made, that therefore he becomes a spoilsman. The mere conferring of the power does not corrupt. If the man is corrupt, if he makes an improper recommendation, if he yields to solicitations that ought not to be yielded to, it is not because of the system, but because of an innate corruption in himself. [Applause.] I have never recommended to place man or woman that I have been ashamed of or who has failed to render proper service, and I do not believe that the membership of this House needs the protection of these superserviceable gentlemen who are so free to throw epithets at them, calling them spoilsmen and arrogating to themselves vast superiority because they try to cover themselves with a mantle that they call the "merit system." [Applause.]

Mr. GILLETT rose. [Cries of "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

Mr. GILLETT. Mr. Chairman——

The question was taken.

Mr. GILLETT. Mr. Chairman, I addressed the Chair.

The CHAIRMAN. But the gentleman could proceed only by unanimous consent.

Mr. GILLETT. Well, Mr. Chairman, I think I might at least have an opportunity to ask unanimous consent. I ask unanimous consent that I may be allowed to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GILLETT. Mr. Chairman, I did not intend to say another word, and I am very sorry now to occupy the time of the House, but the gentleman from Iowa has so pointedly referred to me, has spoken of diatribes that I have issued against spoilsmen, of the assumption of virtue which I have made, that I think I am entitled and I ought to say a word about it. I think the gentleman, if he will look back over the past many years that we have served together—and I am happy to say with great friendliness, but always at odds on this issue—will recognize that the epithets have not come from me, that the severe language has not come from me, but that if it has come from anywhere, it has come from the gentleman himself and those whose opinions have been like his. I think that always I have acted with courtesy, without any assumption of superiority, or purity, and without ascribing to him and those who agree with him any motives of which they should be ashamed and that therein I have differed from my opponents.

But, Mr. Chairman, I am not willing to let pass uncontroverted the statement that he made, for I do believe, contrary to his express opinion, that the system which he has always so vigorously upheld is vicious, fundamentally, and that the change which has come over all our civil service in Washington has immensely improved that service. Moreover, I believe, and I am glad that this bill recognizes it, that this service has so far justified itself in the opinion of the great mass of the people of the United States that the gentleman and his friends no longer dare to put on the statute books the authority for appointments which used to prevail. Civil service is not ideal. I have always admitted it was not. It does not pretend to be ideal, but it is infinitely better than the system whose place it took, and for proof of that you only need to go back to the debates in Congress when this question first came up and read the condition of the departments at that time and look at the condition of the departments now, and no candid man can fail to see that the civil service has infinitely improved not only the work but the economy of administration and the relationship between the executive and the legislative; and this bill of itself—and I am glad to admit I believe this committee adopted the best bill they thought they could carry through this House—this bill admits the wisdom of examinations. It provides for an examination, and, in my opinion, it simply does not go far enough, and the reason it does not every Member in this House knows is not because of the relative merits of the two systems, but is because the members of Congress want the patronage. [Applause.]

Mr. COOPER of Wisconsin rose. [Cries of "Vote!"]

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent for five minutes.

The CHAIRMAN. Is there objection?

Mr. DWIGHT. I object.

The CHAIRMAN. Objection is heard. The Chair will again put the question. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. GILLETT and Mr. SULZER) there were—ayes 65, noes 119.

So the amendment was rejected.

Mr. WALDO. Mr. Chairman, I now desire to call up my amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 4, line 24, by striking out the words "to the law of apportionment or," so that it shall read: "That they shall be selected without regard to the political party affiliation," etc.

Mr. WALDO. Mr. Chairman, I have always believed, and I still believe that those who are in the public service of the Government should be apportioned throughout the United States according to population, as they are now under the civil-service law. If these words in the bill, which the amendment proposes to strike out, are allowed to stand, together with the word "noncompetitive," it will make the law so that the whole force may be appointed from the city of Washington or from the State of Washington or from Oklahoma. Now, that is clearly against the principle upon which the public service has been conducted for many years, and it is something that ought not to be left in the power of the Director of the Census. I was opposed, and I am still opposed, to the abolition of competitive examinations and making them noncompetitive. If these examinations are to be noncompetitive, that merely means that whoever receives the strongest political support is going to be appointed to these offices.

Those places in the United States represented by officials of the greater power and influence will most assuredly receive the larger proportion of these appointments, and we know it just as well now as we will after they are made. This is most unfair to the country at large. The question as to the patronage to be distributed by the Members of Congress under this bill is a matter of little moment, but it is of great moment to the country and the citizens of the country that they shall all have a fair opportunity to enter into the public service. Unless this amendment is adopted this measure will deprive them of any such opportunity. No assurances that may be made by the Director of the Census or by his employees can make that any different, because it certainly will follow, if these two provisions stand as in this bill, that the greatest political pressure will appoint these census employees. These are not strictly temporary appointments. These appointments will last two or three years. It is only those appointments to which the gentleman from Iowa referred that are temporary—the supervisors and inspectors whose work is practically done in thirty days—but these employees affected by the amendment are men who ought to be under civil service. They are men who will be two or three years in service, and a large proportion, if not all of them, will be transferred from this service, as they have been in the past, to the permanent civil service of the Government. I therefore hope this amendment will prevail.

Mr. MANN. Will the gentleman yield for a question?

Mr. WALDO. Certainly.

Mr. MANN. I do not know how far the gentleman has looked up this matter in detail——

Mr. WALDO. I have not.

Mr. MANN. But I understand that unless the law of apportionment is waived the State of New York has no apportionment in the Census Office at all.

Mr. WALDO. That would be immaterial to me.

Mr. MANN. Oh, I understand; but the State of Illinois, the State of Maryland, and other States would be in the same condition, because their quota is now in excess of the apportionment.

Mr. WALDO. If that be true, they ought not to get any apportionment under this bill.

Mr. MANN. But I do not know whether the Census ought to draw all the clerks from Oklahoma, as the gentleman suggests; the most of them would come from there if the gentleman's amendment prevails.

Mr. WALDO. I doubt it very much.

Mr. MANN. That is a fact.

Mr. WALDO. If it is true that any State has more than its proper proportion, then the appointments under this measure should be distributed all around the rest of the United States. If the rest of the United States can not provide proper men to fill these positions, they will be taken from any place in the United States where proper and qualified men can be found.

The question was taken, and the amendment was rejected.

Mr. DE ARMOND. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out all of the proviso in lines 4, 5, 6, 7, 8, 9, 10, and 11, on page 5, ending with the word "examination."

Mr. DE ARMOND. Mr. Chairman, this provision is for the transfer of persons who have had experience in census work—how much or how little or what time is not mentioned—in the Census Bureau, and then after service there shall make them eligible without examination to any appointment in the departmental service.

Now, it will be noticed that preceding that there is a paragraph that provides for the selection of persons of previous experience in census work, at the option of the Director of the Census. I do not just understand what the object of this provision is, but it seems to me that the effect can not be good. One may have been in the census in any capacity without getting any familiarity with special census work, any technical knowledge, yet having been employed in the Census department at some time or another and being now in some other departmental service, as a janitor or in any other position, that person may be transferred to the Census Bureau, and having been transferred there shall be eligible to appointment in any departmental service thereof without any examination at all. It seems to me that the effect will be bad and that no good result can come from the retention of that provision. I will be glad to hear from the chairman of the committee or some other gentleman in regard to it who will explain the purpose of it.

Mr. CRUMPACKER. The purpose of this provision is to authorize the transfer of certain clerks now in other branches of the service who have had previous experience in the Census Office and who are more or less skilled for the purpose of promoting the administration of the census law. The same kind of provision, as I recollect, was in the act for the Twelfth Census. This provision was taken from that act, and a few clerks were transferred by the order of the head of the department upon the requisition of the Director of the Census. They were clerks that were already in the classified service, and the work of the Census Office is of that peculiar character that it is important to have as many experienced clerks and employees in the office during the temporary period as possible. And in making these transfers it adds to the efficiency of the force of the Census Office, and when the temporary service is over, of course, it is due to the clerks who have been transferred and are in the classified service to provide that they may be reappointed in the classified service again. That is the purpose of the provision, and it is identically the same provision that Congress incorporated in the act providing for the Twelfth Census.

Mr. DE ARMOND. Mr. Chairman, the gentleman from Indiana [Mr. CRUMPACKER] speaks of clerks in the classified service. Now, if this provision related to clerks in the classified service only, and so stated, it would be a different provision, but we know it says "employees," and it says, "in other branches of the departmental service," having no reference at all to whether those clerks are in the classified service or in the unclassified service, whether they are clerks at all, or whether they are employees of some other kind, and whether they have any special knowledge of census affairs or not. It merely provides that anybody who has had experience in the Census Bureau and is in the departmental service may be transferred to that bureau, and then, after being transferred and after service there, shall be eligible to appointment to any departmental service without examination.

If the gentleman from Indiana [Mr. CRUMPACKER] would make the provision according to his suggestion concerning the matter, I would see no objection to it. But it does not say "clerks," and it does not say "classified service."

Mr. CRUMPACKER. That is what it means.

Mr. OLMSTED. If the gentleman from Missouri will permit, would it not answer his purpose to insert "classified" in line 5, so as to read "departmental classified service?"

Mr. DE ARMOND. It does certainly improve it very greatly.

Mr. OLMSTED. That would prevent temporary employees going into the Census department and then going into the classified service permanently without examination.

Mr. DE ARMOND. The point I am trying to make is that they need not be clerks at all, but janitors, doorkeepers—anybody who has once served in the Census Bureau.

Mr. LANGLEY. The gentleman will notice that the language in line 10 is "for positions of similar grades." That refers to a position of like grade that he occupied before.

Mr. DE ARMOND. I take it that it is a position of like *grade occupied in the* Census Bureau.

Mr. CRUMPACKER. Permit me to suggest to the gentleman from Missouri, reading this provision as a whole it is clear that it applies to classified positions only, because it authorizes the transfer without examination, and only the classified service provides an examination for transfer. Those who are not in the classified service may resign one place and be appointed in another without any authority of law.

So it refers clearly to the classified service, and the term "employees" covers clerks. It is merely to give the director authority to secure the services of those in other departments that may improve his own. Of course we might safeguard and prescribe the different kinds of clerks, possibly name those who have had experience in the census work before. But we confer upon the Director of the Census a certain latitude of discretion in making requisitions, of course.

Mr. DE ARMOND. Well, if the gentleman will permit, would it not be better to say "clerks in the classified service," or "employees?" Then it could not mean something else.

Mr. LANGLEY. No; because the director might want to transfer some one else who might not come under that designation—chief of division, for example. I do not think it would be wise to limit to any special designation, such as that.

Mr. DE ARMOND. The point I want to make is that it not only covers clerks in the classified service, but covers employees also. It takes those who once have been employed in the Bureau of the Census, because at the present they are duly transferred, being employed in the departmental service, may be permanently transferred to the classified service. No question as to what the employment in the Census Bureau was and as to any degree of efficiency or lack of it. No question as to the employment in the departmental service; but once in the Census Bureau—at the time transferred to the departmental service—this person is eligible to the regular service after expiration of employment in the Census Bureau. There is where you may have very great abuse, and do very great injustice to the other clerks. I think the suggestion made by the gentleman from Pennsylvania [Mr. OLMSTED] and the suggestion made by the gentleman from Indiana [Mr. CRUMPACKER], if what these men were was stated in the bill, it would remove the objection. If it means clerks in the classified service, if it means employees in the classified service, let us say so. If it means people who have come in by virtue of examination and therefore do not need an examination to be transferred to the Census Bureau and ought not to be required to take an examination to be transferred back, let us say so, and not leave it so loose that a janitor of the Census Bureau may be appointed to the classified service after being a janitor in the Census Bureau, without any examination.

Mr. OLMSTED. I offer the following amendment.

The CHAIRMAN. There is an amendment pending.

Mr. OLMSTED. This is a preferential amendment, to perfect the text.

The Clerk read as follows:

Amend by inserting the word "classified" between "departmental" and "service," in line 5, page 5, so that it will read, "departmental classified service."

The CHAIRMAN. The question would not be in order while the other amendment is pending.

Mr. OLMSTED. I submit it is in order to perfect the amendment before striking the words out.

The CHAIRMAN. Very well.

Mr. OLMSTED. Mr. Chairman, I am in harmony with the views expressed by the gentleman from Missouri. The provision as it now stands would, I think, permit the transfer of unclassified employees from other departments who are now on temporary appointment. As the act now stands it would further permit them being transferred to the Census Bureau and then at the end of the census period transferred to the other departments without examination. By inserting the amendment I have suggested, I think the objection of the gentleman from Missouri will be covered, so that it will state those who are transferred were those in the classified service. It will limit it to those who are in the classified service and permit none to go into the classified service without an examination.

The CHAIRMAN. The question is on the amendment.

Mr. CRUMPACKER. I can see no objection to the amendment offered by the gentleman from Pennsylvania, but I think it adds nothing new to the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question recurs on the amendment moved by the gentleman from Missouri to strike out.

The question was taken, and the amendment was rejected.

Mr. DE ARMOND. Mr. Chairman, I wish to offer another amendment.

The Clerk read as follows:

Amend by striking out the words, "and at the end of such service the employees so transferred shall be eligible to appointment to positions of similar character in any department without examination," in lines 8, 9, 10, and 11, page 5.

Mr. CRUMPACKER. Mr. Chairman, I suggest a question of order in relation to that amendment. A motion to strike out

the proviso was made by the gentleman from Missouri, and all amendments calculated to perfect that part of the text proposed to be stricken out should have come before the motion to strike out. The gentleman's motion to strike out the proviso was the first motion made. The gentleman from Pennsylvania [Mr. OLMSTED] then submitted a preferential motion to amend the text, which was adopted. Then the Committee of the Whole House refused to strike out the proviso. I suggest that the amendment now proposing further to change the text is not in order.

Mr. DE ARMOND. Mr. Chairman, I think the amendment is not subject to the objection. It is an entirely different and distinct amendment from the other, and an amendment perfecting the clause which this would strike out would now be in order, of course.

The CHAIRMAN. The Chair thinks the amendment is in order.

Mr. DE ARMOND. Now, Mr. Chairman, it appears to me that this provision is an unnecessary one. If a person who has been transferred possesses the necessary qualifications, it is no hardship to take the examination again. If a person does not possess the proper qualifications for any particular position, there is great necessity why the examination should be taken. I do not care, however, to discuss the matter. It appears to me that there is no measure of injustice to the person transferred, because he can take his transfer or not. He takes the chance of getting into another and permanent service or to drop into the temporary branch of it and go out of the service. If he goes out of the service he goes by his own election; he is not transferred except with his own consent. If he goes out of the service by happening to be one of the supernumerary employees dropped, it seems to me he ought to get into it again, if he gets into it at all, just as anybody else would have to do.

Mr. CRUMPACKER. Mr. Chairman, a word upon that amendment. I think the gentleman from Missouri will agree with me in the view that clerks in the classified service may be transferred by an order of the head of a department without their own consent. The order of transfer is compulsory. It would hardly be fair to transfer a classified clerk into an unclassified position for a period of a couple of years, when he would lose the right under the law to be reappointed, and then require him to take a civil-service examination again to get back into the classified service. This is simply to protect the rights of a clerk in the classified service who may be transferred against his will into this temporary service to make it more efficient. Therefore I think the gentleman from Missouri ought not to insist upon his motion.

Mr. DE ARMOND. I will offer an amendment, then, to perfect the provision. I move to insert the words "against their will" in line 9, so that it will apply to this class, as the gentleman suggests it should do. There will then be no objection to it.

The CHAIRMAN. The Clerk will report the proposed amendment.

The Clerk read as follows:

In line 9, after the word "transfer," insert the words "against their will."

Mr. CRUMPACKER. I think that amendment hardly needs discussion from our side. Clerks may often be willing to go at the mere suggestion or request of the head of the department, for the promotion of the general efficiency of the service, and they ought not to lose their status at all, whether they go willingly or unwillingly. They can not go of their own motion. They can only go upon requisition and the order of the head of a department. Therefore I think both amendments ought to be voted down.

Mr. DE ARMOND. Mr. Chairman, my intention in offering the amendment was to meet exactly the suggestion made by the gentleman from Indiana with reference to the clerks transferred against their will. Now, that amendment exactly coincides with the suggestion that he made in opposition to the other amendment. Assuming that his suggestion was made for what it implies and means, I offered that amendment to perfect the provision, so that it would have just the meaning which he gave to it in his former remarks.

Mr. CRUMPACKER. If the gentleman is serious, will he allow a suggestion? I offered that remark simply as an illustration of the absolute injustice of the gentleman's proposition to strike out. That is all.

Mr. DE ARMOND. Well, the amendment is offered to illustrate the gentleman's remarks.

Mr. CRUMPACKER. I call for a vote.

The amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Missouri to strike out.

The question was taken, and the amendment was lost.

The Clerk read as follows:

SEC. 8. That the Thirteenth Census shall be restricted to inquiries relating to population, to agriculture, to manufactures, and to mines and quarries. The schedules relating to population shall include for each inhabitant the name, relationship to head of family, color, sex, age, conjugal condition, place of birth, place of birth of parents, number of years in the United States, citizenship, occupation, school attendance, literacy, and tenure of home.

The schedules relating to agriculture shall include name of occupant of each farm, color of occupant, tenure, acreage of farm, value of farm and improvements, value of farm implements, number and value of live stock on farms and ranges, number and value of domestic animals not on farms and ranges, and the acreage of crops as of the date of enumeration, and the acreage of crops and the quantity and value of crops and other farm products for the year ending December 31 next preceding the enumeration.

The schedules of inquiry relating to manufactures and to mines and quarries shall include the name and location of each establishment; character of organization, whether individual, cooperative, or other form; character of business or kind of goods manufactured; amount of capital invested; number of proprietors, firm members, copartners, stockholders, and officers and the amount of their salaries; number of employees and the amount of their wages; quantity and cost of materials used in manufactures; amount of miscellaneous expenses; quantity and value of products; time in operation during the census year; character and quantity of power used, and character and number of machines employed.

The census of manufactures and of mines and quarries shall relate to the year ending December 31 next preceding the enumeration of population and shall be confined to mines and quarries and manufacturing establishments which were in active operation during all or a portion of that year and had a product valued at $500 or more. The census of manufactures shall furthermore be confined to manufacturing establishments conducted under what is known as the factory system, exclusive of the so-called neighborhood or household industries.

Whenever he shall deem it expedient, the Director of the Census may charge the collection of these statistics upon special agents or upon detailed employees, to be employed without respect to locality.

The form and subdivision of inquiries necessary to secure the information under the foregoing topics shall be determined by the Director of the Census.

Mr. KEIFER. Mr. Chairman, I desire to offer an amendment on page 6 of this section of the bill, and I send the amendment to the Clerk's desk.

Mr. SLAYDEN. Mr. Chairman, a parliamentary inquiry: When we offer amendments to the various paragraphs of section 8, will they be entertained by the chairman of the committee in the order in which the paragraphs appear in the bill? For example, if an amendment is offered to paragraph 1 of section 8, will that be entertained before an amendment offered to paragraph 2 of section 8?

Mr. KEIFER. Has the gentleman from Texas an amendment to paragraph 1?

Mr. SLAYDEN. I have.

Mr. LAMB. I also have an amendment to paragraph 1.

Mr. KEIFER. I am willing to yield to the gentleman from Texas to offer his amendment first. Whatever method the Chair desires I am willing to yield to. I am willing to offer mine after the gentleman from Texas has offered his amendment to the first paragraph.

The CHAIRMAN (Mr. STERLING.) The amendments may be considered in any order. It is for the committee to determine in what order they will be considered.

Mr. CRUMPACKER. I understand the gentleman from Ohio is willing to yield and withdraw his amendment until amendments have been offered to paragraph 1.

Mr. SLAYDEN. My amendment is to the first paragraph. I offer the following amendment, which I send to the Clerk's desk to have read.

The Clerk read as follows:

Amend by inserting after the word "condition," in line 4, page 6, the following: "including intermarriages of persons of the white race with negroes and Asiatics, usually known as the black and yellow races, and with the descendants of such races."

Mr. SLAYDEN. Mr. Chairman, I hope that every Member of the House will understand that this is a serious effort on my part to get information which I consider valuable and desirable, and which can be had in no other way. I assure the House that I offer it with perfect sincerity; with absolute integrity of purpose in an effort to get valuable information bearing on the social and economic problems of the country which I think we ought to have. I sincerely trust that no gentleman will interpose an objection in the way of a vote or otherwise.

Mr. MADDEN. Mr. Chairman, I would like to have the amendment again read.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read the amendment a second time.

Mr. CRUMPACKER. Mr. Chairman, the value of a census is purely statistical, and I am at a loss to know or understand what effect the introduction of this question might have in the

obtaining or gathering of statistics—how far a census enumerator ought to be authorized to go into questions that are more or less of a delicate domestic nature. The inquisitorial power of the enumerator ought to be limited to the things that are necessary for statistical purposes. Now, there are investigations that have in mind sociological results. The Bureau of the Census ought to be kept free as far as it possibly can be from matters of speculation, and its inquiries ought to be free as far as they possibly can be from objectionable investigations—investigations that people might with entire propriety be opposed to. Therefore I personally feel that it would be an unsafe thing to incorporate this provision into the schedule. Nothing of the kind has ever been included in the population schedule in the history of the country.

When we came to collect statistics respecting the women and children in the industries of the country, the point was made that the Director of the Census Office should not make the investigation, because it was of a sociological and economic character; that it involved inquiries that were not proper, perhaps, for a purely statistical investigation. The President of the United States submitted that criticism in a message to Congress, against authorizing the Census Office to make that investigation, and in favor of having it made by the Bureau of Labor. Now, this investigation, if it is proper, might be made by some speculative division or bureau in the Department of Commerce and Labor, but I feel that the Census Office ought to be confined to investigations that are purely for statistical purposes; that can not in any sense be speculative. Therefore I am constrained to object to the amendment of the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, I want to assure the gentleman from Indiana [Mr. CRUMPACKER] that the purpose of the amendment is purely statistical. I desire to know, and I have no doubt that an overwhelming majority of the people of this country would like to know, just the things inquired of by the amendment. There is no indication that any man is opposed to or that he does not sympathize with such unions. It is not entering into a discussion of that phase of the question at all; it is purely statistical. All the statistics that are to be gathered by the census have a direct bearing upon the sociological and economic conditions of the country ultimately.

Mr. CRUMPACKER. That is altogether true, Mr. Chairman; but here is a thought that came to me after I sat down: In the preparation of schedules, in the instructions to enumerators who travel about over the country to obtain information, suppose the enumerator visits a home when the husband is away. Would the gentleman have him ask the wife if her husband is a negro or if he is an Asiatic?

Mr. MANN. How would the gentleman from Texas like to have the enumerator ask his wife that question?

Mr. SLAYDEN. That is all right; I am perfectly willing to have the question asked. Being certain of my position, I do not dread the inquiry.

Mr. CRUMPACKER. The gentleman can see at once—I think he ought to—the entire impropriety of arming these 60,000 census enumerators with the power of addressing questions of that kind to the women of a household. Let us avoid the humiliation that might reasonably follow from anything of that kind.

Mr. SLAYDEN. Mr. Chairman, the gentleman has advanced no reason, in my judgment, why this amendment should not prevail, and I hope that the House will take the view that we ought to have this information. It is very desirable, and we should have it. It is just as desirable, I think, and vastly more important, than other sorts of information that we go after in these inquiries. Schedules relating to population are included, and that schedule will include the name of each inhabitant, the relationship to the head of the family, which may be legitimate or illegitimate, the color—and those are not a bit more pertinent than the inquiries I propose—the sex of each and the conjugal conditions, etc. Now, what do you mean by the conjugal conditions—married or unmarried?

Mr. CRUMPACKER. That is all.

Mr. SLAYDEN. Living in legal or illegal relationship?

Mr. CRUMPACKER. No, no; whether they are married or not, that is all.

Mr. SLAYDEN. Very well, Mr. Chairman, if it is important to have this information, is it not more so to have the information I require in my amendment? The color of the people is to be learned. Now, that all goes to a definition of the conditions domestic that obtain in this country, and the inquiry I propose merely goes a little step further. It gives us information on points that are of importance to the entire country, and I think that on reflection even the gentleman from Indiana [Mr. CRUMPACKER] himself will consent to vote for this amendment.

Mr. RANDELL of Texas. Mr. Chairman, I favor the amendment proposed by my colleague, the gentleman from Texas [Mr. SLAYDEN], and I think it a matter of considerable importance. If there is intermarriage between the white race and the black, or the Mongolian, in this country, it is important that this fact should be known. I fail to see the potency of the objection to it. The distinguished chairman of this committee, the gentleman from Indiana [Mr. CRUMPACKER], suggests that it may be embarrassing to have some woman asked about the color of her husband. Why, the bill provides that each citizen shall be described by these enumerators as to "color." That, I do not suppose, means merely the complexion, but it applies to the race; and if a woman is asked as to the color of her husband or a husband is asked as to the color of his wife, I can not see any objection to the census enumerator reporting to us or to the department how many marriages exist in the United States between white and negro and white and Mongolian races.

The enumerator gets the information as to color, anyway. Then why should he not state it in his report in reference to marriages? He gets the information, if he does his duty under the provisions of this bill, which my colleague desires given, as shown by the amendment he has offered here. Then, why not let them report as to how many of these people are intermarried? It may be that it would be embarrassing to somebody; but I do not see why a white man, if married to a negro, ought to be ashamed of it. He is no better than the negro he married. If he has married a Mongolian, we want to know that fact also, in order that the record may show how far a mixture of races has proceeded in this country. If there are no such marriages, then we want the satisfaction of knowing that in this great Republic, under our system of government, and under our present conditions and environments, we are moving on in the progressive march of humanity, keeping the races separate and the blood pure. It seems to me there can be no reason for embarrassment, but that the information here is really of material interest to all sections of the country and ought to be included in the report. It will require no more knowledge, no more inquiry than the enumerators will be compelled to take in doing their duty under this bill. It is simply a law requiring them to extend their report by showing what the status is in reference to marriages of those of different colors, and I hope the amendment will be adopted.

Mr. CRUMPACKER. Will the gentleman from Texas allow a question? How will he have the investigation conducted? Would he authorize the enumerators throughout the country to make these inquiries from the fathers, mothers, and heads of families, or would he require the enumerator to simply report those cases that came to him incidentally?

Mr. RANDELL of Texas. Why, let him make the report that common sense would require him to make. Now he makes the report as to what is the color of the man and his wife; then, why not say that this person of color and this person not of color are married?

Mr. CRUMPACKER. Is it not of as much importance, perhaps greater from a sociological standpoint, to know how many children are the result of illegitimate sexual intercourse between the races?

Mr. RANDELL of Texas. So far as that is concerned, this amendment would assist in ascertaining that fact, because they can state, as required by the amendment, how many marriages are of mixed blood, and then we could have some basis for calculating the illegitimate issue, if you have an interest in that. It seems to me about the only embarrassment there can be in this matter would be the opposition from some race—in fact, from the colored races—that might affect the vote of some Members on this question; but it seems to me it ought not to be embarrassing at all, for the information here is for the good of the country. It is not partisan, it is not political, it ought not to be considered sectional. It is simply a report that should be made on a matter about which we all ought to have information and which I believe would be for the good of this country. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. SLAYDEN) there were—ayes 37, noes 43.

So the amendment was rejected.

Mr. LAMB. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Section 8, line 6, after the word "home," insert as follows: "and whether or not a survivor of the Union or Confederate Army or Navy."

Mr. LAMB. This is just to enumerate soldiers on both sides, Mr. Chairman.

Mr. MANN. Mr. Chairman, let us have the amendment reported again.

The amendment was again reported.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I have an amendment to the same paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 1, after the word "manufactures," insert "and natural resources belonging to the Government."

Mr. MANN. Mr. Chairman, the effect of that amendment, if adopted, would be to have the census work include a census of the natural resources of the country so far as they are upon the public domain.

We have heard recently a great deal about conserving the natural resources. There is now in the city of Washington a congress, or whatever it may be called, for the conservation of the natural resources. We have at various times different propositions presented before Congress and before the executive branches of the Government for the expenditure of large sums of money for the conservation of the natural resources. Congress and the Executive are now at a disagreement in reference to the use of water power upon the navigable streams of the country. No one knows what the water power is that may be utilized. No one knows what the natural resources may be in the forests. No one knows what the natural resources are upon the public domain of the country. You make inquiry of the Land Office, but they have no knowledge on the subject. You may make inquiry of any branch of the Government, and they have none, or, at least, but little knowledge of the subject, and it seems to me that while we are on the threshold of entering upon the expenditure of large sums of money for the purpose of conserving our natural resources, it ought to be done upon some systematic plan based upon information obtained by us before we go too far.

I have not the slightest doubt that it will become the duty of Congress, will become the inevitable will of Congress and the people, that the resources of the country shall be conserved and protected as far as possible, and that wise policy shall be adopted by Congress in its legislation for that purpose. And the first thing to do is to ascertain what resources we now have on our national domain belonging to the people before we undertake to say what shall be done with, at least, those resources, and before we undertake to say what policy we shall adopt in regard to that domain.

Mr. BONYNGE. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. BONYNGE. Will the gentleman explain how he is going to acquire that information during the taking of a census? Let me put to him a specific question. Take the amount of coal lands in one of the Western States, and how are you going to ascertain the amount of coal or the amount of coal lands in a given State by the census enumerators?

Mr. MANN. Well, the gentleman, of course, is perfectly well aware, as everybody in the world is aware, that it is not possible to tell exactly, or probably evenly approximately, the amount of anything that is out of sight, that is underground, that is beyond the ascertainment of knowledge. I have heard the gentleman asseverate on the floor of this House in favor of the taking of geological surveys in his State. What do they learn? They learn all that they can, and they present the knowledge to the public and to the Congress. Does the gentleman suppose that such knowledge is complete? Not at all. It is the best they can get.

Mr. BONYNGE. Will the gentleman submit to another question?

Mr. MANN. Certainly.

Mr. BONYNGE. Does he propose that we shall conduct another geological survey while we are taking a census?

Mr. MANN. Not at all.

Mr. BONYNGE. I have talked for a geological survey, because the men connected therewith are equipped to secure the information that we are seeking, but it does not follow that because they are efficient and so well equipped the census enumerators would be equally well equipped.

Mr. MANN. That would depend on who the census enumerators were. The gentleman states that the Geological Survey is well equipped. It has often happened in the past, and it will often happen in the future, that in the ground where the Geological Survey has made a most thorough examination and has reported nothing, they have afterwards found the finest fields of natural resources.

Mr. ROBINSON. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. ROBINSON. I would like to ask the gentleman if he has considered the question of the practicability of getting this information by the Census Bureau, and whether or not it had better be done by other bureaus of the Government, or whether it can be practically done by the Bureau of the Census?

Mr. MANN. Well, I think there will be no trouble in acquiring information, which necessarily will be to a large extent superficial, much of which will not be taken from men in the field, but much of which will be obtained from work already done by the Government; but it is impossible to-day to learn approximately even the results of the work already done by the Government in any tabulated form.

Mr. ROBINSON. Will the gentleman yield to a further question?

Mr. MANN. Certainly.

Mr. ROBINSON. Does the gentleman not recognize the fact that this service he proposes would require the services of experts before the statistics or information secured could be of any practical value whatever, and does he not think that the work had better be done by the bureaus in charge of that particular branch of the work?

Mr. MANN. It is not done by anybody to-day. There is no effort on the part of the Government to ascertain the natural resources of the Government, and no present means of ascertaining anything at all about it.

Just let me ask the gentleman a question. Does anybody know the water powers owned by the Government?

Mr. ROBINSON. I do not know. I would like to ask the gentleman from Illinois this further question: Does not the gentleman from Illinois admit that the kind and character of information which would be secured in this investigation would be practically of little value in his answer to the gentleman from Colorado?

Mr. MANN. Oh, the gentleman does not want to put such language in my mouth.

Mr. ROBINSON. Will the gentleman from Illinois yield to a further question?

Mr. MANN. Certainly.

Mr. ROBINSON. Does he not know and say that the information will be necessarily superficial; and if so, would such information be of value to the country?

Mr. MANN. The gentleman from Arkansas and I are good friends. I do not think the question requires further answer.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ROBINSON. If the gentleman is satisfied with that answer, I am.

Mr. MANN. I think everybody is satisfied.

Mr. CRUMPACKER. I certainly hope the distinguished gentleman from Illinois will not insist upon his amendment; but if he does, I sincerely hope that the Committee of the Whole House on the state of the Union will vote the amendment down. In the first place, the work that his amendment contemplates is not logically statistical work. It is largely investigation of a scientific nature that does not belong to the Census Office. Furthermore, my recollection is that every sundry civil appropriation bill carries a large sum of money authorizing some department of the Government to investigate the water question and the fuel question; and we can instruct the Commissioner of the Land Office to inform Congress of the classification he has made of the mineral lands and the coal lands and the timber lands and the agricultural lands. I presume that information is readily accessible.

Mr. MANN. Well, it is not.

Mr. CRUMPACKER. Well, it ought to be.

Mr. MANN. Why, of course it ought to be, and that is what I want to get.

Mr. CRUMPACKER. But you are beginning at the wrong place. You ought to obtain that information from the department that is administering the public-land laws. That office has special agents and is equipped for scientific investigation. I think the gentleman from Illinois will agree with me that the Census Office ought not to undertake scientific investigations. It merely ascertains and reports statistical facts. It ought not to enter into investigations of a speculative character, such as water investigations and the probable potential power of a particular stream of water.

But the most vital objection to it is that the four principal inquiries contained in the bill will keep the Census Office busy during the entire decennial census period in making investigations and reports. If the work of the Census Office is increased the country can not expect the office to make all these investigations and get them reported out in time. If this is proper work for the Census Office to do, it ought to come during the

interdecennial census period. It ought to be part of the work of the permanent office, and not of the temporary office, during that period of great responsibility involving large investigations which it is required to conclude and report within a specific time. It will be impossible to conduct the work that the bill already contemplates and secure satisfactory results if this amendment prevails. There are a number of substantial reasons.

I think the gentleman probably is right in the main in desiring a better knowledge of our natural resources, but we ought to know what we are doing and how we are doing it when we make appropriations for the investigation of water courses, and so forth, what we have already done, and the results of those investigations. These results can be obtained from the Land Office and other departments respectively charged with the work.

Mr. MADDEN. Will the gentleman allow me to ask him a question?

Mr. CRUMPACKER. Certainly.

Mr. MADDEN. Is the gentleman willing to admit that it is a wise thing to get the information upon which to base the appropriations of contemplated expenditures of vast sums of money out of the Public Treasury before the appropriations are made?

Mr. CRUMPACKER. Most certainly; but I do not think we ought to use the Census Office solely for the purpose of enabling the Committee on Appropriations to make appropriations. The Census Office is not for any such purpose. It has not the equipment.

Mr. MADDEN. Does the gentleman think this information is being sought for the purpose of enabling the Committee on Appropriations to make appropriations?

Mr. CRUMPACKER. I presume not. I presume the gentleman offered the amendment in good faith, for the purpose of getting information respecting the natural resources of the country. It is a great problem. I am in thorough sympathy with any wise movement tending to conserve natural resources, of course, but that does not mean that we ought to load up the Census Office with investigations of this character. Further, it does not mean that we ought to require the Census Office to make this great investigation during the decennial census period, when it can not possibly do it.

Mr. MADDEN. There are projects on foot now contemplating the expenditure of hundreds of millions of dollars in the conservation of the natural resources of the country. Would the gentleman think it a wise business proposition to have information upon which to base these appropriations before they are made?

Mr. CRUMPACKER. I think as a general proposition it is a good thing to have some information before we enact any important legislation. We ought to have some information before we make any considerable appropriations of public money, of course.

Mr. MADDEN. And does the gentleman think the plan suggested in the amendment of the gentleman from Illinois [Mr. MANN] would produce evidence such as would enable us to act intelligently?

Mr. CRUMPACKER. No; I do not. I think the amendment is not a practicable one. It ought to call upon some of the other departments to furnish information that is readily under their control.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. CRUMPACKER. I will yield.

Mr. PARSONS. Does not the gentleman think a census of the natural resources of the country should be taken once in ten years?

Mr. CRUMPACKER. I am inclined to think so. We have a bill pending before our committee now for a census of standing timber. I think it ought to be taken, but we all agreed that it ought not to be taken during the decennial census period. That ought to be part of the work of the permanent office. It is properly statistical work. We can secure the acreage and the stumpage of timber.

Mr. PARSONS. This bill provides for the Thirteenth Decennial Census.

Mr. CRUMPACKER. Yes.

Mr. PARSONS. If you are going to take a decennial census of the natural resources of the country, why not provide for it in this bill? It may be that the other machinery in the bill at present will not suffice for taking a census of the natural resources of the country, but if you make this amendment, then later on you can add something calling for the cooperation of other departments, and in that way taking a census of the natural resources at the same time you take the census of population and publish it all together.

Mr. CRUMPACKER. In the first place, an investigation of such importance as this, one that will cost nobody knows how much money, ought to go to a committee. It ought to be thoroughly investigated. Officers in the various departments who may be presumed to have knowledge respecting such things ought to appear and instruct the committee, and an intelligent report ought to be made to the Congress before any action is taken.

The gentleman from Illinois is suggesting a policy that would lead, he says, to information and intelligent action. Ought not this committee to have information respecting this matter, in order that it may act intelligently? I appeal to the members of the Committee of the Whole House on the state of the Union and ask them if this is the business way to handle the affairs of the people—that an amendment of this importance should be adopted without any investigation and without any knowledge of the expense involved, and without any knowledge of the time, scope, character, or effect of the investigation. So I submit, Mr. Chairman, however desirable the investigation may be, a mere statement of the proposition ought to induce the gentleman from Illinois—careful, able, and conscientious as he is—to withdraw the amendment and apologize to the committee for even offering it. [Laughter.]

Mr. ROBINSON. Mr. Chairman and gentlemen of the committee, my reason for opposing this amendment is not because I do not desire to secure definite information as speedily as possible concerning our natural resources, nor to do everything in my power reasonably to conserve the same, but because as a member of the Census Committee I am convinced that this work can not at this time be done by the Census Bureau without considerable additional legislation. I maintain that statistics of this kind or information of this nature would require the services of experts, which are not provided for or contemplated in this bill; and as the gentleman from Indiana has wisely suggested, if I understood him correctly, such information as that should be as accurate as possible. It could not be accurate if procured in this way. Furthermore, we have bureaus of this Government that are charged in some degree at least with the investigation of this subject, and they are better qualified to make the investigation than the Census Bureau. It might be possible that additional legislation not here suggested, not here contemplated by the amendment of the gentleman from Illinois, might make this legislation proper, but it is not before the House at this time. I insist that, in my view of the matter, the legislation ought not to be adopted without full consideration by the House, full consideration by a proper committee, because statistics secured by the ordinary census enumerator relating to the amount of coal, for instance, as suggested by the gentleman from Colorado, and other natural resources would not be in any way accurate, and at best, as said by the gentleman from Illinois, would only be superficial. I, for one, do not think that we should undertake an investigation of that sort in this bill.

Mr. MANN. Mr. Chairman, I appreciate the lack of information in the House and in the Committee on the Census. If this bill had just been reported into the House, I do not know that I should have made the suggestion, but since this bill was prepared, since it was reported into the House, since it was considered on a former occasion, there has grown up in the country a most formidable sentiment in favor of the conservation of the natural resources of the country and in favor of ascertaining what those natural resources are. The people have come to believe that the resources of our country are being largely wasted by the methods employed in the use of them for our good.

Now, gentlemen say that we have not information enough upon which to proceed, and yet we are urged as a Congress to proceed in various directions in laying out policies for the future. While I am not afraid to move along lines which may have been suggested for the conservation of the resources, I believe that it is the duty of the House, at the first opportunity after this principle has been enunciated by the people in favor of the conservation of the resources, to learn something about what resources we have. No one expects a scientific, complete investigation of our resources in the census work; no one expects, as the gentleman from Arkansas states, that such census would be taken by the ordinary enumerator. We have various bureaus of the Government that have been engaged and that are now engaged in ascertaining such information as they think can be utilized. Perhaps these same branches of the Government may be utilized further, but we are asked to determine our policies with reference to the resources of the country without

any information as to what we have, especially on the public domain. We are asked to dispose of our public lands, to give away our timber lands, without knowing, without anyone knowing, anything about the value of them.

Mr. TAWNEY. Mr. Chairman, I desire to ask the gentleman from Illinois a question. When the gentleman from Illinois spoke to me a short time ago about his amendment this fact did not occur to me: That is, whether it is practicable or not for the Census Bureau to take a census or make an investigation into the question of our natural resources. For example, how are they to take a census of the coal lands of the United States without the aid of scientists and geologists, and is not that work now being done by the Geological Survey? In the matter of forests, is it not a fact that the Forestry Service of the Government is making a census or compiling statistics showing the extent of our natural resources along that line?

Mr. MANN. Answering the gentleman's last question first, it is not such a fact; the Forestry Bureau is not engaged in such examinations or engaged in taking such statistics. Now, on the question of coal, in answer to the gentleman's first question, I do not know whether we will ever learn what coal we have. I doubt very much whether when the gentleman and I have long passed into our graves the people will know the coal resources of the country, and yet we are told every day what coal resources we have for the future. Upon what is this information based? We can have at least as authentic information collected together in the form of statistics as the wild, loose information that we are constantly assailed with by all branches of people, assuming that it is correct. I do not know. We can collect such information as is available and can have readily obtained information which can be seen, information which has been gathered together. We can put that together in such shape that we and the rest of the people may know what it is, all of us knowing that no one knows what lies beneath the ground.

Mr. GAINES of Tennessee. Mr. Chairman, I would ask that the gentleman's time be extended five minutes in order that I may ask him a question or two.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. How is the Department of Justice getting along with the prosecution of land-fraud matters out West? We have had a lot of timber-land and coal-land matters brought to the attention of the House and the country in the course of the last few years. We have had considerable to do legislatively on this subject. I have not seen the Attorney-General's report for this year, and I would like to know what the Attorney-General's report says.

Mr. MANN. I have not read the Attorney-General's report this year. Mr. Chairman, I would say that I once made a speech in the House on that subject that caused me so much trouble that I almost resolved never to refer to the subject again.

Mr. GAINES of Tennessee. The gentleman would know that I would not cause him any trouble, because the gentleman knows he stands very high in my opinion.

Mr. Chairman, I did not intend to say anything on this subject, but sitting here and listening to what has been said reminds me of a matter that was before the Committee on Public Lands at the last session of Congress and also of a letter I had in my desk from Secretary Garfield. A bill something of this nature came before the Public Lands Committee. It seems that a number of people had gone out into New Mexico and taken up apparently the whole face of the earth out there, covered by rich timber land, and the Government undertook to investigate those parties. Suits in equity and criminal suits were instituted. A little later a lot of people came here to Congress, a great crowd of men from New Mexico, some eight or ten, stopped a week or ten days, and undertook to get a bill passed, as it were, to wipe out all this litigation from the courts in New Mexico by some sort of compromise. I did not like that way of doing business, and I began to investigate the matter, not only in the committee, as best I could, but I appealed to the Attorney-General to know who approved that kind of a compromise. I should have said that the Government in one of the cases—the main case—had won the case on a demurrer, and the defendants were required to answer. I wondered why it was that we were asked to wipe out litigation when it looked as though the Government was winning and to substitute this sort of a compromise. So I went to the Attorney-General, Mr. Bonaparte, and spoke to him about it. He also gave me a letter in reply to one that I had mailed him before I went to see him. I am sorry I have not his reply here. I am going to put it in the RECORD, if I can find it. He said to me that after he had filed a bill or bills at the instigation of Mr. Garfield, the Secretary of the Interior, and won on demurrer, Mr. Garfield was agreeing to this compromise, was agreeing to this bill; that I should see him about the bill. So I wrote Mr. Garfield a letter and asked him why he was agreeing to this compromise. Here is my letter:

MARCH 5, 1908.

Hon. JAMES R. GARFIELD,
Secretary of Interior, Washington, D. C.

DEAR SIR: I am informed that you are in favor of the enactment into law of H. R. 16277, touching upon certain lawsuits instituted by the Department of Justice for lands in New Mexico and the disposition of certain public lands.

I am very anxious to protect our public lands, homesteads and timberlands especially, and will be very much favored if you will give me your reasons why you think this bill should be passed.

Very respectfully,

JNO. W. GAINES.

Here is his reply, and, with the indulgence of the committee—I dislike exceedingly to read anything to the House—I am going to read portions to the House for the purpose of showing you how much land, gentlemen, is involved in this litigation here in one Territory:

DEPARTMENT OF THE INTERIOR,
Washington, March 24, 1908.

Hon. JOHN W. GAINES,
House of Representatives.

DEAR SIR: In order that my answer to your letter of March 5, 1908, might more fully supplement the information sent you by the Attorney-General and the reports on the files of the House Committee on Public Lands, I have delayed answer to receive further reports from the field. The Attorney-General's letter sets forth the various classes of granted land given to the Territory of New Mexico under the act of June 21, 1898, and the various conditions contained in the grant concerning leasing or sale of the land and sale of timber from the land.

The territorial officials intrusted with the care and disposition of the granted land disposed of it contrary to the specific conditions. Upon discovering this the department twice sent an inspector, Mr. E. P. Holcombe, to investigate and report upon conditions. The facts as he reported them were drawn to the attention of the Department of Justice, and the Attorney-General sent his special assistants, Mr. Ormsby McHarg and Mr. Peyton Gordon, to the Territory to act in conjunction with Mr. Holcombe in further investigation and a recommendation of what should be done to rectify the illegal actions of the territorial officials. In the meantime every official connected with the illegal transactions was removed from office. Messrs. McHarg, Gordon, and Holcombe reported by various letters upon the situation.

After a conference with the Attorney-General concerning the nature of suits to be brought, the above officials were recalled from the Territory to be at hand and give all the information within their knowledge. Thereafter, in a conference in which the whole status of the case was gone over, the situation was decided to be, as far as criminal prosecutions was concerned:

"1. That no evidence whatever had been found of direct bribery or corruption of any of the territorial or federal officials concerned.

"2. That all the evidence on hand showed that the territorial officials invited the action of the purchasers of the land and timber with the evident intent of getting money for accomplishing the various objects for which the grants were made.

"3. That the prices contracted for were not extremely low as of the date of the various contracts and sales.

"4. That no criminal intent, other than the intentional evasion of the law, appeared in the evidence at hand either against the territorial officials or the purchasers and timber contractors.

"5. That for the above reasons there was no reasonable prospect of convicting either the officials or purchasers for conspiracy or fraud against the United States or the Territory."

It was decided, however, that all the parties were affected with direct notice that they were disposing of and purchasing land and timber in direct contravention of the specific conditions of the granting act. For that reason the Attorney-General believed that civil suits to cancel the contracts for timber sale, to recover the full value of the timber already cut, and to cancel the deeds for the lands sold, should be instituted. Messrs. McHarg, Gordon, and Holcombe were therefore instructed to return to the Territory and prepare bills in equity to accomplish that end. Accordingly, the following suits were filed for the annulment of contracts for the cutting of timber on granted lands in the Territory of New Mexico and the recovery of the value of the timber already cut and removed:

United States of America *v.* Territory of New Mexico, American Lumber Company, contract dated November 7, 1904; 7,780 acres, Valencia County.

United States of America *v.* Territory of New Mexico, American Lumber Company, contract dated December 5, 1904; 29,920 acres, McKinley and Valencia counties.

United States of America *v.* Territory of New Mexico, Clark M. Carr, contract dated July 28, 1905; 11,377.50 acres, Valencia County.

United States of America *v.* Territory of New Mexico, Gross Kelly & Co., J. W. Harrison, contract dated January 23, 1906; 1,040 acres, San Miguel County.

All these contractors for the purchase of the timber had agreed to pay $2.50 per acre—to cut or pay for the timber within five years—and to do the cutting under certain rules and regulations concerning diameter limit, protection against life, etc.

I have no conclusive evidence of the actual value of the timber involved in these sales as of the date of the timber contracts.

The suits for cancellation of deeds to land sold in fee, for the reconveyance of title, and for payment of all damages to the land during the time that it was held by the purchasers were as follows:

United States of America *v.* S. B. Day, 10,804.96 acres, Valencia County.

United States of America *v.* Gross Kelly & Co., H. W. Kelly, and Richard Dunn, 16,524.24 acres, Torrance County.

United States of America *v.* Pennsylvania Development Company, New Mexico Fuel and Iron Company, W. S. Hopewell, 7,797.36 acres, Torrance County.

United States of America *v.* American Lumber Company, Silvestre Marabal, 4,160 acres, Valencia County.

United States of America *v.* Gross Kelly & Co., 908.56 acres, San Miguel County.

United States of America *v.* Alamogordo Lumber Company, 23,571.72 acres, Otero County.

All the lands involved in these suits are covered with timber. Some of them will average less than 3,500 feet to the acre. It is believed that the general average is between 4,000 and 5,000 feet per acre. In addition to the sales of land for which the above suits were filed, there were also sold to Mr. T. A. Schomburg 5,874 acres of timber land in Rio Arriba County. No suit was filed against Mr. Schomburg, because he voluntarily reconveyed the land to the United States, but the deeds are held in escrow by the district attorney in order that Mr. Schomburg may, if he wishes, obtain the same terms of settlement as the other defendants, provided Congress should see fit to pass the law allowing settlement of the suits.

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

I replied to this letter as follows:

MARCH 31, 1908.

Hon. JAMES R. GARFIELD,
Secretary Department of the Interior, Washington.

DEAR SIR: I am just in receipt of yours of the 24th instant, in the matter of the public lands in court and out of court in the Territory of New Mexico, which I know I shall read with pleasure.

I am trying my best to protect our lumber interests and homesteads and punish the wrongdoers wherever I can. My motives are wholly unselfish. I have no public lands in Tennessee. I am trying to save the lands in another way—that is to say, when they are sold I want them sold at their fair market price, the money put in the Treasury, and expended to the upbuilding of the unirrigated sections of the West.

I regret to have put you to so much trouble, but my effort is entirely sincere and for the public good.

Yours, very respectfully, JNO. W. GAINES.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. I want five minutes more, or some little time more. I want to make a single observation.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee. [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Now, I am going to ask consent to put all of this letter in the RECORD, together with the letters I addressed to General Bonaparte, if I can find it, and Secretary Garfield's and my reply, so that all Members may see them. Now, gentlemen, this compromise bill is now pending before the Committee on Public Lands. Heaven knows how many acres of land are involved. Just let me run over some of these figures. Here are 7,000 acres, 29,000 acres, 11,000 acres, 1,000 acres, 10,000 acres, 16,000 acres, 7,000 acres, 4,000 acres, 908 acres, and 23,000 acres. Now, that is in one Territory.

I understand some criminal prosecutions of these cases have been dismissed; I do not know how the fact is. That is the general information I have, and hence my inquiry of my friend from Illinois. Mr. Chairman, it is an outrage, judging from this letter which I trust you will read to-morrow; it is an outrage that great concerns and possibly small ones have gone out on the public domain and taken from the Government of the United States our public lands contrary to the terms of the grant and contrary to the welfare not only of the Government as such, but of the people, who want to go out there in the West and make their homesteads, and I hope the time will come, if, indeed, it is not already at hand, when not simply the injunctive process of the federal court will be used, but the criminal process of the federal court will be used to stop these frauds. Not until the agency of the criminal law is invoked, and vigorously, will we get rid of this thing of our forests being stripped of their splendid timbers and our Government of its broad acres which our fathers left for posterity to build homesteads on. I am anxious to preserve the forests, irrigate land, and to build up locks and dams over the country; but where in the name of God are we going to get the lumber to do it if the lumber kings unlawfully deny the people the right to go out in the West and take up homesteads? They have gone there and taken their sawmills and their steam axes, I presume, and have mowed down the timbers that should stay there to be sawed into lumber for our own grandchildren in the future. A large portion of that timber is not only sawed into lumber, but sent to foreign lands and not used to build up homes in our territory, where there are few homes; not to move back the wigwams and plant civilization where it should be.

I make these observations simply to bring before you gentlemen what has been in my mind some time in regard to these public lands in order that we may protect our forests for ourselves and our posterity, and I insist that we should look to our criminal laws to aid the reform.

Mr. SLAYDEN. Mr. Chairman, I hope the amendment of the gentleman from Illinois will prevail. I was honored with an appointment to the commission for the conservation of the natural resources of the country, and during the last week we were in session for four or five days. A vast amount of exceedingly interesting information was presented to that commission, which all indicated an alarming state of depletion in some of the most essential resources of the country. That is particularly true of coal and other minerals and of the forest resources. In the course of the discussion that was had by that commission it was ordered in the report that the President be requested to ask of Congress a law—in the census, it was understood—which would provide for a more complete inventory (I believe that was the word) of the natural resources of the country.

Now, sir, that inventory can best be made by the Census Bureau. The census will be discharging its great work, undertaken once in a decade, at the particular time when we will require this information. They will have the agents for the gathering of this information, and can easily have associated with them the scientific experts connected with the Geological Survey and other bureaus of the Government. These agencies, cooperating, can provide the country with information which the commission for the conservation of the natural resources believe is a highly desirable thing to have. I hope that the committee will permit the amendment of the gentleman from Illinois [Mr. MANN] to prevail.

Mr. CRUMPACKER. Let me ask the gentleman a question.

Mr. SLAYDEN. Certainly.

Mr. CRUMPACKER. The gentleman realizes the importance of making these four principal inquiries within the time fixed in the bill. They are vital questions, and he appreciates the necessity of having those investigations made and the results given to the public at the earliest date practicable if they are to be of any value to the country. Now, if this investigation should so involve the work as to postpone the time in which these great investigations should be made, for two, three, or four years, say, like the Eleventh Census, and the reports would be gotten out so late that they would have no current value, would the gentleman still insist upon putting the amendment into the bill?

Mr. SLAYDEN. Mr. Chairman, I do not admit that it is necessary that any such delay should follow. It is a matter of clerical detail to arrange for this work to be jointly done by scientific experts and the regular employees of the Census Bureau.

Mr. CRUMPACKER. The Committee on the Census investigated the timber question, and the director said the office can not make any other investigation than those provided for during the census period. Speculative in its character, it would simply confuse and embarrass and practically destroy the value of these great inquiries that we do contemplate making. That will be the effect of the gentleman's proposition. I insist that this House ought to have more information respecting the question and better knowledge of the effect that this investigation would have upon those investigations that are of vital importance before legislating this amendment into the bill.

Mr. PARSONS. I would like to ask the gentleman a question before he sits down.

Mr. SLAYDEN. Mr. Chairman, I yield the floor to the gentleman from New York [Mr. PARSONS].

Mr. PARSONS. Mr. Chairman, I do not understand that if the census of the natural resources of the Government, which is what the amendment calls for, is to be taken that it would have to be taken by the enumerators of the Census Office. It would be taken by the experts employed in the scientific bureaus of the Government. Its publication will not necessarily delay——

Mr. BONYNGE. Will the gentleman yield to a question?

Mr. PARSONS. Gladly.

Mr. BONYNGE. How does the gentleman say it will be taken by the experts employed, and what is there now in the different bureaus, and what is there in this bill that would compel it to be taken by those experts instead of organizing a new force and duplicating the work by other experts and scientists employed by the Census Bureau?

Mr. PARSONS. There is nothing in the bill, even if you adopt this amendment, to require the Census Bureau to take this census by itself. I will refer the gentleman to the first section of the bill, in which he will see that the Director of the Census is required to take the census of the population, agriculture, manufactures, mines, and quarries of the United States.

But this amendment says that the census also of the natural resources shall be taken.

Mr. BONYNGE. By the Director of the Census, and not through the experts and scientists employed in the other bureaus, and it can not be construed and would not be construed otherwise unless the Director of the Census would employ such force as he might require to make this independent census by his own agents and servants instead of using the agents and servants now in the federal employment.

Mr. PARSONS. May I suggest that if this amendment is adopted, then in a later part of the bill the proper provision will be made so that for this information the Director of the

Census can call on the scientific bureaus of the Government to make this census of the natural resources.

Mr. TAWNEY. What would be the necessity of doing that when the scientists of the other bureaus are all publishing to the world their discoveries and the result of their investigations?

Mr. PARSONS. They are making discoveries, but not publishing them in census form, and it is in census form that we wish to have them. Now, we have questions as to the disposition of the coal on the public lands, and what to do with the water power on the public lands and various other things on the public lands. We ought to have a census statement as to what these resources on the public lands are in each locality; and only by having this can we act intelligently. Therefore we ought to call upon the various bureaus, through this bill, for a statistical statement in detail of these resources; and I take it that such is the real object of this amendment.

Mr. SLAYDEN and Mr. PRINCE rose.

Mr. PRINCE. Will the gentleman yield to me for a question?

Mr. PARSONS. I will first yield to the gentleman from Texas.

Mr. SLAYDEN. I want to suggest to the gentleman from New York that when the Twelfth Census was taken, if I remember correctly, any number of gentlemen were borrowed, so to speak, from the scientific branches of the Government during the taking of that census to assemble and conduct that work as employees of the Census Bureau, although their permanent official residence was in other bureaus; and it could be done again.

Mr. PARSONS. Exactly. That was my understanding.

Mr. PRINCE. Can the gentleman state to the House, if this amendment were adopted, would Congress more readily and promptly get the desired information that it needs in order to make appropriations for the conservation of the natural resources of the country?

Mr. PARSONS. Yes; I think it would.

Mr. PRINCE. Do you not think that if this matter, under this amendment, is made a matter for the Census Bureau, when the Census Bureau has ten years in which to make its tabulated report and print them in form for the public, it will delay the business that we all desire to speedily have performed in conserving the natural resources of the country?

Mr. PARSONS. Why, in order to know what we should do to conserve the natural resources of the country, we first have to have an inventory of what they are. We have no such inventory now. We have bureaus making scientific reports; but they are not complete and do not attempt to show what the natural resources are in each State. If we adopt this amendment we can get this detailed information.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Illinois.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. MANN. I ask for a division, Mr. Chairman.

The committee divided, and there were—ayes 17, noes 32.

So the amendment was rejected.

The CHAIRMAN. Are there any further amendments to this paragraph?

Mr. PRINCE. I want to make one formal amendment with a view of getting information about the first paragraph of section 8, and I move to strike out the last word of the section for that purpose.

I desire to ask the gentleman in charge of the bill a question. I see by your bill that "the Thirteenth Census shall be restricted to inquiries relating to population, to agriculture, to manufacture, and to mines and quarries." Now, the Constitution originally relates that the purpose of the census was to find the number of inhabitants with a view of making an apportionment, to arrive at the number of Members of Congress who should serve from the different States, and with a view of making a direct tax upon population. Will you be kind enough to tell me when this original purpose of the law was modified, and the occasion of this great growth, both in the scope of the census enumeration and in the great additional expense that has been added for the taking of the census?

Mr. CRUMPACKER. Well, it began with the first census. In 1790 there was more than a mere counting of the population. In authorizing the census in 1790, Congress required certain social information that, of course, had no relation to the mere imposition of a capitation tax or apportionment of representatives. But I take the position now that the Federal Government, with its power to maintain an army and a navy, to establish post-offices and post-roads and military roads, to impose excise taxes and perform all the functions that belong to a national government, has inherently the right to investigate its own resources in order that the legislative branch of the Government may legislate intelligently respecting the powers expressly conferred upon it by the Federal Constitution.

Mr. PRINCE. I withdraw the pro forma amendment.

Mr. KEIFER. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Amend section 8, line 7, page 6, by inserting, after the word "include," the words "all persons engaged in agricultural pursuits."

Mr. CRUMPACKER. I have no objection to that amendment. I think of course it is included, but if there is any doubt about it, and the gentleman from Ohio thinks there is, I have no objection to it.

Mr. KEIFER. Then I will not occupy time in discussing it.

The amendment was agreed to.

Mr. DE ARMOND. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Amend by inserting the word "actually" between the words "capital" and "invested," in line 30, page 6.

Mr. CRUMPACKER. Mr. Chairman, I did not understand that amendment. Will the Clerk please report it again?

Mr. BONYNGE. He does not want imaginary capital. He wants actual capital.

The amendment was again read.

Mr. CRUMPACKER. I have no objection to the amendment.

The amendment was agreed to.

Mr. DE ARMOND. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Amend by inserting between the word "invested," in line 20, and the word "number," in line 21, page 6, the following:

"The amount of capital stock authorized, the amount of such stock issued, and what amount of stock, if any, has been authorized or issued in excess of the amount of capital actually invested."

Mr. CRUMPACKER. That comes within the jurisdiction of the Bureau of Corporations in the Department of Commerce and Labor, and those investigations are being made occasionally. It is no part of the work of the Census Office. It is inquisitorial in its character, and the result would be that the real facts that are desired for proper statistical purposes would be exceedingly difficult to secure.

Mr. DE ARMOND. Mr. Chairman, the purpose of the amendment is definiteness. It is to get, if possible, information by which we can know whether the capital is real or whether it is watered. There is already an inquiry provided for as to the capital invested. Now, this merely extends that along the same line. It does not go into any other line, but the inquiry is as to what is the proportion or relation between actual investment and capitalization. If that is an invasion of the province of the Bureau of Corporations, this whole provision is. If it is an invasion to ask whether the stock is in excess, and if so, how much, of the capital invested, then it is also an invasion to ask what the capital is. Now, this inquiry probably would be answered, if the other inquiry be not added to it, by a statement of what the capital stock is. For instance, if a corporation is capitalized at $100,000, if there were but the one inquiry, the information might be elicited that the capital invested is $100,000, while as a matter of fact the amount of the capital invested might be $50,000 or $25,000 or any other sum. It is merely a drawing of a distinction between the amount of money put in, the amount of property put in, and the amount of capitalization, where there is a difference between the two. Where there is no difference, of course there is nothing additional disclosed. Where there is a difference, it seems to me that that ought to be disclosed. It is information that is very easily given. As the provision now stands, in a case where there has been an amount invested and a capitalization beyond that, or watered stock issued, the information elicited, instead of being real information, will be that which misleads. If $500,000 has been invested in a plant, and capital stock is issued to the amount of $1,000,000, with the inquiry as it is now, the statement will go forth that the capital invested in that plant is $1,000,000. If there be no difference between the actual investment and the actual capitalization, there certainly can be no harm and no confusion. Now, it is an inquiry directly to those who can answer that inquiry. It is asking "How much money have you in your plant? How much stock have you issued? Is there an issue of stock in excess of the investment, and if so, to what extent?" It appears to me that it is useful information, and that in order to avoid getting misinformation, in order to get a statement of the amount of stock, actual and watered, in answer to the inquiry of how much money is invested, it is at least proper, and I think very necessary, to have the supplemental inquiry that I have suggested.

I do not think that the objection suggested by the gentleman from Indiana is one that lies to this a bit more than it would lie to any other inquiry along this line. If you ask how much capital is invested in your business, you are not treading on any dangerous ground in asking whether your capitalization accords with the investment or whether your capitalization is partly real and partly bogus; whether your issue of stock is partly upon the investment and partly upon water. I really think that it is such an amendment as ought to be adopted, and such as will tend to perfect the provision.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Missouri [Mr. DE ARMOND].

The question was taken; and on a division (demanded by Mr. DE ARMOND) there were 25 ayes and 31 noes.

Mr. DE ARMOND. Mr. Chairman, I would like to have tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. DE ARMOND and Mr. CRUMPACKER.

Mr. HARDY. Mr. Chairman, I would like to have the language of the amendment read again.

The CHAIRMAN. Without objection, the Clerk will again read the amendment.

There was no objection, and the Clerk read the amendment a second time.

The committee again divided; and the tellers reported that there were 38 ayes and 50 noes.

So the amendment was lost.

Mr. HITCHCOCK. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding to line 25, page 6, "quantity and value of products sold to the export trade."

Mr. HITCHCOCK. Mr. Chairman, the purpose of this amendment is to afford another means of ascertaining the figures and volume of our export trade in home manufactures. I understand that the present method by which the Secretary of the Treasury gathers statistics showing the amount of our export trade is inaccurate, depending upon bills of lading or ship manifests gathered at the port of exportation. My idea in this amendment is to require the census enumerators, when they gather their statistics from manufacturers, to include the quantity and value of the manufacturers' exports, and state also upon their schedules the quantity and value of their products which are sold to the foreign trade.

We are all interested in the development of our foreign trade, and I believe that the statistics upon which we depend for information as to this development are at the present time inaccurate. Just now, also, Mr. Chairman, the country has been a good deal agitated and a good deal interested in the revelations concerning the details of the foreign trade under which American products have been sold to foreign consumers at prices lower than they have been sold to American consumers, and in investigating this fact it has been discovered that our statistical information is very defective. If we incorporate this amendment in the census law, it will not only harmonize with the other provisions of the law, but will afford an additional check upon the defective information that the American people must now depend upon for their knowledge of the export trade and of American manufactures.

I can see no objection to the amendment, and it seems to be in line with the other provisions of the section.

Mr. CRUMPACKER. Mr. Chairman, there is no legitimate purpose that can be served by the amendment, because it is a well-known fact that many of the manufacturers whose products may be exported do not themselves export the products. The information would be practically worthless. It would be of far less value than the statistics respecting exports that are kept in the Treasury Department; and these enumerators who are to work only twenty or thirty days collecting information would hardly be able to make an investigation that would be of any value bearing directly upon commerce. The object of the census is to ascertain the volume of production in manufactures, the character of the products, whether the industry is operated by a corporation, a joint stock company, or a partnership, the manner of its organization, officers, salaries, stocks, and such things that are purely statistical. I think it would be a waste of time and money to make the investigation called for by this amendment.

Mr. HITCHCOCK. I want to say, Mr. Chairman, in reply to the chairman of the committee, the gentleman from Indiana [Mr. CRUMPACKER], that as to the waste of time, that will be infinitesimal, because this amendment will require only the addition of one blank upon the schedules furnished to the manufacturer. As to the objection that the manufacturer is not able to state the quantity or proportion of his goods which are sold abroad, that is a matter which each manufacturer can settle for himself when he comes to make his returns. But I believe it to be a fact that every manufacturer does know substantially the proportion of his goods which is sold to the foreign trade and the proportion which is sold to the home trade. If he does not make the sales direct to the foreign trade, he at least knows the destination practically of all of the manufactured goods; that is, he knows whether it is for domestic or whether it is for foreign use, and certainly there can be no substantial objection. This involves no additional expense, it is not out of harmony with the inquiry as to other details of the census, and I can not see any possible harm from supplying the American people with a direct statement from the manufacturer himself as to the proportion of his foreign and domestic trade.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken; and on a division (demanded by Mr. CRUMPACKER) there were—ayes 36, noes 43.

So the amendment was rejected.

Mr. DE ARMOND. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting between the words "manufactures" and "amount," line 24, page 6, the following:

"And what proportion of said materials is of domestic and what of foreign production."

Mr. DE ARMOND. Is there any objection to that amendment, I will ask the gentleman from Indiana?

Mr. CRUMPACKER. Yes. It is impossible to get such information.

Mr. DE ARMOND. Well, we might not be able to ascertain, but it would not be impossible to inquire. We are providing now for inquiries; we are not answering them.

Mr. CRUMPACKER. That is true enough, but we ought to pursue inquiries where we can get facts. Where we could get guesses only, it would be of no value.

Mr. DE ARMOND. Mr. Chairman, the effect of the amendment, if adopted, would be to submit an inquiry to the manufacturer in connection with other inquiries as to the proportion of the materials used in his manufacture of foreign production and of domestic production. I can very well understand that in some instances he could not answer, in other instances his answer would be an approximation, in others he could answer very easily and accurately. I can not see any objection to asking the manufacturer himself. If he would not answer, there would be no penalty on his saying so. If he could answer, it would be an inquiry to answer. Now, the information would be interesting, I think, and it might be valuable, and in a good many lines I am satisfied it would be valuable; in a good many instances information would be elicited, and it would throw a good deal of light upon a good many questions about which we legislate and about which the people talk and which engage their interest. Understand, we are on a paragraph providing for inquiries to be submitted by enumerators; we are not fixing the penalty for failure to answer. We are not determining in advance whether a question can be answered. In a great many instances this could; in some it could not. The question is whether we will submit the inquiry or whether we will not submit it. I can think of no good objection against submitting it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. DE ARMOND) there were—ayes 36, noes 41.

So the amendment was rejected.

The Clerk read as follows:

SEC. 9. That the Director of the Census shall, at least one year prior to the date for commencing the enumeration at the Thirteenth and each succeeding decennial census, designate the number, whether one or more, of supervisors of census for each State and Territory, the District of Columbia, Alaska, the Hawaiian Islands, Porto Rico, Guam, Samoa, and the Panama Canal Zone, and shall define the districts within which they are to act. The supervisors shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That the whole number of supervisors shall not exceed 330: *And provided further*, That so far as practicable and desirable the boundaries of the supervisors' districts shall conform to the boundaries of the congressional districts: *And provided further*, That if in any supervisor's district the supervisor has not been appointed and qualified ninety days preceding the date fixed for the commencement of the enumeration, or if any vacancy shall occur thereafter, either through death, removal, or resignation of the supervisor, or from any other cause, the Director of the Census may appoint a temporary supervisor or detail an employee of the Census Office to act as supervisor for that district.

Mr. CRUMPACKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have it read.

The Clerk read as follows:

Amend by striking out the words "Guam, Samoa, and the Panama Canal Zone," in line 2, page 8, and inserting the word "and" between the words "islands" and "Porto Rico," line 1, page 8.

Mr. CRUMPACKER. I do this so that the section will conform to section 1 of the bill as amended by the Committee of the Whole House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 10. That each supervisor of census shall be charged with the performance, within his own district, of the following duties: To consult with the Director of the Census in regard to the division of his district into subdivisions most convenient for the purpose of the enumeration, which subdivisions or enumeration districts shall be defined and the boundaries thereof fixed by the Director of the Census; to designate to the Director suitable persons, and, with his consent, to employ such persons as enumerators, one or more for each subdivision; to communicate to enumerators the necessary instructions and directions relating to their duties; to examine and scrutinize the returns of the enumerators, and in the event of discrepancies or deficiencies appearing in any of the said returns to use all diligence in causing the same to be corrected or supplied; to forward the completed returns of the enumerators to the Director at such time and in such manner as shall be prescribed, and to make up and forward to the Director the accounts of each enumerator in his district for service rendered, which accounts shall be duly certified to by the enumerator, and the same shall be certified as true and correct, if so found, by the supervisor, and said accounts so certified shall be accepted and paid by the Director. The duties imposed upon the supervisor by this act shall be performed in any and all particulars in accordance with the orders and instructions of the Director of the Census.

Mr. KELIHER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 9, line 15, after the word "Director," insert:

"*Provided*, That in the selection and appointment of enumerators preference shall be given in the various localities to persons serving as substitute letter carriers and those upon the eligible lists for carriers in the postal service."

Mr. KELIHER. Mr. Chairman, my purpose in offering that amendment is to present to the directors or supervisors a competent body of men from whom to select these enumerators. We have in the postal service some 50,000 or 60,000 men who have participated in civil-service examinations and have gone upon the eligible lists for appointment as carriers.

The nature of the examination they take is such as to bring to the service a competent body of men, and I can see no reason why, with this vast list available, these men could not be selected to perform this work. They are all, as I have said before, men who have participated in and successfully passed a civil-service examination. They are available; there are enough distributed throughout the country to supply, I believe, the demands made for the taking of this census, and it seems to me a sensible solution of the problem to select these men to take this census.

The question was taken, and the amendment was rejected.

The Clerk resumed and concluded the reading of the bill.

Mr. CRUMPACKER. Mr. Chairman, I move that the committee do now rise and report the bill, with the several amendments agreed to by the committee, to the House with the recommendation that the amendments be agreed to by the House and the bills as amended be passed.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FULLER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16954) to provide for the Thirteenth and subsequent decennial censuses and had directed him to report the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended be passed.

Mr. CRUMPACKER. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The question was taken, and the motion was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the vote will be taken on the amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time; was read the third time.

Mr. CRUMPACKER. Mr. Speaker, I move to recommit the bill, and on that motion I demand the previous question.

The previous question was ordered.

The question was taken on the recommitment of the bill, and the motion was rejected.

The question was taken upon the passage of the bill, and the bill was passed.

On motion of Mr. CRUMPACKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

REPORT OF JUVENILE COURT, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the following message from the President, which was read and, with the accompanying papers, referred to the Committee on the Judiciary and ordered to be printed.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith the Second Annual Report of the Juvenile Court of the District of Columbia, with accompanying papers, for the consideration of the Congress.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 8, 1908.*

REPORT OF GOVERNOR OF PORTO RICO.

The SPEAKER also laid before the House the following message from the President, which was read and, with the accompanying papers, referred to the Committee on Insular Affairs and ordered to be printed.

The Clerk read as follows:

The Senate and House of Representatives:

I transmit herewith for the information of the Congress the annual report of the governor of Porto Rico for the fiscal year ending June 30, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 9, 1908.*

R. SANCHEZ MONTALVO.

The SPEAKER also laid before the House the following message from the President, which was read and, with the accompanying papers, referred to the Committee on Insular Affairs and ordered to be printed.

The Clerk read as follows:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I transmit herewith copy of a franchise granted by the executive council of Porto Rico November 5, 1908, entitled "An ordinance granting to R. Sanchez Montalvo, his heirs, successors, and assigns, the right to take and use 41 liters of water per second for industrial purposes from the brook Juan Gonzalez, in the barrio of Pallejas, in the municipal district of Adjuntas."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 9, 1908.*

TELEPHONE LINE BETWEEN GUAYAMA AND ARROYO, P. R.

The SPEAKER also laid before the House the following message from the President, which was read and, with the accompanying papers, referred to the Committee on Insular Affairs and ordered to be printed.

The Clerk read as follows:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I transmit herewith copy of an ordinance granted by the executive council of Porto Rico, entitled "An ordinance repealing an ordinance entitled 'An ordinance granting to the municipality of Guayama the right to construct a telephone line between Guayama and Arroyo, and to operate the same for public purposes,' enacted December 2, 1902."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 9, 1908.*

PERMIT TO INSULAR DOCK COMPANY.

The SPEAKER also laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and section 2 of the joint resolution amending said act, approved May 1, 1900, I transmit herewith copy of an ordinance granted by the executive council of Porto Rico, entitled "An ordinance granting a revocable permit to the Insular Dock Company to connect its railway track on pier No. 2 with the track of the American Railroad Company lying along the bulkhead of the harbor of San Juan."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 9, 1908.*

SAN JUAN LIGHT AND TRANSIT COMPANY.

The SPEAKER also laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I transmit herewith copy of an ordinance granted by the executive council of Porto Rico, entitled "An ordinance granting the San Juan Light and Transit Company a revocable permit or privilege to change the location of that part of its railroad extending from the northeastern corner of the junction of Comercio and Tanca streets to a point in San Justo street north of its intersection with Recinto Sur street to a new location, as follows: Northerly along the most practicable route to Recinto Sur street and thence along said street to San Justo street."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 9, 1908.*

ARTURO RODRIGUEZ.

The SPEAKER also laid before the House the following message from the President of the United States, which, with the

accompanying papers, was referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and section 2 of the joint resolution amending said act, approved May 1, 1900, I transmit herewith copy of an ordinance granted by the executive council of Porto Rico, entitled "An ordinance granting to Arturo Rodriguez the right to construct, maintain, and operate a system for the manufacture, distribution and sale of gas for light, heat, and power purposes, in the municipality of San Juan."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 9, 1908.*

The SPEAKER also laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and section 2 of the joint resolution amending said act, approved May 1, 1900, I transmit herewith copy of an ordinance entitled "An ordinance amending an ordinance entitled 'An ordinance granting to Arturo Rodriguez the right to construct, maintain, and operate a system for the manufacture, distribution, and sale of gas for light, heat, and power purposes, in the municipality of San Juan.'"

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 9, 1908.*

A. A. DAVID.

The SPEAKER also laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I transmit herewith copy of an ordinance granted by the executive council of Porto Rico, entitled "An ordinance granting to A. A. David the right to build, maintain, and operate a public pier in the harbor of San Juan, at Catano."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 9, 1908.*

A. MONROIG E HIJOS, SUCESORES.

The SPEAKER also laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I transmit herewith copy of an ordinance granted by the executive council of Porto Rico October 29, 1908, entitled "An ordinance granting to A. Monroig e Hijos, Successors, the right to construct an iron bridge over the Bayamon River, in the municipal district of Bayamon, barrio of Juan Sanchez."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 9, 1908.*

COMPAÑÍA DE LOS FERROCARRILES DE PUERTO RICO.

The SPEAKER also laid before the House the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I transmit herewith copy of an ordinance granted by the executive council of Porto Rico November 5, 1908, entitled "An ordinance granting to the Compañía de los Ferrocarriles de Puerto Rico, its successors and assigns, the right to take forty (40) liters of water per minute from the 'Quebrada Ojo de Agua,' near Rincon, for the purpose of furnishing water for its locomotives."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 9, 1908.*

PABLO CALCERRADA.

The SPEAKER also laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and section 2 of the joint resolution amending said act, approved May 1, 1900, I transmit herewith copy of an ordinance granted by the executive council of Porto Rico, entitled "An ordinance granting a revocable permit to Pablo Calcerrada, his heirs, executors, and assigns, the right to construct, maintain, and operate a private telephone line to connect the three plantations of Latorre, Bartolo, and Mirasol, in the municipal district of Lares."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 9, 1908.*

ADJOURNMENT.

Mr. CRUMPACKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Librarian of Congress, transmitting a statement of the travel of officers and employees during the fiscal year ended June 30, 1908—to the Committee on Appropriations and ordered to be printed.

A letter from the Librarian of Congress, transmitting the report of the Librarian and of the superintendent of the Library building and grounds for the fiscal year ended June 30, 1908—to the Committee on the Library and ordered to be printed.

A letter from the Secretary of the Navy, transmitting recommendations as to repairs of certain vessels—to the Committee on Naval Affairs and ordered to be printed.

Annual report of the Secretary of the Treasury on the state of the finances for the fiscal year ended June 30, 1908—to the Committee on Ways and Means and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a statement as to travel of officers and employees of his department during the fiscal year ended June 30, 1908—to the Committee on Expenditures in the Interior Department and ordered to be printed.

A letter from the Secretary of War, transmitting a detailed statement of travel of officers and employees of his department for the fiscal year ended June 30, 1908—to the Committee on Expenditures in the War Department and ordered to be printed.

A letter from the Secretary of the Navy, transmitting a report as to power plants in navy-yards, their consolidation, etc.—to the Committee on Naval Affairs and ordered to be printed.

A letter from the Secretary of Agriculture, transmitting a statement as to the travel of officers and employees of his department during the fiscal year ended June 30, 1908—to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

A letter from the Secretary of Agriculture, transmitting a detailed statement of the expenditures of the department for the fiscal year ended June 30, 1908—to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an abstract of the official emoluments of officers in the customs service received by them during the fiscal year ended June 30, 1908—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of War, transmitting report of receipts and expenditures on account of appropriations for contingent expenses of the War Department—to the Committee on Expenditures in the War Department and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Ordnance, report as to the manufacture of arms, etc., fabricated at the arsenals at Springfield and Rock Island—to the Committee on Expenditures in the War Department and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Isles of Shoals, Maine and New Hampshire—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Hillsboro Bay, Florida—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Missouri River from mouth to Sioux City, Iowa—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of San Francisco Harbor, California—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Echo Bay, New York—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Camden Harbor, Maine—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Puyallup River, Washington—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Jones River, Delaware—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Chehalis River, Washington—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Ordnance, statements as to cost of manufacture of arms and other articles—to the Committee on Expenditures in the War Department and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Joseph Loudermilk against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Maria Lester, widow of Joe Lester, deceased, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Caroline Wilmans*, Daniel Jones, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Reliance*, Joseph Chandler, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Kap Kapperer*, Blow, master; brig *Young*, Frederick Harder, master; ship *Columbia Fortuna*, Pavorick, master; snow *Fin Marken*, Jorgenson, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the sloop *Sally*, William Smith, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Atalanta*, Stephen Griffiths, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Betsey*, James Peterson, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Little Sarah*, John Russell, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Ariel*, John Griffith, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Atlantic*, Ebenezer Stanton, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Roebuck*, Simon Kinsman, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Antelope*, B. Hillar, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Unity*, Samuel Cazneau, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Hope*, Tarbox Moulton, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the scow *Rover*, Wilson Jacobs, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Swift*, Joseph McCammon, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Commerce*, John Jones, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Fame*, John Rust, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Mercury*, Samuel Gilpatrick, master—to the Committee on Claims and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Coosa River and Horseleg Falls—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Wilmington Harbor, California—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Indiana Harbor, Indiana—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Gloucester Harbor, Massachusetts—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of St. Johns River, Florida, from Jacksonville to Lake Harney, and survey from Palatka to Lake Harney—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Suisun Channel, California—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Lake Champlain and survey of St. Albans Harbor—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Snohomish River, Washington—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Sacramento River, California—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of San Joaquin River and Stockton Channel, California—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Neptune*, Seth Burnham, master—to the Committee on Claims and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WILEY: A bill (H. R. 23237) to prevent the United States from issuing a license or legal permit to any person to

sell spirituous, vinous, or malt liquors, or other intoxicating beverages in any State, county, city, town, or community where the sale thereof is prohibited by state or local laws—to the Committee on Ways and Means.

By Mr. HULL of Iowa: A bill (H. R. 23238) authorizing the survey of the Des Moines River, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. TOU VELLE: A bill (H. R. 23239) making appropriation for the construction and equipment of a Weather Bureau observatory at Lima, Ohio—to the Committee on Agriculture.

By Mr. SMITH of Michigan: A bill (H. R. 23240) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901—to the Committee on the District of Columbia.

By Mr. SHEPPARD: A bill (H. R. 23241) to enable the Secretary of Agriculture to conduct experiments to determine the practicability of making paper material out of cotton stalks—to the Committee on Agriculture.

By Mr. ACHESON: A bill (H. R. 23242) authorizing the President to classify the assistant postmasters—to the Committee on Reform in the Civil Service.

By Mr. FOWLER: A bill (H. R. 23243) to provide for maximum and minimum tariff schedules and to establish a commission which shall investigate all duties on imports and fix the rates, etc.—to the Committee on Ways and Means.

By Mr. BOUTELL: A bill (H. R. 23244) to create in the War and Navy departments, respectively, a roll to be known as the "civil-war officers' annuity honor roll;" to authorize placing thereon with pay certain surviving officers who served in the Volunteer or Regular Army, Navy, or Marine Corps of the United States in the civil war and who are not now on the retired list of the Regular Army, Navy, or Marine Corps, and for other purposes—to the Committee on Military Affairs.

By Mr. HILL of Mississippi: A bill (H. R. 23245) to provide for the purchase of a site and the erection of a public building thereon at Grenada, in the State of Mississippi—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 23246) to provide for the purchase of a site and the erection of a public building thereon at Winona, in the State of Mississippi—to the Committee on Public Buildings and Grounds.

By Mr. MONDELL: A bill (H. R. 23247) construing the provisions of sections 2291 and 2292 of the Revised Statutes of the United States, relating to the rights of minor children—to the Committee on the Public Lands.

By Mr. GILLESPIE: A bill (H. R. 23248) for the erection of a federal building for the post-office at Weatherford, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. BRODHEAD: A bill (H. R. 23249) to authorize the Delaware, Lackawanna and Western Railroad Company and the Lackawanna Railroad Company of New Jersey to construct a bridge across the Delaware River from a point near the village of Columbia, in Knowlton Township, Warren County, N. J., to the village of Slateford, Northampton County, Pa.—to the Committee on Interstate and Foreign Commerce.

By Mr. BENNET of New York (by request): A bill (H. R. 23250) to protect trade and commerce against unlawful restraint and monopolies—to the Committee on the Judiciary.

By Mr. BATES: A bill (H. R. 23251) to increase and fix the pay of petty officers and enlisted men of the United States Navy—to the Committee on Naval Affairs.

By Mr. KALANIANAOLE: A bill (H. R. 23252) to amend sections 5, 26, 52, 55, 73, 80, 84, 91, 92, 97, and 100, and to repeal section 79 of an act entitled "An act to provide a government for the Territory of Hawaii," approved April 13, 1900—to the Committee on the Territories.

By Mr. McCALL: A bill (H. R. 23463) increasing the pensions of army nurses—to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: Resolution (H. Res. 448) for the appointment of an assistant clerk to Committee on Enrolled Bills—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 23253) granting an increase of pension to John Pattison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23254) granting a pension to Sarah Bush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23255) to correct the military record of John Morton—to the Committee on Military Affairs.

By Mr. ALLEN: A bill (H. R. 23256) granting an increase of pension to Thomas E. Jacobs—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 23257) granting an increase of pension to Zenis Lanham—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 23258) granting an increase of pension to Margaret McLellan—to the Committee on Pensions.

Also, a bill (H. R. 23259) granting an increase of pension to Annie D. Page—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23260) granting a pension to Johanna Dehn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23261) granting a pension to Frank Beehrd, alias Franz Baehrer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23262) granting a pension to Eliza Doerner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23263) granting a pension to Conrad Oppermann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23264) granting a pension to Ida Davenport—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23265) granting a pension to Bernhard Springer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23266) granting a pension to William Kern—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23267) granting a pension to Henry Franck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23268) granting a pension to Franz Schmidt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23269) to correct the military record of Frank Clemens Arendes—to the Committee on Military Affairs.

Also, a bill (H. R. 23270) to correct the military record of John Kannapell, alias John Kline—to the Committee on Military Affairs.

By Mr. BARTLETT of Georgia: A bill (H. R. 23271) for the relief of the heirs and legal representatives of Mrs. E. Ann Lowry—to the Committee on War Claims.

By Mr. BATES: A bill (H. R. 23272) granting an increase of pension to William Henry Wright—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 23273) granting an increase of pension to Alvy A. Courtright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23274) granting an increase of pension to William R. Ackerly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23275) granting an increase of pension to Sarah F. Cox—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 23276) granting a pension to John Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23277) granting an increase of pension to L. W. Depew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23278) granting an increase of pension to William D. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23279) granting an increase of pension to Samuel F. Dyer—to the Committee on Invalid Pensions.

By Mr. BRUMM: A bill (H. R. 23280) granting an increase of pension to Henry Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23281) granting an increase of pension to Irving W. Tyson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23282) granting an increase of pension to James D. Bartholemew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23283) granting an increase of pension to William H. Heller—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 23284) granting an increase of pension to John Parker Hale—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 23285) granting an increase of pension to James Cafferty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23286) granting an increase of pension to John T. Miller—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 23287) granting an increase of pension to Loammie Farmer—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 23288) granting an increase of pension to John C. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23289) granting an increase of pension to John Lechleiter—to the Committee on Invalid Pensions.

By Mr. COOK of Pennsylvania: A bill (H. R. 23290) granting an increase of pension to Amanda A. Hanly—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 23291) granting an increase of pension to John M. Redus—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 23292) granting a pension to Hoyt Hayden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23293) granting an increase of pension to Andrew J. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23294) granting an increase of pension to Josiah Castleman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23295) granting an increase of pension to Francis M. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23296) granting an increase of pension to Philip Snyder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23297) granting an increase of pension to Joseph J. Delebaugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23298) granting an increase of pension to George Rance—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23299) granting an increase of pension to James Wilcoxen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23300) granting an increase of pension to Peter Hastings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23301) granting an increase of pension to Madison Obenchain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23302) granting an increase of pension to Jesse Dickens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23303) granting an increase of pension to Jacob F. Kull—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 23304) granting a pension to Davis Woody—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23305) granting an increase of pension to Marcus D. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23306) granting an increase of pension to Mary Dickerson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23307) granting an increase of pension to Thomas J. Kirtley—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 23308) granting a pension to Oliva Wiser—to the Committee on Invalid Pensions.

By Mr. DUREY: A bill (H. R. 23309) granting a pension to Corinne E. Call—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Kentucky: A bill (H. R. 23310) granting an increase of pension to Milton G. Harbin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23311) granting an increase of pension to James Banks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23312) granting an increase of pension to Thomas G. Hendricks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23313) granting an increase of pension to Harrison Griffis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23314) granting an increase of pension to James A. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23315) granting an increase of pension to Sherrod W. Barnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23316) granting an increase of pension to Jackson Crawford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23317) granting an increase of pension to Milford M. Britton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23318) granting an increase of pension to Milton Perdue—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23319) granting an increase of pension to William Cross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23320) granting a pension to Albert Werner—to the Committee on Pensions.

Also, a bill (H. R. 23321) granting a pension to William Jackson—to the Committee on Pensions.

Also, a bill (H. R. 23322) granting a pension to William Pace—to the Committee on Pensions.

By Mr. ELLIS of Missouri: A bill (H. R. 23323) for the relief of John H. Hickey—to the Committee on War Claims.

Also, a bill (H. R. 23324) granting a pension to William V. Malenburg—to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 23325) granting an increase of pension to Jacob W. Gardner—to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 23326) granting an increase of pension to Charles D. Bidwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23327) granting an increase of pension to Daniel S. Roe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23328) granting an increase of pension to Niram D. Scofield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23329) granting an increase of pension to Manfield Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23330) granting an increase of pension to John W. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23331) granting an increase of pension to Erasmus L. Donaldson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23332) granting an increase of pension to Harry Puffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23333) granting an increase of pension to Jacob Beryan—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 23334) granting an increase of pension to John Cavin—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 23335) granting an increase of pension to Edwin M. Haynes—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 23336) granting an increase of pension to Harmon Colvin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23337) granting an increase of pension to Charles Burton—to the Committee on Invalid Pensions.

By Mr. GRONNA: A bill (H. R. 23338) for the relief of Ole Serumgard—to the Committee on Claims.

Also, a bill (H. R. 23339) granting an increase of pension to George W. Snyder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23340) granting an increase of pension to James Flanagan—to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 23341) granting an increase of pension to Stephen Pullen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23342) granting an increase of pension to John Conrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23343) granting an increase of pension to Andrew S. Ramsdell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23344) granting an increase of pension to Isaac J. Marble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23345) granting an increase of pension to Edward M. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23346) granting a pension to Clara A. Warren—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 23347) granting a pension to Daniel Peyton—to the Committee on Pensions.

Also, a bill (H. R. 23348) granting a pension to Charles H. Jennings—to the Committee on Pensions.

Also, a bill (H. R. 23349) granting an increase of pension to Charles A. Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23350) granting an increase of pension to Cyrus D. McCaskey—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 23351) for the relief of the owners of the Mexican steamship *Tabasqueno*—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: A bill (H. R. 23352) granting an increase of pension to John M. Wood—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 23353) granting an increase of pension to David Turket—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 23354) granting an increase of pension to John C. Bean—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23355) granting an increase of pension to William J. Manning—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23356) granting a pension to Anna R. B. Sommer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23357) granting a pension to Ellen M. Brennan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23358) granting a pension to Harry Menovitz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23359) granting a pension to Annie T. McLaughlin—to the Committee on Invalid Pensions.

By Mr. KIPP: A bill (H. R. 23360) for the relief of Loron W. Forrest—to the Committee on Military Affairs.

By Mr. LANING: A bill (H. R. 23361) granting an increase of pension to Llewellyn W. French—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23362) granting pensions to Angeline Fissel and Nancy Fissel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23363) granting a pension to Harrison Wagner—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 23364) granting an increase of pension to William Dodd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23365) granting an increase of pension to Frederic A. Hayes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23366) granting an increase of pension to Adelbert Deland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23367) granting an increase of pension to John H. Mattoon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23368) granting an increase of pension to Rinaldine Fuller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23369) granting an increase of pension to Charles Pomeroy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23370) granting a pension to Johanna Hancock—to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 23371) granting an increase of pension to Christian Spresser—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 23372) to remove the charge of desertion from the record of Joseph Neveux—to the Committee on Military Affairs.

Also, a bill (H. R. 23373) granting a pension to Cephas C. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23374) granting a pension to Abraham Moggo—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 23375) granting an increase of pension to Francis M. Leeds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23376) granting an increase of pension to Samuel Zarley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23377) granting an increase of pension to Henry A. Butcher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23378) granting an increase of pension to Laban A. Timmons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23379) granting a pension to Ruthey J. Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23380) to correct the military record of A. C. Burk—to the Committee on Military Affairs.

By Mr. McMORRAN: A bill (H. R. 23381) granting a pension to Mary A. Enright—to the Committee on Pensions.

By Mr. MADISON: A bill (H. R. 23382) granting an increase of pension to James M. Grover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23383) granting an increase of pension to John J. Garr—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 23384) for the relief of Robert Foote—to the Committee on Claims.

Also, a bill (H. R. 23385) granting an increase of pension to Benjamin D. Chase—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23386) to authorize the issuance of a patent to Fred C. and C. Helen Fisher for land located in the county of Fremont, State of Wyoming—to the Committee on Private Land Claims.

By Mr. MANN: A bill (H. R. 23387) granting an increase of pension to William Lindsey—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 23388) granting an increase of pension to William T. Roseberry—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 23389) granting a pension to Mary Ann Connell—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 23390) granting an increase of pension to Sheppard F. Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23391) granting an increase of pension to George S. Connor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23392) granting an increase of pension to Mary B. Shinn—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 23393) granting an increase of pension to John L. Husband—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23394) granting an increase of pension to John W. Ingram—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23395) granting an increase of pension to Daniel Hewitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23396) granting an increase of pension to John T. Harrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23397) granting an increase of pension to Christopher Sisk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23398) granting an increase of pension to Joseph R. Montgomery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23399) granting a pension to William P. Reivers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23400) granting a pension to Jacob H. Mose—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23401) granting a pension to Charles E. Welker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23402) for the relief of the trustees of the Ebenezer African Methodist Episcopal Church, of Hagerstown, Md.—to the Committee on War Claims.

Also, a bill (H. R. 23403) for the relief of the trustees of the Quinn African Methodist Episcopal Church, of Frederick, Md.—to the Committee on War Claims.

By Mr. PETERS: A bill (H. R. 23404) granting an increase of pension to Mary Gorman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23405) granting an increase of pension to Hugh McParland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23406) granting an increase of pension to Levi Barker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23407) for the relief of Charles T. Hanson—to the Committee on Claims.

Also, a bill (H. R. 23408) for the relief of John A. Ganley—to the Committee on Claims.

Also, a bill (H. R. 23409) for the relief of Robert J. Faulkner—to the Committee on Military Affairs.

By Mr. RHINOCK: A bill (H. R. 23410) granting an increase of pension to James Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23411) granting an increase of pension to Simon Schmitt—to the Committee on Invalid Pensions.

By Mr. ROTHERMEL: A bill (H. R. 23412) granting an increase of pension to Samuel Uplinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23413) granting an increase of pension to Daniel A. Geiger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23414) granting an increase of pension to Charles E. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23415) granting an increase of pension to Daniel Knauss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23416) granting an increase of pension to George S. Engler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23417) granting a pension to Emma C. Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23418) granting a pension to Albert Simon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23419) granting a pension to Melara C. Abbott—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 23420) for the relief of the heirs of Joseph Hemmerback, deceased—to the Committee on War Claims.

By Mr. SMITH of Michigan: A bill (H. R. 23421) granting a pension to Edwin W. Parker—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 23422) granting a pension to Helen A. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23423) granting a pension to Charlotte B. W. Brown—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 23424) granting an increase of pension to Charles W. Thomas—to the Committee on Invalid Pensions.

By Mr. WASHBURN: A bill (H. R. 23425) granting an increase of pension to John J. Upham, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23426) granting an increase of pension to Hannah L. Holman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23427) granting a pension to Bridget Adams—to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 23428) granting an increase of pension to Cassius C. Warren—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23429) granting an increase of pension to John T. Venatta—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23430) granting an increase of pension to Thomas Metzgar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23431) granting an increase of pension to William Willoughby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23432) granting an increase of pension to George S. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23433) granting an increase of pension to John W. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23434) granting an increase of pension to William L. Poust—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23435) granting an increase of pension to Hiram L. Yoder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23436) granting an increase of pension to Dennis McGinnis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23437) granting an increase of pension to John A. Brimmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23438) granting a pension to Chauncey G. Tripp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23439) granting a pension to Katie E. Shaeffer—to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 23440) granting an increase of pension to Alvin E. Gilbert—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 23441) granting a pension to George W. Burton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23442) granting an increase of pension to William L. Greer—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 23443) granting an increase of pension to John M. Wright—to the Committee on Pensions.

By Mr. DAWSON: A bill (H. R. 23444) granting an increase of pension to William S. Peck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23445) granting an increase of pension to Henry J. Flint—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23446) granting an increase of pension to James W. McElravy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23447) granting a pension to Melinda A. McMackin—to the Committee on Invalid Pensions.

By Mr. HUFF: A bill (H. R. 23448) authorizing the President to reinstate William T. Rossell, jr., and Harry G. Weaver as cadets in the United States Military Academy—to the Committee on Military Affairs.

By Mr. HUGHES of West Virginia: A bill (H. R. 23449) granting an increase of pension to Samuel Gideon—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 23450) granting an increase of pension to Franklin M. Harrison—to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 23451) removing the charge of desertion from the military record of Thomas T. Inslee—to the Committee on Military Affairs.

By Mr. McCALL: A bill (H. R. 23452) granting an increase of pension to Laura J. Chandler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23453) granting an increase of pension to George W. Bartlett—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 23454) granting an increase of pension to Francis M. Rogers—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 23455) granting an increase of pension to James F. Holt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23456) granting a pension to Anna Kress—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23457) granting an increase of pension to Francis Marcoe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23458) granting an increase of pension to John Secor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23459) granting an increase of pension to Adam Stenger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23460) granting an increase of pension to Adam Kronzer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23461) granting a pension to Karl Sander—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23462) granting a pension to Michael Landgraf—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of the Synod of Baltimore of the Presbyterian Church in the United States of America, praying for the enactment of a law requiring all individuals and corporations engaged in interstate commerce to give each of their employees who work on Sunday a full 24-hour rest day during the next six days, and to give each employee at least 14 full 24-hour rest days on the first day of each year—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAIR: Paper to accompany bill for relief of James L. Perry—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Paper to accompany bill for relief of Zenis Lanham—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: Paper to accompany bill for relief of heirs of Mrs. Ann E. Lowry—to the Committee on War Claims.

By Mr. BARTHOLDT: Petition of M. D. Crain and others, of St. Louis, for legislation pensioning members of United States Military Telegraphers' Union in civil war—to the Committee on Invalid Pensions.

By Mr. BATES: Petition of Bracken Brothers, of Corry, Pa., favoring removal of customs duty on sugar—to the Committee on Ways and Means.

Also, petition of Illinois Manufacturers' Association, against any legislation inimical to corporate and business interests—to the Committee on Interstate and Foreign Commerce.

By Mr. BENNET of New York: Petition of citizens of New York City, favoring Senate concurrent resolution No. 28, deploring acts of violence and inhumanity on the part of the Russian Government toward its subjects (previously referred to the Committee on Interstate and Foreign Commerce)—to the Committee on Foreign Affairs.

By Mr. BUTLER: Paper to accompany bill for relief of William H. Wright—to the Committee on Invalid Pensions.

By Mr. COLE: Paper to accompany bill for relief of Loammie Farmer—to the Committee on Invalid Pensions.

By Mr. DALZELL: Petition of sundry petitioners, for law to pension members of United States Telegraphers' Union in civil war—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Kentucky: Papers to accompany bills for relief of William Cross, Milford M. Britton, Sherrod W. Barnett, William Pace, and Jackson Crawford—to the Committee on Invalid Pensions.

By Mr. FLOYD: Papers to accompany bills for relief of W. F. Mitchell (H. R. 23049) and T. M. Rea (H. R. 23048)—to the Committee on Claims.

Also, papers to accompany bills for relief of James H. Gifford (H. R. 23054), James C. Cooper (H. R. 23053), John H. Gray (H. R. 23052), W. L. Reynolds (H. R. 23051), and James Huff (H. R. 23050)—to the Committee on Invalid Pensions.

By Mr. FOCHT: Papers to accompany bills for relief of Jacob S. Shaffer (H. R. 23060), Alexander Flack (H. R. 23059), W. A. Price (H. R. 23058), Henry H. Schrawder (H. R. 23057), Henry G. Chritzman (H. R. 23056), and Samuel Gonder (H. R. 23055)—to the Committee on Invalid Pensions.

By Mr. FOELKER: Petition of Rear-Admiral H. F. Pickering Naval Garrison, No. 4, of Erie, Pa., for legislation retiring petty officers and enlisted men of the navy after twenty-five years of continuous service—to the Committee on Naval Affairs.

Also, petition of citizens of Brooklyn, N. Y., against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. FULLER: Papers to accompany bills for relief of Charles Burton, Harmon Colvin, William M. Ramsey (H. R. 21551), Silas B. Muchant (H. R. 23083), and Abraham J. Eastwood (H. R. 23082)—to the Committee on Invalid Pensions.

By Mr. HAYES: Memorial of Humboldt Chamber of Commerce, concerning proposed restoration of the jetties at Humboldt Bay, California—to the Committee on Rivers and Harbors.

Also, petition of citizens of San Jose, Cal., for legislation creating a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Jeremia M. Mobely, favoring enactment of more stringent exclusion laws relative to objectional Asiatic immigrants—to the Committee on Immigration and Naturalization.

Also, petition of Trans-Mississippi Commercial Congress, for appropriation to repair and extend the jetties at entrance of Humboldt Bay—to the Committee on Rivers and Harbors.

Also, petition of Rear-Admiral H. F. Pickering Naval Garrison, No. 4, of Erie, Pa., favoring retirement of petty officers and enlisted men of the navy after twenty-five years of actual service—to the Committee on Naval Affairs.

By Mr. HENRY of Connecticut: Petition of residents of Mansfield, Conn., against Senate bill 3940, entitled "An act for proper observance of Sunday as day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. HITCHCOCK: Petition of citizens of Omaha, Nebr., for legislation pensioning members of United States Military Telegraphers' Union in civil war—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of P. Hendrickson (H. R. 5592)—to the Committee on Invalid Pensions.

By Mr. KELIHER: Petition of members of the United States Military Telegraph Corps, for legislation pensioning United States military telegraphers who served in the civil war—to the Committee on Invalid Pensions.

Also, petition of Massachusetts Society of the American Sons of the Revolution, for permanent maintenance of Fort McHenry as a garrisoned post of the United States Army—to the Committee on Military Affairs.

Also, petition of members of the United States Military Telegraph Corps, favoring the pensioning of members of the Military Telegraphers' Corps in civil war—to the Committee on Invalid Pensions.

By Mr. LEE: Papers to accompany bills for relief of heirs of Augustus and Christian Rich and heirs of George Winfred—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Henry W. Miller (H. R. 23109)—to the Committee on Invalid Pensions.

By Mr. LINDBERGH: Petition of Postmasters' Association of Minnesota, favoring postal savings banks and other postal legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDSAY: Petition of L. Ornell and other citizens of Brooklyn, against the passage of S. 3940 (proper observance of Sunday as day of rest in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. LOUD: Paper to accompany bill for relief of Abraham Moggs—to the Committee on Invalid Pensions.

By Mr. MANN: Petition of citizens of Chicago, asking legislation to provide pensions for the United States Military Telegraph Corps of the United States Army during civil war—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William Lindsey—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: Petition of citizens of Philadelphia, for legislation to pension members of the Telegraph Corps of the civil war—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Papers to accompany bills for relief of Lovenia Hodges, estate of Preston Gann, estate of Samuel Y. B. Williams, and heirs of Simeon Graves—to the Committee on War Claims.

By Mr. NEEDHAM: Petition of citizens of California, favoring legislation to provide pensions for the United States Military Telegraph Corps of the United States Army during civil war—to the Committee on Invalid Pensions.

By Mr. PEARRE: Paper to accompany bill for relief of Elizabeth Jarboe—to the Committee on War Claims.

By Mr. RHINOCK: Petition of citizens of Kentucky, for legislation pensioning members of the United States Telegraph Corps in the civil war—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: Paper to accompany bill for relief of heirs of Joseph Hemmerback—to the Committee on War Claims.

By Mr. SHACKLEFORD: Petition against Senate bill 3940 (religious observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. SMITH of Michigan: Petition of Rev. L. G. Moore and others, of Lansing, Mich., against Senate bill 3940 (religious observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. TOU VELLE: Paper to accompany bill for relief of heirs of Frederick Dieker—to the Committee on War Claims.

By Mr. WASHBURN: Papers to accompany bills for relief of Bridget Adams, Hannah L. Holman, and John G. Upham, jr.—to the Committee on Invalid Pensions.

By Mr. WEEKS: Petition of Massachusetts Wholesale Lumber Association, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. WILSON of Pennsylvania: Petition of G. H. Grabe and 15 others, of Coudersport; Ford & Patcher and Card & Barr, of Roulette; and Davis R. Evans and 11 others, of Blossburg, all of the State of Pennsylvania, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of R. K. Gemberling and 39 others, of Jersey Shore, and Charles D. Zerb and 19 others, of Carter Camp, all of the State of Pennsylvania, against the passage of S. 3940 (proper observance of Sunday as day of rest in the District of Columbia)—to the Committee on the District of Columbia.

SENATE.

THURSDAY, *December 10, 1908.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ANNUAL REPORT OF COMPTROLLER OF THE CURRENCY.

The VICE-PRESIDENT laid before the Senate the forty-sixth annual report of the Comptroller of the Currency, for the year ended October 31, 1908, which was referred to the Committee on Finance and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of James Phillips *v.* United States;

In the cause of Robert Dickey *v.* United States;

In the cause of Mary V. R. Shipley, widow of George T. Shipley, deceased, *v.* United States;

In the cause of Adam K. Baylor *v.* United States;

In the cause of Benjamin Atwood *v.* United States; and

In the cause of Owen S. M. Cone *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed a bill (H. R. 16954) to provide for the Thirteenth and subsequent decennial censuses, in which it requested the concurrence of the Senate.

OHIO VALLEY IMPROVEMENT ASSOCIATION.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions adopted at the fourteenth annual convention of the Ohio Valley Improvement Association, held at Louisville, Ky., October 21–22, 1908, relative to the improvement of the Ohio River.

Mr. GALLINGER. Mr. President, that is a very important document, and I ask unanimous consent that, without reading, it be inserted in the RECORD.

Without objection the resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Resolutions adopted at the fourteenth annual convention of the Ohio Valley Improvement Association, held at Louisville, Ky., October 21–22, 1908.

REPORT OF COMMITTEE ON RESOLUTIONS.

The following resolutions, to which your attention is respectfully called, were adopted by the unanimous vote of the 835 delegates present.

The delegates to the fourteenth annual convention of the Ohio Valley Improvement Association, with a full realization of the importance of the duties delegated to them, submit the following facts for the consideration of Congress and of all the people of our great nation:

1. They represent directly the six States bordering on the Ohio River, namely, Pennsylvania, West Virginia, Ohio, Kentucky, Indiana, and Illinois, and the States bordering on the tributaries of the Ohio, a river system embracing 4,400 miles, with a population of more than 13,000,000 people interested directly in the permanent improvement of the said Ohio River.

2. The Ohio Valley is to-day the most important manufacturing section of the United States. Recognizing this fact, and the consequent necessity of the improvement of the river, the Congress, in the river and harbor act, approved March 3, 1905, provided that—

"The Secretary of War is hereby authorized and directed to appoint a board of engineers to examine the Ohio River, and report at the earliest date by which a thorough examination can be made, the necessary data with reference to the canalization of the river and the approximate location and number of locks and dams in such river, with a view both to a depth of 6 feet and 9 feet; and in said report shall include the probable cost of such improvement with each of the depths named, the probable cost of maintenance, and the present and prospective commerce of said river, upstream as well as downstream, having regard to both local and through traffic. They shall also report whether, in their opinion, such improvement should be made, and whether other plans of improvement could be devised under which the probable demands of traffic, present and prospective, could be provided without additional locks and dams, or with a less number than is described in surveys heretofore made, giving general details relating to all of said plans and the approximate cost of completion thereof. They shall also examine the said river from the mouth of the Green River to Cairo with a view to determining whether an increased depth can be maintained by the use of dredges."

3. On May 12, 1905, by authority of the Secretary of War, and in accordance with the provisions of the act just quoted, a board of officers of the Corps of Engineers, consisting of Lieut. Col. D. W. Lockwood, Lieut. Col. Ernest H. Ruffner, Lieut. Col. Clinton B. Sears, Maj. George A. Zinn, and Maj. William L. Sibert, was constituted by the Chief of Engineers and directed to assemble at Cincinnati, Ohio, at the call of the senior member to carry out the purposes of the act. Capt. Harry Burgess, Corps of Engineers, was assigned to duty as recorder of the board.

4. The board made an inspection of the river, organized and conducted a hydrographic survey, and collected data from all available sources bearing upon the several features required by law to be reported upon.

5. The report of the board was filed December 15, 1906. It covers in full and exhaustively all the objects of inquiry specified in the law, and closes with the following recommendation:

"In view of the enormous interests to be benefited by continuous navigation on the Ohio River and the great development which may be expected from such increased facilities, the board is of the opinion that the Ohio River should be improved by means of locks and movable dams to provide a depth of 9 feet from Pittsburg to Cairo."

6. As provided by law, this report was referred to the Board of Engineers for Rivers and Harbors for review. This board consisted of Col. H. M. Adams, Col. Charles E. L. B. Davis, Col. R. L. Hoxie, Lieut. Col. C. McD. Townsend, and Maj. E. Eveleth Winslow. The board held a public hearing at Pittsburg, August 12, 1907, at which representatives of the various localities interested in the proposed improvement (covering the entire river) presented statements, and following the hearing the board made a personal inspection of the river from Pittsburg to Cairo.

7. Under date of October 18, 1907, the board submitted its report. After reviewing and commenting upon the vast manufacturing industries of Pittsburg and other Ohio River sections, the report closes in these words:

"The board believes that a large commerce is reasonably prospective if these commercial centers are connected by a waterway which will permit the certainty of transportation which is found on existing railroads, and that this certainty will be attained by the works proposed in the report.

"The General Government has expended large sums in improving the various tributaries of the Ohio. The utility of these improvements is dependent on the navigability of the main stream. The proposed improvement of the Ohio River will create a vast system of water communication penetrating one of the most populous and prosperous sections of the United States. Even in its unimproved condition the river has a marked effect on rail freight rates, the cheap rates quoted in the report as prevailing between New Orleans and Louisville, Cincinnati and Pittsburg, being directly traceable to its influence. Its effect on rail freight rates will be greatly increased if the proposed improvements are carried out.

"For these reasons the board is of the opinion that the improvement of the Ohio River by locks and movable dams so as to secure a depth of 9 feet, as recommended in the report of the special board, is worthy of being undertaken by the United States.

"In making this recommendation, the board realizes that it is suggesting a plan for river improvement on a scale not hitherto attempted in this country, but it believes that there will probably be in the near future a popular demand for the improvement of several streams on such a scale. On account of the large commercial development of its shores and its connection with the lower Mississippi now maintained in a navigable condition, the Ohio River is, in the opinion of the board, the one river of all others most likely to justify such work. Furthermore, it should be noted that by authorizing the construction of the 9-foot navigation of 14 locks at various parts of the river Congress has already practically entered upon such a system of improvement."

8. We submit that no stronger commendation could be made than that given by the two boards of engineers in behalf of the improvement of the Ohio.

9. These reports were transmitted to Congress by the Secretary of War on the 11th of January, 1908.

10. In the report from the Committee on Rivers and Harbors (to accompany the bill making appropriations for rivers and harbors) the following most important paragraph appears:

"In providing for the completion of new projects a radical departure from former methods has been adopted by the committee. It has been thought best to undertake no new improvement unless the whole amount required for its completion, whether the project involves large or small expense, is appropriated or authorized. This policy has been followed with barely an exception. It is believed that the advantages of such a method are sufficiently obvious. Assured results will be obtained at an early date by the completion of the improvement. More substantial benefit will be conferred by selecting the most deserving projects and avoiding the scattering of appropriations. The expense of each improvement will be very much diminished, because the work can be more advantageously and economically prosecuted if the whole amount necessary to complete is made available. It is also true as a practical fact that when the total expense is to be provided at one time more careful consideration will be given to a proposed improvement, and the question of its adoption more intelligently considered. The rule has been followed that between two projects equally deserving it is better to complete one than to make partial appropriations for both."

11. In view of the recommendations of the two boards of engineers, appointed under and by authority direct from Congress, and the fact that appropriations have been heretofore made for locks and dams, a number of which have been completed and are in successful operation and others in course of construction, and in conformity with the judgment expressed by the Committee on Rivers and Harbors herein quoted, the Ohio River has been placed first on the list of waterways demanding the immediate attention of Congress, this association, while fully believing that the time has arrived when the Congress of the United States owes it to the vital interests of the American people to adopt and maintain a broad national policy for the immediate improvement of the great harbors and waterways of the country, especially urges as the representative of all the interests of the Ohio Valley that because of the steps heretofore taken relative to the Ohio River, as above enumerated, the material welfare of all the people demands that at the next session Congress adopt the project for the improvement of the Ohio River by lock and dam, as recommended in the Lockwood report, and provide the means for the continuous prosecution of this work under the continuous-contract system, so as to insure its completion in not more than ten years.

12. And we further urge that owing to the great amount of river and harbor work comprised in this and other meritorious projects, it is the opinion of this association that the Corpt of Engineers, United States Army, should be at least double its present size, utilizing in the permanent organization as far as possible the present United States assistant civil engineers.

Swager Sherley (chairman), Wm. B. Rodgers, Albert Bettinger, C. H. Bohmer, D. J. Sinclair, George Parsons, A. T. Macdonald, W. A. Patton, Geo. W. Theiss, Thos. P. Egan, E. A. Smith, Alexander Dempster, Jos. N. Cravens, J. S. Aisthorpe, James F. Buckner, jr., I. H. Odell, Mordecai Williams, F. R. Henderson, B. B. Dovenor, John Gates, L. L. Sadler, W. H. Keller, B. S. Steece, F. N. Beegle, Dr. Cyrus Graham, Thomas O'Brien, R. B. Naylor, Frank V. Knaus, Frank B. Finney, Joseph E. Durrell, Edwin McFarland, John Uri Lloyd, Geo. W. Dittmann, A. L. Andrews, J. M. Baur, B. S. Pope, C. T. Bookwalter, James Meehan, Henry Schuerman, Geo. H. Cox, A. Quante, W. V. Dixon, C. N. Phister, A. W. Werninger, C. S. Walker, A. W. Emery, Jacob Zoercher, Washington Rees, committee on resolutions.

GEORGE PARSONS, *Secretary.*

OCTOBER 22, 1908.

Mr. HEMENWAY. I ask unanimous consent that the resolutions of the Ohio Valley Improvement Association be printed as a document.

The VICE-PRESIDENT. Without objection, it is so ordered.

LAKES-TO-THE-GULF DEEP-WATERWAY ASSOCIATION.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions adopted by the Lakes-to-the-Gulf Deep-Waterway Association convention held at Chicago October 9, 1908, in favor of the opening of a deep channel way connecting the Great Lakes on the north with the Gulf of Mexico.

Mr. CULLOM. Mr. President, I am not in the habit of asking that documents be printed in the RECORD, but the resolutions just presented relate to a subject of such vital importance to the whole country that I will venture to ask that they be printed in the RECORD and also as a document and that they be referred to the Committee on Commerce. Another document of similar import has just been ordered printed in the RECORD.

Without objection, the resolutions were referred to the Committee on Commerce, ordered to be printed as a document, and ordered to be printed in the RECORD, as follows:

Resolution adopted by the Lake-to-the-Gulf Deep-Waterway Association, in convention in Chicago October 9, 1908.

This, the Third Lakes-to-the-Gulf Deep-Waterway Convention, the largest waterway convention ever assembled in the United States, including some 4,000 delegates from forty-four sovereign States of this Union, representing the commercial, agricultural, manufacturing, and mercantile interests of the entire Mississippi Valley, and having deeply in mind and at heart the prosperity and welfare, not only of the people of the Mississippi Valley, but the whole Nation, and realizing that the moral and spiritual stamina and growth of the Nation as a whole depend upon the material welfare and prosperity of the individual citizen, do hereby

Resolve and declare, To promote the "general welfare" is recognized by the Constitution of the United States as one of the fundamental principles of government.

The general welfare of the people of the United States can best be promoted by establishing the commerce of the country on a sound basis, and by so enlarging it that agricultural and mineral resources may be developed to the end that production and manufacturing may be encouraged and that all other lines of independent business may be increased.

Easy and adequate transportation, effective between producer and consumer and for carrying the abundant product of the country to the seaboard for shipment abroad, is the first essential for the development of the commerce of the United States; and the responsibility for this development rests on the General Government.

It has been demonstrated during the past ten years that when business conditions in the United States are normal the transportation facilities afforded by the railways are utterly inadequate, and it is stated by the great traffic managers of the railways that the development of railway facilities can not keep pace with the increased demands upon them. The leading railway authorities, including prominent officials of all the great lines which parallel the Mississippi, declare that water transportation must be developed to supplement the railways in order that the freight of the country may be handled properly and promptly.

Under the Constitution the regulation of commerce between the States devolves on the General Government; and under those decisions of Chief Justice Marshall, which are universally accepted as our best interpretation of constitutional powers, the control of waterways and the regulation of navigation also rests with the General Government, and neither States nor private capital can be permitted under the Constitution to assume these duties.

The duty therefore devolves on the General Government to give to the country adequate transportation facilities by developing the navigable waterways of the country into complete freight-carrying usefulness. This duty should be recognized by the Congress at once, and the waterways should be made efficient freight carriers, otherwise the United States can not maintain commercial equality with those other nations of the world now equipping their waterways as freight carriers and considering their railways and waterways as complementary agencies; and in no other way can this country derive benefits equaling those of other countries from the building of the Panama Canal.

The all-important question of transportation is a paramount issue. If it be found that the current revenues of the Government are insufficient for carrying out vigorously and on a broad plan the development of our waterways, the Congress should secure funds for that purpose by providing a sufficient bond issue.

The interior valley comprises approximately half the area of the United States. It is 2,500 miles in length and 2,000 miles in width. Within its boundaries lie the greatest producing States of the Union. The arms of this great river system form the boundary lines of 21 States and over 20,000 miles of possible navigation. This vast valley produces three-fourths of our foreign exports. Within this valley live half the people of the entire United States, and the voice of its citizens must be heard. The foreign commerce of this important portion of the United States should go direct in American bottoms to foreign ports. Harness the rivers of this fruitful valley and we shall have a cheap and effective means of transportation, and a mightier impetus will be given to the shipbuilding industry than could be given by any subsidy other than the moderate expenditure required for the permanent betterment of channels.

This convention does, therefore, declare the opening of a deep channel way connecting the Great Lakes on the north with the Gulf of Mexico on the south to be an imperative duty of the General Government, and that this work should be immediately begun and completed as speedily as possible.

Any plan for the inland waterway development so imperatively necessary to the material welfare of the valley should comprise a main trunk line in the form of a strait connecting Lake Michigan with the Gulf of Mexico by way of the Illinois and Mississippi rivers. The development of this trunk line should begin at once. The improvement of the branches of this main line, such as the upper Mississippi with its tributaries; the Ohio with its leading tributaries, including the Tennessee and Cumberland; the Missouri, the Arkansas, the Red, the White, and other rivers; and the interstate inland waterway of Louisiana and Texas, should proceed simultaneously with the development of the principal line.

The deep waterway is practically complete from Chicago to Joliet, through the courage and enterprise of the single city of Chicago, which has by the expenditure of $55,000,000 created a deep waterway across the main divide between the waters of Lake Michigan and those of the Mississippi. A special board of survey, composed of United States engineers, reported to Congress in 1905 that the continuation of the deep waterway from Joliet to St. Louis was feasible, and would cost only $31,000,000. The State of Illinois, assuming that the Federal Government will take the responsibility of completing the waterway to the Gulf, is about to cooperate to the extent of $20,000,000.

The delegates to this convention heartily congratulate the great Commonwealth of Illinois and the splendid city of Chicago on their initiative, and express the hope and belief that their example will influence other States and lead to similar effective cooperation.

A special board of survey, composed of United States engineers, was, through the efforts of this association, created by Congress last year to survey the deep-waterway route from St. Louis to the mouth of the Ohio, and to report to Congress the feasibility and cost of the waterway. That board will report during the winter, and we, the delegates to this convention, demand that when this report is made Congress shall at once provide funds sufficient to begin operations in a large and effective way.

The broad plan for improving all the waterways for navigation should take account of all other uses of waters and benefits to be derived from them by the people; should consider the conservation of the natural resources of the country in their relation to commerce and navigation; should extend to forest preservation, reservoirs, and other means of stream control, and the maintenance of the level of our Great Lakes in such a manner as not to interfere with their navigation and commerce; should consider floods and their prevention, together with irrigation and drainage; should take account of bank revetment, levee

building, and other means of protecting the bottom lands and increasing their productivity; and should contemplate regulation of terminals with a view to rendering rail transportation and water transportation complementary and jointly useful to the people of the country.

This convention is in hearty accord with the movement for the conservation of the natural resources of the country and heartily approves the efforts of the National Rivers and Harbors Congress in seeking to develop the waterways of the Nation.

Fully realizing the importance of the proposed constitutional amendment unanimously submitted by the legislature of the State of Illinois, to be voted on on the 3d of November, and recognizing in it a practical step in the direction of the realization of this project, and also recognizing in it the first great movement by any State in the matter of the conservation of its natural resources, we approve said constitutional amendment and commend it to the favorable consideration of the voters of Illinois.

We, the delegates in this convention assembled, representing half the people and three-fifths of the productive energy of the United States, do hereby demand that a definite and vigorous policy of waterway improvement, beginning with the lakes-to-the-gulf deep waterway, be promptly adopted and put into operation by the National Government.

To the enforcement of this demand we pledge our individual effort and our united support; and we pledge our personal honor, each for himself and to each other, to support no candidate for public office who will not unqualifiedly indorse and maintain that policy.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the general committee of foreign nations of the Methodist Episcopal Church of the United States, praying for the enactment of legislation to suppress the importation, manufacture, and sale of opium except when used for medicinal purposes, which was referred to the Committee on Finance.

Mr. DEPEW presented a petition of Local Lodge No. 155, Brotherhood of Locomotive Firemen, of New York City, N. Y., praying for the enactment of legislation requiring the application of an illiteracy test to immigrants, and remonstrating against any further modification of the present immigration law, which was referred to the Committee on Immigration.

He also presented a petition of the sixth annual convention of the Veteran Army of the Philippines, of Manila, P. I., praying for the enactment of legislation permitting the army, navy, and Marine Corps serving in those islands to observe August 13 as a legal holiday, known as "Occupation Day," which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of New York City, Brooklyn, Rochester, Cazenovia, Buffalo, Rome, Utica, Yonkers, and Manhattan, all in the State of New York; of Jersey City, Newark, and East Orange, all in the State of New Jersey; and of Chicago, Ill., praying for the enactment of legislation granting pension to the surviving members of the United States Military Telegraph Corps who served in the civil war, which were referred to the Committee on Pensions.

Mr. WARREN presented petitions of sundry citizens of the State of Wyoming, praying for the enactment of legislation to create an industrial commission to investigate the conditions in mines on Douglas Island, Alaska, which were referred to the Committee on Mines and Mining.

Mr. NIXON presented sundry petitions of citizens of the State of Nevada, praying for the enactment of legislation granting pensions to the surviving members of the United States Military Telegraph Corps who served in the civil war, which were referred to the Committee on Pensions.

He also presented petitions of Local Unions Nos. 220, 241, 243, 244, and 246, of Goldfield, Manhattan, Fairview, Rawhide, and Tenabo, all of the United Mine Workers of America, in the State of Nevada, praying that an investigation be made into the conditions of mines operated by the Treadwell Mining Company of Alaska, which were referred to the Committee on Mines and Mining.

Mr. FULTON presented a petition of the Albany Commercial Club of Albany and Linn County, in the State of Oregon, praying that an appropriation be made for the improvement of the Willamette River, in that State, which was referred to the Committee on Commerce.

Mr. CULLOM presented a petition of sundry citizens of Springfield, Ill., praying for the enactment of legislation granting pensions to the surviving members of the United States Military Telegraph Corps who served in the civil war, which was referred to the Committee on Pensions.

Mr. McCREARY presented a petition of sundry citizens of Shelbyville and Pleasantville, in the State of Kentucky, and the petition of John L. Eblen, of Louisville, Ky., praying for the enactment of legislation granting an increase of pension to John L. Eblen, which were referred to the Committee on Pensions.

Mr. HOPKINS presented a petition of sundry citizens of Chicago, Ill., praying for the enactment of legislation granting pensions to the surviving members of the United States Military Telegraph Corps who served in the civil war, which was referred to the Committee on Pensions.

NAVY YEARBOOK.

Mr. HALE. I ask for a reprint as a document of the book known as the "Navy Yearbook," and that 2,400 additional copies be printed and bound in cloth, 1,200 copies for the use of the Senate and 1,200 copies for the use of the Committee on Naval Affairs. The order will be referred to the Committee on Printing. That is required under the rule.

The VICE-PRESIDENT. It is so referred.

Mr. MILTON subsequently, from the Committee on Printing, to whom was referred the foregoing order, reported it without amendment, and it was considered by unanimous consent and agreed to.

ADDITIONAL CLERK TO COMMITTEE ON POST-OFFICES AND POST-ROADS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PENROSE May 12, 1908, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Post-Offices and Post-Roads be, and it is hereby, authorized to employ an additional clerk, at an annual salary, at the rate of $1,440 per annum, to be paid from the contingent fund of the Senate until otherwise provided for by law.

BILLS INTRODUCED.

Mr. McCUMBER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7628) granting an increase of pension to A. C. Rhinehart;

A bill (S. 7629) granting an increase of pension to Byron H. Bronson; and

A bill (S. 7630) granting an increase of pension to Hiram Spear (with accompanying papers).

Mr. McCUMBER introduced a bill (S. 7631) to grant an honorable discharge from the navy to John McKinnon, alias John Mack, which was read twice by its title and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. OVERMAN introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7632) granting an increase of pension to Chisley G. Hagan;

A bill (S. 7633) granting an increase of pension to John D. Capps;

A bill (S. 7634) granting an increase of pension to Alfred Rector;

A bill (S. 7635) granting an increase of pension to William Hess, alias William Smith;

A bill (S. 7636) granting an increase of pension to James J. Ballinger;

A bill (S. 7637) granting a pension to Caroline Beachboard; and

A bill (S. 7638) granting an increase of pension to William L. Creasman.

Mr. CLAPP introduced a bill (S. 7639) authorizing the Secretary of the Interior to appraise certain lands in the State of Minnesota for the purpose of granting the same to the Minnesota and Manitoba Railroad Company for a ballast pit, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. GAMBLE introduced a bill (S. 7640) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company, which was read twice by its title and referred to the Committee on Commerce.

He also introduced a bill (S. 7641) setting apart certain lands in the Standing Rock Indian Reservation, in the State of South Dakota, for cemetery purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7642) granting an increase of pension to Robert B. Mills; and

A bill (S. 7643) granting an increase of pension to Edward Taubert.

Mr. GAMBLE introduced a bill (S. 7644) for the relief of Isaac Bettelyoun, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. DOLLIVER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7645) granting an increase of pension to Francis M. Linn;

A bill (S. 7646) granting an increase of pension to Marquis D. Lillie; and

A bill (S. 7647) granting an increase of pension to John C. Thompson.

Mr. du PONT introduced a bill (S. 7648) granting a pension to Maud E. L. Pinder, which was read twice by its title and referred to the Committee on Pensions.

Mr. FULTON introduced a bill (S. 7649) granting an increase of pension to Louis Gilstrap, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. NIXON introduced a bill (S. 7650) to correct the military record of William F. Sedgwick, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. HALE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Naval Affairs:

A bill (S. 7651) to amend article 53 of the Articles for the Government of the Navy; and

A bill (S. 7652) to provide suitable civilian clothing and a cash gratuity to naval prisoners on discharge.

Mr. HALE introduced a bill (S. 7653) granting an increase of pension to George E. Currier, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 7654) granting an increase of pension to Henry H. Manley, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7655) removing the charge of desertion against Ephraim W. Mills, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 7656) authorizing the President to classify assistant postmasters, which was read twice by its title and referred to the Committee on Civil Service and Retrenchment.

He also introduced a bill (S. 7657) to amend the act approved May 28, 1908, entitled "An act to regulate the employment of child labor in the District of Columbia," which was read twice by its title and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. KNOX introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7658) granting an increase of pension to Thomas K. Hastings;

A bill (S. 7659) granting an increase of pension to James R. Werts;

A bill (S. 7660) granting an increase of pension to Arthur T. Duncan;

A bill (S. 7661) granting an increase of pension to John W. De Mott (with the accompanying papers);

A bill (S. 7662) granting an increase of pension to Wesley Hoover (with the accompanying papers);

A bill (S. 7663) granting a pension to Mary M. Porter (with the accompanying papers); and

A bill (S. 7664) granting an increase of pension to Alexander Snodgrass (with the accompanying papers).

Mr. KNOX introduced a bill (S. 7665) to construct a Lincoln memorial highway from the White House, Washington, D. C., to the battlefield of Gettysburg, Gettysburg, Pa., which was read twice by its title and referred to the Committee on Appropriations.

Mr. KEAN introduced a bill (S. 7666) to provide for the purchase of a site and the erection of a public building at Bayonne, N. J., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. PENROSE introduced a bill (S. 7667) for the relief of S. H. Evans, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7668) granting a pension to Clara V. Rayner;

A bill (S. 7669) granting an increase of pension to Theobald M. Fields;

A bill (S. 7670) granting an increase of pension to George W. Lenoir; and

A bill (S. 7671) granting an increase of pension to William H. Knight.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7672) granting an increase of pension to Albert C. Little;

A bill (S. 7673) granting a pension to Sarah E. Hendricks; and

A bill (S. 7674) granting an increase of pension to David W. Dale.

Mr. KITTREDGE introduced a bill (S. 7675) to increase the limit of cost for the enlargement, extension, remodeling, and improvement of the federal building at Sioux Falls, S. Dak., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. CULLOM introduced a bill (S. 7676) granting an increase of pension to Wales W. Wood, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SMITH of Michigan introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 7677) to remove the charge of desertion from the military record of William T. Lang (with the accompanying papers); and

A bill (S. 7678) to remove the charge of desertion from the military record of Henry Fuller.

Mr. SMITH of Michigan introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7679) granting an increase of pension to Martin Selak;

A bill (S. 7680) granting an increase of pension to Albert L. T. Bush (with the accompanying papers);

A bill (S. 7681) granting an increase of pension to Sidney M. Smith (with the accompanying papers);

A bill (S. 7682) granting a pension to Emma L. Parker (with the accompanying papers);

A bill (S. 7683) granting an increase of pension to John A. Battenfield;

A bill (S. 7684) granting an increase of pension to John Wickham;

A bill (S. 7685) granting an increase of pension to Wharton R. Marsh;

A bill (S. 7686) granting an increase of pension to Charles S. Vahue;

A bill (S. 7687) granting an increase of pension to Robert R. Marsh;

A bill (S. 7688) granting a pension to George Seward;

A bill (S. 7689) granting a pension to Almira J. Sterling;

A bill (S. 7690) granting an increase of pension to George A. Brown;

A bill (S. 7691) granting an increase of pension to Ephraim C. Watkins;

A bill (S. 7692) granting an increase of pension to Renselarr B. Ransom;

A bill (S. 7693) granting an increase of pension to Charles W. Morrow; and

A bill (S. 7694) granting an increase of pension to George W. Mulliken.

Mr. FLINT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pacific Islands and Porto Rico:

A bill (S. 7695) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900;

A bill (S. 7696) to confirm to the Wahiawa Water Company, of Hawaii, the right of way for irrigation purposes;

A bill (S. 7697) to ratify an act of the legislature of the Territory of Hawaii, authorizing the manufacture and distribution of electric light and power in the district of Lahaina, Territory of Hawaii; and

A bill (S. 7698) to ratify and confirm an act of the legislature of the Territory of Hawaii, authorizing the manufacture and distribution of electric light and power in the district of Wailuku, Territory of Hawaii.

Mr. BRANDEGEE introduced a bill (S. 7699) granting an increase of pension to Roland E. Neff, which was read twice by its title and referred to the Committee on Pensions.

Mr. BURKETT introduced a bill (S. 7700) to prevent unlawful discrimination by companies or corporations doing business in the District of Columbia and authorizing the Interstate Commerce Commission to fix reasonable rates or charges for services rendered by such companies or corporations, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. BROWN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7701) granting an increase of pension to James A. Light (with the accompanying paper);

A bill (S. 7702) granting an increase of pension to William McClary (with the accompanying paper);

A bill (S. 7703) granting a pension to Irena Brown; and

A bill (S. 7704) granting an increase of pension to John P. Bastian.

Mr. McCREARY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7705) granting a pension to Joseph O. Benton; and

A bill (S. 7706) granting an increase of pension to John L. Eblin.

Mr. GALLINGER introduced a bill (S. 7707) to incorporate the American Institute for Drug Proving, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. BANKHEAD introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7708) for the relief of Martha J. Sibley; and

A bill (S. 7709) for the relief of Mary Tullis.

Mr. OVERMAN introduced a bill (S. 7710) for the relief of the estate of John D. Johnston, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. PERKINS introduced a joint resolution (S. R. 104) to restore the status of the First Battalion Mountaineers, California Volunteers, who served during the late war of the rebellion, which was read twice by its title and referred to the Committee on Pensions.

Mr. CULLOM introduced a joint resolution (S. R. 105) for the purpose of more fully carrying into effect the convention concluded at Brussels on March 15, 1886, in reference to the exchange of official journals, etc., which was read twice by its title and referred to the Committee on Foreign Relations.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. LODGE. Mr. President, I desire to give notice that on Wednesday next, immediately after the routine morning business, with the permission of the Senate, I shall ask leave to address the Senate upon what is known as the "Brownsville affair."

FUNERAL OF THE LATE SENATOR WILLIAM B. ALLISON.

Mr. DOLLIVER submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent funds of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice-President in arranging for and attending the funeral of the late Senator WILLIAM B. ALLISON, from the State of Iowa, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

EDITH E. M'DOWELL.

Mr. GAMBLE submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Edith E. McDowell, widow of Robert E. McDowell, late clerk of the Committee on Transportation Routes to the Seaboard, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

CHANNEL IMPROVEMENT AT NORFOLK NAVY-YARD.

Mr. MARTIN submitted the following concurrent resolution, which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the channel from the sea to the Norfolk Navy-Yard, with a view to widening and straightening the same and increasing the depth thereof to 35 feet at mean low water, with width of present project, and to submit estimates for such improvement to that depth.

SEC. 2. That an examination and survey be made and estimates submitted for a channel 22 feet deep at mean low water from the Norfolk Navy-Yard to a point about 1 mile above Gilmerton.

SEC. 3. That an examination and survey be made and estimates submitted with a view to providing ample anchorage room abreast of and above Lamberts Point, between Lamberts Point and Pinners Point.

CHANNEL IMPROVEMENT AT FORTRESS MONROE.

Mr. MARTIN submitted the following concurrent resolution, which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the channel from Fortress Monroe to Newport News, with a view to providing for a depth of 35 feet at mean low water and a width of 800 feet, and to submit estimates for such improvement.

CIVIL SERVICE COMMISSION BUILDING.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication from the Civil Service Commission submitting draft of a bill for the purchase of a site and the erection of a building for the Civil Service Commission, and calling attention to its need for a new building and the desirableness of erecting such a building instead of renting one. I approve the recommendation of the commission and ask that it be given careful consideration by the Congress.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 10, 1908.*

ANNUAL REPORT OF THE ISTHMIAN CANAL COMMISSION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Interoceanic Canals and ordered to be printed.

To the Senate and House of Representatives:

In compliance with the provisions of the act of Congress entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902, I transmit herewith the annual report of the Isthmian Canal Commission for the fiscal year ended June 30, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 10, 1908.*

HOUSE BILL REFERRED.

The bill (H. R. 16954) to provide for the Thirteenth and subsequent decennial censuses, was read twice by its title and referred to the Committee on the Census.

OMNIBUS CLAIMS BILL.

Mr. CULLOM. I think there is no proposed legislation ready for action to-day, and I move that the Senate proceed to the consideration of executive business.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Oregon?

Mr. CULLOM. I will withhold the motion if necessary.

Mr. FULTON. There was pending at the last session and partially considered the omnibus claims bill, which is the bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker acts. It is a matter in which there is a great deal of interest, and I desire to have it set for consideration on a particular day. I ask leave that the bill be taken up and its consideration proceeded with on Monday next after the expiration of the morning hour.

The VICE-PRESIDENT. The Senator from Oregon asks unanimous consent that House bill 15372, known as the "omnibus claims bill," be taken up for consideration on Monday, the 14th instant, after the conclusion of the routine morning business. Is there objection?

Mr. BURKETT. Mr. President——

Mr. FULTON. Let me inquire——

Mr. BURKETT. The Senator from Montana [Mr. CARTER] is not here.

Mr. FULTON. I was about to inquire, I will say to the Senator from Nebraska, of the Vice-President whether that would displace the special order. It is not my desire so to do. I do not think it does.

Mr. BURKETT. I understand that the Senator from Montana desires to take up the postal savings-bank measure on Monday.

Mr. FULTON. I shall not interfere with him.

Mr. BURKETT. He so expressed himself to me. Perhaps he may desire to speak or others may desire to speak at that time, and I expect possibly——

Mr. FULTON. I will say to the Senator from Nebraska that I shall not interfere with the Senator from Montana; and if he desires then to proceed with that measure, or to speak upon the measure, I will let the omnibus-claims bill be set for Monday, with the consent of the Senate, subject to whatever course the Senator from Montana may desire to take.

Mr. BURKETT. So as not to interfere with what is known as the "postal savings-bank bill."

Mr. FULTON. Not to interfere with it.

Mr. HOPKINS. Mr. President, I dislike to have an order made of that kind, because it may interfere with the consideration of the bill that is set for Monday. That is a measure

of great public importance, and a matter that should be considered at an early day. I trust the Senator from Oregon will defer his request until Monday. If anything should occur on Monday so that that bill could not be taken up, it seems to me that there would be no objection to taking up the bill suggested by the Senator from Oregon.

Mr. FULTON. I think the Senator from Illinois did not fully understand what I said. I am asking that the order be made subject to whatever proceeding the Senator from Montana may desire to have taken in regard to the measure in question, so that it will not interfere in any way with what he may see fit to do. The order that I have asked, I will say to the Senator, is that the omnibus claims bill shall be considered on Monday, subject to the measure which the Senator from Montana has in charge, which I understand is the postal savings-bank bill. I ask that the omnibus claims bill be set for Monday, subject to the consideration of that measure.

Mr. HOPKINS. If it does not interfere with the consideration of that bill, of course I have no objection.

The VICE-PRESIDENT. The Senator from Oregon asks unanimous consent that the omnibus claims bill may be taken up for consideration after the routine morning business on Monday next, subject to the special order for that day.

Mr. FORAKER. Mr. President, the request of the Senator from Oregon has not, I understand, been disposed of yet. He asked that the omnibus claims bill might be made the order for Monday, subject to the special order for that day. I wanted to request that it be understood that it would be subject also to the special order for the 16th. The Senator from Massachusetts [Mr. LODGE] has just given notice that he will address the Senate on that day upon the subject of that special order.

Mr. FULTON. I will say that if the omnibus claims bill shall not have been disposed of when the hour arrives at which the Senator from Massachusetts has given notice he intends to address the Senate, I will ask to have it laid aside. I am very anxious to hear the Senator from Massachusetts, and I know the Senate is anxious to hear him.

I will say, further, that I have no disposition to push the omnibus claims bill so as to interfere with any other matter that any Senator may specially desire to bring up. But there are a great many Senators interested in the bill, and I want them to have notice of its consideration. That is the reason why I have asked to have it set down for Monday.

Mr. FORAKER. I merely want to have it understood that there is a special order for Wednesday the 16th.

The VICE-PRESIDENT. Will the Senator from Oregon kindly restate his request, with his exceptions?

Mr. FULTON. My request is that the omnibus claims bill (House bill 15372) may be taken up for consideration at the conclusion of the morning business on Monday next, subject to the special order for that day, and subject, I will put it, to any other matter that any Senator may specially desire to bring up; that is, to any other special order.

The VICE-PESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PRIVATE CLAIMS.

Mr. TELLER. I present a memorandum upon the subject of private claims against the United States, embracing some statistical facts, which I should like to have printed as a document. I have consulted the chairman of the Committee on Claims. I think it will be a useful document for the Senate and the committee, and I ask that it may be printed.

The VICE-PRESIDENT. The Senator from Colorado asks that the paper submitted by him may be printed as a document. Without objection, it is so ordered.

HAWAIIAN PORTS.

Mr. PERKINS. I move that the bill (S. 6840) to amend the laws concerning transportation between ports of the Territory of Hawaii and other ports of the United States be recommitted to the Committee on Commerce. I make the motion at the instance of the Honolulu Chamber of Commerce and merchants of the Hawaiian Territory, who send me cable dispatches, and also by consent of the author of the bill, the Senator from Washington [Mr. PILES].

The VICE-PRESIDENT. The Senator from California moves that Senate bill 6840 be taken from the Calendar and recommitted to the Committee on Commerce. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened.

DEATH OF THE LATE REPRESENTATIVE DUNWELL.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, communicated to the Senate the intelligence of the death of Hon. CHARLES T. DUNWELL, late a Representative from the State of New York, and transmitted a resolution of the House thereon.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the House of Representatives, which will be read.

The Secretary read the resolution, as follows:

IN THE HOUSE OF REPRESENTATIVES,
December 7, 1908.

Resolved, That the House has heard with profound sorrow of the death of Hon. CHARLES T. DUNWELL, late a Representative from the State of New York.

Mr. DEPEW. Mr. President, I offer the resolution which I send to the desk and ask for its immediate consideration.

The resolution was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. CHARLES T. DUNWELL, late a Representative from the State of New York.

Mr. DEPEW. As a further mark of respect to the memory of the deceased Representative, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 1 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, December 14, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 10, 1908.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Third Lieutenant of Engineers Joseph Edward Sheedy to be second lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from April 16, 1908, to fill a vacancy created by the act of Congress approved April 16, 1908. This nomination is made to correct date on which his promotion is to take effect. Mr. Sheedy was nominated May 19, 1908, confirmed May 20, 1908, and commissioned May 22, 1908, to rank as such second lieuetenant from April 25, 1908.

CHIEF EXAMINER OF THE CIVIL SERVICE COMMISSION.

George R. Wales, of Vermont, to be chief examiner of the Civil Service Commission, vice Frank M. Kiggins, deceased.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

CAVALRY ARM.

Second Lieut. John Burges Johnson, First Infantry, to the cavalry arm, with rank from September 25, 1908.

INFANTRY ARM.

Second Lieut. John Caffery Walker, jr., Third Cavalry, to the infantry arm, with rank from September 25, 1908.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 10, 1908.

COLLECTORS OF CUSTOMS.

Walter T. Blake, of California, to be collector of customs for the district of San Diego, in the State of California.

John F. O'Brien, of New York, to be collector of customs for the district of Champlain, in the State of New York.

John T. Rich, of Michigan, to be collector of customs for the district of Huron, in the State of Michigan.

CONSUL-GENERALS.

John Edward Jones, of the District of Columbia, to be consul-general at Winnipeg, Manitoba, Canada.

James A. Smith, of the State of Vermont, to be consul-general at Genoa, Italy.

George N. West, of the District of Columbia, to be consul-general at Vancouver, British Columbia, Canada.

BOARD OF CHARITIES, DISTRICT OF COLUMBIA.

Myer Cohen, of the District of Columbia, to be a member of the Board of Charities of the District of Columbia.

George W. Cook, of the District of Columbia, to be a member of the Board of Charities of the District of Columbia.

George E. Hamilton, of the District of Columbia, to be a member of the Board of Charities of the District of Columbia.

MINISTERS.

Philip M. Brown, of the State of Massachusetts, to be minister to Honduras.

H. Percival Dodge, of the State of Massachusetts, to be minister to Salvador.

William L. Merry, of the State of California, to be minister to Costa Rica.

James P. Stutsman, of the State of Indiana, to be minister to Bolivia.

SECRETARIES OF EMBASSIES.

John W. Garrett, of the State of Maryland, to be secretary of embassy at Rome, Italy.

R. S. Reynolds Hitt, of the State of Illinois, to be secretary of embassy at Berlin, Germany.

Henry L. Janes, of the State of Wisconsin, to be secretary of embassy at Rio de Janeiro, Brazil.

William F. Sands, of the District of Columbia, to be secretary of embassy at Mexico City, Mexico.

SECOND SECRETARIES OF EMBASSIES.

Joseph C. Grew, of the State of Massachusetts, to be second secretary of embassy at Berlin, Germany.

John Van. A. MacMurray, of the State of New Jersey, to be second secretary of embassy at St. Petersburg, Russia.

A. Campbell Turner, of the State of Missouri, to be second secretary of embassy at Mexico City, Mexico.

THIRD SECRETARIES OF EMBASSIES.

Leland Harrison, of the State of Illinois, to be third secretary of embassy at Tokyo, Japan.

Henry Coleman May, of the District of Columbia, to be third secretary of embassy at St. Petersburg, Russia.

Arthur Orr, of the State of Illinois, to be third secretary of embassy at London, England.

SECRETARIES OF LEGATIONS.

Frederic Ogden de Billier, of the District of Columbia, to be secretary of legation at Teheran, Persia.

Hugh S. Gibson, of the State of California, to be secretary of legation at Tegucigalpa, Honduras.

John H. Gregory, jr., of the State of Louisiana, to be secretary of legation at Managua, Nicaragua.

Paxton Hibben, of the State of Indiana, to be secretary of legation at Bogota, Colombia.

Philip M. Hoefele, of the State of Missouri, to be secretary of legation at Santo Domingo, Dominican Republic.

George L. Lorillard, of the State of Rhode Island, to be secretary of legation at Lisbon, Portugal.

Jacob Sleeper, of the State of Massachusetts, to be secretary of legation at Berne, Switzerland.

Algernon Sartoris, of the District of Columbia, to be secretary of legation at Guatemala City, Guatemala.

George T. Weitzel, of the State of Missouri, to be secretary of legation at Panama City, Panama.

INTERSTATE COMMERCE COMMISSION.

Martin A. Knapp, of the State of New York, to be a member of the Interstate Commerce Commission.

COMMISSIONER OF IMMIGRATION.

Graham L. Rice, of Wisconsin, to be commissioner of immigration at San Juan, P. R.

ASSISTANT SECRETARY OF THE NAVY.

Herbert Livingston Satterlee, of New York, to be Assistant Secretary of the Navy.

PROMOTIONS IN THE NAVY.

Capt. John K. Barton to be Engineer in Chief and Chief of the Bureau of Steam Engineering, in the Department of the Navy, with the rank of rear-admiral, vice Engineer in Chief Charles W. Rae, deceased.

Lieut. (Junior Grade) Charles W. Densmore to be a lieutenant in the navy from the 30th day of July, 1907, to fill a vacancy existing in that grade on that date.

Ensign Clarence S. Vanderbeck to be a lieutenant (junior grade) in the navy from the 30th day of July, 1907, upon the completion of three years' service in present grade.

Lieut. (Junior Grade) Clarence S. Vanderbeck to be a lieutenant in the navy from the 30th day of July, 1907, to fill a vacancy existing in that grade on that date.

Lieut. (Junior Grade) Kirby B. Crittenden to be a lieutenant in the navy from the 1st day of November, 1907, to fill a vacancy existing in that grade on that date.

Lieut. Henry T. Baker to be a lieutenant-commander in the navy from the 18th day of November, 1907, vice Lieut. Commander William B. Fletcher, promoted.

The following-named lieutenants (junior grade) to be lieutenants in the navy from the 3d day of February, 1908, to fill vacancies existing in that grade on that date:

William W. Smyth,
John S. Arwine, jr., and
Butler Y. Rhodes.

Lieut. Commander John M. Ellicott to be a commander in the navy from the 24th day of April, 1908, vice Commander York Noel, deceased.

Lieut. Commander Charles W. Dyson to be a commander in the navy from the 15th day of May, 1908, vice Commander Frank F. Fletcher, promoted.

Commander Frank E. Beatty to be a captain in the navy from the 1st day of July, 1908, vice Capt. Charles P. Perkins, retired.

Commander Moses L. Wood to be a captain in the navy from the 1st day of July, 1908, vice Capt. Theodoric Porter, retired.

Commander Robert M. Doyle to be a captain in the navy from the 1st day of July, 1908, vice Capt. George I. Dyer, retired.

Commander Wythe M. Parks to be a captain in the navy from the 1st day of July, 1908, vice Capt. Charles W. Bartlett, retired.

Commander Frank H. Bailey, an additional number in grade, to be a captain in the navy from the 1st day of July, 1908, with Capt. Wythe M. Parks, promoted.

Commander William B. Caperton to be a captain in the navy from the 1st day of July, 1908, vice Capt. Henry Morrell, retired.

Commander James T. Smith to be a captain in the navy from the 1st day of July, 1908, vice Capt. John M. Robinson, retired.

Commander George S. Willits to be a captain in the navy from the 1st day of July, 1908, vice Capt. Robert G. Denig, retired.

Commander Walter F. Worthington to be a captain in the navy from the 1st day of July, 1908, vice Capt. George H. Peters, retired.

Commander William N. Little to be a captain in the navy from the 1st day of July, 1908, vice Capt. William C. Eaton, retired.

Lieut. Commander Harry George to be a commander in the navy from the 1st day of July, 1908, vice Commander Frank E. Beatty, promoted.

Lieut. Commander Frederick L. Chapin to be a commander in the navy from the 1st day of July, 1908, vice Commander Moses L. Wood, promoted.

Lieut. Commander William C. Herbert to be a commander in the navy from the 1st day of July, 1908, vice Commander Robert M. Doyle, promoted.

Lieut. Commander Alexander S. Halstead to be a commander in the navy from the 1st day of July, 1908, vice Commander Wythe M. Parks, promoted.

Lieut. Commander Harry A. Field to be a commander in the navy from the 1st day of July, 1908, vice Commander William B. Caperton, promoted.

Lieut. Commander Chester M. Knepper to be a commander in the navy from the 1st day of July, 1908, vice Commander James T. Smith, promoted.

Lieut. Commander Clarence S. Williams to be a commander in the navy from the 1st day of July, 1908, vice Commander George S. Willits, promoted.

Lieut. Commander Frank K. Hill to be a commander in the navy from the 1st day of July, 1908, vice Commander Walter F. Worthington, promoted.

Lieut. Commander Roger Welles to be a commander in the navy from the 1st day of July, 1908, vice Commander William N. Little, promoted.

Lieut. Commander John D. McDonald to be a commander in the navy from the 1st day of July, 1908, vice Commander Horace W. Harrison, retired.

Lieut. Commander Hilary P. Jones, jr., to be a commander in the navy from the 1st day of July, 1908, vice Commander Percival J. Werlich, retired.

Lieut. Commander William R. Shoemaker to be a commander in the navy from the 1st day of July, 1908, vice Commander John L. Gow, retired.

Lieut. Commander Charles M. Fahs to be a commander in the navy from the 1st day of July, 1908, vice Commander Harry Hall, retired.

Lieut. Commander Charles P. Plunkett to be a commander in the navy from the 1st day of July, 1908, vice Commander James G. Doyle, retired.

Capt. John E. Pillsbury to be a rear-admiral in the navy from the 4th day of July, 1908, vice Rear-Admiral Charles M. Thomas, deceased.

Capt. Adolph Marix, an additional number in grade, to be a rear-admiral in the navy from the 4th day of July, 1908, with Capt. John E. Pillsbury, promoted.

Capt. Raymond P. Rodgers, an additional number in grade, to be a rear-admiral in the navy from the 4th day of July, 1908, with Capt. Adolph Marix, promoted.

Commander Frank H. Eldridge to be a captain in the navy from the 4th day of July, 1908, vice Capt. John E. Pillsbury, promoted.

Lieut. Commander Volney O. Chase to be a commander in the navy from the 4th day of July, 1908, vice Commander Frank H. Eldridge, promoted.

Capt. Royal R. Ingersoll to be a rear-admiral in the navy from the 11th day of July, 1908, vice Rear-Admiral Richardson Clover, retired.

Capt. Seaton Schroeder, an additional number in grade, to be a rear-admiral in the navy from the 11th day of July, 1908, with Capt. Royal R. Ingersoll, promoted.

Capt. Richard Wainwright, an additional number in grade, to be a rear-admiral in the navy from the 11th day of July, 1908, with Capt. Seaton Schroeder, promoted.

Capt. Thomas C. McLean to be a rear-admiral in the navy from the 19th day of July, 1908, vice Rear-Admiral William T. Burwell, retired.

Commander Templin M. Potts to be a captain in the navy from the 19th day of July, 1908, vice Capt. Thomas C. McLean, promoted.

Lieut. Commander George R. Slocum to be a commander in the navy from the 19th day of July, 1908, vice Commander Templin M. Potts, promoted.

Commander Burns T. Walling to be a captain in the navy from the 20th day of July, 1908, vice Capt. Henry McCrea, deceased.

The following-named ensigns to be lieutenants (junior grade) in the navy from the 30th day of July, 1908, upon the completion of three years' service in present grade:

Charles H. Bullock,
Hugh McL. Walker,
John Grady,
Arthur C. Kail, and
Robert W. Kessler.

The following-named lieutenants (junior grade) to be lieutenants in the navy from the 30th day of July, 1908, to fill vacancies existing in that grade on that date:

Charles H. Bullock,
Hugh McL. Walker, and
John Grady.

Capt. William J. Barnette to be a rear-admiral in the navy from the 1st day of August, 1908, vice Rear-Admiral William S. Cowles, retired.

Commander Clifford J. Boush to be a captain in the navy from the 1st day of August, 1908, vice Capt. William J. Barnette, promoted.

Lieut. Commander Joseph Strauss to be a commander in the navy from the 3d day of September, 1908, vice Commander James H. Sears, promoted.

Capt. Edwin K. Moore to be a rear-admiral in the navy from the 7th day of September, 1908, vice Rear-Admiral John P. Merrell, retired.

Capt. John A. Rodgers, an additional number in grade, to be a rear-admiral in the navy from the 7th day of September, 1908, with Capt. Edwin K. Moore, promoted.

Commander Abraham E. Culver to be a captain in the navy from the 7th day of September, 1908, vice Capt. Edwin K. Moore, promoted.

Lieut. Commander Robert L. Russell to be a commander in the navy from the 7th day of September, 1908, vice Commander Abraham E. Culver, promoted.

Capt. James D. Adams to be a rear-admiral in the navy from the 25th day of October, 1908, vice Rear-Admiral James H. Dayton, retired.

Commander Henry T. Mayo to be a captain in the navy from the 25th day of October, 1908, vice Capt. James D. Adams, promoted.

Lieut. Commander Harrison A. Bispham to be a commander in the navy from the 25th day of October, 1908, vice Commander Henry T. Mayo, promoted.

Capt. Gottfried Blocklinger to be a rear-admiral in the navy from the 30th day of October, 1908, vice Rear-Admiral Albert R. Couden, retired.

Lieut. Commander Armistead Rust to be a commander in the navy from the 30th day of October, 1908, vice Commander Charles C. Rogers, promoted.

Ensign Edgar G. Oberlin to take rank as an ensign in the navy from the 31st day of January, 1907, to correct the date from which he takes rank as confirmed on May 14, 1908.

Midshipman Sylvester H. Lawton, jr., to be an ensign in the navy from the 31st day of January, 1907, upon the completion of three years' service in present grade.

The following-named midshipmen to be ensigns in the navy from the 13th day of February, 1908, to fill vacancies existing in that grade on that date:

George S. Bryan,
Edward S. Moses,
Milo F. Draemel,
Isaac C. Shute,
Henry G. Fuller,
Andrew S. Hickey,
Francis M. Robinson.
John F. Connor,
Charles C. Hartigan,
William H. Booth,
Charles S. McWhorter,
Douglas W. Fuller,
Herbert E. Emerson,
George E. Lake,
Albert S. Rees,
Fred F. Rogers,
Lynn B. Bernheim,
Wilfred E. Clarke,
Garrett K. Davis,
William B. Howe,
Hamilton F. Glover,
Herndon B. Kelly,
Arthur A. Garcelon, jr., and
Jefferson B. Goldman.

Gunner James J. Manning and Boatswain Benjamin J. Greene to be ensigns in the navy from the 30th day of July, 1908, in accordance with the provisions of an act of Congress approved March 3, 1901, as amended by the acts of March 3, 1903, and April 27, 1904.

Assistant surgeons to be passed assistant surgeons in the navy from the dates set opposite their names, upon the completion of three years' service in present grade:

Milton E. Lando, October 26, 1907;
Judson L. Taylor, December 17, 1907;
Paul R. Stalnaker, May 3, 1908; and
George S. Hathaway, August 1, 1908.

Passed Asst. Surg. John J. Snyder to be a surgeon in the navy from the 4th day of April, 1908, vice Surg. John E. Page, retired.

Passed Asst. Surg. Edward M. Blackwell to be a surgeon in the navy from the 4th day of April, 1908, vice Surg. John M. Moore, dismissed.

Passed Asst. Surg. George F. Freeman to be a surgeon in the navy from the 2d day of August, 1908, vice Surg. John F. Urie, retired.

Medical Inspector Lucien G. Heneberger to be a medical director in the navy from the 2d day of September, 1908, vice Medical Director Walter A. McClurg, retired.

Surg. Henry T. Percy to be a medical inspector in the navy from the 2d day of September, 1908, vice Medical Inspector Lucien G. Heneberger, promoted.

Surg. James D. Gatewood to be a medical inspector in the navy from the 18th day of September, 1908, vice Medical Inspector John M. Steele, retired.

Surg. Oliver Diehl to be a medical inspector in the navy from the 11th day of October, 1908, vice Medical Inspector Clement Biddle, retired.

The following-named citizens to be assistant surgeons in the navy from the 15th day of June, 1908, to fill vacancies existing in that grade on that date:

David G. Allen, a citizen of Georgia;
Lindsay C. Whiteside, a citizen of Pennsylvania;
Chandler W. Smith, a citizen of Pennsylvania; and
George C. Thomas, a citizen of Pennsylvania.

The following-named citizens to be assistant surgeons in the navy from the 15th day of July, 1908, to fill vacancies existing in that grade on that date:

Joseph R. Phelps, a citizen of Massachusetts;
George B. Crow, a citizen of Missouri; and
Alfred L. Clifton, a citizen of Delaware.

Harry W. B. Turner, a citizen of California, to be an assistant surgeon in the navy from the 30th day of July, 1908, to fill a vacancy existing in that grade on that date.

Reginald B. Henry, a citizen of New York, and Harry A. Giltner, a citizen of Indiana, to be assistant surgeons in the navy from the 10th day of September, 1908, to fill vacancies existing in that grade on that date.

Lloyd P. Shippen, a citizen of Maryland, and Lucius W. Johnson, a citizen of Pennsylvania, to be assistant surgeons in the navy from the 17th day of September, 1908, to fill vacancies existing in that grade on that date.

The following-named citizens to be assistant surgeons in the navy from the 3d day of October, 1908, to fill vacancies existing in that grade on that date:

John B. Pollard, a citizen of Virginia;
Arthur H. Dodge, a citizen of Rhode Island;
George F. Cottle, a citizen of New York; and
William L. Mann, jr., a citizen of Texas.

The following-named citizens to be assistant surgeons in the navy from the 12th day of October, 1908, to fill vacancies existing in that grade on that date:

Roy Cuthbertson, a citizen of Michigan;
George B. Whitmore, a citizen of Michigan;
John A. B. Sinclair, a citizen of Virginia; and
Donald H. Noble, a citizen of Pennsylvania.

Passed Asst. Paymaster George P. Auld to be a paymaster in the navy from the 5th day of December, 1906, vice Paymaster Dexter Tiffany, jr., resigned.

Paymaster William J. Littell to be a pay inspector in the navy from the 5th day of April, 1908, vice Pay Inspector Charles S. Williams, promoted.

Passed Asst. Paymaster John A. B. Smith, jr., to be a paymaster in the navy from the 5th day of April, 1908, vice Paymaster William J. Littell, promoted.

Paymaster Martin McM. Ramsay to be a pay inspector in the navy from the 2d day of May, 1908, vice Pay Inspector Thomas J. Cowie, promoted.

Passed Asst. Paymaster Felix R. Holt to be a paymaster in the navy from the 2d day of May, 1908, vice Paymaster Martin McM. Ramsay, promoted.

Passed Asst. Paymaster Emmett C. Gudger to be a paymaster in the navy from the 5th day of May, 1908, vice Paymaster Walter L. Wilson, retired.

The following-named assistant paymasters in the navy to be passed assistant paymasters in the navy from the dates set opposite their names, upon the completion of three years' service in present grade:

Fred W. Holt, October 23, 1907;
Walter D. Sharp, October 23, 1907;
Raymond B. Westlake, October 23, 1907;
Gordon A. Helmicks, October 23, 1907;
John M. Hancock, October 23, 1907;
Graham M. Adee, October 23, 1907;
George R. Crapo, October 23, 1907;
Thom Williamson, jr., October 23, 1907;
William N. Hughes, October 23, 1907;
Howard H. Alkire, November 30, 1907;
John N. Jordan, January 6, 1908;
Harold W. Browning, March 15, 1908;
Benjamin H. Brooke, July 8, 1908;
Thomas J. Bright, July 8, 1908;
Emory D. Stanley, July 8, 1908;
Lewis W. L. Jennings, July 8, 1908;
Brantz Mayer, July 8, 1908;
Swinton L. Bethea, July 8, 1908;
William G. Neill, July 8, 1908;
Harry E. Collins, July 8, 1908;
John H. Gunnell, July 8, 1908;
Emmett H. Tebeau, July 8, 1908;
Charles E. Parsons, July 8, 1908;
William J. Hine, July 8, 1908;
Francis J. Daly, July 8, 1908; and
Roland W. Schumann, July 8, 1908.

The following-named citizens to be assistant paymasters in the navy from the 23d day of July, 1908, to fill vacancies existing in that grade on that date:

William R. Van Buren, a citizen of New York;
Raymond E. Corcoran, a citizen of South Carolina;
Elwood A. Cobey, a citizen of Maryland;
Spencer E. Dickinson, a citizen of California;
Robert S. Chew, jr., a citizen of the District of Columbia;
Russell Van De W. Bleecker, a citizen of New York; and
Thomas R. Le Compte, a citizen of Maryland.

Ensign Allan J. Chantry, jr., to be an assistant naval constructor in the navy from the 30th day of October, 1908, to fill a vacancy existing in that grade on that date.

The following-named boatswains in the navy to be chief boatswains in the navy from the dates set opposite their names upon the completion of six years' service in present grade:

Daniel Montague, June 15, 1904;
John Winn, November 5, 1907;
John Eberwine, March 11, 1908;
August Wohltman, March 11, 1908;
John A. Riley, March 11, 1908;
William Martin, March 11, 1908; and
Harry G. Jacklin, July 5, 1908.

The following-named gunners to be chief gunners in the navy from the dates set opposite their names upon the completion of six years' service in present grade:

August C. Steinbrenner, August 1, 1906;
Leonard Roll, March 11, 1908;
Isaiah Wilbur, March 11, 1908; and
George A. Messing, March 11, 1908.

Major, Assistant Adjutant and Inspector Rufus H. Lane to be an assistant adjutant and inspector in the United States Marine Corps with the rank of lieutenant-colonel from the 13th day of May, 1908, to fill a vacancy created by an act of Congress approved on that date.

Captain, Assistant Quartermaster William B. Lemly to be an assistant quartermaster in the United States Marine Corps with the rank of major from the 13th day of May, 1908, vice Major, Assistant Quartermaster Charles L. McCawley, promoted.

Captain, Assistant Quartermaster Henry L. Roosevelt to be an assistant quartermaster in the United States Marine Corps with the rank of major from the 13th day of May, 1908, to fill a vacancy created by an act of Congress approved on that date.

Captain, Assistant Paymaster William G. Powell to be an assistant paymaster in the United States Marine Corps with the rank of major from the 13th day of May, 1908, to fill a vacancy created by an act of Congress approved on that date.

First Lieut. Logan Tucker to be an assistant quartermaster in the United States Marine Corps with the rank of captain from the 28th day of September, 1908, vice Captain, Assistant Quartermaster Edwin A. Jonas, retired.

Second Lieut. Edward H. Conger to be a first lieutenant in the United States Marine Corps from the 14th day of March, 1908, vice First Lieut. Cleyburn McCauley, retired.

Capt. Philip M. Bannon to be a major in the United States Marine Corps from the 5th day of May, 1908, vice Maj. Edward R. Lowndes, retired.

First Lieut. William H. Pritchett to be captain in the United States Marine Corps from the 5th day of May, 1908, vice Capt. Philip M. Bannon, promoted.

Second Lieut. Jeter R. Horton to be a first lieutenant in the United States Marine Corps from the 5th day of May, 1908, vice First Lieut. William H. Pritchett, promoted.

Lieut. Col. Lincoln Karmany to be a colonel in the United States Marine Corps from the 13th day of May, 1908, to fill a vacancy created by an act of Congress approved on that date.

Maj. John A. Lejeune to be a lietenant-colonel in the United States Marine Corps from the 13th day of May, 1908, vice Lieut. Col. Lincoln Karmany, promoted.

Maj. Eli K. Cole to be a lieutenant-colonel in the United States Marine Corps from the 13th day of May, 1908, to fill a vacancy created by an act of Congress approved on that date.

Capt. Newt H. Hall to be a major in the United States Marine Corps from the 13th day of May, 1908, vice Maj. John A. Lejeune, promoted.

Capt. Henry Leonard to be a major in the United States Marine Corps from the 13th day of May, 1908, vice Maj. Smedley D. Butler, an additional number in grade.

Capt. George C. Thorpe to be a major in the United States Marine Corps from the 13th day of May, 1908, vice Maj. Henry Leonard, an additional number in grade.

Capt. Charles S. Hill to be a major in the United States Marine Corps from the 13th day of May, 1908, to fill a vacancy created by an act of Congress approved on that date.

Capt. Henry C. Davis to be a major in the United States Marine Corps from the 13th day of May, 1908, to fill a vacancy created by an act of Congress approved on that date.

First Lieut. William G. Fay to be a captain in the United States Marine Corps from the 13th day of May, 1908, vice Capt. Henry Leonard, promoted.

First Lieut. Robert Y. Rhea to be a captain in the United States Marine Corps from the 13th day of May, 1908, vice Capt. George C. Thorpe, promoted.

First Lieut. Thomas Holcomb, jr., to be a captain in the United States Marine Corps from the 13th day of May, 1908, vice Capt. Henry C. Davis, promoted.

The following-named first lieutenants to be captains in the United States Marine Corps from the 13th day of May, 1908, to fill vacancies created by an act of Congress approved on that date:

Edward A. Greene,
Edward B. Manwaring,
Thomas M. Clinton,
Hamilton D. South,
James T. Buttrick,
Giles Bishop, jr.,
James K. Tracy,
Arthur J. O'Leary,

Berton W. Sibley,
Frank F. Robards,
William Brackett,
Chandler Campbell,
William L. Redles,
Woodell A. Pickering,
Charles T. Westcott, jr., and
Franklin S. Wiltse.

Second Lieut. Henry N. Manney, jr., to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Frank C. Lander, promoted.

Second Lieut. Clifford P. Meyer to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Thomas H. Brown, promoted.

Second Lieut. Franklin B. Garrett to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. William G. Fay, promoted.

Second Lieut. Calvin B. Matthews to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Eli T. Fryer, promoted.

Second Lieut. Arthur A. Racicot, jr., to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Edward A. Greene, promoted.

Second Lieut. Tom D. Barber to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Hamilton D. South, promoted.

Second Lieut. Hermann T. Vulte to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. James T. Buttrick, promoted.

Second Lieut. Edward W. Sturdevant, jr., to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Giles Bishop, jr., promoted.

Second Lieut. Andrew B. Drum to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. James K. Tracy, promoted.

Second Lieut. Victor I. Morrison to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Ellis B. Miller, promoted.

Second Lieut. Maurice E. Shearer to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Arthur J. O'Leary, promoted.

Second Lieut. Ward Ellis to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Berton W. Sibley, promoted.

Second Lieut. Charles A. Lutz to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. William Brackett, promoted.

Second Lieut. Calhoun Ancrum to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Chandler Campbell, promoted.

Second Lieut. David M. Randall to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. William L. Redles, promoted.

Second Lieut. John R. Henley to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Charles T. Westcott, jr., promoted.

Second Lieut. Henry S. Green to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Franklin S. Wiltse, promoted.

Second Lieut. Ralph L. Shepard to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Frederick A. Ramsey, promoted.

The following-named second lieutenants in the United States Marine Corps to be first lieutenants in the Marine Corps from the 13th day of May, 1908, to fill vacancies created in that grade by an act of Congress approved on that date:

Howard W. Stone,
Bennet Puryear, jr.,
William W. Buckley,
William C. Wise, jr.,
William D. Smith,
Harold B. Pratt, and
Randolph Coyle.

First Lieut. Frederick A. Ramsey to be a captain in the United States Marine Corps from the 13th day of May, 1908, to fill a vacancy created by an act of Congress approved on that date.

First Lieut. John A. Hughes to be a captain in the United States Marine Corps from the 14th day of May, 1908, vice Capt. Harold C. Reisinger, appointed captain, assistant quartermaster.

Second Lieut. Philip H. Torrey to be a first lieutenant in the United States Marine Corps from the 14th day of May, 1908, vice First Lieut. Earl H. Ellis, promoted.

Second Lieut. Robert L. Denig to be a first lieutenant in the United States Marine Corps from the 14th day of May, 1908, vice First Lieut. John A. Hughes, promoted.

Second Lieut. Logan Tucker to be a first lieutenant in the United States Marine Corps from the 14th day of May, 1908, vice First Lieut. Frank Halford, appointed a captain, assistant quartermaster.

Second Lieut. Charles S. McReynolds to be a first lieutenant in the United States Marine Corps from the 14th day of May, 1908, vice First Lieut. Walter E. Noa, appointed a captain, assistant quartermaster.

Second Lieut. Charles F. B. Price to be a first lieutenant in the United States Marine Corps from the 14th day of May, 1908, vice First Lieut. Seth Williams, appointed a captain, assistant quartermaster.

Second Lieut. William C. Powers, jr., to be a first lieutenant in the United States Marine Corps from the 14th day of May, 1908, vice First Lieut. Davis B. Wills, appointed a captain, assistant paymaster.

Second Lieut. Russell H. Davis to be a first lieutenant in the United States Marine Corps from the 14th day of May, 1908, vice First Lieut. Edward W. Banker, appointed a captain, assistant quartermaster.

Second Lieut. Sydney S. Lee to be a first lieutenant in the United States Marine Corps from the 14th day of May, 1908, vice First Lieut. Charles R. Sanderson, appointed a captain, assistant quartermaster.

Second Lieut. Robert Tittoni to be a first lieutenant in the United States Marine Corps from the 17th day of May, 1908, vice First Lieut. William A. Howard, retired.

First Lieut. Thomas C. Turner to be a captain in the United States Marine Corps from the 17th day of June, 1908, vice Capt. Henry O. Bisset, retired.

Second Lieut. Ross E. Rowell to be a first lieutenant in the United States Marine Corps from the 17th day of June, 1908, vice First Lieut. Thomas C. Turner, promoted.

Capt. Smedley D. Butler to be a major in the United States Marine Corps from the 13th day of May, 1908, vice Maj. Eli K. Cole, promoted.

Templin M. Potts, jr., a citizen of West Virginia, to be a second lieutenant in the United States Marine Corps from the 10th day of March, 1905, to fill a vacancy existing in that grade on that date.

Clarke H. Wells, a citizen of the District of Columbia, to be a second lieutenant in the United States Marine Corps from the 9th day of September, 1908, to fill a vacancy existing in that grade on that date.

POSTMASTER.

FLORIDA.

Frank Vans Agnew, to be postmaster at Kissimmee, Fla.

INJUNCTION OF SECRECY REMOVED.

On December 10, 1908, the following conventions were ratified by the Senate, and the injunction of secrecy was removed therefrom:

An arbitration convention between the United States and China (Ex. A, 60th, 2d).

An arbitration convention between the United States and Peru (Ex. B, 60th, 2d).

A naturalization convention between the United States and Brazil (Ex. C, 60th, 2d).

A naturalization convention between the United States and Honduras (Ex. D, 60th, 2d).

A naturalization convention between the United States and Uruguay (Ex. E, 60th, 2d).

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 10, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of yesterday's proceedings was read and approved.

PROCTOR MEMORIAL EXERCISES.

Mr. HASKINS. Mr. Speaker, on the 27th day of last May a special order was made by the House setting apart next Sunday, December 13, for memorial addresses upon the life, character, and public services of Hon. REDFIELD PROCTOR, of Vermont. The Senate has postponed action upon their order. I now ask that a different order be made, changing it to Sunday, January 10, 1909, at 12 o'clock.

The SPEAKER. The gentleman asks unanimous consent to substitute January 10 for the Proctor memorial exercises in lieu of next Sunday. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

PENSIONS.

Mr. SULLOWAY. Mr. Speaker, I am informed by the chairman of the Committee on Appropriations that they desire to continue work on the consideration of the legislative bill until completed. I now ask that the next legislative day following the disposition of the legislative bill shall be substituted for to-morrow for the purpose of considering bills on the Private Calendar.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that the next legislative day after the completion of the consideration of the legislative, executive, and judicial appropriation bill shall be set apart in lieu of to-morrow for pensions. Is there objection? [After a pause.] The Chair hears none.

LEGISLATIVE APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I desire to state that the gentleman from Pennsylvania [Mr. BINGHAM], of the Committee on Appropriations, has been authorized to report the legislative, executive, and judicial appropriation bill, and will make the report very soon. It is the desire of the committee to take the bill up for consideration to-morrow immediately after the reading of the Journal.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BINGHAM, from the Committee on Appropriations, reported the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with accompanying report, ordered to be printed.

Mr. FITZGERALD. I reserve all points of order on the bill.

The SPEAKER. The gentleman from New York reserves all points of order on the bill.

Mr. PAYNE. I demand the regular order.

Mr. LIVINGSTON. Will the gentleman from New York withdraw that for a moment?

Mr. PAYNE. I withdraw the demand for a moment.

Mr. LIVINGSTON. I just want to fix the time for debate in the House now.

The SPEAKER. It can be fixed now or to-morrow, as the gentleman prefers. The gentleman from Pennsylvania will please give his attention.

Mr. LIVINGSTON. I give notice to the gentleman in charge of the bill that to-morrow we will regulate the time for debate on both sides.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the first committee.

CLAIMS.

Mr. WALDO (when the Committee on Claims was called). Mr. Speaker, the gentleman from Kansas [Mr. MILLER] has some bills which he wishes to take up, and I ask that the committee be passed until he can get here.

The SPEAKER. The gentleman asks that the committee be passed without prejudice.

Mr. MANN. I think that that committee has nothing to call up on the call of the committees.

Mr. WALDO. I understand we have. We have a Calendar of bills.

Mr. CHANEY. Are they on the Private Calendar?

Mr. WALDO. Yes.

Mr. CHANEY. This call is only for House bills.

The SPEAKER. Has the Committee on Claims any bill on the House Calendar?

Mr. WALDO. I think not, but I am not sure; and in the absence of the gentleman from Kansas [Mr. MILLER] I ask that the committee be passed without prejudice until the chairman of the committee arrives.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

BOOKS FOR THE LIFE-SAVING SERVICE.

Mr. BATES. Mr. Speaker, by direction of the Committee on Expenditures in the Treasury Department I call up the bill (S. 3495) to authorize the transfer of books from the Treasury Department library to life-saving stations of the United States.

The bill was read at length.

Mr. BATES. Mr. Speaker, this is a bill to transfer about 3,000 volumes that are now in the custody of the Secretary of the Treasury, and send them out to the life-saving stations of the United States, where they will be used and appreciated. They are not used in the Treasury building. The bill has passed the Senate, has the report and approval of the House Committee on Expenditures in the Treasury Department, and is on the House Calendar for passage. I ask for a vote.

Mr. TAWNEY. I desire to ask the gentleman a question. I understand him to say that the number of volumes is about 6,000.

Mr. BATES. The report of Mr. Winthrop, the assistant secretary, states that the number is about 6,000 volumes.

Mr. TAWNEY. Does the gentleman know the total number of volumes in the Treasury library?

Mr. BATES. No; I can not say.

Mr. TAWNEY. Is it intended to transfer the entire library now in the Treasury Department?

Mr. BATES. Oh, not at all.

Mr. TAWNEY. It ought to be done. I was just wondering whether it did or not.

Mr. MANN. It is intended to transfer that class of books that are not of use in the Treasury Department, but that are good reading.

Mr. BATES. That is all.

Mr. OLMSTED. I would like to inquire of the gentleman having charge of the bill—my colleague from Pennsylvania—whether these books relate to the subject of first aid to the injured; or, if not, what the object is of sending them to the life-saving sations?

Mr. BATES. They are largely books of entertainment and travel, and novels, for the whiling away of the tedious hours of the men who are in the life-saving stations of the United States. The books are not especially instructive, I understand, although I think they will be of use in the places to which they are intended to be sent.

Mr. OLMSTED. My observation of two or three of these life-saving stations is that the so-called life savers there are good for little else except entertainment, although the most of them render excellent service, and I therefore shall not object.

Mr. MANN. I do not think that statement ought to go unchallenged.

The SPEAKER. Will the gentleman from Pennsylvania suspend for a moment? The Clerk at the desk informs the Chair that this bill is not upon the Calendar, that the bill itself is not present, and furthermore that it passed the House on the 30th day of May last.

Mr. BATES. I withdraw the bill. I was requested by one of the executive departments to pass this bill at the first opportunity, and found such a memorandum on my desk. I understand it is not yet a law.

CITIZENSHIP OF MILITARY AND NAVAL DESERTERS.

The Committee on Naval Affairs was called.

Mr. ROBERTS. Mr. Speaker, by direction of the Committee on Naval Affairs I call up Senate bill 5473, to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That every person who hereafter deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States, with intent to avoid any draft into the military or naval service, lawfully ordered, shall be liable to all the penalties and forfeitures of section 1996: *Provided*, That the provisions of this section and section 1996 shall not apply to any person deserting the military or naval service of the United States in time of peace: *And provided further*, That the loss of rights of citizenship imposed by law upon deserters from the naval service may be mitigated or remitted by the Secretary of the Navy where the offense was committed in time of peace and where the exercise of such clemency will not be prejudicial to the public interests."

Mr. ROBERTS. Mr. Speaker, this bill has been called to the attention of Congress by the Secretary of the Navy, and the injustice and hardship of the existing law has been pointed out by him. It seems that this forfeiture of rights of citizenship for desertion from the navy was first imposed by law in 1865, and the purpose and intent of that act was, as set out by Col. William Winthrop, a writer of recognized authority on military jurisprudence, to prevent those who were drafted from escaping the effects of the draft. Let me read a brief paragraph from his work:

It may be added in regard to this statute that, though general in its terms, it was manifestly intended as a means of enforcing the draft and of preventing desertion at a period of emergency and public danger. It was thus in fact a war measure, and the general clause was apparently added only to cover such period as might remain of the then existing war. Not being limited, however, to such period, it has been treated as of continuous operation. In a normal condition of peace, a statute of this exceptional character, by which desertion is visited with a "po-

litical" punishment, is incongruous and unnecessary, and its retention in our military law is no longer desirable.

Now, the Secretary of the Navy very aptly says that the American Navy is never troubled with desertions in time of war, and the only trouble we do have is with the young fellows, boys of 18, 19, or 20, who are joining the American Navy in such great numbers, who are led away by improper associates, without having any conception of the enormity of the punishment that will follow their desertion, and who compose the majority of the deserters from our navy to-day.

Let me say to the House that the punishment for desertion at the present time carries with it imprisonment, usually not less than one year, forfeiture of all pay that may be due, dishonorable discharge from the navy, which prevents the person from ever again enlisting in the navy, and by statute, not by sentence of court-martial, the further enormous punishment which we only mete out to felons—loss of citizenship.

Mr. CLARK of Missouri. I would like to ask the gentleman a question. What is your proposition, stated briefly?

Mr. ROBERTS. The proposition, Mr. Speaker, is to strike out of the statute law that horrible punishment for a comparatively minor offense—desertion in time of peace—so that when a man deserts from the navy, hereafter, he will only get the court-martial punishment, which is imprisonment, loss of his pay, and dishonorable discharge from the navy, leaving him still an American citizen.

Mr. CLARK of Missouri. Then this law, as it stands now, applies to both the army and navy?

Mr. ROBERTS. It only applies to the navy, because the naval committee did not deem it within its province to offer legislation affecting the army. The provision should apply, in my judgment, to both branches of the military service.

Mr. MANN. I beg the pardon of the gentleman from Massachusetts, but it does apply to both the army and the navy. If the gentleman will read the amendment, he will see that it applies to the military and naval service of the United States.

Mr. ROBERTS. I accept the corrections, Mr. Speaker; it does apply to both branches.

Mr. CLARK of Missouri. Does either the Secretary of War or the Secretary of the Navy recommend this measure?

Mr. ROBERTS. The Secretary of the Navy recommends it. If the gentleman from Missouri will read the House report No. 1340, he will see that the Secretary of the Navy devotes a page of fine print to the advocacy of his recommendation.

Mr. CLARK of Missouri. Which Secretary of the Navy?

Mr. ROBERTS. Secretary Metcalf. I would state for the information of the gentleman from Missouri that the House amendment goes a step farther than merely repealing that clause relating to loss of citizenship, and gives the Secretary of the Navy authority, where it is not incompatible with the public interest, to restore citizenship to those who have lost it by desertion prior to the passage of this act; the object of putting that in was to prevent a flood of bills coming upon Congress to restore citizenship to those who have lost it under the operation of the old law.

Mr. CLARK of Missouri. The Secretary of War has the power to do that now, has he not?

Mr. ROBERTS. Neither the Secretary of War nor the Secretary of the Navy has the power to restore citizenship. That is the statute provision, and the Secretaries have no discretion; it goes with the court-martial sentence, as a part of it.

Mr. KELIHER. Can they go back and pardon a man who has previously been convicted? In other words, is the power of the Secretaries to be retroactive?

Mr. ROBERTS. Under this bill the Secretary of the Navy has the right to restore the rights of citizenship to those who lost it prior——

Mr. KELIHER. How far back?

Mr. ROBERTS. Back to 1865 in cases, as the amendment states, where such clemency will not be prejudicial to the public interest.

Mr. UNDERWOOD. I would like to ask the gentleman a question.

Mr. ROBERTS. Very well.

Mr. UNDERWOOD. Has not the President of the United States this power under his authority to restore citizenship by issuing a pardon for the offense?

Mr. ROBERTS. I will state that probably if the President should pardon a man for desertion, citizenship would be restored; but there are so many cases of desertion that it would not be feasible for the President to be burdened with the responsibility of looking into all these cases and issuing or withholding a pardon. It is a monstrosity in the law that should be taken out of it.

Mr. KELIHER. Is it not a fact that all the evidence in the cases is furnished the President by the department heads?

Mr. ROBERTS. Yes; I think it is.

Mr. GAINES of Tennessee. I would like to ask the gentleman from Massachusetts a question.

Mr. ROBERTS. Very well.

Mr. GAINES of Tennessee. Can the gentleman give to the House about the average age of the men who desert from the army or the navy?

Mr. ROBERTS. The Secretary of the Navy, speaking for the navy, says that the larger proportion or great majority of the desertions from the navy are of young men in their first enlistment. Now, I am not able to state the average age of these young men, but I might say to the gentleman from Tennessee that it was stated when the fleet started for its cruise around the world, if my memory serves me, that the average age of the men in the ships was about 21 years.

Mr. GAINES of Tennessee. I want to say to the gentleman that I am in favor of his bill, and I will state further that I do not think I ever had a case of desertion where the party who deserted knew beforehand that he would lose his citizenship.

Mr. ROBERTS. I will venture to say that not one man in ten thousand who joins the naval service of the United States knows or dreams even that should he desert he would lose his citizenship.

Mr. GAINES of Tennessee. And utterly regardless of the awfulness of the crime of desertion.

Mr. ROBERTS. I want to point out just one other feature of the bill. It does not affect the law regarding desertions in time of war, but only in time of peace.

Mr. KEIFER. Mr. Speaker, I would like to ask the gentleman a question. I understand from the reading of the Clerk that this bill undertakes to give the power to the Secretary of the Navy to grant pardons to deserters from the navy.

Mr. ROBERTS. Mr. Speaker, if the gentleman will read the full text of the bill he will see that that power is given to the Secretary to deal only with cases of desertion in the past. If we are going to take this out of the law so that a man who deserts hereafter does not lose citizenship, it is only a matter of fairness that those who deserted prior to that law should have citizenship restored when not prejudicial to public interests.

Mr. KEIFER. What I want to know is whether it is the understanding that all convictions now for desertion take from the party citizenship?

Mr. ROBERTS. Conviction itself under the existing law forfeits citizenship. That is the monstrosity of the law.

Mr. KEIFER. Do I understand the object of this bill is to give such power, the equivalent of the pardoning power, to the Secretary of the Navy to restore that citizenship?

Mr. ROBERTS. In cases in the past. If this becomes a law desertion in time of peace will not forfeit citizenship. That is, the loss of citizenship does not go with the conviction for desertion.

Mr. KEIFER. That explanation is all right, but this is the point: I want to know whether the gentleman's committee has considered the question as to whether the Secretary of the Navy himself, and not the President, can be given by law the pardoning power after a conviction of a deserter from the navy that has the effect of taking away citizenship.

Mr. ROBERTS. The committee did consider that, and we thought that inasmuch as all the records concerning the deserter were in the custody of the Secretary of the Navy, and that, if you may call it so, the pardoning power would be more expeditiously exercised and with equal discretion by the Secretary of the Navy, it would be better not to bother the Chief Executive, as he would be bothered, by innumerable petitions for the restoration of that citizenship.

Mr. KEIFER. Mr. Speaker, I have been unfortunate in having the gentleman understand the point I am trying to reach, and that is this: Whether the Secretary of the Navy can be given the pardoning power to the exclusion of the President of the United States in the cases to which he refers.

Mr. ROBERTS. It seems to me the gentleman loses sight of the real point here. We are not pardoning anybody under the provisions of this bill. The man upon whose case the Secretary would act is not serving a sentence—he is not in prison. He is at liberty. We are restoring the right that has been forfeited by operation of law, and we restore it by operation of law.

Mr. KEIFER. Mr. Speaker, I understood the gentleman to say, however, that he was under a sentence of conviction for the crime of desertion, which took away his citizenship, and that it is now proposed to restore that to him by giving the power to the Secretary of the Navy to pardon him.

Mr. ROBERTS. The sentence for desertion itself makes no mention of loss of citizenship. The sentence itself of the court-martial does not mention loss of citizenship in any way, shape,

or manner. That goes along with it by operation of the statute of 1865.

Mr. KEIFER. Because the law forfeits it.

Mr. ROBERTS. The law fixes it.

Mr. KEIFER. Yes. I want to say that I do not believe you can give the pardoning power by statute to anybody, that power being vested exclusively in all federal convictions to the President of the United States by the Constitution of the United States.

Mr. HULL of Iowa. Has not the President the absolute right now to restore these parties?

Mr. ROBERTS. I want to say, Mr. Speaker, that would be a moot question after the prisoner has served his sentence, upon discharge from prison, dishonorable discharge from the navy; it is a grave question, in my opinion, whether the President then has power to restore citizenship.

Mr. HULL of Iowa. I do not believe that there is any question of the right——

Mr. ROBERTS. I do not believe you should punish a man for an offense after he has expiated that offense.

Mr. HULL of Iowa. He has done that in the past in the army, to my certain knowledge, where an officer of the army was convicted for misappropriation of public funds, served in the penitentiary at Leavenworth, who was pardoned out at the close of his term and restored to citizenship.

Mr. ROBERTS. After he served his sentence?

Mr. HULL of Iowa. At the conclusion of his sentence he was pardoned out.

Mr. ROBERTS. And before the Government had released him from custody? I should question it very much, but the gentleman, who has had wide experience, will admit, if this becomes the law—this provision taking out the loss of citizenship from the statute—there will be thousands of cases brought to somebody's attention of those who have deserted and thereby lost their citizenship who will want to be restored to citizenship, and somebody will be flooded with these petitions. Now, it would seem to me, as a practical question, that we had better let the Navy Department and the Secretary of the Navy stand the brunt than to throw it upon the President.

Mr. HULL of Iowa. Then had you not better strike out the words "military or naval service?" Make it simply desertion from the naval service. If the gentleman will do that, I should not care to interfere with the naval portion. I doubt very much the wisdom of the legislation, and can see no reason why the army should be put in without any investigation whatever. I have never had a recommendation of that kind from any man connected with the department, and I think it is a radical change of the law.

Mr. SABATH. Does this apply only to the navy?

Mr. HULL of Iowa. It applies to both army and navy, but it does not allow the Secretary of War to remove the penalties imposed in the past, while this goes further. It does give to everyone who has been convicted of desertion the right of citizenship again who has deserted from the navy.

Mr. GOULDEN. Why did you include the military branch in all except the pardoning power of those deserting in the past?

Mr. ROBERTS. Because we did not feel warranted in suggesting legislation which would constrain the action of the Secretary of War. We wanted to confine our legislation as closely as possible to the naval end of it.

Mr. GOULDEN. But you include the military end so far as the future is concerned, and I think it ought to be included.

Mr. ROBERTS. I agree with you. I will say to the chairman of the Committee on Military Affairs that if he does not like it, I will accept an amendment striking out the military part of it. I will say frankly the purpose of the Committee on Naval Affairs is to look out for that end of it and the good of the navy.

Mr. MANN. And the purpose of Congress ought to be to look out for both.

Mr. ROBERTS. We agree there fully, but by reason of a clash of authority between committees, the Naval Affairs Committee did not want to go any further than absolutely necessary, so we did not confer any power on the Secretary of War with regard to past offenses.

Mr. HULL of Iowa. The whole question is a new one. How many men are affected we have no information whatever; what its effect will be upon the service we have no information whatever.

Mr. SABATH. Many thousands of young men, from 16, 17, and 18 years of age, who enlist have not the slightest idea that they would be punished severely if they desert. They are made all kinds of promises when they enlist. Now, after they enlist and serve for a few months and then desert, they lose their citizenship.

Mr. HULL of Iowa. There are desertions from both the army and navy from men past 20 years of age, who know what they are about——

Mr. SABATH. Very few.

Mr. HULL of Iowa. Who know all about what their obligation is. It costs the Government of the United States a thousand dollars to equip and start a man out in the service.

In a great many of these cases the men enlist with the idea of getting fitted out, serving but a little while, getting transported to some point, and desert. You cast the whole thing together. You make it appear so that there is practically no punishment except of a little imprisonment.

Mr. ROBERTS. Now, let me say to the gentleman right there, I do not know what the punishment is for desertion from the army, but I do know that in the navy the punishment for desertion in time of peace is a very severe one. And they are not only sentenced to serve not less than a year in prison, but they lose any allowances that may be coming to them, and they are dishonorably discharged.

Mr. SABATH. That same punishment is in the military, is it not?

Mr. HULL of Iowa. It is the same thing.

Mr. ROBERTS. It seems to me it is a sufficient punishment for so comparatively trivial an offense as desertion in time of peace.

Mr. SLAYDEN. Desertion is not a trivial offense.

Mr. ROBERTS. I maintain that desertions by the great mass of those who commit them, young fellows from 16 to 18 and 19 years of age, are a trivial offense when those desertions come in their first enlistment.

Mr. MANN. And the punishment now is, without doubt, abhorrent to modern civilization.

Mr. KELIHER. In the gentleman's opinion, does he consider that that feature of the punishment that applies forfeiture of citizenship acts as a deterrent to desertions from the navy to-day?

Mr. ROBERTS. Absolutely no; because, as I stated a moment ago, I do not believe one person in ten thousand who enlists in the navy even dreams he will lose his citizenship should he desert in time of peace, and not having any knowledge of that extraordinary punishment, it can not have any deterrent effect on desertion.

Mr. KELIHER. If the gentleman will permit me, I want to supplement that remark by this statement. I come from a seaboard city, and have had a number of experiences in just such cases, and in nine-tenths of them the culprits had no idea whatever that they would forfeit their citizenship by desertion from the navy.

Mr. ROBERTS. It is only in after years that the enormity of this punishment comes home to these young fellows. After they have attained years of discretion, have become good citizens in the community, and then seek some office either at the hands of their fellow-citizens or by appointment, they are met with that awful punishment of loss of citizenship. And we are creating by the operation of this act a class of young men in this country, numbering thousands, American-born boys, who are not citizens of this country, and who have lost that precious right because in a moment of heedlessness, or homesickness, or for some trivial cause, they left the naval service during their first enlistment.

Mr. GOLDFOGLE. And you practically outlaw them.

Mr. PAYNE. The gentleman from Massachusetts [Mr. ROBERTS] thinks it is an extraordinary punishment. In our State every man who is convicted of a felony loses his right of citizenship, and I suppose that is so in most of the States of this country.

Mr. ROBERTS. I agree with the gentleman, if he wants to call a boy 18 years of age, in his first enlistment, the first time he is away from home, and homesick, who runs away to go back to his mother, a felon, it is not unusual or extraordinary.

Mr. PAYNE. Desertion in time of war is a very serious matter.

Mr. ROBERTS. I will now yield to the gentleman from Iowa [Mr. HULL], the chairman of the Committee on Military Affairs.

Mr. PAYNE. The law calls a boy, even 18 years of age, who in a moment of thoughtlessness runs away from the navy, a felon if he is convicted, just as much as it does now a boy 18 years of age who in a moment of temptation robs the till or commits the crime of forgery in his employer's service. And the law of nations recognizes always the crime of desertion

as a very serious one, and in times of war sometimes a man's life is forfeited, and justly so, on account of it.

Now, I only mention that because the gentleman said it was a very extraordinary punishment and seems to think it was applicable only to this offense, and that therefore no one dreamed of the consequences that would follow. I do not know why a young man should not, if he was going to commit what is denounced as a felony—if it is what the gentleman thinks it is, a trivial offense to desert from the navy—I do not know why he should not as well be apprised of the consequences that follow his act as a young man who does commit the crime of grand larceny. I am not comparing the two offenses, but simply stating that offense.

Mr. ROBERTS. I know the law makes desertion a felony, with the loss of citizenship; but I still maintain that it is a barbarous punishment for a comparatively trivial offense. I, for one, and the Naval Committee as well, want to see that monstrosity taken out of our laws. This was a civil-war measure, an emergency measure, in time of great stress; but by its construction these harsh provisions have been extended down to the present time, and it seems to me we are now far enough away from the civil war and far enough away from the emergency that made that law desirable to be able to dispense with this harsh provision.

Mr. PAYNE. If the gentleman confines himself to the kind of an argument he is now making, which is a legitimate argument, and not the extreme argument he was making in regard to the heinousness of the punishment of desertion, I am more inclined to favor his bill.

Mr. PRINCE. I desire to ask the gentleman a question.

Mr. ROBERTS. I will yield to the gentleman for a question.

Mr. PRINCE. Do you not think that those very highly colored pictures inciting and encouraging young men to enlist in the navy have, through the inducements and through the promises to them of things that they will obtain by reason of the service, that they never get, been the cause of many young men enlisting; and after they get into the service they fall homesick and are inclined to leave without full knowledge as to the effect of this provision that you are now seeking to modify?

Mr. ROBERTS. In answer to the gentleman, let me say that I have had brought to my personal attention many cases of young men who have been induced—I will not say by what means—to enlist in the navy under the impression that they were to get great opportunities; that great advantages would be placed before them; and after they had left their homes and been in the navy a few months they did not see the opportunities nor the advantages, and they got homesick and ran away. These young fellows, some of them sons of the best families in this country, by operation of this statute stand today as outlaws in the land of their birth. That is what the law is doing. It is creating a band of outlaws in this country—outlawing young American boys, born in this country, in many cases of a long line of American ancestors.

Mr. DRISCOLL. Will the gentleman allow me to ask him a question?

Mr. ROBERTS. I yield to the gentleman for a question.

Mr. DRISCOLL. I want to ask the gentleman whether he proposes to inflict any punishment on these boys after they have enlisted and then deserted from the service?

Mr. ROBERTS. The gentleman from New York evidently has not been listening to my statement. They get not less than one year imprisonment if they are convicted. And, as a further punishment, if they desert they lose all pay and allowances that may be due them at the time of desertion, and they are dishonorably discharged from the navy, and can never thereafter join the naval or military service of the country. That is punishment enough.

Mr. DRISCOLL. Is this a special case?

Mr. ROBERTS. That is the general punishment.

Mr. DRISCOLL. Is this bill of yours a special case?

Mr. ROBERTS. It is a change of the general law, taking out of the statutes that barbaric penalty which has continued from war times to the present time.

Mr. DOUGLAS and Mr. SLAYDEN rose.

The SPEAKER. To whom does the gentleman yield?

Mr. ROBERTS. How much time have I remaining?

Mr. DOUGLAS. Does the gentleman yield for a question?

The SPEAKER. The gentleman has twenty-six minutes remaining. Does the gentleman yield to the gentleman from Ohio?

Mr. ROBERTS. I yield for a question.

Mr. DOUGLAS. Why does not section 2, Article II, of the Constitution, which provides that upon the advice of any executive officer the President may grant a reprieve or pardon, cover the case? I do not know but what the gentleman may have stated that in his remarks.

Mr. ROBERTS. Reprieve is commonly understood to relate to a case where a man is under sentence of death and before the sentence has been executed. Now, it will be of no good to a man to grant him a reprieve after his neck has been stretched. A pardon is properly supposed to relate to a case where a man is undergoing sentence and the sentence has not expired.

Mr. SLAYDEN. Mr. Speaker, in view of the fact that no administrative official of the War Department has requested legislation of this kind, I should like to ask the gentleman from Massachusetts if he does not think it would be wise to exempt the army entirely from the operation of the bill?

Mr. ROBERTS. I have stated repeatedly to the chairman of the Committee on Military Affairs that if he will offer an amendment striking out "military or," in the first line, I will accept it or let the House vote on it.

I yield to the gentleman from Tennessee [Mr. GAINES] three minutes.

Mr. GAINES of Tennessee. Mr. Speaker, I have had considerable experience in these desertion matters since I have been in Congress. I was appalled when I learned of the dense ignorance which exists of the fact that deserters are visited with a loss of citizenship as a part of the penalty, sometimes in the most trivial cases. I recall two or three examples, which I will give you. The first was that of two brothers who deserted to go home and marry two sisters, and as they were going back to their post of duty they were arrested and court-martialed. That is the way I remember the case. Another case was where a young man wanted to go home to see his sick mother. He deserted and went home, saw her; and his brother after advising him of the great wrong that he had done, put him on the train and sent him back, and en route was arrested. He was court-martialed, and my recollection is that he lost his citizenship. He had no intention of finally deserting. He meant to go back to his post. He had been a good citizen, of good standing and good family. I have had other experiences in cases of all kinds, some of them of the most trivial nature. A man convicted of desertion is imprisoned, fined, humiliated, chastised in every conceivable way except to take his life, and finally stripped of his citizenship. This is a proposition to mitigate that in time of peace, not in time of war. I am going to vote for the bill, because I think the punishment is too great. In time of war it may not be, but in time of peace it certainly is. Nearly every case that has come under my observation has been a case not of willful or malicious desertion. I recall a third case, that of a young boy whose widowed mother married again. He then slipped away and went into the navy against her will. Afterwards the stepfather died, leaving the mother a thousand miles away from her friends and old home, solitary and alone. She had in the meantime lost her eyesight. This boy deserted to go to see his mother under those circumstances.

Mr. HULL of Iowa. If the gentleman will allow me, I can state that in a case of that kind the boy did not need to desert; he did not need to desert, because the law under such circumstances allows a soldier his discharge.

Mr. GAINES of Tennessee. This boy learned that his mother was homeless, friendless, and penniless, and had lost her eyesight by waiting upon her unfortunate husband. When he was denied the privilege of going home to see her after he had enlisted against her will, he was punished under this terrible law because he did go. This law is too savage in time of peace; hence I am going to vote for the bill.

Mr. ROBERTS. I yield three minutes to the gentleman from Iowa [Mr. HULL], chairman of the Committee on Military Affairs.

Mr. HULL of Iowa. The statement of the gentleman from Tennessee could not apply to the army, for the reason that some years ago in an army bill——

Mr. GAINES of Tennessee. I said this was in the navy.

Mr. HULL of Iowa. I do not know about the navy, but as I was about to say, we have provided that in such cases as that described by the gentleman from Tennessee, a boy shall be entitled to his discharge.

This bill is to me a very sudden proposition—to change a law that has been on the statute book for a great many years. It may be all right, but I am not sure of it. It is a proposition to relieve all deserters from one of the severest penalties of the law. Now, no man can enlist in the army under the age of 18 unless he commits perjury, because they will not take him unless he satisfies them, either by his own affidavit or the certificate of his parents, that he is over 18 years of age, so that

he is not an immature youth entirely. A great many desertions come from men who have enlisted two or three times, who get drunk, and rather than suffer the punishment for it desert; men of 25 or 30 years af age, many of them.

I do not know how that is in the navy, but this proposition here is to change the law. We of the military have no information on the subject. I do not propose to amend the bill; it at least leaves those that heretofore deserted from the army to take the punishment as the law provided that they should take it. I do not believe it is possible for the Secretary of the Navy to exercise the pardoning power, and therefore I do not believe that that section of the bill is of any benefit. I do believe that the President has power in every individual case that is brought to his attention to pardon a man and restore him to citizenship. The change of law affecting future action, exempting the enlisted force of the navy and the army from loss of citizenship, is effective because it is a repeal of the law to that extent, but when you go further and take from the President, practically, and give to one of his subordinates the pardoning power, I believe that you are going against the Constitution and that your provision of law is not effective.

Mr. KELIHER. Is it not a fact that the President considers these cases and decides them upon evidence furnished by the departments?

Mr. HULL of Iowa. Without doubt. I think in almost every case he would issue a pardon where the Secretary of the Navy recommended it, but that does not give Congress the right to take from the President the exercise of his constitutional power and put it in the hands of a bureau chief.

Mr. GOLDFOGLE. Is not this a modification of the punishment?

Mr. HULL of Iowa. It is a restoration of the rights of citizenship. It is not a remission of punishment.

Mr. ROBERTS. Loss of citizenship is a punishment.

Mr. HULL of Iowa. Certainly.

Mr. GOLDFOGLE. Has not the officer who approved the sentence of the court-martial the right to modify the sentence?

Mr. HULL of Iowa. In minor offenses, in some cases he could. But the President himself can always modify or set aside a sentence of a court-martial entirely.

Mr. GOLDFOGLE. Where the charge is desertion, is it not a fact that the charge may be changed by a finding of the court-martial of guilty of absence without leave or, rather, the conviction might be for absence without leave instead of desertion?

Mr. HULL of Iowa. Of course, but neither the President nor the commanding general would modify a court-martial unless the evidence was sufficient to sustain it.

Mr. GOLDFOGLE. Is it not a fact in many cases that the courts-martial find young men of 18 or 20 years of age guilty of absence without leave?

Mr. HULL of Iowa. Oh, perhaps so.

Mr. ROBERTS. Mr. Speaker, I move the previous question.

The SPEAKER pro tempore (Mr. DENBY). The gentleman from Massachusetts moves the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore. The question now is on the amendment proposed by the committee.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended.

On motion of Mr. ROBERTS, a motion to reconsider the vote whereby the bill was passed was, upon his motion, laid upon the table.

The SPEAKER pro tempore. The Clerk will continue the call of committees.

The Clerk resumed and completed the call of committees.

REFUND OF CERTAIN MONEYS TO HAWAII.

Mr. MILLER. Mr. Speaker, by direction of the Committee on Claims which was passed without prejudice in the call of committees, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6145) to refund to the Territory of Hawaii the amount expended in maintaining light-house service on its coasts from the time of the organization of the Terrtory until said light-house service was taken over by the Federal Government.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MANN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6145, and the Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the sum of $23,393.69 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be paid to the Territory of Hawaii to reimburse said Territory for money paid, laid out, and expended by said Territory in maintaining light-houses, bell buoys, and light-house service on its coasts from the time said Territory became territory of the United States until said light-houses, bell buoys, and light-house service were transferred to and taken under the management and control of the Light-House Board.

Mr. MILLER. Mr. Chairman, this is the unanimous report from the Committee on Claims recommending the reimbursement of the Hawaiian government of the sum of twenty-three thousand and some dollars for moneys they expended from the time they became a part of the territory of the United States until the light-houses, and so forth, were turned over to the Light-House Board. It has the unanimous report of the committee, and also the indorsement of the Department of Commerce and Labor. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

Mr. MILLER. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly, the committee rose, and the Speaker pro tempore having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 6145) to refund to the Territory of Hawaii the amount expended in maintaining light-house service on its coasts from the time of the organization of the Territory until said light-house service was taken over by the Federal Government, and had directed him to report the bill back to the House with the recommendation that it do pass.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MILLER, a motion to reconsider the last vote was laid on the table.

INVESTIGATION OF CONTROVERSIES AFFECTING INTERSTATE COMMERCE.

Mr. TOWNSEND. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15447) to provide for the investigation of controversies affecting interstate commerce, and for other purposes.

Mr. ADAMSON. Mr. Speaker, pending that motion, I would inquire if it is necessary to make some arrangement about discussion of the matter in the committee?

Mr. TOWNSEND. O, Mr. Speaker, I do not understand that that is necessary. As I understand it, any gentleman is entitled to one hour's debate, although if it be the will of the House I have no objection to setting the time.

Mr. ADAMSON. I have no objection at all to proceeding in the regular way.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Michigan that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15447.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15447) providing for the investigation of controversies affecting interstate commerce, and for other purposes, with Mr. OLMSTED in the chair.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That whenever within any State or States, Territory or Territories, or the District of Columbia a controversy concerning wages, hours of labor, or conditions of employment shall arise, by reason of which controversy the transportation of the United States mails, the operations, civil or military, of the Government of the United States, or the free and regular movement of commerce among the several States and with foreign nations is, in the judgment of the President, interrupted or directly affected, or threatened with being so interrupted or directly affected, the President may, in his discretion, inquire into the same and investigate the causes thereof, in accordance with the provisions of this act.

SEC. 2. That to this end the President may appoint a special commission, not exceeding seven in number, of persons in his judgment specially qualified to conduct such an investigation. The Commissioner of Labor shall be ex officio secretary of the commission, and shall keep and preserve the proceedings of all commissions appointed under this act.

SEC. 3. That such commission shall promptly organize, and, upon giving reasonable notice to the parties to the controversy, shall, either at the seat of disturbance or elsewhere, as it may deem most expedient, proceed with all convenient dispatch to investigate the causes of such controversy and the remedy therefor.

SEC. 4. That the parties to the controversy shall be entitled to be present in person or by counsel during the investigation and shall be

entitled to a hearing thereon, in accordance with such rules of procedure as the commission may adopt; but nothing in this section contained shall be construed as entitling such parties to be present during the consultations of the commission.

SEC. 5. That for the purposes of this act the commission, or any one commissioner, shall have power to administer oaths and affirmations, to sign subpœnas, to require the testimony of witnesses either by attendance in person or by deposition, and to require the production of such books, papers, contracts, agreements, and documents as may be deemed essential to a just determination of the matters under investigation; and to this end the commission may invoke the aid of the courts of the United States to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements, and documents; and for the purposes of this section it shall be vested with the same powers, to the same extent and under the same conditions and penalties, as are vested in the Interstate Commerce Commission by the act to regulate commerce, approved February 4, 1887, and the acts amendatory thereof and in addition thereto, and all acts which may hereafter be enacted amendatory thereof or supplemental thereto; and it shall be the duty of the said courts of the United States to render said commission the same aid, to the same extent and under the same conditions, as is provided by said acts in aid of said Interstate Commerce Commission, and witnesses examined as aforesaid shall be subject to like duties as provided in said acts, but no witness shall be required to give any testimony incriminating himself, nor shall he be given any immunity: *Provided*, That no testimony given by him before any commission or commissioner shall be used as evidence against him in any criminal proceedings in any court, except in a prosecution for perjury committed in giving such testimony.

SEC. 6. That for the purposes of this act the commission may, whenever it deems it expedient, employ one or more competent experts to examine accounts, books, or official reports, or to examine and report on any matter material to the investigation in which such examination and report may be deemed of substantial assistance.

SEC. 7. That having made such investigation and ascertained the facts connected with the controversy into which it was appointed to inquire, the commission shall, with all convenient dispatch, formulate its report thereon, setting forth the causes of the same, locating, so far as may be, the responsibility therefor, and making such specific recommendations as shall in its judgment put an end to such controversy or disturbance and prevent a recurrence thereof, suggesting any legislation which the case may seem to require.

SEC. 8. That the report of such commission shall forthwith be transmitted to the President and by him communicated, with such comments or further recommendations as he may see fit to make, to the principal parties responsible for the controversy or involved therein, and shall be duly transmitted to Congress for its information and action.

SEC. 9. That the commission may from time to time make or amend such general rules or orders as may be deemed appropriate for the order and regulation of its investigations and proceedings and adopt forms of notices and rules for service thereof.

SEC. 10. That the President is authorized and empowered to fix a reasonable compensation, not to exceed $30 per day, for services, to be paid to the members of the commission from the Treasury at such times and in such manner as he shall direct. The commission shall have authority to employ and fix the compensation of such employees as it may find necessary to the proper performance of its duties, subject to the approval of the Secretary of Commerce and Labor. The commission shall be furnished by the Secretary of Commerce and Labor with suitable offices and all necessary office supplies. Witnesses summoned before the commission shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners or by their employees under their orders in making any investigation under this act, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the commission and the Secretary of Commerce and Labor.

SEC. 11. That no commission appointed under this act shall continue for a period of over three months from the date of the appointment thereof.

Mr. WILSON of Pennsylvania. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WILSON of Pennsylvania. Mr. Chairman, I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILSON of Pennsylvania. Under what conditions can an amendment be offered to some of the provisions of the bill?

The CHAIRMAN. The Chair will state that this is only the first reading of the bill. It will be read later by sections for purposes of amendment.

Mr. TOWNSEND. Mr. Chairman, I am deeply sensible of the fact that there are times when complainants from all over the country are demanding of their attorneys in fact, the Congressmen, the introduction and passage of bills intended to cure the various real or imaginary ills from which they either suffer or think they suffer, and while I am a firm believer in respresentative government, and thoroughly convinced of the wisdom of that Congressman who heeds and obeys mature and intelligent public sentiment, yet I am in sympathy with that conservatism which pauses to thoroughly analyze these various complaints in order to determine whether they are the demands of mature and intelligent opinion or the products of doctrinaires, or, what is worse, of aggrieved and disappointed men and organizations who seek the aid of government to accomplish some selfish end.

Since I have been a Member of this House I have at times been impatient at what appeared like procrastination of the National Legislature in dealing with matters which seemed to me of pressing necessity, but when I have considered the magnitude of the work that is always before it, the effect of legislation upon existing conditions and institutions, the fallibility of the legislator himself, I have become convinced of the fact that only after mature deliberation on full information should the Government enter that realm which constitutes individual conduct and action. On the other hand, it is the duty of Congress when properly informed to legislate fearlessly yet righteously in the interest of the people.

It is true that nearly all great measures of legislation abridge the claimed right of some individual or organization. "Thou shalt not steal" enacted into law denies to the thief the practice of his profession. "Thou shalt not" as a legal enactment bars the door of opportunity to every man who would break that commandment. But in the interest of the common good the proclamation is made, and upon its enforcement depend those other rights essential to the general welfare.

The measure which I present to the House to-day is one born of the very necessities of our present industrial condition. It is not a prohibition of any act or right. It is designed to investigate matters of conduct affecting the public, which matters are in the process of evolution and are ethical as well as industrial and not sufficiently developed to admit of positive legislation defining what is right and prohibiting what is wrong.

In the story of the growth and development of the United States nothing is more prominent or of greater importance than those pages which contain the record of industrial life. The student will notice a marvelous change in the relations of capital and labor when he compares the present with any period prior to 1870. Originally there was no general line of separation between the employer and his employee; side by side in the shop and factory they worked. Their families were social equals and their wants and desires were practically common, but as time passed on the master came less and less in contact with his servants. Machinery was introduced and its iron music tended to destroy the gentler tones of human sympathy. As business grew, the overseer and superintendent met the men more frequently than did the proprietor, and after a while the only time the workman saw his employer was when the latter rode in liveried splendor through the streets. In time the laborer came to believe that his interests were hostile to those of his employer. A condition arose under which men were measured by units of horsepower, and the workman knew little of the business in which he was engaged except that covered by the particular machine about which he revolved. Under the excuse of cheapening the cost of production manufacturers combined in an effort to produce under a common management, and the greater the combination the wider became the distance between master and servant. Complete combinations have not been made, but the tendency is in that direction, and when the factory on the Pacific coast is controlled by the director in New York not only will a continent intervene between master and servant, but a distance as wide as that between the poles will separate their sympathies and desires.

Combinations of capital have compelled the organization of labor, and individual action on the part of either employer or employee is becoming more and more infrequent. That capital has certain rights necessary to its existence can not be successfully denied. That labor has a right to a fair share of the value it creates, I assume is equally true. In its efforts to obtain these conceded rights each of the parties, through organizations, at times demands more than its just share, and not infrequently both parties claim what is unreasonable and unjust. If in all cases of disputes the parties directly involved were the only ones affected, the Government might well wait until the relations between capital and labor were sufficiently established to admit of law enactments defining what has been found to be right and prohibiting violations thereof, but there is another and larger interest than that represented by the contending parties. I refer to the general welfare, and the more complete the combination of capital, the more general the organization of labor, the more serious may be the injury to the public in cases of lockouts and strikes.

Labor troubles during recent years are so fresh in the memories of all as to revive the suffering and loss to the people, over which they had no control and under which they were helpless to protect themselves. The anthracite coal strike of 1902 is a case in point. A large portion of the anthracite coal mines were closed for months as a consequence of a strike by their employees. Labor contended for certain conditions and wages, to which it insisted it was entitled, and capital refused to concede these demands. As a result, factories and shops, schools and churches, homes and public places were denied the fuel which to them was the "bread of life." Business men grew old under

the weight of suspense, women and helpless children suffered from the freezing cold; in many localities, driven to despair by lack of fuel, people became what the law calls "criminals" by taking coal from cars by force. Millions of dollars were lost irretrievably to business, and the innocent suffered everywhere. Coal operators lost heavily, but the enhanced price of coal to consumers partially compensated this loss.

Labor formerly employed by the suspended collieries were denied their wages for months, and they and their families suffered greatly, although other laborers contributed somewhat of their earnings and savings to relieve such want and suffering, but some one paid the loss. After months of suspense and distress public sentiment became so much aroused that the President felt it his duty to intervene and demand a settlement. He succeeded finally and after great effort in inducing the contending parties to submit their differences to arbitration. A compromise was the result, order was restored, and industry was revived. These conditions were not secured, however, until law and order had been disturbed, the general welfare opposed, and disaster inflicted upon the people. No principle was established beneficial to either of the parties in the controversy as a result of the strike except such as were brought about by the arbitration. Had the commission been called into existence under authority of law at the beginning of the strike untold misery would have been averted and millions of dollars would have been saved to the people.

The recent telegraphers' strike, of regrettable memory, would have resulted in less disaster to the public had a commission been authorized to secure and publish the causes, but great as were the injuries of this strike to the people they were insignificant in comparison with what they might have been had the telegraphers been better organized. That they will effect a stronger organization in the future there can be no reasonable doubt.

I could cite many more cases if it were necessary, but gentlemen will recall them without suggestion from me.

It is sufficient to state that during the twenty-five years from 1881 to 1905, both inclusive, there were in the United States 36,757 strikes, involving 181,407 establishments; 6,728,048 strikers and 8,703,824 employees were thereby put out of employment. Sufficient facts are not at hand, and my imagination fails to estimate the loss to capital and labor by these disturbances. The bureaus of Government have no means for measuring the pains of want and suffering, neither is it possible to calculate shocks to the Republic caused by tyranny and disorder. We know that millions of dollars have been lost to those directly involved, and billions more have been denied to a helpless public.

I am not suggesting that the pending measure would affect any considerable number of the class of strikes included in the above list, nor do I wish to be understood as saying that all strikes are unnecessary under our industrial conditions, nor do I for one moment believe that much good has not been the result of many strikes. The direct object sought by the strike has not frequently been obtained, but the progress of labor has been almost continuous, and out of conflict its rights have been gradually evolved.

I would not invoke the commission except in cases where the public welfare is greatly involved, and then not to the detriment either of honest labor or honest capital, but for the good of the people, of whom the laborer and the employer are parts.

This bill practically as it is now was reported to the Fifty-ninth Congress. Opportunity for a full hearing was given all organizations of capital and labor; indeed, they were invited through the press and many of them by personal letters from members of the Committee on Intersate and Foreign Commerce. Mr. Hal Smith, of the Michigan Manufacturers' Association; Mr. Garfield, Secretary of the Interior; and Mr. Neill, Commissioner of Labor, appeared before the committee. Seth Low, of New York; Professor Clark, of the Columbia University; and Charles Francis Adams, of Massachusetts, wrote letters commending the principles of the bill. In fact, all who expressed themselves favored this or a similar measure, with perhaps the possible exception of Mr. Smith, from Michigan, who stated that he had had much correspondence with the members of his organization and all had been favorable to the measure, unless it should be construed to mean that the commission would be inclined to investigate the private affairs of every concern having troubles, no matter how small.

I was particularly careful to send notice to either the secretary or president of all the leading labor organizations. Furthermore, Mr. Fuller, the accredited representative of four national railroad employees' organizations, was present at the hearings before the committee having his bill in charge on Tuesday, January 15, 1907, and was asked if he, as a representative of his organizations, desired to be heard, and he testified as follows:

Mr. FULLER. I would say, Mr. Chairman and Mr. TOWNSEND, that I represent the brotherhoods and employees, but we have not taken any proceedings in this matter, and therefore I do not want to have anything to say in regard to it.

Mr. STEVENS. You think your people are covered by other legislation—the arbitration act passed some years ago?

Mr. RICHARDSON. The Phillips Act?

Mr. FULLER. We have simply not taken any position on this particular bill.

The CHAIRMAN. Have those organizations been advised by you, Mr. Fuller, that this legislation is pending?

Mr. FULLER. Yes, sir; and I understand they have been advised by Mr. TOWNSEND also. If you will excuse me, I will state that the executive heads of the organization which I represent are busily engaged now, as you doubtless all know, with the wage question in the western country, and it is a very hard matter for them to get into another question at the same time. They have been acquainted with the fact that this bill had been introduced and that hearings will be held upon it.

Mr. MANN. Would they want to submit their side of the wage question to a commission appointed by the President, or do they prefer to make that contest themselves?

Mr. FULLER. Well, Mr. Chairman and Mr. MANN, I would not care to go into any discussion of the matter at all.

Mr. KENNEDY. I suppose, Mr. FULLER, unless the union you represent act upon the matter pending you are not authorized to take any position yourself independent of their instructions, are you?

Mr. FULLER. Well, I am, yes; if I thought proper.

Mr. RICHARDSON. I thought, Mr. Fuller, that you were acting in a representative capacity for your organizations here, and that you advise them what you think, do you not?

Mr. FULLER. Of course I express my opinion as to legislation; yes.

The CHAIRMAN. Mr. Fuller, I want to ask you, you represent as I understand it, four labor organizations, national in their character?

Mr. FULLER. Yes, sir.

The CHAIRMAN. Now, have you informed those organizations of this pending legislation so they are informed that the matter is pending here?

Mr. FULLER. Yes; I have already stated that I had.

Mr. RICHARDSON. Have you given them an opinion, if I have a right to ask, about this?

Mr. FULLER. I have. If you gentlemen will excuse me, if we are going to take any position on the bill we will express it, but unless we do that, I do not care to have anything to say. (Hearings, on pp. 21 and 22.)

And again on the same day Mr. Fuller, at the close of Mr. Smith's statement, volunteered the following (p. 26):

Mr. FULLER. Mr. Chairman, if you will allow me to say a word without going into the details of the matter, I would like to speak a word, in view of the statements made by the gentleman, that while we have taken no position upon this, we do not want to be understood that the public has not a right to protect itself. If the gentleman's association feels that way, I want to say that they are dissimilar to our position in regard to it. The absence of our testimony or our argument to this bill does not necessarily mean that the public has no voice or should have no voice or interest in these troubles. On the contrary, we think they have.

Mr. BARTLETT. You represent an organization that is peculiarly associated with the public utilities. That is true, is it not?

Mr. FULLER. We think ourselves, Mr. Chairman, that so long as individuals can settle their difficulties and do it right, and the public does not suffer unduly, it is better to have it done that way. I believe we all agree as to that. I believe the best government is the government that governs the least; but there may come a time when that can not be done, and the public have an interest in it, and we feel the public have a right in these cases to ask Congress for legislation, regardless of what we or our opponents feel.

Mr. RICHARDSON. You do not believe in compulsory arbitration?

Mr. FULLER. No, sir. Compulsory arbitration is a misnomer. It would mean slavery to the working classes of the country.

Full, free, and unlimited opportunity was given to every man to be heard on the bill. Sound and convincing reasons were presented showing the wisdom and necessity of the legislation. The bill was reported late in the session more for the purpose of getting the matter before the country than with the idea of enacting it into law in the Fifty-ninth Congress.

At the beginning of the Sixtieth Congress I introduced the bill reported to the last Congress, and after long consideration by the Committee on Interstate and Foreign Commerce, during which several amendments were made, I introduced on January 28 last the amended bill, and on February 3, 1908, it was reported to the House, and is now before us. Until February 3, the day the bill was reported, no one appeared before the committee in opposition to the measure, and on that day nothing was addressed to the committee, although one Member read portions from a personal letter to him from a celebrated labor leader showing that the writer had objections to the bill.

The bill is here and is intended to supply a remedy from possible, nay probable, intolerable wrongs to the public.

It provides that in cases of great disturbance between employer and employee involving great federal rights, and in cases where such disturbances are imminent, the President may appoint a commission of qualified men, not more than seven in number, to investigate the conditions, with a view to determining in a fair and impartial manner the cause of the same, and to make such suggestions as to a remedy as the determined facts will warrant. Provision is made for taking testimony which shall be made public. A report is made to the President, who transmits it to Congress.

This is not compulsory arbitration, for neither party is legally bound to abide the decision of the commission. It is compulsory only as public sentiment makes it so. The commission is temporary. It can exist only for three months. A new commission will be created for each new occasion; and this is wise, for a commission qualified to hear and determine one case might not be the best to investigate another. That a commission would be more effective than the same power exercised by a bureau officer there can be, it seems to me, no possible question. Furthermore, this power conferred upon a bureau would necessarily weaken the department.

There is no existing law which may be applied in all cases that might come under the proposed law. The Erdman or Phillips Act of 1898 applies only to railroad controversies, and can only be invoked at the request of one of the parties. The people have no voice in the controversy, no matter how long the disturbance may be protracted, no matter how much the public welfare may be injured. It is clear that neither party would care to invoke the commission, lest such action would be taken as a confession of weakness. Great strikes are coming to be contests of physical and financial endurance, in which the weaker, whether right or wrong, must eventually surrender. With capital combining extensively until it shall comprise practically all of a given industry, with labor organizing to include a large portion of the skilled workmen, who can foresee the awful consequences which may come to the country in a blind, selfish struggle for supremacy between these forces? Must the people sit by and watch a contest destructive to their most sacred rights and be powerless to act even in self-defense?

The Bureau of Corporations has no power to reach these controversies, and was not created to deal with them. Its usefulness would be destroyed if it attempted to perform the work conferred by this bill upon the commission.

Some few manufacturers, actuated by the desire to crush out all labor unions, may be opposed to the pending measure. They believe that they can combine all capital in opposition to the closed shop, and through the tortures of cold and hunger can finally accomplish their desire. Certain labor leaders, who care more for their high-salaried jobs than they do for the actual welfare of the laborer, insist that labor unions are soon to be strong enough to tie up all industry until it shall grant these leaders every demand. In other words, tortures worse than those of the Inquisition, destruction worse than that wrought by pestilence or panic, are to be brought upon the country and its people in order to settle some dispute which frequently needs but the sunlight of publicity in order that it shall be dispelled.

The great mass of employers, the great army of wage-workers, as well as the great majority of labor leaders are honest men. They want only what is right. The proposed bill would enable the right to prevail and that without violence or want or suffering.

The value of the measure will depend upon the infrequency with which it will be used. No President will dare to create a commission unless the necessities of the country demand it. The findings of the commission would not be binding upon the parties unless such findings were righteous, and then public opinion alone would enforce the judgment.

Whenever the conditions suggested by me shall arise the matters will be investigated as they have been in the past, and for myself I prefer to have such investigation made under authority of law, whereby principles of lasting importance may be established and enduring progress made in industrial conditions rather than force the innocent to suffer until a condition similar to a state of war shall finally compel the President without warrant of law to intervene in the interest of life and property.

Honest organized labor has nothing to fear. Its cause is just, and public opinion is with it. I know of no great controversy in recent years where, so far as the causes have been made public, a commission would not have been highly beneficial to labor. Organizations of labor are not afraid of hostile legislation. They are persistently before Congress asking for laws in their interests. Some of the greatest questions to be brought before the Congress in the coming years will be those urged by labor. Is it not of the highest importance that its demands shall be just and that it shall have the approval of an intelligent public sentiment? Under recent court decisions labor has lost ground which it has heretofore occupied as a matter of right. It will need public approval to regain such ground and to make further advancement.

I believe that labor can afford to court the widest and freest investigation. It may result in changing some leaders, but the change will be highly beneficial.

The demagogue, whether as a leader of organized labor, a ward heeler, or a member of Congress, is the worst enemy that labor has to-day. He exploits it for his own selfish ends, and you take away its support and he will reveal himself as its open enemy instead of its secret foe.

But, Mr. Chairman, whatever may be the effect upon employers and employees, it is our duty to legislate for the people. Special interests, however powerful, must, if needs be, give way to the public good. Neither capital nor labor would be safe under a government controlled by any other principle.

When the public good is seriously threatened or actually invaded the people have a right to be heard in their own cause. They have a right to know why necessities of life are denied them; why their business is ruined; why their loved ones are made to suffer; why their very government is threatened. Under such conditions strikes have passed beyond the confines of labor organizations and combinations of capital and have entered the realm of the general welfare.

Mr. Chairman, he is blind indeed who does not see the signs of the times and deaf who does not hear portentous rumblings.

I am informed that great coal-mine operators are storing up a year's supply of coal, to be held for an emergency. Other captains of industry are guarding against possible great contingencies. Labor will soon be so organized and captained that half a dozen men can put out every fire of certain great industries, stop the wheels of every locomotive, and silence every keyboard in the United States. One year ago the country did not know how nearly it came to experiencing the tying up of every railroad west of Chicago. Let a strike come to the coal miners again and the operators can sell their surplus to the public, but it will be at a price beyond the reach of the poor and unjust to all. The agreements between coal operators and employees will expire shortly. We should act now.

Let us pass this bill, and he whose cause is just will have no reason for fear, but he who imposes unjust conditions or exacts what is unreasonable will hesitate to be exposed to public disapproval, and hence will yield to compromise rather than be forced into submission by popular opinion.

We simply ask by this bill for fair, just, and impartial publicity of those causes which bring disaster to the people whom we serve.

Mr. Chairman, this bill, as I have said before, had the serious consideration of our committee. It was not rushed through, but was before the committee not only in the Fifty-ninth Congress, at which time the widest publicity was given and the greatest and most general invitation extended to all interested, but we took it up again in the Sixtieth Congress. I myself believe that this is in the interest of the people, and that we as their representatives can afford to do nothing less than protect their interests to the utmost of our ability. [Applause.]

Mr. Chairman, I reserve the balance of my time.

Mr. ADAMSON. I shall ask, Mr. Chairman, to print as a part of my remarks the views of the minority.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to print as part of his remarks the views of the minority of the committee. Is there objection? [After a pause.] The Chair hears none.

VIEWS OF THE MINORITY.

We do not agree with the majority of the Committee on Interstate and Foreign Commerce in the report on the bill "To provide for the investigation of controversies affecting interstate commerce, and other purposes."

The bill in effect practically results in compulsory arbitration. It relies upon a manufactured and unsafe opinion, induced by circumstances, to coerce a party into submission. We earnestly believe that under our republican form of government any kind of force in the long run is less effective in producing desirable results in controversies or strikes than voluntary consultation and deliberation. We believe that the best results achieved in matters embraced in this bill is by an appeal to reason and a fairly formed public opinion and not to the powers of a commission bristling with penalties and fines.

Power given in section 6 of this bill to the commission to appoint "experts with authority to examine accounts, books, or official reports, or to examine and report on anything material to the investigation in which such an investigation and report may be deemed of substantial value" is too broad, and is undoubtedly inquisitorial in its character. No legitimate and lawfully conducted business would be free from the searching examination of its private business affairs. It would be a dangerous weapon in the hands of a rival to destroy his competitor in business.

The sophistry of the bill is manifest in this: That the President should invoke the power given him when a controversy or dispute arises which affects "the transportation of the United States mail." It is known to everyone that the statutes of the Government are most ample in power and in penalties to guard against any interference with the transportation of the United States mails. Any interference with the movement of our mails, as has been demonstrated in the past few years of the history of our country, by controversy, strike, or otherwise, can be promptly and efficiently met by the strong arm of the Government. The President needs no commission to advise him when the "civil or military" operations of the Government are being interfered with or interrupted.

We object to the bill because in theory it proceeds upon false premises. We do not believe, as the bill contends, that all controversies and strikes are unjustified, wrong, and unnecessary. No one can hardly be found who will contend that all disputes, controversies, or strikes between employers and employees are unnecessary, unjustified, and without beneficial results, but yet this bill provides in section 7 that the commission appointed by the President should recommend such legislation as will "put an end to such controversy and disturbance as will prevent a recurrence thereof, suggesting any legislation which the case may seem to require." If the strike and controversy was of benefit, as certainly is the case sometimes, then why invoke legislation to prevent a "recurrence?"

We contend that ample authority and provision to make investigation and develop facts in connection with controversies and disputes provided for in this bill is vested in the Commission of the Bureau of Corporations, in the Department of Commerce and Labor, and there is no occasion to duplicate this work and expenses incident thereto when ample authority under the statute already exists.

We contend that while in name this bill does not appear to favor compulsory arbitration of disputes between employer and employee, it is intended to accomplish that result and might as well bear the title.

We do not see how Congress has the power to grant to a commission, not judicial in its nature, and which commission is not given any authority or power to render judgment between parties interested, but simply to investigate the facts and report them to the President, can invest such a tribunal with power and authority to compel the attendance of witnesses and to apply to the courts of the country to enforce its purposes. The bill does not give the commission power to enforce its process or purposes by summons or subpœna of itself, yet the bill does give the commission power to ask aid of the United States courts so to do. We do not believe that the court under the Constitution can be given the power to exercise such prerogatives as this, which means the forcing of individuals or artificial persons, whether employees, employer, or employers, to submit to an investigation at the hands of such a commission, which is not judicial and which is not clothed with any power by the Congress. If this can be done, then there is no unbridled length to which Congress may not go in interfering with or investigating the individual affairs of the citizens of the country.

This bill, if enacted into a statute, will be detrimental to the exercise of the prerogatives of the courts of the country.

We contend that the fundamental idea prevailing on the subject of arbitration or conciliation of differences between parties is the idea of voluntary submission, not forced submission, either directly or indirectly. Whenever parties in a civilized community can not by themselves adjust their differences or have them adjusted, then the only tribunal in a government of law and order that should determine the difference is the courts of justice in our country.

The authority given the commission under this bill applies as much to disputes about wages or other differences arising between parties engaged altogether in agricultural pursuits as it would apply to a strike similar to the Pullman strike which took place some years ago or to the anthracite strike of 1902. It can readily be comprehended how a dispute arising between the farmer and his laborers about wages could fall under the jurisdiction of the commission provided for in this bill, because it could be easily demonstrated that the products of the farm enter into the interstate commerce and constitute a part thereof.

One of the greatest evils menacing to-day the peace of the country is federal and state interference with the individual rights and interest of the citizen. It is to the best interest of the people that the Federal Government should not invoke its authority except on well-defined, well-established lines looking to the preservation of peace and the interest of the people throughout all the country.

R. C. DAVEY.
W. C. ADAMSON.
WILLIAM H. RYAN.
WILLIAM RICHARDSON.
C. L. BARTLETT.

VIEWS OF MR. LOVERING.

The bill reported by the majority of the committee, in that it practically provides for compulsory arbitration, threatens the personal liberty, which under the Constitution is the inalienable right of every American citizen.

Neither employer nor employee calls for such legislation.

When a controversy reaches such proportions as to be a public menace there is already law enough and executive power enough to meet the situation.

The bill looks to further indefinite legislation with the purpose of compelling submission to the findings of a commission.

I therefore respectfully dissent.

WM. C. LOVERING.

Mr. ADAMSON. Mr. Chairman, the minority of the committee differ and dissent from the ideas so ably presented by my distinguished friend and colleague from Michigan, representing the majority of the committee. His initial assertion that it is not compulsory arbitration is challenged outright by us. It is a provision that, without the consent of any persons interested in the controversy, a commission may be created in the discretion of the President, and that all parties shall be compelled to submit to an investigation by that commission and submit books, papers, business secrets, details, and everything else to its investigation. They are compelled to do that. If a party sees proper to absent himself from the sessions of the commission, he may do so, provided he produces everything called for by the commission; but the investigation goes on, nevertheless, and his interests suffer if there is to be anything detrimental to his interests in that investigation. Now, peace and harmony are beautiful conditions in domestic, social, and political life, whether in the family, in society, or in the State.

A good method to secure them is that blessed old resort known throughout the ages as "Accord and satisfaction." When men drawn together by mutual concession and mutual discussion agree upon their differences and establish concord, substantial and lasting, a high state of satisfaction is secured. Arbitration has often been resorted to as a substitute for litigation in the courts. Human experience has established that when you fail in your efforts at "accord and satisfaction," the proper course is to rely on the justice of your fellow-men—the established courts of your country—get your lawyer and go squarely into the fight. Then you have been tried by properly constituted tribunals. Then you are forced ultimately to abide by the result, because as citizens of your country you have originally consented that you will do that. Now, Mr. Chairman, the proposition in this bill is that something should be done to which you have never consented and may never consent—that the Government of your country, the President of your country, may appoint a tribunal to investigate your case, report and make public its findings, and recommend legislation about it, regardless of your wishes or presence.

Admitting as my friend from Michigan in the report of the committee, and in his argument does admit, that the finding ought not to be enforced by compulsory judgment, he enters into a beautiful laudation of the power of public opinion, a greater and more powerful method, he thinks and will tell you, than any enforcement of the finding by process of law. He proposes after having compelled these laborers in any sort of dispute as to wages or condition or treatment or anything else to submit to this inquisitorial investigation against their consent, and then while he beautifully says it is not compulsory arbitration, the report is to be made to the President, to Congress, given to the country, to the press, and the people; and you have only to look at his own powerful description of the powers and terrors of public opinion to agree with me that it is compulsory arbitration of the most conclusive character. There is in this whole thing a line of differentiation which, with my little knowledge of law, I can not understand and I do not believe any other man with my limitations can understand it, and that is that a man because he is laboring in any line of life that touches interstate or postal affairs should be subjected to a different principle or rule of government and action to that applicable to him in any other line of business.

If he is in any business not touching interstate commerce or postal affairs, this inquisitorial proceeding would be wrong; but if he is hired to do work in this capacity or to the Government itself in postal affairs, then he must submit to this proceeding. Mr. Chairman, the character of employer is just the same when the Government employs a man as when the humblest citizen in the United States employs him. The relation of employer and employee exists no matter what the official or corporate character of one or the other may be, and the principles which regulate the conduct and agreement and settlement between them should be precisely the same, whether one be the Government of the United States and the other the humblest citizen in the land and whether it be local or domestic business in any community or whether it affects the commerce between the States of the Union. The jurisdiction may be affected and differ under different conditions, but the rights and principles are the same. If the conditions are to be changed, the fundamental principles of law to be overturned by this mad craze to try to make interstate commerce and postal service a pretext for interposition in all the affairs of mankind, the result will be that men will not go into these occupations.

If they are to lose their freedom, if they are to be deprived of their consent and volition, if the conditions are to be changed under which they work and settle and contend for their rights, then men will avoid these employments, and their initial employment, if ever secured, will command higher wages, and in that sense only would it be beneficial to the employed. But, Mr. Chairman, under this bill the minute he goes to work, although it may be at a munificent salary, it may be reduced immediately, and if he resists he may be subjected to this investigation, and he is deceived and fooled into slavery. Now, Mr. Chairman, my good friend says there is to be no process of law to enforce the judgment. It either means something or it ought not to take up the time of this House and the country. If it does not mean to effect what it is aiming at, if it does not mean to suppress these differences, if it does not mean to adjust or dispose of them, there is no sense in it and there is no use for it. By what means does it propose to do it? This commission reports to the President and suggests further legislation. If popular opinion does not intimidate the party into submission, then popular clamor following the recommendation of additional legislation, and the publicity that my friend lauds so much will demand that as the next step in the iniquitous proceeding Congress will pass laws seeking either to enforce the finding or prevent a recurrence of the trouble. If it does not mean that, it does not mean anything on earth.

Where parties fail to agree for the good of the public I favor arbitration, especially in matters largely affecting the public,

but it is not proper to force American citizens against their will to submit their disputes to the investigation of anybody. I would be glad to vote for a law in harmony with the platform of my party and the legal experience and practice of mankind providing for the voluntary submission to arbitration of all disputes subject to federal jurisdiction. Then, when the award is made it should be enforced by law under the power and authority of the courts, just as is now done and as always has been done in the States and in civilized countries since the reign of law began. To force a party into an investigation, compel him to disclose his hand, and expose to the public the secrets and details of his conduct and business would be an outrageous innovation on legal procedure; a cruel travesty on the use of governmental functions, and it would only aggravate the cruel injustice to say that it is not a legal proceeding, but only gathering the news. I would not consent to exposing a party to the public gaze through a forced investigation and then leave him the victim and prey to popular fury and yellow journalism any more than I would consent to lynch law. We already have law enough to authorize adequate investigation. If we want to provide for arbitration, let us do so according to the principles of justice and the methods approved by the legal precedents and the experience of mankind.

This scheme does not possess the merit nor wear the garb of honesty and candor which characterize the old proceeding to "secure discovery" in aid of other remedies.

Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman has consumed ten minutes.

Mr. ADAMSON. Mr. Chairman, I have another matter in which I am engaged, and to which I must give my attention, and I wish to transfer to my colleague on the committee, the gentleman from Alabama [Mr. RICHARDSON], the balance of my time.

Mr. PRINCE. Before the gentleman yields the floor I would like to ask him a question. On page 10 of the report, under the "Views of the minority," I find this language:

> We contend that ample authority and provision to make investigation and develop facts in connection with controversies and disputes provided for in this bill is vested in the commission of the Bureau of Corporations, in the Department of Commerce and Labor, and there is no occasion to duplicate this work and expenses incident thereto when ample authority under the statute already exists.

I wish the gentleman would state more fully than he does in his views, if that paragraph is in accordance with the facts and with the law now on the statute books.

Mr. ADAMSON. That is our understanding, Mr. Chairman. We had the statutes before us at the time. We were settled in the opinion that that statement is substantially true. I have not those documents before me, but my friend from Alabama [Mr. RICHARDSON] and the gentleman from New York [Mr. RYAN] will read from the provisions for the satisfaction of the gentlemen of the committee.

I understand, Mr. Chairman, that any gentleman who gets the floor will be entitled to an hour, and I wish to yield to the gentleman from Alabama the balance of my time in addition to his own. Other gentlemen have also signed the dissenting opinion, and I will be glad if they would also discuss the subject.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] having yielded the remainder of his time to the gentleman from Alabama [Mr. RICHARDSON], the gentleman from Alabama is recognized for forty-nine minutes.

Mr. RICHARDSON. Mr. Chairman, I am entitled to an hour by reason of my being a member of the committee.

The CHAIRMAN. The gentleman is entitled to forty-nine minutes yielded to him by the gentleman from Georgia [Mr. ADAMSON].

Mr. RICHARDSON. He yielded me his own time, and that is in addition to the time to which I am entitled as a member of the committee.

Mr. TOWNSEND. I understand that can be done by unanimous consent. I want the gentleman from Alabama to have all the time he needs, but I do not imagine he will want an hour and forty-nine minutes if every other man is going to talk on the same subject.

Mr. RICHARDSON. I think the gentleman from Michigan [Mr. TOWNSEND] made the statement that each member of the committee is entitled to one hour. That is all I am claiming for myself.

Mr. ADAMSON. With that understanding, I yielded to the gentleman the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama [Mr. RICHARDSON] for forty-nine minutes, yielded to him by the gentleman from Georgia [Mr. ADAMSON].

Mr. RICHARDSON. Mr. Chairman, probably a very brief reference to the history of this bill might be of some service in connection with the very recent past. This bill, as I look upon it, is one of the most important, far-reaching, and dangerous bills that we have had for consideration before the House of Representatives during this Congress. I believe its inevitable result, if enforced, will be to invade the domain of the inherent and inalienable personal liberty of the citizen. Thoughtful and patriotic citizens, without regard to party lines, throughout our country are now disturbed at the marked legislative strides made in this direction by the Congress. The bill was reported favorably by the Interstate and Foreign Commerce Committee of the House, and on the 3d day of February, 1908, was referred to the Committee of the Whole House, and was in the hands of our distinguished friend, the gentleman from Michigan [Mr. TOWNSEND], to be called up with all the privileges that the Interstate Commerce Committee could give it. The first session of the Sixtieth Congress adjourned on the 30th of May last. The bill was ready for submission nearly three months. Probably it was not deemed judicious, from a Republican political standpoint, to call this bill up at that time before the adjournment of the first session of the Sixtieth Congress. I know that I was insistent to a reasonably proper extent that this bill should be acted upon before the presidential election. It could have been acted on, for during that period a majority vote would have suspended the rules and passed the bill. It is brought up now; and for that reason I contend that the bill in all of its phases should be carefully investigated; thoroughly looked into. It is most carefully framed, but a study of the different sections will disclose its ultimate purpose.

I believe that the bill is entering a field of legislation that leads to compulsory arbitration. If it is not that, in my humble judgment, after as thorough and careful analysis as I am able to give it, it means nothing. Compulsory arbitration, as we know, to investigate labor matters has been experimented upon in other countries, monarchial in their form of government, and has practically and substantially proved a failure. The bill, if it is examined, in its first section is "to authorize the President to inquire into and investigate a controversy concerning wages, hours of labor, or conditions of employment." I especially call the attention of every man listening to me on the floor of this House to the extent to which the inquiry into the "conditions of employment" is limited. Where is the ending of it? Does not "conditions of employment" apply to every vocation of every American citizen in this great Republic of ours, controversies relating to conditions of employment, hours of labor, that may interrupt or threaten to interrupt the movement of commerce among the States or the civil or military functions of the Federal Government?

What character of business is there in this country, what factory, what enterprise, that makes any product that does not enter more or less into interstate commerce? The miner who digs the coal in the bowels of the earth, the farmer who raises wheat and cotton, their products enter directly into the channels of interstate commerce. It is not denied that the investigation provided for by the bill is arbitrarily made by a commission consisting of seven men, to be appointed by the President, whether the parties to the controversy request or advise such investigation. It starts out arbitrarily. It does not make any difference what the parties are contending for, what the character of the controversy is, what business it arises in, under this bill the President can order an investigation, provided interstate commerce may be directly or indirectly affected. It makes no difference what the subject of dispute is; it makes no difference how easily these men could sit down by the side of a table and settle it themselves; the President has arbitrary power to send that commission and order an investigation. No man, not even the gentleman from Michigan [Mr. TOWNSEND], or any gentleman who has given attention to the scope of this bill, will deny that such authority is given the President. The answer is, that it is preposterous to say that the President will use his authority for such a purpose. It is the highest duty of the American Congress in the enactment of laws touching the personal rights of the citizen to write in plain words the exercise of power.

I contend, in addition to that, Mr. Chairman and gentlemen of the committee, that practically and substantially every requirement in this bill that is needful and proper is met to-day in the provisions of the law regulating the Bureau of Corporations and the Bureau of Labor under the jurisdiction of the Department of Commerce and Labor. This bill was a long time before the Committee on Interstate Commerce, with many hearings and many men before it. It raises great questions, among them, the important questions relative to the rights of States, which in its proper conception and proper standpoint ought to be inquired into by this House by both Republicans and Democrats.

I can not better explain my views than to read from the hearings to show you what kind of "suggestions" this bill brings up, carefully shaded, after being thoroughly studied, and adroitly hiding its real meaning and its real poison throughout the whole thing. Mr. ESCH asked this question, a very important one. (Hearings, p. 43:)

This bill authorizes the commission so appointed to recommend remedial legislation. In your opinion is that an advantage or a disadvantage, in view of the fact that the recommendation for legislation might be out of harmony with the existing state law?

Mr. GARFIELD. That would be for the members of each commission to see to—how far they ought to make recommendations of that kind; and I can see no disadvantage in authorizing the report to Congress of their recommendations. There, again, it would be for Congress to determine how far they would seek by federal legislation to affect conditions that are now controlled by state legislation. The principal subject that would be so touched would be what comes under the definition of police powers.

Mr. ESCH. If that sentiment was strong enough, then it might result in a change of a state law?

Mr. GARFIELD. It might, very readily.

Does not the answer of the Secretary of the Interior, Mr. Garfield, impress the members of the committee with the dangerous tendencies of this bill and its unlimited power—dependent only on the discretion of one man, the President of the United States, together with the commission he may select?

Mr. MANN asked some questions along that line, that pending before this House was a proposition to investigate child labor by the House of Representatives, and a proposition to investigate the subject of the labor of women in industrial employments, and the proposition to investigate the length of hours of labor in different parts of the country. (Hearings, p. 43-44:)

Mr. MANN. We have pending here before us a proposition to investigate child labor—in the House of Representatives—and a proposition to investigate the subject of the labor of women in industrial employments, and a proposition to investigate the length of hours of labor in different parts of the country, and so forth and so on. Now, would it be possible, under this, if the administration desired to appoint a commission to investigate a subject, to take advantage of any little strike somewhere and appoint a commission which, in order to arrive at a conclusion in that case, would feel that it was necessary to investigate the whole subject-matter without the direct authorization of Congress?

Mr. GARFIELD. I do not see anything in the bill that states the exact scope of the questions that might arise. That, necessarily, as I understand, in this measure is left to the discretion of the President and the commission, and it is quite true that there might be what you call a fictitious case presented if an administration saw fit to attempt to make an investigation of that kind.

Mr. MANN. Would it not be quite probable, in the event that some case did arise somewhere involving any of these questions, that in order to settle that particular case, and possibly to present recommendations to Congress, the commission would not only feel it desirable but necessary to investigate that whole subject-matter?

Mr. GARFIELD. If necessary I think they ought to make the investigation. If it were a question of desirability, that would have to be left to their discretion.

Mr. MANN. So that a bill like this might start half a dozen commissions into being to investigate any subject in connection with manufacturing or labor?

Mr. GARFIELD. If there were difficulties between employers and employees.

Mr. MANN. Of course there are always difficulties somewhere.

Ought a bill to become a law authorizing the exercise of such vital powers, inimical to the citizen in his business matters, in the hands of a commission? Mr. Garfield says that there is nothing "in the bill that states the exact scope of the questions that might arise." The fact is that it is left to the President to apply the provisions of the bill as he chooses and as often as he pleases, with as many commissions operating in different sections of the country as the President thinks are required. I hope, Mr. Chairman, that I do not overdraw the practical workings of the potentialities of this bill. It is not my purpose to do so, but as a citizen I look upon the possibilities of the exercise of unrestrained authority under its provisions with sincere alarm. I frankly differ with the earnest advocates of this bill.

Again I want to read to you from the hearings, pages 45, 46, and 47. Our good and distinguished friend from Iowa [Mr. HEPBURN], chairman of the Committee on Interstate and Foreign Commerce, put this question:

Suppose that condition described in section 1 of this bill exists. Do not the Bureau of Corporations under the present law have the power to do everything in the direction of securing publicity that is provided for in this bill?

Mr. GARFIELD. As far as corporations are concerned, without doubt it has.

Then, if the law as it exists to-day is sufficient to regulate the evil operations of "corporations," then what other matters are to be brought under federal scrutiny and investigation?

The CHAIRMAN. Following out that line of questions, what is there lacking in the present law that in any way stops or checks or limits the power of investigation upon the part of the Commissioner of Corporations?

Mr. GARFIELD. Nothing whatever.

The CHAIRMAN. Here is a condition that is described in the first section of the bill: The commerce of the United States is interrupted. In the investigation of that matter would you not have the right, as Commissioner of Commerce, without regard to questions of labor—although questions of labor were involved also—to investigate that matter and give publicity to the causes of that interruption?

Mr. GARFIELD. I have no doubt but that that can be done by the Commissioner of Corporations.

The CHAIRMAN. And in that way bring about or exert this moral influence?

Mr. GARFIELD. I have no doubt that can be done under the law.

The CHAIRMAN. Under the law to-day?

Mr. GARFIELD. Yes.

The CHAIRMAN. Do you think the report of a special commission, appointed for the specific purpose, would have a greater influence in forming correct public opinion in regard to disputes than the accomplished, efficient officers who are appointed under the interstate-commerce law would have?

Mr. GARFIELD. So far as the corporate end of it is concerned, I think there would be little or no difference between them. Probably the report of the Commissioner of Corporations would have more weight than the report of a special commission, if the office were properly organized.

I have read those extracts from the hearings before the committee in order to get as far as I am able to get before the mind of this committee the danger that lies lurking in this bill. It is manifest that all needful regulations looking to the peace and welfare and protection of the citizens of the country in labor controversies are now provided in existing law. The purpose of the bill is threefold.

First. To authorize the President to "inquire into and investigate" the causes of any "controversy concerning wages, hours of labor, or conditions of employment" that may interrupt or threaten to interrupt the movement of commerce among the States or interfere with the civil or military functions of the Government. (Sec. 1.)

Second. The investigation is arbitrarily made by a commission consisting of seven men to be appointed by the President, whether the parties to the controversy request or advise such investigation. (Sec. 2.)

Third. After making the investigation the commission must locate the responsibility for the controversy and recommend legislation by Congress to prevent a recurrence.

Of course, the bill is based on such construction of the commerce clause of the Constitution, which literally followed out means federal license to do business in the territorial limits of the different States.

Mr. TOWNSEND. Will the gentleman permit an interruption?

Mr. RICHARDSON. No; because you would not allow anyone to interrupt you. You made that statement, that you would not allow it. When I am through I will gladly let you interrupt me.

Mr. TOWNSEND. All right. I am sure the gentleman does not want to make a misstatement about the bill.

Mr. RICHARDSON. No; I certainly do not. I will allow you to correct me after I get through if you can point out to me my mistake.

It will be observed that the commission has no authority to demand a compliance with its findings. In this connection we should not forget that no adjustment of any controversy concerning wages or hours of labor, and so forth, can be made that takes from the operator the liberty to shut down his plant when he gets ready to do so; nor can the liberty be taken from the employee to refuse to work for wages not satisfactory to him. To undertake to violate either one of these fundamental principles of right would be subversive of all individual liberty and the source of universal discontent.

I contend that this bill in effect seeks to do indirectly that thing, and certainly is the advance step of legislation for compulsory arbitration. It relies on a manufactured public opinion to enforce its findings as to where the "responsibility" belongs. That is to say, the judgment of the public is to be invoked on the development of facts, after the injury and harm of the strike has been done. That a commission of seven men, selected arbitrarily, as this commission will be, without the advice or consent of the parties interested, whose character and freedom from prejudice should be sufficient to have the public indorse their findings, with such power and effect as to prevent a "recurrence" of such a controversy is the proposition. No two strikes are brought about by similar causes and facts.

The suggestion of such public opinion is but a child's card house that topples over when touched. Public opinion at the beginning of the controversy connected with wages or hours of labor should be far more efficacious in working good results than public opinion after the evil has been done. Yet it is an undeniable fact that but few strikes or controversies about wages or hours of labor have occurred in this country where public opinion was not in sympathy with the strikers and sustained them when the facts were made known at the beginning. I will refer to two great strikes that now occur to me; one is the Philadelphia car strike that occurred in 1895, and the other the Coal Creek Valley strike.

In the Philadelphia strike, in that great city of "brotherly love," the justice, right, and necessity of the strike were recognized and emphasized by the good people of that city, embracing all the vocations of life, in overflowing public meetings. So it was in the Coal Creek (Tennessee) Valley strike, that was brought about by convict labor; the public was in cordial sympathy with the strikers. Yet, notwithstanding this earnest public opinion, these strikers were ignored and afterwards punished because they had demanded justice.

The bill, if it has any promise of relief at all, is to prevent a "recurrence" (sec. 7) of the controversies.

I contend the hope of relief, as suggested, is based on absolutely false premises. In order to accept that theory we must admit that all controversies connected with wages and hours of labor, and so forth, have been wrong, unnecessary, and harmful—and not beneficial—in their results, and therefore a recurrence of the same must by congressional law be prevented. That is the concrete proposition in this bill. Of course this theory proceeds upon the idea that all strikes are wrong, that all controversies connected with wages and hours of labor are wrong. I dissent from that view. I do not hesitate to say here in my position as a Representative of the people of my district, without regard to the welfare of any special interest, that in the unending struggles between capital and labor, with the superior advantage and power of capital, had it not been for the compact organization of labor unions—which are conceded to be proper and lawful—"the organized appetite of capital for greed" would have appropriated an unrighteous share of the honest earnings of labor. I do not contend that all strikes are the promptings of good judgment. Often they are disastrous in their results to laboring people, to the public, and harmful to capital; yet we can not deny that these revolts upon the part of laborers are the last and only resort to check and defy the unlawful and heartless oppressions of capital.

Just examine for a moment how and when the provisions of the bill are to become operative. Section 1 provides that the President shall require and investigate when the controversy interferes with the "transportation of the mails, the operations, civil or military, of the Government of the United States, or the free and regular movement of commerce among the States."

This section is very broad. The four functions of our Government are: First, the transportation of our mails. No one will hardly deny that the Post-Office Department is not properly equipped with sufficient law regulations and powers to take care of the mails. No complaint has been made to the contrary. Second, civil operations, which refer to the Treasury Department, which looks after the financial interests of the country; the Interior Department, embracing our geological survey, pensions, public lands, and Indians; the Department of Justice, which handles the great law matters of the Government; and the Agricultural Department, organized to promote the great agricultural interests of the country. These are all connected with the civil operations of the Government. No complaint comes from either of the departments that this bill is needed to enable them to perform their civil functions. Third, military operations. It will hardly be contended that the Departments of War and the Navy demand any assistance from the provisions of such a bill as this. Fourth, the movement of commerce among the States. The Interstate Commerce Commission and the courts are charged with that duty. Then I ask, What would be the real field for this bill to operate in? I assert that we have ample law now to make all the proper investigations into all strikes, difficulties, or controversies arising in the great corporations. The Bureau of Corporations covers that field. It can not apply to the strikes of labor unions, for the Bureau of Labor fully covers that field. It does not proceed to settle difficulties or controversies connected with wages or hours of labor by mediation, conciliation, or voluntary arbitration, for the Erdman law of 1898 provides for either party to call on the president of the Interstate Commerce Commission and the Commissioner of Labor to mediate, conciliate, or arbitrate any such controversy.

This bill, if it becomes a law, will necessarily apply to individuals, copartnerships, and vocations, as distinguished from corporations.

I contend that the surest way to "secure justice" under the Constitution is to uphold and maintain inviolate the individual personal rights of the citizen, and I believe that the highest duty of the Congress is to rebuke and reject every device of legislation that leads in that direction.

Such legislation means governmental paternalism in its broadest form. The highest function of government is to leave the citizen to the uninterrupted enjoyment of his personal liberty, provided that in the exercise of these personal and inalienable rights he does not conflict with the rights of others. This bill, I contend, subjects the citizen to the humiliating power of "search at will" into his private affairs and an examination of the books of his business. I call your attention again to the provisions of the bill in section 1. "Any controversy concerning wages, hours of labor, conditions of employment." I beg you to note the words "conditions of employment." Can anyone limit the significance or the extent of the meaning of those words? What manner of investigations could be made by a commission clothed with authority to inquire into the "conditions of employment?" Let me make a practical illustration of how this bill, if enacted into a law, would operate. Suppose a controversy were to arise in a cotton factory in Massachusetts about the reduction of wages or the increase of the hours of labor, and the commission would deem it necessary to make an examination under the direction of the President. What, I ask, would be the scope of that investigation? The operator of the Massachusetts mill would say: "Yes, I had to reduce the wages of my employees or shut down the mill; I have a competitor in the State of North Carolina making the same kind of cotton cloth that I manufacture. I found out that on account of the 'conditions of employment' and cheap living and long hours of labor enjoyed by my competitor I could not pay my employees the wages I had been paying and compete with my competitor in the home or foreign markets."

This bill authorizes the commission to "examine the accounts and books of that mill" or "to examine and report on any matter material to the investigation in which such examination and report may be deemed of substantial assistance." Would it not be deemed material to look into the books and reports of the North Carolina mill to ascertain the conditions of employment, the amount of wages, and the hours of labor, in order to pass intelligently on the controversy between the Massachusetts operator and his employees? We are rapidly passing from the true theory of our republican form of government—the essence of democracy—a fundamental principle that "We favor the enactment of all laws which give to every citizen the greatest measure of personal liberty."

I object to the bill, because when mediation, conciliation, and voluntary arbitration can not be invoked the courts of our country are the proper places to settle all differences between citizens. I believe that if ever there was a period of the history of our country that the people ought to guard, preserve, and maintain the legitimate authority of the courts it is now. Have we forgotten so soon the beneficial results arising in the mediation invited and exercised only a few months since, when the chairman of the Interstate Commerce Commission and the Commissioner of Labor settled the threatened decrease of the wages of the employees of the Southern Railway? The mediation was of a most friendly character, and the decision was cheerfully accepted by employer company and its employees. This bill obstructs all such settlements.

Mr. Chairman, one of the principal constitutional objections that I have to this bill is that when the commission reaches a conclusion it has no right to enforce its own judgments, but it calls upon and invokes the aid of the courts of the country to make citizens bring into court their private papers. I do not believe, from a constitutional standpoint, that Congress has a right to clothe that commission with any such authority as that. The courts are here for the arbitration and settlement of all controversies and difficulties between citizens. If Congress intends to create a commission with judicial power and authority, it ought to say so, and clothe it with that power, and not put it in an attitude where, after it reaches its conclusions, it must then go to the courts of the country to enforce its judgments or report back to Congress and get additional legislation.

I have observed, since I have been a Member of this House, that the usual and favorite way of extending federal authority over matters that can be and ought to be left to the States is to commence by calling for an investigation or a commission. These investigations always result in recommending and enacting legislation giving federal control.

I dare say that there is scarcely a field now occupied and controlled by the Federal Government of doubtful constitutional jurisdiction that did not commence in calling for an investigation always followed by legislation by the Congress.

We are called on now for all kinds and varieties of investigations by the Federal Government.

We are asked to appoint inspectors to examine the wheat crop and see that the producer is not cheated in weights. It seems to me that the man who produces the wheat has judgment and sufficient interest in his own business to know how to sell his own product. Besides, such protection as he needs or asks for is given him by the inspection laws of his own State.

Again, we are invited to regulate bills of lading. Really the purpose is to place a bill of lading on a commercial footing with

banking paper to protect banks. The great functions of the Federal Government can not properly be used for regulating the personal, private commercial business affairs between citizens. I dare say that any Member, if he will look back, will find the field where federal legislation now prevails which is of doubtful constitutional character that it commenced just like this bill commences, by a commission, asking them to report legislation back to Congress, which Congress will accept and indorse, and then the thing is fixed. I will not refer to those instances now. It is a favorite way of invading territory and exercising authority forbidden by the Constitution; and for *that* reason such bills as this—which Mr. Garfield, every time he touched it, said that the operation of the present law was enough and sufficient for all corporate purposes—ought to be defeated.

Mr. Chairman, I contend that under this bill a Massachusetts cotton mill could be investigated for cutting down the wages of its labor, and about which there was some commotion or disturbance, that the commission could go there and investigate it. Now, what else does it say? That that commission, under the provisions of section 6, has a right to employ any number of competent experts to examine all accounts and books that may appear to the commission to be material to the investigation. In other words, the commission may open up the books of a merchant or anyone else to his rival.

Suppose the Massachusetts cotton operators said: "Why, we were bound to cut down the wages of the employees. We had such competition in some other States of the Union, where labor conditions are different, where food conditions are different, where the hours are longer, and we had to reduce our wages." Could not that commission, under this bill, call the owners of that competing mill before them and look into its books and examine private matters and expose the whole condition of that cotton mill to the eyes of the public—a mill that was thousands of miles from the locality of the disturbance, that had brought about the reduction in wages? Why could not it do that? Mr. Garfield did not say that it could not. I contend further that under this bill a plantation located on the banks of the river that is made a line between two States, that any disturbance upon the part of the laborers on one of these plantations about wages or conditions of employment can certainly be investigated by the commission under this bill. Why not? The products of that farm enter into interstate commerce.

Gentlemen, I do not know where this bill leads us. It may be plausibly explained, or attempted to be plausibly explained; but there is poison in it, because there is doubt about its limitations, and wherever there is doubt as to matter of that kind, that doubt ought to be given to the conservative side, to that side of accepted law and understood by the people as such.

Mr. Chairman, how much time have I occupied?

The CHAIRMAN. The gentleman has thirteen minutes remaining.

Mr. RICHARDSON. I reserve the balance of my time, and I ask unanimous consent that I may be allowed to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the gentleman from Alabama a question before he takes his seat.

Mr. RICHARDSON. I will yield to the gentleman.

Mr. GAINES of Tennessee. On page 3 of the bill is a proviso which reads:

Provided, That no testimony given by him before any commission or commissioner shall be used as evidence against him in any criminal proceedings in any court, except in a prosecution for perjury committed in giving such testimony.

Now, on line 19, same page, this language appears:

But no witness shall be required to give any testimony incriminating himself, nor shall he be given any immunity.

Is that the language used in our immunity statute that has been passed since the gentleman from Alabama has been in Congress?

Mr. RICHARDSON. No; it is not.

Mr. GAINES of Tennessee. Can the gentleman give me any good reason why the change is made, and then will he state whether he approves of the present immunity statute?

Mr. RICHARDSON. No; I do not approve of that statute. The gentleman from Tennessee asks me why this is so and so. I do not approve of this bill at all.

Mr. GAINES of Tennessee. I thought if the gentleman was opposed to it he could give me some good reason. As the law now stands Mr. Rockefeller, Mr. Carnegie, and the balance of those gentlemen who own about all the money in the country could go in before the Interstate Commerce Commission and get an immunity bath although they may be as guilty of disobeying the law as any man that ever wore stripes, and yet they get this immunity bath. Now, when you come to the statute that strikes against the laborer you have this provision, that he shall not be given any immunity, while under the present law most everybody that ought to be convicted in these monopolies are being acquitted on promise of an immunity bath.

Mr. RICHARDSON. Yes; I do not agree with that. Now, Mr. Chairman, if the gentleman from Michigan [Mr. TOWNSEND] desires to ask me a question I will yield. I courteously declined at the time to be interrupted simply because I was following his distinguished example, nothing else in the world.

Mr. TOWNSEND. I would suggest to the gentleman that if he will always do that he will seldom go wrong. As I understood the gentleman, he said that the bill was clearly intended as a statement that all strikes were unjustifiable.

Mr. RICHARDSON. I said I differed with the gentleman as to the meaning of his bill. I said the gentleman went upon the presumption that all strikes were unjustifiable. I do not believe that. I believe that some are justifiable and turn out some good results.

Mr. TOWNSEND. I understood that, but I think the gentleman misstated the position of the proponents of the bill. No one has even intimated that strikes are not justifiable, and if the gentleman had listened to my remarks he would have followed me when I said they were justifiable in a great many cases—in most cases—and that great good came out of them.

Mr. RICHARDSON. Of course, when my distinguished friend states that I misstated a position I accept that in the very mildest terms to mean that my own position differs from his.

Mr. TOWNSEND. Another thing the gentleman states, and that is, that no department has asked for this. The Department of Commerce and Labor, as represented by the Commissioner of Labor, the gentleman will remember, was before our committee on several occasions, and he was one of the strongest advocates we had on this particular measure.

Mr. RICHARDSON. I would like very much, if I had had time and opportunity to know that this bill was coming up, to have quoted what Mr. Neill did say, and I will try to do it in my printed remarks on this particular point.

Mr. TOWNSEND. Does the gentleman mean to intimate that Mr. Neill was not in favor of the measure?

Mr. RICHARDSON. No; I am not intimating anything. I mean to say, as I said before, that when I come to my printed remarks I will examine more fully what Mr. Neill said.

Mr. TOWNSEND. I shall be satisfied with that.

Mr. RICHARDSON. Now, Mr. Chairman, by direction of the gentleman from Georgia [Mr. ADAMSON], who is in charge of this bill, I am requested to yield the balance of my time, as well as such other time as the gentleman is entitled to, to the gentleman from New York [Mr. RYAN].

The CHAIRMAN. The gentleman can yield only such time as was yielded to him.

Mr. TOWNSEND. Mr. Chairman, I shall ask unanimous consent to have as much time used on this side as on the other.

The CHAIRMAN. The Chair understands that all that is suggested now is that the gentleman from Alabama yields to the gentleman from New York [Mr. RYAN] the balance of the time the gentleman from Georgia [Mr. ADAMSON] yielded to him, which would be eleven minutes.

Mr. TOWNSEND. Very well.

Mr. RICHARDSON. I yield such time as I have not used to the gentleman from New York [Mr. RYAN] in connection with such time as he already has.

The CHAIRMAN. The gentleman can not yield time in connection with any other time.

Mr. RYAN. Mr. Chairman, am I not entitled to an hour in my own right, if I so desire?

The CHAIRMAN. The gentleman from New York, being a member of the committee, could be recognized in his own right after anyone on the other side who desires to be heard.

Mr. RYAN. If no one on the other side desires to be heard, then I shall proceed.

Mr. RUSSELL of Texas. But I do, Mr. Chairman.

Mr. RYAN. But the gentleman is not on the other side. The gentleman signed the minority report.

Mr. RUSSELL of Texas. No; I did not.

Mr. RYAN. Very well, I yield.

Mr. RUSSELL of Texas. Mr. Chairman, if I could bring myself to believe the dire forebodings of those who oppose this bill, I would energetically join them in trying to secure its defeat. If I entertained even serious doubts as to its beneficial effects, I would withhold my support. I shall support it because, in my judgment, it will bring to the country

in times of industrial controversy permanent and lasting good. I differ from the Democratic members of the Committee on Interstate and Foreign Commerce as to the advisability of this legislation, and because of this cleavage between my Democratic colleagues and myself, I desire to occupy the time of the House briefly, in order to state the reasons that have impelled me to the course I have taken. The Members of the House will discover from the two reports filed that the Committee on Interstate and Foreign Commerce did not divide on this question along partisan lines at all. I failed to sign the minority report filed by the Democratic members of the committee, and the gentleman from Massachusetts [Mr. LOVERING] differed from the Republican members of the committee, and filed, also, a minority report of his own. Those Members of the House who will take the pains to read the two reports, the one filed by the minority and the one filed by the gentleman from Massachusetts, will find that they are very similar in the grounds upon which they put their different oppositions to this particular bill.

In fact, after reading them over, I was reminded very forcibly of the colored preacher's explanation to his congregation of the difference between the Epistle of Paul and the Epistle of Peter. He said that, while Paul's was longer, Peter's was the most "pinted" [laughter], and that is about the only difference I can discover between the views of the minority signed by my Democratic colleagues and the minority views presented by the gentleman from Massachusetts [Mr. LOVERING].

The bill has been assailed upon grounds that, in my judgment, are not tenable, and that the reading of the measure will wholly fail to justify. I want to call the attention of Members of the House briefly to what this measure proposes to do. It has been already read by the Clerk, and I can state, compactly I hope, and I will try to state clearly, just what is intended to be accomplished by this legislation.

The first section of this measure simply defines and establishes the jurisdiction under which the President of the United States is warranted in exercising the powers attempted to be conferred upon him by this act. The President is permitted to act only—

Whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise, by reason of which controversy the transportation of the United States mails, the operations, civil or military, of the Government of the United States, or the free and regular movement of commerce among the several States and with foreign nations is, in the judgment of the President, interrupted or directly affected, or threatened with being so interrupted or directly affected—

that when that condition of affairs arises, the President is authorized under this measure, should it become a law, to appoint a commission whose powers are explicitly defined and carefully and plainly limited by the terms of this act.

My distinguished friend from Alabama [Mr. RICHARDSON], who has just taken his seat, in my judgment does not have a proper conception of the legal proposition involved in this bill. If I understood him correctly in his view of the case, the President of the United States would be authorized to appoint this commission to have this investigation should a controversy arise upon a plantation in Alabama between the employees upon the plantation and the employer, provided there was a remote possibility that the product of the plantation should at some time get into interstate commerce. If that be the gentleman's view, Mr. Chairman, I must say that it is remarkable, chiefly, if not solely, for the clearness and precision with which it misstates the law. [Laughter.] I need refer to no other authority in support of what I say than the Diamond Match Company case, reported in 188 United States, page 93.

That case reviews at some length the authorities upon the question as to when an article becomes subject to the interstate power of the General Government. The opinion says:

In Coe *v.* Errol, 116 U. S., 517, logs which have been cut in the State of Maine, and others which had been cut in the State of New Hampshire, were floated in transit down a stream in New Hampshire to the town of Errol, in the latter State, thence to be floated down the Androscoggin River to the State of Maine. The town of Errol assessed upon the property a county, town, school, and highway tax. The tax was sustained by the supreme court of the State of New Hampshire as to the logs cut in that State, and abated as to those cut in Maine.

The judgment was affirmed by this court. Mr. Justice Bradley delivered the opinion of the court, expressed the contentions of the parties in two questions: Are the products of a State, though intended for exportation to another State, and partially prepared for that purpose by being deposited at a place or port of shipment within the State, liable to be taxed like other property of the State?

Do the owner's state of mind in relation to the goods—that is, his intent to export them, and his partial preparation to do so—exempt them from taxation? This is the precise question for solution.

It is obvious that like questions could be framed upon the facts of the case at bar to express the proposition presented. Mr. Justice Bradley's observations, therefore, become pertinent and decisive. He discussed every consideration. He clearly exhibited the extent of the power of the State over the property within it, whether in motion or at rest, though destined for points out of it. He said:

"There must be a point of time they (goods destined to other States) ceased to be governed exclusively by the domestic law and begin to be governed and protected by the national law of commercial regulation, and that moment seems to us to be a legitimate one for this purpose in which they commence their final movement for transportation from the State of their origin to that of their destination. When the products of the farm or the forest are collected and brought in from the surrounding country to a town or station serving as an entrepot for that particular region, whether on a river or a line of railroad, such products are not yet exports, nor are they in process of exportation, nor is exportation begun until they are committed to the common carrier for transportation out of the State to the State of their destination, or have started on their ultimate passage to that State. Until then it is reasonable to regard them as not only within the State of their origin, but as a part of the general mass of property of that State, subject to its jurisdiction and liable to taxation, but taxed without any discrimination in the usual way and manner in which such property is taxed in the State.

* * * * * * *

"Some of the Western States produce very little except wheat and corn, mostly which is intended for export; and so of cotton in the Southern States. Certainly, as long as these products are on the lands which produce them, they are a part of the general property of the State. And so we think they continue to be until they have entered upon their final journey for leaving the State and going into another."

This reasoning of Justice Bradley is adopted by the court in the Diamond Match Company case, and the authorities quoted show clearly when goods or property within a State become subject to the power of the General Government. The power of the President to act under this bill could not be exercised in the instances cited by the gentleman from Alabama. Upon the contrary, the authority I have read completely overwhelms and destroys the legal objection to the bill suggested by my friend from Alabama. Now, let me go back and review briefly some of the other sections of the measure.

The second section of the proposed bill provides or tells how the President may act in the appointment of the commission. It provides that the President may appoint a special commission of not exceeding seven persons who are specially qualified to make an investigation of the controversy, and it provides that the Commissioner of Labor shall be ex officio secretary of that special commission, and that he shall keep and preserve all the proceedings of the commission. The third section describes the duties of the commission. It authorizes the commission upon giving reasonable notice to the parties to a controversy, whether at the seat of the disturbance or elsewhere, to proceed with all convenient dispatch to an investigation of the causes of the controversy and the remedy therefor. The fourth section provides that the parties to the controversy shall be entitled to be heard before the commission, either in person or by counsel or by both. The fifth section embraces within its limits the powers attempted to be conferred upon the commission, and I invite the careful attention of the Members of the House to what is intended to be conferred upon this commission by the fifth section of this act, and no gentleman who reads it can hesitate for one moment in coming to the conclusion that the authority it confers in no way, directly or indirectly, provides for or intimates compulsory arbitration. The fifth section confers upon the commission these powers. It gives power to summon witnesses and require the production of such books and papers as may be necessary for a just determination of the controversy. It authorizes the commission to seek the aid of the United States courts to compel the attendance of witnesses and the production of documentary evidence, and makes it the duty of the courts to render such aid. In this particular the commission sought to be created is given powers very much like that conferred upon the Interstate Commerce Commission.

The section further provides that no witness shall be required to criminate himself nor shall he be given any immunity. Section 6 authorizes the commission to employ competent experts to aid it in making the investigation full and completely satisfactory. Section 7 provides that the commission, after having made its investigation, shall make its report, setting forth the causes of the controversy and locating the responsibility therefor as far as may be and making such suggestions as in its judgment will tend to settle the disturbance and prevent its recurrence. Section 8 provides that this report shall be transmitted to the President and by him communicated to the parties to the controversy, and that the report, together with any recommendation the President may wish to make, shall be transmitted to Congress. Section 9 gives the commission the power to make such general rules as may be appropriate for the order of its proceedings. Section 10 provides the compensation of the commission and provides for its expenses and for the compensation of witnesses appearing before it. Section 11 provides that no commission appointed under this act shall continue for a period of over three months from the date of its appointment. This, Mr. Chairman, is, in my opinion, a full and complete statement of all that the bill under discussion attempts to do. No compulsory arbitration is provided for or suggested. Nothing of this sort is attempted. It is simply intended that when a controversy arises which shall reach such proportions as to interfere with the movement of the mails, or shall interfere with commerce between the States or with foreign commerce

or which shall interfere with the civil or military operations of the Government, that in either of these events the President of the United States shall be clothed with the authority to appoint a commission which shall exercise such powers and perform such functions as I have just enumerated.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will my friend yield to me? I am interested in his discussion, and I ask this solely for information.

Mr. RUSSELL of Texas. I will be glad to yield to the gentleman.

Mr. HUMPHREYS of Mississippi. What is the purpose of the inquiry the Government is to make?

Mr. RUSSELL of Texas. The purpose of the inquiry the Government is to make, in my judgment, is to ascertain the facts and make them public, in order that the public itself may ascertain from the investigation who is in the right and who is in the wrong, so that whoever may be in the wrong may have applied to him only that correction which arises in a righteous public judgment.

Mr. HUMPHREYS of Mississippi. It is not the intention of the Government after it obtains these facts to proceed further, in your opinion?

Mr. RUSSELL of Texas. No, sir. The bill makes no provision for anything of that kind.

Mr. RICHARDSON. Will the gentleman from Texas [Mr. RUSSELL] allow me one word as to the fifth section?

Mr. RUSSELL of Texas. Yes, sir.

Mr. RICHARDSON. The gentleman asserts, does he not, that the authority of the commission under the fifth section goes to this extent: That it would have the right to examine the books of a man that was not a party to that transaction to be brought before that commission?

Mr. RUSSELL of Texas. I am not prepared to concede that. The gentleman may be right. At present I neither admit nor deny. It does provide for the production of books and papers.

Mr. RICHARDSON. Essential to a just examination?

Mr. RUSSELL of Texas. Surely. But at the same time it provides that the agencies by which it can secure the testimony must be the courts of the United States, and I take it that the courts would protect, as far as ought to be protected, anybody whose testimony was sought to be obtained by that commission. I will say this, gentlemen, without undertaking to discuss that feature of it, that I do not see why there would be any objection to the law if some third party knew something that would throw light on a great public controversy like the ones which are sought to be investigated by this bill.

Mr. ADAMSON. Will the gentleman yield?

Mr. RUSSELL of Texas. Surely.

Mr. ADAMSON. The gentleman from Texas does not deny that whatever is contemplated is compulsory? The investigation shall proceed whether the parties consent or not?

Mr. RUSSELL of Texas. What I concede to be contemplated is compulsory. What you concede to be contemplated is not compulsory.

Mr. ADAMSON. Whatever it is that is contemplated is compulsory?

Mr. RUSSELL of Texas. Perhaps so. The investigation provided for is compulsory.

Mr. ADAMSON. Then the gentleman does not deny that this commission reports recommending legislation, and the President approves that?

Mr. RUSSELL of Texas. The gentleman's purpose is evidently to establish by a kind of Socratic method of reasoning that it provides for compulsory arbitration. His questions remind me of the statement that Socrates could prove that a sheet of writing paper was a lazy dog; and this is the way it was argued: Is not a sheet of writing paper an ink-lined plane? Is not an inclined plane a slope up? Is not a slow pup a lazy dog? [Laughter.]

Mr. ADAMSON. I enjoy the gentleman's humor. I ask him to answer the question yes or no.

Mr. RUSSELL of Texas. I believe I am better satisfied with the answer just given than to try another.

Mr. ADAMSON. I want to know if the gentleman denies that the commission shall report its findings and recommend legislation if it sees proper?

Mr. RUSSELL of Texas. The bill shows that to be so.

Mr. ADAMSON. We stated one thing about it, and you have stated another.

Mr. RUSSELL of Texas. We will let the Members read the bill as to that part of it.

Mr. ADAMSON. What if they do not read it? I will be glad if the gentleman will deny or affirm that that provision is in it.

Mr. RUSSELL of Texas. I can not conceive that that has any bearing upon the proposition I am endeavoring to discuss now. The position I am endeavoring to present is the Democratic position, and I will demonstrate it to you.

Mr. ADAMSON. Is it a Democratic proposition?

Mr. RUSSELL of Texas. Yes; the Democrats have declared themselves on this proposition.

Mr. ADAMSON. Have you ever found a proposition among Democrats or lawyers to force anybody into any sort of arbitration? Has not the arbitration law always been the reverse? After the parties had agreed, then they were compelled to abide the findings. Is not that recognized as the proper way?

Mr. RUSSELL of Texas. I think so. I want to say that while there was no division in this matter along party lines, yet I assure you that my position is justified not only by the Democratic platform declarations, but by the history of Democratic legislation on this subject, and I want to read one or two authorities bearing on this point. In the Democratic platform of 1896, I find this language:

> We are in favor of the arbitration of differences between employers engaged in interstate commerce and their employees, and recommend such legislation as is necessary to carry out this principle.

Mr. ADAMSON. Now, I will ask the gentleman if he finds any encouragement there for the idea that the parties shall be investigated without their consent?

Mr. RUSSELL of Texas. I will show to the gentleman presently what idea was intended to be conveyed. Here is the platform of 1900, in which we find this declaration:

> We are opposed to government by injunction; we denounce the blacklist, and favor arbitration as a means of settling disputes between corporations and their employees.

These are the Democratic platform declarations, and now let us examine the history of Democratic legislation upon the subject.

Mr. Chairman, this is not the first time that this principle has been proposed in the legislation of our country. An act similar to this was introduced in Congress in 1886, and it was passed. That act, however, omitted the proposition that these gentlemen resist now, and that is, it omitted the provision for governmental investigation of labor disputes. That act was passed in 1886; and President Cleveland vetoed it, because it did not contain the very proposition which you gentlemen now see fit to criticise. In 1887 a bill was offered in Congress including in the provision for governmental supervision of investigations of labor disputes, and that bill became a law and received the President's sanction in 1888, and remained upon the statute books until 1898, when it was superseded by the present law, which does not contain the provision for the appointment of a commission for the investigation of labor disputes.

It is true that the act of 1888 was restricted in its application to disputes between transportation companies and their employees, but it contained the proposition for the investigation by the Government of these controversies, and in this particular was analogous to the very proposition in this bill that we have here to-day. Now, when that question came up in Congress, a gentleman from Georgia engaged in that debate, just as we have a gentleman from Georgia engaged in this to-day, and here is what he thought of that bill which provided for the investigation by the Government of labor disputes. I read from the CONGRESSIONAL RECORD of the first session of the Fiftieth Congress, when the bill that I have alluded to was under consideration. I read from the remarks made by Mr. Blount of Georgia. I do not know whether he was the predecessor of my distinguished friend from Georgia or not. Am I correct?

Mr. ADAMSON. No, sir.

Mr. RUSSELL of Texas. He was not a Representative from your district?

Mr. ADAMSON. He was from Georgia, but not from my district.

Mr. RUSSELL of Texas. Well, he was a very distinguished citizen of Georgia and a very influential Member of this House.

Bear in mind that the bill then under discussion provided for compulsory investigation of disputes between transportation companies and their employees whenever interstate commerce was involved; practically the very proposition involved here to-day. In the discussion of that bill Mr. Blount said this:

> Mr. Chairman, it is said that there is nothing in this bill and that some other measure ought to be provided to reach the real evils connected with our labor troubles. I venture to say that, while this observation is accepted by nearly every gentleman, there is scarcely one upon this floor who has in his own mind come to any conclusion as to any measure at all upon this subject. This being the case, sir, why discard this measure? Is there nothing good in it? With the great danger that threatens the property of the country and the peace of society growing out of these strikes, is it not something that the Government of the United States should, in the midst of the excitement, appoint a board or commission to go to the scene of the troubles to investigate all the facts connected with them as far as they can, and to exert the moral influence which would attach to such action on the part of those commissioners in their advice as to some mode of settlement? Is it not possible that a commission appointed by the Presi-

dent of the United States may go into the disturbed district, hear the complaints on either side, and find a way to some proposition that may bring about peace? And if this be true, that part of the bill which arms the President with this moral power, which oppresses none and which may do great good, should, it seems to me, command the assent of good citizens all over this land.

Now, I commend these remarks to the prayerful consideration of my distinguished friends from Georgia and Alabama.

Mr. RICHARDSON. Now, Mr. Chairman, if the gentleman will permit me, that law that he has just read related alone to corporations.

Mr. RUSSELL of Texas. Related to transportation corporations.

Mr. RICHARDSON. This bill is very different, is it not?

Mr. RUSSELL of Texas. It is wider in its scope.

Mr. RICHARDSON. Much wider.

Mr. RUSSELL of Texas. Very much wider.

Mr. RICHARDSON. Do you not believe that the Erdman Act, passed some years ago, is sufficient for all purposes of investigation?

Mr. RUSSELL of Texas. What do you refer to as the "Erdman Act?" The act of 1898?

Mr. RICHARDSON. Yes. What is the objection to that act?

Mr. RUSSELL of Texas. There are several objections. I believe they were clearly set out by the gentleman from Michigan.

Mr. RICHARDSON. You are reading from that law. That makes no reference to any compulsory action.

Mr. RUSSELL of Texas. The act of 1888 provided that the President should be empowered to appoint a commission, and provided that they should have the right to compel the attendance of witnesses, to elicit testimony, and to do practically just what this act does, except that its application was limited to transportation companies.

Mr. RICHARDSON. Then, why do you want to pass this bill?

Mr. RUSSELL of Texas. That law, I will say, was repealed by the Republican act of 1898, and we want it put back on the statute books. If the bill now under discussion is made the law, we will be but putting back in the statutes of the United States the Democratic legislation of 1888 in so far as the principle of governmental investigation of these disputes is concerned.

Mr. RICHARDSON. Now, one more question. I wish my friend would give his construction of the limitations of this language in this act: "Concerning wages, hours of labor, or conditions of employment." What is the limit of investigation of the commission appointed by the President under the words "conditions of employment?"

Mr. RUSSELL of Texas. The President's limitations are marked. His power is not called into being unless the controversy is such that it interrupts the civil or military operations of the Government, or the movement of the mails, or the free and regular movement of interstate and foreign commerce. I do not care what other proposition may be involved, it requires the concurrence of one of these elements also before his power can be exercised at all.

Mr. RICHARDSON. Can you give the committee an illustration of the conditions of employment that enter into interstate commerce, and those that do not, which the President by this act could order investigated?

Mr. RUSSELL of Texas. I believe my friend makes this mistake with reference to his investigation of the bill. I am not sure that I correctly understand him. The power of the President to act does not depend upon whether the dispute is concerning wages, hours of employment, or conditions of labor at all. His power does not come into being until the dispute reaches such magnitude that it will interrupt the civil or military operations of the Government, or the regular movement of the mails, or the orderly movement of interstate commerce. It is only when one or more of these conditions arises that the President can act with reference to the subjects referred to in your interrogatory.

Mr. RICHARDSON. But when that condition does arise, with reference to any employment or any question of wages, then the President can act?

Mr. RUSSELL of Texas. Certainly, in a case of that magnitude.

Mr. RICHARDSON. It makes no difference how large or how small.

Mr. RUSSELL of Texas. It can not be small. It must be of sufficient magnitude to interrupt the movement of the mails or the civil or military operations of the Government or the movement of interstate or foreign commerce.

Mr. RICHARDSON. There are a thousand little rivulets that run into interstate commerce from the States, and the interruption of one of them would justfy the interposition of the President.

Mr. RUSSELL of Texas. It is inconceivable to my mind that the President of the United States would seize upon an opportunity like that indicated by the gentleman from Alabama in effort to put into operation the powers attempted to be conferred in this bill.

Mr. RICHARDSON. But you admit, do you not, that he has the power to do it?

Mr. RUSSELL of Texas. I think not. I can not conceive how a dispute, like that which the gentleman has in mind evidently, could be of such magnitude as to interrupt interstate and foreign commerce or the civil or military operations of the Government or the regular movements of the mails.

Mr. ESCH. Will the gentleman yield for a question?

Mr. RUSSELL of Texas. Yes.

Mr. ESCH. Would not an overexercise of this power by the President weaken the operation of the law?

Mr. RUSSELL of Texas. Undeniably so.

Mr. ESCH. Therefore the President would have every reason to exercise this power only on rare occasions.

Mr. RUSSELL of Texas. Unless he deliberately intended to destroy the law.

Mr. ESCH. Which is not a reasonable supposition.

Mr. RUSSELL of Texas. I would hardly suppose so.

Mr. COOPER of Pennsylvania. I should like to ask, as a matter of information, what power this commission would have, or where would there be any power to enforce its recommendations to report?

Mr. RUSSELL of Texas. None in the world, except the moral force of public opinion.

Mr. COOPER of Pennsylvania. It would not amount to anything except so far as that is concerned.

Mr. RUSSELL of Texas. But that is a great deal. There never has existed a great abuse that could permanently survive the force of a righteous public opinion.

Mr. COOPER of Pennsylvania. I do not mean public opinion. I mean so far as the legal enforcement of its findings are concerned.

Mr. RUSSELL of Texas. There is no machinery at all providing for its enforcement.

Mr. COOPER of Pennsylvania. Then, suppose the people interested in the controversy should refuse to appear, to enter into this arbitration, to produce books and papers—could they compel that to be done if they have no power to enforce their own finding?

Mr. RUSSELL of Texas. I think so. I do not see any reason why not. If the gentleman knows of any reason why——

Mr. COOPER of Pennsylvania, I merely raised the question.

Mr. RUSSELL of Texas. The mere fact that they can not go any further than to make a report to the President which shall be transmitted to Congress does not necessarily deprive the commission of the power to enforce the attendance of witnesses and ascertain in a proper way all the facts with reference to the controversy.

Mr. COOPER of Pennsylvania. Could you confer upon the commission the power to enforce its report or its conclusions?

Mr. RUSSELL of Texas. That is purely speculative now and does not matter. I see no good that could come from a discussion of it, as it is not at all involved in this bill, until some measure comes before the House tending to provide compulsory arbitration, and I will say to the gentleman frankly that I would not support a bill providing for compulsory arbitration. I want the gentleman to understand clearly that this bill does not provide for compulsory arbitration. It does not attempt it in any way.

Mr. COOPER of Pennsylvania. If you undertake to settle a controversy between individuals, the commission might find a case where the claim made would be that the commission's findings, if enforced, would impair the obligation of contracts. Would the Government under these circumstances have any authority to appoint a commission for that purpose?

Mr. RUSSELL of Texas. There is no authority, as far as this bill is concerned, to require parties to abide the decision. The commission is only authorized to ascertain the facts in an orderly and legal way, and then to report their findings.

Mr. HARDY. I would like to ask the gentleman a question.

Mr. RUSSELL of Texas. I will yield to the gentleman.

Mr. HARDY. Is it not a fact that under the provisions of this bill there is no power given to bring any verdict that could be enforced, and yet there is power to require the parties to such a legal controversy to appear, be sworn under the penalty of perjury, and give evidence in relation to their affairs and proceedings?

Mr. RUSSELL of Texas. Unquestionably. The gentleman does not object to it on that ground, does he?

Mr. HARDY. I ask what the situation is. Does the gentleman know whether or not the transportation companies and the large corporations engaged in interstate commerce do or not favor this bill?

Mr. RUSSELL of Texas. I have not a personal knowledge of that subject. I have been informed that the bill is being resisted to some extent by both the large employers of labor and some of the labor leaders.

Mr. HARDY. Does any labor organization favor this bill?

Mr. RUSSELL of Texas. Frankly, I will say to the gentleman I can not tell whether they do or not. I have no personal knowledge of any labor organization opposing it or any employer of labor opposing it. I have been informed that they do.

Mr. HARDY. Recognizing the fact that no man has any right to compel anybody to employ him under our present conditions of labor controversies and the condition of laboring men, does the gentleman from Texas think it wise to give such a power as this bill does to force an investigation against the will of parties interested when you can not give them any relief, no matter how much you find they have been imposed upon?

Mr. RUSSELL of Texas. The gentleman is proceeding upon the proposition that because the bill does not provide for compulsory arbitration, therefore it ought not provide a means for eliciting the facts concerning the labor dispute.

Mr. HARDY. Is not this in the nature of compulsory arbitration?

Mr. RUSSELL of Texas. I can not see it that way.

Mr. HARDY. If the bill should go far enough and say that the parties could be cited and state the case on the issues that it made up, and the commission could bring in a verdict and enter a judgment so that their findings were enforced, that would be compulsory arbitration. Does not this go far enough to force them to give the evidence?

Mr. RUSSELL of Texas. It forces them to give the evidence, and it will give all the relief which a righteous public opinion can afford.

Mr. HARDY. My understanding is from some Members here that labor organizations, as far as they have manifested any opinion, have condemned the measures.

Mr. RUSSELL of Texas. I have no knowledge of it.

Mr. HARDY. So far as I am concerned, that would have considerable weight with me unless it were very apparent that the legislation was necessary, because they are so interested, and as the bill gives them no relief, I would hesitate to require them to come under oath and answer as to all affairs when you can give them no remedy.

Mr. RUSSELL of Texas. It seems that some gentlemen who ask these questions oppose the bill because it is compulsory arbitration in one breath and then oppose it in another because it is not compulsory arbitration.

Mr. RANDELL of Texas. That is not my position. It seems to me that as far as you go it is compulsory arbitration, but it does not go to the limit of giving a remedy and enforcing the remedy. It does not go to that extent, but the investigation is compulsory, and that is what I am opposed to unless you could give me some good reason to the contrary.

Mr. RUSSELL of Texas. Is the gentleman in favor of compulsory arbitration?

Mr. RANDELL of Texas. I am not.

Mr. RUSSELL of Texas. The bill provides, if the gentleman will read it——

Mr. RANDELL of Texas. It seems to me that arbitration is in the nature of an agreement; that men agree that they will arbitrate their differences. Then the law may be brought in to provide a way; but to say that two men shall be compelled to agree to a matter, that is not an agreement at all—that is compulsory, and I am opposed to anything of that kind, excepting in the ordinary channels of the courts.

Mr. RUSSELL of Texas. Mr. Chairman, I do not like to restate a proposition I have just been discussing, but these interrogatories show so manifestly that the gentlemen have not carefully read the bill that I want to make another statement of the proposition I made awhile ago, and that is this: That this bill attempts to lodge in the commission to be appointed by the President every facility for truthfully eliciting the facts and arriving at an accurate conclusion in the controversy. That is all.

It does not rely upon any sort of compulsion at all, except the compulsion that follows from honest investigation and a correctly formed public opinion. If the public opinion is manifestly in error, then it will not force a settlement of the controversy, but if it is such a public opinion as is correctly formed upon truthful fact, then in the ordinary course of events parties to the controversy would be compelled to yield to that, as we always yield to righteous public sentiment.

Mr. RANDELL of Texas. Is the gentleman in favor of compulsory arbitration?

Mr. RUSSELL of Texas. Not at all. And I repeat again, that this bill does not suggest the principle of compulsory arbitration. Now, I want to call attention briefly, before I close, to some reasons why this legislation should be enacted. The country possibly, in time of peace, when it is not disturbed by great labor commotions, does not realize the enormous loss inflicted through these sad events. I have here before me a volume called "Labor and Capital." It contains a number of very interesting articles. I want to read briefly from just two of them. I want to read first a statement made by Cardinal Gibbons, to be found in this volume at page 142. He has this to say on the subject:

> Experience has shown that strikes are a drastic, and at best a very questionable, remedy for the redress of the laborer's grievances. They paralyze industry, they often foment fierce passions and lead to the destruction of property, and, above all, they result in inflicting grievous injury on the laborer himself by keeping him in enforced idleness, during which his mind is clouded by discontent while brooding over his situation, and his family not infrequently suffers from the want of even the necessaries of life.
>
> It would be a vast stride in the interests of peace and of the laboring classes if the policy of arbitration, which is now gaining favor for the settlement of international quarrels, were also availed of for the adjustment of disputes between capital and labor. Many blessings would result from the adoption of this method, for, while strikes, as the name implies, are aggressive and destructive, arbitration is conciliatory and constructive; the result in the former case is determined by the weight of the purse, in the latter by the weight of the argument.

Now, then, listen to some striking figures submitted by Mr. Carroll D. Wright upon the same subject in the volume I have before me, at page 153. I invite the attention of the committee to these figures:

> The record of strikes in the United States for the twenty years ending December 31, 1900, as shown by the United States Department of Labor, would seem to indicate that at times, at least, some drastic measure for the prevention of conflicts might be desirable. This record is that during the period named there were 22,793 strikes, with a wage loss of $257,863,478, a loss through assistance rendered by labor organizations of $16,174,793 and a loss to employers of $122,731,121. The lockouts during the same period numbered 1,005, with a wage loss to employees of $48,819,745, a loss through assistance rendered by labor organizations of $3,451,461, and a loss to employers of $19,927,983. The total losses by strikes and lockouts reached the vast sum of $468,968,581. It is curious to note that in 50.77 per cent of the establishments in which strikes occurred they were successful, in 13.04 per cent partially successful, and in 36.19 per cent failures; in 50.73 per cent of the establishments where lockouts were ordered success attended the efforts of the employers, while in 6.28 per cent they were partially successful, and in 42.93 per cent the lockouts failed of the object for which they were ordered. In a large majority of all these strikes and lockouts the public as such probably experienced little or no inconvenience, and therefore was not sensitively interested in them, but in others, and those of the greatest magnitude, the loss can not be computed by any statistical method. It is utterly impossible to ascertain the direct and indirect loss to the public through great strikes and lockouts which suspend traffic, raise prices, and affect all trades and commercial transactions.

Mr. WALDO. What was the period?

Mr. TOWNSEND. Twenty years ending 1900.

Mr. RUSSELL of Texas. Twenty years ending December 31, 1900.

Now, I have here another volume. I will not take time to read largely from it, but it is the report of the Commissioner of Labor on the subject of strikes and lockouts for the year 1906. It is devoted to a consideration of the subject for the twenty-five years immediately prior to 1905. I invite the attention of the House to the following statement from that report:

> In this report of twenty-five years there were 36,757 strikes and 1,546 lockouts in the United States, making a total of 38,303 disturbances of this character. As above indicated, disturbances of less than one day's duration are not included in these numbers.
>
> Strikes occurred in 181,407 establishments and lockouts in 18,547 establishments, making a total of 199,954 establishments involved in these disturbances. The total number of persons who went out on strikes during the twenty-five years was 6,728,048, and the number of persons locked out was 716,231, making a total of 7,444,279 persons striking and locked out.
>
> Because of the dependence of one occupation upon another the cessation of work by strikers and employees locked out often renders it impossible for fellow-employees in the same establishment to continue work. The number of employees, including strikers, thrown out of work by strikes within this period of twenty-five years was 8,703,824, and the number thrown out of work by lockouts was 825,610, making a total of 9,529,434 persons thrown out of work by these labor disturbances in the establishments involved. In the above figures establishments and employees have been counted each time they were involved in different strikes and lockouts. On the other hand, no attempt has been made to estimate the number of persons thrown out of work in establishments not involved in the disturbances, but closely dependent in many ways on the establishment involved, as in furnishing material, etc.
>
> Of the 36,757 strikes from 1881 to 1905, 68.99 per cent were ordered by labor organizations and 31.01 per cent were begun either by employees who were not members of organizations, or who, if members of organizations, went on strike without the sanction of their organiza-

tions. Of the 181,407 establishments involved in strikes, 90.34 per cent were included in strikes ordered by organizations. Strikes ordered by labor organizations included 79.69 per cent of all strikes and 77.45 per cent of the total persons thrown out of work in establishments involved in strikes.

The average duration of strikes per establishment was 25.4 days and lockouts 84.6 days. The strike or lockout does not, of course, always result in the closing of the establishment affected, but in strikes 111,343, or 61.38 per cent of all establishments involved, were closed an average of 20.1 days. In lockouts, 12,658, or 68.25 per cent of all establishments involved, were closed an average of 40.4 days. The days here referred to are calendar days, including Sundays and holidays.

This will give the House some conception of the enormous loss in wages and earnings growing out of strikes and lockouts. When we take the average price of labor per day and multiply that by the number of days the employees were out of employment by reason of strikes or lockouts, and consider the average amount of the wages, we see what an enormous loss has been incurred by the wage-earner himself. But the greater loss falls upon the public at large, who suffer from the controversy between the employee and the employer; the people who suffer when a coal strike is on, when a coal famine prevails; the people who suffer when other things can not be had; they are the people who should appeal to us in the consideration of this legislation.

Mr. WILSON of Pennsylvania. Will the gentleman permit a question?

Mr. RUSSELL of Texas. Yes, sir.

Mr. WILSON of Pennsylvania. Is it not a fact that in the great bulk of the strikes referred to in that report the public was not inconvenienced at all?

Mr. RUSSELL of Texas. I think not.

Mr. WILSON of Pennsylvania. The public at large?

Mr. RUSSELL of Texas. I think not.

Mr. WILSON of Pennsylvania. And is not it also a fact, in compiling these statistics of the loss of wages, that the number of days that the strike continued is multiplied by the average wage per day in order to get at the amount of the loss of wages?

Mr. RUSSELL of Texas. In the report I have just read there is no effort on the part of the commissioner at all to state the pecuniary loss involved.

Mr. WILSON of Pennsylvania. There was in a previous statement.

Mr. RUSSELL of Texas. I could not tell you the process of calculation by which these results were reached in the volume read here. In that report of the Commissioner of Labor there is no effort to state in dollars and cents the pecuniary loss involved. He simply states the number of laborers involved, the number of days the lockouts existed, and the number of days the strikes existed; taking the number of strikes and lockouts and getting a general average in that way, and in that way ascertaining the number of days they were out.

Mr. WILSON of Pennsylvania. The statement just read a few minutes ago, I believe from Mr. Carroll D. Wright, undertakes to state the loss by strikes for a period of twenty years ending December 31, 1900. What I want to bring out is this—that these statistics are misleading, because of the fact that they do not make any allowance for the work that would otherwise be done; that otherwise would be performed by the strikers and other classes of workers in the same line of work, and it did not take into consideration the actual loss of time in the industry to the workman who is working there, so that the figures are incorrect.

Mr. RUSSELL of Texas. As to the general results, they may be susceptible to the suggestion the gentleman made just a moment ago; but there is also another element that ought to be considered, namely, that Mr. Carroll D. Wright does not attempt at all in this to estimate in any way the loss to the general public by strikes and lockouts.

Mr. WILSON of Pennsylvania. Is it not also a fact that unless where a strike is general in any given line of trade the trade itself has supplied the material, and there is no loss to the public; it is only when a general strike takes place that no loss can come to the public whatever?

Mr. HUMPHREYS of Mississippi. I would like to ask the gentleman a question for information. He refers to the possibility of loss or inconvenience to the general public from the strike in the coal mines. Is it contemplated in the provisions of this bill that the inquiry here authorized shall extend to strikes in the coal mines?

Mr. RUSSELL of Texas. Replying to my friend, I will say that under the first section of the act is contained the only authority under which the President can exercise the authority intended to be conveyed by this bill. I simply use that as an illustration to show the enormous loss and suffering that are sometimes inflicted upon the public by reason of strikes. The mere fact that the public suffers would not of itself authorize the setting in motion of this machinery unless it were of a nature that affected the movement of commerce beween the States, the transportation of the mails, or the civil or military operations of the Government.

Mr. HUMPHREYS of Mississippi. Can the gentleman imagine any condition that would justify the Federal Government in interfering in this matter, or extending the inquiry to the coal fields, that would come under the first section of this bill?

Mr. RUSSELL of Texas. Not unless the controversy was of such a character as to present one or more of the features described in the first section of this bill.

Mr. HUMPHREYS of Mississippi. Does the gentleman think that is possible?

Mr. RUSSELL of Texas. It would depend entirely upon whether it presented one of the federal questions provided for in the proposed law.

Mr. HUMPHREYS of Mississippi. Then, if that is possible, is it not a further possibility, and equally so, that it may extend to the very enterprise that the gentleman from Alabama referred to on the plantations?

Mr. RUSSELL of Texas. I think not.

Mr. HUMPHREYS of Mississippi. I do not see why.

Mr. RUSSELL of Texas. It does not extend to either unless the controversy embraces one or more of the requirements contained in the first section of the bill—neither the coal miners nor the cotton planters.

Mr. HUMPHREYS of Mississippi. The reason I made the inquiry is this: Because the illustration the gentleman made is a very common and a very usual one to justify this particular inquiry—the inconvenience to all the people resulting from the strikes in the coal mines—and I have never been able to have any gentleman explain to me how it is possible for this inquiry to extend to strikes in the coal field, which are so popular as an illustration.

Mr. RUSSELL of Texas. It may be a popular or common illustration, but if the gentleman will read the bill, and no doubt he has read it or will do so——

Mr. HUMPHREYS of Mississippi. I have read it.

Mr. RUSSELL of Texas. He will discover that the mere fact that the operation of a coal mine is involved does not justify the appointing of these agencies by the President. It is only when the controversy is of such a nature as described by the first section of the bill that the President can act at all.

Mr. HUMPHREYS of Mississippi. If it can by any possibility refer to the coal mine, it can, under the same conditions, refer to the cotton field.

Mr. RUSSELL of Texas. Mr. Chairman, I do not know of anything I can say at this time which would make clearer to the House the emergencies, and the only emergencies, under which the President will be authorized to act. The reasons for this action by the House not only seem to me to be strong and convincing, but the time is ripe for wise legislation on this great question. No great industrial dispute now engages our attention, and for that reason we can act with a more unclouded vision than when passions are unbridled by some great commotion which convulses the country. I am a friend of labor and believe profoundly in the wisdom of labor organizations. In my judgment the labor unions of America are the most important factors in keeping up the standard of wages here both of organized labor and unorganized labor, and I would give my support to no measure which, in my judgment, would inflict an injustice on those unions. I believe this measure will result not only in the general good of the country, but in the good of both labor and the employer of labor. Year by year the great corporations and those who are in their employ are watching each other to see who shall get the first clutch at the throat. The gentleman from Michigan [Mr. TOWNSEND] has told the House how the great coal barons are accumulating enormous supplies of coal—for what purpose except in case of a strike to starve their operatives into subjection. When a great industrial dispute is on, when mines and factories and railroads are involved, and when thousands of laborers are engaged in the contest, then each side is eager to enlist public sentiment in its behalf.

The public under present conditions has no opportunity of obtaining a knowledge of the controversy which is accurate and satisfying. If the press shall furnish information which shows the strikes to be in the wrong, it will be denounced as having been furnished by the paid agents of "predatory wealth." If information shall be furnished showing that the great corporations are in the wrong, it will be claimed with vehemence that it is misleading and that it is but the propaganda of violence and anarchy. If the authority to create this commission during periods of great strikes shall be granted, then the right and the wrong of the controversy can be ascertained in a reg-

lar and orderly way by those who have no interests except the general good. Men of high character and great ability will be called to this service who will have no motive except the restoration of peace—a just and honorable peace. Both sides can be represented and the evidence will be elicited with the accuracy of a trial of a case in court. When the evidence is all in then the public will be truthfully and honestly advised as to the real merits of the dispute, and a public conscience of the people will render a judgment whose force neither side will be able to evade or defy. It will bring peace because, and only because, in this enlightened and Christian era no man and no organization can set at defiance a righteous public judgment.

But a short while ago, when the great telegraphers' strike was on, the strikers appealed to the President to do the very thing this bill proposes to allow him to do. If that power had then been exercised by the President, how much loss or suffering might have been prevented. As the situation now exists, both the corporation and the striker say "Hands off and let us fight it out to the death." Both believe they have the power to crush the other. But while the struggle proceeds, what is to become of the general public, which is in no way responsible for the battle? The loss to the corporation and the loss to the strikers is often appalling, but it may be that the suffering of the people at large, who have no connection with the contest, is even greater. The whole people of the United States are entitled to have their interest regarded by us in considering this measure. In my judgment, if it becomes a law, it will be a preventive of many labor controversies and it will shorten others. It will be for the best interest of employer and employee, and result in lasting good to the country at large. [Applause.]

Mr. RYAN. Mr. Chairman, to my mind this is a peculiar situation, but all of us have seen peculiar conditions in the last few years, and one of them was the attempt to compel the adoption of phonetic spelling. Another was the striking of the legend "In God we trust" from our coinage. Remembering those things, I am not surprised that the House is asked to pass a bill that the press and the people of the country have not asked for; a bill, Mr. Chairman, that is of vast importance to both the labor interests and the employers of this country, and yet neither have been heard in its favor before the Committee on Interstate and Foreign Commerce of this House, who have had this bill under consideration.

Mr. Chairman, in the short time that I will occupy I will endeavor to show that there is no demand for this legislation, that it will serve no good purpose, and that it ought not to pass. As has been stated, it provides—and I will briefly refer to some of the provisions of the bill:

That whenever within any State or States, Territory or Territories, or the District of Columbia a controversy concerning wages, hours of labor, or conditions of employment shall arise, by reason of which controversy the transportation of the United States mails, the operations, civil or military, of the Government of the United States, or the free and regular movement of commerce among the several States and with foreign nations is, in the judgment of the President, interrupted or directly affected, or threatened with being so interrupted or directly affected, the President may, in his discretion, inquire into the same and investigate the causes thereof in accordance with the provisions of this act.

Further on it says:

That having made such investigation and ascertained the facts connected with the controversy into which it was appointed to inquire, the commission shall with all convenient dispatch formulate its report thereon, setting forth the causes of the same, locating, so far as may be, the responsibility therefor, and making such specific recommendations as shall in its judgment put an end to such controversy or disturbance and prevent a recurrence thereof, suggesting any legislation which the case may seem to require.

Now, gentlemen have said that this is not compulsory arbitration; that this merely provides for investigating certain disputes which may arise, and yet we have this provision which gives the commission power and directs them to report such recommendations as may prevent a recurrence of such disputes. In other words, to compel people to do that which they are not now compelled to do—interfering with the free exercise of that which every man claims he is entitled to under the Constitution.

This bill, Mr. Chairman, was pending during the Fifty-ninth Congress, and the only persons that appeared before the Committee on Interstate and Foreign Commerce were the Hon. James R. Garfield, then Commissioner of Corporations in the Department of Commerce and Labor, and Charles P. Neill, Commissioner of Labor. An article from Charles Francis Adams, of Massachusetts, favoring legislation of this character, was presented by the gentleman from Michigan [Mr. TOWNSEND], and also the draft of a bill by a gentleman in Boston named John P. Palfrey.

That, Mr. Chairman, is all the record that has been obtained by this committee on this important measure. The bill was reported to the House in the Fifty-ninth Congress with the understanding that it would not be called up. Now, we are to-day asked to enact into law, so far as this House is concerned, that very same measure, without any additional consideration.

Mr. Chairman, I venture the statement that not 10 per cent of the Members of this House know anything about it or have given it the slightest consideration. My friend from Texas [Mr. RUSSELL] said that he had no knowledge as to whether or not capital or labor were opposed to or in favor of this measure. I have such knowledge. The labor organizations of this country are practically unanimous in their opposition to this bill. Mr. W. S. Stone, grand chief of the Brotherhood of Locomotive Engineers; J. J. Hannahan, grand master of Brotherhood of Locomotive Firemen and Engineers; A. B. Garretson, president of the Order of Railway Conductors; P. H. Morrisey, grand master of the Brotherhood of Railway Trainmen, have all written letters that were placed by me in the RECORD during the closing hours of the last session. I had them at that time, Mr. Chairman, because we were given to understand that that bill would be called up before Congress adjourned, but for obvious reasons it was permitted to die, but it is called up to-day when nobody expected it.

In order to show, Mr. Chairman, what Mr. Gompers, than whom I believe none in the country is more competent to speak regarding the attitude of labor, thinks about this bill, I will ask the Clerk to read in my time a letter which he wrote to me, referring to this very bill.

Mr. ESCH. I would like to ask the gentleman a question.

Mr. RYAN. I yield to the gentleman.

Mr. ESCH. Were not all parties interested required to appear before our committee when the bill was up for its consideration?

Mr. RYAN. Certainly. I understood the gentleman from Michigan wrote to many parties, both employers and employees, and none appeared.

Mr. ESCH. Was not Mr. Fuller present, and did he not state that he did not care to express any opinion on the bill?

Mr. RYAN. I will have Mr. Fuller's statement read after the reading of Mr. Gompers's letter has been completed by the Clerk.

Mr. ESCH. He was given an opportunity to testify. Now, my question is, Did he not say he did not care to express his views on that particular measure?

Mr. RYAN. At that particular time.

Mr. ESCH. At the time the hearings were conducted.

Mr. RYAN. As a matter of fact, there is and was no demand for this bill. Nobody appeared in favor of the bill, except a lot of theoretical chaps. [Laughter.]

The Clerk read as follows:

AMERICAN FEDERATION OF LABOR,
Washington, D. C., March 23, 1908.

Hon. WILLIAM H. RYAN,
House of Representatives, Washington, D. C.

DEAR SIR: A month or two ago, having been asked to express my opinion upon H. R. 4857, introduced by Mr. TOWNSEND, I wrote to you at considerable length upon the subject dealt with in that bill.

In addition thereto I desire to say that a friend of mine having the same subject in mind addressed a letter to me in the nature of a protest against the passage of the Townsend bill or the principles involved in it, and because it is so pertinent let me quote what he said:

"The open door to compulsory arbitration is the official investigation and report; that is, official arbitration by the Government. The only plausible argument for officialism in labor disputes is the creation, or manufacture, of 'correct' public opinion as to the merits of each dispute as it arises. It is said not to be the design of the advocates of officialism to decide such controversies, but only to investigate and report, thus giving publicity to the facts. But to make a public report in such cases will necessarily involve the passing of judgment. How will these ex cathedra judgments be colored? With the press in the hands of capitalists and the official investigators holding office through political influence emanating from political bosses or political power behind whom are the large employers of labor, could labor expect a proper consideration of its side or a fair presentation to the public of its contentions? Would not the bureau or commission become a sort of capitalistic or commercial priesthood?

"Such a law would be either thus perverted and turned against labor or it would be a dead letter. In either aspect of the case it would be opposed.

"There can be no arbitration except where the disputants mutually and voluntarily consent. The initiative should be private, not official. Voluntary arbitration, the only sort that is worth mentioning, is being resorted to almost every day. For this no law is needed. Here the Government—that is to say, political power—should keep its hands off. Moreover, any such law, if resisted, would fail to stand the test of constitutionality.

"But let the bureau, commission, or whatever it may be called, be once established, even if without compulsory jurisdiction, and a cry will at once be set up for power to enforce its decrees. Therefore the description of official investigation and report as the open door to compulsory arbitration is correct."

Now, as to arbitration boards or compulsory arbitration, let me say that organized labor of the United States has from the first opposed the policy or principle of compulsory arbitration, for compulsory arbitration is nothing more nor less than compulsory abiding by the award rendered by the arbitrators.

We hold that to enforce an award against employees, backed up by the law and by the Government, is confiscation. On the other hand,

the enforcement of an award by law and by the Government, when such an award is against workmen, involves compulsory enforcement of involuntary servitude; in other words, slavery. And let me add that experience has demonstrated the soundness of contention of the working people of the United States. The compulsory-arbitration law of New Zealand and other Australasian countries is admitted to be a failure of its purpose.

About ten years ago a Mr. Lusk came to the United States, and for months entered upon a campaign to convince our people, particularly the employers, that they should follow in the course of New Zealand and adopt compulsory arbitration. It was my privilege at the time to be present on one of the occasions when Mr. Lusk was addressing an influential public meeting. I took the issue with him, and though made to bear the brunt of adverse criticism by the opponents to our movement and through a portion of the public press, the position I took was thought compelling.

For several years we had to meet the advocates of compulsory arbitration in the various legislatures and in the United States Congress, as well as upon the public platform. A turn in the tide of opinion came and employers generally agreed with labor that compulsory arbitration should not be made part of our economic or political system—that is, compulsory arbitration by the State or Nation. Owing to the attitude of organized labor we have therefore escaped the enactment of compulsory arbitration laws in the States and in the United States. Employers and those having the better understanding of industrial conditions and the industrial relations of employer and employees saw the undesirability and ineffectiveness and, above all, the injustice of such a law.

Organized labor believes in a policy of conciliation and arbitration, but believes in arbitration only where conciliation has failed, and it contends that arbitration when entered into should be voluntary, and voluntarily and faithfully abiding by an award rendered; that this is the only method to obtain and maintain the largest degree of industrial peace consistent with human liberty.

I should add that we believe in an investigation of some of the industrial disputes and controversies which arise, but I am fully persuaded that the fullest advantages and best results with the least injury to the people and their rights would accrue from unofficial or quasi-official investigation, rather than investigations conducted by a commission created by law with power, with penalties, punishments, and what not.

It is exceedingly interesting to note to what extent some men want other men to do by law, and let me add that I have no hesitancy in declaring my sincere convictions that such a bill as the Townsend bill simply means the forerunner of an attempt at compulsory arbitration by law with all that that implies.

Very respectfully, yours,

SAML. GOMPERS,
President American Federation of Labor.

Mr. RYAN. Mr. Chairman, I now ask the Clerk to read the letters from Mr. Fuller and Mr. Goss, and the presidents of the different railroad organizations printed on that same page, as I remember it.

The Clerk read as follows:

ORGANIZATIONS OF RAILROAD EMPLOYEES.

WASHINGTON, D. C., *March 17, 1908.*

Hon. W. H. RYAN, M. C.,
Washington, D. C.

DEAR SIR: On behalf and by authority of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Brotherhood of Railroad Trainmen, and Order of Railway Conductors, we earnestly and respectfully express the opposition of these organizations to the passage of House bill No. 15447, entitled "A bill for the investigation of controversies affecting interstate commerce, and for other purposes," our reasons for such opposition being expressed in the attached letter bearing the signatures of the chief executive officers of the above-named organizations.

Respectfully submitted.

H. R. FULLER,
Legislative Representative Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Brotherhood of Railroad Trainmen.
M. N. GOSS,
Legislative Representative Order of Railway Conductors.

WASHINGTON, D. C., *March 16, 1908.*

Messrs. H. R. FULLER and M. N. GOSS,
Legislative Representatives, Washington, D. C.

GENTLEMEN: For the members of the organizations we represent you are authorized to oppose the passage of H. R. 15447, a bill for the investigation of controversies affecting interstate commerce, and for other purposes.

Legislation such as this bill contemplates is not sought by the railway employees, and is otherwise objectionable. We believe that the bill tends toward compulsory arbitration, which principle we oppose. We are in favor of publicity in all things pertaining to the relations between capital and labor and of any method or plan that is economically right that will minimize industrial warfare, but we do not any more believe in settlement of these questions under government domination than we do in government by injunction.

We believe that there is now sufficient law on the subject. The law approved June 1, 1898, known as the "Erdman Act," provides adequate means for mediation, conciliation, and voluntary arbitration. Anything more would, in our judgment, be oppressive.

Yours, truly,

W. S. STONE,
Grand Chief Brotherhood of Locomotive Engineers.
J. J. HANNAHAN,
Grand Master Brotherhood of Locomotive Firemen and Enginemen.
A. B. GARRETSON,
President Order Railway Conductors.
P. H. MORRISEY,
Grand Master Brotherhood of Railroad Trainmen.

Mr. RYAN. Now, Mr. Chairman, I think the reading of those letters conclusively shows that there is some opposition to this bill. I have as yet failed to see where there is any demand for it. I think that answers the gentleman with regard to the attitude of Mr. Fuller and the other officers of the different railroad and labor organizations in regard to this bill.

I believe, Mr. Chairman, with those gentlemen, that the only arbitration that can be successful is voluntary arbitration. Compulsory arbitration has been a failure and is a failure in Australia and in Canada, as any man can determine who desires to read the facts with regard to its operation in those countries.

There is sufficient law now on the statute books of this country in law of 1898, known as the "Erdman Act," and also in the act creating the Bureau of Corporations in the Department of Commerce and Labor. They have full power now to do all that is necessary for the Government to do in connection with matters of this character.

I do not believe that there is anything that can occur in this country in strikes that will be new. We have had all sorts of labor disputes. Everything that can be done by capital or labor is known, and there is no occasion for waiting until some disturbance occurs, and then permitting the President, as provided in this act, to appoint commissions with all their little perquisites and privileges, as carried by the different paragraphs in this bill.

This is not a unanimous report in favor of this bill. The Republican members of the committee are not all in favor of it. We on our side lost our friend from Texas [Mr. RUSSELL], but the gentleman from Massachusetts [Mr. LOVERING] joined with the minority, and so far as numbers are concerned, we are on an even footing.

Mr. Chairman, I am opposed to the enactment of this law. I do not believe there is a demand for it. It is indefinite in purpose. It would be a law without a penalty. It paraphrases the arbitration law of 1898, and I know of no good purpose that it would serve. Mr. Chairman, I believe the American labor organizations are entitled to more favorable consideration than is here proposed. The American wage-worker is the bone and sinew of this land. He is the means by which we excel in the world's trade. He is the one who in times of danger must bear the brunt of battle, the country's producer in times of peace, and its defender in time of war, and he is entitled to a square deal, and every fair and reasonable opportunity for advancement should be given him. I trust that no law such as is here proposed will be placed upon the statutes of this country. [Applause.]

I reserve the balance of my time, yielding ten minutes to the gentleman from Pennsylvania [Mr. NICHOLLS].

Mr. NICHOLLS. Mr. Chairman and gentlemen, I rise to oppose this measure because I believe it is substantially compulsory arbitration. According to the arguments advanced, its whole aim is to compel both sides of any labor controversy which comes within the provisions of this bill—and they are more numerous than appear on the surface of the measure—to submit to the findings of this commission. It provides that the commission shall investigate the difficulty and that then it shall recommend the means of settling the difficulty, and recommend remedies, so that there will be no recurrence. If it does not compel the parties to submit, then it is noneffective and useless. Any measure or effort of this kind should be judged according to what it does, bearing in mind the old saying, "Handsone is as handsome does;" and if this measure, which is supposed to compel through public sentiment the settlement of differences according to the findings of this proposed commission, is operative, then it actually becomes compulsory arbitration. Who will dare to refuse acceptance of its findings?

Mr. Chairman, I have been sent here, in the main, by a laboring constituency and am, in a measure, especially their Representative. I want to make the point that, first of all, our people do not want this kind of legislation. Next, the men who may be selected on such a commission may not be acquainted with the industry in which the difficulty has arisen, and therefore will not be qualified to enter into the details of the business and arrange an agreement by which the men and employers engaged in that industry must abide.

I want to point out another reason why I am opposed to this as a Representative of the laboring man, and that is that in a certain controversy that arose in the anthracite-coal regions one of the men selected to act as an umpire decided that an employer may discharge whenever he pleases, for whatever he pleases, with cause or without cause, by giving a reason or by not giving a reason.

This decision was made in a case where there was a contract binding the employers and men that worked in that industry for a period of three years. This was the finding of the Anthracite Coal Strike Commission. Now, the workingmen are not going to be protected; they are practically compelled to submit their differences to men who have no knowledge of the details

of their industry, and may decide even after the contract is made between the employer and the employees; that at any minute the employer may discharge one or all of the men who are parties to that contract, leaving them absolutely without any right to participate in the benefits of that contract, and yet protect the employer from other employees, or possibly from these employees going on a strike and demanding certain conditions which will be new and better for labor. It protects the employer, but it leaves the employee absolutely at the mercy of the employer.

Now, we do not want this kind of decision. I claim that when a contract is made between an employer and his men, that unless these men fail to give good service and a reasonable amount of service, they ought not to be discharged without cause. The only cause for their being discharged ought to be that they fail to comply with the conditions of the contract and do not render good service. And yet one of these men selected under the circumstances I have stated decided that they may be discharged and prevented from enjoying all benefits of that contract at any time.

I want to point also to the fact that in the hearings of this kind, where the question is to be thoroughly brought out and explained, it will be practically a court of last resort for the settlement of that difficulty or that strike, and that it will be to the interest of both parties to do their very best and present their side of the case in its true and full light, in order that they may have the benefit of the good judgment and a chance to have the verdict in their favor.

Now, what does that require? It requires that in hearings of that kind the workmen will have to employ a lawyer; that they will have to get the services at some time of expert statisticians, as the miners had to do in the Anthracite Strike Commission hearing, which may involve great expense. It means that they will be opposed by astute lawyers employed by the corporations, and that when it comes to presenting their case as a matter of technicality, presenting it according to the recognized rules, they will have to have the services of a highly paid lawyer, or a corps of them, and the workingman will be at a disadvantage and an unfair disadvantage.

Our experience has been that the safest way is to either present the case to the employer himself, who understands what we say, who understands the common language used in that business, and not to have these terms laid aside and other language used by lawyers employed by the employers themselves to mystify those gentlemen who in all honesty may be attempting to learn the facts in regard to the difficulty.

If the employers and employees desire to arbitrate, and, as a general proposition the workingman stands for that, the organizations advocate it; that it shall be voluntary, then they can get together and select two men, or an equal number from either side, and these can select a third party to determine the matter, if they disagree. This arbitration can be carried forward in the language usually used in that industry, and the facts be brought out far more clearly than if they be brought out where there are lawyers on either side—and without any disrespect to the gentlemen who are lawyers here—for the purpose of mystifying, if it is desirable, the men there to learn the facts.

I want also to point out that this kind of commission does not finally settle any of these questions, for to settle these questions means to put them on a working basis, to work out a definite agreement between the employer and the employee, setting forth as definitely as possible the rights of either and of both sides, so that there will be little chance of disagreement. The great trouble to-day in the coal industry in the region I come from, namely, the anthracite, is that there is no definite agreement between the workingmen and their employers.

The Anthracite Coal Strike Commission, I think, did a very worthy work at the time they were appointed, at a time when the country needed some intervention in the interests of all the people; a very worthy work which I personally praised after I first read its report. But they did not settle the difficulties. They say in their report that they hope the employers and employees will get together and formulate a definite working agreement and eliminate the causes of the difficulty which they recognize still remain. It is impossible for men appointed as these gentlemen were to settle a general trouble; to go into the details. *Their main purpose*, and the main purpose in appointing them, was to secure peace and restoration of work in order that the people might have anthracite coal. They were not able, and it was not within their scope, to go into all the details of mining and fix a definite scale.

So that the best they could do was to give a general advance in wages, pass an opinion on this point and upon that point, and in a general way close up the difficulty and have the mines resume operations.

Gentlemen, I hope that in the interests of the laboring man in this country this bill will be defeated. I do not question the motive at all of those who press the bill. I believe the motive is good and for the best, but I am clear myself that it is not for the best interest of the laboring man, and therefore hope that it will be defeated. [Applause.]

[By unanimous consent Mr. NICHOLLS was granted leave to extend his remarks in the RECORD.]

Mr. GAINES of Tennessee. Mr. Chairman, I will ask the gentleman from New York [Mr. RYAN] to yield to me for a question. It has been stated here—possibly by the gentleman himself and the gentleman who has just taken his seat [Mr. NICHOLLS]—that this bill provides for compulsory arbitration. Will the gentleman from New York, if he believes that, please read the language from the bill upon which he bases that opinion?

Mr. RYAN. I would state, Mr. Chairman, that I did not make any such statement. I have no such opinion. I do not think the bill is compulsory, but I believe it is a step in that direction and leads to compulsory arbitration, and there is the strongest opposition to it for that reason.

I now yield the balance of my time to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Chairman, I wish to pay a deserved tribute to the magnificent appeals made by the gentleman from Michigan [Mr. TOWNSEND] and the gentleman from Texas [Mr. RUSSELL] in behalf of a fair approach to this subject and their splendid portrayals of the evils attendant upon the strifes of employer and employee. The purposes of the author and supporters of this bill I believe to be of the highest, but I believe that unwittingly they are treading in a way they know not of. Freedom is dearer to me than peace; the fear of oppression stronger than the fear of strife. Fourteen years ago this subject was put up to me by the representatives of the union labor organizations of my district, when I tried then to come to Congress and was defeated by the unfortunate wave of 16 to 1 that buried me with many others in my section at that time. Many of the laboring people then thought that "compulsory arbitration," so called, was their one great demand. I then said to the people who asked, through their organization, if I would not favor compulsory arbitration, that I would not and should not for the reason that its effect would be to fasten chains around the wrists and ankles of the laboring man. Now, to-day if this measure tends toward compulsory arbitration, it tends toward the same result. Let us see, then, what is the scope of this proposed law and how far it would go. My friend from Texas [Mr. RUSSELL] says it would touch nothing practically but transportation matters and transportation employers and employees, but the reading of the bill is—

> That whenever within any State or States, Territory or Territories, or the District of Columbia a controversy concerning wages, hours of labor, or conditions of employment shall arise, by reason of which controversy the transportation of the United States mails, the operations, civil or military, of the Government of the United States, or the free and regular movement of commerce among the several States and with foreign nations is, in the judgment of the President, interrupted or directly affected, or threatened with being so interrupted or directly affected, the President may, in his discretion, inquire into the same and investigate the causes thereof, in accordance with the provisions of this act.

Mark that expression, "the free and regular movement of commerce among the several States," and that further expression, "directly affected or threatened with being directly affected." The illustration given by the gentleman from Michigan [Mr. TOWNSEND] of the happy application of this measure contradicts the assumption of the gentleman from Texas, because the commission appointed by the President in the coal strike was so appointed in a struggle between miners and mine owners who were not engaged in the transportation business. But the mining of coal affords the fuel for the transportation, and therefore that controversy was directly interfering with the free and regular movement of commerce among the several States and with foreign commerce, and you can hardly find an industry that is of sufficient magnitude to attract national attention, but that that industry does directly affect interstate commerce. Any factory in the land that employs 10,000 employees where a sympathetic strike might reach to other employees could be made the subject of an interference by the President. The struggle between the employer and the laborer in many cases might, in the President's judgment, directly affect commercial intercourse between the States, and when you open the door to discretion and say that one man in this land of ours may at his discretion resort to the appointment of a commission to settle a dispute between the employee and the employer in this or that occupation if in his judgment it tends to affect commercial relations, you have opened so wide a door that all

the floods of power and tyranny will pass through and human liberty be incapable of resisting it.

Now, then, I want to take up another matter. My friend from Texas rightly conceived that if he can plant himself on any Democratic platform he has a bulwark of defense; and he has complete justification if he can place the defense of this bill upon the shoulders of a Democratic platform or the Democratic party. I want to read what the Democratic platform says, so there may be no question about it. The first utterance upon that subject was in the platform of 1896, as follows:

> We are in favor of the arbitration of differences between employers engaged in interstate commerce and their employees, and recommend such legislation as is necessary to carry out this principle.

Mr. Chairman, I am to-day myself in favor of arbitration between employer and employee, and would like to have a statute so regulating arbitration that it might be followed in times of dispute.

The next utterance of a Democratic platform on the subject was in 1900, as follows:

> We are opposed to government by injunction; we denounce the black list and favor arbitration as a means of settling disputes between corporations and their employees.

These are all the expressions ever used on the subject in Democratic platforms, and they in no manner hint at compulsory so-called arbitration; in the State of Texas and in every State of the Union we have laws authorizing and methodizing arbitration in case of disputes between debtor and creditor, between litigants in the court room or persons who might go to court to settle claims or disputes between them as to matters of fact involving compensation, but the very term "arbitration" means it should be a proceeding by voluntary agreement entered into between the parties. Common-law arbitration was without sanction of statutory law and without formal method of procedure. Our State, and I presume every other State, has passed statutes providing for and regulating arbitration in certain cases, and every Democrat in Texas to-day is in favor of the arbitration law that is on the statute books, and that law is not violative of any Democratic tenet, but it is not compulsory.

No more has any Democratic platform ever declared for arbitration that is compulsory or for any measure that tends to compulsory arbitration. There is not in the State of Texas—I may say, perhaps, in any State—any statute providing for arbitration in labor disputes, because that is not a question of settling a pecuniary demand by one party against another, and heretofore lawmaking bodies have not provided the rules, methods, and procedure for voluntary arbitration of labor disputes; but there might with propriety be a statutory regulation authorizing and providing a method and tribunal for arbitration by agreement between the laborer and the employer of differences between them, so as to summon witnesses and have an orderly proceeding before a court of arbitration agreed upon by them.

So the Democratic platform referred to by the gentleman stands for arbitration, but not the compulsion of this measure. When a man wants to do right he prefers to make peace with his adversary rather than go to law with him. That is not undemocratic. Let us see what this bill is, and if this is voluntary arbitration. Is it in consonance with the spirit of our statutes in our state laws? Is it in consonance with the spirit of the Master, who said, "Make peace with thy adversary," or is it another measure? Is it compulsory arbitration? I take it, it is compulsory arbitration, if it is arbitration at all; not that it says so, but it is compulsory something. I know the gentleman who has so kindly given me part of his time confesses or says it is not compulsory arbitration; but let us see what it is. There is nothing voluntary about it; no agreement of parties contemplated. It is compulsory because it compels the parties to a dispute not to abide the result in terms of law, but to submit their case for inquiry and investigation to a commission appointed without their consent.

Whenever the President in his discretion decides that it is desirable to investigate, the parties to this controversy are brought before this commission, subpœnas are issued, and—either party or both parties protesting—they are brought into court and witnesses are examined, the evidence is heard, the books are sent for, a search is made, and that case is tried before the commission. Is that voluntary? Is it arbitration of any kind? It is tried, and the findings of that commission go to the public. Well, now, Mr. TOWNSEND confesses that the findings of this commission are in a powerful degree compulsory in their effect, and every Member of this House knows that when that trial has been had with unwilling litigants the result of the finding is calculated and tends to produce public sentiment that will be all powerful. Now, you have a compulsory trial, you have findings that the gentleman from Michigan says will be all powerful, what do you lack of having compulsory arbitration? You have, indeed, a tribunal created at will by the President that may thrust itself into almost any and all disputes, at the request of either party, or over the protest of both parties.

Let us see about this matter a little further. I want to say that if your commission should be biased or prejudiced, acting under the forms of law as an unbiased and unprejudiced tribunal, taking an oath as judicial investigators of the questions between the parties, if the losing party be in the right, there has been piled up a mountain of obstructions for him to overcome before the public. His case would be lost in public opinion and it would be almost impossible for him to overcome the prejudice that would be raised if a popular President with strong bias on a given question or controversy were to appoint a commission composed of strong men having like bias with himself. Just think of it.

Now, suppose we had a President of strong prejudices and strong bias, who sees a controversy upon an issue on which he has a very vigorous opinion; he is called on, or in his own discretion he sees fit, to appoint a commission to go and investigate it. He selects that commission and the commission would be likely to have the bias of the President who selected the commission. Your commission, viewing through its biased spectacles, stands before the world and country as an impartial commission. What a mountain of obstruction is in the way of the losing side, whether it be the laborer or employer, when that commission finds its verdict against the claim of the loser. And if the bias of the President in any controversy between capital and labor should become known, how surely would that side toward which the President leaned appeal to him to exercise his discretion and appoint his commission. For my part, I think the bill in that one feature is more vicious than a bill that would constitute a permanent commission to settle all questions between labor and capital by compulsory arbitration. Suppose we had a vital, virile President, with his political aspirations, perhaps, involved? A Gompers might be on one side. What sort of commission would investigate questions involving Gompers's contentions if the present President, with all the honesty, with all the manhood one can conceive of, were to appoint the commission to investigate the issue? Naturally the issue would be discolored and distorted by the local political and temporary conditions that surrounded the appointment of the commission. But that is not all I wish to call to your attention. This is not an ordinary proceeding. This arbitration (?) is not statutory, voluntary arbitration.

In my State, when the arbitrators agree, or the parties agree upon arbitration, if the one side loses and concludes it has been unjustly found against, there is a provision whereby he may appeal to the courts and right the wrongs that have been done.

But this commission mentioned here is a court of final resort. There is no appeal. The prejudice that may be unconsciously injected among the members of the commission gives the final decision of that matter for the public consumption. Let us have the parties first try and agree upon their arbitrators, if we are going to have arbitration. If we are to have five arbitrators at least let the parties each select two of them, and let those select a fifth, but do not let us have in this land of ours one man, be he President even, who in his discretion may grant authority to decide your rights, or mine, your quarrel or mine, in a way that is unalterable and irreversible.

Now, then, one thing further. The gentleman from Alabama [Mr. RICHARDSON] said that half the laws that have been passed and matters that have been gone into that are violations of the strictest construction of the Constitution in this land, for the last ten years have had their origin in commissions. It does seem to me that this country has gone commission mad. Think of the hundreds of commissions that are to be appointed and are requested to be appointed by the administration to-day, and that are being multiplied as each succeeding sun rolls its course across the pathway of heaven from morning to evening. We have got commissions for this, we have got commissions for that, we have a recommendation in the President's message that proposes that every company that does any interstate business shall be subject to the control of a commission appointed by the administration. And what corporation is there in this land that does not do an interstate-commerce business? Absolutely none, under that broad and liberal interpretation which sometimes pervades the council of our national administration. I want to tell you now, if the spirit of the President's message is followed out there will be a commission to investigate child labor on the farm, and the hours of school for children attending in the country. Your beef packer in one State, and your tomato canner in another, must be engaged in interstate commerce, and therefore the question of how we employ him, or how

many hours he may work, will not depend any more upon state legislation, but upon national legislation.

I want to tell you that, in my judgment, the greatest danger to this country to-day is discretionary power, the power of those in authority. The President has appealed from the day he entered into office to Congress to grant more discretion to the head of the Government. He has asked us to repeal that part of the Sherman antitrust law forbidding pools and combinations, and leave to railways the privilege of entering into combination with the consent and approval of the President. Give the President discretion to approve a pooling combination made between this railroad and that railroad; give the President the discretion to approve the buying up and monopolization of a certain industry, and all harm is gone from the pooling and the monopoly. That means that the President will have the power of life and death over the industries and corporations of this country. The rule of discretion is destructive of the rule of law. The love of freedom is for the rule of law; the love of tyranny is for the rule of discretion. I know that I am dealing with a subject that now engages the attention of all of our people when I speak of injunction. It is not the fact so much to me that juries are not allowed to pass upon charges of indirect contempt, or contempt of court committed outside of the court room, but it is the fact of the growing practice of courts in injunction proceedings in issuing blanket injunctions and then arresting masses of people for alleged violations of those injunctions and bringing them before courts and imposing penalties not fixed by law that to my mind abolishes the first principle of human freedom. Even the old Greek republics declared that no act or crime should be punished unless it was defined and a specific penalty fixed therefor by law.

The Roman Republic followed that up. My State has a constitutional provision that no act or omission shall be penal unless defined by law and the penalty fixed. We hear of strikes and injunctions, and a thousand and one acts are made criminal not by statute but by order and decree of the court declaring the party guilty and fixing his punishment in the sound or unsound discretion of the court. The penalty for what is decreed to have been committed in violation of a court order is fixed, not at $25, as prescribed in a law, but at imprisonment in jail or some other penalty, in the discretion of the court. To-day we have district courts that should administer the law, preserving unto every man his rights under the law, acting under this discretionary court power, binding and loosing, fining and imprisoning, not in accordance with any law, human or divine, but only in accordance with their own wills. It is destructive of the simplest rights of the American citizen. This is not a time to extend and enlarge discretionary power. This bill is unlimited in its scope of authority for the President to appoint his commission, and that commission is unrestricted and final in its findings, binding the laboring man or capitalist, as the case may be. Now, it seems to me that maybe I have engaged in a little digression upon this matter when I speak of injunctions, but it illustrates the danger of clothing officials with discretionary power. The danger of the anarchist, who would defy and destroy all authority, is not greater than the danger of allowing high and grasping officials to usurp all authority and power. Yet our whole tendency is to enlarge the discretionary power in our executives and our judicial officers.

I want to tell you that the last seven years—I believe I will go no farther back than that—have done more to reverse the principles upon which our Government was founded, to destroy the simple faith of our fathers in a free government of men under the reign of law, and to inaugurate an era of centralization and discretionary power than the hundred years before it had done. I want to say that under our theory of government this country should be a government of law and not of discretion, and when you depart from the principles of fixing the responsibilities and rights of the people and of officials by statute and leave to your executive officials the discretionary power to fix them, and clothe your courts with wide discretionary power, you destroy the very bulwarks of liberty. We have had Roosevelt, with his powerful personality, individualism, initiative, and popularity. He has swept away the bearings of constitutional and legal restrictions and carried us a long way from our moorings. We want a new Thomas Jefferson, who will revive the principles of the Democratic party and bring back government by law in this country. [Loud applause on the Democratic side.] Who will right the ship of state and, with the Constitution for chart and statutory laws for a compass, save her from the rocks of empire and centralization and guide her back into the calm waters of sovereign States and sovereign United States, each supreme in its sphere, and who will not seek for fame or grasp for power, but only labor for his people's freedom and happiness and only ask for their love. I yield the balance of my time to the gentleman who gave it to me, and ask to revise and extend my remarks in the RECORD.

Mr. RYAN. What time have I remaining?

The CHAIRMAN. The gentleman from New York has ten minutes remaining. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. RYAN. I reserve the balance of that ten minutes.

Mr. COCKRAN. Mr. Chairman, I should state at the beginning that with seven-eighths of what has been said by my friend from Texas I am in most hearty accord, and it is because of my concurrence with his reasoning that I am utterly at variance with his conclusion. [Laughter.] I am irreconcilably opposed, as he is, to government by arbitrary or capricious discretion and in favor of government by fixed rules and well-defined authority. Where a difficulty beyond the ordinary resources or powers of government arises I believe it should be dealt with, not by the whim or judgment of an individual, however wise or exalted, but by the force of public opinion; that is to say, by the conscience of a nation. It is for these reasons that I rise to support the pending measure. During the twenty years that I have been either an observer or a Member of Congress not a single measure submitted to the House, I venture to say, promised results so advantageous to the progress of civilization as this one now pending before us. That, Mr. Chairman, is a strong statement, and strong expressions which are not justified always react against the person using them.

Realizing this fully, I undertake to satisfy any reasonable man on either side of this House that the question with which this bill attempts to grapple involves a peril of the utmost gravity, not to this Government alone, but to civilization itself; and that the only method by which we can hope to deal with it successfully is the one prescribed in the terms of this measure.

Now, let me begin, sir, by dispelling a cloud of misapprehension that seems to have settled down over this entire discussion. The letters read here from the desk, which were furnished by the gentleman from New York [Mr. RYAN], his whole argument, the argument made by the gentleman from Pennsylvania, and the argument made by the gentleman from Texas, all joined in one note, and that was an expression of vehement opposition to compulsory arbitration in labor disputes.

Mr. Chairman, there is no one here more bitterly opposed to an attempt at establishing compulsory arbitration in labor disputes in this country than I. I say an attempt, because such a system can never be actually established under our system of government. It is not merely inconsistent with the Constitution under which we live, but it is inconsistent with the very existence of free labor, and that means inconsistent with Christian civilization. For if I were asked to define the economic fruit of Christianity, I should say it was freedom in labor, as the ultimate political fruit of Christianity is institutions of freedom and equality. How could compulsory arbitration be enforced? It could be enforced only by compelling the laborer to continue his labor, even on terms that were not agreeable to him, and that would be servitude, or else by compelling the employer to pay the laborer higher wages than the condition of his industry will permit.

But if the employer be compelled to pay higher wages than the volume of his product can afford, the necessary result must be his bankruptcy, in which case he can not pay any wages or employ any laborers. There is but one condition under which enforced labor is conceivable, and that is servitude. But servitued, thank God, has been abolished forever from this land and from all Christendom.

No man can ever be coerced to work in this country under any circumstances by decree of a court, award of a board, or any other agency, public or private. So much for compulsory arbitration.

Now, what does this bill provide, Mr. Chairman, putting aside at once all idea of compulsory arbitration? It does not undertake to provide a means of settling labor disputes by arbitration or otherwise. It seeks to deal with a problem which can not be solved by any agency now within the reach of civilization. It recognizes a difficulty, and a grave one, but it does not pretend to offer a solution. The history of the past furnishes no light by which we can deal with this portentous peril. In the pathway of civilization, by the operation and force of its progress, a difficulty has arisen without precedent or parallel in the experience of mankind peculiar to an industrial condition based on free labor.

The slave never raised a question as to his compensation. Glad to escape the lash, he accepted without question the crust of bread doled out to him by his owner. But the free laborer demands a share of the commodities or wealth produced by the

joint effects of his toil and the capital which made his labor fruitful. Discussions, disputes, or differences between the employer on one side and the laborer on the other as to what that share should be constitutes a burning question, irrepressible, and up to the present time unsolvable by legislation or any other agency of government. If this measure pretended to offer a definite or complete solution of this problem I should regard it with profound suspicion. Indeed, I should absolutely oppose it, because I know that for this question no solution at all definite or complete has been as yet evolved from the processes of civilization.

But for that reason I do not despair that a solution will be ultimately reached. Labor disputes are a serious obstacle to the progress of civilization, and I know that civilization will not be arrested and Christian society will not be disrupted. I believe civilization is moving to a solution of this problem steadily even though we can not as yet discern the outcome, and I believe this measure will operate to facilitate progress. There is but one method, it seems to me, by which industrial peace can be maintained, and that is by public opinion enlightened and informed of the facts in every dispute. These disputes are occurring every day. They are a species of civil war, except that they are vastly more destructive. Wherever two nations engage in conflict or wherever one nation becomes divided into hostile forces, the results are disastrous to life, property, and industry. But whatever may be the ravages of torch or sword, whatever destruction may be accomplished by bursting shells and marching hosts, whatever wounds may be inflicted by rage and violence, the imperious necessity of repairing them operates to bring together the victims in cooperation so close and active that patriotism develops new fervor sufficient to obliterate the worst injuries that war can inflict. But these industrial wars are not confined to a frontier or even to different parts of one country.

They are differences that separate into hostile forces every population and spread violence and hate so far as almost to resolve society into its original elements. In the course of these struggles we have seen not merely a suspension of industry, but we have witnessed deeds of violence perpetrated and suffered, not by the depraved and the vicious, but often by men and even women who under normal conditions are the very foundations of our industrial system, the pillars upon which a constitution of freedom must always rest.

Now, Mr. Chairman, we can not close our eyes to the fact that in these disputes the judgment of but one tribunal is ever of any effect, and that is the tribunal of public opinion. The weapon which the striker uses, his opponent would persuade you, is always the bludgeon or the paving stone. I believe that is a libel upon him. I think it is rather a rare exception when the striker resorts to violence. In more cases, perhaps, than we suspect the violence which is charged to him is violence to which he is encouraged, driven, entrapped by emissaries more or less direct of his employer.

But there is one force before which employer and employee always yield, and that is public opinion. To persuade it that the cause of right is with one side or the other is the object to which all the energies of both are invariably directed. Accusations and recriminations are the weapons with which both sides seek to work, with the result that public opinion is mystified and unable to determine for itself the truth or the falsity of the statements on either side. Were public opinion once informed on these questions, it would decide them upon the spot, and always with absolute justice. You can not find or point to me in the history of mankind a single instance where the public opinion of a community fully enlightened on the facts—mind I say fully enlightened on the facts—ever decided a question except according to right and justice. Now these strikes are prolonged, sometimes into weeks and months, by the difficulty of determining the exact facts of them. And all this bill attempts, all that any well-considered measure could contemplate, is to make these facts clear to the public, by whose conscience and judgment they will be determined.

That this is the actual purpose of this measure its opponents concede. If it were not for a certain tendency to the use of misleading terms, I believe there would scarcely be a division of opinion upon the merits of this proposal. When I say a tendency to use misleading phrases, I do not mean an intention to use phrases with a deliberate desire to mislead others. I mean simply a certain tendency to the improvident use of words. The gentleman from Texas [Mr. RUSSELL], if he will allow me to say it, strikingly illustrates that tendency. This minority report illustrates it. For the complaint against this measure is that it is intended to create a public opinion that will force obedience to its conclusions. But to doubt the capacity of public opinion to decide every question is to impeach the existence of this Republic.

Mr. NICHOLLS. Will the gentleman permit a question?

Mr. COCKRAN. Undoubtedly, sir.

Mr. NICHOLLS. Is it not true that public opinion in such a case would be formed almost entirely upon the findings of the commission and in part upon the way that the parties to the controversy presented their case and the understanding that the public might have of the terms used in presenting it?

Mr. COCKRAN. The gentleman's questions rather contradict each other. I will separate them into three, for I understand him to put three inquiries. If you ask me whether public opinion would be controlled absolutely by the findings of a commission, I answer no, but if the commission pursue its inquiry, as it must under this bill, in the open light of day, and if the people are convinced that it has pursued an honest investigation and that everybody concerned has been heard, then I think its conclusion would have some, though not conclusive, weight with public opinion, which, thank God, in this country reaches conclusions for itself when evidence is attainable, and all the evidence will be attainable under this measure. If this were a proposal to refer the conclusion of large industrial questions affecting the working of many thousands to a commission meeting in a back room, though it were a commission of angels, I should oppose it. The essence of sound conclusions is publicity.

Mr. NICHOLLS. I should like to ask another question.

Mr. COCKRAN. Certainly.

Mr. NICHOLLS. In case of a controversy involving a great corporation and many thousands of its employees, would it not naturally follow that the corporation would employ the most able counsel it could secure in preparing its case and send for large numbers of witnesses at great expense?

Mr. COCKRAN. If the gentleman asks me to answer that catagorically, I should say experience shows, no matter what lawyers they employed, that great interests have never yet been able to becloud public opinion; and the purpose of this measure is not merely to have the commission pursue its inquiry subject to the scrutiny of lawyers, but subject to that infallible force, public opinion fully enlightened as to the facts.

Mr. NICHOLLS. Would it not be necessary, then, for the workers to meet the employers by employing the most able counsel they could afford to secure and pay for and to go to the utmost extent of their ability to bring in witnesses, at expense to themselves, in order to present their case in the best possible light?

Mr. COCKRAN. The gentleman is putting to me a hypothetical question again, and his hypothesis is contradicted by the facts of experience. The one case that we know of—the Anthracite Coal Commission—found practically in the interest of the miners, who in that controversy were compelled to face the most powerful industrial and financial combination of the world, with resources practically limitless.

Mr. NICHOLLS. Now, if the gentleman will permit me——

Mr. COCKRAN. Certainly.

Mr. NICHOLLS. I might inform him that the anthracite employees had to pay large sums of money for lawyers and witnesses, and that it was a great disadvantage to the organization of the miners to have to prepare and present the case, because through them only a small fraction——

Mr. COCKRAN. With all due respect to the gentleman, I must interrupt him, because time is going. I decline to take the testimony of the gentleman as conclusive on that point. So far as I know, every party to that controversy expressed himself as highly satisfied with the outcome. I have yet to hear, outside of this interruption, a single person complain of its expense. But, Mr. Chairman, if the expenses were waived it would be a complaint against our whole system of government, because every inquiry must involve examination. The alternative here, according to the gentleman himself, is between this inquiry, which he concedes will be perfect, but is expensive, and no inquiry at all.

Now, I repeat what I was about to say when interrupted—that the foundation of this Republic is faith in public opinion. There is no other. We build our hope in the perpetuity of our Government on the belief that public opinion always will and always must be right. To its conclusion we refer every question and issue of public importance. We recognize here no principle of divine right. We do not consecrate any man to the business of government under a belief that he will never err voluntarily or involuntarily. We build our entire system, the security of our property, the safety of our lives, the enjoyment of our liberties, upon that one assumption—that public opinion is infallible and incorruptible. [Applause.]

Now, my friend from Texas [Mr. HARDY] pictures to us an awful condition. He says that this commission may develop such facts in the course of some inquiry that public opinion will compel obedience by disputants to its conclusions. Sir, it is because of that hope that I support this measure; it is

because I believe that there is in society a reserved power to protect itself that I support this measure, which will give the people of our country full and accurate knowledge of facts deeply concerning their own welfare, confident that upon such knowledge public opinion will build a conclusion absolutely infallible, entirely consistent with right, justice, and public policy. We have had one instance of it.

Mr. HARDY. Will the gentleman allow another interruption?

Mr. COCKRAN. Delighted.

Mr. HARDY. I understand that the gentleman contends that there can be no compulsory arbitration?

Mr. COCKRAN. It is unthinkable, impossible.

Mr. HARDY. If public sentiment and public opinion are created by this proceeding, is not that as near compulsory arbitration as it is possible?

Mr. COCKRAN. Yes, yes; but by whom will the compulsion be exercised? By that power which under God we must consider infallible; and compulsion by public opinion will prevent compulsion by employer and employee alike. We remove the conclusion above the influence of passion. We compel these two forces, whose quarrels have placed at each other's throats in conflict hands that should be employed in useful production, to stand aside and let the controversy be decided by the judgment and in the interest of the great third party, the public.

Mr. HARDY. But under this bill the agency that creates the opinion is appointed by discretion or at the selection of one individual, is he not?

Mr. COCKRAN. Opinion created, did you say? The opinion is created by God Almighty. If you ask me who informs the opinion, that is another question.

Mr. HARDY. What is the agency that represents the opinion?

Mr. COCKRAN. Do you mean the agency that enlightens opinion? The agency is this commission, and the only one that could discharge such a function effectively.

Mr. HARDY. Selected at the discretion of one man without the consent of the other party.

Mr. COCKRAN. Because neither party consents is the reason that it becomes necessary.

If both parties consented, then it would not be essential to pass such a measure, and here I want to answer a suggestion of the gentleman from Pennsylvania [Mr. NICHOLLS] and also a suggestion of the gentleman from Texas [Mr. HARDY]. Both say that voluntary arbitration is preferable to this. I agree with them. But this measure does not preclude voluntary arbitration. It leaves the field wide open for that.

Not until through the failure of one or the other or both arbitration has become impossible, not till they have declined to settle their disputes themselves by peaceable methods and the community is torn by the spectacle of violent conflict and perhaps its very existence imperiled; then and then only can this bill come into operation and this commission named by the President under such circumstances proceed to tell us—us, the victims of this tragedy—how it is that our means of transportation have been disturbed, our supply of coal lessened, our food supply imperiled, our lives and our health placed in jeopardy. If anybody can recall the experience through which we passed but a few years ago, he will realize that this is the extreme limit to which a remedial measure can extend. The gentleman from Pennsylvania [Mr. NICHOLLS], I assume, is somewhat familiar with the history of the anthracite coal strike. Let me give you an experience of my own in connection with that momentous event.

A number of gentlemen were invited to assemble in the house of the late Andrew H. Green, of New York, to consider the situation, when it was announced that the coal supply of the country was practically exhausted. By a merciful Providence we had been spared the severe weather usually expected toward the end of October, and we were invited to take advantage of this respite from the rigors of winter in an effort to devise some plan by which we could arouse public opinion to compel a close of the strike. When we assembled, the first suggestion to be considered was the appointment of a committee to wait upon the governor of Pennsylvania and ask him to convene the legislature, with a view to ending the disturbance. One member present, however, suggested that if they could tell the governor of Pennsylvania how to end that strike it would not be necessary to send a committee. He would fly on the wings of the wind to discover a solution of the difficulty. Even if all the power of legislation were placed in our hands, we found that it would be impossible to draft a bill that approached a settlement of the question. Not merely was it impossible to draft a bill that both sides would accept. It was impossible to draft a bill that one side would accept. The problem transcended the capacity of civilization. The difficulty was beyond the power of government or civilization to solve.

But I recur to the statement with which I began. Though no one now can see how labor difficulties are to be averted, this measure is a step in the direction of a solution. What that solution may be neither you nor I nor any man living can say. But we have exhausted the powers of civilized society when we realize that the force which must establish or restore peace is the same force on which this Republic rests—that public opinion which expresses itself in every law that is written on the statute books, the study of which explains that extraordinary popularity of the present incumbent of the White House, which the gentleman from Texas has described. That public conscience we must furnish the means of enlightening. Fully informed, it will move step by step to solve this difficulty as it has solved every other difficulty in the pathway of civilization. Gentlemen object that this bill provides for recommendations to Congress. Can there be any objection to that? If this commission discovers a peculiar condition in any given labor disturbance, there is no reason why it should not report its findings to this body and let Congress judge for itself whether the remedy suggested or some other may meet that peculiar condition.

But the fact which it is necessary for this House to realize is that while we can not avert industrial disputes by any one measure, we can provide machinery by which the one force capable of dealing with them shall be kept constantly enlightened, and therefore always effective. As each disturbance is investigated it will present some peculiar conditions with which the State can grapple, and thus, whether it be by judicial decision or whether by legislative enactment, a body of law will gradually be built up to meet the growing exigencies of this most complex element in our civilization. I appeal to gentlemen on both sides, especially to those of my own political faith, to remember that our common history is a glorious one of intelligence and patriotism, holding the light of civilization and of progress before the footsteps of humanity; and now when this House approaches a subject so momentous, let us unite to keep that light full upon the pathway which will lead us to a solution of all these problems and make of the difficulties which confront us stepping stones to a more perfect peace, a firmer happiness, a more splendid civilization. [Applause.]

Mr. TOWNSEND. Mr. Chairman, inasmuch as we can not close the debate to-night, and as there are two or three other gentlemen who have expressed a desire to speak, I move that the committee do now rise.

The motion was agreed to, and the Speaker having resumed the chair, Mr. OLMSTED, the Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 15447) to provide for the investigation of controversies affecting interstate commerce, and for other purposes, and had come to no resolution thereon.

BUILDING FOR CIVIL SERVICE COMMISSION.

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Civil Service Commission submitting draft of a bill for the purchase of a site and the erection of a building for the Civil Service Commission, and calling attention to its need for a new building and the desirableness of erecting such a building instead of renting one. I approve the recommendation of the commission and ask that it be given careful consideration by the Congress.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 10, 1908.*

REPORT OF ISTHMIAN CANAL COMMISSION.

The SPEAKER also laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Senate and House of Representatives:

In compliance with the provisions of the act of Congress entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902, I transmit herewith the annual report of the Isthmian Canal Commission for the fiscal year ended June 30, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 10, 1908.*

RESIGNATION OF A MEMBER.

The SPEAKER laid before the House the following communication, which was laid upon the table:

DECEMBER 9, 1908.

TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I have this day transmitted to the governor of North Carolina my resignation as a Member of the Sixtieth Congress, to take effect on the 11th day of January, 1909.

I have the honor to be,

Respectfully, yours,

W. W. KITCHIN, M. C.,
Fifth District of North Carolina.

ADJOURNMENT.

Mr. TOWNSEND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of New Haven Harbor and the rocks in Morris Cove, Connecticut—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Tuckahoe River, Maryland—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Plymouth Harbor, Massachusetts—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Cowlitz River, Washington—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Penobscot River, Maine—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Port Chester Harbor, New York—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Neversink and Delaware rivers—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Bayou Terrebonne, Louisiana—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Great Pedee River, South Carolina—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Bellingham Harbor, Washington—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Agriculture, submitting an estimate of appropriation for general expenses of Bureau of Animal Industry for the fiscal year ended June 30, 1908—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Auditor for the Post-Office Department, submitting a recommendation authorizing the chief clerk in the auditor's office to act as auditor in certain cases—to the Committee on Expenditures in the Post-Office Department and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting statements of moneys arising from proceeds of public property during the fiscal year ended June 30, 1908, which were not paid into the General Treasury, together with statements of all payments therefrom—to the Committee on Ways and Means and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy submitting an estimate of appropriation for purchase of land and change in railroad system for navy-yard in Washington—to the Committee on Naval Affairs and ordered to be printed.

A letter from the Comptroller of the Currency, transmitting the annual report for 1908—to the Committee on Banking and Currency.

A letter from the Secretary of War, transmitting reports of inspections and disbursements and transfers, by officers of the army, received in the office of the Inspector-General during the past fiscal year—to the Committee on Expenditures in the War Department.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 22500) granting a pension to Charles S. Swain—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22605) granting a pension to H. R. Lett—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22607) granting a pension to Andrew J. Smith—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18220) granting an increase of pension to Selden M. French—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 22712) granting an increase of pension to John Gallagher—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BINGHAM, from the Committee on Appropriations: A bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes—to the Union Calendar.

By Mr. ENGLEBRIGHT: A bill (H. R. 23465) extending pension laws to include the First Battalion Mountaineers, California Volunteers, who served during the late war of the rebellion—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 23466) to provide for the erection of a public building at Brookings, in the State of South Dakota—to the Committee on Public Buildings and Grounds.

By Mr. SIMS: A bill (H. R. 23467) declaring the selling, exchanging, or giving away any pistol, bowie knife, dirk or dirk knife, blackjack, dagger, sword cane, slung shot, brass or other metal knuckle in the District of Columbia a misdemeanor—to the Committee on the District of Columbia.

By Mr. WANGER: A bill (H. R. 23468) to amend sections 11 and 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901—to the Committee on Interstate and Foreign Commerce.

By Mr. CRAVENS (by request): A bill (H. R. 23469) fixing the number of infantry regiments in the United States Army, providing for a chief of infantry, etc.—to the Committee on Military Affairs.

By Mr. DE ARMOND: A bill (H. R. 23470) concerning appeals in certain cases—to the Committe on the Judiciary.

By Mr. STEPHENS of Texas: A bill (H. R. 23471) directing the Secretary of War to ascertain the amount of money expended by the State of Texas between January 1, 1866, and December 31, 1876, inclusive, and report the same to Congress for its consideration—to the Committee on Claims.

By Mr. HUMPHREY of Washington: A bill (H. R. 23472) providing that terms of the circuit court of the United States for the western district and of the district court of the United States for the northern division of the western district of the State of Washington be held at Everett—to the Committee on the Judiciary.

By Mr. MONDELL: A bill (H. R. 23473) extending the time for final entry of mineral claims within the Shoshone or Wind River Reservation, in Wyoming—to the Committee on the Public Lands.

By Mr. LOUD: A bill (H. R. 23474) to incorporate the American Institute for Drug Proving—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: A bill (H. R. 23475) to promote the administration of justice in the navy—to the Committee on Naval Affairs.

By Mr. ACHESON: A bill (H. R. 23476) authorizing the Secretary of War to acquire sites and enter into contracts for the construction of certain dams—to the Committee on Rivers and Harbors.

By Mr. THOMAS of North Carolina: A bill (H. R. 23477) amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of

dutiable goods, and for other purposes"—to the Committee on Ways and Means.

By Mr. WILEY: A bill (H. R. 23705) to increase the appropriation for a public building at Troy, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. BATES: Resolution (H. Res. 449) providing for a clerk for the Committee on Disposition of Useless Executive Papers—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 23478) granting a pension to Wesley Stevenson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23479) granting a pension to John Buettner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23480) granting a pension to John M. Tracey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23481) granting a pension to Samuel V. Templin—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of New York: A bill (H. R. 23482) granting an increase of pension to Daniel W. O'Neill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23483) granting a pension to Emma Hooper—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 23484) granting a pension to Charles M. Baughman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23485) granting a pension to Matilda Merrick Goodrich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23486) granting an increase of pension to James M. Beeber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23487) granting an increase of pension to Frank M. Reid—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23488) granting an increase of pension to James C. Dill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23489) granting an increase of pension to John M. Davis—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 23490) granting an increase of pension to Phillip Schwab—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 23491) granting an increase of pension to Mary Whelchel—to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 23492) for the relief of Angeline C. Burgert—to the Committee on Claims.

Also, a bill (H. R. 23493) granting an increase of pension to Charles W. J. Strong—to the Committee on Invalid Pensions.

By Mr. BOYD: A bill (H. R. 23494) granting an increase of pension to Henry H. Woods—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23495) granting an increase of pension to Jason Kester—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23496) granting an increase of pension to Seymour S. Wirtz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23497) granting an increase of pension to John Haun—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23498) granting an increase of pension to Jacob Rasp—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 23499) granting an increase of pension to Nicholas D. Maffett—to the Committee on Invalid Pensions.

By Mr. BRODHEAD: A bill (H. R. 23500) granting an increase of pension to John Matthias—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 23501) granting a pension to Frances Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23502) granting a pension to William Skillen—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 23503) granting an increase of pension to John H. Styles—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 23504) granting a pension to Mary Nagle—to the Committee on Pensions.

By Mr. CALDWELL: A bill (H. R. 23505) granting an increase of pension to William T. Brown—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 23506) for the relief of Mrs. William C. O'Brien—to the Committee on War Claims.

Also, a bill (H. R. 23507) granting an increase of pension to William Evinger—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 23508) granting an increase of pension to Madison Mosher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23509) granting an increase of pension to Phillippe Lehman—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 23510) granting a pension to Franklin Hinkle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23511) granting a pension to Katie Cushman—to the Committee on Invalid Pensions.

By Mr. CAULFIELD: A bill (H. R. 23512) for the relief of Frank Wyman, postmaster at St. Louis, Mo.—to the Committee on Claims.

By Mr. CHAPMAN: A bill (H. R. 23513) granting an increase of pension to David Gibney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23514) granting an increase of pension to Jeremiah C. Wooten—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23515) granting an increase of pension to James F. Watson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23516) granting an increase of pension to William J. Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23517) granting an increase of pension to Albert L. O'Neal—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23518) granting an increase of pension to George Limerick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23519) granting an increase of pension to Thomas C. Lumm—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 23520) granting a pension to Henry G. Brough—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 23521) granting an increase of pension to Elizabeth Drayden—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 23522) granting an increase of pension to George A. Cox—to the Committee on Invalid Pensions.

By Mr. FORNES: A bill (H. R. 23523) granting a pension to Charles Warner—to the Committee on Pensions.

By Mr. FULLER: A bill (H. R. 23524) granting an increase of pension to John J. Merrill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23525) granting an increase of pension to Daniel S. Carmony—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23526) granting an increase of pension to Henry H. Manley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23527) granting an increase of pension to Wales W. Wood—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 23528) granting an increase of pension to Hiram L. Edwards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23529) granting an increase of pension to David Chapman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23530) granting an increase of pension to Isaih Lochard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23531) granting an increase of pension to Alexander Roe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23532) granting an increase of pension to Felix G. McMinimy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23533) granting an increase of pension to Fred M. McKenzie—to the Committee on Pensions.

Also, a bill (H. R. 23534) granting an increase of pension to James A. Fogle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23535) granting an increase of pension to Charles A. Hobart—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 23536) granting an increase of pension to Taylor Hance—to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 23537) granting a pension to Joseph M. Humphrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23538) granting a pension to Charles O. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23539) granting a pension to Marcus M. Knott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23540) granting an increase of pension to James N. Jagger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23541) granting an increase of pension to Noah W. Bowman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23542) granting an increase of pension to Leslie Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23543) granting an increase of pension to Albert Preston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23544) granting an increase of pension to Henry C. Pressler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23545) granting an increase of pension to George W. Walker—to the Committee on Invalid Pensions.

By Mr. GOEBEL: A bill (H. R. 23546) granting an increase of pension to William Harmon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23547) granting an increase of pension to Josiah H. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23548) granting an increase of pension to Arthur L. Currie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23549) granting an increase of pension to Simon Kornman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23550) granting an increase of pension to James Conway—to the Committee on Pensions.

By Mr. HAGGOTT: A bill (H. R. 23551) granting a pension to Edward Dooley—to the Committee on Pensions.

Also, a bill (H. R. 23552) granting an increase of pension to Gustavus Zacharias—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Iowa: A bill (H. R. 23553) granting an increase of pension to Isaiah Ware—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 23554) granting an increase of pension to Joseph P. Gass—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23555) granting an increase of pension to David Searles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23556) granting an increase of pension to Bernard V. Forshee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23557) granting an increase of pension to John Wallace—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23558) granting a pension to William Bills—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23559) granting a pension to Wesley H. Crockett—to the Committee on Pensions.

Also, a bill (H. R. 23560) granting a pension to David Kuney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23561) authorizing the appointment of Charles E. Dority as a captain, Philippine Scouts—to the Committee on Military Affairs.

Also, a bill (H. R. 23562) for the relief of Samuel Washburn, deceased—to the Committee on Military Affairs.

Also, a bill (H. R. 23563) for the relief of Richard Stines—to the Committee on Military Affairs.

Also, a bill (H. R. 23564) granting relief to certain members of the Seventh Michigan Cavalry, war of the rebellion—to the Committee on War Claims.

By Mr. HAMLIN: A bill (H. R. 23565) granting an increase of pension to John T. Norris—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 23566) granting a pension to Edward F. Denny—to the Committee on Pensions.

Also, a bill (H. R. 23567) granting an increase of pension to John F. Cahill—to the Committee on Invalid Pensions.

By Mr. HILL of Connecticut: A bill (H. R. 23568) granting a pension to William H. Longdon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23569) authorizing the payment to Dorence Atwater of compensation for services rendered the United States of America—to the Committee on Claims.

By Mr. HINSHAW: A bill (H. R. 23570) granting an increase of pension to Alexander Sample—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23571) granting an increase of pension to Celia McKenney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23572) granting an increase of pension to Lyman Blowers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23573) granting an increase of pension to Francis Westerfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23574) granting an increase of pension to Samuel W. Brees—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23575) granting an increase of pension to William L. Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23576) granting an increase of pension to W. E. Warthen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23577) granting an increase of pension to William Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23578) granting an increase of pension to James Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23579) granting an increase of pension to Joseph T. Roller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23580) granting an increase of pension to Oliver Freel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23581) granting an increase of pension to Benjamin F. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23582) granting an increase of pension to Peter New—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23583) granting an increase of pension to William H. Hull—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23584) granting an increase of pension to Enos H. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23585) granting an increase of pension to William P. Fullmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23586) granting an increase of pension to Daniel Arbuckle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23587) granting a pension to Fred Andrews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23588) to correct the military record of August Miltner—to the Committee on Military Affairs.

By Mr. HOUSTON: A bill (H. R. 23589) granting an increase of pension to Lee Lafevor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23590) granting an increase of pension to Samuel L. George—to the Committee on Invalid Pensions.

By Mr. HOWLAND: A bill (H. R. 23591) granting an increase of pension to David Honeywell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23592) granting an increase of pension to William H. Polhamus—to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 23593) granting an increase of pension to Isaac H. Rice—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23594) granting a pension to Julia A. Smalley—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 23595) granting an increase of pension to John B. Peters—to the Committee on Invalid Pensions.

By Mr. ADDISON D. JAMES: A bill (H. R. 23596) granting an increase of pension to Jesse K. Freeman—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 23597) granting an increase of pension to David Turket—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23598) granting a pension to Mary E. Stannard—to the Committee on Pensions.

By Mr. KAHN: A bill (H. R. 23599) for the relief of the widow and children of John W. Geering, of Vallejo, Cal.—to the Committee on Claims.

By Mr. KEIFER: A bill (H. R. 23600) granting an increase of pension to Emily McGee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23601) granting an increase of pension to John Weaver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23602) granting an increase of pension to Julia B. Drum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23603) granting an increase of pension to Daniel Ehle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23604) granting an increase of pension to John C. Shaw—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23605) granting a pension to Mary Shoemaker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23606) granting a pension to Mary E. J. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23607) granting an increase of pension to John Southard—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 23608) granting a pension to T. P. Godfrey—to the Committee on Pensions.

Also, a bill (H. R. 23609) granting a pension to Wade H. Wilson—to the Committee on Pensions.

Also, a bill (H. R. 23610) granting an increase of pension to George Young—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 23611) granting a pension to Levis T. Houk—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 23612) granting a pension to Juliette E. Perry—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 23613) granting a pension to Adella I. Cummings—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 23614) granting an increase of pension to Henry L. Penny—to the Committee on Invalid Pensions.

By Mr. MADISON: A bill (H. R. 23615) granting an increase of pension to Alvaro B. French—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23616) granting an increase of pension to Nelson Haggerty—to the Committee on Invalid Pensions.

By Mr. MALBY: A bill (H. R. 23617) granting an increase of pension to Alonzo Williams—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 23618) granting a pension to Charles Vietor—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 23619) for the relief of James Nipper—to the Committee on Military Affairs.

Also, a bill (H. R. 23620) for the relief of the estate of Lewis Patterson, deceased—to the Committee on War Claims.

By Mr. MOUSER: A bill (H. R. 23621) granting an increase of pension to William B. Holmes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23622) granting an increase of pension to John H. Carpenter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23623) granting an increase of pension to Julius Leffingwell—to the Committee on Invalid Pensions.

Also, a bill (H. R 23624) granting an increase of pension to Louis Etchen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23625) granting an increase of pension to Isaac C. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23626) granting an increase of pension to Henry M. Craig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23627) granting an increase of pension to James Milton Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23628) granting an increase of pension to William Held—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23629) granting an increase of pension to John Ingerson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23630) granting an increase of pension to John Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23631) granting an increase of pension to Morgan Burk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23632) granting an increase of pension to John W. Tyler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23633) granting an increase of pension to George F. Woods—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23634) for the relief of the heirs of Matthew H. Fulton—to the Committee on Claims.

Also, a bill (H. R. 23635) granting an increase of pension to Joseph McClain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23636) granting an increase of pension to John W. Fowler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23637) granting an increase of pension to James A. Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23638) granting an increase of pension to John D. Moses—to the Committee on Invalid Pensions.

By Mr. NICHOLLS: A bill (H. R. 23639) removing the charge of desertion from the military record of Charles H. Shippey—to the Committee on Military Affairs.

By Mr. O'CONNELL: A bill (H. R. 23640) granting an increase of pension to John Boice—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 23641) granting an increase of pension to William V. Yeager—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23642) granting an increase of pension to Robert P. Bennett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23643) granting an increase of pension to John T. Burriss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23644) granting an increase of pension to Thomas J. Perry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23645) granting an increase of pension to August Bain—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 23646) granting an increase of pension to John M. Rupert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23647) granting an increase of pension to Hazen Wardlow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23648) granting an increase of pension to Carroll B. Beasley—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 23649) for the relief of the legal representatives of Dr. Thomas B. Waters, deceased—to the Committee on War Claims.

By Mr. SPARKMAN: A bill (H. R. 23650) granting an increase of pension to Abraham F. Williams—to the Committee on Pensions.

Also, a bill (H. R. 23651) granting an increase of pension to John G. Benton—to the Committee on Pensions.

Also, a bill (H. R. 23652) granting an increase of pension to William Willingham—to the Committee on Pensions.

Also, a bill (H. R. 23653) granting an increase of pension to Maxfield McClelland—to the Committee on Pensions.

Also, a bill (H. R. 23654) granting an increase of pension to Isaac A. Redd—to the Committee on Pensions.

Also, a bill (H. R. 23655) granting an increase of pension to Berrien D. Whitehurst—to the Committee on Pensions.

Also, a bill (H. R. 23656) granting an increase of pension to Allen D. Douglas—to the Committee on Pensions.

Also, a bill (H. R. 23657) granting a pension to Frank E. Saxon—to the Committee on Pensions.

By Mr. STAFFORD: A bill (H. R. 23658) granting an increase of pension to George H. Wheeler—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 23659) granting an increase of pension to John Rish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23660) granting an increase of pension to Thomas F. Love—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23661) granting a pension to Robert H. Hite—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 23662) granting an increase of pension to Martin L. Pierson—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 23663) granting an increase of pension to John W. Combs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23664) granting an increase of pension to James H. Michael—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23665) granting an increase of pension to Alpheus Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23666) granting an increase of pension to Elijah Coffman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23667) granting an increase of pension to Fletcher B. Wilson—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 23668) granting an increase of pension to Thomas Milnes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23669) granting an increase of pension to Levi H. Sleeper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23670) granting an increase of pension to John Harrington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23671) granting an increase of pension to George Hamlet—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23672) granting an increase of pension to Joseph H. Whittier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23673) granting an increase of pension to Asa P. Boardman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23674) granting an increase of pension to Moses Wadleigh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23675) granting an increase of pension to Joseph Carraway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23676) granting an increase of pension to Granville F. McClure—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23677) granting an increase of pension to Charles W. Willey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23678) granting an increase of pension to Thomas A. Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23679) granting an increase of pension to William Gowitzke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23680) granting an increase of pension to George F. Lillis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23681) granting an increase of pension to John Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23682) granting a pension to Bert A. Colson—to the Committee on Pensions.

Also, a bill (H. R. 23683) granting a pension to Sarah M. Byron—to the Committee on Invalid Pensions.

By Mr. SWASEY: A bill (H. R. 23684) granting an increase of pension to Patrick A. Galvin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23685) granting an increase of pension to Alvin A. Carter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23686) granting an increase of pension to Webb Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23687) granting an increase of pension to J. L. Bradford—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 23688) granting an increase of pension to Joseph B. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23689) granting an increase of pension to Joseph Miller—to the Committee on Invalid Pensions.

By Mr. TAWNEY. A bill (H. R. 23690) granting an increase of pension to Arthur Gorman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23691) granting an increase of pension to Stephen Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23692) granting an increase of pension to George Aman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23693) granting an increase of pension to Paul S. Hawks—to the Committee on Pensions.

By Mr. WEEKS: A bill (H. R. 23694) granting an increase of pension to Horace W. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23695) granting an increase of pension to Thomas A. Bailey—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 23696) granting an increase of pension to James Hindson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23697) to correct the war record of Caleb F. Higbee—to the Committee on Military Affairs.

By Mr. BURNETT: A bill (H. R. 23698) granting a pension to Sara B. Kennamer—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 23699) to grant to John T. Rivett privilege to make commutation of his homestead entry—to the Committee on the Public Lands.

Also, a bill (H. R. 23700) for the relief of John J. Adams—to the Committee on Military Affairs.

By Mr. MARSHALL: A bill (H. R. 23701) granting a pension to Charles J. Nelson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23702) granting a pension to Benjamin S. Waggener—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 23703) granting a pension to Albert I. Merrill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23704) granting a pension to R. B. Rankin—to the Committee on Invalid Pensions.

By Mr. CARY: Resolution (H. Res. 450) for the relief of Selina Field, widow of N. J. Field, late a private, Capitol police force—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of Elizabeth Ballew (H. R. 22913)—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Paper to accompany bill for relief of Moses Stockdale—to the Committee on Invalid Pensions.

By Mr. BATES: Petition of Jacob Haller, of Erie, Pa., favoring removal of duty on raw and refined sugar—to the Committee on Ways and Means.

By Mr. BENNET of New York: Petition of citizens of Chicago, Ill., asking legislation to provide pensions for the United States Military Telegraph Corps of the United States Army during civil war—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: Petition of Engineering Society of the Carolinas, favoring S. 4825, securing a system of forestry extending throughout the country—to the Committee on Agriculture.

Also, paper to accompany bill for relief of estate of Adam B. Fullen—to the Committee on War Claims.

By Mr. BRUNDIDGE: Paper to accompany bill for relief of Samuel Corruthers—to the Committee on War Claims.

By Mr. BURTON of Ohio: Petition of 19 citizens of Cleveland, Ohio, against the passage of S. 3940 (proper observance of Sunday as day of rest in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. CAMPBELL: Papers to accompany bill for the relief of Mrs. William C. O'Brien—to the Committee on War Claims.

By Mr. CAULFIELD: Petition of Hesse Envelope and Lithograph Company, of St. Louis, protesting against alleged discrimination against American manufacturers in favor of foreign manufacturers of envelopes, sections 397, 398, 399, and 402—to the Committee on Ways and Means.

Also, petition of Flat River (Mo.) Mine Workers' Union, Local No. 225, for investigation and regulation of the Treadwell Mining Company, of Douglas Island, Alaska—to the Committee on Mines and Mining.

By Mr. CHANEY: Petition of Lewis Saucerman, against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. COOK of Pennsylvania: Petition of Philadelphia Board of Trade, favoring S. R. 40, providing for transportation by sea of material and equipment for use in construction of the Panama Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. DARRAGH: Petition of H. Ladner & Co. and 98 other citizens of Mecosta, Osceola, Antrim, and Grand Traverse counties, Mich., against parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

Also, petition of Nancy H. Ewell and 138 other citizens of Gratiot and Roscommon counties, Mich., against the passage of S. 3940, known as the "Sunday bill"—to the Committee on the District of Columbia.

By Mr. DAWSON: Memorial of city council of Clinton, Iowa, favoring improvement of the Mississippi River—to the Committee on Rivers and Harbors.

Also, petition of Iowa Academy of Science, favoring the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. DE ARMOND: Petition of citizens of Garden City, Mo., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany bills for relief of Conrad Seim, Calvin F. Boxley (H. R. 23017), Abner Gwinn (H. R. 23014), Marcus D. Warner (H. R. 23305), Nancy Cox (H. R. 22504), Thomas J. Kirtley (H. R. 23307), Mary Dickinson (H. R. 23306), Davis Woody (H. R. 23304), and John Bridge (H. R. 23015)—to the Committee on Invalid Pensions.

By Mr. DUREY: Petition of various residents of New York, against Senate bill 3940 (religious observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. ENGLEBRIGHT: Petition of miners of Shasta County, for reduction of the tariff on lead and lead ores—to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of San Francisco, for appropriation for a marine-hospital building—to the Committee on Public Buildings and Grounds.

By Mr. ESCH: Petition of J. W. Bryant, of the Bryant-Sisson Company, favoring removal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. FOCHT: Petition of Perry County (Pa.) Veteran Soldiers' Association, suggesting an amendment to the act of February 6, 1907, granting pensions to enlisted men, soldiers and officers who served in the civil war and war with Mexico—to the Committee on Invalid Pensions.

By Mr. FRENCH: Petition of citizens of Idaho, against S. 3940, providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. FULLER: Papers to accompany bills for relief of Daniel S. Carmony and John J. Merrill—to the Committee on Invalid Pensions.

By Mr. GRONNA: Petition of citizens of Grand Forks County, N. Dak., against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. HAMILTON of Michigan: Petition of citizens of Berrien County, Mich., against the passage of S. 3940, entitled "An act for the proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

Also, petition of citizens of Van Buren County, Mich., against Johnston bill (S. 3940), providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HAMLIN: Paper to accompany bill for relief of Mary A. Runyan—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of R. D. Shackleford—to the Committee on Military Affairs.

By Mr. HAWLEY: Paper to accompany bill for relief of George W. Hayden (H. R. 22257)—to the Committee on Invalid Pensions.

By Mr. HAY: Petition of Cooper Brothers, of Winchester, Va., favoring removal of duty on sugar—to the Committee on Ways and Means.

By Mr. HAYES: Petition of National Association of Stationary Engineers, against legislation promotive of favoritism in the post-office service—to the Committee on the Post-Office and Post-Roads.

Also, petition of Theodore H. Wiltz, favoring enactment of an exclusion law against undesirable Asiatics—to the Committee on Immigration and Naturalization.

Also, petition of San Jose Chamber of Commerce, favoring additional appropriation for Bureau of Soils—to the Committee on Agriculture.

Also, petition of International Association of Mechanics, favoring enactment of illiteracy test in immigration legislation and for better sanitary accommodations to steerage immigrants—to the Committee on Immigration and Naturalization.

By Mr. HINSHAW: Paper to accompany bill for relief of James W. Smith—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Alexander Sample and Frances Westerfield—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of August Miltner—to the Committee on Military Affairs.

Also, paper from Homer Earle, favoring an increase of duty on silica—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of B. F. Walker—to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: Papers to accompany bills for relief of D. B. Johnson, John W. Lamb, and John T. Starkey—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: Petition of citizens of Rhea County, Tenn., against the passage of S. 3940 (proper observance of Sunday as day of rest in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LAW: Petitions of Rear-Admiral H. F. Pickering Naval Garrison, No. 4, of Erie, Pa., and Major-General Charles F. Roe Garrison, No. 71, for legislation retiring petty officers and enlisted men of the navy after twenty-five years of continuous service—to the Committee on Naval Affairs.

By Mr. LOUD: Petition of citizens of Montmorency County, Mich., against the Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. JENKINS: Petition of citizens of Burnett County, Wis., against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. KAHN: Petition of Asiatic Exclusion League of North America for legislation to effectively exclude all Asiatics—to the Committee on Foreign Affairs.

By Mr. KÜSTERMANN: Petition of Charles O. Bear Camp, No. 3, Department of Wisconsin, Spanish War Veterans, for restoration of the army canteen—to the Committee on Military Affairs.

By Mr. McMORRAN: Petition of citizens of North Branch, Mich., against enactment of S. 3940—to the Committee on the District of Columbia.

By Mr. MARTIN: Petition of Synod of South Dakota, Presbyterian Church, favoring H. R. 11805, to prevent Sunday banking in post-offices, and for legislation compensating, by a rest day of twenty-four hours, all clerks who work on Sunday—to the Committee on the Post-Office and Post-Roads.

Also, petition against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

Also, petition of citizens of South Dakota, against any parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Martland Mine and Mill Men's Local Union, No. 19, for investigation and regulation of the Treadwell Mining Company, of Douglas Island, Alaska—to the Committee on Mines and Mining.

By Mr. MONDELL: Petition of citizens of Cheyenne against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. MOON of Tennessee: Papers to accompany bills for relief of estate of Lewis Patterson and James Nipper—to the Committee on War Claims.

By Mr. MOUSER: Paper to accompany bill for relief of James A. Turner—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Joseph McClain and John W. Fowler—to the Committee on Invalid Pensions.

By Mr. O'CONNELL: Petition of Rear-Admiral H. F. Pickering Naval Garrison, No. 4, of Erie, Pa., favoring retirement of petty officers and enlisted men of the navy after twenty-five years of actual service—to the Committee on Naval Affairs.

Also, petition of citizens of Boston, Mass., for legislation pensioning members of the United States Telegraph Corps in the civil war—to the Committee on Invalid Pensions.

Also, petition for legislation making August 13 a legal holiday, to be known as "Occupation Day"—to the Committee on the Judiciary.

By Mr. POLLARD: Petition of citizens of Lincoln, Nebr., against S. 3940 (religious legislation in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. PORTER: Petition of citizens of Medina, N. Y., against Senate bill 3940 (religious observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. RAINEY: Petition of Illinois Manufacturers' Association, against legislation inimical to corporate interests—to the Committee on Interstate and Foreign Commerce.

By Mr. REID: Paper to accompany bill for relief of Mary A. and Clarence E. Haney—to the Committee on War Claims.

Also, papers to accompany bills for relief of estate of John Diehl and William P. Campbell—to the Committee on War Claims.

By Mr. SPARKMAN: Papers to accompany bills for relief of William Willingham, John C. Benton, Maxfield McClellan, Isaac A. Redd, Berrien D. Whitehurst, Abraham F. Williams, Allen D. Douglas, and Frank E. Saxons—to the Committee on Pensions.

By Mr. STEVENS of Minnesota: Petition of State Association of Minnesota, favoring postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Washington County (Minn.) Medical Society, favoring establishment of a national department of public health—to the Committee on Interstate and Foreign Commerce.

By Mr. STURGISS: Petition of C. M. Loebrig for legislation pensioning members of United States Military Telegraphers' Union in civil war—to the Committee on Invalid Pensions.

Also, petition against the passage of S. 3940 (proper observance of Sunday as day of rest in the District of Columbia)—to the Committee on the District of Columbia.

Also, petition against Johnston bill (S. 3940), providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, papers to accompany bills for relief of Alpheus Wilson, Fletcher B. Wilson, Elijah Coffman, and John W. Combs—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: Papers to accompany bill of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes"—to the Committee on Ways and Means.

By Mr. THOMAS of Ohio: Petition of the Devoe Grocery Company, of Warren, Ohio, for removal of duty on sugar—to the Committee on Ways and Means.

By Mr. VREELAND: Petition of business men of Wellsville, N. Y., against establishment of parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of residents of towns of Concord and Yorkshire, against enactment of the Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December 11, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of yesterday's proceedings was read and approved.

QUESTION OF PRIVILEGE.

Mr. PERKINS. Mr. Speaker, I rise to a question of the privilege of the House and offer a resolution which I ask the Clerk to report.

The SPEAKER. The gentleman from New York [Mr. PERKINS] offers a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 451.

Whereas there was contained in the sundry civil appropriation bill, which passed Congress at its last session and became a law, a provision in reference to the employment of the Secret Service in the Treasury Department; and

Whereas in the message of the President of the United States to the two Houses of Congress it was stated in reference to that provision. "It is not too much to say that this amendment has been of benefit only, and could be of benefit only, to the criminal classes," and it was further stated, "The chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by Secret Service men," and it was further stated, "But if this is not considered desirable a special exception could be made in the law, prohibiting the use of the Secret Service force in investigating Members of Congress. It would be far better to do this than to do what actually was done, and strive to prevent or at least hamper effective action against criminals by the executive branch of the Government;" Now, therefore be it

Resolved, That a committee of five Members of this House be appointed by the Speaker, to consider the statements contained in the message of the President and report to the House what action, if any, should be taken in reference thereto.

Mr. PERKINS. Mr. Speaker, I do not believe in oversensitiveness to unfavorable criticism, whether upon an individual or upon a public body. But while there may be undue sensitiveness, so also there may be undue obtuseness, which might argue a lack of proper self-respect.

It is of importance to the Republic that all of the coordinate branches of the Government should possess, in a high degree, the confidence and respect of the people. I yield to no one in my respect for the Chief Executive of the United States; and I yield to no one in my respect for the Congress of the United States. [Loud applause.] To the Congress is granted great power, and upon it are imposed great responsibilities. We can not neglect our duties nor shirk our responsibilities. The dignity of that body should not be punctiliously insisted upon, but it should be properly maintained. The statements made by the President of the United States can not be lightly disregarded. They may be so construed by the public as to lessen the dignity and thereby impair the usefulness of the Congress of the United States. It can be justly said, I think, that these expressions were unfortunate. Whether it is enough to say this or whether some more formal action should be taken it will be for Congress, exercising a wise and discreet judgment, to decide.

Mr. Speaker, we are the representatives of ninety millions of people. We are the legislative body of a great nation. I am sure there is no one who has the honor to be a Member of this Congress who will hesitate to approve such action as may be required by a proper regard for the dignity of the body to which we belong, and of the people whose Representatives we are.

Mr. Speaker, the resolution offered provides for the appointment of a committee which shall report to the House. Upon the coming in of the report there will be full opportunity for discussion. I shall be glad if the resolution can now be adopted without debate and without dissent. [Loud applause.]

The question was taken, and the resolution was agreed to.

The SPEAKER. The Chair announces the following committee: Mr. PERKINS, Mr. DENBY, Mr. WEEKS, Mr. WILLIAMS, and Mr. LLOYD.

LEGISLATIVE APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the legislative, executive, and judicial appropriation bill for the fiscal year ending June 30, 1910, and for other purposes.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CURRIER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 23464, the legislative, executive, and judicial appropriation bill. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes.

Mr. BINGHAM. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. BINGHAM. Mr. Chairman, I ask the attention of the committee simply to the reading of the report in connection with the bill.

The estimates on which the bill is based will be found on pages 9–88 and 137–151 of the Book of Estimates for 1910, and aggregate $32,484,979.75, of which amount there is recommended in the bill $31,667,820, a reduction of $816,259.75 under said estimates.

The appropriations for the same purposes, exclusive of any sums for the Census Office and for inspection of mines, for the current fiscal year, including $108,320 in the sundry civil and other acts of the last session, aggregated $31,632,943.50, being $34,876.50 less than is recommended in the accompanying bill for the service of the fiscal year 1910.

The whole number of salaries specifically provided for in this bill is 14,441, or 186 less than the number estimated for and 159 more than the number provided for in the law for the current year.

Pending the final enactment of legislation governing the taking of the Thirteenth Census, no appropriations are recommended in this bill for the Census Office. The estimates for this service will receive consideration by the committee in its preparation of the sundry civil bill, which will be prepared and reported later in the session.

Appropriations for mine inspectors and for investigations as to causes of mine explosions, carried in the legislative, and so forth, appropriation act for the current year, are also omitted from this bill for the ensuing year with a view to their consideration in connection with the sundry civil bill.

The appropriations for both of the foregoing branches of the public service for 1909 are not considered in the comparisons which are instituted in this report as to the appropriations for the fiscal year 1909 or the estimates submitted for 1910.

The specific changes in the number or grade of officers or employees of the Government and their rate of compensation, as compared with the current law and without reference to transfers from one bureau to another, recommended in the bill are as follows:

SENATE.

The bill appropriates for officers, clerks, and other employees in the service of the Senate in the same terms as the law for the current year, except that for session employees the usual increase is made, growing out of the longer term of their employment during the ensuing session, as compared with the present short session of Congress, and a reduction is made, in accordance with the estimates, of 10 clerks, at $1,800 each, to Senators who are not chairmen of committees.

The appropriation for miscellaneous expenses, including personal services for the Senate, is reduced from $150,000 to $75,000, being the same amount as is recommended for like expenses of the House.

HOUSE OF REPRESENTATIVES.

The salaries of all officers and employees of the House which were increased at the last session of Congress by resolution are continued for the next fiscal year at the rate of compensation thus fixed.

LIBRARY OF CONGRESS.

For the Library proper an increase is recommended of 2 stenographers and typewriters at $1,200 and $720, respectively, instead of 2 at a salary of $1,000 each; 1 messenger boy at $360; 2 attendants at $480 each for the reading room.

For the copyright office an increase is recommended of 1 clerk at $1,800, 2 clerks at $1,600 each, 2 clerks at $1,000 each, 2 clerks at $600 each, and 1 messenger boy at $360.

For the carrier service in connection with the House Office Building, 2 messengers at $40 per month each during the next session of Congress is recommended.

For the work on indexes, digests, and compilations of law, a chief assistant at $3,000 instead of $1,800, and an additional assistant at $2,400 are provided for.

The salaries of the chief of the division of music and one assistant are increased from $2,000 to $3,000 and from $1,400 to $1,500, respectively.

DEPARTMENT OF STATE.

One additional clerk at $1,600; 2 additional clerks at $1,400 each; 4 additional clerks at $1,200 each; 1 additional clerk at $1,000, and 3 clerks at $900 each are recommended.

TREASURY DEPARTMENT.

Office of the chief clerk.—A messenger at $840 is provided for in lieu of a laborer at $660.

Division of customs.—Two additional law clerks at $2,000 each are recommended.

Division of loans and currency.—Two additional money counters at $720 each and 1 laborer at $660 are recommended, and 1 laborer at $550 is omitted.

Office of the Auditor for the Treasury Department.—One additional clerk at $1,200 is recommended.

Office of Auditor for Post-Office Department.—An expert accountant at $2,250 is provided for, in lieu of a deputy auditor at $2,500; 2 additional clerks at $1,800 each, and 10 money-order assorters at $840 each are recommended.

Office of the treasurer.—One additional clerk at $1,600 and 1 charwoman at $240 are recommended; and in the force employed in redeeming the national currency an increase is recommended of 1 clerk at $1,800, 2 clerks at $1,600 each, 2 clerks at $1,400 each, 26 expert counters at $1,000 each, 4 expert counters at $900 each, 2 messengers at $840 each, and 1 charwoman at $240.

Office of the Register of Treasury.—An increase is recommended of 1 clerk at $1,200, and 5 counters at $720 each; and 1 clerk at $900 is omitted.

Office of the Commissioner of Internal Revenue.—A reduction of 1 laborer at $660 is recommended.

Bureau of Engraving and Printing.—An increase is recommended of 1 chief of division of assignments and reviews, $3,000, a chief clerk at $2,500 instead of an accountant at the same salary, 1 clerk at $1,800, 2 clerks at $1,600 each, 2 clerks at $840 each, and 6 clerks at $780 each.

INDEPENDENT TREASURY.

A reduction is recommended of 1 clerk at $1,000 in the office of the assistant treasurer at Boston.

MINTS AND ASSAY OFFICES.

The salary of the assistant melter and refiner in the assay office at New York is reduced from $2,500 to $2,000.

NAVY DEPARTMENT.

Office of the solicitor.—One law clerk at $2,250 is recommended.

Bureau of Navigation.—An increase is recommended of 2 clerks at $1,200 each and 1 clerk at $1,000.

Bureau of Equipment.—An increase is recommended of 1 expert in wireless telegraphy at $3,000 and 2 draftsmen at $1,600 each.

Nautical Almanac Office.—For pay of computers on piecework, the appropriation is increased from $6,000 to $7,000.

Bureau of Supplies and Accounts.—An increase is recommended of 1 clerk at $1,400, 2 clerks at $1,100 each, and 1 clerk at $900.

DEPARTMENT OF THE INTERIOR.

Office of the Secretary.—Transfers are provided for as follows: Six inspectors at $2,500 each from the Indian Department, 3 laborers at $660 each, and 4 charwomen at $240 each from the Indian Office.

General Land Office.—The 3 inspectors for surveyors-general and district land offices at $2,000 are omitted; law reviewers and law examiners are provided for instead of certain law clerks and clerks without increase in number or rate of compensation.

Indian Office.—An assistant chief of division at $2,000 instead of a chief of division at the same salary is provided for, and a net increase of force is recommended as follows: Three clerks at $1,800 each and a principal bookkeeper at $1,800 are omitted; 2 clerks at $1,600 each; and 3 messenger boys at $360 each.

Pension Office.—A reduction is made of 1 chief of division at $2,000, 2 assistant chiefs of division at $1,800 each, 20 clerks at $1,000 each, 28 copyists at $900 each, and 20 special examiners at $1,300 each.

Patent Office.—A First Assistant Commissioner at $4,500 and an examiner of classification at $3,600 are provided for, and an increase is recommended of 10 fourth assistant examiners at $1,500 each, 1 translator of languages at $1,800, 2 clerks at $1,400 each, 5 clerks at $1,200 each, 5 clerks at $1,000 each, 1 messenger at $840, 27 laborers at $480 each, and 1 messenger boy at $360.

Bureau of Education.—The salary of the Commissioner of Education is increased from $4,500 to $5,000, and an editor at $2,000 is recommended.

Offices of surveyors-general.—The office of the surveyor-general for Louisiana, with salaries amounting to $8,600, is omitted from the bill.

For clerks in the office of the surveyor-general of Wyoming the amount is reduced from $10,000 to $9,000.

POST-OFFICE DEPARTMENT.

Office of the Second Assistant Postmaster-General.—An increase is recommended of 2 clerks at $900 each, and 1 page at $480.

DEPARTMENT OF JUSTICE.

One assistant attorney at $3,500, and 1 clerk at $900, now paid from the appropriation "enforcement of the antitrust laws," are provided for, and the salaries of attorneys and others paid from certain general appropriations, as indicated in the law for the present fiscal year, are consolidated with the general force of the department, as recommended by the Attorney-General, no increase in their number or compensation being made.

Mr. GAINES of Tennessee. I would like to have the gentleman explain why that change is made.

Mr. BINGHAM. If the gentleman will allow me to read the report through, and it is very brief, when we come to the debate under the five-minute rule there will be an answer made to every inquiry as to the provisions of the bill, while to answer now will only interrupt the continuity of the reading of the report.

Mr. GAINES of Tennessee. I just wanted to know what was being done for the enforcement of these laws, and I will wait.

Mr. BINGHAM:

DEPARTMENT OF COMMERCE AND LABOR.

Office of the Secretary.—A chief watchman at $900 instead of a captain of the watch at $1,200 is provided for.

Bureau of Corporations.—An increase is recommended of 1 clerk at $1,400, 1 clerk at $1,200, 2 clerks at $1,000 each, and 2 copyists at $900 each.

Bureau of Manufactures.—The salary of the assistant chief of the bureau is increased from $2,500 to $3,000, and an increase is recommended of 1 clerk at $1,000, and 1 clerk at $900.

Bureau of Immigration and Naturalization.—The salary of the commissioner-general is increased from $4,000 to $5,000, in lieu of $1,000 additional now being paid from the appropriation for the "Enforcement of the Chinese-exclusion act;" and the salary of the assistant commissioner-general is increased from $3,000 to $3,500.

Bureau of Standards.—An increase is recommended of 3 assistant chemists—1 at $2,200, 1 at $1,600, and 1 at $1,400; 5 associate physicists—1 at $2,200, 1 at $2,000, 1 at $1,600, and 2 at $1,400 each; 3 laboratory assistants—2 at $1,200, and 1 at $1,000; 2 laboratory helpers at $720 each; 1 clerk at $1,200; 1 mechanician at $1,500; 1 glass blower at $1,200; 1 electrician at $1,200.

JUDICIARY.

The salary of 1 district judge at $6,000 is omitted, as recommended in the estimates, and an additional messenger at $720 for the court of appeals for the District of Columbia is provided for.

LIMITATIONS.

Limitations with respect to the appropriations made in the bill and not heretofore imposed are recommended as follows:

On page 34:

The Librarian of Congress may from time to time transfer to other governmental libraries within the District of Columbia, including the public library, books and material in the possession of the Library of Congress in his judgment no longer necessary to its uses, but in the judgment of the custodians of such other collections likely to be useful to them, and may dispose of or destroy such material as has become useless.

On page 60:

And no other fund appropriated by this or any other act shall be used for services in the Bureau of Engraving and Printing, of the character specified in this paragraph, except in cases of emergency arising after the passage of this act and then only on the written approval of the Secretary of the Treasury.

On page 165:

SEC. 4. When estimates hereafter transmitted to the Treasury for submission to Congress do not in form and arrangement comply with the provisions of section 4 of the legislative, executive, and judicial appropriation act approved June 22, 1906, they shall, under direction of the Secretary of the Treasury, be rearranged so as to comply with said requirement of law.

RECAPITULATION.

The following tabulated statement gives in detail the appropriations for the current fiscal year, the estimates for 1910, and the amounts recommended in the accompanying bill for the fiscal year 1910:

Following the report, which gentlemen can find in the document room, there will be found a tabulated statement giving in detail the appropriations for the current fiscal year, the estimates for the fiscal year 1910, and the amount recommended in the accompanying bill for the year 1910.

One word more. The legislative, executive, and judicial appropriation acts more nearly represent, year by year, than any other legislative enactments the ordinary growth of the civil functions of the Government. With only one exception, a considerable increase in annual expense has marked the enactment of this measure for each of the past ten years, and the exception in question showed a reduction of less than $2,000 in the bill reported under the previous law.

The bill under consideration makes an increase of only $34,000, a sum very considerably less than the increase presented in any of the bills during the past ten years, with the one exception noted.

Mr. LIVINGSTON. Mr. Chairman, as the committee proposes to extend all the time possible for debate as the bill is read by paragraphs, I hope that there will be no objection now to reading the bill by sections.

The CHAIRMAN. If there is no further debate, the Clerk will report the bill by paragraphs for amendment.

The Clerk read as follows:

For 10 clerks to committees, at $6 each per day during the session, $12,420.

Mr. BARTLETT of Georgia. Mr. Chairman, I move to strike out the last word. In line 14, page 18, there is a provision for 10 clerks to committees at $6 each per day during the session, $12,420. Does that include or is that intended to provide for the payment of clerks to certain committees known as "committees on expenditures in the various departments of the Government" who were appointed by resolution adopted by the House some time in April last?

Mr. GILLETT. No; it is not. They are not carried in this bill at all. This does not provide for them.

Mr. BARTLETT of Georgia. Then this is for committees other than the committees on expenditures in the various departments of the Government?

Mr. GILLETT. Yes.

Mr. BARTLETT of Georgia. The Committee on Appropriations then has made no provision to continue the payment of the clerks to those committees?

Mr. GILLETT. Those clerks were put on by resolution last year, and the Clerk of the House did not make any report to the Appropriations Committee at all about them. Consequently, they were simply omitted. We followed exactly the list that was sent to us by the Clerk of the House.

Mr. BARTLETT of Georgia. Then if the clerks to those committees are serving now they are serving without pay, and will not be paid unless some provision is made for them in some other bill than this.

Mr. GILLETT. They were put on last year, not as regular clerks, but simply put on by resolution of the House for that one session. If the House desires to put them on again, undoubtedly the Committee on Accounts will report a similar resolution. Whether that is the purpose or not, I do not know. They were not put on this bill.

Mr. BARTLETT of Georgia. I suppose the gentleman would feel called upon to make a point of order if any proposition was made to include them now?

Mr. GILLETT. I think I should be obliged to make a point of order. I think the Committee on Accounts, who have jurisdiction, ought to be allowed to exercise their jurisdiction.

Mr. BARTLETT of Georgia. The Committee on Accounts will not dodge its responsibility at all. I merely wanted to find out what I have found out.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

For the following minority employees authorized and named in the resolution adopted by the House of Representatives November 9, 1903, namely: One special employee, $1,800; 2 special messengers at $1,500 each; and 1 special chief page, $1,100, and $700 additional for services as pair clerk; in all, $6,600.

Mr. BINGHAM. Mr. Chairman, on page 22, line 1, the words "November 9, 1903," should read "December 2, 1907." I offer an amendment to make that correction.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 22, line 1, strike out "November 9, 1903," and insert "December 2, 1907."

The amendment was agreed to.

The Clerk read as follows:

Indexes, digests, and compilations of law: To continue the preparation of the new index to the Statutes at Large, in accordance with the plan approved by the Judiciary Committees of both Houses of Congress, and to prepare such other law indexes, digests, and compilations of law as may be required by Congress for official use, namely: For 1 chief assistant, $3,000; 1 assistant, $2,400; 1 assistant, $1,200; 1 assistant, $900; 2 assistants at $720 each; in all, $8,940.

Mr. MANN. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question of the gentleman in charge of the bill. I notice on page 31 there is an increase in the compensation of the law librarian, $500, in connection with the preparation of the new index to the Statutes at Large, and in the paragraph just read there is an increase to the person in charge of the digest and compilation of the index from $1,800, I think, to $3,000. I do not quite understand the theory of having two persons, each drawing the same salary, in charge of this work.

Mr. BINGHAM. I would simply state that the man to whom he refers has a supervisory control in connection with the indexing of the Statutes at Large. He is not relegated to do nothing. He is continued in the work of the supervision, but the direct responsibility is thrown upon these two officials whom we indicate.

Mr. MANN. He has never had an allowance for supervision heretofore?

Mr. BINGHAM. Oh, yes; he has always had it.

Mr. TAWNEY. He has had that $500.

Mr. MANN. He did not have it at this place in the last appropriation act—that is all I can say about it. He may have had it somewhere else.

Mr. BINGHAM. The work referred to was imposed upon us, and it was provided that it should be administered under the law library, covering the statutes from 1873 to date. We now know just what we have to do and just what the defects are in our organizatioi. for doing it. They continue this supervisory work and then put the onus for going along on this new creation.

Mr. MANN. I understand the fact to be this: That heretofore the work has been in charge of the law librarian, and he had a clerk at $1,800. The law librarian was paid $500 for supervision, probably a proper sum to pay for overlooking the work of a subordinate official. Here, however, is a proposition to increase the pay and the rank of the person doing the work, so that he is on an equality with the law librarian—in fact, receiving a higher salary than the law librarian receives—and yet it proposes to make him a subordinate official and make a present to the law librarian of the extra $500. It seems to me wholly improper to increase the rank of the man who does the work so that he is to receive a higher salary than the law librarian receives and yet make him a subordinate official to the librarian of the law library.

Mr. BINGHAM. It only runs for this special line of work, and this is due to him because we put on him this additional work. It does not interfere with the work that he is doing now.

Mr. GILLETT. If I may add a word to the explanation already made, in the past, as the gentleman from Illinois has said, the librarian has had supervision and been allowed $500 for that, and has had this man at a lower salary under him. It has been found that the law librarian could not give much of his time to this work, as he is so much occupied, and the purpose is now that after this year, after the organization necessary gets under way, this man whose salary we have raised shall have that as a permanent salary, and shall after the first year be independent of the law librarian and carry this work on himself. The work, as the gentleman from Illinois is aware, has progressed well, and it appears to be exceedingly valuable and has been excellently done. Now the recommendation is made that for the next year the law librarian shall have the $500 because they will have to organize and he will have to have some supervision this year to organize it. It is recommended, and I think it wise, that this man ought to have permanently this salary which is now made by adding the $500.

I think also the person who is in charge of this difficult work ought to have the salary we have provided. They have found it exceedingly difficult to retain the men because they have been hired away from them. It has been difficult to keep their force of skilled men, which was necessary for the difficult work of indexing.

Mr. MANN. The gentleman from Massachusetts will observe that I did not raise any question about the propriety of paying the amount of salary in either case. Both propositions were subject to a point of order, in my opinion. I have no doubt the law librarian fairly ought to have the salary of $3,000. The question I was raising was as to the propriety of increasing the salary of the man in charge of the index work to an amount as great or greater than that of the librarian and making him a subordinate officer under the supervision of a man who gives no attention to the business. I would put the responsibility upon the man whose pay is raised and hold him responsible.

Mr. TAWNEY. The law puts the responsibility on the law librarian of supervising the work.

Mr. JOHNSON of South Carolina. Mr. Chairman, I would like to ask the gentleman a question.

Mr. TAWNEY. I will yield to the gentleman.

Mr. JOHNSON of South Carolina. How many men are engaged in carrying out the provisions of that law?

Mr. TAWNEY. There are three, including the law librarian.

Mr. JOHNSON of South Carolina. How long have they been engaged in the work? I thought that the pay of these men amounted to about $10,000 a year.

Mr. GILLETT. That is about it.

Mr. TAWNEY. There are five, but the law librarian has general supervision, and the $3,000 man provided for is the man who is to be really in charge of the organization and in charge of the work. Now, they have been working on the volume which has already been published, bringing the index of the general laws from 1873 down to date. They intend now, and are required under the law, to begin to make the indexes to the general statutes from the beginning of the Government down to 1873, and the time required, with this organization which we provide for, will be three years, according to the best judgment of the librarian.

Mr. JOHNSON of South Carolina. May we hope that work will be completed in three years?

Mr. TAWNEY. Yes.

Mr. MANN. Completed just about the time there will be a new revision of the laws, and we will have to commence with these same gentlemen the same work over again.

Mr. TAWNEY. It does not matter whether we have a revision of the laws or not, for we always need an index of the existing laws heretofore passed, so that they may be referred to.

Mr. MANN. It is safe to say that when we have a revision of the laws, as we ought to have soon, and a new index to that, nobody will ever refer to the one that these gentlemen are now engaged upon.

Mr. TAWNEY. The Committee on the Judiciary, which reported this provision directing this work to be done, differ materially with the gentleman from Illinois [Mr. MANN] in regard to the necessity for this work even after the revision of the laws, and I think it is absolutely essential for the work to go on if we are going to complete it, and complete it efficiently; and if we are going to complete it within the shortest space of time, we ought to give them this organization. They must get a good lawyer, for it requires one, to make such an index of the remaining statutes as has been made of the laws from 1873 down to the present time. If the gentleman will send to the library and get the first volume that is now completed and see the completeness of that volume and the efficiency with which the work was done by Doctor Scott and Mr. Beaman, who have quit the service on account of the lack of compensation and because of the laborious work involved, he will be satisfied with the efficiency of the work done.

Mr. JOHNSON of South Carolina. I hope the gentleman from Minnesota [Mr. TAWNEY] does not understand me to be criticising the character of the work. I simply asked if it was like all other government jobs—to go on indefinitely.

Mr. TAWNEY. I will say it will not last indefinitely. Under these conditions it will last three years, otherwise five years.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

For compensation to the following in the office of the President of the United States: Secretary, $6,000; 2 assistant secretaries at $3,000 each; executive clerk, $2,500; executive clerk and disbursing officer, $2,000; 7 clerks at $2,000 each; 1 clerk of class 4; 1 clerk of class 4, who shall be a telegrapher; 4 clerks of class 3; 2 clerks of class 2; steward, $1,800; chief doorkeeper, $1,800; 5 doorkeepers at $1,400 each; 3 doorkeepers at $1,200 each; 4 messengers at $1,200 each; 5 messengers at $900 each; watchman, $900; 1 fireman, $900; laborer, $720; laborer, $600; in all, $69,920: *Provided*, That employees of the executive departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States, for such temporary assistance as may be necessary.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to ask the Committee on Appropriations if there is any report anywhere, or occasion for a report, of the number of men detailed to the executive department from other branches of the Government;

Mr. GILLETT. I do not think there is. There is not to my knowledge.

Mr. BINGHAM. There was no request in the hearings or anything of that kind as to an increase or decrease.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

TREASURY DEPARTMENT.

Office of the Secretary: For compensation of the Secretary of the Treasury, $12,000; 3 Assistant Secretaries of the Treasury, at $5,000 each; cerk to the Secretary, $2,500; stenographer, $1,800; 3 private secretaries, 1 to each Assistant Secretary, at $1,800 each; government Actuary, under control of the Treasury, $2,250; examiner, $2,000; 2 clerks of class 4; 4 clerks of class 3; 2 clerks of class 2; 4 messengers; and 1 laborer; in all, $57,770.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to strike out the last word. I want to find out from the committee why these increases in the cost of collecting the revenues are provided for in this bill. During the past few years, at the coming in of every bill, they ask for an increase in force, and the excuse given was that there was an increase of business. Unfortunately the country is not in that condition now. The revenues are behind what they were at the same date in the last fiscal year, but the same increases in force are asked for. I want to know if the committee has allowed the increases in the Treasury Department that were asked for on the ground of an increase in business.

Mr. BINGHAM. The statement made was to the effect that the new customs law would necessitate it; that in connection with foreign treaties, understandings between Germany and other nations, and because of increased work, together with the fact that the new law would give them a vast amount of additional work, it was necessary. That is putting it briefly.

Mr. JOHNSON of South Carolina. But the new law has not been passed as yet.

Mr. BINGHAM. These estimates are for the next fiscal year, and the expectation is that the law will be completed within the next six or eight months.

Mr. JOHNSON of South Carolina. It seems to me it would be impossible for the Treasury Department to say what the effect of a law would be that has not yet been framed or introduced into Congress.

Mr. BINGHAM. The committee thought they were making a very reasonable addition to the customs service.

Mr. GILLETT. May I say just a word there—that if the gentleman will observe, he will see that we have given hardly any increases to the Treasury in any of the departments. We are simply giving in the division of customs two law clerks, and their work does not depend so much upon the business as upon the difficulty of the business; and as the gentleman from Pennsylvania [Mr. BINGHAM] said, of course this takes effect when the new customs law comes in and there will be a very great deal of work in respect to appeals in customs cases. But in the other cases the gentleman will observe here in the office of the Treasury it depends on the currency. Then in the Bureau of Engraving and Printing we are obliged to give them an increase, and of course the gentleman appreciates that while our revenues are falling behind, our expenditures, which ought to be falling behind, are not. The gentleman will see that there is very little increase of any kind given, if he will look carefully.

Mr. JOHNSON of South Carolina. One other question, if the gentleman will answer it. A year ago when we passed the legislative bill we found that in the Treasury Department they had inaugurated the double-entry system of bookkeeping, and the appropriations were large because they were carrying on the old single-entry bookkeeping and the double-entry bookkeeping at the same time. Is not there some assurance that after a short time two systems of bookkeeping will be discontinued?

Mr. GILLETT. If the gentleman means the same thing that I do, it was not that the new system was to be temporary. That was to be permanent, but the old system was to be done away with.

Mr. JOHNSON of South Carolina. That is the way I understood it. I want to know now, is it not true that they are keeping up both systems of bookkeeping there?

Mr. GILLETT. No; I do not think it is.

Mr. JOHNSON of South Carolina. Well, then, we were told the amount asked for last year for the present fiscal year——

Mr. GILLETT. For the different auditors.

Mr. JOHNSON of South Carolina. For the officers of the Treasury Department who keep these books——

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. GILLETT. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended. I have used up a good deal of it.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. JOHNSON of South Carolina. The proposition was that the Treasury force was used there keeping two sets of books and in consequence of that it was incumbent to make an unusually large appropriation. Now, what I want to know is, If they have discontinued the double set of bookkeeping and if they have not, when will they do so?

Mr. GILLETT. I think the gentleman is under a misapprehension that we gave them a large increase because of the double system. It was claimed by some officers and denied by some others that the new system would require a larger force, but we did not provide a larger force because the two systems were going on at the same time. As I recollect, it was simply because the new system was to come in, and had already been adopted, and it was to be in full force this year. Some officers claimed that the new system would permanently require a larger force, and some now say that it does and others say it does not. We simply provided the same force to the auditors because——

Mr. JOHNSON of South Carolina. I must be very unfortunate in making myself understood. What I want to know is, Are they keeping two sets of books in the Treasury Department?

Mr. GILLETT. Only one system. They do not both go on at the same time.

Mr. JOHNSON of South Carolina. They said so last year.

Mr. GILLETT. No; it was for the change. Our recollections differ. I do not recollect both went on at the same time, but they have changed from one to the other.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

Office of Auditor for War Department: For auditor, $4,000; deputy auditor, $2,500; law clerk, $2,000; 6 chiefs of division, at $2,000 each; 23 clerks of class 4; additional to 1 clerk as disbursing clerk, $200; 50 clerks of class 3; 71 clerks of class 2; 83 clerks of class 1; 20 clerks, at $1,000 each; 14 clerks, at $900 each; skilled laborer, $900; 3 clerks, at $840 each; 1 messenger; 5 assistant messengers; and 12 laborers; in all, $389,480.

Mr. MANN. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 50, line 19, after the word "dollars," add:

"And $1,000 additional while acting as auditor for the Isthmian Canal Commission."

Mr. GILLETT. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. The gentleman from Massachusetts reserves the point of order.

Mr. MANN. Mr. Chairman, the amendment, of course, is subject to the point of order. When the President directed that the construction of the Panama Canal proceed under the Secretary of War it became so that the accounts are audited by the Auditor for the War Department. That involved a very large amount of additional responsibility upon him, because the accounts of the Isthmian Canal are probably as large as the accounts of most any of the departments. There are a great many of them, and it seems to me that it would be perfectly proper. I think last year the matter was discussed, and it was almost agreed

that he might have additional $1,000 compensation. It is perfectly plain, I think, to everybody that the gentleman ought to have an increase in salary, either possibly in this way or, as was contemplated a year ago, in some way out of the Isthmian Canal funds.

Mr. GILLETT. Mr. Chairman, the gentleman's statement seems plausible, and it might be true that he ought to have it, but provision should be made in some other bill; and inasmuch as there was no estimate for it in this bill we could not consider it, so I feel it my duty to insist upon the point of order.

Mr. BINGHAM. I will state to the gentleman that for the current year he is receiving the additional thousand dollars in the sundry civil bill, and it is estimated for in the next sundry civil bill.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] desire to be heard on the point of order?

Mr. MANN. I stated that I believed it is subject to a point of order, undoubtedly.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Mint at Denver, Colo.: For superintendent, $4,500; assayer, melter and refiner, and coiner, at $3,000 each; chief clerk and cashier, at $2,500 each; weigh clerk and bookkeeper, at $2,000 each; assistant assayer, assistant melter and refiner, and assistant coiner, at $2,000 each; abstract clerk and warrant clerk, at $1,800 each; assistant weigh clerk and calculating clerk, at $1,600 each; calculating clerk, $1,400; and 2 clerks, at $1,200 each; in all, $39,100.

Mr. BONYNGE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

On line 13, page 75, after the word "dollars," add the words "one assayer's computation clerk, $1,600."

Mr. BINGHAM. Mr. Chairman, I reserve a point of order, but desire the gentleman to make his statement.

Mr. BONYNGE. I do not know that there is any specific law covering the amendment offered, but it is covered under the lump appropriation in the next paragraph, as follows:

For wages of workmen and adjusters, and not exceeding $32,500 for other clerks and employees, $150,000.

In the other mints, particularly in the mint at Philadelphia, this office is one of those specifically appropriated for under the title and with the salary that is proposed by the amendment that is offered. The salary of the individual who is now doing the work is $1,400 a year. When the mint was first established at Denver, the salaries were not as large as at other mints. The purpose was to make the salaries less than at other mints until the work had gotten well under way. It occurs to me the time has arrived now when, all the other officers and employees of the Denver mint having received an increase in their salaries to correspond to the salaries paid to similar officers in other mints, this clerk should receive the same salary as those who are doing similar work in the other mints. I do not know that it is subject to a point of order, Mr. Chairman. I believe that all of these clerks are not provided for by permanent law at all, but are only provided for each year in the appropriation bill.

Mr. BINGHAM. Mr. Chairman, I offer a point of order that there is nothing in the existing law that justifies this increase. And there is the further fact that the committee listened fully to the statement made by the Director of the Mint, taking up each paragraph of his recommendations, and there is no suggestion or reference in his hearing as to this proposed change. If it is in another paragraph of the bill, I have no criticism to make, but I make a point of order as to this paragraph that it is not an existing law.

The CHAIRMAN. Does the gentleman from Colorado [Mr. BONYNGE] desire to be heard on a point of order?

Mr. BONYNGE. I can only say in reference to the point of order, Mr. Chairman, that I do not think any of these salaries are provided for by permanent law. There is no law that I know that covers any of them.

The CHAIRMAN. Apparently the amendment contemplates the establishment of a new office.

Mr. BONYNGE. No; it is not a new office. It is covered under the appropriation in the next paragraph. While it is not specifically named, there is such an office, and the work is being done, but it is covered by the general appropriation.

The CHAIRMAN. What is the salary now being paid to the clerk that is performing the work?

Mr. BONYNGE. Fourteen hundred dollars, but not covered by law. It is left to the discretion of the appointing officer, within the limits of the general amount appropriated.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For night watchmen as follows: Two in Smithsonian grounds; 1 in Judiciary Park; 2 in Henry and Seaton parks; 1 in grounds south of Executive Mansion; 1 in Monument Park; 1 at Monument Park Annex (Potomac Park); and 2 in Garfield Park; 10 in all, at $720 each, $7,200.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to strike out the last word.

Under this title of the bill it seems to be appropriate to call attention to a most remarkable and extraordinary proceeding. I refer to the removal of the Pennsylvania depot, a building which stood upon government ground, and, so far as I know, has been removed without authorization of law. I desire to send to the Clerk's desk and have read in my time what was revealed before the Committee on Appropriations.

The Clerk read as follows:

REMOVAL OF THE OLD PENNSYLVANIA RAILROAD STATION.

Mr. BURLESON. Did you not ask in the last bill for a watchman or custodian for the old Pennsylvania Railroad station?

Colonel BROMWELL. I think I did; yes.

Mr. BURLESON. We made the appropriation, did we not?

Mr. TAWNEY. And the authorization?

Mr. BURLESON. Yes. We made the authorization and the appropriation?

Colonel BROMWELL. I think so; but I have not had any occasion to use it, because I have torn down the railroad station.

Mr. BURLESON. What! Torn down the railroad station?

Colonel BROMWELL. Yes, sir.

Mr. BURLESON. By what authority did you tear down the railroad station?

Colonel BROMWELL. By authority of the President of the United States.

Mr. BURLESON. Where did you get the money for that?

Colonel BROMWELL. We advertised for the removal of the building and for the removal of the materials, the contractor receiving all the old materials in the building.

Mr. BURLESON. Who directed you to do that?

Colonel BROMWELL. The President of the United States.

Mr. LIVINGSTON (addressing Mr. BURLESON). Does that satisfy you? [Laughter.]

Colonel BROMWELL. That satisfied me. [Laughter.] I got a written order.

Mr. BURLESON. That was the sole authority for the destruction of that building?

Colonel BROMWELL. Yes, sir; that was my authority.

Mr. GILLETT. Did the Government own that building?

Colonel BROMWELL. The railroad built it, but when they abandoned it they turned it over to the Government of the United States.

Mr. LIVINGSTON. It was a contract between the railroad and the Government.

Mr. TAWNEY. The terms under which the building was torn down amounted practically to a sale of the building?

Colonel BROMWELL. Practically.

Mr. TAWNEY. That is what it practically amounted to?

Colonel BROMWELL. Yes, sir.

Mr. TAWNEY. Do you know of any law on the statute books that authorizes any executive officer to sell any of the property of the United States of that character, real estate?

Colonel BROMWELL. No, sir. I called the attention of the higher authorities to that fact, and I received an order to tear the building down.

Mr. BURLESON. Did you look for an appropriation out of which the expense of tearing down that building could be defrayed? Did you look to the law?

Colonel BROMWELL. I was not put to any expense. In fact, I sold the material, I think, for a thousand dollars. I received a bid of a thousand dollars for tearing down the building and train shed, and one of the provisos was that the contractor should have all the old material. I was put to no expense whatever.

Mr. GILLETT. The Government got $1,000 extra out of it?

Colonel BROMWELL. Yes, sir.

Mr. BURLESON. Approximately what was the cost of that building, the erection of it? Just make a guess.

Colonel BROMWELL. I suppose when the building and train sheds were erected they must have cost in the neighborhood of $25,000 or $30,000.

Mr. TAWNEY. When it was built, it was built for probably 50 per cent less than it could be built now.

Mr. BURLESON. It was a three-story building.

Colonel BROMWELL. It was a two-story building. There was no basement to speak of. There was just a little cellar.

Mr. TAWNEY. They had pilings there, I understand?

Colonel BROMWELL. I do not know about that.

Mr. LIVINGSTON. It was only a shed?

Mr. GILLETT. No; it was quite a building.

Mr. BURLESON. It was a three-story building.

Mr. TAWNEY. How many bricks were there in the building?

Colonel BROMWELL. About 350,000, I should say.

Mr. LIVINGSTON. What does brick cost the Government?

Mr. TAWNEY. About $10 a thousand.

Mr. LIVINGSTON. The whole thing?

Colonel BROMWELL. It cost the Government nothing, and in addition to that we got about $1,000.

Mr. LIVINGSTON. Did you sell the stuff?

Colonel BROMWELL. Yes; and we got the building torn down.

Mr. TAWNEY. Was the building in use by the Government at the time it was torn down?

Colonel BROMWELL. No, sir.

Mr. BURLESON. When you asked for this appropriation for a watchman, you intended to use it for storage purposes. A lot of buildings are rented now for storage purposes throughout the city.

Colonel BROMWELL. The building was under my jurisdiction, and I thought I ought to have a watchman to take charge of it while it was under my jurisdiction. Tramps and people might go there to sleep and endanger the safety of the building.

Mr. TAWNEY. Was not the War Department about to use it for storage purposes?

Mr. GILLETT. It might have been used in that way.

Mr. BURLESON. A large number of rented buildings are used for storage purposes in the city?

Colonel BROMWELL. Yes.

Mr. LIVINGSTON. Did the President say why he wanted the building removed?

Mr. TAWNEY. Was there any necessity for the removal of the building?

Mr. BURLESON. Was it not torn down to improve the perspective?

Mr. TAWNEY. I would like to have that question answered—What was the necessity for the removal? I am not criticising anybody.

Colonel BROMWELL. I know of no immediate necessity for its removal. Personally I am very glad it was done.

Mr. TAWNEY. The people in the District wanted it removed, did they not?

Colonel BROMWELL. I do not know what the people in the District wanted. I think it adds a great deal to the general improvement to get that building out of the way. It was an old building, and the old train shed there was an eyesore in that part of town.

Mr. TAWNEY. The principal part of the eyesore was the train shed?

Colonel BROMWELL. Yes; but the building encroached on the parking space, and I do not think the building itself was good for much. It was nothing but a shell of a building and unsuitable for most purposes. If it had been used for offices, it would have had to have heating and lighting plants installed in it and the floors strengthened.

Mr. BURLESON. But if it had been used for storage it could have been used to good purpose and great economy to the Government. It would have saved the rent of some of these buildings that we are renting now, would it not?

Colonel BROMWELL. It might, and then it might not.

Mr. BURLESON. Well, we will let it go at that.

[During the reading of the above the time of Mr. JOHNSON expired.]

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that the Clerk be permitted to conclude the reading of this interesting discussion in the hearings.

There was no objection, and the reading was concluded.

Mr. JOHNSON of South Carolina. Now, Mr. Chairman, so far as I know there is no law authorizing the removal or sale of that building. I would like to inquire of the gentleman who has the bill in charge if he has investigated the question, and if there is any authority for the removal and sale of that building. If there is no law for it, what do you propose to do about it?

Mr. BINGHAM. I think we shall have to act on the remark of the gentleman from Texas [Mr. BURLESON], "we will have to let it go at that." [Laughter.] There was nothing before the committee in any form whatever; and the gentleman's object, I presume, is simply to have this matter inserted in the RECORD.

Mr. JOHNSON of South Carolina. I think we might withhold appropriations from officers who so disregard the law as the Superintendent of Public Buildings and Grounds has done.

The Clerk read as follows:

For repairs, supplies, and miscellaneous articles, Mills Building, $2,000.

Mr. GAINES of Tennessee. Just a moment. I move to strike out the last word. I wish to make an inquiry. Can the chairman reporting the bill or any Member inform the House how much money is paid out by the Government of the United States for rented buildings in the city of Washington and the District of Columbia?

Mr. BINGHAM. About $250,000 a year.

Mr. LIVINGSTON. More than that.

Mr. BURLESON. I think it is about $400,000.

Mr. BINGHAM. Four hundred and seventy-one thousand dollars.

Mr. GAINES of Tennessee. Now, will the Chairman inform the House the uses to which these buildings are put by the Government?

Mr. BINGHAM. There are two pages in detail in the Book of Estimates, pages 622 and 623, giving the official sum total at $471,000.

Mr. GAINES of Tennessee. Well, now, what are these buildings used for?

Mr. BINGHAM. Every department of the Government uses one or other of them.

Mr. GAINES of Tennessee. Are they not subrented? I want to know what the Government pays as rent.

Mr. BINGHAM. I will give the gentleman the departments: State Department, Treasury Department in town, War Department, Navy Department, Post-Office Department, the Department of Agriculture, the Department of Commerce, the Department of Justice, and the Public Printer. The recapitulation is on page 633.

Mr. GAINES of Tennessee. Well, Mr. Chairman, I simply wanted to get the information for my own edification, if not for the edification of the House and information of the country at large. It looks to me like when we pay that amount of money—nearly half a million dollars—every year for rented buildings in which to conduct the public business, the Government would be doing wiser business if it erected for its purposes more public buildings in Washington. I believe it would be wiser policy to erect more buildings and rent less. Here you say the War Department, the Interior Department, the Agricultural Department, the Department of Justice, indeed all the departments, have gone out in town and rented buildings in which to conduct the public business at an expense of $471,000 every year. It looks to me like we would save money and conduct the business better if Congress would erect more public buildings for its uses and rent fewer private buildings for public business.

The Clerk read as follows:

NAVY DEPARTMENT.

Office of the Secretary: For compensation of the Secretary of the Navy, $12,000; Assistant Secretary of the Navy, $5,000; chief clerk, $3,000; private secretary to Secretary, $2,500; clerk to Secretary, $2,250; clerk to Assistant Secretary, $2,000; disbursing clerk, $2,250; 4 clerks of class 4; stenographer, $1,800; 1 clerk of class 3; 3 clerks of class 2; 4 clerks of class 1; stenographer, $1,200; 1 clerk, $1,100; 4 clerks, at $1,000 each; telegraph operator, $1,100; 2 copyists; carpenter, $900; 4 messengers; 4 assistant messengers, 1 transferred to Bureau of Supplies and Accounts; 1 laborer; 3 messenger boys, at $600 each; 1 messenger boy, $420; 1 messenger boy, $400; 1 telephone switchboard operator; 1 assistant telephone switchboard operator; in all, $69,540.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I do not wish to detain the committee, but I am going to ask the gentleman from Georgia [Mr. LIVINGSTON] to give the House and country the benefit of his views about the matter we were talking about just a few minutes since. Here is $471,000 for rent of buildings in which to do the public work. I would like to inquire of him if he does not think it wiser to erect these buildings than to rent, and if yea, how much it will cost to build them and how we could get the money?

Mr. LIVINGSTON. I want to suggest to the gentleman from Tennessee that for years I have considered it would be economy to the Government to borrow on long time $50,000,000, at 2 per cent, and use the capital for the erection of public buildings. This $470,000 would be about 8 per cent on five millions of money. This Government ought to put up its own buildings as a matter of economy, if nothing else. I have so contended for years. We could borrow this money on long time, say for twenty-five or fifty years, and make posterity pay its share, and then we would get far more suitable buildings. Some of these buildings we are renting are not fitted for the purposes for which we are renting them. We have to put lighting and heating plants in these houses often, and then they are thrown on our hands in such bad shape that we have to spend a lot of money in repairing them.

I hope some day soon Congress will view it as I have viewed it, and that we may issue bonds, if we have not the money otherwise, to put up $40,000,000 or $50,000,000 of public buildings in the city of Washington, as a matter of economy, and as a matter of safety, convenience, and suitability, to accommodate the offices for which buildings are rented to-day.

Mr. GILLETT. The gentleman recognizes the fact that we have no jurisdiction of anything of the kind in this bill?

Mr. LIVINGSTON. No; not in this bill.

Mr. GAINES of Tennessee. Is it not a fact that the buildings which are rented are, as a rule, in the heart of the city, where rents are going up higher and higher every year?

Mr. LIVINGSTON. We are compelled to rent buildings as nearly in the heart of the city as possible. We can not go out on the edges of the District and put bureaus and divisions of departments out there. That would be inconvenient. We must have them contiguous to the other buildings. For instance, if the War Department wants an additional building, it wants it as near the department building as possible.

Mr. GAINES of Tennessee. And the rents, as a rule, are much higher near the department buildings?

Mr. LIVINGSTON. Rents as a rule are much higher. We are paying $24,000 a year rent for the Mills Building, situated on the corner by the War and Navy Department building. I guarantee that if you will make a calculation on the cost of that building you will find that is an enormous rent.

Mr. GAINES of Tennessee. Do you know of any other similar instances?

Mr. LIVINGSTON. Yes.

Mr. BINGHAM. I have no criticism to make of the remarks of either gentleman, but this is a subject which does not belong to this bill. It belongs to the Committee on Public Buildings and Grounds.

Mr. GAINES of Tennessee. It has been overlooked in all the bills. I simply want to call the attention of the House to these facts, so that we may get at this reform in some bill after due consideration by Congress.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

Bureau of Education: For Commissioner of Education, $5,000; chief clerk, $2,000; editor, $2,000; statistician, $1,800; specialist in charge of land-grant college statistics, $1,800; translator, $1,800; collector and compiler of statistics, $2,400; specialist in foreign educational systems, $1,800; specialist in educational system, $1,800; 2 clerks of class 4; 2 clerks of class 3; 4 clerks of class 2; 7 clerks of class 1; 5 clerks, at $1,000 each; 6 copyists; 2 copyists, at $800 each; copyist, $720; 2 skilled laborers, at $840 each; 1 messenger; 1 assistant messenger; 3 laborers, at $480 each; laborer, $400; in all, $59,000.

Mr. MACON. Mr. Chairman, I make the point of order against the words "five thousand dollars," in line 24, page 122, being an increase of the salary of the Commissioner of Education.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. GILLETT] desire to be heard?

Mr. GILLETT. I think the item is clearly subject to the point of order, if the gentleman insists upon it. It was recommended last year and went out on a point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GILLETT. Inasmuch as the gentleman has caused it to be stricken out, I will submit an amendment, putting the salary back at $4,500.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

In lieu of the matter stricken out in line 25, page 122, insert "$4,500."

The amendment was agreed to.

Mr. GILLETT. I also ask that the total at the end of the paragraph may be corrected.

The CHAIRMAN. If there be no objection the total at the end of the paragraph will be corrected.

There was no objection.

The Clerk read as follows:

Bureau of Manufactures: Chief of bureau, $4,000; assistant chief of bureau, $3,000; chief of division, $2,100; stenographer to chief of bureau, $1,600; 2 clerks of class 4; 1 clerk of class 3; 2 clerks of class 2; 4 clerks of class 1; 3 clerks, at $1,000 each; 5 clerks, at $900 each; 4 assistant messengers; 2 laborers; in all, $35,200.

Mr. MACON. Mr. Chairman, I make the point of order against the language "three thousand dollars," in lines 6 and 7, page 48, it being an increase of salary.

The CHAIRMAN. The gentleman from Arkansas makes a point of order against the item in lines 6 and 7, page 48, reading "$3,000 for the assistant chief of bureau."

Mr. BURLESON. I would like to ask the gentleman from Arkansas if he would withdraw his point of order if it could be shown that this employee is justly entitled to this compensation.

Mr. MACON. Certainly. I will reserve the point of order, Mr. Chairman.

Mr. BURLESON. I will say to the gentleman that this employee is engaged in the important work of revising reports that are made by special agents sent out by the Department of Commerce and Labor for the purpose of promoting our foreign trade. Two of these special agents devote themselves to the industries in which one section, the South, is particularly interested, cotton-oil industry and the cotton-manufacturing industry. This employee devotes considerable of his time to the revision of these reports and the preparing of them for publication for the use of the trade. The Committee on Appropriations looked into the work he was doing most carefully, and we felt he was fairly entitled to this compensation.

Mr. TAWNEY. If the gentleman will pardon me, I want to suggest that since the appointment of this man as assistant chief of division he has had assigned to him the duties of chief clerk of the division, which prior to his appointment were performed by another employee.

Mr. MACON. Mr. Chairman, I would like to ask the chairman of the committee a question, and that is whether this man has taken the place of an extra man?

Mr. TAWNEY. He has. He is doing the work of not only the assistant chief of division but is now doing the work of chief clerk of the division, which work was performed at the time of his appointment by another employee. And in addition to that, in the absence of the chief of division he performs the duties of chief.

Mr. BURLESON. And he is one of the most valuable employees of the department.

Mr. MACON. There is nothing in the report or in the language of the bill that indicates that anybody has been dropped or that any salary has been done away with by the removal of an officer.

Mr. LIVINGSTON. If the gentleman will allow me, nobody has been dropped, but this man stands in the place of a man who would have to be appointed.

Mr. MACON. A chief clerk would have to be appointed?

Mr. MANN. They have three chiefs in the bureau now—the chief, the assistant chief, and a chief of division.

Mr. MACON. I can not see my way clear, Mr. Chairman, to violate the policy I have been pursuing since I have been a Member of this House, for I have felt that it was wrong to increase salaries on an appropriation bill.

Mr. TAWNEY. If the gentleman will pardon me, the recommendation of the committee is to reduce the salary rather than to increase it, for the reason that this man for $3,000 is doing the work which heretofore the Government has been paying $2,500 for to one man and $1,800 to another man.

Mr. MACON. What has become of the $1,800 salary?

Mr. TAWNEY. That has been wiped out.

Mr. MACON. Well, I asked the question a while ago if anybody had been taken out.

Mr. TAWNEY. There is no longer a chief clerk.

Mr. MACON. Of course if there is a saving of $1,800——

Mr. TAWNEY. Thirteen hundred dollars.

Mr. MACON. A saving of $1,300. Does the gentleman state that to be a fact?

Mr. MANN. Is that the case?

Mr. TAWNEY. I would suggest to the gentleman from Arkansas that in order to make it specific he offer an amendment to the effect that this man shall perform the duties of chief clerk, so that there will be no question about his being required to do the work of the chief clerk.

Mr. KEIFER. There is no appropriation here for a chief clerk.

Mr. MANN. Was there ever such an appropriation?

Mr. KEIFER. Yes.

Mr. MACON. Mr. Chairman, I can not do much about amending these appropriation bills, because the committee is stronger than I am before the House, and I have to avail myself of such opportunities as present themselves to me to enable me to accomplish anything. I might offer an amendment that would consume the time of the House and yet not be able to accomplish anything as long as my weakness was opposed by the strength of this great committee.

But under the law I can save the American people $500 as an individual, as a representative of the people upon this floor at this particular time, and the reasons given by the gentlemen of the committee not being satisfactory to my mind, I must insist upon the point of order.

The CHAIRMAN. The Chair will inquire of the gentleman from Arkansas what the appropriation fixed in the last appropriation bill for this official was?

Mr. MACON. Two thousand five hundred dollars.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BINGHAM. Mr. Chairman, then I move to insert the $2,500 at the proper place.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 148, line 6, insert "$2,500."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. Without objection, the totals will be changed to correspond with the amendment.

There was no objection.

The Clerk read as follows:

The unexpended balance of the appropriation to complete the investigation into the industrial, social, moral, educational, and physical condition of woman and child workers in the United States, undertaken in accordance with act of Congress approved January 29, 1907: *Provided*, That no part of this appropriation shall be expended for the employment of any person in making said investigation who is not now in the employ of the Government or hereafter regularly appointed after competitive examination and certification through the Civil Service Commission, for the fiscal year ending June 30, 1909, is hereby reappropriated and made available for the fiscal year ending June 30, 1910.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to strike out the last word of the paragraph ending on line 6, page 151. The proviso in this section, Mr. Chairman, is that no person shall be appointed, and no part of this fund shall be paid to any person who is not now in the employ of this Government unless he shall undergo a competitive examination and be certified by the Civil Service Commission.

Mr. MANN. That is the existing law?

Mr. JOHNSON of South Carolina. What I want to find out is, if anybody is in this service who has not stood the civil-service examination. This is a great civil-service administra-

tion. Why this limitation upon it? Is there anybody there who has not gone through the civil-service board?

Mr. GILLETT. This provides that nobody shall be. The gentleman does not object to this provision, does he? This was passed last year. It was agreed upon in conference between the House and the Senate.

Mr. JOHNSON of South Carolina. Does the gentleman know why this provision is here? Have people been appointed to this place in disregard of the civil-service law that the committee felt called upon to insert this limitation?

Mr. GILLETT. I have forgotten the exact details. It was arranged last year in conference in the Senate. This was agreed upon. Just why I do not now remember, but it certainly is unobjectionable in its present form.

Mr. JOHNSON of South Carolina. I am not objecting to it, but I want to find out from that committee if the civil-service law has been so flagrantly violated that the committee felt called upon to incorporate this proviso in this appropriation bill.

Mr. GILLETT. It is put in this appropriation bill because it was in last year; that is all.

Mr. JOHNSON of South Carolina. But back of the proviso I want to know why it is.

Mr. TAWNEY. I will state to the gentleman what the history of that proviso is. When this law was originally enacted by Congress, it left the matter of the appointment of the people to make this investigation entirely outside of the classified service. It was so intended, and the Committee on Appropriations, in appropriating the first $150,000 that was recommended to defray the expense of this investigation, qualified it by the language in this proviso so as to prevent the appointment of any one outside of the classified service or limited the employment to those then in the classified service or to those certified by the Civil Service Commission after a competitive examination. It was in conference between the two Houses that this proviso was added to the provision appropriating the money for the investigation which the law authorized.

Mr. JOHNSON of South Carolina. Mr. Chairman, it is exceedingly unfortunate that we find it necessary from year to year to hamper this appropriation with this limitation. I hope, therefore, that there will be no objection to an amendment which I want to offer, and that is on line 23, page 150, after the word "that," insert the word "hereafter."

Mr. MANN. This applies only to this appropriation.

The CHAIRMAN. The pro forma amendment, without objection, will be withdrawn, and the gentleman from South Carolina offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 150, line 23, after the word "that," insert the word "hereafter."

Mr. TAWNEY. It has never been expended heretofore except under this proviso.

Mr. MANN. It applies only to this.

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. JOHNSON of South Carolina. If I had time to perfect the amendment, I think I could make it permanent law, but as it is a limitation upon this particular appropriation——

Mr. TAWNEY. I will say to the gentleman that this investigation will be completed with the money now appropriated. There is no new money asked to carry it on. It is to enable the Commissioner of the Bureau of Labor to extend the work over into the next fiscal year and expend the unexpended balance of the appropriation made for the fiscal year 1909 to meet the expenses in the fiscal year 1910.

Mr. JOHNSON of South Carolina. And with due regard to the civil-service law?

Mr. TAWNEY. Yes.

Mr. JOHNSON of South Carolina. Then I withdraw the amendment, Mr. Chairman.

Mr. MANN. Mr. Chairman, I renew the amendment as to striking out the last word.

The CHAIRMAN. The gentleman from South Carolina withdraws the amendment, and the gentleman from Illinois moves to strike out the last two words.

Mr. MANN. The gentleman from South Carolina is slightly in error in one thing, I think. The civil-service law did not apply to appointments under this appropriation. The appointments under this appropriation are not in the classified service, were not in the classified service unless covered in by act of the President, and for that reason it was thought desirable not to prevent a violation of the civil-service law and to enforce conformity with the spirit of the civil-service law, but to prevent the appointment of outside persons in this investigation. But I would like to ask the gentleman from Minnesota whether this provision of the law has in fact been obeyed both in letter and in spirit?

Mr. TAWNEY. It has.

Mr. BURLESON. As far as you know.

Mr. MANN. I have been informed to the contrary.

Mr. TAWNEY. I will state to the gentleman that the persons engaged in making this investigation are people who were transferred from the Census Bureau and from other bureaus in the Department of Commerce and Labor regularly appointed under civil-service law, or people who took the civil-service examination in accordance with the provisions of this statute and who were certified to the head of the department under whose jurisdiction the investigation is made as being qualified for appointment.

Mr. MANN. The gentleman is aware, of course, of the intention at one time to appoint a number of persons entirely outside of the service.

Mr. TAWNEY. Yes.

Mr. MANN. I do not know what the facts may be, but I have been informed that some of these people are now engaged in doing this work. How they got into the service I do not know, but I am quite certain not through a competitive examination.

Mr. TAWNEY. I should say to the gentleman from Illinois that the head of the Department of Commerce and Labor, just before the first appropriation became available, expressed sincere regret—and did so to me—that Congress saw fit to limit the employment of people in this service to those now in the classified service or to those who may pass the examination required under the statute; that they did have a number of people who were instrumental in securing the enactment of the law authorizing and directing this investigation to be made that they wanted to appoint, and they found now that it was impossible to do so under this provision. If there has been anybody who have gone in there without taking this examination, I do not know it.

Mr. OLMSTED. What is the meaning of this language: "Not now in the employ of the Government or hereafter regularly appointed?" Ought not it to read that "No one shall be employed who has not been appointed after a competitive examination?"

Mr. TAWNEY. Well, the investigation, so far as that is concerned, has been practically completed. The work now of compiling the information obtained as a result of the investigation is all that is necessary to entirely complete the work under this statute, and the Commissioner of Labor informed the committee investigating the estimates for all appropriations under this bill that they would not ask for any additional appropriation, but they did want the unexpended balance left over from the two previous appropriations made available in order that the compilation of the results of the investigation might be made.

Mr. FITZGERALD. Mr. Chairman, I would like to inquire of the gentleman from Minnesota if he can state whether any persons transferred from any other bureau to do the work under this appropriation had gone in the civil service as a result of a noncompetitive examination?

Mr. TAWNEY. I can not state.

Mr. FITZGERALD. And then been transferred in here, or, in other words, have got in——

Mr. TAWNEY. Assuming there were some in the bureaus appointed without reference to civil service who have been transferred?

Mr. FITZGERALD. No; I am not assuming it, because under the law a man or woman might be appointed under civil service as the result of noncompetitive examination; but what was the fact, or does the gentleman know whether that has been done, that somebody went into another bureau as the result of a noncompetitive examination and had then been transferred into this?

Mr. MANN. This provision covers all that.

Mr. FITZGERALD. I know what the provision contemplates, but I would like to know what has been done.

Mr. MANN. I know; but under this provision it could not be done. I do not say it has not been done, and the provision does not speak of transfers. The provision speaks of people now in the service, now in the employ of the Government, or hereafter to be appointed by a competitive examination, and it expressly forbids the suggestion which the gentleman makes.

Mr. OLMSTED. But there might now be persons in the service of the Government and not in the classified service.

Mr. MANN. That is true, of course, but this provision, the gentleman from Pennsylvania understands, is in the law now and was not in the law when this appropriation was made.

The CHAIRMAN. The gentleman's time has expired.

Mr. TAWNEY. I ask for five minutes more; I desire to offer an amendment.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. OLMSTED. I would like to ask if there is not some typographical error in the printing of this. It seems to me, beginning on the third line, "for the fiscal year" ought to go in before the proviso.

Mr. TAWNEY. I was going to offer an amendment correcting that. That was prepared by the department and passed over in committee without having been given careful consideration. I offer the following amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The gentleman from Minnesota [Mr. TAWNEY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Transpose all after "commission," in line 3, page 151, down to and including line 6, and insert same after word "seven," in line 23, page 150.

The CHAIRMAN. The question is on agreeing with the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Bureau of Immigration and Naturalization: For Commissioner-General of Immigration, $5,000; assistant commissioner-general, who shall also act as chief clerk and actuary, $3,500; private secretary, $1,800; statistician and stenographer, with authority to act as immigrant inspector, $2,000; 2 clerks of class 4; 3 clerks of class 3; 5 clerks of class 2; 3 clerks of class 1; 8 clerks, at $1,000 each; 6 clerks, at $900 each; 2 messengers; 1 assistant messenger; in all, $47,100, which, together with all other expenses of regulating immigration, shall be paid from the permanent appropriation for expenses of regulating immigration.

Mr. MACON and Mr. JOHNSON of South Carolina rose.

The CHAIRMAN. The gentleman from Arkansas [Mr. MACON] is recognized.

Mr. MACON. Mr. Chairman, I make a point of order against the language found on page 153, line 6, "five thousand dollars," and in line 8, "three thousand five hundred dollars."

Mr. LIVINGSTON. Will the gentleman withhold the point of order?

Mr. MACON. I will reserve the point of order.

Mr. LIVINGSTON. Mr. Chairman, I do not suppose that the point of order will hold against the Commissioner-General of Immigration. My recollection is that we give him the same salary that he held before. Am I right about that?

Mr. GILLETT. Mr. Chairman, if the gentleman will allow me, this is subject to the point of order, but I think if the gentleman understood it he would withdraw it, because by statute he now gets $4,000, but there is paid to him annually, and has been for many years, under the sundry civil bill, $1,000 in addition from the fund for the Chinese exclusion. So he gets the same salary. We thought it would be better to show on the face of it just what his salary was, and to make it one sum, so that while in phrase this is an addition, and while in appearance and technically it is subject to the point of order, it really does not substantially make any difference, and we thought it better legislation to have just what he was getting appear in one place.

Mr. LIVINGSTON. In regard to the other salary, I want to repeat to the gentleman from Arkansas [Mr. MACON] that this is the same salary he has been getting, namely, $1,000 from the lump sum of the head tax of the immigrants, and instead of having his salary in that state we withdrew the thousand dollars from the lump sum of the head tax and made his salary $5,000.

In regard to the other salary that the gentleman makes a point of order upon, Mr. Chairman, I will say this gentleman is the assistant commissioner-general, and for the last twelve months, or very nearly twelve months, he has been acting commissioner-general and was really entitled to that gentleman's salary all this time. He is not only the assistant commissioner-general, but he is the chief clerk. He is not only the chief clerk, but he is the actuary of that bureau. He is the busiest man, perhaps, of any man in the service in Washington. And that is not all. He is one of the most valuable men that we have in the service, and the three duties which I have mentioned have been put on him. Now, we could have given the commissioner-general an assistant at $3,000. We could have kept him as chief clerk and actuary at his old salary of $3,000. This increase of $500 saves to the Government, if he is able to continue to perform these duties, the salary of an assistant commissioner-general.

Mr. FITZGERALD. When will this gentleman be relieved from the necessity of performing the duties of the commissioner-general?

Mr. LIVINGSTON. He will not be relieved at all.

Mr. FITZGERALD. Will he not be able to devote his time to his other duties and perform them properly without this increased compensation?

Mr. LIVINGSTON. He is assistant commissioner-general, Mr. Chairman, now. He will be assistant commissioner-general if this law is passed and approved by the President for the next fiscal year. The gentleman is presuming that he will be free from it; but he will not be.

Mr. FITZGERALD. I think the gentleman is mistaken in what he attributes to me. The gentleman asserted that this man had for the past year been performing the duties of the commissioner-general, in addition to his other duties. That was due to the unfortunate illness of the recent occupant of the office, who died.

Mr. LIVINGSTON. Suppose this new man gets sick. This man must do the work.

Mr. FITZGERALD. This new man is not going to get sick, because he is an active, vigorous man, who contributed valuable services to the Republican party in the recent campaign. Such men do not get sick immediately after taking office under this administration.

Mr. LIVINGSTON. I am not speculating as to the future, and do not want to gamble on it in this instance; but the facts remain, all the same, that when the commissioner is absent, either from sickness or any other cause, this man fills his place. He is the assistant commissioner-general, and I want to say to the gentleman from Arkansas that this is a saving of money, to give this sum of $500 to a man who holds three positions in the bureau, a man who can not be spared, and one of the most valuable men in the service.

Mr. MANN. Will the gentleman from Georgia yield to a question?

Mr. LIVINGSTON. Certainly.

Mr. MANN. Is the reason that the committee recommended the increase in the salary of the assistant commissioner the fact that it is supposed that the new commissioner, having been recently appointed purely for political reasons, will be disqualified from performing the actual duties of the office, and they expected the assistant commissioner to keep on really performing them?

Mr. LIVINGSTON. At present the new commissioner is not conversant with the duties of his position.

Mr. MANN. Is that what actuated the committee?

Mr. LIVINGSTON. No. He is a new man. The Secretary of Commerce and Labor, before the President issued the order that there should be no recommendation of increases, put this man in for $4,500; but when the President issued the order that there should be no increases recommended, of course the $4,500 went out.

Mr. TAWNEY. Will the gentleman from Georgia yield to me for a question?

Mr. LIVINGSTON. Certainly.

Mr. TAWNEY. Is it or not a fact that the assistant commissioner has two subordinates who are receiving higher compensation than he is?

Mr. LIVINGSTON. He has two division chiefs, Mr. Powderly and Mr. Campbell, who receive $3,500 as chiefs of divisions, and they are under this man. They are under him as chief clerk, and they are under him as assistant commissioner.

Mr. MACON. I wish I could get after them. If I could I would reduce their salaries a thousand.

Mr. FITZGERALD. Mr. Chairman, I think we ought to be frank about this matter. The Commissioner-General of Immigration has been receiving a salary of $4,000 a year, and $1,000 additional from the Chinese-exclusion fund. The man who recently occupied this place was an effective, an efficient, and honest commissioner-general. He enforced the Chinese-exclusion act in so efficient a manner that he was directed by a superior not to be so active in the enforcement of the act. He protested to the Committee on Appropriations two or three years ago that because of these instructions the Chinese were coming into this country in violation of the law. If that law is not to be enforced as it should be, of course it would be improper to pay this $1,000 as additional compensation out of the fund placed at the disposal of the commissioner-general, because of the additional duties supposed to be performed by him. This new chief of the bureau, recently appointed under circumstances with which all are familiar, will not under this order enforce

the Chinese-exclusion act in the manner intended by Congress. Therefore, these additional duties will not be devolved upon him, and there is no reason why he should receive the compensation for that purpose. But in order to give this gentleman the same compensation, it is now proposed to do away with the pretense and hypocrisy, and increase his compensation to $5,000. I have no sympathy with the proposal. I am glad that the gentleman from Arkansas has made the point of order, and I sincerely trust he will insist upon it.

Another thing in connection with the late Mr. Sargent, who was Commissioner-General of Immigration. He was practically stripped of his powers as the head of that bureau by the recent organization of the Bureau of Naturalization and Immigration.

He was pushed to one side and not permitted to perform his duties in the manner in which he was capable of performing them. This assistant commissioner, who for a year, during the commissioner's illness, was performing those duties and also his own duties of assistant commissioner, as well as the duties of the actuary and the duties of the chief clerk, must have had a pretty easy task in one or another of these positions in order to be able to perform the duties of so many places so efficiently. Now that an efficient man has been appointed to discharge the most important duties that must be discharged in that office, relieving the assistant to that extent and enabling him to devote his great talents and genius to the performance of the duties of the other three or four offices, it is proposed not only to relieve him from some of his labors, but to increase his salary as a compensation for the relief that is given to him. There is a lot of hypocrisy about the whole business, and I hope that the gentleman from Arkansas [Mr. MACON], now that he has been furnished some real information about the matter, will insist on his point of order. I have no sympathy with the movement to pay political debts in this manner. We have had a lot of it recently, and it is time to stop it, and stop it effectively.

Mr. LIVINGSTON. Mr. Chairman, I insist on a division of the proposition. The gentleman from Arkansas has two amendments.

The CHAIRMAN. The question will be divided.

Mr. MACON. Mr. Chairman, I regret very much that even a suggestion of politics has been drawn into this matter. When it comes to legislating for the country's good, I do not think we ought ever to allow ourselves to be drawn away from the real issue or to allow our minds to be poisoned against what we are undertaking to do by a suggestion of politics. Politics should have nothing to do with legislation here if it is our purpose to do the best we know how for our country.

The first point of order that I made was against the increase of the salary of the Commissioner of Immigration and Naturalization. I insist that that point of order must necessarily be good, because the salary heretofore paid him has been $4,000 per annum.

The CHAIRMAN. The Chair is ready to rule on the point.

Mr. MACON. Since gentlemen have said so much about the matter, I should like to have an opportunity to say a few words myself, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MACON. As I said, Mr. Chairman, the salary heretofore has been $4,000. By this bill it is sought to make it $5,000. When that amount once gets into an appropriation bill as the salary of the commissioner it will be $5,000 forever, or until it is increased by some future Congress, for it will never be reduced. We have no assurance whatever that this will be the only amount that will be paid this commissioner if we allow this appropriation to stay in this bill, for when the sundry civil bill is brought in it may carry a provision giving him $1,000 for his services in connection with the enforcement of the Chinese-exclusion act, just as has been done heretofore, and then he will receive $6,000 instead of the $5,000 carried in this bill. Anyway, sir, I prefer that the language of the law as now written shall remain upon the statute, rather than have it changed to give him a straight salary of $5,000 in this bill, with the possibility—nay, probability—of his having the $1,000 given to him in the sundry civil appropriation bill. We could not make a point of order against it then, because it has been carried in appropriation bills from time to time and has become existing law by reason thereof. So I insist upon the point of order against that provision.

Now, as to the second point of order which I have made against the increase of the assistant's salary, I will say that if it could be shown that the increase is only to be given for the same period of time that the gentleman has had to perform a double duty—that of the commissioner as well as the duties of his own position—I would not raise my voice against it, because that would, in a measure, be just. But if you increase his salary for all time because he did for a few months discharge the duties of the commissioner, you will have overdone the thing, and consequently will have done an injustice to those who are called upon to pay the increase.

I do not think that a wise policy, a wise plan of legislation. I believe that the salary now given to the gentleman is ample compensation for all of the services that he is being called upon to perform at this time, and that is all that we have got to deal with—conditions as they now are, the necessities as they now exist. For that reason, Mr. Chairman, I insist on the second point of order. Politics has nothing to do with it. I know no North, no South in connection with this question. I do not know whether anybody is being paid a political debt on the one side or on the other. The question to be considered is, Is it right? If it is right to increase the salary in this way, then the provision ought to remain in the bill; but if not right, then I want it to come out.

The CHAIRMAN. Does the Chair understand that the gentleman insists on both points of order?

Mr. MACON. I do.

The CHAIRMAN. The first point of order is directed to the item giving $5,000 to the Commissioner of Immigration, and the Chair sustains the point of order.

The second point of order is to the provision giving $3,500 to the assistant commissioner-general, and the Chair sustains the second point of order.

Mr. LIVINGSTON. Mr. Chairman, I offer an amendment that the original salaries there be restored as in the present law—$4,000 to the commissioner-general and $3,000 to the assistant commissioner-general.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend so as to read:
"To the Commissioner-General of Immigration, $4,000; to the assistant commissioner-general, who shall also act as chief clerk and actuary, $3,000."

The amendment was agreed to.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to strike out the last word. I make this motion for the purpose of calling the attention of the committee to what appears to me to be very unwise legislation and an evil that ought to be corrected. A year and a half or two years ago Congress provided for a special commission of immigration. That commission consists of three Senators, three Representatives, and three citizens appointed by the President of the United States. No life was fixed for the commission. It continues indefinitely. Nobody has control over it. Its expenses are paid out of a permanent fund. It is a permanent appropriation over which Congress has no control, and the Department of Commerce and Labor has no control over it except to pay its bills.

In order that the committee may understand the situation as it now exists, I send to the Clerk's desk to have read in my time the hearings before the committee.

The Clerk read as follows:

Mr. LIVINGSTON. Can you tell us what it cost for the congressional party's trip abroad?

Secretary STRAUS. You mean the commission that was appointed under the last immigration act?

Mr. GILLETT. About a year ago.

Secretary STRAUS. I can only give you the amount of money that they have drawn from the immigration fund.

Mr. LIVINGSTON. That is what I am after.

Secretary STRAUS. I can give you the sum total, but I can not give you any of the items of expenditure. They are not under my jurisdiction in any form, shape, or manner.

Mr. TAWNEY. Under whose jurisdiction are they?

Secretary STRAUS. Under the jurisdiction of that commission. That commission simply makes drafts upon us for $25,000 or $50,000 at a time.

Mr. TAWNEY. Who audits their accounts?

Secretary STRAUS. I can give you no answer upon that subject.

Mr. TAWNEY. Their accounts must be audited.

Mr. BURLESON. Their accounts are audited by the Auditor for the State and other Departments.

Secretary STRAUS. They are entirely outside the jurisdiction of the Department of Commerce and Labor.

Mr. LIVINGSTON. Can you furnish us with an itemized statement as to the expenditures at Ellis Island?

Secretary STRAUS. Yes, sir.

Mr. BURLESON. You can put in your remarks the amount that they have drawn from the immigration fund?

Secretary STRAUS. Yes, sir; I can give you a statement of the amount of money they have drawn.

Mr. BURLESON. When you come to revise your remarks, put it in.

Secretary STRAUS. I certainly can. Only yesterday or the day before they drew $15,000.

Mr. GILLETT. The law authorizes them to do that?

Secretary STRAUS. Yes, sir.

Mr. LIVINGSTON. Have they developed or secured any information so far that we could not have gotten out of your department, to the best of your knowledge and belief?

Secretary STRAUS. I do not feel that I am in a position, as the head of the Department of Commerce and Labor, to answer that question,

for the reason that I am not informed, except in a small degree, of the line of work they have done.

Mr. BURLESON. Surely you can state whether they have brought any information to you which has been of value to you as head of your department.

Mr. BINGHAM. Did the act of Congress give you in any way authority as to their action or responsibility as to their action?

Secretary STRAUS. It did not.

Mr. BINGHAM. Therefore, you know nothing about it officially?

Secretary STRAUS. No, sir.

Mr. LIVINGSTON. Will you designate somebody in your department—and I know you have him—who can give us the information I have asked for? Have they developed so far anything to the advantage of the Government or the country or the world that could not have been obtained right out of your office?

Secretary STRAUS. I think I am about as competent to answer that question as perhaps anybody in the department.

Mr. LIVINGSTON. I think so, too.

Secretary STRAUS. I have no objection to designating anyone in the department if you have in view anybody in the department that you desire to come before you. I do not want you to misunderstand me on that subject. I want to make it as clear as it is possible to make it.

Mr. LIVINGSTON. You see what I want to get. I want to get the expense and the value of that expense to the country, if I can.

Secretary STRAUS. I understand.

Mr. LIVINGSTON. How much value have they been to us?

Secretary STRAUS. I understand that, but, as I said, it is impossible for me or anyone in the department to give you a comprehensive or satisfactory answer to your question, because neither I nor anyone else in the department is entirely conversant, with the exception of the assistant secretary of the department, who is also a member of the Immigration Commission.

Mr. LIVINGSTON. I should think he was competent.

Secretary STRAUS. He ought to be competent to answer that question, because he has knowledge of what the commission has performed as well as what is done in the department. Assistant Secretary Wheeler, I should think, would be able and ought to be able to answer that question, not because he is Assistant Secretary of the Department of Commerce and Labor alone, but because he is a member of that commission and subsequently was employed as Assistant Secretary of the Department of Commerce and Labor.

Mr. TAWNEY. How many years has this commission been working?

Secretary STRAUS. It organized in accordance with the last immigration act, section 39, I think.

Mr. TAWNEY. Three years ago?

Secretary STRAUS. No; about a year and a half ago. The act went into effect on the 1st of July, 1907. I think that it is in accordance with that provision of law.

Mr. TAWNEY. The expenses of the commission were appropriated out of the permanent appropriation?

Secretary STRAUS. Out of the immigration fund.

Mr. TAWNEY. That is a permanent fund?

Secretary STRAUS. Yes, sir.

Mr. TAWNEY. It is one of the permanent annual appropriations.

Secretary STRAUS. I want to answer a little further the question of Mr. LIVINGSTON. There have been some matters brought to the attention of my department by members of that commission in reference to an investigation made, especially in connection with the Chinese immigration and particularly in southern California, which are not yet concluded, showing certain irregularities in that service which have been of benefit to the department.

Mr. BURLESON. Of minor benefit?

Secretary STRAUS. I should say of minor benefit.

Mr. TAWNEY. Were the discoveries made of such a character that an intelligent immigration agent or inspector could not ordinarily have made the same discoveries in the exercise of his duties?

Secretary STRAUS. All the matters that have been brought to the attention of the department by this commission were such that the department itself could have readily discovered them.

Mr. BINGHAM. That commission makes its report to Congress and not to you?

Secretary STRAUS. That is correct.

Mr. BINGHAM. And further than that, the item in this bill under your department that covers the salaries for the Bureau of Immigration is in no wise connected with the special act for the organization of this commission?

Secretary STRAUS. Not in any way.

Mr. BINGHAM. The commission is wholly independent?

Secretary STRAUS. Yes, sir; that is very correct. I think it will be found that considerable of the work of the commission has been run on lines that the department works on.

Mr. TAWNEY. Who constitute this commission?

Secretary STRAUS. There are three members of the Senate, three Members of the House, and three members appointed by the President. The three members appointed by the President are Commissioner Neill, of the department; Mr. Wheeler, who since his appointment on that commission has been appointed Assistant Secretary of the Department of Commerce and Labor; and Professor Jenks, of Cornell University.

Mr. TAWNEY. What is the life of the commission?

Secretary STRAUS. There is no life fixed for it.

Mr. BURLESON. Is it perpetual?

Secretary STRAUS. There is no life fixed.

Mr. TAWNEY. There is no tenure of office?

Secretary STRAUS. No, sir.

Mr. TAWNEY. And the expense is about $300,000 a year?

Secretary STRAUS. I think, according to my best recollection, it has cost at the rate of about $300,000 a year, maybe a little less.

Mr. LIVINGSTON. How long was the commission abroad?

Secretary STRAUS. I am unable to answer that question. I think not all the members were abroad. I know Mr. Neill was not; he had too much work here.

Mr. TAWNEY. Mr. Secretary, I see that, among other things, section 39 of the immigration act creating this commission provides that:

"Such sums of money as may be necessary for the said inquiry, examination, and investigation are hereby appropriated and authorized, to be paid out of the 'immigrant fund' on the certificate of the chairman of said commission, including all expenses of the commissioners and a reasonable compensation, to be fixed by the President of the United States, for those members of the commission who are not members of Congress."

There are three members of this commission who are not members of Congress. What compensation has the President fixed for those three members?

Secretary STRAUS. I can not tell you from accurate knowledge; but my belief is that the amount that they are entitled to receive is $7,500 a year.

Mr. LIVINGSTON. And expenses?

Secretary STRAUS. Yes, sir.

Mr. TAWNEY. Two of the members appointed by the President on that commission are holding office under the Government now?

Secretary STRAUS. Yes, sir.

Mr. TAWNEY. Commissioner Neill and Assistant Secretary Wheeler, of the Department of Commerce and Labor?

Secretary STRAUS. Yes, sir.

Mr. TAWNEY. Do they receive $7,500 in addition to their salaries as Commissioner of Labor and as Assistant Secretary of the Department of Commerce and Labor?

Secretary STRAUS. No, sir.

Mr. TAWNEY. Do they not receive the salaries allowed by law as Commissioner of Labor and as Assistant Secretary of the Department of Commerce and Labor?

Secretary STRAUS. My understanding is that to their present salaries is added an amount to equal $7,500. In other words, the Assistant Secretary of the Department of Commerce and Labor's statutory salary is $5,000, and, I think, he receives out of the fund of the commission an additional $2,500, making $7,500. Of course, they will be able to answer that question.

Mr. TAWNEY. I did not know whether you knew it or not.

Secretary STRAUS. I know it from hearsay.

Mr. TAWNEY. The compensation received by Professor Jenks is $7,500?

Secretary STRAUS. That is my understanding.

Mr. TAWNEY. He is not in the Government's employ?

Secretary STRAUS. He is not; no, sir.

Mr. TAWNEY. And he receives that compensation without regard to the amount of time he devotes to the work of the commission?

Secretary STRAUS. I think the commission will have to answer that question, because I do not know.

Mr. JOHNSON of South Carolina. Now, Mr. Chairman, in perfect good faith, I want to appeal to the chairman of this committee, or to those in authority, to say how long we are to continue under this system of permanent appropriations that Congress can have no control over from year to year. How long are we to have commissions appointed to whose existence there is no end fixed by law, absolutely without limitation and absolutely without the jurisdiction of any government authority, as this commission seems to be? It seems to be an evil way of legislating and an unwise way of conducting the Government. I am not responsible for the laws as they are or as they may be. I simply call attention to this fact, which I consider a great evil.

Mr. TAWNEY. Mr. Chairman, in answer to the gentleman from South Carolina, I will say that I can not say to him or to the House how long the practice of enacting permanent appropriations will continue. He does not regret it any more than I do, but thus far it has been impossible to check the growth of permanent appropriations or to repeal any of those that are now on the statute books. We are this fiscal year expending about $155,000,000 under permanent appropriations, some of them definite and some of them indefinite. The particular permanent indefinite appropriation out of which the expense of this immigration commission has been paid will be repealed at this session of Congress if the recommendation the Committee on Appropriations will hereafter make to the House is adopted, which recommendation will be in line with the recommendation of the Department of Commerce and Labor.

In the estimate submitted for the specific appropriations for carrying on this service, the Secretary of Commerce and Labor recommends the repeal of this permanent appropriation; but how long the Government will continue to expend money under permanent appropriation laws nobody can tell, for at every session of Congress we are increasing the number of permanent appropriations on the statute books and increasing the aggregate amounts paid by the Government of the United States under such permanent appropriations. These expenditures are expenditures over which Congress has no control whatever. The expenditures are made without any report from the department in most of the cases as to the object or purposes for which the expenditure is made, and the expenditures in most instances are made within the discretion of the heads of the departments or the bureau chiefs authorized under the law to make such expenditures. Whether we shall ever get down to a business basis of appropriating annually for annual expenditures is a question that neither I nor any other Member of Congress can answer until Congress ceases to make these appropriations. The responsibility for them is upon Congress and not upon any committee of Congress nor upon any executive department of our Government.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

For the purpose of carrying into effect the provisions of the act approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the

naturalization of aliens throughout the United States," namely: Chief of Division of Naturalization, $3,500; assistant chief of division, $2,500; 3 clerks of class 4; 3 clerks of class 3; 5 clerks of class 2; 7 clerks of class 1; four clerks, at $1,000 each; 2 clerks, at $900 each; 1 messenger; 1 assistant messenger; in all, $38,960.

Mr. GILLETT. Mr. Chairman, I ask unanimous consent to return to the first paragraph on this immigration section for the purpose of offering an amendment to change the totals to correspond with amendments.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to return to the preceding paragraph for the purpose of offering an amendment changing the totals. Is there objection? [After a pause.] The Chair hears none. Without objection, the totals will be made in accordance with the provisions adopted.

There was no objection.

The Clerk read as follows:

For chief of division, $3,500; assistant chief of division, $2,500; 2 clerks of class 4; 1 clerk of class 3; 2 clerks of class 2; 3 clerks of class 1; 1 clerk, $900; 1 messenger; in all, $19,340, which shall be paid from the permanent appropriation for expenses of regulating immigration.

Mr. MANN. Mr. Chairman, I move to strike out the last word, merely for the purpose of saying that a few moments ago, on the other paragraph, there was more or less discussion in regard to the new Commissioner of Immigration. Whatever may have been the fact, or whatever may be the fact concerning the reasons for his appointment, so far as politics are concerned, whether his appointment was made in conformity with any agreement in advance or in payment of political service in any way, I think it is absolutely true, it is certainly fair to him to understand it and to state it if it be true, that Mr. Keefe is well qualified for the performance of the duties of that office, and is just as anxious to enforce the Chinese immigration law as the gentleman from New York [Mr. FITZGERALD], whom I do not see just at present in his seat, but who assumed that under the new régime that law would not be enforced. I dare say there is no man in the country more anxious to observe the Chinese immigration law or the other labor laws of the country affecting immigration than the Commissioner of Immigration, who stands high in labor circles and who has always through his work shown his ability to perform his work well.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 4. When estimates hereafter transmitted to the Treasury for submission to Congress do not in form and arrangement comply with the provisions of section 4 of the legislative, executive, and judicial appropriation act, approved June 22, 1906, they shall, under direction of the Secretary of the Treasury, be rearranged so as to comply with said requirements of law.

Mr. SMITH of Iowa. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

SEC. 5. Immediately upon the receipt of the regular annual estimates of appropriations needed for the various branches of the Government it shall be the duty of the Secretary of the Treasury to estimate as nearly as may be the revenues of the Government for the ensuing fiscal year, and if the estimates for appropriations, including the estimated amount necessary to meet all permanent and continuing appropriations, shall exceed the estimated revenues the Secretary of the Treasury shall at once transmit a detailed statement of all of said estimates to the President, to the end that he may, in giving Congress information of the state of the Union and in recommending to their consideration such measures as he may judge necessary, advise the Congress how in his judgment the estimated appropriations could with least injury to the public service be reduced so as to bring the appropriations within the estimated revenues, or, if such reduction be not in his judgment practicable without undue injury to the public service, that he may recommend to Congress such loans or new taxes as may be necessary to cover the deficiency.

Mr. MANN. Mr. Chairman, on that I reserve the point of order.

Mr. SMITH of Iowa. Mr. Chairman, in the early history of this Government, when the collection of revenue and the expenditure of it were both under the charge of the Committee on Ways and Means of the House, a means was at hand to see to it that the expenses of the Government did not exceed its revenues. With the separation of the work of the Appropriation Committee from that of the Ways and Means Committee and with the subsequent assignment of many bills for the appropriation of money to other committees than that upon appropriations, we have ceased to have any single person or body charged with the duty of seeing that the expenses of the Government are brought within its revenues.

We are perhaps the only country that has no provision whatever of this nature. In countries having a responsible ministry the burden rests upon the ministry to see that the expenses of the government do not exceed the revenues of the government. Under our system each bureau and branch of the department reports its estimates to the head of the department; the head of the department sends these estimates to the Secretary of the Treasury; the Secretary of the Treasury sends them to Congress; they are here distributed among numerous committees having no charge of the revenues; each committee is impressed with the importance of its branch of the public service, and the direct tendency, therefore, is for each appropriating committee to think that the necessary reductions should be made in some other branch of the public service than that under their immediate control.

This amendment seeks to establish means for bringing the expenses within the revenues by providing that whenever the estimated expenses in any year exceed the estimated revenues, the Secretary of the Treasury shall transmit those estimates to the President of the United States, who is the head of all the departments, that he may recommend reductions to Congress to bring the expenses within the revenues, or if that be impracticable, that he may recommend to Congress what loans shall be made or new taxes be imposed to meet the deficiency. It thus casts upon the head of the Government and the head of all the departments the direct responsibility for seeing to it that the expenses do not exceed the revenues. Such a measure was never more heeded than now, and for several reasons. In the very year in which we now are it is probable that the expenses of the Government will exceed the revenues by more than $100,000,000, and the estimates of appropriations for next year exceed the estimated revenues by about $140,000,000.

There can be no excuse in a land like this, in time of profound peace and unbroken prosperity, for us to spend annually more money than we take into the Treasury, and some method must be devised for bringing the expenses within the revenues. Recently the President of the United States admonished the Cabinet that they must not recommend increases to this Congress, and this serves to illustrate how easy it is for the head of the Government, in its executive branch, to aid in keeping the estimates within the revenues, and this bill provides that these estimates shall be sent to him, first, that he may reduce the estimates, and secondly, if that be impossible, that he may report to Congress where means are to be derived, whether from loans or new taxes upon the people, to meet the deficiency. I hope that the point of order will not be made and that this amendment will be unanimously accepted by the House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Iowa a question or two, if I may. As to the effect of this, as far as I can see the only effect of the amendment is to require a statement in detail of the estimates, together with the estimated receipts, to be transmitted to the President of the United States.

Mr. SMITH of Iowa. And to cast upon him, as far as may be done under the Constitution, the responsibility, as head of all the departments, for a deficiency, if one exists.

Mr. MANN. Well, I take, so far as casting responsibility upon the President is concerned concerning his annual messages, that the Constitution itself fixes the responsibility upon him of making recommendations, and that it is not within the province of Congress to tell the President what recommendations he shall make or along what line he shall make recommendations. We have no such constitutional authority.

This, as far as I can see now, only gives to him or brings to his attention certain information which otherwise might not be brought to his attention, and gives him an opportunity to make such recommendations as he might choose under the Constitution.

Mr. SMITH of Iowa. The gentleman in a sense is right that we have no power, and as this bill is drawn we have no means of requiring the President to send a specific message to Congress, but if the Congress provides for sending these estimates to him that he may advise them, I have no doubt that any ordinary President would receive this practical request from Congress that they wanted him to supervise the estimates of the departments, of which he is in fact the head.

Mr. MANN. Well, Mr. Chairman, upon that point the very essence of our constitutional government requires that the method of raising additional tax shall be made in this body; and if the purpose of the amendment be to require the President, at the beginning of every session of Congress, to send to this body specific recommendations as to how additional taxes can be made, it is highly improper.

Mr. SMITH of Iowa. The gentleman is in error.

Mr. MANN. I am not so sure whether I am or not.

Mr. SMITH of Iowa. In this sense, that while the bill must originate in this House, the thoughts do not have to originate

in this House; and repeatedly Presidents of the United States have recommended new taxation systems to the country, and probably there is no one subject that has been referred to more often in the messages of the Presidents of the United States than the revenues of the United States.

Mr. MANN. All of which is absolutely true. The President, under the Constitution, has the power to make such recommendations as he may deem proper for the benefit and welfare of the country, but for us to require the President, or to request the President, to give us specific directions as to how additional taxes should be raised is only waiving half of our present privileges.

Mr. SMITH of Iowa. It does not waive any privilege whatever. We have absolute control over the matter, but we request that the one who recommends that we spend more money than we are going to receive shall at the same time tell how he expects to get the money to pay that expense. That is all.

Mr. LIVINGSTON. Suppose you confine it to the Secretary of the Treasury?

Mr. SMITH of Iowa. That would be utterly impracticable. The Secretary of the Treasury would not control the estimates of any other department of this Government but his own, and if such a power should be conferred upon him it would be unwise, because the whole tendency would be to make the cut in other departments and not the Treasury Department.

Mr. MANN. Undoubtedly the purpose of the amendment is to require the President of the United States to see that we can get the money when he recommends the expenditure. The purpose of the amendment is to put the President in a hole. But my observation has been that we seldom have a President who is not fully able under such circumstances to put the House of Representatives in the hole and not be in the hole himself.

Mr. TAWNEY. If the gentleman from Illinois will permit me, as I understand——

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I ask that the gentleman from Illinois [Mr. MANN] have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAWNEY. As I understand the amendment offered by the gentleman from Iowa [Mr. SMITH], it is not so much to require or request the President to advise how additional revenues shall be raised in order to meet the deficit, but for the purpose of getting his aid and assistance in keeping down the estimated expenditures for the next fiscal year. If the President exercises that power, there is no question but that he can reduce expenditures more effectively and to a far greater extent than it is possible for Congress to do without a recommendation of that kind from him.

Mr. MANN. Doubtless there is a great deal in the proposition of sending in some way to the President the estimates, so as to call his attention to the fact that the estimated expenses are invariably larger than the estimated receipts.

Mr. TAWNEY. No; the appropriations have not been invariably larger than the estimated expenditures.

Mr. MANN. I do not think there has been a year since the gentleman has been in Congress, or in the last forty years, where the estimated expenses have not been larger than the estimated receipts.

Mr. FITZGERALD. The gentleman is very much mistaken. If he will read the President's message, he will see that since 1892 there have been only two years in which the estimated expenditures have been greater than the estimated revenues.

Mr. MANN. The gentleman is mistaken. There have only been two years when the estimated revenues have not been greater than the actual expenditures, and the gentleman is confusing actual expenditures with estimated expenditures.

Now, here is a proposition to submit the Book of Estimates to the President for his perusal. It may be that members of the Committee on Appropriations read the Book of Estimates through. Nobody else ever does. It does not require the President to read, it only requires him to act upon it. I have very great doubt myself of the desirability of such an amendment without fuller consideration. The general purpose of the amendment I think everybody is in accord with.

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. SMITH of Iowa. None has been made.

The CHAIRMAN. It was reserved, not made.

Mr. MANN. I am perfectly willing to let the House take the responsibility of waiving its privileges if it wants to, right after the assault on its privileges by the President, and that you shall have the privilege of saying whether you shall go on kissing the hand that beats you.

Mr. GARRETT. I reserve the point of order.

Mr. MANN. I withdraw the point of order.

Mr. CLARK of Missouri. I renew it.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk resumed and concluded the reading of the bill.

Mr. BINGHAM. I ask unanimous consent to make some changes in the totals and some clerical amendments.

The Clerk read as follows:

On page 27, in line 2, strike out "five hundred and eighty" and insert "four hundred and twenty."

On page 41, in lines 24 and 25, in lieu of the sum proposed insert "$259,800;" and on page 117, in line 20, strike out the semicolon and insert in lieu thereof a comma.

The CHAIRMAN. Without objection, the amendments will be agreed to.

There was no objection.

Mr. BINGHAM. Mr. Chairman, I move you, sir, that the committee do rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 23464—the legislative, executive, and judicial appropriation bill—and had instructed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. BINGHAM. I move the previous question on the bill and amendments to its passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any of the amendments? If not, the amendments will be voted on in gross.

No separate vote was demanded.

The question was taken, and the amendments were agreed to in gross.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

On motion of Mr. BINGHAM a motion to reconsider the vote by which the bill was passed was laid on the table.

PERSONAL REQUEST.

Mr. PRINCE, by unanimous consent, obtained leave of absence for five days on account of important business.

Mr. WEEKS, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of William H. Gildersleeve (H. R. 2984), Fifty-ninth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. BINGHAM. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 11 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the commissioner of the Freedman's Savings and Trust Company, transmitting the report of the company for the year ended December 1, 1908—to the Committee on Banking and Currency and ordered to be printed.

A letter from the Postmaster-General, transmitting a report of action taken during the year ended June 30, 1908, upon claims of postmasters on account of burglary, fire, theft, etc.—to the Committee on Expenditures in the Post-Office Department and ordered to be printed.

A letter from the Secretary of the Interior, transmitting the seventh annual report of the Reclamation Service—to the Committee on Irrigation of Arid Lands and ordered to be printed.

A letter from the Commissioner of Indian Affairs, transmitting a supplemental report as to the disposal of nonreservation Indian schools—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting, with a copy of a letter from the Auditor for the Post-Office Department, a recommendation of legislation for the relief of deputy auditors—to the Committee on Expenditures in the Treasury Department and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 22879) to amend an act entitled "An act to amend an act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved January 23, 1908, reported the same with amendment, accompanied by a report (No. 1794), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 23137) for the relief of Malcolm Gilliss—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 13704) granting a pension to Jacob Metzger—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SMITH of Michigan: A bill (H. R. 23706) to amend the act approved May 28, 1908, entitled "An act to regulate the employment of child labor in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. ASHBROOK: A bill (H. R. 23707) to incorporate the Imperial Palace, Dramatic Order, Knights of Khorassan—to the Committee on the District of Columbia.

By Mr. GOEBEL: A bill (H. R. 23708) authorizing a survey, plans, and estimates for the purpose of establishing an ice harbor on the Ohio River at or near the outlet of Mill Creek at Cincinnati, Ohio—to the Committee on Rivers and Harbors.

By Mr. FULTON: A bill (H. R. 23709) to establish an enlisted men's naval academy—to the Committee on Naval Affairs.

By Mr. PRINCE: A bill (H. R. 23710) to resubdivide squares 37 and 38 of C. Wilhelmina Dobbins's addition to the city of Washington—to the Committee on the District of Columbia.

By Mr. LEVER: A bill (H. R. 23711) to build a bridge across the Santee River, South Carolina—to the Committee on Interstate and Foreign Commerce.

By Mr. MALBY: A bill (H. R. 23712) for the improvement of the harbor at Plattsburg, N. Y.—to the Committee on Rivers and Harbors.

By Mr. SMITH of Missouri: A bill (H. R. 23713) authorizing the construction of a bridge across Current River, in Missouri—to the Committee on Interstate and Foreign Commerce.

By Mr. PEARRE: A bill (H. R. 23714) for the laying out and construction of a boulevard as a memorial to Abraham Lincoln from the city of Washington, in the District of Columbia, to the battlefield of Gettysburg, in the State of Pennsylvania, by way of the battlefield of Antietam, in the State of Maryland—to the Committee on Appropriations.

By Mr. GARDNER of Massachusetts: A bill (H. R. 23715) relative to outward alien manifests on certain vessels—to the Committee on Immigration and Naturalization.

By Mr. HAWLEY: A bill (H. R. 23716) extending the operation of pension laws in favor of the officers and soldiers of Indian wars to include the officers and soldiers of the Bannock war, Oregon and Washington, of 1878 and 1879—to the Committee on Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 23717) to extend the time for construction and beginning construction of the Alaska Short Line Railroad in Alaska—to the Committee on the Territories.

By Mr. KEIFER: A bill (H. R. 23718) granting an increase of pension to all persons who have lost the sight of one eye from causes originating in the military or naval service of the United States—to the Committee on Invalid Pensions.

By Mr. GODWIN: A bill (H. R. 23719) for the relief of sufferers from the flood which occurred by the overflow of the Cape Fear River in the counties of Bladen, Cumberland, and Harnett, in the State of North Carolina, in the month of August, 1908—to the Committee on Military Affairs.

By Mr. GOULDEN: A bill (H. R. 23720) to create in the War and Navy departments, respectively, a roll to be known as the "civil war officers' annuity honor roll;" to authorize placing thereon, with pay, certain surviving officers who served in the Volunteer or Regular Army, Navy, or Marine Corps of the United States in the civil war, and who are not now on the retired list of the Regular Army, Navy, or Marine Corps, and for other purposes—to the Committee on Military Affairs.

By Mr. LOWDEN: A bill (H. R. 23847) to provide for the erection of a public building at Rochelle, in the State of Illinois—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan: Joint resolution (H. J. Res. 202) authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect on March 4, 1909, etc.—to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 23721) granting a pension to Amos Headley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23722) granting a pension to Benjamin F. Seman—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of Missouri: A bill (H. R. 23723) granting an increase of pension to William Voorhes—to the Committee on Invalid Pensions.

By Mr. AMES: A bill (H. R. 23724) granting a pension to John Collins—to the Committee on Pensions.

Also, a bill (H. R. 23725) granting a pension to Michael Lanergan—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 23726) granting a pension to Eliza Oldham—to the Committee on Invalid Pensions.

By Mr. BANNON: A bill (H. R. 23727) granting an increase of pension to John S. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23728) granting an increase of pension to Jeremiah Rainey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23729) granting an increase of pension to William W. Hoffer—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 23730) for the relief of Freeman, Richardson & Co.—to the Committee on Claims.

By Mr. BARNHART: A bill (H. R. 23731) granting a pension to Clark R. Parcel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23732) granting a pension to T. B. Hedges—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23733) granting a pension to William Wildermuth—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 23734) for the relief of the heirs of James King, deceased—to the Committee on War Claims.

By Mr. BURTON of Delaware: A bill (H. R. 23735) for the relief of Charles W. Johnston and of Harry C. Maull and Charles S. Morris, administrator of Elihu J. Morris, his sureties—to the Committee on Claims.

By Mr. CALDWELL: A bill (H. R. 23736) to correct the military record of Charles P. Brace—to the Committee on Military Affairs.

Also, a bill (H. R. 23737) granting an increase of pension to John Purkapile—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 23738) for the relief of the heirs of Louisa Elliott, deceased—to the Committee on War Claims.

By Mr. CAULFIELD: A bill (H. R. 23739) granting an increase of pension to Caroline Land—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23740) granting an increase of pension to George B. Sheridan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23741) granting a pension to Herman J. Wacker—to the Committee on Pensions.

By Mr. CONNER: A bill (H. R. 23742) granting an increase of pension to William Wallace—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23743) granting an increase of pension to James S. Lea—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23744) granting an increase of pension to Howard Haworth—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 23745) granting an increase of pension to Samuel M. Edmonds—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 23746) granting an increase of pension to Charles J. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23747) granting an increase of pension to Green Wallace—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23748) granting an increase of pension to John Harrigan—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 23749) granting an increase of pension to Charles C. Eaton—to the Committee on Pensions.

Also, a bill (H. R. 23750) granting an increase of pension to Isaac V. Mossman—to the Committee on Pensions.

Also, a bill (H. R. 23751) granting an increase of pension to James Orr—to the Committee on Pensions.

Also, a bill (H. R. 23752) granting an increase of pension to William Lane—to the Committee on Pensions.

Also, a bill (H. R. 23753) granting an increase of pension to James T. Phillips—to the Committee on Pensions.

Also, a bill (H. R. 23754) granting an increase of pension to Samuel Fox—to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 23755) granting an increase of pension to David Meredith—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 23756) granting an increase of pension to David W. Rump—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23757) granting an increase of pension to Israel Hait, jr.—to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 23758) granting an increase of pension to William Dutcher—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 23759) granting an increase of pension to David S. Brower—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 23760) granting a pension to Henry F. Watkins—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 23761) granting an increase of pension to John T. Becker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23762) granting an increase of pension to Joshua O. Beall—to the Committee on Invalid Pensions.

By Mr. HACKNEY: A bill (H. R. 23763) granting an increase of pension to Alfred A. Hulett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23764) granting an increase of pension to Harrold Tubbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23765) granting an increase of pension to Jacob Yoachum—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 23766) to correct the military record of Francis Campbell—to the Committee on Military Affairs.

Also, a bill (H. R. 23767) to correct the military record of Oliver T. Worman—to the Committee on Military Affairs.

By Mr. HAYES: A bill (H. R. 23768) granting a pension to Charles Francis Marshall—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 23769) granting an increase of pension to Philander G. Woodworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23770) granting an increase of pension to Everill J. Hills—to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 23771) granting an increase of pension to Arthur Gable—to the Committee on Pensions.

Also, a bill (H. R. 23772) granting a pension to Martin J. Tierney—to the Committee on Pensions.

Also, a bill (H. R. 23773) granting a pension to Olaus Anderson—to the Committee on Pensions.

Also, a bill (H. R. 23774) granting a pension to Frank A. Meier—to the Committee on Pensions.

By Mr. HOLLIDAY: A bill (H. R. 23775) granting an increase of pension to Edmond B. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23776) granting an increase of pension to James Clark Hollick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23777) granting an increase of pension to Frank Waters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23778) granting an increase of pension to William H. Owen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23779) granting an increase of pension to Absalom E. Gentry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23780) granting an increase of pension to Wesley W. Wildman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23781) granting an increase of pension to Francis Heath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23782) granting an increase of pension to Jasper N. Woods—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23783) granting an increase of pension to Edwin Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23784) granting an increase of pension to George W. Newell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23785) granting an increase of pension to Reason Husbands—to the Committee on Invalid Pensions.

By Mr. HOWLAND: A bill (H. R. 23786) granting an increase of pension to Thomas O'Kelly—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 23787) granting a pension to George Stephens, sr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23788) granting an increase of pension to Solomon Winningham—to the Committee on Pensions.

By Mr. JENKINS: A bill (H. R. 23789) granting a pension to John Dillon—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 23790) granting a pension to Mary E. O'Neil—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23791) granting a pension to Henry F. Short—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23792) granting an increase of pension to John C. Bean—to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 23793) granting an increase of pension to George H. Peck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23794) granting an increase of pension to Robert McGuire—to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 23795) granting a pension to Elizabeth Ewert—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 23796) granting an increase of pension to Royal J. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23797) granting a pension to Robert Splane—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 23798) granting an increase of pension to Christian Ankele—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 23799) for the relief of William Francis—to the Committee on War Claims.

By Mr. MADDEN: A bill (H. R. 23800) granting a pension to Wardell Guthrie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23801) granting an increase of pension to Rollin B. Organ—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 23802) for the relief of the heirs of James C. Connor, deceased—to the Committee on War Claims.

Also, a bill (H. R. 23803) granting an increase of pension to Thomas Kansinger—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 23804) providing for the naturalization of Louis Bossing—to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 23805) granting an increase of pension to Albert McHenry—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 23806) granting an increase of pension to Joseph Poe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23807) granting an increase of pension to William H. McIntyre—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 23808) for the relief of Capt. J. W. Hanner—to the Committee on Claims.

Also, a bill (H. R. 23809) granting a pension to Mary J. Broadstreet—to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 23810) for the relief of the heirs at law of William Corley, deceased—to the Committee on War Claims.

By Mr. ROBERTS: A bill (H. R. 23811) granting an increase of pension to Joseph Goss—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 23812) granting an increase of pension to James H. Haney—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 23813) granting an increase of pension to Benjamin F. Owen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23814) granting an increase of pension to Thomas Saul—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23815) granting a pension to Mary C. Hughes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23816) granting a pension to Jennie Bowles—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 23817) granting an increase of pension to Samuel J. Jackson—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 23818) granting a pension to Ralph G. Tanner—to the Committee on Pensions.

Also, a bill (H. R. 23819) granting an increase of pension to August J. Sunden—to the Committee on Pensions.

By Mr. SWASEY: A bill (H. R. 23820) granting an increase of pension to Hosea B. Fowler—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 23821) granting an increase of pension to John E. Buffington—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 23822) granting an increase of pension to Kate G. Andrews--to the Committee on Invalid Pensions.

Also, a bill (H. R. 23823) granting an increase of pension to George W. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23824) granting a pension to Virginia E. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23825) granting an increase of pension to Sarah J. Berry—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 23826) granting an increase of pension to Daniel W. Ricker—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 23827) granting an increase of pension to Levi F. Kepler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23828) granting an increase of pension to Henry W. Birkey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23829) granting an increase of pension to James D. Sands—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23830) granting an increase of pension to Joseph T. Watts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23831) granting a pension to Malinda K. Erlenmeyer—to the Committee on Invalid Pensions.

By Mr. WASHBURN: A bill (H. R. 23832) granting an increase of pension to Samuel Young—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 23833) granting a pension to Millie Riddle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23834) granting an increase of pension to Andrew S. Hicks—to the Committee on Pensions.

By Mr. WEISSE: A bill (H. R. 23835) granting an increase of pension to Edwin V. Graves—to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 23836) granting an increase of pension to Gilbert H. Tremain—to the Committee on Invalid Pensions.

By Mr. AIKEN (by request): A bill (H. R. 23837) granting a pension to Christopher Williams—to the Committee on Pensions.

By Mr. JONES of Washington: A bill (H. R. 23838) granting an increase of pension to William L. Wommack—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23839) granting an increase of pension to Elry P. Parsons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23840) granting an increase of pension to William A. McWhorter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23841) granting an increase of pension to Francis J. D. Wolff—to the Committee on Pensions.

Also, a bill (H. R. 23842) granting a pension to C. A. Bills—to the Committee on Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 23843) granting an increase of pension to George S. Hughes—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 23844) granting an increase of pension to Edward W. Freeman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23845) granting an increase of pension to John E. Heppeard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23846) granting an increase of pension to Jacob A. Nonnamaker—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 23848) granting an increase of pension to Henry Van Keuren—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: Resolution (H. Res. 452) for the payment of a certain sum of money to Richard H. Meshaw and John W. Meshaw—to the Committee on Accounts.

By Mr. CRAIG: Resolution (H. Res. 453) to pay to J. J. Speight a certain sum of money—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Veteran Army of the Philippines, praying for recognition of August 13 as a legal holiday for the soldiers of legal occupation of the Philippine Islands—to the Committee on the Judiciary.

Also, petition of the Trans-Mississippi Commercial Congress, praying for the construction of rivers, harbors, and canals and the improvement of California rivers and harbors and the construction of navy-yards along the Pacific coast and for the encouragement of greater industry and various other enterprises—to the Committee on Rivers and Harbors.

Also, petition of Levi Barber, of Bushnell, Ill., and 10 others, ex-officers of the volunteer forces of the civil war, praying for the enactment of a law for the volunteer retired list—to the Committee on the Judiciary.

Also, petition of the Illinois State Dental Society, praying for the enactment of legislation and creation of a commissioned dental corps in the army—to the Committee on Military Affairs.

Also, petition of John Gee and 14 others, protesting against the passage of a bill entitled "An act for the proper observance of Sunday in the District of Columbia"—to the Committee on the District of Columbia.

Also, petition of the Synod of Indiana of the Presbyterian church, praying for the enactment of a law requiring corporations engaged in interstate commerce to give to their employees who work on Sunday a full day of rest during the week—to the Committee on Interstate and Foreign Commerce.

Also, petition of William A. Bastick, of Goodwell, Okla., praying for legislation to enable homesteaders who live on their land in good faith to make a second homestead entry—to the Committee on the Public Lands.

Also, petition of the Synod of Indiana of the Presbyterian Church, praying for legislation to prevent Sunday banking in post-offices and the handling of money orders and registered letters—to the Committee on the Post-Office and Post-Roads.

Also, petition of H. K. Mosher and 15 others, of Liberal, Kans., remonstrating against the passage of the act for the proper observance of Sunday in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Presbyterian Synod of Kansas, praying for legislation to prevent Sunday banking in post-offices and to provide for Sunday rest of the employees of interstate commerce corporations—to the Committee on Interstate and Foreign Commerce.

Also, petition of the various councils of the Order of the Knights of Columbus, praying for legislation to make the date of discovery of America by Christopher Columbus a legal holiday—to the Committee on the Judiciary.

Also, petition of Agustus May, of New Orleans, La., praying for legislation for the relief of those who took out letters patent—to the Committee on Patents.

Also, petition of the Synod of Illinois, praying for legislation to prevent Sunday banking in post-offices and handling money orders and registered letters—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Spokane (Wash.) Chamber of Commerce, in favor of increasing the salaries of the circuit and district judges of the United States—to the Committee on the Judiciary.

Also, petition of C. A. Teller, of Yauco, P. R., in relation to the proposed legislation conferring citizenship upon the inhabitants of Porto Rico—to the Committee on Insular Affairs.

Also, petition of the general committee of the board of foreign missions of the Methodist Episcopal Church, praying for legislation to suppress the importation, manufacture, and sale of opium, except guardedly for proper medicinal uses—to the Committee on the Judiciary.

Also, petition of the Ohio Valley Improvement Association, praying for legislation to provide for the improvement of the Ohio River—to the Committee on Rivers and Harbors.

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of Catherine J. Thomas—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Paper to acccompany bill for relief of Peter Everly—to the Committee on Invalid Pensions.

Also, petition of Smith & Schott Company, of Millersburg, Ohio, favoring removal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. BOOHER: Petition of United States United Military Telegraphers, favoring legislation to provide pension for the United States Military Telegraph Corps of the United States Army during civil war—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Charles W. J. Strong (H. R. 23493)—to the Committee on Invalid Pensions.

Also, paper to accompany bills for relief of William F. Pike (S. 807; H. R. 6358)—to the Committee on Pensions.

By Mr. BRODHEAD: Petition of Ebert's Company, of Bethlehem, Pa., favoring the removal of the duty from raw and refined sugar—to the Committee on Ways and Means.

By Mr. BRUNDIDGE: Paper to accompany bill for relief of James King—to the Committee on War Claims.

By Mr. BURKE: Petition of Standard Leather Company, favoring removal of duty on hides—to the Committee on Ways and Means.

By Mr. CANDLER: Paper to accompany bill for relief of heirs of Louisa Elliott—to the Committee on War Claims.

By Mr. CASSEL: Petition of John R. Ebersole and others, against S. 3940 (religious legislation in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. CAULFIELD: Papers to accompany bills for relief of Herman J. Wacker, Caroline Land, and George B. Sheridan—to the Committee on Invalid Pensions.

By Mr. DAWSON: Petition of Local No. 695, International Association of Machinists, of Davenport, Iowa, favoring changes in immigration laws—to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Petition of Squires, Sherry & Galusha, of Troy, N. Y., for removal of duty on sugars—to the Committee on Ways and Means.

By Mr. DWIGHT: Petition of J. C. Stowell and Blackman Brothers, of Ithaca, N. Y., asking for the removal of the duty on sugar—to the Committee on Ways and Means.

By Mr. ESCH: Paper to accompany bill for relief of William Dutcher—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Petition of Veteran Army of the Philippines, J. G. Harbord, department commander, asking legislation that will permit the Army, Navy, and Marine Corps to observe August 13 as a legal holiday—to the Committee on Military Affairs.

Also, petition of Rear-Admiral H. F. Pickering Naval Garrison, No. 4, of Erie, Pa., favoring retirement of petty officers and enlisted men of the navy after twenty-five years of actual service—to the Committee on Naval Affairs.

By Mr. FLOYD: Paper to accompany bill for relief of John W. Hughes (H. R. 12492)—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James Red (H. R. 21651)—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Kelley Murphy—to the Committee on Invalid Pensions.

By Mr. FULLER: Paper to accompany bills for relief of John T. Buker and Joshua O. Beall—to the Committee on Invalid Pensions.

Also, petition of J. B. Hoffman, of Shiloh, N. Y., favoring Fuller bill (H. R. 19250), to create a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Illinois Manufacturing Association, against further legislation against corporations—to the Committee on Interstate and Foreign Commerce.

By Mr. GARNER: Petition of citizens of Lavernia, Tex., against Senate bill 3940, entitled "An act for proper observance of Sunday as day of rest in the District of Columbia"—to the Committee on the District of Columbia.

Also, petition of citizens of Texas, against any parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Petition of H. N. Patterson and C. N. Patterson, of Sharpsburg, Pa., favoring the Tirrell bill (H. R. 12405) and the Bacon bill (S. 5151), relative to sale of intoxicants, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, papers to accompany bills for relief of Alexander Snodgrass, Alexander Ingram, and Samuel L. Jennison—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Iowa: Petition of citizens of Iowa, against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. HAMLIN: Paper to accompany bill for relief of John L. Norris—to the Committee on Invalid Pensions.

By Mr. HASKINS: Petition of citizens of Worcester, Vt., against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. HAYES: Petition of A. E. Yoell, for legislation enacting more stringent immigration laws against Asiatics—to the Committee on Immigration and Naturalization.

Also, petition of Board of Trade of San Francisco, for appropriation to continue and enlarge the work by the Bureau of Soils—to the Committee on Agriculture.

By Mr. HINSHAW: Paper to accompany bill for relief of Philander G. Woodworth—to the Committee on Invalid Pensions.

By Mr. HOBSON: Paper to accompany bill for relief of F. A. Meier—to the Committee on Pensions.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of John W. Wood—to the Committee on Invalid Pensions.

By Mr. HUBBARD of Iowa: Petition of citizens of Sibley, Iowa, against Senate bill 3940 (religious observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. HUBBARD of West Virginia: Paper to accompany bill for relief of Rezin W. Hall—to the Committee on Invalid Pensions.

By Mr. KAHN: Petition of F. K. Teele, of San Francisco, Cal., and T. H. Wiltz, favoring an Asiatic exclusion law—to the Committee on Foreign Affairs.

Also, petition of Board of Trade of San Francisco, for appropriation to enlarge and extend work of Bureau of Soils—to the Committee on Agriculture.

By Mr. WILLIAM W. KITCHIN: Petition of Synod of North Carolina, for enactment of H. R. 11805, to prevent Sunday banking by post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDBERGH: Petition of citizens of Wadena County, Minn., against enactment of the Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. LINDSAY: Paper to accompany bill for relief of George H. Peck—to the Committee on Invalid Pensions.

Also, petition of citizens of New York City, against the Johnston bill (S. 3940), providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LOUD: Paper to accompany bill for relief of Royal G. Taylor—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Thomas Kansinger—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of heirs of James C. Conner—to the Committee on War Claims.

Also, paper to accompany bill for relief of James Nipper (previously referred to the Committee on War Claims)—to the Committee on Military Affairs.

By Mr. PADGETT: Paper to accompany bill for relief of George W. Brewer—to the Committee on Invalid Pensions.

Also, petition of Pulaski Board of Trade, favoring S. 4825 (establishment of Appalachian and White Mountains National Forest Reservation)—to the Committee on Agriculture.

Also, paper to accompany bill for relief of J. W. Harmer—to the Committee on Claims.

By Mr. PEARRE: Petition of voters of Liberty election district, Maryland, for the Acheson bill (H. R. 4850), giving States control over all liquor commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. PRAY: Petition of Aldrich Local Union, No. 57, for investigation and regulation of the Treadwell Mining Company, of Douglas Island, Alaska—to the Committee on Mines and Mining.

Also, petition of business firms of Havre, Mont., against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBERTS: Petition of Veteran Army of Philippines, for legislation making August 13 a legal holiday, to be known as "Occupation Day"—to the Committee on the Judiciary.

Also, petition of Rear-Admiral H. F. Pickering Naval Garrison, No. 4, of Erie, Pa., favoring retirement of petty officers and enlisted men of the navy after twenyt-five years of actual service—to the Committee on Naval Affairs.

Also, petition of Massachusetts Society of Sons of the American Revolution, favoring permanent maintenance of Fort McHenry as a garrison post—to the Committee on Military Affairs.

Also, petition of Engineering Society of the Carolinas, favoring legislation for extension of national forests—to the Committee on Agriculture.

By Mr. ROBINSON: Petition against S. 3940, providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. STAFFORD: Petition of Saengerbund of the Northwest, against amendment of section 3893 of the United States Revised Statutes—to the Committee on Interstate and Foreign Commerce.

Also, petition of Saengerbund of the Northwest, against unjust prohibition legislation—to the Committee on Interstate and Foreign Commerce.

By Mr. STEENERSON: Petition of George T. Hughes, for legislation establishing a bureau of health at Washington—to the Committee on Agriculture.

Also, petition of citizens of Minnesota, against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. STURGISS: Petition of Pugh & Beavers Grocery Company, of Grafton, W. Va., favoring removal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Samuel J. Jackson—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: Petition of Merrimack Lodge, No. 266, Brotherhood of Railway Trainmen, of Nashua, N. H., for literacy test as a means of restricting the present immigration of cheap labor—to the Committee on Immigration and Naturalization.

By Mr. TIRRELL: Paper to accompany bill for relief of Daniel W. Ricker—to the Committee on Invalid Pensions.

By Mr. VREELAND: Petition of residents of Wellsville, N. Y., against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. WASHBURN: Paper to accompany bill for relief of Samuel Young—to the Committee on Invalid Pensions.

Also, petition of citizens of Massachusetts, against Senate bill 3940 (religious observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. WHEELER: Petition of Armstrong Grocery Company, of Sharon, Pa., favoring removal of customs duty on sugar—to the Committee on Ways and Means.

By Mr. WILSON of Pennsylvania: Petition of Elmer Sholer and 21 other residents of Williamsport; Roy Wilkinson and 74 others, of Sunderlinville; and Grayce Gardner and 21 others, of Galeton, all of the State of Pennsylvania, against the passage of S. 3940, entitled "An act for the proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

HOUSE OF REPRESENTATIVES.

SATURDAY, *December 12, 1908.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of yesterday's proceedings was read and approved.

PRIVATE PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, under an order of the House bills on the Private Calendar which would have been in order yesterday were set for consideration on the day following the passage of the legislative bill, but the Committee on Appropriations did its work so perfectly and completely that all that was necessary for the House to do yesterday was to say amen, instead of taking several days in the consideration of the bill, as it frequently does. I now ask unanimous consent to substitute Thursday next for the consideration of the bills on the Private Calendar that otherwise would be in order to-day.

The SPEAKER. Is there objection to substituting Thursday for to-day for pensions under the rule?

There was no objection.

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, I ask for the regular order.

The SPEAKER. The gentleman from New York demands the regular order. The Clerk will call the committees.

The Clerk proceeded with the call of committees.

The Committee on the Judiciary was called.

UNITED STATES COURTS, CLARKSDALE, MISS.

Mr. JENKINS. Mr. Speaker, by direction of the Committee on the Judiciary, I desire to call up the bill (H. R. 21736) to provide for holding terms of the United States courts at Clarksdale, Miss.

The bill was read, as follows:

Be it enacted, etc., That the counties of Coahoma, Bolivar, Quitman, Tunica, Sunflower, Tallahatchie, and Leflore shall constitute a part of the northern judicial district of the State of Mississippi and shall be known as the Delta division of said district. Circuit and district courts for the transaction of business pertaining to persons or property in said Delta division shall be held at the city of Clarksdale, in Coahoma County, on the third Monday in June and December in each year, and shall continue for twelve days or so long as business may require.

SEC. 2. That said courts to be held at Clarksdale, as provided in section 1 of this act, shall be possessed of and shall exercise all the powers and jurisdiction now possessed or exercised, or which may hereafter be granted to or exercised, by the circuit and district courts in said district now held at Oxford, Miss., and all laws regulating and defining how suits against persons or property located or found in judicial districts shall be brought shall be applicable to and govern the bringing of suits in said Delta division; and all laws touching the removal of causes from the state courts to the United States courts shall apply to said court hereby established; but all crimes and offenses heretofore committed within the counties composing said Delta division shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

SEC. 3. That it shall be the duty of the clerks of the courts now held at Jackson, Oxford, and Vicksburg, on demand of either party to any suit now pending in either of said courts, and properly belonging to the courts to be held at Clarksdale, to make out and certify a copy of the record and proceedings in said suit and transmit the same to the deputy clerk of the proper court at Clarksdale; and he shall enter said cause on his docket, and the same shall be proceeded with as if it had been originally brought in said court. The fee for such transcript shall be paid for by the party applying for same.

SEC. 4. That the marshal and clerk of said northern district of Mississippi shall appoint deputies who shall reside at Clarksdale and act as marshal and clerk in place of their principals: *Provided*, That the Government shall not be subjected to any expense on account of the provisions of this act.

Mr. JENKINS. Mr. Speaker, if no gentleman desires to ask any question about the bill, I ask for a vote.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

JUDICIAL DIVISIONS IN THE DISTRICT OF INDIANA.

Mr. JENKINS. Mr. Speaker, by direction of the Committee on the Judiciary, I call up the bill (H. R. 21898) to provide for the establishment of judicial divisions in the district of Indiana, designating the places where court shall be held, and for other purposes connected therewith.

The bill was read, as follows:

Be it enacted, etc., That the judicial district of Indiana is hereby divided into six divisions, which shall be known, respectively, as the first division, the second division, the third division, the fourth division, the fifth division, and the sixth division of the district of Indiana. The counties of Allen, Dekalb, Steuben, Lagrange, Noble, Elkhart, Kosciusko, Wabash, Miami, Huntington, Whitley, Wells, Adams, Blackford, and Jay shall constitute the first division, and the court for said division shall be held at Fort Wayne, Ind. The counties of Lake, Porter, Laporte, St. Joseph, Marshall, Starke, Fulton, Pulaski, Carroll, White, Jasper, Newton, Benton, Tippecanoe, and Warren shall constitute the second division, and the court for said division shall be held at Hammond, Ind. The counties of Vanderburg, Posey, Warrick, Spencer, Perry, Dubois, Pike, Gibson, Knox, Daviess, and Martin shall constitute the third division, and the court for said division shall be held at Evansville, Ind. The counties of Floyd, Harrison, Crawford, Orange, Washington, Clark, Jackson, Scott, Jennings, Jefferson, Ripley, Ohio, and Switzerland shall constitute the fourth division, and the court for said division shall be held at New Albany, Ind. The counties of Sullivan, Greene, Lawrence, Vigo, Clay, Vermilion, and Parke shall constitute the fifth division, and the terms of court for said division shall be held at Terre Haute, Ind. The remaining counties embraced in said district shall constitute the sixth division, and the terms of court for said division shall be held at Indianapolis, Ind.

SEC. 2. That the terms of said courts shall be held: In the first division, at Fort Wayne, Ind., on the first Monday in May and the third Monday in November of each year; in the second division, at Hammond, Ind., on the third Monday in April and the first Monday in November in each year; in the third division, at Evansville, Ind., on the third Monday in March and the first Monday in October of each year; in the fourth division, at New Albany, Ind., on the first Monday in March and the third Monday in September of each year; in the fifth division, at Terre Haute, Ind., on the first Monday in April and the third Monday in October of each year; in the sixth division, at Indianapolis, Ind., on the third Monday in May and the first Monday in December of each year: *Provided, however*, That if a trial is in progress in either of the divisions aforesaid at the time when the term of court in either of said other divisions is to begin, then the court shall continue in session in said first-named division until said case is disposed of.

SEC. 3. That all civil suits not of a local nature which shall be hereafter brought in said district against a single defendant, or where all the defendants reside in the same division of said district, shall be brought and tried in the division in which the defendant or defendants reside; but if there are two or more principal defendants residing in different divisions, such suit or proceeding may be brought and tried in either division, and all mesne and final process subject to the provisions of this act, issued in either of said divisions, may be served and executed in any or all of said divisions.

SEC. 4. That in all cases of removal of suits and proceedings from the courts of the State of Indiana to the courts of the United States in said district, such removal shall be to the United States courts in the division in which the county is situated from which the removal is made, and the time within which the removal shall be perfected, in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts in such division.

SEC. 5. That prosecutions for crimes or offenses hereafter committed in said district shall be tried within the division in which such crimes or offenses are committed, and all grand and petit jurors summoned for service in any division shall be residents of such division.

SEC. 6. That all civil suits and proceedings now pending in the circuit or district courts of said district which would, if instituted after the passage of this act, be required to be brought or tried in any particular division thereof, shall be transferred to such division and there disposed of in the same manner and with like effect as if the same had been there instituted; and all process, writs, and recognizances relating to such suits and proceedings so transferred shall be considered as belonging to the terms of the court in the divisions of said district in which they are tried, in the same manner and with like effect as if they had been issued or taken in reference thereto originally.

SEC. 7. That full records in all actions and proceedings in any division shall be kept in the office of the clerk in such division, and that the clerk of the district and circuit courts for the district of Indiana and the marshal and district attorney for said district shall perform the duties appertaining to their offices, respectively, for said courts; and said clerk and marshal shall appoint deputies in each of said divisions in which a deputy clerk and deputy marshal does not already reside, who shall reside in and keep their offices at the place of holding court in each of said divisions.

SEC. 8. That all acts and parts of acts inconsistent herewith are hereby repealed.

Mr. JENKINS. Mr. Speaker, if there are no questions to be asked and no argument is desired, I ask for a vote.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

CERTAIN OFFENSES AGAINST THE POSTAL LAWS.

Mr. JENKINS. Mr. Speaker, by direction of the Committee on the Judiciary, I call up the bill (H. R. 21051), amending the penal laws of the United States.

The bill was read as follows:

Be it enacted, etc., That section 5467 of the Revised Statutes of the United States be, and the same hereby is, amended to read as follows:

"SEC. 5467. Whoever, being a postmaster or other person employed in any department of the postal service, shall unlawfully detain, delay, or open any letter, postal card, package, bag, or mail intrusted to him or which shall come into his possession, and which was intended to be conveyed by mail, or carried or delivered by any carrier, messenger, agent, or other person employed in any department of the postal service, or forwarded through or delivered from any post-office or station thereof established by authority of the Postmaster-General; or shall secrete, embezzle, or destroy any such letter, postal card, package, bag, or mail; or shall steal, abstract, or remove from any such letter, package, bag, or mail, any article or thing contained therein, shall be fined not more than $500 or imprisoned not more than five years, or both."

Mr. FITZGERALD. Mr. Speaker, what change does this make in the present law?

Mr. JENKINS. I will yield to the gentleman from Pennsylvania [Mr. BATES], who introduced the bill.

Mr. BATES. Mr. Speaker, the only change made by the bill, as I understand it, is to substitute the word "or" instead of the word "and." By this change the penalty for a certain grade of what might be called "minor offenses against the postal laws" is lodged in the discretion of the court as to whether there shall be fine or imprisonment, or both. The law now provides fine and imprisonment. This change leaves it in the discretion of the court to separate the penalty, inflicting one or the other, or both, as the court may see fit.

Mr. HENRY of Texas. Will the gentleman from Pennsylvania enumerate the offenses that this statute covers?

Mr. BATES. Tampering with the mail bags; unlawfully opening letters or mail bags are the main offenses.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ESTABLISHING BOUNDARY LINE BETWEEN COLORADO AND NEW MEXICO AND OKLAHOMA.

Mr. JENKINS. Mr. Speaker, by direction of the Committee on the Judiciary I call up Senate resolution 78, establishing the boundary line between the States of Colorado and Oklahoma and the Territory of New Mexico.

The Clerk read the resolution, as follows:

Resolved, etc., That the establishment of the boundary line between the States of Colorado and Oklahoma and the Territory of New Mexico, authorized by the act of Congress approved July 1, 1902 (32 Stat. L., p. 574), "For the resurvey and reestablishment on the line of the thirty-seventh parallel of north latitude * * * ," it being the boundary line established by the enabling act (March 3, 1875; 18 Stat. L., p. 474) under which Colorado was admitted into the Union; said survey having been made and monuments set on said line and having been approved and accepted by the Interior Department under date of February 25, 1904, and known as the "Carpenter survey," be, and the same is hereby, accepted by the United States on its part as the proper location of the thirty-seventh parallel and the true boundary line between the said States and Territory.

Mr. BONYNGE. Mr. Speaker, I desire to ask the chairman of the Judiciary Committee if he will not consent that this bill may go over without prejudice. My colleague [Mr. HAGGOTT] from the Second Congressional District is familiar with the facts and desirous of being present when the matter comes before the House. I do not know anything about the facts myself, but I stated to my colleague [Mr. HAGGOTT] that if it came up in his absence I would request that it go over until he was present.

Mr. JENKINS. Mr. Speaker, the Committee on the Judiciary would have no hesitancy in agreeing to the request of the gentleman from Colorado, but this matter has been pending for a long time. Gentlemen in the Senate are very much interested in the passage of this resolution, and have asked us to get it promptly passed. Every gentleman in the delegation of both Houses has been notified and has appeared and, as we understand it, has acquiesced.

Mr. BONYNGE. I understand my colleague [Mr. HAGGOTT] does not acquiesce, that he is very much opposed to the resolution. It is a matter that affects the southern boundary of Colorado and is a matter of considerable importance; and, while it is outside of my district, I should be very glad if the gentleman who represents the second district specifically could be present when the matter comes before the House.

Mr. JENKINS. The gentleman from Colorado will appreciate the fact that the committee has already postponed this matter two or three times to accommodate absent gentlemen. It is impossible to do business if we have to wait until every man interested in a proposition can be present. We would not press it if it were not that the gentlemen behind this matter say that it is important that it should pass early.

Mr. BONYNGE. I hope the gentleman from Wisconsin will grant my request and let it go by without prejudice when it can come up Monday morning if possible. It changes the boundary line of the State and it is a matter of vital importance that the gentleman who represents that district should be present at the time it is considered.

I called up his office a moment ago, thinking possibly that I might get him up here, but learned that he had gone to the White House, and I expect him here shortly. Can not the gentleman take up some other measure in the meantime, if he has other measures from the committee, and I will endeavor to get Mr. HAGGOTT here?

Mr. HENRY of Texas. I would like to ask the chairman of the committee if this bill affects the boundaries of any State or Territory other than Oklahoma, Colorado, and New Mexico?

Mr. JENKINS. It does not. Mr. Speaker, I will ask unanimous consent for the present that the bill be withdrawn.

Mr. BONYNGE. I will immediately try and get my colleague here.

Mr. COOK of Colorado. I object, Mr. Speaker.

Mr. JENKINS. Then, Mr. Speaker, I will yield to the gentleman from Alabama [Mr. CLAYTON], a member of the committee.

Mr. CLAYTON. Mr. Speaker, I will endeavor to explain this matter briefly, if it is desired, to the House. On July 1, 1902, Congress made an appropriation of $31,500—

for the resurvey and reestablishment, on the line of the thirty-seventh parallel of north latitude, of the boundary line between the State of Colorado and the Territories of New Mexico and Oklahoma, which is coincident with said parallel between the twenty-fifth and thirty-second degrees of west longitude from Washington, at a rate per mile to be fixed by the Secretary of the Interior, and for the examination in the field of said resurvey, a calculated distance of 387⅛ miles.

Under this authority a contract was entered into July 7, 1902, with Howard B. Carpenter, United States surveyor and astronomer, for the execution of the required survey and reestablishment. The work was commenced in September, 1902, and completed in October, 1903, and said resurvey and reestablishment was approved and accepted by the Interior Department February 25, 1904.

This joint resolution confirmed the action of the Interior Department and establishes the southern boundary line on the thirty-seventh parallel as fixed by the act making Colorado a Territory (Feb. 28, 1861, 12 Stat. L., 172) and by the enabling act under which that State came into the Union.

This survey makes no change in the line, but is only an attempt to find out where the line is and establish the monuments on the line, which the Interior Department now says has been done. It takes no territory from the State of Colorado, and in case of a question arising would not be binding on the State.

Senate Document No. 89, Fifty-eighth Congress, third session, gives a full history of the matter, and will be found attached to the report accompanying this resolution.

This report No. 1726 gives a full history of the whole matter, and if any gentleman wants further explanation than that which I have given he can find it in that appendix to the House Report No. 1726.

Mr. MANN. Will the gentleman yield for a question?

Mr. CLAYTON. Certainly, with pleasure.

Mr. MANN. I understood the gentleman to say that this did not change the boundary of the State.

Mr. CLAYTON. That is my understanding.

Mr. MANN. Of course this establishes the thirty-seventh parallel of latitude.

Mr. CLAYTON. Yes.

Mr. MANN. And, as I understand it, establishes it on a different line from where it has heretofore been established by the government surveyors. The thirty-seventh parallel is the south boundary line of the State of Colorado, and when you change the location of that you do change the boundary line of the State.

Mr. CLAYTON. I may say, Mr. Speaker, in reply to the suggestion of the gentleman that there has been some dispute about where this line was, and this resolution merely fixes upon this line as designated in the resolution confirming the action

of the Interior Department and for the purpose of preserving the monuments which define the limits of the State of Colorado in that part of the State.

Mr. MANN. May I make another suggestion to the gentleman?

Mr. CLAYTON. Certainly.

Mr. MANN. As I understand the matter from reading the report, the gentleman from Colorado who represents that portion of the State [Mr. HAGGOTT] not being present, the gentleman will excuse me for calling attention to it——

Mr. CLAYTON. Oh, the gentleman needs no excuse. He always contributes to every subject he discusses.

Mr. MANN. As I understand the matter from reading the report, the parallel of latitude has heretofore been fixed by a survey.

Now, some of the monuments of that survey were lost. It was desirable to reestablish the line, and to establish new monuments; but upon a new survey made under a contract with an outside person he found that the line was not correctly fixed in the first place, and thereupon he fixes another line, in some places north of the old line and in some places south of the old line and in some places entirely changing the State in which cities are located.

Mr. CLAYTON. The gentleman has, I think, exaggerated the case very largely; and then I think the gentleman in stating that this survey is made by an outsider is in error. This survey, and the monuments which have been erected under that survey, was made by Howard B. Carpenter. He is a United States surveyor and astronomer, and was acting officially under the Interior Department. It was a regular government survey, made in a regular way.

Mr. MANN. I am not reflecting on Mr. Carpenter, but he made the survey under a contract.

Mr. CLAYTON. With the Interior Department, yes; pursuant to an act of Congress.

Mr. MANN. And probably has the line correctly established.

Mr. CLAYTON. No doubt of that, in my judgment.

Mr. MANN. Well, two surveyors survey the same line. One locates it at one place and one at another. People have settled on the land, builded towns and made cities based on the first survey and line, and now, without even hearing from the gentleman who represents the district, it is proposed to change that line and put parts of the cities that he represents into Oklahoma or New Mexico.

Mr. CLAYTON. Well, I think the gentleman is hardly fair in the statement of that. If he had been on the committee that dealt with this question; if he had been in the Senate with the committee there that dealt with the question, I think he would not hold that view. If the gentleman will recall, at the last session of the House this matter was brought up and, for the convenience of some gentleman who thought he had some objection to it, it was postponed for further consideration.

There was no disposition on the part of the committee, on the part of the members of the committee, or the House, and none, I am quite sure, in the other branch of our National Legislature to take advantage of anybody. It is only a ratification of what has already been done by the Interior Department pursuant to law. It does not create the disturbance that the gentleman mentions, and it in no wise takes any territory from the State of Colorado. I desire to again emphasize the fact that it takes no territory from the State of Colorado, and in case of a question arising would not be binding upon that State; and also, in reply to a suggestion of the gentleman from Oklahoma [Mr. FULTON], I will say it takes no territory from the State of Oklahoma.

Mr. MANN. The gentleman says it takes no territory from the State of Colorado, but if this line be accepted as the true line, then it does take territory from the State of Colorado in one place and adds to the State in another place.

Mr. CLAYTON. The gentleman and I disagree about that; the findings of the committee are contrary.

Mr. MANN. I got my information from the report of the committee. I will be very glad to read it.

Mr. CLAYTON. I refer to the findings of the Senate committee. I prefer the opinion of that committee to the opinion of the distinguished gentleman from Illinois.

Mr. HENRY of Texas. Will the gentleman permit me to make this statement about this? As I understand it, when Colorado was made a Territory in 1861 the line was established on the thirty-seventh parallel. Now, this resolution is to confirm the established line there, putting it where it was intended it should be when Colorado was made a Territory.

Mr. CLAYTON. Exactly.

Mr. HENRY of Texas. That is my understanding.

Mr. COOK of Colorado. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Colorado?

Mr. CLAYTON. Mr. Speaker, I thought I had the floor. I was not aware of the fact that I had yielded the floor. I simply yielded to a question.

The SPEAKER. The Chair would like to ask whether the gentleman has the floor in his own right or was yielded to by the gentleman from Wisconsin?

Mr. JENKINS. Mr. Speaker, the gentleman from Alabama is proceeding on time that was yielded him by me.

Mr. FULTON. The question I want to ask the gentleman is, Which line of Oklahoma does this affect—the line between Oklahoma and Colorado, New Mexico, or Texas?

Mr. CLAYTON. It does not affect the Texas line at all.

Mr. FULTON. I do not know that you are familiar with the map of this tract——

Mr. CLAYTON. I do not suppose I am as familiar with the topography of the country as the gentleman from Oklahoma is.

Mr. FULTON. What I was trying to get at is this——

Mr. CLAYTON. My whole knowledge is derived from documents, and not personal knowledge of the situation there.

Mr. FULTON. I notice in here it states that it does not take anything from the State of Colorado.

Mr. CLAYTON. It does not.

Mr. FULTON. Does it add anything to the State of Colorado?

Mr. CLAYTON. As I understand it, not a thing. It merely preserves the monuments of the original line of the State of Colorado under the statutes at large establishing the Territory of Colorado, and it was ratified and again recognized in the enabling act under which Colorado came into the Union, and it merely preserves that original line and the monuments.

Mr. FULTON. Is there any difference between the line that, as a matter of fact, was established and this line which it is sought to establish?

Mr. CLAYTON. Not the correct line.

Mr. FULTON. There has been some line established there.

Mr. CLAYTON. I am not aware of any line that has been established under legal authority and acquiesced in except this particular line which is now sought to be ratified.

Mr. FULTON. There have been disputes about the line?

Mr. CLAYTON. Evidently there are some, but this——

Mr. FULTON. Are two lines supposed to be established?

Mr. CLAYTON. I can not answer the gentleman that there were two lines, but there was some dispute about this particular line, and this simply preserves the original line and the monuments marking the original line.

Mr. FULTON. What I am trying to get at is this: There must be some reason for reestablishing the line; in other words, there must be some misunderstanding about it.

Mr. CLAYTON. The gentleman uses the word "reestablish," to which I do not agree. This merely further recognizes the line which has heretofore been established, and is for the preservation of the monuments that indicate that line which has been established under authority of law.

Mr. FULTON. Then the gentleman states there is some difference between the line that has been understood as being the line——

Mr. CLAYTON. The correct line, yes; I say "yes," but there is no difference I have ever heard suggested, no document I have had the opportunity to examine which discloses any difference.

Mr. FULTON. For instance, take the town of Texoma, which is right on the line now between Oklahoma and Texas, on the line that is supposed to be the right line. Will the establishment of this line change the location of that town to Texas?

Mr. CLAYTON. It will not.

Mr. FULTON. And in another instance, the town of Kenton is on the line between Oklahoma and Colorado, on this line which is supposed to be the correct line——

Mr. CLAYTON. And a great, young, flourishing, populous city——

Mr. FULTON. Something like a hundred souls.

Mr. CLAYTON. That is my understanding, and those hundred souls can rest themselves in peace and patience.

Mr. FULTON. They are Democrats, and I do not like to have them taken out of the State of Oklahoma.

Mr. CLAYTON. I quite agree with the gentleman. I would like to preserve every Democrat in the State of Oklahoma in his rights, as well as every Republican.

Mr. KINKAID. May I ask the gentleman a question?

Mr. CLAYTON. The gentleman certainly can.

Mr. KINKAID. Does the new line intended by this bill supplant the old line?

Mr. CLAYTON. The gentleman confuses the real situation. There is no new line. This is merely to preserve the monuments establishing the original line. As I said just now, this is a line which was established by the act of Congress creating the Territory of Colorado, and then when the enabling act was passed under which Colorado came in as a State this same line was recognized in that enabling act. Now, the purpose of this is merely to keep up that line, which was defined originally, and to preserve the monuments so that there must be no dispute hereafter about where the line is.

Mr. KINKAID. Then you do not really mean that the old line was an incorrect line?

Mr. CLAYTON. I do not know what the gentleman means by "new line" and "old line." I have stated the facts as best I could.

Mr. KINKAID. The gentleman stated that this line was the correct line, and I do not know but he expressly stated also that the old line was incorrect.

Mr. CLAYTON. No, sir; I did not use the words "old line" at all, and I did not use the word "incorrect." I will state it again for the information of the gentleman. Under the act creating the Territory of Colorado this line was established. You will find it in the Statutes at Large. Then, when the State of Colorado was created, the enabling act also recognized this particular line and defined it as a part of the limitation of the territory, and afterwards the limitation of the State or the defined boundary part of the State of Colorado. So it was, according to my contention, the original boundary, and was preserved when the State was created. This survey merely—if you want to use the word "reestablish"—reestablishes or redefines, or defines the original line, and establishes monuments and preserves the old monuments, re-marks or designates it; but it is the original line.

Mr. KINKAID. Or identifies it?

Mr. CLAYTON. The purpose is simply to preserve the monuments identifying that line.

Mr. BONYNGE. Will the gentleman yield for a question?

Mr. CLAYTON. Certainly.

Mr. BONYNGE. Is it not a fact, if this resolution were to pass there is territory now and towns under the jurisdiction of the State of Colorado that would be transferred to the jurisdiction of the Territory of New Mexico?

Mr. CLAYTON. That is not my understanding.

Mr. BONYNGE. I will say to the gentleman that that is the understanding I get from my colleague [Mr. HAGGOTT] without having read the report.

Mr. PAYNE. That statement is contained, not in the report, but in the accompanying document. It says that there is a town thickly populated that will be on the south of the line, that has been hitherto regarded as a part of Colorado.

Mr. CLAYTON. I did not so understand.

Mr. BONYNGE. Are there not coal lands in this territory that would be transferred from the present jurisdiction of the State of Colorado to the jurisdiction of the Territory of New Mexico?

Mr. CLAYTON. Not as I understand it.

Mr. PAYNE. It is so stated in the document to which I referred.

Mr. BONYNGE. That is what my colleague, who is unfortunately engaged at the White House this morning, has stated to me.

Mr. CLAYTON. I am in possession of such evidence as the documents show to be the action of the Interior Department, the action of the Senate committee, the House committee; and all the documents. I have no personal knowledge of the matter.

Mr. PAYNE. I would like to ask the gentleman a question.

Mr. CLAYTON. Certainly.

Mr. PAYNE. Did not Mr. Richards, Commissioner of the Land Office, report that one town was transferred from Colorado to one of these Territories by this survey of Mr. Carpenter's?

Mr. CLAYTON. I do not recall.

Mr. PAYNE. And a portion of two other towns, a line passing in one place through the main street of the town?

Mr. CLAYTON. In reply to the gentleman from New York, my friend and Representative from Colorado [Mr. COOK] says that statement is not correct.

Mr. PAYNE. I think we ought to have in addition to that——

Mr. CLAYTON. And if I must take somebody's personal knowledge, knowing the high character of the gentleman from Colorado [Mr. COOK], I will take his word on that or any other proposition.

Mr. PAYNE. I want to ask the gentlemen of the Committee on the Judiciary whether the question of the boundary line of a State, whether between that State or another State or the boundary line between a State and a Territory, is not a question of which the Supreme Court has exclusive jurisdiction, and not Congress, and the court has so decided a number of times. I ask if that is not correct?

Mr. CLAYTON. I did not understand the gentleman's question.

Mr. PAYNE. I asked whether the Supreme Court has not decided a number of times the question of the boundary line between States or between one State and another State or a State and a Territory is a question of which they have exclusive jurisdiction, and not Congress?

Mr. CLAYTON. That the Supreme Court has exclusive jurisdiction?

Mr. PAYNE. Yes; and not Congress.

Mr. CLAYTON. I can not answer the gentleman categorically on that question. I recall but one case of that kind. I know in some litigation as to the boundary line between the States of Georgia and Alabama that the Supreme Court of the United States did pass upon that.

Mr. PAYNE. Certainly.

Mr. CLAYTON. But whether they held the Supreme Court had exclusive power to pass upon that question I do not remember.

Mr. PAYNE. The report of Mr. Richards, attached to the gentleman's report, makes the statement that in half a dozen cases the court has held that doctrine.

Mr. CLAYTON. I can not agree that it has ever been definitely settled as a legal proposition; but even if it had been, I do not see how it could affect the merits of this case.

Mr. PAYNE. I understood that the original line was the thirty-seventh parallel north.

Mr. CLAYTON. Yes, sir.

Mr. PAYNE. That is, when the Territories were divided, and that was fixed a number of years ago, and the monuments placed along it by the surveyors.

Mr. CLAYTON. So I understand.

Mr. PAYNE. In the course of years some of them became obliterated.

Mr. CLAYTON. That is correct.

Mr. PAYNE. And under an act of Congress Mr. Carpenter was employed to make a resurvey.

Mr. CLAYTON. The gentleman has so far a correct comprehension of the facts.

Mr. PAYNE. And he reported that a number of the landmarks or monuments had been obliterated, and he tried to fix the line, by astronomical observation and otherwise, on the thirty-seventh parallel.

Mr. CLAYTON. Yes; I understand so.

Mr. PAYNE. And it is his survey this joint resolution seeks to make the line between the State and Territory, is it not? Is not that correct?

Mr. CLAYTON. I did not hear the latter part of the gentleman's statement.

Mr. PAYNE. And it is Carpenter's survey that this joint resolution proposes to make the line between the State of Colorado and these Territories?

Mr. CLAYTON. That is correct. If I understand the gentleman's question, I answer yes.

Mr. PAYNE. Now, I want to read a passage from Mr. Richards's report.

Mr. CLAYTON. Now the chairman of the committee——

Mr. PAYNE. The chairman said he would give me five or ten minutes.

Mr. CLAYTON. If the gentleman will pardon me, I will yield back the time to the gentleman from Wisconsin, the chairman of the committee. I do not feel that I am privileged to yield time further.

Mr. BONYNGE. Mr. Speaker, I did not expect to take any part in this controversy. This is a matter that affects the southern boundary line of the State of Colorado. We have three Representatives from Colorado. One represents the State at large, Mr. GEORGE W. COOK; and we have two districts; I represent the first district which is the northeastern portion of the State, and my colleague [Mr. HAGGOTT] represents the second district, which includes all the southern portion of the State of Colorado. Unfortunately my colleagues [Mr. COOK and Mr. HAGGOTT], do not agree as to whether this resolution should pass or not. I had expected that they would take care of the proposition themselves, and that I would not participate in any way in the discussion. I simply asked this morning that the matter might be passed without prejudice in order that my colleague [Mr. HAGGOTT] might be present when the matter was presented to the House. Unfortunately, it seems to me, my colleague [Mr. COOK] saw fit to object when the gentleman from

Wisconsin [Mr. JENKINS] proposed that the matter should be passed without prejudice. I have never given to the resolution, or to the report which accompanies it, any attention. I had not even read the report for the reasons I have heretofore stated. The gentleman from New York has called my attention, however, to a paragraph in the report which I desire to read:

Prior to this resurvey the town of Edith was supposed to be in the State of Colorado, the old state boundary line being in doubt at that point. Mr. Carpenter's survey shows the greater part, if not all, of the town to be in New Mexico. An examination of the field notes and plats of this survey shows that the line established by Carpenter passes through the villages of Ortiz and La Costilla, all of which have heretofore been assumed to lie in the State of Colorado. This line is continuously marked by iron posts at mile intervals, and with 8 large stone monuments marking the points of astronomical stations where observations were taken for determination of the parallel.

Now, as I understand from conversations that I have had with my colleague [Mr. HAGGOTT] and others in reference to this matter, and from what has been presented here this morning, the parallel is not changed by the resolution, but the determination as to where the parallel actually does lie is changed by the adoption of this resolution. If this resolution should pass, as I understand the situation it would take the town of Edith out of the State of Colorado and put it in the Territory of New Mexico. It would take portions of two other towns in Colorado and transfer them to the jurisdiction of New Mexico. I am further advised that it would take valuable coal mines that have always been supposed to lie in the State of Colorado and transfer them to the Territory of New Mexico. Under these circumstances, as the State of Colorado has a Representative from the Second Congressional District, whose business made it impossible for him to be present this morning, I trust that at this time at least the Members of the House will vote down this resolution, and that a matter of this importance may be presented at a time when both of my colleagues, who disagree upon this proposition, may be fully heard, and the House may have full knowledge and information upon all the points involved. [Applause.]

Mr. JENKINS. Mr. Speaker, I want to say in reply to the gentleman from Colorado, and I want to say for the information of this House, that it is going to be very embarrassing and very difficult for us to do any business if we are compelled to postpone every bill that is called up until some gentleman who is interested in it comes in——

Mr. BONYNGE. If the gentleman will permit me, my colleague [Mr. HAGGOTT] is now present.

Mr. JENKINS. Mr. Speaker, this bill was sent over from the Senate a long time ago. It was approved by both of the Senators, and they have been over here repeatedly asking the Committee on the Judiciary to act as promptly as possible with reference to this important matter. Every gentleman from Colorado was notified and had an opportunity to appear.

Mr. COOK of Colorado. And did not appear.

Mr. JENKINS. Not a single gentleman from Colorado appeared before the committee in opposition to this measure. There never has been one word of opposition presented to the Committee on the Judiciary; but when we sought to pass this bill in the last session, we were asked to postpone it in order to accommodate absent gentlemen, which we did. Now, personally, I am perfectly willing to postpone this bill, but it appears that there is a question here, and that question has got to be settled; and this House is as competent this morning to settle it as it will be two or three years hence. It is only respectful to the Senators who have been urging the passage of this bill that we act with some degree of promptness.

Mr. MANN. Who are those Senators?

Mr. JENKINS. They are the Senators from Colorado. The other Senators have been notified, and no one has made any objection. I now yield ten minutes to the gentleman from Colorado [Mr. COOK].

Mr. COOK of Colorado. Mr. Speaker, I am somewhat surprised that my colleague [Mr. BONYNGE] should make the statement that under this new survey the town of Edith and two other towns will be taken from our State and placed in New Mexico. That is not true. Not one soul will be taken from the State of Colorado or from New Mexico or from the State of Oklahoma. I took the trouble and expense last summer to spend several days riding on horseback along this thirty-seventh parallel in order to satisfy myself. What we want determined is the boundary line between the States of Colorado, New Mexico, and Oklahoma. As to the statement made by the gentleman from New York [Mr. PAYNE], the State of Colorado must pass upon this matter after Congress passes this bill, which I believe it will do. The legislature of our State must take action on it.

Mr. PAYNE. But the State of New Mexico does not have the opportunity.

Mr. COOK of Colorado. I do not suppose the gentleman would want us to wait until the admission of New Mexico. At the last session of Congress I saw my colleague, Governor HAGGOTT, and asked him to go with me before the Judiciary Committee and fight this thing out in a friendly way before that committee. He laughingly said that if he did not forget it, he would come before the committee. Evidently he did forget it, because he did not appear. The Senators from our State would like to have this bill passed. After Congress passes this bill it will be necessary under the law, as we understand it, for our legislature to accept this boundary line. The Interior Department desires the boundary line established, and we in Colorado want it established, except one coal company, that has not been paying taxes on thousands of acres of coal. That is the only objection to the passage of this bill, and I hope Members will pass the resolution unanimously.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado [Mr. HAGGOTT] have ten minutes, not to come out of the time of the Judiciary Committee.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the gentleman from Colorado [Mr. HAGGOTT] have ten minutes, not to come out of the time of the Judiciary Committee. Is there objection? [After a pause.] The Chair hears none.

Mr. HAGGOTT. Mr. Speaker, in regard to the resolution before the House, I want to say that I have just come in and did not know that it was to be taken up this morning, and I have heard but a few of the statements regarding the matter. One of the statements by my colleague from Colorado [Mr. COOK] was that I did not go before the Judiciary Committee. I did appear before the Judiciary Committee at one time about this matter, and I went to the committee room to appear again, but when I arrived there the matter had been reported upon by the committee. I went there to oppose the resolution, for the reason that it does take territory from the State of Colorado and adds it to that of the Territory of New Mexico and to the State of Oklahoma. This is my only purpose in opposing the resolution. It affects nearly every county in the southern part of the State of Colorado, and takes more or less territory from each of those counties and adds it to the Territory of New Mexico or to Oklahoma.

Many people living along the boundary line have been citizens of Colorado ever since Colorado has been a State, and they seriously and strongly object to the passage of this measure, and as a Representative of Colorado in this House, I am most strongly opposed to the resolution.

The present southern boundary line of Colorado has existed as such ever since Colorado was admitted into the Union, and long before that time; and it is not right that the citizens of Colorado who live along the southern boundary line of the State should be alienated and their property legislated into the Territory of New Mexico. Now I heard the statement made by my colleague that the only influence in opposition to the passage of this bill is that certain coal companies——

Mr. COOK of Colorado. One coal company.

Mr. HAGGOTT. One coal company that owns coal lands near the southern boundary line of Colorado is opposed to the bill. A coal company or coal companies——

Mr. COOK of Colorado. One coal company.

Mr. HAGGOTT. He says that a coal company owning lands near the southern boundary line of Colorado has escaped taxation for years.

Mr. COOK of Colorado. That is true.

Mr. HAGGOTT. I want to challenge that statement, and I do here challenge it. And, furthermore, Mr. Speaker, I might make the statement on the floor of this House that the only influence of which I have ever heard supporting the passage of this measure is that a certain coal company wants it passed. I myself have been asked to withdraw my opposition to this bill on account of that fact.

Now, gentlemen, I sincerely hope that for the sake of the State of Colorado this bill will not be passed; we do not want to surrender any part of our territory to any other State or Territory.

Mr. BONYNGE. Will the gentleman allow me a question?

Mr. HAGGOTT. Certainly.

Mr. BONYNGE. Does this measure transfer any of the voting population of Colorado to New Mexico?

Mr. HAGGOTT. It does.

Mr. BONYNGE. How many people would find themselves under the jurisdiction of New Mexico if this resolution passes?

Mr. HAGGOTT. I can not say the exact number, but several hundred people.

Mr. BONYNGE. And who have been paying taxes in the State of Colorado?

Mr. HAGGOTT. Yes, and are now paying taxes in the State of Colorado. They never have escaped taxation and never want to.

Mr. COOK of Colorado. I would like to ask the gentleman if he has any personal knowledge that this new survey takes a single soul, a single man, woman, or child, from the State of Colorado and puts them into the Territory of New Mexico?

Mr. HAGGOTT. Yes, I have.

Mr. COOK of Colorado. Has the gentleman been over this survey?

Mr. HAGGOTT. I have not been over the entire line, but I have been to several places on it.

Mr. COOK of Colorado. Did not the gentleman say that he would go over it with me?

Mr. HAGGOTT. I did not.

Mr. COOK of Colorado. The gentleman made that direct promise.

Mr. HAGGOTT. The gentleman is mistaken. It would be foolish for any person but an experienced engineer to attempt such an undertaking in a short, limited time, as the country is for a great part along the line very rough and rugged.

Mr. JENKINS. Mr. Speaker, I move the previous question on the bill to its final passage.

The question was taken, and a division was called for by Mr. HAGGOTT.

Pending the division Mr. HAGGOTT withdrew his demand.

The SPEAKER. The gentleman withdraws his demand. The ayes have it, and the question is on the third reading of the Senate joint resolution.

The question was taken, and the Chair announced himself in doubt.

Mr. JENKINS. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 74, noes 65.

Mr. HAGGOTT. Mr. Speaker, I demand tellers.

The SPEAKER. The gentleman demands tellers. As many as are in favor of ordering tellers will rise and stand until counted.

The Speaker proceeded to count.

Mr. HAGGOTT. Mr. Speaker, I withdraw the demand for tellers.

The SPEAKER. The gentleman withdraws his demand for tellers. The ayes have it, and the third reading of the Senate joint resolution is ordered.

The joint resolution was read a third time.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and on a division (demanded by Mr. JENKINS) there were—ayes 90, noes 88.

Mr. HAGGOTT. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 126, nays 112, answered "present" 8, not voting 144, as follows:

YEAS—126.

Adair	Estopinal	Jenkins	Russell, Mo.
Alexander, Mo.	Ferris	Johnson, S. C.	Russell, Tex.
Ansberry	Finley	Jones, Va.	Ryan
Ashbrook	Fitzgerald	Kimball	Sabath
Barnhart	Floyd	Kipp	Saunders
Bates	Foster, Ill.	Kitchin, Wm. W.	Shackleford
Beall, Tex.	Fulton	Lawrence	Sheppard
Bell, Ga.	Gaines, Tenn.	Lenahan	Sherley
Booher	Garrett	Lever	Sherwood
Bowers	Gilhams	Lloyd	Sims
Brundidge	Gill	Macon	Small
Burleson	Gillespie	Moon, Tenn.	Smith, Mo.
Burnett	Gillett	Moore, Tex.	Smith, Tex.
Burton, Ohio	Gordon	Nelson	Sparkman
Byrd	Greene	Nicholls	Stanley
Candler	Hackney	O'Connell	Steenerson
Capron	Haggott	Olmsted	Sterling
Carter	Hamilton, Iowa	Page	Stevens, Minn.
Caulfield	Hamlin	Parker	Thomas, N. C.
Chaney	Hammond	Patterson	Thomas, Ohio
Clark, Mo.	Hardwick	Peters	Tirrell
Clayton	Hardy	Porter	Tou Velle
Cook, Colo.	Hay	Pou	Underwood
Cooper, Tex.	Helm	Rainey	Wallace
Cox, Ind.	Henry, Conn.	Randell, Tex.	Watkins
Craig	Henry, Tex.	Ransdell, La.	Webb
Cravens	Hitchcock	Rauch	Weisse
Davenport	Hobson	Reid	Wiley
De Armond	Houston	Richardson	Williams
Denver	Howard	Roberts	Wilson, Pa.
Dixon	Humphreys, Miss.	Robinson	
Ellerbe	James, Ollie M.	Rucker	

NAYS—112.

Acheson	Burton, Del.	Currier	Durey
Allen	Caldwell	Cushman	Dwight
Barchfeld	Chapman	Dalzell	Edwards, Ky.
Bede	Cole	Darragh	Ellis, Mo.
Birdsall	Conner	Davidson	Ellis, Oreg.
Bonynge	Cooper, Pa.	Dawson	Englebright
Boyd	Cooper, Wis.	Draper	Esch
Brownlow	Crumpacker	Driscoll	Fassett
Fordney	Howell, N. J.	Loud	Payne
Foss	Howell, Utah	Lovering	Pearre
Foster, Ind.	Howland	Lowden	Perkins
Foster, Vt.	Hubbard, Iowa	McCreary	Smith, Cal.
French	Hubbard, W. Va.	McGuire	Snapp
Gaines, W. Va.	Huff	McKinlay, Cal.	Southwick
Gardner, Mass.	Hughes, N. J.	McKinley, Ill.	Sperry
Gardner, Mich.	Hull, Iowa	McKinney	Stafford
Gardner, N. J.	Humphrey, Wash.	McLachlan, Cal.	Sturgiss
Goebel	James, Addison D.	McLaughlin, Mich.	Sulloway
Gronna	Jones, Wash.	McMorran	Tawney
Guernsey	Kahn	Madison	Taylor, Ohio
Hamilton, Mich.	Keifer	Mann	Townsend
Harding	Kennedy, Iowa	Mondell	Volstead
Haskins	Kennedy, Ohio	Moore, Pa.	Washburn
Hawley	Kitchen, Claude	Morse	Weems
Hayes	Knapp	Murdock	Wheeler
Hepburn	Knowland	Nye	Wilson, Ill.
Hinshaw	Lindbergh	Overstreet	Woodyard
Holliday	Longworth	Padgett	Young

ANSWERED "PRESENT"—8.

Adamson	Brantley	Cockran	Goulden
Bartlett, Ga.	Carlin	Douglas	McGavin

NOT VOTING—144.

Aiken	Denby	Kinkaid	Needham
Alexander, N. Y.	Diekema	Knopf	Norris
Ames	Edwards, Ga.	Küstermann	Olcott
Andrus	Fairchild	Lafean	Parsons
Anthony	Favrot	Lamar, Fla.	Pollard
Bannon	Flood	Lamar, Mo.	Pratt
Barclay	Focht	Lamb	Pray
Bartholdt	Foelker	Landis	Prince
Bartlett, Nev.	Fornes	Langley	Pujo
Beale, Pa.	Foulkrod	Laning	Reeder
Bennet, N. Y.	Fowler	Lassiter	Reynolds
Bennett, Ky.	Fuller	Law	Rhinock
Bingham	Garner	Leake	Riordan
Boutell	Glass	Lee	Rodenberg
Bradley	Godwin	Legare	Rothermel
Brodhead	Goldfogle	Lewis	Scott
Broussard	Graff	Lilley	Sherman
Brumm	Graham	Lindsay	Slayden
Burgess	Granger	Livingston	Slemp
Burke	Gregg	Lorimer	Smith, Iowa
Burleigh	Griggs	Loudenslager	Smith, Mich.
Butler	Hackett	McCall	Spight
Calder	Hale	McDermott	Stephens, Tex.
Calderhead	Hall	McHenry	Sulzer
Campbell	Hamill	McLain	Swasey
Cary	Harrison	McMillan	Talbott
Cassel	Haugen	Madden	Taylor, Ala.
Clark, Fla.	Heflin	Maiby	Thistlewood
Cocks, N. Y.	Higgins	Marshall	Vreeland
Cook, Pa.	Hill, Conn.	Martin	Waldo
Coudrey	Hill, Miss.	Maynard	Wanger
Cousins	Hughes, W. Va.	Miller	Watson
Crawford	Hull, Tenn.	Moon, Pa.	Weeks
Davey, La.	Jackson	Mouser	Willett
Davis, Minn.	Johnson, Ky.	Mudd	Wolf
Dawes	Keliher	Murphy	Wood

So the Senate joint resolution was agreed to.

The Clerk announced the following pairs:

For this day:

Mr. WOOD with Mr. WOLF.

Mr. WATSON with Mr. SULZER.

Mr. VREELAND with Mr. SPIGHT.

Mr. SMITH of Michigan with Mr. ROTHERMEL.

Mr. SMITH of Iowa with Mr. TAYLOR of Alabama.

Mr. SLEMP with Mr. PUJO.

Mr. SCOTT with Mr. CARLIN.

Mr. REYNOLDS with Mr. BRODHEAD.

Mr. PRINCE with Mr. PRATT.

Mr. OLCOTT with Mr. MURPHY.

Mr. NORRIS with Mr. MCLAIN.

Mr. MILLER with Mr. MCHENRY.

Mr. NEEDHAM with Mr. LINDSAY.

Mr. MADDEN with Mr. LIVINGSTON.

Mr. MARSHALL with Mr. LEWIS.

Mr. MCMILLAN with Mr. LASSITER.

Mr. MCCALL with Mr. LEAKE.

Mr. LOUDENSLAGER with Mr. LAMB.

Mr. LAFEAN with Mr. JOHNSON of Kentucky.

Mr. KÜSTERMANN with Mr. HULL of Tennessee.

Mr. HUGHES of West Virginia with Mr. HEFLIN.

Mr. HILL of Connecticut with Mr. HARRISON.

Mr. HAUGEN with Mr. HAMILL.

Mr. GRAFF with Mr. HACKETT.

Mr. FULLER with Mr. GREGG.

Mr. FOCHT with Mr. FAVROT.

Mr. DENBY with Mr. GODWIN.

Mr. COUDREY with Mr. GARNER.

Mr. COCKS of New York with Mr. FLOOD.

Mr. CAREY with Mr. EDWARDS of Georgia.

Mr. CAMPBELL with Mr. DAVEY of Louisiana.

Mr. BINGHAM with Mr. BURGESS.

Mr. BEALE of Pennsylvania with Mr. BARTLETT of Nevada.

Mr. BARTHOLDT with Mr. BROUSSARD.

Mr. BARCLAY with Mr. AIKEN.

Mr. BANNON with Mr. GRANGER.
Mr. RODENBERG with Mr. STEPHENS of Texas.
Mr. DAVIS of Minnesota with Mr. GOLDFOGLE.
Mr. ANDRUS with Mr. CRAWFORD.
Mr. COOK of Pennsylvania with Mr. WILLETT.
Mr. CALDER with Mr. SLAYDEN.
Mr. FOULKROD with Mr. MCDERMOTT.
Mr. ALEXANDER of New York with Mr. LEE.
Mr. GRAHAM with Mr. KELIHER.
Mr. LAW with Mr. LAMAR of Missouri.
Mr. BURKE of Pennsylvania with Mr. RHINOCK.
Mr. LORIMER with Mr. HILL of Mississippi.
Mr. WALDO with Mr. MAYNARD.
Until further notice:
Mr. DEIKEMA with Mr. CLARK of Florida.
Mr. FAIRCHILD with Mr. LAMAR of Florida.
Mr. AMES with Mr. LEGARE.
Mr. BURLEIGH with Mr. BRANTLEY.
Mr. MUDD with Mr. TALBOTT.
Mr. FOELKER with Mr. GLASS.
For the session:
Mr. WANGER with Mr. ADAMSON.
Mr. BRADLEY with Mr. GOULDEN.
Mr. BUTLER of Pennsylvania with Mr. BARTLETT of Georgia.
Mr. BOUTELL with Mr. GRIGGS.
Mr. BENNET of New York with Mr. FORNES.
Mr. SHERMAN with Mr. RIORDAN.

Mr. HAGGOTT. Mr. Speaker, I wish to change my vote from "no" to "aye."

The SPEAKER. Call the name of the gentleman from Colorado.

Mr. HAGGOTT's name was called, and he voted "aye."

The result of the vote was announced as above recorded.

Mr. HAGGOTT. Mr. Speaker, I move a reconsideration.

The SPEAKER. The gentleman from Colorado enters a motion to reconsider.

Mr. JENKINS. Mr. Speaker, I move to lay that motion on the table.

The SPEAKER. The gentleman from Wisconsin moves to lay that motion on the table.

The question was taken; and the Chair announced that the ayes seemed to have it.

On a division (demanded by Mr. HAGGOTT) there were—ayes 70, noes 42.

Mr. HAGGOTT. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 113, nays 83, answered "present" 5, not voting 189, as follows:

YEAS—113.

Alexander, Mo.	Floyd	Kipp	Russell, Tex.
Ansberry	Foster, Ill.	Kitchin, Wm. W.	Ryan
Ashbrook	Fuller	Lawrence	Sabath
Barnhart	Gaines, Tenn.	Lenahan	Saunders
Bartholdt	Garner	Lever	Shackleford
Bates	Gilhams	Livingston	Sherley
Beall, Tex.	Gill	Lloyd	Sims
Bell, Ga.	Gillespie	Macon	Small
Booher	Gillett	Moon, Tenn.	Smith, Mo.
Bowers	Godwin	Moore, Tex.	Smith, Tex.
Burnett	Greene	Nelson	Sparkman
Candler	Hackney	Nicholls	Stanley
Capron	Hammond	O'Connell	Sterling
Carter	Hardwick	Olmsted	Stevens, Minn.
Caulfield	Hardy	Page	Swasey
Chaney	Haskins	Parker	Taylor, Ala.
Clark, Mo.	Hay	Patterson	Thomas, N. C.
Clayton	Heflin	Peters	Tirrell
Cockran	Henry, Conn.	Pou	Tou Velle
Cook, Colo.	Henry, Tex.	Rainey	Underwood
Cox, Ind.	Hitchcock	Randell, Tex.	Watkins
Cravens	Houston	Ransdell, La.	Webb
Davenport	Humphrey, Wash.	Rauch	Weisse
De Armond	Humphreys, Miss.	Reid	Wiley
Dixon	James, Ollie M.	Richardson	Williams
Douglas	Jenkins	Roberts	Wilson, Pa.
Estopinal	Johnson, S. C.	Robinson	
Finley	Jones, Va.	Rucker	
Fitzgerald	Kimball	Russell, Mo.	

NAYS—83.

Acheson	Edwards, Ky.	Hepburn	Landis
Anthony	Ellis, Oreg.	Hinshaw	Lindbergh
Beale, Pa.	Englebright	Holliday	Loud
Bonynge	Esch	Howell, N. J.	Lovering
Boyd	Foss	Howland	McCreary
Brownlow	Foster, Vt.	Hubbard, W. Va.	McGuire
Calderhead	French	Huff	McKinlay, Cal.
Chapman	Gaines, W. Va.	Hughes, N. J.	McKinley, Ill.
Cooper, Wis.	Gardner, Mich.	Hughes, W. Va.	McKinney
Crumpacker	Gardner, N. J.	Hull, Iowa	McLachlan, Cal.
Cushman	Goebel	Jones, Wash.	McLaughlin, Mich.
Dawson	Gronna	Kahn	McMorran
Draper	Haggott	Keifer	Madden
Driscoll	Hamilton, Mich.	Kitchin, Claude	Madison
Durey	Harding	Knapp	Mann
Dwight	Hawley	Knowland	Moore, Pa.
Morse	Pearre	Snapp	Taylor, Ohio
Nye	Pollard	Southwick	Townsend
Overstreet	Pray	Sperry	Volstead
Padgett	Reynolds	Stafford	Young
Payne	Smith, Cal.	Sulloway	

ANSWERED "PRESENT"—5.

Adamson	Fassett	Goulden	Sherman
Carlin			

NOT VOTING—189.

Adair	Dalzell	Hobson	Murphy
Aiken	Darragh	Howard	Needham
Alexander, N. Y.	Davey, La.	Howell, Utah	Norris
Allen	Davidson	Hubbard, Iowa	Olcott
Ames	Davis, Minn.	Hull, Tenn.	Parsons
Andrus	Dawes	Jackson	Perkins
Bannon	Denby	James, Addison D.	Porter
Barchfeld	Denver	Johnson, Ky.	Pratt
Barclay	Diekema	Keliher	Prince
Bartlett, Ga.	Edwards, Ga.	Kennedy, Iowa	Pujo
Bartlett, Nev.	Ellerbe	Kennedy, Ohio	Reeder
Bede	Ellis, Mo.	Kinkaid	Rhinock
Bennet, N. Y.	Fairchild	Knopf	Riordan
Bennett, Ky.	Favrot	Küstermann	Rodenberg
Bingham	Ferris	Lafean	Rothermel
Birdsall	Flood	Lamar, Fla.	Scott
Boutell	Focht	Lamar, Mo.	Sheppard
Bradley	Foelker	Lamb	Sherwood
Brantley	Fordney	Langley	Slayden
Brodhead	Fornes	Laning	Slemp
Broussard	Foster, Ind.	Lassiter	Smith, Iowa
Brumm	Foulkrod	Law	Smith, Mich.
Brundidge	Fowler	Leake	Spight
Burgess	Fulton	Lee	Steenerson
Burke	Gardner, Mass.	Legare	Stephens, Tex.
Burleigh	Garrett	Lewis	Sturgiss
Burleson	Glass	Lilley	Sulzer
Burton, Del.	Goldfogle	Lindsay	Talbott
Burton, Ohio	Gordon	Longworth	Tawney
Butler	Graff	Lorimer	Thistlewood
Byrd	Graham	Loudenslager	Thomas, Ohio
Calder	Granger	Lowden	Vreeland
Caldwell	Gregg	McCall	Waldo
Campbell	Griggs	McDermott	Wallace
Cary	Guernsey	McGavin	Wanger
Cassel	Hackett	McHenry	Washburn
Clark, Fla.	Hale	McLain	Watson
Cocks, N. Y.	Hall	McMillan	Weeks
Cole	Hamill	Malby	Weems
Conner	Hamilton, Iowa	Marshall	Wheeler
Cook, Pa.	Hamlin	Martin	Willett
Cooper, Pa.	Harrison	Maynard	Wilson, Ill.
Cooper, Tex.	Haugen	Miller	Wolf
Coudrey	Hayes	Mondell	Wood
Cousins	Helm	Moon, Pa.	Woodyard
Craig	Higgins	Mouser	
Crawford	Hill, Conn.	Mudd	
Currier	Hill, Miss.	Murdock	

So the motion to lay the motion to reconsider upon the table was agreed to.

The Clerk announced the following additional pairs:

Until further notice:
Mr. WOODYARD with Mr. WALLACE.
Mr. WILSON of Illinois with Mr. SHERWOOD.
Mr. TAWNEY with Mr. SHEPPARD.
Mr. PORTER with Mr. HOWARD.
Mr. PERKINS with Mr. HOBSON.
Mr. LOWDEN with Mr. HAMMOND.
Mr. LONGWORTH with Mr. HAMILTON of Iowa.
Mr. KENNEDY of Ohio with Mr. GORDON.
Mr. KENNEDY of Iowa with Mr. GARRETT.
Mr. HUBBARD of Iowa with Mr. FULTON.
Mr. HOWELL of Utah with Mr. FERRIS.
Mr. HAYES with Mr. ELLERBE.
Mr. GARDNER of Massachusetts with Mr. DENVER.
Mr. DAWES with Mr. CRAIG.
Mr. DAVIDSON with Mr. CALDWELL.
Mr. GRAHAM with Mr. BYRD.
Mr. DALZELL with Mr. COOPER of Texas.
Mr. CURRIER with Mr. RYAN.
Mr. COLE with Mr. BURLESON.
Mr. BARCHFELD with Mr. BRUNDIDGE.
Mr. ALLEN with Mr. ADAIR.
For this vote:
Mr. KELIHER (in favor) with Mr. WEEKS (against).

The result of the vote was announced as above recorded.

JUDICIAL DIVISIONS IN DISTRICT OF INDIANA.

Mr. JENKINS. Mr. Speaker, I want to ask unanimous consent that the order of this morning under which H. R. 21898 was passed be vacated, and that the same be now considered. My reason for making the motion, Mr. Speaker, is this: The gentleman from Indiana [Mr. OVERSTREET] was very much interested in the passage of this bill. He was unavoidably detained in the Post-Office Committee and could not reach the floor of the House before the passage of the bill. I have consulted with the gentleman from Indiana who introduced the bill [Mr. CHANEY], and he says that he will make no objection.

I therefore ask unanimous consent that the order be vacated, and that the bill be now considered.

Mr. HOLLIDAY. Mr. Speaker, to that I object.

The SPEAKER. The Chair desires to say, for what it is worth, that some days ago the gentleman from Indiana [Mr. OVERSTREET] came to the Chair and stated that he was exceedingly busy in connection with the Committee on the Post-Office and Post-Roads, and unavoidably absent most of the time. He asked the Chair that if this bill was reached he should be notified. Gentlemen coming to the Chair and engaging his attention, the matter escaped the notice of the Chair until it was under consideration. The Chair merely wants to state that if he had noticed the bill was about to be considered, he would have tried to notify the gentleman from Indiana [Mr. OVERSTREET].

Mr. JENKINS. Now, Mr. Speaker, if the House will permit me to make this statement, I desire to supplement just exactly what the Speaker has said. The gentleman from Indiana [Mr. OVERSTREET] did call upon me as chairman of the Committee on the Judiciary, and said that he had had objections to this bill; that he would not enter any frivolous objection, but that he wanted to be heard in the House in justice to his constituents. I told him as far as lay in my power I would give him the necessary information. Understanding somewhat hurriedly this morning that the committee was going to be called, I instructed the clerk of our committee to furnish all the bills that had been reported to the House. This came up without any opportunity on my part to consider it. I saw that the gentleman from Indiana [Mr. CHANEY] introduced the bill. I stepped over and called his attention to it. I forgot entirely what the gentleman from Indiana [Mr. OVERSTREET] had said, and think it only justice to him that we give him opportunity to register his opposition to this bill. I shall vote for the bill when the time comes.

Mr. OVERSTREET. Mr. Speaker, if I may be indulged for just a moment, I will say that this is a bill of long standing in the House, going back for more than the present term of Congress. Several different bills covering substantially the same principle were introduced by different Members from Indiana. I have been careful before the committee in my opposition and watchful upon the floor. Members know that the duties of the Committee on Post-Offices and Post-Roads necessarily compel the absence from the floor not only of the chairman of the committee, but of other members, during the sessions of the House. I requested both the Speaker and the chairman of the Committee on the Judiciary not that the bill should not be called up or considered, but merely that I might have notice when it was called up for consideration, that I might come from the committee room to appear in opposition. This same arrangement included Mr. LANDIS, of Indiana, who had also requested to be notified should the bill be called up. I was engaged this morning until almost 1 o'clock with the committee, as I have been engaged every morning since the House convened. Not only that, Mr. Speaker, but during two different days of the present session since the 7th of December I was careful to appear upon the floor during the call of committees, because I knew it was possible to call up this measure during the call of committees. Twice the committees were called, and this bill was not brought up for consideration. I do not believe, in my fourteen years' experience as a Member of this House, a committee call has been made three times in one week as it has been in the present week. Naturally, I felt that without negligence I had been careful to be here during the calls of committees, and it was wholly a surprise to me this morning when I learned that for the third time in one week the committees were called.

Mr. HOLLIDAY. Mr. Speaker, I desire to state, in justice to myself, I was not present, either, this morning. I was at work in the Committee on Military Affairs in the preparation of the military appropriation bill. This matter has been before Congress a long time. It has not been acted upon, sometimes by reason of the fact that we could not get it called up, and other times by reason of the absence of my colleague [Mr. OVERSTREET], and very frequently we gave way to accommodate him. Under all the circumstances, with the statement made by the gentleman, I withdraw my objection.

Mr. CHANEY. Then, Mr. Speaker, in order that we may gather together all the data that relates to the merits of this measure, I would ask that it go over for the time being.

Mr. JENKINS. Then I ask that the bill be continued without prejudice.

The SPEAKER. The gentleman asks unanimous consent that the motion to reconsider be taken from the table and agreed to and the bill be put on engrossment and third reading, and that the bill go over without prejudice.

Mr. MANN. May I ask what is "going over without prejudice?"

The SPEAKER. The bill.

Mr. MANN. What does that mean—"going over without prejudice?"

The SPEAKER. That it can be called up any time that the Committee on the Judiciary has the call.

Mr. CRUMPACKER. It is before the House now.

Mr. MANN. I have no objection, but I wanted to know what is meant by "without prejudice."

The SPEAKER. If this is agreed to, and the committee is passed without prejudice as to this bill, then upon any day of the call of committees this committee will have the preference to call up the bill.

Is there objection? [After a pause.] The Chair hears none.

ORDER OF BUSINESS.

Mr. JENKINS. Mr. Speaker, by direction of the Committee on the Judiciary, I call up the bill (H. R. 11733) for punishing conspiracy to intimidate any person in the exercise of his rights under the Constitution and laws of the United States.

Mr. TOWNSEND. Mr. Speaker, I rise to make a motion to go into Committee of the Whole House on the state of the Union, an hour having passed.

The SPEAKER. The motion of the gentleman is privileged, one hour having passed since the call began.

Mr. SHERLEY. There is no question but what the motion of the gentleman from Michigan is in order, but the point I want to know is if it is in order after the House has taken up a bill?

The SPEAKER. The Chair will state to the gentleman, as the Chair understands the rule: When the committees are on call, after the expiration of sixty minutes it is then in order for any Member of the House, as a privileged question, to move that the House take up a bill on the Calendar, designating it; or that the House take up a bill on the Union Calendar, designating it; or that the House proceed to consider bills on the Union Calendar.

Mr. SHERLEY. I understand the rule, but the point I was making was whether it was in order to do that when a bill had been regularly called up on the call of the Calendar.

The SPEAKER. The Chair will state that the precedents have been that this motion would take a Member off his feet even if he were addressing the House upon a bill or when a bill was pending, after the expiration of sixty minutes.

Mr. TOWNSEND. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15447).

Mr. CLAYTON. Mr. Speaker, may I ask what is the subject of that bill?

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 15447) providing for an investigation of controversies affecting interstate commerce, and for other purposes.

Mr. CLAYTON. I am opposed to that bill anyhow.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. TOWNSEND. Division!

The House divided; and there were—ayes 86, noes 70.

Mr. CLAYTON and Mr. ADAMSON. Yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 103, nays 112, answered "present" 6, not voting 169, as follows:

YEAS—103.

Allen	Esch	Huff	Nye
Bannon	Fassett	Humphrey, Wash.	Olmsted
Barchfeld	Fordney	Keifer	Payne
Beale, Pa.	Foss	Kennedy, Ohio	Perkins
Bede	Foster, Vt.	Knapp	Pollard
Bingham	French	Küstermann	Reynolds
Birdsall	Fuller	Lawrence	Roberts
Bonynge	Gaines, Tenn.	Lindbergh	Russell, Mo.
Boyd	Gilhams	Longworth	Russell, Tex.
Brownlow	Gillett	Loud	Smith, Cal.
Butler	Goebel	Lowden	Sperry
Capron	Greene	McCreary	Stafford
Chaney	Gronna	McGuire	Steenerson
Chapman	Hale	McKinlay, Cal.	Stevens, Minn.
Cockran	Hamilton, Mich.	McKinney	Sulloway
Crumpacker	Harding	McLachlan, Cal.	Taylor, Ohio
Currier	Haskins	McLaughlin, Mich.	Thistlewood
Dalzell	Henry, Conn.	McMorran	Tirrell
Davidson	Hepburn	Madison	Townsend
Douglas	Higgins	Mann	Volstead
Draper	Hinshaw	Martin	Vreeland
Driscoll	Howard	Mondell	Weeks
Durey	Howell, N. J.	Moore, Pa.	Weems
Dwight	Howell, Utah	Morse	Wheeler
Edwards, Ky.	Howland	Murdock	Young
Ellis, Oreg.	Hubbard, W. Va.	Nelson	

NAYS—112.

Adair	Estopinal	Johnson, S. C.	Ransdell, La.
Alexander, Mo.	Ferris	Jones, Va.	Rauch
Ansberry	Finley	Jones, Wash.	Reid
Ashbrook	Fitzgerald	Kahn	Richardson
Barnhart	Floyd	Kennedy, Iowa	Robinson
Bartlett, Ga.	Foster, Ill.	Kimball	Ryan
Beall, Tex.	Garner	Kipp	Sabath
Bell, Ga.	Garrett	Kitchin, Claude	Saunders
Booher	Gill	Kitchen, Wm. W.	Shackleford
Bowers	Gillespie	Knowland	Sheriey
Burnett	Godwin	Lenahan	Sherwood
Byrd	Hamilton, Iowa	Lever	Sims
Candler	Hamlin	Lloyd	Smith, Mo.
Carter	Hammond	Lovering	Smith, Tex.
Caulfield	Hardwick	Macon	Southwick
Clark, Mo.	Hardy	Madden	Sparkman
Clayton	Hay	Moon, Tenn.	Stanley
Cooper, Pa.	Hayes	Moore, Tex.	Sterling
Cooper, Tex.	Heflin	Nicholls	Taylor, Ala.
Cooper, Wis.	Helm	O'Connell	Thomas, N. C.
Cox, Ind.	Henry, Tex.	Padgett	Tou Velle
Craig	Hitchcock	Page	Underwood
Cravens	Houston	Parker	Watkins
Cushman	Hughes, N. J.	Patterson	Webb
Davenport	Hull, Tenn.	Peters	Weisse
Denver	Humphreys, Miss.	Pou	Wiley
Dixon	James, Ollie M.	Pray	Williams
Ellerbe	Jenkins	Rainey	Wilson, Pa.

ANSWERED "PRESENT"—6.

Adamson	Gardner, Mass.	Lee	Sherman
De Armond	Goulden		

NOT VOTING—169.

Acheson	Davis, Minn.	Hughes, W. Va.	Overstreet
Aiken	Dawes	Hull, Iowa	Parsons
Alexander, N. Y.	Dawson	Jackson	Pearre
Ames	Denby	James, Addison D.	Porter
Andrus	Diekema	Johnson, Ky.	Pratt
Anthony	Edwards, Ga.	Keliher	Prince
Barclay	Ellis, Mo.	Kinkaid	Pujo
Bartholdt	Englebright	Knopf	Randell, Tex.
Bartlett, Nev.	Fairchild	Lafean	Reeder
Bates	Favrot	Lamar, Fla.	Rhinock
Bennet, N. Y.	Flood	Lamar, Mo.	Riordan
Bennett, Ky.	Focht	Lamb	Rodenberg
Boutell	Foelker	Landis	Rothermel
Bradley	Fornes	Langley	Rucker
Brantley	Foster, Ind.	Laning	Scott
Brodhead	Foulkrod	Lassiter	Sheppard
Broussard	Fowler	Law	Slayden
Brumm	Fulton	Leake	Slemp
Brundidge	Gaines, W. Va.	Legare	Small
Burgess	Gardner, Mich.	Lewis	Smith, Iowa
Burke	Gardner, N. J.	Lilley	Smith, Mich.
Burleigh	Glass	Lindsay	Snapp
Burleson	Goldfogle	Livingston	Spight
Burton, Del.	Gordon	Lorimer	Stephens, Tex.
Burton, Ohio	Graff	Loudenslager	Sturgiss
Calder	Graham	McCall	Sulzer
Calderhead	Granger	McDermott	Swasey
Caldwell	Gregg	McGavin	Talbott
Campbell	Griggs	McHenry	Tawney
Carlin	Guernsey	McKinley, Ill.	Thomas, Ohio
Cary	Hackett	McLain	Waldo
Cassel	Hackney	McMillan	Wallace
Clark, Fla.	Haggott	Malby	Wanger
Cocks, N. Y.	Hall	Marshall	Washburn
Cole	Hamill	Maynard	Watson
Conner	Harrison	Miller	Willett
Cook, Colo.	Haugen	Moon, Pa.	Wilson, Ill.
Cook, Pa.	Hawley	Mouser	Wolf
Coudrey	Hill, Conn.	Mudd	Wood
Cousins	Hill, Miss.	Murphy	Woodyard
Crawford	Hobson	Needham	
Darragh	Holliday	Norris	
Davey, La.	Hubbard, Iowa	Olcott	

So the motion was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. MALBY with Mr. SMALL.

Mr. GARDNER of Michigan with Mr. PRATT.

Mr. MCKINLEY of Illinois with Mr. HACKNEY.

Mr. SMITH of Iowa with Mr. RUCKER.

Mr. DAWSON with Mr. RANDELL of Texas.

On this vote:

Mr. GARDNER of Massachusetts (in favor of) with Mr. KELIHER (against).

Mr. ADAMSON. Mr. Speaker, the gentleman from Pennsylvania, Mr. WANGER, with whom I am paired, did not vote, and I wish to change my vote from "no" to "present."

The result of the vote was announced as above recorded.

The SPEAKER. The motion fails, and the gentleman from Wisconsin [Mr. JENKINS] is recognized.

CONSPIRACIES AGAINST ALIENS.

Mr. JENKINS. Mr. Speaker, by direction of the Committee on the Judiciary, I call up the bill (H. R. 11733) punishing conspiracy to injure or intimidate any person in the exercise of a right under the Constitution or laws of the United States.

The bill was read, as follows:

Be it enacted, etc., That if two or more persons conspire to injure, oppress, threaten, or intimidate any person in the free exercise or enjoyment of any right secured to him by the Constitution or laws of the United States, or because of his having so exercised the same, they shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

The following committee amendment was read:

Amend by striking out all of line 4 after the word "any;" all of line 5, and "laws," the first word of line 6, and insert in lieu thereof "alien in his free exercise or enjoyment of any right secured to him under any treaty."

Mr. JENKINS. Mr. Speaker, I want to say to the House that this is a very important matter; and if any gentleman desires to ask any question, we shall be very glad to hear it now.

Mr. SHERLEY rose.

Mr. JENKINS. I yield ten minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. MANN. Mr. Speaker, I ask for order. This is a very important matter.

Mr. JENKINS. It is a very important matter.

The SPEAKER. The gentleman from Wisconsin yields to the gentleman from Kentucky [Mr. SHERLEY] ten minutes. The House will be in order.

Mr. SHERLEY. Mr. Speaker, the purpose of this bill is to give to the Federal Government jurisdiction of conspiracies against the rights of aliens, such rights being conferred by treaty. Under the existing law there is no power that enables the Federal Government to punish such offenses, and in the past history of this country we have had several instances showing the vital need of such a law. No foreign nation looks to any individual State in its intercourse with this country, and any treaty that is made with a foreign nation must of necessity be made with the United States; and where there is responsibility there ought to be power. If the Federal Government can under a treaty confer certain rights upon aliens, it ought to have the right to punish persons who undertake to violate such rights. This question arose in a case growing out of some trouble in California many years ago in regard to the Chinese. The case was ultimately carried to the Supreme Court, and that court, construing section 5508 of the Revised Statutes, declared that the word "citizen" did not embrace aliens, and that there was no law that enabled the Federal Government to punish such offenses. Section 5508 of the Revised Statutes says practically that if two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any rights guaranteed under the Constitution or laws of the United States, they shall be punished, and so forth. I introduced a bill that changed that section simply by the substitution of the word "persons" in place of the word "citizens," because the Supreme Court in that case, the case of Baldwin *v.* Frank, has said that "citizens" was not as broad as "persons," and practically stated that the use of the word "persons" would give jurisdiction over aliens.

But the Judiciary Committee in its wisdom thought that was too broad a designation, and so it reported the bill with an amendment which uses the words "alien in his free exercise or enjoyment of any right secured to him under any treaty." And while it does not go as far as my bill, in that it does not embrace fully rights under the Constitution of the United States, but expressly limits it to a treaty, it does make substantial progress. There have been in the past some objections to a law of this kind, because it was believed that the States themselves could control such a situation, and I know that there is no one in this House who believes more in the exercise of state power, where that exercise can be had, than myself. But repeating again what I believe to be a fundamental proposition, I say that where there is responsibility there ought to be power, and it is a humiliating position for the United States of America, in dealing with a foreign nation, when called upon to enforce a treaty right, to reply, "We have no jurisdiction and you must look to the individual State." In the trouble that grew up in Louisiana, the "Mafia trouble," Italy made a demand upon this country, and this Government, while not acceding to the demand as a principle, did pay to the Government of Italy a substantial sum on account of wrongs done Italian subjects then resident in Louisiana, but this Government was unable to punish any of the perpetrators of that wrong.

Mr. DOUGLAS. Were they citizens?

Mr. SHERLEY. They were not citizens. They were aliens resident in Louisiana.

Mr. MANN. As I understand, it is proposed to make it an indictable offense in a federal court for any two or more persons to conspire against the rights of an alien, which rights are secured by treaty.

Mr. SHERLEY. That is right, sir.

Mr. MANN. Those rights, as a rule, are that an alien shall be treated the same as a citizen. That is practically what the treaty rights are. Suppose, then, that this trouble in New

Orleans had been a labor strike and these people had been alien laborers, could the people who interfered with those laborers have been indicted in the federal courts instead of the state courts under this provision?

Mr. SHERLEY. Unquestionably, if the conspiracy existed.

Mr. MANN. Suppose in the case of a labor strike there are some aliens endeavoring to take the place of strikers, in such cases can they go into the federal court and obtain an indictment charging that the labor leaders in charge of the strike have organized a conspiracy against them instead of relegating them to the state court?

Mr. SHERLEY. Unquestionably; if there was a conspiracy charged against the right of the alien secured by treaty, the federal court would have jurisdiction.

Mr. MANN. As I understand it—and the gentleman is the best informed on this subject in the House, and I therefore appeal to him—these treaty rights are practically the ordinary rights of citizens, and the alien shall receive the same rights; receive the same protection of the law and be entitled in every way to the benefit of our laws as far as personal protection is concerned as citizens, and if the violation is against the alien he goes into the federal court, and if it is against the citizen he goes into the state court.

Mr. SHERLEY. The latter part of the gentleman's statement is not altogether correct. There is now on the statute book section 5508, which protects any citizen against the conspiracy of a right guaranteed to him under the Constitution and laws of the United States.

Mr. MANN. That was the gentleman's original bill as to aliens, but now the rights guaranteed to aliens under the treaty are different from the rights guaranteed to citizens by the Constitution of the United States and the statutes; they do not enter into the personal protection of the citizen of the State.

Mr. SHERLEY. Except, the gentleman will bear in mind, the use of the word "law" would embrace a treaty; so as the bill was originally drawn it would not only embrace the treaty rights, but any other rights which could be given by federal law or the Constitution.

The action of the Committee on the Judiciary has been to narrow the bill and not to enlarge it. Now, there is, of course, the objection which has been suggested by the questions of the gentleman from Illinois, and that is that an alien might be enabled to get protection from the federal court in a matter where the citizen would not be able to; but there is this to be said in favor of that proposition—that the alien rights come from the Federal Government, and the country to which he belongs looks to the Federal Government for the enforcement and guaranty of those rights. There is no reason why, in a labor dispute or in any other dispute, if a mob is organized and enters upon a conspiracy against the rights given the alien under a treaty, the mob should not be punished by the federal law that guaranteed the alien that right.

Mr. MANN. The gentleman from Kentucky and I both agree about that. The gentleman does not get quite what I am trying to direct his attention to, probably because I have not made it very clear. Under this provision, as I understand it, the rights of an alien guaranteed under a treaty apply to his protection under the statutes of the State, and an alien under the treaty is as much entitled to protection of the laws of Illinois as a citizen of Illinois. The gentleman's original bill did not undertake to confer any power on the federal court over the enforcement of a law relating to Illinois; but under this provision, it seems to me—and I ask the gentleman for information—if the alien in the State of Illinois is not given the same protection that the citizen has, and if he claims that he is injured in those rights by reason of the conspiracy, he can go into the federal court and get an indictment for the violation of the Illinois statute.

Mr. SHERLEY. I am inclined to think this—the gentleman asks a very intricate and interesting question—if the right is directly traceable to a treaty, the federal jurisdiction exists; but if he has a right under the state law irrespective of the treaty, then this law would not give the federal court jurisdiction, but he would have to look to the state law. But it is to be borne in mind that this proposed law does not deal with minor offenses, where one individual attacks another. Those, while sometimes aggravated, as a rule can be left to the local or state law; but here the crime must rise to the dignity of a conspiracy——

Mr. HUGHES of New Jersey rose.

The SPEAKER. The time of the gentleman has expired.

Mr. JENKINS. Mr. Speaker, I yield ten minutes to the gentleman from Texas [Mr. HENRY], a member of the committee, who desires to speak in opposition to the bill.

Mr. HUGHES of New Jersey. Mr. Speaker, I ask the gentleman from Texas to yield one minute to the gentleman from Kentucky [Mr. SHERLEY] in order that he may answer a question.

Mr. HENRY of Texas. I yield one minute to the gentleman from Kentucky [Mr. SHERLEY].

Mr. HUGHES of New Jersey. Is there any doubt in the mind of the gentleman of the ability of the state court now to protect or to punish anybody for entering into a conspiracy against aliens or citizens or anyone else?

Mr. SHERLEY. That depends upon the particular State and the state law, and sometimes, unfortunately, it depends upon the amount of local feeling that may exist. At the time of the Chinese trouble some twenty years ago, there was a condition in the State of California where it was not to be expected that that State would punish violations against the treaty rights of the Chinese.

Mr. HUGHES of New Jersey. As I understand the gentleman, then, there is no question as to the law on the subject. We do not need any more laws in order to protect aliens from conspiracy.

Mr. SHERLEY. That is the gentleman's own assumption. I think we do need this law, else I would not advocate it.

Mr. HUGHES of New Jersey. Is there any State in which there is not a law against conspiracy, or which makes a qualification or exception in case of an alien?

Mr. SHERLEY. No State that I know of.

Mr. HENRY of Texas. Mr. Speaker, what I desire to say on this bill can be stated in a few words. While it is true the bill comes to the House with the indorsement of the Committee on the Judiciary, yet there are some of us who reserved the right to oppose it on the floor of the House. I was one of the number, and now desire to record my opposition to it and briefly give my reasons for such action. It will be remembered this same proposition was up when we were considering the bill to recodify the statutes of the United States. We had a vote on the question and this House voted it down.

Mr. SHERLEY. Will the gentleman yield for a moment?

Mr. HENRY of Texas. Certainly.

Mr. SHERLEY. Will not the gentleman bear me out in the statement that when that amendment was offered by the gentleman from Maine [Mr. LITTLEFIELD] I myself objected to it being considered at that time, because we had objected to affirmative propositions in the consideration of a revision report, and that as the author of the bill I asked that it be not considered at that time, so that here has been no real consideration by the House?

Mr. HENRY of Texas. My recollection is that we considered it and it was voted down. At least it was ascertained that the sentiment of the House was against it. Now, Mr. Speaker, this bill proposes to confer rights upon aliens not conferred and which perhaps could not be conferred by States of the Union. It provides:

> That if two or more persons conspire to injure, oppress, threaten, or intimidate any alien in his free exercise or enjoyment of any right secured to him under any treaty of the United States, or because of his having so exercised the same, they shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

The bill is short, and I have set it out in full. It may be that a State would deny certain rights to an alien. Perhaps it would act with wisdom in doing so, and yet it might be that under some treaty of the United States with a foreign country a right could be conferred upon an alien which could not be enjoyed by a citizen of a State. Therefore I believe these questions should be remanded to the States for settlement in their legislatures. I contend that the rights of suffrage, domestic relations, public schools, and such questions should be determined by the States and not be wrapped up in some treaty that may be entered into with foreign countries, and for that reason my opposition is here interposed to giving jurisdiction to federal courts in regard to rights of aliens in this way, and especially where the same rights are not enjoyed by the citizens of this country. You will remember, to be perfectly frank, that there was some question in California not long ago in reference to the Japanese, and that State was in a controversy with the President and federal executive authorities about it. I think the citizens of California had a right to take the position they did on that issue, and do not believe Congress should put it in the power of an alien or anyone else to override the sovereignty of a State on such a question as this. [Applause.] It is one of purely domestic concern; each State can and will determine it according to the sentiment and welfare of its people. If California or any other State does not wish to admit Orientals into their public schools, such right of

action remains with, and should so remain under our Constitution, with a sovereign State. No treaty made under proper constitutional limitations can or should nullify this sovereign will of a State and force Japanese and Chinese into the white schools of a State. There is no power, can be none, and there should be none, to authorize by treaty with a foreign nation Asiatics and aliens to enter our public schools and intermingle with our children. Our fathers never wrote it in the Constitution; it is not in the treaty-making power, and should never be. It was never intended by the treaty-making power to rob the States of such rights, and by the provisions of this federal statute we should not endeavor to make the privileges of aliens superior to state laws.

Mr. Speaker, I would not take one just power from this Government given it under the Constitution, and do not invoke a strict construction of the Constitution on such questions as this. It is not necessary, and I only call for a proper construction. But I certainly say it is going too far to take a circuitous route and confer rights upon aliens which have not been conferred upon them by the sovereign States of this Union. Every State now has ample law to punish every offense against the rights of aliens. They have every protection in their personal rights now vouchsafed to citizens. Gentlemen can not name a single just right of aliens taken from them in a solitary State of the Union—not one. They are challenged to point it out. Hence it is not necessary to take away or throttle state jurisdiction and throw this and kindred domestic problems into federal domain and the forum of federal courts. For that reason I am opposed to this measure and say it is radical and wrong. There is nothing calling for legislation by Congress. Therefore I shall vote against it; and, having reserved the right to oppose it in the Committee on the Judiciary, feel warranted in attacking it here.

Mr. BARTLETT of Georgia. Has the gentleman investigated the question of what right Congress has to make it an offense within a State to commit an offense against an alien that it would not have to make an offense against a citizen of the State who committed a like offense?

Mr. HENRY of Texas. I certainly think there is no such right.

Mr. BARTLETT of Georgia. This bill undertakes to do that.

Mr. HENRY of Texas. And I am opposing the bill.

Mr. BARTLETT of Georgia. I understand so.

Mr. HENRY of Texas. And I thank the gentleman for his suggestion. It is a strong point coming from the gentleman from Georgia, a most able lawyer.

Mr. SHERLEY. If the gentleman at that point will permit, if he has read, as he doubtless has, the decision of Baldwin against Frank, the Supreme Court in so many words says it is not a question of power, but simply that Congress had not so legislated. It clearly declares that the power exists, and the constitutionality of this law is beyond question.

Mr. HENRY of Texas. Conceding the decision, as the gentleman states, I am opposed to this bill on the question of broad policy and say Congress should take its hands off the question and leave it to the States. I yield back the balance of my time.

Mr. JENKINS. If the gentleman will permit, I understood the gentleman from Texas to say if aliens obtained any rights they should obtain them from the States.

Mr. HENRY of Texas. No; I did not say that.

Mr. JENKINS. That is what I understood the gentleman from Texas to say, and I did not want him to be misunderstood. Is it not a fact that if an alien obtains any rights under the Government he must obtain them through the Federal Government; that he comes here and becomes a citizen of the State under the law of that State by the prior authority of the Federal Government?

Mr. HENRY of Texas. Of course I know the States have nothing to do with our international relations as States, but have everything to do with the question of their own domestic affairs.

Mr. DOUGLAS. If the gentleman will permit, does not the gentleman think the rights of aliens guaranteed to them by the treaties of the Nation ought to be protected somewhere?

Mr. HENRY of Texas. I think they ought to be protected, but I think we ought not to confer greater rights upon aliens than upon citizens. I believe the rights of citizens are at least equal to those of aliens. And I declare they are now abundantly protected by the laws of every State in the Union. And this applies to treaty rights as well as all others.

Mr. JENKINS. Mr. Speaker, I yield ten minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, in reply to the gentleman from Texas, I do not know of any power under the treaty-making clause of the Constitution that enables the Federal Government to confer upon aliens rights superior to those possessed by citizens. I myself have always believed that the treaty-making power was a restricted power, and upon this floor took occasion to point out some limitations which were on that power. Now, this proposed law does not undertake to say what rights can be conferred upon aliens. What it does undertake to say is this: That when the Government of the United States confers a right upon an alien as a result of a formal treaty made with a sovereign power, that it owes it to its standing as a member of the great nations of the world to see that that right is maintained and enforced. [Applause.] This matter is not a new proposition. President after President has sent messages to Congress asking that something be done to give the Federal Government power to enforce its treaties. What a humiliating position the United States is in when it is called upon by a government with which it has entered into a formal treaty to enforce a right guaranteed by such treaty, and has to answer that it has no power, and that such foreign nation will have to look to a State which that nation does not recognize.

Now, I agree with this much of what the gentleman from Texas [Mr. HENRY] says. We ought to be exceedingly careful as to what right we confer under treaty. There ought to be the utmost caution in that regard, and I by no means agree with those gentlemen who believe that we can confer all sorts of rights, such as were claimed relative to the situation in California recently, but to the extent that we can confer rights, having done it, we ought to be prepared to enforce those rights. I believe in state law and in state sovereignty, but the matter of the treaty-making power we gave to the Federal Government, and expressly prohibited it to the States. We did it because it was necessary that all the States should speak with one voice, that they should deal with foreign countries through one government, and having dealt that way that one government ought to have the power to enforce its decree. No innocent man need fear this. It relates only to conspiracy. It requires an indictment by a grand jury; it requires a trial by a petit jury. It throws about the accused man every safeguard that the Anglo-Saxon law knows; it simply gives to the Government the power to make effective its obligations. [Applause.]

Mr. JENKINS. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. CLAYTON], a member of the committee.

Mr. CLAYTON. Mr. Speaker, when this bill was under consideration in the Committee on the Judiciary I gave notice that I should antagonize it on the floor of the House. So, Mr. Speaker, that explains my attitude in opposing a measure that has come from the committee of which I am a member.

This bill, Mr. Speaker, ought not to pass this House, either as amended or in its original form. I am not going to go into a lengthy discourse—I could not if I would—but I am merely going to suggest some of the ideas why I am opposed to it, and leave it to the intelligent consideration of the Members of the House to supply the argument that I would make were I as capable of making it as is the average Member of this House.

Now, Mr. Speaker, I am opposed to the multiplication of federal offenses. We have too many now. For years and years we have had commissioners and successive commissioners trying to codify the statutes of the United States. This House has been for more than a decade grappling with the proposition of trying to simplify the multitudinous criminal statutes we already have.

Now, as I have said, there is no necessity for it. There is no necessity for passing this law in its form as originally introduced by the gentleman from Kentucky [Mr. SHERLEY]. Certainly the argument made against it as amended—the alien proposition—as elucidated and sustained by the gentleman from Texas [Mr. HENRY] here, ought to be convincing on that phase of the question. Now, why should this pass? There is not an alien or citizen of this country who is oppressed by virtue of any conspiracies among anybody but has a remedy already. [Applause on the Democratic side.]

We have enough laws, and we go ahead from time to time creating more laws—more and unnecessary laws. Whenever any alien's rights are violated by criminal conspiracies there is no State in this Union that does not furnish adequate remedy or punishment. The same men who constitute a grand and petit jury in a federal court constitute it in a state court. And I, somehow or other, have enough notion of the old states rights doctrine still left in me to believe that our state judges are just as honest and just as capable, just as learned and just as well suited for the enforcement of the rights of any man, through the means of criminal prosecution, as the federal judges are. And I think this is an unnecessary law, should we pass it. Let us leave the law as it is. The alien and the citizen have

adequate protection under the law in every State in this Union as it now stands. [Applause.]

Mr. JENKINS. Mr. Speaker, I want to say to my friend from Alabama [Mr. CLAYTON] and the Members of this House that no man ever stood upon this floor more jealous of the rights of a State than I have always been. But, Mr. Speaker, whenever there was an opportunity to exercise a federal power, and when there was a demand for it, and it would not conflict with the rights of a State, I have never hesitated to put that power in operation as far as my vote was concerned. I voted in the Committee on the Judiciary for this bill, and I stand here upon the floor of this House in support of this measure. I think we would be derelict in our duty to-day if we did not pass this bill. There is no use in talking about referring to the laws of the States of Alabama or Mississippi or Wisconsin or any other State of the Union. They have no provision upon the statute books that meets this question.

This is an absolute necessity. It did not originate with the Committee on the Judiciary; it was recommended to the Committeee on the Judiciary by the Department of State, which is very much interested in this great question.

Mr. WILSON of Pennsylvania. Will the gentleman permit an interruption?

Mr. JENKINS. Certainly.

Mr. WILSON of Pennsylvania. Is it not true that in every State of the Union there is a law which gives as much protection to the alien against conspiracy as to the citizen?

Mr. JENKINS. No, sir; and no gentleman who clearly understands the subject would ask that question. This is aimed to prevent conspiracy against an alien, and we have had many such cases in this country, that has made it very difficult for the administration to dispose of.

Mr. HENRY of Texas. If the gentleman will permit me to interrupt him——

Mr. JENKINS. Certainly.

Mr. HENRY of Texas. Take the case of the Japanese and the Chinese in the State of California, where their children were sent to the oriental schools in San Francisco. The Japanese raised considerable controversy over the matter; and there was contention that they had the right under a treaty with the United States to enter the white schools in the city of San Francisco and the State of California. They went into court and insisted upon that right, and they undertook to go into these schools and claimed that there was discrimination against them. A conspiracy would be alleged against the board or anyone, acting by their direction, who required them to go in a separate school. Under this act, could they be compelled to go into the separate schools?

Mr. JENKINS. Let me answer that question in my own way. I want to say to my friend, long before the opening of Congress, when that question arose, I gave an interview to the newspapers of this country and stood for the State of California against the Federal Government. I want the House to understand me on that subject; so far as that question is concerned every State can and ought to have the absolute right to say who shall enter their schools [applause]; and we all remember the Federal Government, after taking a position, abandoned it.

Mr. HENRY of Texas. I remember that there was considerable discussion on the matter, and the Chinese and Japanese tried to send their children to the white schools in California. Suits were brought, and they were denied the right.

Mr. JENKINS. The suits were abandoned. That has absolutely nothing to do with this.

Mr. HENRY of Texas. Let me suggest that the legislature of the State of California appropriated $10,000 to prosecute litigation in order that the Chinese and Japanese might be kept out of these schools and make them attend their own.

Mr. JENKINS. I say here, and I want to repeat it, openly and publicly, that every State of the Union has an absolute right as against the Federal Government to say who shall enter their schools and who shall not. [Applause.] And there is no attempt upon the part of the Federal Government here to interfere with this question. But the State Department informs this House, through its Judiciary Committee, that they have immense complications growing up. I want to say to this House to-day that the gentleman from Kentucky [Mr. SHERLEY] is entitled to great credit from this House for taking upon himself the responsibility of bringing into this House this great and important question.

Mr. FITZGERALD. Will the gentleman permit me to ask him a question?

Mr. JENKINS. Certainly.

Mr. FITZGERALD. Will the gentleman state what State in the Union there is in which the alien would not have the protection of her laws at the present where this law would be of some benefit to him?

Mr. JENKINS. Well, I can only state to my friend from New York in a most general way that this provides that there shall be no conspiracy upon the part of two or more against aliens. Now, we have never been able to punish that under any law in any State. We know, of course, to-day that if an alien is murdered or interfered with in any State, an appeal can be made to the State for protection. There is nothing in this law that any Democrat or any Republican need be afraid of. It is simply to clothe a department of this Government with the power to protect aliens under the terms of treaty obligations.

Mr. DOUGLAS. Will the gentleman permit a suggestion?

Mr. JENKINS. Certainly.

Mr. DOUGLAS. The gentleman is aware of the fact that in civil suits the alien can take cases into the federal courts and they have jurisdiction where the citizen can not have it under the same circumstances, and they have had that privilege for half a century.

Mr. HENRY of Texas. I submit that the gentleman did not answer my question. I know that he wants to be candid and will do so. Suppose it is contended that such a right as I refer to is conferred by treaty and then it is alleged that a conspiracy has been entered into by this board of education; would this statute apply to such a case as that?

Mr. JENKINS. I say again to my friend upon the committee, who is a fair and honorable gentleman, entitled to an answer to his question, that this bill goes to this extent and this only—it simply says that if two or more persons conspire to injure or interfere with the rights of any alien, under a treaty the federal power can protect him.

Mr. HENRY of Texas. I take it, then, that the gentleman agrees with me on that proposition.

Mr. JENKINS. I am perfectly willing to leave to every State the question of every local matter that may arise therein, but there is no provision in any State of the Union that meets this matter.

Mr. HENRY of Texas. Suppose it was undertaken to confer such a right as that?

Mr. SHERLEY. If the gentleman will permit me, in answer to the query of the gentleman from Texas, no right can be conferred on an alien except under our Constitution. Now, if such a right can be conferred, ought it not to be protected? The mere fact that some man claims it is a conspiracy against a right does not make it a fact, and in each instance under an indictment the court would have to determine whether constitutionally such a treaty right could be and had been conferred.

Mr. HENRY of Texas. Still, that does not answer the question. I think it is very clear that this statute would apply to that San Francisco case. Of course, I understand that this Government can not confer any rights that the Constitution does not authorize it to confer.

Mr. JENKINS. Then let me answer the question of the gentleman from Texas.

Mr. HENRY of Texas. I would like to have an answer to that.

Mr. JENKINS. I will answer it. I agree with the gentleman from Texas that if two or more persons in the city of San Francisco, Cal., conspired together to prevent one of these aliens going into the public schools this law would apply.

Mr. HENRY of Texas. That is all I wanted to know.

Mr. SHERLEY. Will the gentleman qualify his statement with this further——

Mr. JENKINS. Let me answer the question by saying that that does not determine or settle the question as to whether or not they can enter the schools.

Mr. SHERLEY. No; and in such a case would it not be permissible to raise the question whether such a treaty right could be conferred, and instead of having pronouncements from certain high authorities as to what rights could be conferred, you would have a court of the land determine it and settle the matter?

Mr. HENRY of Texas. But you might have a court hold that such a right did exist under the treaty, and that is the reason I am opposed to the bill.

Mr. SHERLEY. If the Supreme Court of the United States held that the right could be conferred, then the Federal Government ought to be able to enforce that right.

Mr. HENRY of Texas. Oh, if the Supreme Court did it; but some local court might so hold it first, and it might not get to the Supreme Court.

Mr. JENKINS. I yield five minutes to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES of New Jersey. Mr. Speaker, I am opposed to this bill, for the reasons which caused me to oppose a similar

provision in the revision of the criminal code. It is clear to my mind that under this bill, as under that provision of the code, men engaged in labor disputes are liable to come constructively within the provisions of this act. It has been held in my State, and it has been practically held by the Supreme Court, that an agreement to go upon a strike in certain cases is a conspiracy against the employer. It might be held that it was a conspiracy also against those who would seek that employment, and any conduct of those engaged in the dispute in any way directed against those who would take their places might be regarded under this act as a conspiracy.

Now, where I come from we are within 15 miles of the port of New York, and it is no uncommon thing for strike breakers to be imported in the early days of a strike. That remedy is known to everybody. They are brought there. Now, little trivial things can be seized upon, things that may occur at any time in the heat of an industrial fight of that character, and be said to be the outcome of a conspiracy, and then what do we have? We have this dispute transferred to a tribunal far away from home; they take these men or women to the federal court, where nobody understands the local conditions. The people so indicted—and they have been indicted and sent to prison in my State for engaging in a strike—they can be indicted, and if these men are shown to be aliens and a conspiracy is alleged and proved by ex parte witnesses, they can be indicted under this bill and tried. Now if they are indicted, tried, and convicted of conspiracy against an alien they can be punished by a $5,000 fine.

You can not get away from that, under the language of the bill. There is no chance for the court to say that the provocation was great, or that there was doubt about the guilt, or to take into consideration the previous good conduct.

Mr. SHERLEY. If the gentleman from New Jersey will read the bill he will see that it says "not more than $5,000." The fine can be made as low as $1.

Mr. HUGHES of New Jersey. Well, in any event, in my State no such penalty could be inflicted for that crime. Aliens under this bill could engage in a conspiracy against a citizen the citizen would be subjected to.

Mr. SHERLEY. If the gentleman will pardon me, section 5508 of the Revised Statutes would cover that case. That says that if two or more persons conspire against any citizen. This says if two or more persons conspire against an alien; it complements it.

Mr. HUGHES of New Jersey. I have not the gentleman's knowledge of the Revised Statutes, but I am discussing this bill.

Mr. NICHOLLS. I would like to ask the gentleman from New Jersey if the bill does not provide drastic punishment for a conspiracy to violate a right, possibly not yet granted, or which may be granted, and one that might be obnoxious to citizens of this country, and one that perhaps could not be passed through this representative body. And yet this bill provides a punishment for a conspiracy to violate a right not yet granted.

Mr. HUGHES of New Jersey. I should prefer not to answer that question, as I do not exactly catch the trend of it.

Mr. NICHOLLS. Does not the bill provide for the violation of a right that may be granted by treaty in the future and which does not now exist?

Mr. HUGHES of New Jersey. Undoubtedly.

Mr. NICHOLLS. For the violation of rights not now known to the people of this country?

Mr. HUGHES of New Jersey. That is right, and that is a good point, too. What I am apprehensive about is that men may be punished under this bill for conspiracy to keep aliens from taking employment. As the gentleman from Pennsylvania says, there may be hundreds of these rights conferred by treaty that we do not regard seriously enough to apply such a procedure to their abrogation.

The SPEAKER pro tempore. The time of the gentleman from New Jersey has expired.

Mr. JENKINS. I now yield five minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, I expect to vote against this measure either in its original form or as the amendment proposed would make it, for the double reason that I consider it unnecessary legislation and dangerous legislation. It is unnecessary because the federal statutes and state statutes—one or the other, in many instances both—practically provide for everything that could be reached, or ought to be reached, by this measure. It is dangerous, because no man can tell what might be and what might not be embraced within it or comprehended under it. Wherever any United States district attorney, if this were the law, might choose to have an indictment found against any citizen or person for the violation of the provision which this would carry into the law, and found a grand jury ready to act upon his suggestion, anybody might be indicted for practically anything, carried to the federal court, and the result, of course, there, as elsewhere, would depend upon the construction of the law by the court or the verdict of a jury.

Now, no man can tell, no man can determine, what particular offenses would be embraced within this act, and it would be almost equally difficult to tell actually what would be excluded from it.

That if any two or more persons conspire to injure, oppress, threaten, or intimidate—

As the original bill reads—

any person in the free exercise or enjoyment of any right secured to him by the Constitution or laws of the United States, or because of his having so exercised the same, he shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

Now, the ingenuity of man is not sufficient to classify or to make a statement, no matter how much time might be given, of all the things that might be embraced within that. What are the rights secured to persons by the Constitution of the United States? It would be very hard to catalogue them. What would two or three or more persons conspiring together have to conspire to do in order to violate the provisions of that act? How little or how much would be necessary?

Now, as the committee proposes to amend it, it would provide that if "two or more persons conspire to injure, oppress, threaten, or intimidate any alien in the free exercise or enjoyment of any right secured to him under any treaty of the United States, or because of his having so exercised the same, they shall be fined," and so forth.

I have always been opposed and am now to selecting out the alien for particular favor in our law. I believe that the man who sojourns in a foreign country is entitled to no more than what the law of that country gives to its inhabitants and citizens. There is not a State in this Union where the alien has not in law the same protection that the citizen has. It is no defense anywhere against any charge made in any court or under any circumstances that the person alleged to have been injured or the victim of alleged wrongdoing is an alien and not a citizen. It is not necessary to charge that the person injured or against whom an attempt at injury has been made is a citizen, and it is no defense for anyone to allege or to show that he is not a citizen. So the alien and the citizen are equally within the protection of our laws. There is no reason for picking out the alien for a special favor.

The gentleman from Kentucky [Mr. SHERLEY] alludes to the circumstance that in certain proceedings of a civil nature the alien has the right to go to the United States court. That is because the Constitution so provides; but that is very far from an argument in favor of the proposition that the Congress, by legislation, should provide for his going to the United States courts in other and criminal cases.

Mr. KAHN. Will the gentleman yield for a question?

Mr. DE ARMOND. Yes.

Mr. KAHN. A large number of the States of the Union provide that there shall be separate schools as between white and colored children. Now, in the State of California the law provides that boards of education may organize oriental schools, which the children of alien Chinese and Japanese parents must attend. If this bill were to be enacted into law, would it not be giving a greater right to an alien than it would to a citizen of the United States?

Mr. DE ARMOND. I think, Mr. Speaker, that it would be. That question has been very clearly presented, and I think very conclusively answered, by the gentleman from Texas [Mr. HENRY].

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. JENKINS. Mr. Speaker, I yield two minutes more.

Mr. DE ARMOND. Mr. Speaker, if this bill were to be passed and a federal grand jury anywhere were to see proper to indict for a conspiracy, so denounced, the members of a school board or any other persons on account of the exclusion of any one from any school because of color, then such persons would have to stand trial in a federal court. This is giving jurisdiction to the federal court of that kind of cases, providing there be anything upon which jurisdiction could rest. In other words, if transfers from the state courts to the federal courts that kind of cases.

I suppose a particular treaty might be made (certainly as to the form of it it could be) to expressly provide that the children of certain aliens should be admitted to the schools of the United States upon precisely the same terms as and with the children of white citizens. I am not conceding that such a treaty would be valid, but I say it is possible to make such a treaty, and it

is altogether possible that some such treaty might be made. Granting that it is made, and that by direct phraseology or by reasonable implication that provision is contained in it, and suppose that there is denial of the children of any of these aliens on account of color, we will say, to admission to the schools to which white children are sent, then under this bill, either in its original form or in the form in which the amendment would leave it, the persons alleged to be guilty of that offense would clearly come within the jurisdiction of the act, and clearly could be dealt with in the United States courts.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DOUGLAS rose.

Mr. JENKINS. Mr. Speaker, I grant enough time to the gentleman from Missouri to answer a question by the gentleman from Ohio.

Mr. DOUGLAS. Mr. Speaker, is it not perfectly well recognized in the law of conspiracy that no official of any board can be held to answer to a charge of conspiracy merely for the exercise of his judgment as a member of the board? Such has been my understanding of the law since I was a prosecuting attorney.

Mr. DE ARMOND. Yes; I think that is correct.

Mr. DOUGLAS. Then how could it be that a member of a school board could be indicted for conspiracy under any circumstances, as suggested by the gentleman from California [Mr. KAHN]?

Mr. DE ARMOND. The gentleman from Ohio [Mr. DOUGLAS] seems to lose sight of the very important distinction between the power to indict and the right to convict. Clearly a grand jury, if it sees proper to indict for any offense that is within the cognizance of the court within which that grand jury sits, can do so; and when the indictment is found, the person indicted may be brought before the court, and there he can make his defense.

Now, then, if persons were charged with conspiracy, they would be charged not with the exercise of their judgment; they would not be charged with error of judgment; they would be charged with the offense of conspiracy; and the circumstance that they may be members of a school board or that their official relations may change the condition, would be no sufficient answer to that charge, because persons who are members of a school board or who are in any other official position, are physically and mentally and legally capable of being guilty of the crime of conspiracy. They would be charged with being conspirators within the provisions of this law, and as to what the result would be upon trial that would be another matter. The law, I think, as I said in the outset, or the proposition to make a law of this kind, is not needed. It would serve no good purpose. The enactment of this provision, at almost any time and under circumstances that we can very easily imagine without any stretch of imagination, about which we can reason and out of reason arrive at a conclusion, might bring trouble and danger. I hope the bill will be defeated. [Applause on the Democratic side.]

Mr. JENKINS. Mr. Speaker, I do not know that I blame my Democratic friends for applauding that statement, but I want to say to every gentleman upon the floor of this House that we ought not to make a political question of this bill. We are interested here as citizens of the United States, not as Democrats, not as Republicans. We have power in this Government to negotiate treaties with foreign governments, and all we are asking here is that this Federal Government protect any alien who comes here and obtains any treaty rights, and every gentleman of any intelligence knows that it is not within the power of any State to protect an alien under his treaty rights. Now, look at the bill for a moment; and I regret very much when my friend from California, whom I respect so much, asks if it would interfere with his schools out in San Francisco. That has been very clearly stated here to-day. I do not think there is a man of intelligence in the United States to-day, no matter what his political affiliations may be, but who agrees that that question is solely within the power of the State, and I never want to live long enough to find that the Federal Government has power enough to overrule the State with reference to that question. [Applause.] And when the State of California says just how her schools shall be created and who shall enter and who be excluded, she has the exclusive power and paramount right, and the Federal Government can not interfere with it.

Mr. DE ARMOND and Mr. HENRY of Texas rose.

Mr. JENKINS. I yield first to the gentleman from Missouri.

Mr. DE ARMOND. Mr. Speaker, I would like to ask the gentleman a question at that point: Suppose this law were passed, and suppose in some treaty the right were given to aliens of a different color and a different race to enter our white schools, and suppose that some person in authority denied them admission, and suppose there was an effort made to indict those persons. Could that effort be pursued in the federal court under this provision, if enacted?

Mr. JENKINS. I do not think I am sufficiently conversant with the Bible to quote it correctly, but I think the Bible says, "Sufficient unto the day is the evil thereof." I do not think there is any Senate of the United States that will come after us that will make a treaty that overrides the rights of the States. We have no such treaty regulation to-day.

Mr. DE ARMOND. Let me ask one other question, Mr. Speaker.

The SPEAKER. Does the gentleman yield?

Mr. JENKINS. Yes; I will yield.

Mr. DE ARMOND. Suppose under the leading of the district attorney a grand jury in a federal court, assuming this bill were passed and a law, were to indict a person. Could there be a question whether that indictment might be urged under this particular provision?

Mr. JENKINS. I think I can say to the gentleman any future Congress would repeal this law in a moment if there were any danger of any such treaty regulation as the gentleman suggests.

Mr. SHERLEY. If the gentleman will permit, right on the threshold of the case you could raise the question of whether any treaty right has been violated.

Mr. HENRY of Texas. The gentleman stated that this ought not to be a partisan question. I agree with him; it ought to be an American question. Now I will ask him to name one right that any State of this Union has denied an alien of which the gentleman has information.

Mr. JENKINS. Well, I will say to the gentleman I do not know whether any State has denied it, because they have no power to make——

Mr. HENRY of Texas. Can the gentleman name one right any State has denied to the alien?

Mr. JENKINS. There is no State in the Union which can give protection to the alien against any conspiracy against his treaty rights.

Mr. HENRY of Texas. Name one of the fifty, then. The gentleman from Kentucky [Mr. SHERLEY] says he can name fifty.

Mr. SHERLEY. If the gentleman will read just the history of the trouble in California, he will find even the right of residence, the right to conduct a laundry, the right to live—every sort of a right—was denied to the Chinese during that intense excitement there.

Mr. HENRY of Texas. Does the gentleman mean to say that there was no law to protect those rights?

Mr. SHERLEY. I say there was no state law that did protect those rights.

Mr. HENRY of Texas. The gentleman means to say that the state law was violated, perhaps?

Mr. SHERLEY. I mean to say the State did not protect the alien, and the Federal Government did not have the power to do so.

Mr. JENKINS. Mr. Speaker, I want to simply say in conclusion to the Members of this House, as far as I am concerned, that every gentleman on the floor of this House knows that this Government has perfect power to enter into treaty relations with other governments. Therefore we should clothe the Federal Government with power to protect aliens under any treaty regulations that this Government might make, and that is all we are insisting upon and all we ask.

I now yield ten minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, I dislike to take so much of the time of the House, but, as has been well said, this is an important matter.

In reply to the gentleman from Missouri [Mr. DE ARMOND], I might say that there is no law——

The SPEAKER pro tempore. If the gentleman from Kentucky will suspend, the Chair will state that the gentleman from Wisconsin [Mr. JENKINS] has only five minutes of time remaining.

Mr. JENKINS. Then I yield three minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. There is no law that has not been subject to imaginary abuses. We have to-day a conspiracy section upon the federal statute books under which a grand jury, willing to disregard the law and under the instigation of a district attorney willing to disregard the law, could indict most anybody for most any offense under the sun. But we can not pass laws on this sort of supposition. If an indictment was found against

any man engaged in a conspiracy to deprive a man of a right guaranteed under a treaty, the very first question that would be met on the threshold of the case would be to determine whether such right had been granted and whether it could be constitutionally granted. Now, the gentlemen talk about the Federal Government conferring rights on aliens to go to state public schools. I do not believe they have such rights. I do not believe the Federal Government can, under treaty, give such a right, and if men were indicted for denying that right, it would be in their power to challenge at once the right of the Federal Government, and that being a constitutional question, it would go to the Supreme Court of the United States, and there we could have a determination as to the limits upon the treaty-making power. The only thing that can be punished is an offense against a legal right that can be given, and that offense ought to be punished.

Mr. JENKINS. Mr. Speaker, I move the previous question on the bill to its final passage.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore. The question first comes on the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The question was taken, and the Speaker pro tempore announced that the noes seemed to have it.

Mr. JENKINS. Mr. Speaker, I call for a division.

The House divided; and there were—ayes 62, noes 85.

Mr. BEALL of Texas. Mr. Speaker, I call for the yeas and nays.

Mr. HENRY of Texas. Mr. Speaker, to save the time of the House, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 104, nays 98, answered "present" 6, not voting 182, as follows:

YEAS—104.

Acheson	Douglas	Howland	Marshall
Alexander, N. Y.	Draper	Hubbard, W. Va.	Martin
Allen	Edwards, Ky.	Huff	Mondell
Bannon	Ellis, Mo.	Humphrey, Wash.	Moore, Pa.
Barchfeld	Ellis, Oreg.	Jenkins	Morse
Bates	Esch	Jones, Wash.	Nelson
Bede	Foss	Keifer	Nye
Birdsall	Foster, Ind.	Kennedy, Iowa	Parker
Bonynge	Foster, Vt.	Kennedy, Ohio	Payne
Boutell	Fuller	Kinkaid	Pollard
Boyd	Gaines, W. Va.	Knapp	Pray
Calderhead	Gardner, Mass.	Küstermann	Reynolds
Campbell	Graff	Lawrence	Scott
Capron	Gronna	Lindbergh	Stafford
Caulfield	Guernsey	Longworth	Steenerson
Chaney	Hale	Loud	Sterling
Chapman	Hamilton, Mich.	Lovering	Sturgiss
Cole	Harding	Lowden	Sulloway
Cook, Colo.	Haskins	McCreary	Tawney
Cooper, Wis.	Hawley	McGuire	Thistlewood
Currier	Henry, Conn.	McKinley, Ill.	Thomas, Ohio.
Cushman	Higgins	McLachlan, Cal.	Tirrell
Dalzell	Hinshaw	McLaughlin, Mich.	Volstead
Darragh	Hitchcock	McMorran	Weems
Davidson	Howell, N. J.	Madison	Wheeler
Denby	Howell, Utah	Mann	Young

NAYS—98.

Adair	Ellerbe	Helm	Rainey
Aiken	Englebright	Henry, Tex.	Rauch
Alexander, Mo.	Estopinal	Hobson	Reid
Ansberry	Ferris	Houston	Robinson
Ashbrook	Finley	Howard	Russell, Mo.
Barnhart	Fitzgerald	Hughes, N. J.	Saunders
Beall, Tex.	Floyd	Hull, Tenn.	Shackleford
Bell, Ga.	Foster, Ill.	Humphreys, Miss.	Sheppard
Booher	Gaines, Tenn.	James, Ollie M.	Sherwood
Bowers	Garner	Johnson, S. C.	Sims
Brundidge	Gill	Jones, Va.	Smith, Mo.
Burleson	Gillespie	Kahn	Smith, Tex.
Candler	Godwin	Kitchin, Claude	Stanley
Carlin	Goebel	Kitchin, Wm. W.	Thomas, N. C.
Carter	Gordon	Knowland	Tou Velle
Clark, Mo.	Greene	Lever	Underwood
Clayton	Hackney	McHenry	Wallace
Cooper, Tex.	Hamilton, Iowa	Macon	Watkins
Cox, Ind.	Hamlin	Moon, Tenn.	Webb
Craig	Hammond	Moore, Tex.	Weisse
Cravens	Hardwick	Nicholls	Wiley
Davenport	Hardy	Padgett	Williams
De Armond	Hay	Page	Wilson, Pa.
Denver	Hayes	Patterson	
Dixon	Heflin	Peters	

ANSWERED "PRESENT"—6.

Adamson	Brantley	Lee	Sabath
Bartlett, Ga.	Goulden		

NOT VOTING—182.

Ames	Beale, Pa.	Broussard	Burnett
Andrus	Bennet, N. Y.	Brownlow	Burton, Del.
Anthony	Bennett, Ky.	Brumm	Burton, Ohio
Barclay	Bingham	Burgess	Butler
Bartholdt	Bradley	Burke	Byrd
Bartlett, Nev.	Brodhead	Burleigh	Calder
Caldwell	Goldfogle	Livingston	Roberts
Cary	Graham	Lloyd	Rodenberg
Cassel	Granger	Lorimer	Rothermel
Clark, Fla.	Gregg	Loudenslager	Rucker
Cockran	Griggs	McCall	Russell, Tex.
Cocks, N. Y.	Hackett	McDermott	Ryan
Conner	Haggott	McGavin	Sherley
Cook, Pa.	Hall	McKinlay, Cal.	Sherman
Cooper, Pa.	Hamill	McKinney	Slayden
Coudrey	Harrison	McLain	Slemp
Cousins	Haugen	McMillan	Small
Crawford	Hepburn	Madden	Smith, Cal.
Crumpacker	Hill, Conn.	Malby	Smith, Iowa
Davey, La.	Hill, Miss.	Maynard	Smith, Mich.
Davis, Minn.	Holliday	Miller	Snapp
Dawes	Hubbard, Iowa	Moon, Pa.	Southwick
Dawson	Hughes, W. Va.	Mouser	Sparkman
Diekema	Hull, Iowa	Mudd	Sperry
Driscoll	Jackson	Murdock	Spight
Durey	James, Addison D.	Murphy	Stephens, Tex.
Dwight	Johnson, Ky.	Needham	Stevens, Minn.
Edwards, Ga.	Keliher	Norris	Sulzer
Fairchild	Kimball	O'Connell	Swasey
Fassett	Kipp	Olcott	Talbott
Favrot	Knopf	Olmsted	Taylor, Ala.
Flood	Lafean	Overstreet	Taylor, Ohio
Focht	Lamar, Fla.	Parsons	Townsend
Foelker	Lamar, Mo.	Pearre	Vreeland
Fordney	Lamb	Perkins	Waldo
Fornes	Landis	Porter	Wanger
Foulkrod	Langley	Pou	Washburn
Fowler	Laning	Pratt	Watson
French	Lassiter	Prince	Weeks
Fulton	Law	Pujo	Willett
Gardner, Mich.	Leake	Randell, Tex.	Wilson, Ill.
Gardner, N. J.	Legare	Ransdell, La.	Wolf
Garrett	Lenahan	Reeder	Wood
Gilhams	Lewis	Rhinock	Woodyard
Gillett	Lilley	Richardson	
Glass	Lindsay	Riordan	

So the bill was ordered to be engrossed for a third reading.

The following additional pairs were announced:

Until further notice:

Mr. DRISCOLL with Mr. FULTON.

Mr. DWIGHT with Mr. KIMBALL.

Mr. FASSETT with Mr. LEE.

Mr. FRENCH with Mr. LENAHAN.

Mr. GILLETT with Mr. LLOYD.

Mr. HEPBURN with Mr. O'CONNELL.

Mr. BROWNLOW with Mr. BYRD.

Mr. DAWSON with Mr. KELIHER.

Mr. MADDEN with Mr. POU.

Mr. OLMSTED with Mr. RANSDELL of Louisiana.

Mr. ROBERTS with Mr. RICHARDSON.

Mr. SOUTHWICK with Mr. SHERLEY.

Mr. SWASEY with Mr. RUSSELL of Texas.

Mr. TOWNSEND with Mr. COCKRAN.

Mr. VREELAND with Mr. SPARKMAN.

Mr. WOODYARD with Mr. TAYLOR of Alabama.

Mr. ANTHONY with Mr. SABATH.

For the balance of the day:

Mr. TAYLOR of Ohio with Mr. GRIGGS.

On this vote:

Mr. MCKINNEY with Mr. BURNETT.

Mr. BARTLETT of Georgia. Mr. Speaker, I desire to know whether the gentleman from Pennsylvania [Mr. BUTLER] voted on this roll call.

The SPEAKER. He did not.

Mr. BARTLETT of Georgia. I am paired with him, Mr. Speaker. I desire to withdraw my negative vote and answer "Present."

The name of Mr. BARTLETT of Georgia was called, and he answered "Present."

The bill was accordingly engrossed and read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. HENRY of Texas. Mr. Speaker, upon that question I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 101, nays 100, answered "present" 3, not voting 187, as follows:

YEAS—101.

Alexander, N. Y.	Currier	Gardner, Mass.	Jenkins
Allen	Cushman	Gardner, Mich.	Jones, Wash.
Bannon	Dalzell	Gilhams	Keifer
Bartholdt	Darragh	Graff	Kennedy, Iowa
Bede	Dawes	Gronna	Kennedy, Ohio
Bonynge	Denby	Guernsey	Kinkaid
Boutell	Douglas	Hamilton, Mich.	Knapp
Boyd	Draper	Haskins	Küstermann
Calderhead	Edwards, Ky.	Hawley	Landis
Campbell	Ellis, Mo.	Higgins	Lawrence
Capron	Ellis, Oreg.	Hinshaw	Lindbergh
Caulfield	Esch	Hitchcock	Longworth
Chaney	Fordney	Howell, N. J.	Lovering
Chapman	Foss	Howell, Utah	McCreary
Cole	Foster, Ind.	Howland	McKinley, Ill.
Cook, Colo.	Foster, Vt.	Hubbard, Iowa	McKinney
Cooper, Wis.	Fuller	Hubbard, W. Va.	McLachlan, Cal.
Crumpacker	Gaines, W. Va.	Humphrey, Wash.	McMorran

Madison	Payne	Stafford	Tirrell
Mann	Pray	Steenerson	Volstead
Marshall	Reynolds	Sterling	Wheeler
Martin	Scott	Sturgiss	Young
Moore, Pa.	Sherley	Sulloway	The Speaker.
Nelson	Smith, Iowa	Swasey	
Nye	Southwick	Tawney	
Parker	Sperry	Thomas, Ohio	

NAYS—100.

Adair	Estopinal	Hull, Tenn.	Rainey
Aiken	Ferris	Humphreys, Miss.	Randell, Tex.
Alexander, Mo.	Finley	James, Ollie M.	Rauch
Ansberry	Fitzgerald	Johnson, S. C.	Reid
Ashbrook	Floyd	Jones, Va.	Robinson
Barnhart	Foster, Ill.	Kahn	Russell, Mo.
Beall, Tex.	Gaines, Tenn.	Kitchin, Claude	Ryan
Bell, Ga.	Garner	Kitchin, Wm. W.	Saunders
Booher	Gill	Knowland	Shackleford
Bowers	Gillespie	Lamb	Sheppard
Brundidge	Godwin	Lee	Sherwood
Burleson	Goebel	Lenahan	Sims
Burnett	Greene	Lever	Smith, Mo.
Carlin	Hackney	Lloyd	Smith, Tex.
Clark, Mo.	Hamilton, Iowa	McHenry	Taylor, Ala.
Clayton	Hamlin	Macon	Thomas, N. C.
Cooper, Tex.	Hammond	Moon, Tenn.	Tou Velle
Craig	Hardwick	Moore, Tex.	Underwood
Cravens	Hardy	Needham	Wallace
Davenport	Hay	Nicholls	Watkins
De Armond	Hayes	Padgett	Webb
Denver	Heflin	Page	Weisse
Dixon	Helm	Patterson	Wiley
Ellerbe	Henry, Tex.	Peters	Williams
Englebright	Hughes, N. J.	Pou	Wilson, Pa.

ANSWERED "PRESENT"—3.

Bartlett, Ga.	Bradley	Sabath

NOT VOTING—187.

Acheson	Driscoll	Johnson, Ky.	Pearre
Adamson	Durey	Keliher	Perkins
Ames	Dwight	Kimball	Pollard
Andrus	Edwards, Ga.	Kipp	Porter
Anthony	Fairchild	Knopf	Pratt
Barchfeld	Fassett	Lafean	Prince
Barclay	Favrot	Lamar, Fla.	Pujo
Bartlett, Nev.	Flood	Lamar, Mo.	Ransdell, La.
Bates	Focht	Langley	Reeder
Beale, Pa.	Foelker	Laning	Rhinock
Bennet, N. Y.	Fornes	Lassiter	Richardson
Bennett, Ky.	Foulkrod	Law	Riordan
Bingham	Fowler	Leake	Roberts
Birdsall	French	Legare	Rodenberg
Brantley	Fulton	Lewis	Rothermel
Brodhead	Gardner, N. J.	Lilley	Rucker
Broussard	Garrett	Lindsay	Russell, Tex.
Brownlow	Gillett	Livingston	Sherman
Brumm	Glass	Lorimer	Slayden
Burgess	Goldfogle	Loud	Slemp
Burke	Gordon	Loudenslager	Small
Burleigh	Goulden	Lowden	Smith, Cal.
Burton, Del.	Graham	McCall	Smith, Mich.
Burton, Ohio	Granger	McDermott	Snapp
Butler	Gregg	McGavin	Sparkman
Byrd	Griggs	McGuire	Spight
Calder	Hackett	McKinlay, Cal.	Stanley
Caldwell	Haggott	McLain	Stephens, Tex.
Candler	Hale	McLaughlin, Mich.	Stevens, Minn.
Carter	Hall	McMillan	Sulzer
Cary	Hamill	Madden	Talbott
Cassel	Harding	Malby	Taylor, Ohio
Clark, Fla.	Harrison	Maynard	Thistlewood
Cockran	Haugen	Miller	Townsend
Cocks, N. Y.	Henry, Conn.	Mondell	Vreeland
Conner	Hepburn	Moon, Pa.	Waldo
Cook, Pa.	Hill, Conn.	Morse	Wanger
Cooper, Pa.	Hill, Miss.	Mouser	Washburn
Coudrey	Hobson	Mudd	Watson
Cousins	Holliday	Murdock	Weeks
Cox, Ind.	Houston	Murphy	Weems
Crawford	Howard	Norris	Willett
Davey, La.	Huff	O'Connell	Wilson, Ill.
Davidson	Hughes, W. Va.	Olcott	Wolf
Davis, Minn.	Hull, Iowa	Olmsted	Wood
Dawson	Jackson	Overstreet	Woodyard
Diekema	James, Addison D.	Parsons	

The Clerk announced the following additional pairs:

Until further notice:

Mr. BARCHFELD with Mr. STANLEY.

Mr. MCLAUGHLIN of Michigan with Mr. HOBSON.

Mr. HUFF with Mr. HOUSTON.

Mr. FASSETT with Mr. RUSSELL of Texas.

Mr. DUREY with Mr. COX of Indiana.

Mr. DAVIDSON with Mr. CARTER.

For the balance of this day:

Mr. BATES with Mr. RUCKER.

On this vote:

Mr. LOWDEN with Mr. CANDLER.

Mr. POLLARD. I should like to be recorded as present.

The SPEAKER. Was the gentleman present and listening?

Mr. POLLARD. I was not here.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. HOBSON. Mr. Speaker, I was mistaken as to the call. I had voted on the previous question, and was under the impression that this was another call on that vote. I was ready to vote, but did not hear my name.

The SPEAKER. Was the gentleman giving attention, listening, when his name should have been called?

Mr. HOBSON. I was giving general attention, but did not expect my name to be called.

The SPEAKER. The gentleman hardly brings himself within the rule.

Mr. HOBSON. Within two numbers, the name after mine or the next after that, they told me the Clerk had just passed my name, and I did not know it.

The SPEAKER. The meaning of the rule is the supposition that the gentleman's name was not called. Therefore, under the rule, the gentleman should have been present giving attention when his name should have been called, and did not hear it.

Mr. HOBSON. I was present, giving attention.

The SPEAKER. The gentleman says that he was not expecting to vote, but others heard his name called, and his attention was called to it one or two names further along. The rule forbids the Chair to entertain the request, unless the gentleman brings himself within the rule.

Mr. JENKINS. Mr. Speaker, in view of the conditions——

The SPEAKER. The vote has not been announced yet. On this vote the yeas are 100, the nays 99, present 4.

Mr. HENRY of Texas. Mr. Speaker, I ask for a recapitulation of the vote.

The SPEAKER. The vote is so close the Chair will order a recapitulation.

Mr. HOBSON. Mr. Speaker, again may I ask the indulgence of the Chair?

The SPEAKER. Undoubtedly.

Mr. HOBSON. I have been very careful to try to vote, and was under the impression that I had voted on this question. I was just at the door of the cloakroom, and if I had heard my name I would have voted.

The SPEAKER. Has the gentleman any reason to state that his name was not called?

Mr. HOBSON. No, sir; I have reason to state that it was, because just after it was called some one told me my name was called, and I had not heard it myself.

The SPEAKER. Then, under the rule, the Chair is absolutely forbidden to entertain the request of the gentleman to vote.

Mr. HOBSON. If it had been called loudly enough, perhaps I would have heard it. [Laughter.] I was here and attentive, Mr. Speaker.

The SPEAKER. It seems to the Chair that the gentleman does not bring himself within the rule.

Mr. HOBSON. I was here, was giving attention, and was anxious to vote, and I did not hear my name; but some others did.

The SPEAKER. The gentleman also states, however, that he was under the impression that he had voted.

Mr. HOBSON. Yes; that I had voted on the first roll call.

The SPEAKER. This is the rule:

Upon every roll call the names of the Members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the State shall be added; and if there be two such Members from the same State, the whole name shall be called; and after the roll has been once called, the Clerk shall call in their alphabetical order the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote or announce a pair unless the Member's name has been noted under clause 3 of this rule.

That is where a quorum fails, and is not this case. The Speaker has been accustomed, in the construction of this rule, where it appears that a gentleman was present giving attention, expecting to vote, and failed to vote because he failed to hear his name called, to allow the Member's name to be called again. That is as far as the construction of the rule has gone, and so far as the Chair knows or is informed, it has been the uniform construction of the rule by the Chair. Now, except for the construction of the rule by the Chair, the letter of the rule would not even cover that case.

Mr. HOBSON. I am very weak on the rules, and especially on the letter of the rules; but it does seem to me, with the indulgence of the Speaker, that the spirit of such a rule would be that a Member desiring to vote and not guilty of negligence, whether he was under a misapprehension as to whether he had voted or not, would be taken account of. I was under the impression that I had voted on this question, and therefore was not as keen for my name as otherwise, but I was present and anxious to vote when my time came to vote, and could have perhaps called out and interrupted the call of names within

one or two names of my own. I was giving attention to the general call of the roll, not expecting my name would be called.

The SPEAKER. The Chair has heard the gentleman. The rule was adopted by the House, and under the strict interpretation of the rule the gentleman would not be entitled to vote even if he was giving attention when his name should have been called and did not hear it called. But the construction of the rule by former Speakers, adhered to by the Chair, has been that where a gentleman states that he was giving attention when his name should have been called, and that he failed to hear his name called, to allow him to vote. Now, if the Chair should enlarge this construction of the rule, it would practically nullify the rule. It is quite in the power of the House to change the rule. The Chair does not think the gentleman has brought himself within the rule. The Clerk will recapitulate the vote.

The Clerk then recapitulated the vote.

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CANNON, and he voted "aye."

Mr. DE ARMOND. Mr. Speaker, I make the point that the Speaker stands in the same position as any other Member of the House and that he must be subjected to the same inquiry to bring himself within the rule.

The SPEAKER. The Speaker's name is never called and is not printed on the roll. It has been the invariable practice for the Speaker to vote at the end of the roll call if he votes at all.

Mr. DE ARMOND. The vote had been entirely concluded, there had been an announcement of it and a recapitulation of it, and after all that had been concluded the Speaker asked the Clerk to call his name.

The SPEAKER. Precisely, and it is for the very reason that the recapitulation is called and that threw the vote open. Any Member would have been at liberty to change his vote if he had seen proper so to do.

Mr. DE ARMOND. That I concede, but did the Speaker vote and change his vote?

The SPEAKER. The Speaker did not vote; and the uniform practice has been, time out of mind, of all Speakers, his name not being printed on the roll, to vote, if he votes at all, after the roll has been called.

Mr. DE ARMOND. I make this point, however, that the Speaker directs the Clerk to call his name while the call is going on and not after the entire proceeding is ended.

The SPEAKER. The vote as announced was—100 ayes, noes 99. Now, then, a demand for a recapitulation was made, and the recapitulation was ordered, and very properly so, as the vote was so close. The order of that recapitulation threw the matter open, so that any Member could have changed his vote and any Member entitled to vote under the rule could have voted.

Mr. DE ARMOND. Mr. Speaker, I would like to be heard a moment on that point of order.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. Did the Speaker vote before the recapitulation was ordered?

The SPEAKER. Oh, no; he did not.

I read from paragraph 6 of Rule I of the Rules of the House of Representatives:

He—

Referring to the Speaker—

shall not be required to vote in ordinary legislative proceedings, except where his vote would be decisive or where the House is engaged in voting by ballot; and in all cases of a tie vote the question shall be lost.

Until the conclusion of the vote, how could the Speaker know whether his vote would be decisive or not, and the Chair understands for that reason, followed by uniform practice of the House, the Speaker's name is not printed upon the roll?

Mr. KIMBALL. Mr. Speaker, has the recapitulation of the vote any other purpose than to ascertain that no errors have been made in recording the votes or the names of those who have not voted?

The SPEAKER. The object of the recapitulation is to show whether or not their recorded vote is correctly recorded, but the recapitulation throws the whole matter open, and if there have been mistakes they are corrected.

Mr. DE ARMOND. Mr. Speaker, I would like to be heard a moment on that point of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. DE ARMOND. Mr. Speaker, I understand the situation to be this: That the vote was taken and concluded, and the Speaker announced, upon the report from the Clerk, that the ayes were 100, the noes 99. Then a Member of the House asked for a recapitulation of the vote. The Speaker ordered that recapitulation. The vote was recapitulated, and I understand it turned out upon that recapitulation that the vote was 100 to 100—a tie. Now, that vote had been concluded. The Speaker has the same right to vote as any other Member, but I make the point of order that it is the Speaker's business to determine whether he will vote or not vote before the vote is concluded.

As to the suggestion made by the Speaker that the recapitulation opens the matter and entitles anybody to vote who was entitled to vote before, I respectfully submit that that is an erroneous conclusion. It is not an opening of the matter to further voting—it is an ascertaining of what has been determined by the vote already taken. The recapitulation has no purpose on earth except the ascertaining of the result of a closed vote. Now, a vote closed is closed to the Speaker just as it is to any other Member of the House. The Speaker has said that upon the conclusion of the recapitulation any Member entitled to vote may vote. I most respectfully call the attention of the Speaker to what seems to me to be the fact—that he has dropped into error in regard to that conclusion. It does not open up the vote; it is not a reconsideration. The vote is concluded. The vote was concluded, Mr. Speaker, and the Speaker knew perfectly well he could vote in voting time if he chose to do it. He knew perfectly well if he chose he could refrain from voting. He deliberately and purposely refrained from voting.

The vote was concluded. Suppose there had been no call for a recapitulation, the vote would have been announced. There was a call and there was a recapitulation, but it does not change the condition of things. There simply remains the duty of the Speaker to announce the result of the vote, not ascertained particularly by recapitulation, but verified by recapitulation.

Now, when it comes around to the point of announcing the result obtained and concluded and verified by the recapitulation, the Speaker assumes the right to vote himself, when the time for voting, for him as for all others, upon the pending question has passed. I submit, not with reference to the merits of this bill, not that I care particularly about that—I have indicated where I stand by my vote—I submit as a matter of correct parliamentary proceeding; I submit as a matter of right and justice; I submit in justice to the House; aye, Mr. Speaker, I submit in justice to the Speaker himself, that the Speaker ought not to allow himself to be carried to the point of voting on this matter when he has no right to vote and when his vote may be an invasion of the legislative rights of the House.

The SPEAKER. The Chair is prepared to rule. This is a very plain matter. The Speaker is not required to vote unless his vote would be decisive. The vote as announced by the Speaker showed that the bill passed by a majority of 1. Then the demand for recapitulation was made and the order to recapitulate was also made and recapitulation was had. Now, then, that recapitulation showed that the vote was a tie. The very object of the recapitulation was to see whether or not the announcement of the Speaker was correct, or whether there had been a mistake at the Clerk's desk, and that threw the matter open, so that the Speaker was entitled to vote. And years ago the Chair is informed that there is a precedent of this kind, that where there is a mistake in a vote taken to-day, or, say, on one day and that mistake is corrected on another legislative day so as to make a tie, the Speaker in that case votes the day after. In other words, it is an ascertainment of the vote. Under the rule and under the practice such ascertainment shows that the vote was a tie upon recapitulation, and the Speaker is very clear as to the question of practice as well as the question of right that he is entitled to vote, and therefore votes "aye." [Applause.]

Mr. DE ARMOND. Mr. Speaker——

Mr. JENKINS. Mr. Speaker, I move that the House do now adjourn.

Mr. DE ARMOND. Mr. Speaker, I appeal from the decision of the Chair. I do so respectfully, but I do it earnestly, because I think the Chair is wrong, and I would like to have the House settle it.

Mr. JENKINS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman can enter his appeal and the House will pass upon it.

Mr. JENKINS. Mr. Speaker, I move that the House do now adjourn.

Mr. DE ARMOND. Do I understand——

The SPEAKER. The motion to appeal is entered.

Mr. PAYNE. Did the gentleman vote in the affirmative?

Mr. DE ARMOND. I appealed from the decision of the Chair and do not need to vote in the affirmative to do that.

The SPEAKER. The gentleman from Missouri appeals from the decision of the Chair that the Chair had the right to vote, and pending that appeal the gentleman from Wisconsin moves that the House do now adjourn.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. DE ARMOND and others. Division, Mr. Speaker.

The House divided; and there were—ayes 95, noes 93.

Mr. HENRY of Texas. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 99, nays 95, answered "present" 1, not voting 195, as follows:

YEAS—99.

Allen	Foster, Vt.	Keifer	Pollard
Bartholdt	French	Kennedy, Iowa	Pray
Bonynge	Gaines, W. Va.	Knapp	Reynolds
Calderhead	Gardner, Mass.	Knowland	Rodenberg
Campbell	Gilhams	Küstermann	Scott
Capron	Graff	Lawrence	Smith, Cal.
Caulfield	Greene	Lindbergh	Smith, Iowa
Chaney	Guernsey	Lowden	Southwick
Chapman	Hamilton, Mich.	McCreary	Sperry
Cook, Colo.	Haskins	McGuire	Stafford
Cooper, Pa.	Haugen	McKinley, Ill.	Steenerson
Cooper, Wis.	Hawley	McKinney	Sterling
Currier	Hayes	McLachlan, Cal.	Sturgiss
Dalzell	Higgins	McMorran	Sulloway
Darragh	Hinshaw	Madison	Swasey
Davidson	Holliday	Mann	Tawney
Dawes	Howell, N. J.	Marshall	Thistlewood
Denby	Howell, Utah	Mondell	Thomas, Ohio
Draper	Howland	Morse	Townsend
Edwards, Ky.	Hubbard, Iowa	Murdock	Volstead
Ellis, Mo.	Hubbard, W. Va.	Nelson	Weeks
Ellis, Oreg.	Huff	Nye	Wheeler
Esch	Humphrey, Wash.	Overstreet	Wilson, Ill.
Foss	Jenkins	Parker	Young
Foster, Ind.	Kahn	Payne	

NAYS—95.

Adair	Ferris	Humphreys, Miss.	Randell, Tex.
Aiken	Finley	James, Ollie M.	Rauch
Alexander, Mo.	Fitzgerald	Johnson, S. C.	Reid
Ansberry	Floyd	Jones, Va.	Richardson
Ashbrook	Foster, Ill.	Kimball	Robinson
Barnhart	Gaines, Tenn.	Kipp	Russell, Mo.
Bartlett, Nev.	Garrett	Kitchin, Claude	Ryan
Beall, Tex.	Gillespie	Kitchin, Wm. W.	Sabath
Bell, Ga.	Godwin	Lamb	Shackleford
Booher	Hackett	Lee	Sheppard
Bowers	Hackney	Lenahan	Sherley
Brundidge	Hamilton, Iowa	Lever	Sherwood
Burleson	Hamlin	Lloyd	Sims
Burnett	Hammond	McHenry	Smith, Mo.
Candler	Hardy	Macon	Smith, Tex.
Clark, Mo.	Hay	Moon, Tenn.	Thomas, N. C.
Clayton	Heflin	Nicholls	Tou Velle
Cox, Ind.	Helm	Padgett	Wallace
Craig	Henry, Tex.	Page	Watkins
Cravens	Hobson	Patterson	Webb
De Armond	Houston	Peters	Weisse
Denver	Howard	Pou	Wiley
Dixon	Hughes, N. J.	Pratt	Wilson, Pa.
Estopinal	Hull, Tenn.	Rainey	

ANSWERED "PRESENT"—1.

Bartlett, Ga.

NOT VOTING—195.

Acheson	Cole	Goldfogle	Lewis
Adamson	Conner	Gordon	Lilley
Alexander, N. Y.	Cook, Pa.	Goulden	Lindsay
Ames	Cooper, Tex.	Graham	Livingston
Andrus	Coudrey	Granger	Longworth
Anthony	Cousins	Gregg	Lorimer
Bannon	Crawford	Griggs	Loud
Barchfeld	Crumpacker	Gronna	Loudenslager
Barclay	Cushman	Haggott	Lovering
Bates	Davenport	Hale	McCall
Beale, Pa.	Davey, La.	Hall	McDermott
Bede	Davis, Minn.	Hamill	McGavin
Bennet, N. Y.	Dawson	Harding	McKinlay, Cal.
Bennett, Ky.	Diekema	Hardwick	McLain
Bingham	Douglas	Harrison	McLaughlin, Mich.
Birdsall	Driscoll	Henry, Conn.	McMillan
Boutell	Durey	Hepburn	Madden
Boyd	Dwight	Hill, Conn.	Malby
Bradley	Edwards, Ga.	Hill, Miss.	Martin
Brantley	Ellerbe	Hitchcock	Maynard
Brodhead	Englebright	Hughes, W. Va.	Miller
Broussard	Fairchild	Hull, Iowa	Moon, Pa.
Brownlow	Fassett	Jackson	Moore, Pa.
Brumm	Favrot	James, Addison D.	Moore, Tex.
Burgess	Flood	Johnson, Ky.	Mouser
Burke	Focht	Jones, Wash.	Mudd
Burleigh	Foelker	Keliher	Murphy
Burton, Del.	Fordney	Kennedy, Ohio	Needham
Burton, Ohio	Fornes	Kinkaid	Norris
Butler	Foulkrod	Knopf	O'Connell
Byrd	Fowler	Lafean	Olcott
Calder	Fuller	Lamar, Fla.	Olmsted
Caldwell	Fulton	Lamar, Mo.	Parsons
Carlin	Gardner, Mich.	Landis	Pearre
Carter	Gardner, N. J.	Langley	Perkins
Cary	Garner	Laning	Porter
Cassel	Gill	Lassiter	Prince
Clark, Fla.	Gillett	Law	Pujo
Cockran	Glass	Leake	Ransdell, La.
Cocks, N. Y.	Goebel	Legare	Reeder
Rhinock	Slemp	Sulzer	Washburn
Riordan	Small	Talbott	Watson
Roberts	Smith, Mich.	Taylor, Ala.	Weems
Rothermel	Snapp	Taylor, Ohio	Willett
Rucker	Sparkman	Tirrell	Williams
Russell, Tex.	Spight	Underwood	Wolf
Saunders	Stanley	Vreeland	Wood
Sherman	Stephens, Tex.	Waldo	Woodyard
Slayden	Stevens, Minn.	Wanger	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. CUSHMAN with Mr. CARLIN.

Mr. CRUMPACKER with Mr. COOPER of Texas.

Mr. GARDNER of Michigan with Mr. DAVENPORT.

Mr. GOEBEL with Mr. ELLERBE.

Mr. LOVERING with Mr. GILL.

Mr. LONGWORTH with Mr. HARDWICK.

Mr. LOUD with Mr. HITCHCOCK.

Mr. LOUDENSLAGER with Mr. GARNER.

Mr. OLMSTED with Mr. MOORE of Texas.

Mr. PEARRE with Mr. UNDERWOOD.

Mr. ROBERTS with Mr. WILLIAMS.

The result of the vote was announced as above recorded.

Accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy submitting an estimate of appropriation for a floating derrick—to the Committee on Naval Affairs and ordered to be printed.

A letter from the Secretary of War, transmitting a copy of a letter from the Chief Signal Officer of the Army reporting expenditures in connection with the extension and betterment of the Washington-Alaska military cable and telegraph system—to the Committee on Expenditures in the War Department and ordered to be printed.

A letter from the Secretary of War, transmitting recommendation of legislation for the relief of H. H. Wadsworth, Morton L. Tower, and G. G. McDaniel—to the Committee on Claims and ordered to be printed.

A letter from the Secretary of War, transmitting reports of receipts and expenditures on account of the appropriations for contingencies for the army, 1907—to the Committee on Expenditures in the War Department and ordered to be printed.

A letter from the Secretary of the Navy, transmitting a detailed statement of expenditures of contingent appropriations for the fiscal year ended June 30, 1908—to the Committee on Expenditures in the Navy Department and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of resurvey of East River and Hell Gate, New York—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of the Treasury, rtansmitting a copy of a letter from the Secretary of State submitting an estimate of appropriation for purchase of manuscript of a work entitled "A Chronological History of the Department of State and the Foreign Relations of the Government"—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Skagit River, Washington—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for fortifications in insular possessions—to the Commitee on Appropriations and ordered to be printed.

A letter from the Secretary of War, transmitting a copy of the annual report of the Board of Ordnance and Fortification—to the Committees on Military Affairs and Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for pay and travel of Indian inspectors in connection with irrigation works—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of War, transmitting, with a copy of a letter from the Quartermaster-General of the Army, a report in relation to acquisition of land adjacent to the Chalmette (La.) National Cemetery—to the Committee on Military Affairs and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting a statement of contingent expenditures for the period from July 1, 1907, to November 30, 1908—to the Committee on Expenditures in the Department of Commerce and Labor and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Estero Bay, Florida—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of survey of Clearwater Harbor and Boca Ceiga Bay, Florida—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23849) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1795), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23850) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1796), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 23099) for the relief of the estate of Phillip Null, deceased—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 23101) granting a pension to George A. Womack—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23150) for the relief of Ann Ford Mattingly—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MARSHALL: A bill (H. R. 23851) to authorize the issuance of patents to Indians of the Turtle Mountain band of Chippewa Indians for allotments and selections made under the act of April 24, 1904—to the Committee on Indian Affairs.

By Mr. THISTLEWOOD: A bill (H. R. 23852) for acquiring a site and the erection of a federal building for the post-office at Marion, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 23853) for acquiring a site and the erection of a federal building for the post-office at Carbondale, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. MOUSER: A bill (H. R. 23854) appropriating an additional amount of money for the purchase of a building site for the city of Tiffin, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. NYE (by request): A bill (H. R. 23855) to resubdivide squares 37 and 38 of C. Wilhelmina Dobbins's addition to the city of Washington—to the Committee on the District of Columbia.

By Mr. MADDEN: A bill (H. R. 23856) for the relief of telegraph operators who served in the war of the rebellion—to the Committee on Military Affairs.

By Mr. RAUCH: A bill (H. R. 23857) to provide for the purchase of a site and the erection of a public building thereon in the city of Huntington, Ind.—to the Committee on Public Buildings and Grounds.

By Mr. GODWIN: A bill (H. R. 23858) to provide for the erection of a levee or levees upon the Cape Fear River above Wilmington, N. C.—to the Committee on Rivers and Harbors.

By Mr. SMITH of Missouri: A bill (H. R. 23859) making appropriations for the improvement of the Mississippi River at and south of Point Rest, Mo., and other points in Perry County, Mo.—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. THOMAS of North Carolina: A bill (H. R. 23860) to provide for the erection of a levee or levees upon the Cape Fear River above Wilmington, N. C.—to the Committee on Rivers and Harbors.

By Mr. LOWDEN: A bill (H. R. 23861) to provide for the purchase of a site and the erection of a public building thereon at Savanna, in the State of Illinois—to the Committee on Public Buildings and Grounds.

By Mr. HULL of Iowa: A bill (H. R. 23862) to provide for raising a volunteer army of the United States in time of actual or threatened war—to the Committee on Military Affairs.

By Mr. HOWELL of Utah: A bill (H. R. 23863) for the exchange of certain lands situated in the Fort Douglas Military Reservation, State of Utah, for lands adjacent thereto, between the Mount Olivet Cemetery Association, of Salt Lake City, Utah, and the Government of the United States—to the Committee on Military Affairs.

By Mr. ALLEN: A bill (H. R. 23864) authorizing the widening and extension of Minnesota avenue SE. from its present terminus near Pennsylvania avenue SE. to the Sheriff road—to the Committee on the District of Columbia.

By Mr. NYE: A bill (H. R. 23865) authorizing the Secretary of the Interior to appraise certain land in the Red Lake Indian Reservation for certain purposes therein named—to the Committee on Indian Affairs.

Also, a bill (H. R. 23866) to amend an act entitled "An act to authorize the construction of a bridge between Fort Snelling Reservation and St. Paul, Minn." approved March 17, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. SULLOWAY: Resolution (H. Res. 454) to pay for the services of a messenger to the Committee on Invalid Pensions—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. SULLOWAY, from the Committee on Invalid Pensions: A bill (H. R. 23849) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. BRADLEY, from the Committee on Invalid Pensions: A bill (H. R. 23850) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. ANSBERRY: A bill (H. R. 23867) granting an increase of pension to Jacob Jauch—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 23868) granting a pension to Lucy Ann Good—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 23869) granting an increase of pension to James Shoemaker—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: A bill (H. R. 23870) granting an increase of pension to Gertrude S. Walker—to the Committee on Pensions.

By Mr. BATES: A bill (H. R. 23871) granting an increase of pension to Florence A. Scott—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 23872) granting an increase of pension to McKendree N. Dodge—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 23873) to remove the charge of desertion now standing on the records against John Pilcher—to the Committee on Military Affairs.

By Mr. CAMPBELL: A bill (H. R. 23874) granting an increase of pension to William H. H. Sleeth—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 23875) granting an increase of pension to Brown M. Parkinson—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 23876) granting a pension to Permelia L. Dutcher—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 23877) granting an increase of pension to George H. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23878) granting an increase of pension to John W. Jennings—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 23879) granting an increase of pension to Alfred B. Hicks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23880) granting an increase of pension to Charles Snyder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23881) granting an increase of pension to Helen D. Rogers—to the Committee on Pensions.

By Mr. DENVER: A bill (H. R. 23882) granting an increase of pension to James M. Sutton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23883) granting an increase of pension to Joseph Musinon—to the Committee on Pensions.

Also, a bill (H. R. 23884) granting an increase of pension to John W. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23885) granting an increase of pension to William H. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23886) granting an increase of pension to Adam Erskine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23887) granting an increase of pension to James Gaines—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23888) granting an increase of pension to George W. Brookover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23889) granting an increase of pension to Henry Babb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23890) granting an increase of pension to John W. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23891) granting a pension to James I. Taylor—to the Committee on Pensions.

Also, a bill (H. R. 23892) granting a pension to Samuel Wolf—to the Committee on Pensions.

By Mr. DWIGHT: A bill (H. R. 23893) granting an increase of pension to Henry C. Zurner—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Kentucky: A bill (H. R. 23894) granting an increase of pension to Thomas O. Letcher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23895) granting an increase of pension to James K. Wesley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23896) granting an increase of pension to William R. Bailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23897) granting an increase of pension to John T. James—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23898) granting an increase of pension to James W. Hoskins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23899) granting an increase of pension to William Harvey—to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 23900) granting an increase of pension to A. W. Sefton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23901) to correct the military record of James M. Wiley—to the Committee on Military Affairs.

By Mr. FAIRCHILD: A bill (H. R. 23902) granting an increase of pension to Frederick Graham—to the Committee on Invalid Pensions.

By Mr. FOSTER of Indiana: A bill (H. R. 23903) granting an increase of pension to Frederick Geiger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23904) granting an increase of pension to Charles Kretchmar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23905) granting a pension to Harry A. Benedict—to the Committee on Pensions.

By Mr. FULLER: A bill (H. R. 23906) granting an increase of pension to Forest M. Lentz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23907) granting an increase of pension to Jerome B. Cundiff—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 23908) for the relief of Charles Geisler—to the Committee on Military Affairs.

Also, a bill (H. R. 23909) granting a pension to Mary M. Brooks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23910) granting an increase of pension to Daniel M. Eveland—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: A bill (H. R. 23911) granting an increase of pension to William Hubbell, jr.—to the Committee on Invalid Pensions.

By Mr. HENRY of Texas: A bill (H. R. 23912) granting an increase of pension to Richard H. Foord—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 23913) granting an increase of pension to James W. Pray—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 23914) granting a pension to Ruth Walston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23915) granting a pension to Nelson Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23916) granting an increase of pension to Richard Lowe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23917) to correct the military record of William H. Phillips—to the Committee on Military Affairs.

By Mr. HOUSTON: A bill (H. R. 23918) for the relief of the heirs of Robert Fullerton, deceased—to the Committee on War Claims.

Also, a bill (H. R. 23919) granting a pension to James B. Prosser—to the Committee on Pensions.

By Mr. HUBBARD of West Virginia. A bill (H. R. 23920) granting a pension to Elizabeth Barnhart—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 23921) granting an increase of pension to John H. Burns—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23922) granting an increase of pension to Sylvester B. Fuller—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 23923) granting a pension to Roselth A. Knapp—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 23924) granting an increase of pension to William H. Stevenson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23925) granting a pension to Anna Day—to the Committee on Invalid Pensions.

By Mr. MADISON: A bill (H. R. 23926) granting an increase of pension to Robert L. McConaughey—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 23927) for the relief of Isaac Bettelyoun—to the Committee on the Public Lands.

By Mr. MAYNARD: A bill (H. R. 23928) for the relief of the heirs of Samuel Tucker, deceased—to the Committee on War Claims.

By Mr. MORSE: A bill (H. R. 23929) granting an increase of pension to Frank A. Hoyt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23930) granting an increase of pension to Andrew Michaelson—to the Committee on Invalid Pensions.

By Mr. NICHOLLS: A bill (H. R. 23931) granting an increase of pension to Levi Getz—to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 23932) granting an increase of pension to William W. Mills—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 23933) for the relief of Holly Prater, alias Plater—to the Committee on Military Affairs.

By Mr. PATTERSON: A bill (H. R. 23934) for the relief of Harmony Lodge, No. 17, Ancient Free and Accepted Masons, of Barnwell, S. C.—to the Committee on War Claims.

By Mr. PETERS: A bill (H. R. 23935) granting a pension to Martha A. Goodall—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 23936) for the relief of the heirs of Eliza Ann Ashcraft—to the Committee on War Claims.

By Mr. SMITH of Michigan: A bill (H. R. 23937) granting a pension to William Daniels—to the Committee on Pensions.

Also, a bill (H. R. 23938) granting a pension to Edward C. Marsh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23939) granting a pension to Oliver S. Bailey—to the Committee on Invalid Pensions.

Also, bill (H. R. 23940) granting a pension to William I. Ellis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23941) granting a pension to Orren Wakeley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23942) granting a pension to Oscar J. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23943) granting a pension to William A. Sperl—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23944) granting a pension to William N. Ash—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23945) granting a pension to Milon Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23946) granting a pension to Charles N. Bacon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23947) granting a pension to Theodore Pack—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 23948) granting an increase of pension to Thomas A. Tribble—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 23949) granting an increase of pension to Peter Therien—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23950) granting a pension to Mary Smith—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 23951) granting an increase of pension to Carlo J. Emerson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23952) granting an increase of pension to John F. Frost—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 23953) granting an increase of pension to C. W. Lamb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23954) granting an increase of pension to James A. Craig—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 23955) granting an increase of pension to John K. Todd—to the Committee on Invalid Pensions.

By Mr. WASHBURN: A bill (H. R. 23956) granting an increase of pension to Charles W. Clark—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 23957) granting an increase of pension to Peter McHugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23958) granting an increase of pension to Adelbert B. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23959) granting an increase of pension to Charles Ihde—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23960) granting an increase of pension to Ferdinand Fetter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23961) granting an increase of pension to August Moldenhauer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23962) granting a pension to Fred C. Perry—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 23963) granting an increase of pension to J. L. Adams—to the Committee on Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 23964) granting an increase of pension to Charles B. Fisher—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 23965) granting an increase of pension to Mary Whelchel—to the Committee on Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 23966) granting an increase of pension to Lawrence Agnew—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 23967) granting an increase of pension to Charles A. Van Horn—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 23968) granting an increase of pension to William White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23969) granting an increase of pension to Solomon L. Motsinger—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 23970) granting an increase of pension to William R. Harper—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of Rivers and Harbors Congress, favoring authorization of bond issue and other authorizations for a plan of river and harbor improvement—to the Committee on Rivers and Harbors.

By Mr. ADAIR: Papers to accompany bills for relief of John M. Tracey and Amos Headley—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of William H. Bascue—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of New York: Petition of Messrs. Race Kennedey, T. and E. Campson, and Stanley E. Hawkins, of Buffalo, N. Y., for the removal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. ANSBERRY: Petition of citizens of Ohio City, Ohio, against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. ASHBROOK: Paper to accompany bill for relief of Lucy Ann Good—to the Committee on Invalid Pensions.

By Mr. BATES: Petition of C. A. Curtze, of Erie, Pa., for removal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. BENNET of New York: Petition of citizens of New York, for legislation pensioning members of the United States Telegraph Corps in the civil war—to the Committee on Invalid Pensions.

Also, petition of citizens of New York City, for legislation to pension members of the Telegraph Corps of the civil war—to the Committee on Invalid Pensions.

By Mr. BRADLEY: Petition of Stephen M. Bull, of Newburgh, N. Y., for repeal of duty on sugar—to the Committee on Ways and Means.

By Mr. CHANEY: Petition of Bierhaus Brothers, favoring removal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. DARRAGH: Petition of Stroebel Brothers and 40 other citizens of Charlevoix and Antrim counties, Mich., against parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Gratiot County, Mich., against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. DE ARMOND: Paper to accompany bill for relief of Nathan E. Harrelson—to the Committee on War Claims.

Also, petition of citizens of Missouri, against S. 3940 (religious legislation in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. DUREY: Petition of Beach Nut Packing Company, of Canajoharie, favoring removal of duty from raw and refined sugars—to the Committee on Ways and Means.

Also, petition of J. E. Larrabee and others, residents of Amsterdam, N. Y., against enactment of parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. DWIGHT: Petitions of McKinney & Co. and the McTighe Grocery Company, of Binghamton, N. Y., and the F. H. Cobb Company, of Cortland, for removal of duty on sugar—to the Committee on Ways and Means.

By Mr. EDWARDS of Kentucky: Papers to accompany bills for relief of William Harvey and Thomas O. Letcher—to the Committee on Invalid Pensions.

By Mr. ELLIS of Missouri: Paper to accompany bill for relief of William V. Malenburg—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John H. Hecky—to the Committee on War Claims.

By Mr. FAIRCHILD: Petition of J. H. Timpson, for removal of duty on sugar—to the Committee on Ways and Means.

By Mr. FITZGERALD: Petition of officers and men of U. S. S. *Alabama*, New York Navy-Yard, favoring retirement of petty officers and enlisted men of the navy after twenty-five years of actual service—to the Committee on Naval Affairs.

By Mr. FLOYD: Petition of citizens of Arkansas, against Senate bill 3940, entitled "An act for proper observance of Sunday as day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. FOCHT: Petition of merchants of Waynesboro, Pa., favoring parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. D. Mulhollen and others, of Huntingdon County, Pa., against Johnston bill (S. 3940), providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. FULLER: Petition of Veteran Army of the Philippines, for legislation making August 13 a legal holiday, to be known as "Occupation Day"—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Forest M. Lentz—to the Committee on Invalid Pensions.

Also, petition of A. L. Wells, of Shabbona, Ill., favoring the Fuller bill (H. R. 19250), creating a volunteer officers' retired list—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Jerome B. Cundiff—to the Committee on Invalid Pensions.

By Mr. FULTON: Petition of citizens of Blaine County, Okla., against Senate bill 3940 (religious observance in the District of Columbia)—to the Committee on the District of Columba.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of estate of John Rick—to the Committee on War Claims.

By Mr. GARNER: Petition of citizens of Texas, against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. GILLETT: Petition of citizens of Athol and Orange, Mass., against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. GOEBEL: Petition of George Washington Garrison, Army and Navy Union, favoring retirement of petty officers and enlisted men of the navy after twenty-five years of actual service—to the Committee on Naval Affairs.

By Mr. HAMILTON of Iowa: Petition of citizens of Blakesburg, Iowa, favoring legislation to provide pension for the United States Military Telegraph Corps of the United States Army during civil war—to the Committee on Invalid Pensions.

By Mr. HAMMOND: Petition of M. Leatherman and others, against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. HARDWICK: Papers to accompany bills for relief of sureties of E. J. O'Connor and J. B. Schweers—to the Committee on Claims.

By Mr. HAYES: Petition of C. H. Parker, for legislation to effectively exclude inassimilable Asiatics—to the Committee on Immigration and Naturalization.

Also, petition of Chamber of Commerce of San Francisco, for legislation appropriating $500,000 for a new marine hospital at San Francisco—to the Committee on Public Buildings and Grounds.

By Mr. HEPBURN: Petition of citizens of Clarinda, Page County, Iowa, against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. HOWARD: Papers to accompany bill for the relief of Elizabeth C. Galloway, deceased—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: Petition of Asiatic Exclusion League, for more stringent laws for exclusion of Asiatics—to the Committee on Immigration and Naturalization.

By Mr. HULL of Iowa: Petition against enactment of S. 3940—to the Committee on the District of Columbia.

By Mr. LANDIS: Petition of citizens of Onaway, Mich., against Johnston bill (S. 3940), providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MADDEN: Petition of citizens of Chicago, Ill., favoring the pensioning of members of the Military Telegraphers' Corps in civil war—to the Committee on Invalid Pensions.

By Mr. MANN: Petition of Commercial Club of Chicago, favoring increase of salaries of federal judges—to the Committee on the Judiciary.

Also, petition of Veteran Army of Philippines, for legislation making August 13 a legal holiday, to be known as "Occupation Day"—to the Committee on the Judiciary.

By Mr. MARSHALL: Petition of citizens of North Dakota, against any parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. MAYNARD: Paper to accompany bill for relief of heirs of Samuel Tucker—to the Committee on War Claims.

By Mr. NICHOLLS: Petitions of Sanker & Williams, J. A. Eberts & Co., and J. O. Ackerman, of Scranton, Pa., for removal of duty on raw and refined sugars—to the Commitee on Ways and Means.

By Mr. NYE: Petition of citizens of Minneapolis, Minn., against enactment of the Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. PATTERSON: Paper to accompany bill for relief of heirs of William Carley—to the Committee on War Claims.

By Mr. RYAN: Petition of Plimpton, Cowan & Co., of Buffalo, N. Y., for the removal of duty from raw and refined sugars—to the Committee on Ways and Means.

By Mr. SHERMAN: Petition of A. Ethridge Company, of Rome, N. Y., favoring removal of duty from raw and refined sugars—to the Committee on Ways and Means.

By Mr. STURGISS: Petition of Elkins Board of Trade, favoring Senate bill 4825, providing for Appalachian and White Mountain National Forest Reserves—to the Committee on Agriculture.

By Mr. VREELAND: Petition of residents of Delevan, N. Y., against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

Also, petition of residents of Jamestown, N. Y., favoring the enactment of the Bacon original-package bill, the Tirrell bill, etc.—to the Committee on the Judiciary.

By Mr. WASHBURN: Paper to accompany bill for relief of Charles W. Clark—to the Committee on Invalid Pensions.

By Mr. WHEELER: Petition of citizens of Pennsylvania, against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. WILSON of Pennsylvania: Petition of Rear-Admiral H. F. Pickering Naval Garrison, No. 4, of Erie, Pa., favoring retirement of petty officers and enlisted men of the navy after twenty-five years of actual service—to the Committee on Naval Affairs.

Also, petition of John A. German and 24 others, of Williamsport, Pa., against S. 3940 (religious legislation in the District of Columbia)—to the Committee on the District of Columbia.

SENATE.

MONDAY, *December 14, 1908.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Edward E. Hale.

Mr. BENJAMIN R. TILLMAN, a Senator from the State of South Carolina, appeared in his seat to-day.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ELECTORAL VOTES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting certified copies of the final ascertainment of electors for President and Vice-President for the States of North Carolina, Vermont, Illinois, West Virginia, South Dakota, Arkansas, Delaware, Georgia, Ohio, Virginia, New Hampshire, Missouri, and Maryland, which, with the accompanying papers, was ordered to be filed.

POLICEMEN AND FIREMEN'S RELIEF FUND.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of March 27, 1908, a complete report upon the policemen and firemen's relief fund, together with a draft of proposed legislation for the reorganization of the entire system for pension and relief for the police and fire departments of the District of Columbia, which, with the accompanying paper, was referred to the Committee on the District of Columbia and ordered to be printed.

CLAIMS OF POSTMASTERS.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, stating that, pursuant to law, he had transmitted to the Speaker of the House of Representatives a report of the action taken during the year ended June 30, 1908, upon claims of postmasters for credit or reimbursement, or on account of losses resulting from burglary, fire, or other unavoidable casualties, etc., which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

CADMUS B. CRABILL.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, stating that he had transmitted to the Speaker of the House of Representatives the claim of Cadmus B. Crabill, postmaster at South Bend, Ind., for the credit of $18,653.50 on account of postage stamps lost by burglary November 15, 1908, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

CHAMBERLAIN (S. DAK.) INDIAN SCHOOL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a supplemental report as to the disposition of nonreservation Indian schools, particularly with reference to the Indian school at Chamberlain, S. Dak., etc., which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

REPORT OF BOARD OF ORDNANCE AND FORTIFICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting the eighteenth annual report of the Board of Ordnance and Fortification for the fiscal year ended June 30, 1908, which was referred to the Committee on Military Affairs and ordered to be printed.

DANIEL K. PONDER V. UNITED STATES.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact found by the court in the cause of Daniel K. Ponder *v.* United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 5473) to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S. R. 78) establishing the boundary line between the States of Colorado and Oklahoma and the Territory of New Mexico.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6145. An act to refund to the Territory of Hawaii the amount expended in maintaining light-house service on its coast from the time of the organization of the Territory until said light-house service was taken over by the Federal Government;

H. R. 21051. An act amending the penal laws of the United States;

H. R. 21736. An act to provide for holding terms of United States courts at Clarksdale, Miss.; and

H. R. 23464. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes.

The message further announced that the House had passed a concurrent resolution providing that when the two Houses adjourn on Saturday, December 19, they stand adjourned until 12 o'clock meridian Monday, January 4, 1909, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions of the National Rivers and Harbors Congress, favoring the enactment of legislation to authorize the issuance of bonds to the amount of $500,000,000, the proceeds to be used exclusively in such river and harbor works as shall be authorized by Congress, which were referred to the Committee on Commerce.

Mr. FRYE. I think it may be well to have the resolutions printed in the RECORD, and I make that request.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

The National Rivers and Harbors Congress approves the plan urged by the President of the United States for the creation of a commission or department of the National Government that shall adopt a general scheme for the conservation of all the natural resources of the country.

But this congress realizes that of necessity it will be some time before such a plan can be legislatively adopted and the commission or department formulate its detailed policy, and believing that the need of river and harbor improvement, that we may have adequate water transportation, is imperative, and realizing that there are now a number of river and harbor projects sufficiently matured and the need for which is so pressing as to warrant the Congress of the United States in immediately bringing about their adoption and completion, it is the sense of the National Rivers and Harbors Congress that—

First. The Congress of the United States should at its present session authorize the issuance of bonds of the Government to an amount of $500,000,000, to be sold from time to time in such quantities as may be necessary, the proceeds of same to be used in the payment exclusively of such river and harbor work as shall be authorized by Congress, the provisions for the issuance of said bonds to be similar to those authorizing the bonds for the construction of the Panama Canal.

Second. We further urge that the Congress at this session authorize the completion of such river and harbor projects heretofore entered upon as are of such a character as to surely fit into and carry into effective use any larger, comprehensive, and connected waterway system that may be subsequently adopted.

Third. That Congress also adopt such new projects as are of a like character as those just mentioned.

Fourth. We further recommend the appointment by the president of this organization of a committee of five, of which he shall be a member, to prepare a bill for introduction in the Congress of the United States for providing for the bond issue above set forth, and the creation of a statutory commission to study the waterways of this and foreign countries, and suggest to Congress in a full and detailed report a comprehensive plan and policy for improving our waterways.

Fifth. We further urge that the Corps of Engineers, United States Army, should be at least double its present size, utilizing in the permanent organization as far as practicable the present United States assistant civil engineers, and that the Corps of Engineers be given authority to formulate and propose to the Congress plans and projects for river and harbor improvement.

Respectfully submitted.

JOS. E. RANSDELL, *Chairman.*

J. F. ELLISON, *Secretary.*

Mr. BROWN presented a petition of the Republican platform convention of the State of Nebraska, praying that a further increase of appropriation be made in aid of the Reclamation Service of the United States, which was referred to the Committee on Irrigation.

Mr. BURKETT presented a petition of members of the Bar Association of Omaha, Nebr., praying for the enactment of legislation to increase the salaries of the circuit and district court judges, which was referred to the Committee on the Judiciary.

Mr. OVERMAN presented a petition of the Synod of the Presbyterian Church of Newbern, S. C., praying for the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a petition of the Chamber of Commerce of Quincy, Ill., praying for the enactment of legislation to create a nonpartisan tariff commission, which was referred to the Committee on Finance.

Mr. GALLINGER presented a petition of Merrimac Lodge, No. 266, Brotherhood of Railroad Trainmen, of Nashua, N. H., praying for the enactment of legislation providing for an application of the illiteracy test for immigrants and remonstrating against any modification of the present immigration law, which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Washington, D. C., praying for the enactment of legislation providing for a high-pressure water system for the District of Columbia, which was referred to the Committee on Appropriations.

He also presented the petition of Edward Tarring, of the city of Washington, praying for the enactment of legislation to regulate the sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the board of directors of the Chamber of Commerce and resolutions adopted by the Board of Trade of the city of Washington, favoring the recommendations of the Commissioners of the District of Columbia that in making appropriations for the District of Columbia Congress shall distinguish between the items for the extraordinary projects of improvements and the items of current expenditures, which were referred to the Committee on Appropriations.

Mr. PLATT presented a petition of the West Chester Woman's Club, of Mount Vernon, N. Y., praying for the enactment of legislation to establish a national children's bureau to investigate and report upon all matters pertaining to the welfare of children, which was referred to the Committee on Education and Labor.

He also presented a petition of members of the Bar Association of Erie County, of Buffalo, N. Y., praying for the enactment of legislation providing for an increase in the salaries of circuit and district court judges, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of the State of New York, praying for the enactment of legislation granting pensions to the surviving members of the United States Military Telegraph Corps who served in the civil war, which was referred to the Committee on Pensions.

Mr. GAMBLE presented a petition of the South Dakota Synod of the Presbyterian Church of the United States, praying for the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of members of the Lawrence County Bar Association, of South Dakota, praying for the enactment of legislation providing for an increase in the salaries of circuit and district court judges, which was referred to the Committee on the Judiciary.

He also presented a petition of the South Dakota Synod of the Presbyterian Church of the United States, praying for the enactment of legislation requiring individuals and corporations engaged in interstate commerce to grant certain privileges to their employees, which was referred to the Committee on Interstate Commerce.

Mr. SCOTT presented a petition of the Board of Trade of Elkins, W. Va., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White mountains, which was ordered to lie on the table.

Mr. ANKENY presented a petition of sundry citizens of Everett, Wash., praying for the enactment of a Sunday rest law for the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. NELSON presented sundry papers to accompany the bill (S. 7413) granting an increase of pension to George W. Hawkins, which were referred to the Committee on Pensions.

Mr. STEPHENSON presented a petition of the Medical Association of Horicon, Wis., praying for the enactment of legislation to create a national department of public health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Military Order of the Loyal Legion of the United States, of Milwaukee, Wis., praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. CURTIS presented a petition of sundry volunteer officers of the civil war, inmates of the National Military Home, Kansas, and a petition of sundry volunteer officers of the civil war, of Russell, Kans., praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Garden City, Galena, and Wichita, all in the State of Kansas, praying for the enactment of legislation granting pensions to the surviving members of the United States Military Telegraph Corps who served in the civil war, which were referred to the Committee on Pensions.

Mr. KEAN presented a petition of sundry citizens of the State of New Jersey, praying for the enactment of legislation granting pensions to the surviving members of the United States Military Telegraph Corps who served in the civil war, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Orange, N. J., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was referred to the Select Committee on Woman Suffrage.

Mr. WARREN presented a petition of sundry citizens of Liberty, Wyo., praying for the enactment of legislation extending the time from three to five years for making final applications on mineral claims on the Wind River Indian Reservation in that State, which was referred to the Committee on Indian Affairs.

Mr. LONG presented a petition of the Medical Society of Rice County, Kans., praying for the enactment of legislation to create a national department of public health, which was referred to the Committee on Public Health and National Quarantine.

He also presented sundry affidavits to accompany the bill (S. 7491) granting an increase of pension to Henry C. Walker, which were referred to the Committee on Pensions.

FUNERAL OF THE LATE SENATOR WILLIAM B. ALLISON.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. DOLLIVER on the 10th instant, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent funds of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice-President in arranging for and attending the funeral of the late Senator William B. Allison, from the State of Iowa, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

EDITH E. M'DOWELL.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. GAMBLE on the 10th instant, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Edith E. McDowell, widow of Robert E. McDowell, late clerk of the Committee on Transportation Routes to the Seaboard, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

EMPLOYMENT OF STENOGRAPHER.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. CURTIS on the 9th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Indian Depredations be, and the same is hereby, authorized to employ a stenographer, to be paid from the contingent fund of the Senate, at the rate of $1,200 per annum, said employment to continue during the Sixtieth Congress.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 7711) to establish and disburse a public-school teachers' retirement fund in the District of Columbia, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. GALLINGER. I ask unanimous consent that 200 additional copies of the bill be printed for the use of the Committee on the District of Columbia.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. GALLINGER. I present some papers relating to this subject which are of general interest. I ask that they be printed as a Senate document, and that 200 additional copies of the document be printed for the use of the Committee on the District of Columbia.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. FRYE introduced a bill (S. 7712) granting a pension to Mary Miller, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McCUMBER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7713) granting an increase of pension to William B. Hibbs;

A bill (S. 7714) granting an increase of pension to John C. Boren; and

A bill (S. 7715) granting an increase of pension to Edwin B. Brewster.

He also introduced a bill (S. 7716) for the relief of Freeman, Richardson & Co., which was read twice by its title and referred to the Committee on Claims.

Mr. FORAKER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Territories:

A bill (S. 7717) to enable the people of Arizona to form a constitution and state government and to be admitted into the Union on an equal footing with the original States; and

A bill (S. 7718) to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States.

He also introduced a bill (S. 7719) granting an increase of pension to Anthony Barleon, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7720) for the relief of the heirs of Matthew H. Fulton, which was read twice by its title and referred to the Committee on Claims.

Mr. CLAPP introduced a bill (S. 7721) for payment to Robert B. Whitacre and Frederick T. Hildred the sum of $944.97 for blasting powder used by the United States Government to complete the Belle Fourche irrigation project, which was read twice by its title and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7722) granting an increase of pension to E. E. Chase;

A bill (S. 7723) granting a pension to Harriet A. Kelliher (with the accompanying papers); and

A bill (S. 7724) granting a pension to Christian Rauch (with the accompanying papers).

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7725) granting an increase of pension to Leander Stillwell;

A bill (S. 7726) granting an increase of pension to George E. Ray; and

A bill (S. 7727) granting an increase of pension to W. H. Runkle.

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7728) granting an increase of pension to Benjamin F. Simpson;

A bill (S. 7729) granting an increase of pension to Isabella B. Hinton;

A bill (S. 7730) granting an increase of pension to Henry C. Luess; and

A bill (S. 7731) granting an increase of pension to John W. Spencer.

He also introduced a bill (S. 7732) to increase the pensions of those who have lost limbs in the military or naval service of the United States during the war of the rebellion, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 7733) for the relief of James Barrett, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. NEWLANDS introduced a bill (S. 7734) granting an increase of pension to Stephen Corwin, which was read twice by its title and referred to the Committee on Pensions.

Mr. GORE introduced a bill (S. 7735) granting an increase of pension to Joel E. Cox, which was ready twice by its title and referred to the Committee on Pensions.

Mr. HALE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7736) granting an increase of pension to Stephen M. Gilley; and

A bill (S. 7737) granting an increase of pension to Charles F. Smith.

Mr. BAILEY (by request) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 7738) for the relief of James Mack Brewer; and

A bill (S. 7739) for the relief of Ophelia V. Worsham.

Mr. BAILEY introduced a bill (S. 7740) for the relief of Emma L. Bryant, heir at law of Green Caswell Culp, which was read twice by its title and referred to the Committee on Claims.

Mr. SCOTT introduced a bill (S. 7741) granting an increase of pension to Thomas C. Shankland, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HEMENWAY introduced a bill (S. 7742) to increase the limit of cost for purchase of site and erection of a post-office building at Elwood, Ind., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7743) granting an increase of pension to Edward Price; and

A bill (S. 7744) granting an increase of pension to John W. Dyson.

Mr. STEPHENSON introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7745) granting an increase of pension to James G. Moe;

A bill (S. 7746) granting an increase of pension to Earl M. Rogers;

A bill (S. 7747) granting an increase of pension to John Blade;

A bill (S. 7748) granting an increase of pension to Mark Smith;

A bill (S. 7749) granting an increase of pension to Charles H. Bassett;

A bill (S. 7750) granting an increase of pension to Levi Judd; and

A bill (S. 7751) granting an increase of pension to William R. Brabazon.

Mr. LODGE introduced a bill (S. 7752) for the relief of the Boston and Maine Railroad, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

Mr. RAYNER introduced a bill (S. 7753) for the relief of the legal representatives of Burgess Hammond, deceased, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7754) granting an increase of pension to George Bollinger (with the accompanying papers); and

A bill (S. 7755) granting a pension to Ezra J. Yingling.

Mr. MONEY introduced a bill (S. 7756) granting an increase of pension to John F. Davis, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 7757) for the relief of Louis T. Barnes, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. WARREN introduced a bill (S. 7758) to amend section 2 of article 9 of an act entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation in the State of Wyoming and to make appropriations for carrying the same into effect," approved March 3, 1905, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. GAMBLE introduced a bill (S. 7759) granting an increase of pension to Owen Sheehe, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 7760) for the relief of C. M. Cox, and to confirm and legalize his acts while acting as United States commissioner, which was read twice by its title and, with the accompanying paper, referred to the Committee on the Judiciary.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7761) granting an increase of pension to James Dixon;

A bill (S. 7762) granting an increase of pension to Joseph Andreu; and

A bill (S. 7763) granting an increase of pension to William H. McCormick.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Military Affairs:

A bill (S. 7764) for the relief of J. Randolph Peyton; and

A bill (S. 7765) to authorize the President to appoint Benjamin F. Clayton captain of infantry in the army, and to place him on the retired list.

He also introduced a bill (S. 7766) to correct the naval record of William Henry Beehler and to authorize the President to appoint him a rear-admiral on the retired list, which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. CULBERSON introduced a bill (S. 7767) to provide for the purchase of a site and the erection of a public building thereon at Longview, in the State of Texas, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. DIXON introduced a bill (S. 7768) granting a pension to Eugene Wessinger, which was read twice by its title and referred to the Committee on Pensions.

Mr. BORAH introduced a bill (S. 7769) providing for dismissal of indictments in case of failure to prosecute, which was read twice by its title and referred to the Committee on the Judiciary.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Territories:

A bill (S. 7770) to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, and amendments thereto, to the Territory of New Mexico; and

A bill (S. 7771) to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, and amendments thereto, to the Territory of Arizona.

Mr. GUGGENHEIM introduced a bill (S. 7772) to provide for instruction in forestry in the colleges of agriculture and mechanic arts established under the provisions of an act of Congress approved July 2, 1862, and for experiments in forestry in the agricultural experiment stations established under an act of Congress approved March 2, 1887, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. McCREARY introduced a bill (S. 7773) for the relief of the heirs of Jerry H. Powell, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 7774) granting an increase of pension to W. T. McClure, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 7775) granting an increase of pension to John H. Brandenburgh, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 7776) to provide for the distribution of the reports of the United States circuit courts of appeals and of the United States circuit and district courts to certain officers of the United States, and for other purposes, which was read twice by its title and referred to the Committee on the Judiciary.

He also introduced a bill (S. 7777) to authorize the St. Paul Bridge and Terminal Railway Company to construct a bridge across the Mississippi River at or near St. Paul, Minn., which was read twice by its title and referred to the Committee on Commerce.

He also introduced a bill (S. 7778) to give the Court of Claims jurisdiction of certain Indian claims, which was read twice by its title and referred to the Committee on Claims.

Mr. LONG introduced a bill (S. 7779) granting an increase of pension to Robert L. McConaughey, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7780) for the relief of the Watson Mill Company, of the city of Wichita, State of Kansas, which was read twice by its title and referred to the Committee on Claims.

Mr. PILES introduced a bill (S. 7781) to extend the time for the construction and beginning construction of the Alaska Short Line Railroad in Alaska, which was read twice by its title and, with the accompanying papers, referred to the Committee on Territories.

Mr. FLINT introduced a bill (S. 7782) for the relief of James H. Owen, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 7783) making an appropriation for the construction of a roadway across the United States military and naval reservations on Point Loma, in California, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 7784) to cause a preliminary examination or survey to be made of the Colorado River in the vicinity of Needles, Cal., which was read twice by its title and, with the accompanying papers, referred to the Committee on Commerce.

Mr. CRANE introduced a bill (S. 7785) relative to outward alien manifests on certain vessels, which was read twice by its title and referred to the Committee on Commerce.

He also introduced a bill (S. 7786) to authorize the reexamination of Maj. William P. Kendall, Medical Corps, U. S. Army, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7787) granting an increase of pension to Sarah Couch;

A bill (S. 7788) granting a pension to Louise M. Bishop; and

A bill (S. 7789) granting a pension to Emeretta A. Catlin.

Mr. KEAN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7790) granting a pension to Jessie Stagg; and

A bill (S. 7791) granting a pension to Emily F. Freeborn.

He also introduced a bill (S. 7792) to correct the military record of Albert Van Sickle, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. PERKINS introduced a bill (S. 7793) to provide for the naturalization of aliens who have served or shall hereafter serve five years in the United States Navy or Marine Corps, which was read twice by its title and referred to the Committee on Naval Affairs.

Mr. SUTHERLAND introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7794) granting an increase of pension to Henry E. Steele; and

A bill (S. 7795) granting an increase of pension to Emily W. Bailey.

Mr. WARNER introduced a bill (S. 7796) amending paragraph 14 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes," approved August 7, 1882, which was read twice by its title and referred to the Committee on Appropriations.

Mr. BULKELEY introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7797) granting a pension to Isabella S. Hull; and

A bill (S. 7798) granting a pension to Emily C. Twitchell.

Mr. LA FOLLETTE introduced a bill (S. 7799) to create a commission to be known as the "public utilities commission of the District of Columbia" and to prescribe its powers and duties, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. OVERMAN introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Military Affairs:

A bill (S. 7800) to correct the military record of Timothy Edwards; and

A bill (S. 7801) to correct the military record of James Payne.

He also introduced a bill (S. 7802) granting an increase of pension to Daniel Lewis, which was read twice by its title and referred to the Committee on Pensions.

Mr. GALLINGER introduced a joint resolution (S. R. 106) authorizing the granting of permits to the committee on inaugural ceremonies, on the occasion of the inauguration of the President-elect, on March 4, 1909, and so forth, which was referred to the Committee on the District of Columbia.

Mr. WARREN introduced a joint resolution (S. R. 107) providing for the issue of certain campaign badges, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a joint resolution (S. R. 108) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. Demetrio Castillo, jr., of Cuba, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. du PONT submitted an amendment proposing to appropriate $25,000 for the purchase of additional land for the enlargement of the post-office and court-house at Wilmington, Del., etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. HEMENWAY submitted an amendment relative to the increase in the limit of cost for the purchase of a site and the erection of a post-office building at Elwood, Ind., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had on the 11th instant approved and signed the following act:

S. 3495. An act to authorize the transfer of books from the Treasury Department library to life-saving stations of the United States.

CONSULAR BUILDINGS IN CHINA, JAPAN, AND KOREA.

Mr. CULLOM submitted an amendment proposing to appropriate $1,373,643 for the purchase of suitable lands and buildings to be connected with the consular establishments in China, Japan, and Korea, intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

Mr. CULLOM. Somewhat akin to the amendment just submitted, I present sundry papers, including a lengthy letter from the Secretary of State, with reference to the purchase of grounds and buildings in China, Korea, and Japan for use of our diplomatic service in those countries. I move that they be printed as a document and referred to the Committee on Foreign Relations.

The motion was agreed to.

OMNIBUS CLAIMS BILL.

Mr. FULTON. Mr. President, I submit an amendment intended to be proposed by me to what is known as "the omnibus claims bill." I wish particularly to call the attention of Senators to the amendment. It proposes to repeal those sections of the Tucker-Bowman acts under which claims are transmitted to the Court of Claims. I move that the amendment be printed and lie on the table.

The motion was agreed to.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. FORAKER. Mr. President, I present an amendment to the bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D, of the Twenty-fifth U. S. Infantry, who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

I ask that the amendment I have just offered may be printed in the RECORD, and that it may be also printed and lie on the table; and in order that the bill, as it is so proposed to amend it, may be before the Senate, I ask that the bill as it will read when so amended, if this amendment should be adopted, may also be printed in the RECORD, and be printed, and lie on the table.

The VICE-PRESIDENT. Without objection, it is so ordered.

The amendment and the bill as proposed to be amended are as follows:

By Mr. FORAKER:

An amendment intended to be proposed by him to the bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth United States Infantry who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

On page 2, lines 1 and 2, strike out the words "any duly authorized enlisting officer of the United States Army or Navy" and insert in lieu thereof the words, "the commission provided for by section 2, or who shall file with such commission an affidavit showing."

On page 2, line 13, after the word "is," insert the words "subject to the provisions of section 2 of this act."

On page 2, line 14, after the word "therefor," insert the words, "to any duly authorized recruiting or enlisting officer of the United States Army or Navy."

On page 2, line 15, after the word "time," strike out the word "within" and insert in lieu thereof the word "after."

On page 2, line 15, after the word "months," insert the words "and within one year."

On page 4, at the end of line 5, add as new sections the following:

SEC. 2. That Lieut. Gen. Adna R. Chaffee, U. S. Army, retired; Lieut. Gen. John C. Bates, U. S. Army, retired; Maj. Gen. George W. Davis, U. S. Army, retired; Maj. Gen. Jesse M. Lee, U. S. Army, retired; Brig. Gen. Aaron S. Daggett, U. S. Army, retired, are hereby constituted and appointed a commission to hear and determine all charges or objections tending to identify any of said noncommissioned officers and enlisted men mentioned in section 1 hereof as having participated in said shooting affray or as having withheld or refused to give knowledge with respect to said shooting affray that would lead to the identification of the participators therein.

The said commissioners shall meet in such place in the city of Washington as the Secretary of War may designate, and shall organize by

the selection of a chairman and a secretary, and the appointment of such other officers, assistants, or help as they may deem necessary. They shall have power to subpœna witnesses, compel their attendance, administer oaths, employ a stenographer, and incur all expenses necessary to the proper discharge of their duties. They are also authorized to consider in connection with any case brought before them any testimony that may have been heretofore given by such accused party, whether in the form of affidavit or otherwise.

They shall keep a record of all testimony taken by them and of their finding as to each case that may be presented.

They shall have authority to receive said charges and objections tending to establish the identity of the participators in said affray or the withholding of information with respect thereto for the period of three months from and after the passage of this act. Upon the filing of any such charge against any of said noncommissioned officers or enlisted men the commission shall give notice to the party against whom the same have been filed, and give him an opportunity to be heard in answer to such charges and any testimony that may be offered in support thereof, and the party so appearing to answer said charges and said testimony may employ counsel to represent and assist him in making his defense and in producing counter testimony.

It shall be the duty of the commission upon the conclusion of the hearings in each case to make a finding as to whether or not, in its opinion, the party so charged has been shown to have participated in the said affray or to have withheld information which, if given, would have disclosed who the participators were.

If the party so charged shall be acquitted by the judgment of the commission, and not otherwise, he shall then be permitted to reenlist and to enjoy all the rights and privileges by this act conferred.

For the purpose of fully hearing and determining all such cases as may be presented, the commission is hereby authorized to continue its sittings and hearings beyond the period of three months from and after the date of this act until its work is finally concluded.

SEC. 3. The provisions of section 1 for the reenlistment of said noncommissioned officers and enlisted men shall be available to all of said men from and after the expiration of three months and within one year from the passage of this act against whom no charges have at that time been filed with said commission. From and after that date all said noncommissioned officers and men may be reenlisted against whom such charges have been filed, but as to whom said charges have been found by said commission not to have been sustained, provided they reenlist within three months after such finding is announced.

SEC. 4. That nothing in this act contained shall be construed to prohibit the prosecution and punishment of any soldier reenlisting under the provisions hereof as to whom it may at any time hereafter appear from testimony taken before said commission, or otherwise, that he did participate in said shooting affray or have knowledge thereof which he has withheld.

SEC. 5. That all reenlistments under the provisions hereof of soldiers who at the time of their discharge without honor were serving terms of enlistment which have not yet expired shall be held to be for only the remaining portion of said unexpired term, respectively.

SEC. 6. If for any cause a vacancy should occur in the membership of said commission, it may be filled by such person as the remaining members thereof may select.

SEC. 7. The members of said commission shall receive full pay and allowances according to their rank, respectively, as though on the active list, during the period of their services hereunder.

A bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth United States Infantry who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

Be it enacted, etc., That any noncommissioned officer or enlisted man belonging to Company B, C, or D of the Twenty-fifth United States Infantry, discharged without honor under Special Orders, No. 266, War Department, dated November 9, 1906, on account of the shooting affray that occurred at Brownsville, Tex., on the night of August 13–14, 1906, who shall make oath before the commission provided for by section 2, or who shall file with such commission an affidavit showing that he did not participate in said affray, and that he does not know of any soldier belonging to any of said companies who did participate in the same, and that he has not at any time heretofore and does not now withhold any knowledge with respect to that occurrence which, if made public, would or might lead to the identification of any participator in said shooting affray or any accessory thereto, either before or after the fact, and that he has answered fully to the best of his knowledge and ability all questions that have been lawfully put to him by his officers or others in connection therewith, shall be, and hereby is, subject to the provisions of section 2 of this act, made eligible to reenlist in the military or naval forces of the United States on his application therefor to any duly authorized recruiting or enlisting officer of the United States Army or Navy at any time after three months and within one year from and after the passage of this act, any statute or provision of law or order or regulation to the contrary notwithstanding; and that upon such reenlistment he shall be allowed full pay, according to the rank he held and the pay he was receiving at the date of discharge, until his reenlistment: *Provided*, That all the rights and privileges to which the soldiers reenlisting under the provisions of this act were entitled, respectively, at the time of their discharge shall be, and hereby are, fully restored to them, and the record showing their discharge without honor shall be, and hereby is, annulled, set aside, and held for naught, and the time elapsing since their discharge without honor until the date of such reenlistment shall be computed in determining all rights to which they may be respectively entitled on account of continuous service as though they had been in the service without interruption, and they shall not suffer any forfeiture of any right or privilege by reason of such discharge: *Provided further*, That in any case where the regular term of enlistment which the soldier was serving at the time when discharged without honor has in the meanwhile expired, his record shall be, and *hereby is, corrected* so as to show an honorable discharge at the time of the expiration of such enlistment, and he shall be allowed full pay and all rights and privileges until that time; and in the event of the reenlistment of such soldier under the provisions of this act his term of reenlistment shall be deemed to have commenced as of the time when his previous enlistment expired, and his service under such reenlistment shall be without prejudice of any kind by reason of his former discharge without honor: *And provided further*, That in case any of the noncommissioned officers or enlisted men belonging to said companies and discharged without honor shall have died since they were so discharged and before the passage of this act, but who shall have testified under oath or made affidavit before their death that they did not participate in said shooting affray or have any knowledge with reference thereto, their respective records shall be, and hereby are, corrected in accordance with the provisions of this act, and their legal representatives shall be entitled to all pay that would have become due to them from the time of their discharge until the time of their decease.

SEC. 2. That Lieut. Gen. Adna R. Chaffee, U. S. Army, retired; Lieut. Gen. John C. Bates, U. S. Army, retired; Maj. Gen. George W. Davis, U. S. Army, retired; Maj. Gen. Jesse M. Lee, U. S. Army, retired; Brig. Gen. Aaron S. Daggett, U. S. Army, retired, are hereby constituted and appointed a commission to hear and determine all charges or objections tending to identify any of said noncommissioned officers and enlisted men mentioned in section 1 hereof as having participated in said shooting affray or as having withheld or refused to give knowledge with respect to said shooting affray that would lead to the identification of the participators therein.

The said commissioners shall meet in such place in the city of Washington as the Secretary of War may designate and shall organize by the selection of a chairman and a secretary and the appointment of such other officers, assistants, or help as they may deem necessary. They shall have power to subpœna witnesses, compel their attendance, administer oaths, employ a stenographer, and incur all expenses necessary to the proper discharge of their duties. They are also authorized to consider in connection with any case brought before them any testimony that may have been heretofore given by such accused party, whether in the form of affidavit or otherwise.

They shall keep a record of all testimony taken by them and of their finding as to each case that may be presented.

They shall have authority to receive said charges and objections tending to establish the identity of the participators in said affray or the withholding of information with respect thereto for the period of three months from and after the passage of this act. Upon the filing of any such charges against any of said noncommissioned officers or enlisted men, the commission shall give notice to the party against whom the same have been filed, and give him an opportunity to be heard in answer to such charges and any testimony that may be offered in support thereof; and the party so appearing to answer said charges and said testimony may employ counsel to represent and assist him in making his defense and in producing counter testimony.

It shall be the duty of the commission upon the conclusion of the hearings in each case to make a finding as to whether or not, in its opinion, the party so charged has been shown to have participated in the said affray or to have withheld information which, if given, would have disclosed who the participators were.

If the party so charged shall be acquitted by the judgment of the commission, and not otherwise, he shall then be permitted to reenlist and to enjoy all the rights and privileges by this act conferred.

For the purpose of fully hearing and determining all such cases as may be presented, the commission is hereby authorized to continue its sittings and hearings beyond the period of three months from and after the date of this act, until its work is finally concluded.

SEC. 3. The provisions of section 1 for the reenlistment of said noncommissioned officers and enlisted men shall be available to all of said men from and after the expiration of three months and within one year from the passage of this act, against whom no charges have at that time been filed with said commission. From and after that date all said noncommissioned officers and men may be reenlisted against whom such charges have been filed, but as to whom said charges have been found by said commission not to have been sustained, provided they reenlist within three months after such finding is announced.

SEC. 4. That nothing in this act contained shall be construed to prohibit the prosecution and punishment of any soldier reenlisting under the provisions hereof as to whom it may at any time hereafter appear from testimony taken before said commission, or otherwise, that he did participate in said shooting affray or have knowledge thereof which he has withheld.

SEC. 5. That all reenlistments under the provisions hereof of soldiers who, at the time of their discharge without honor, were serving terms of enlistment which have not yet expired shall be held to be for only the remaining portion of said unexpired term, respectively.

SEC. 6. If for any cause a vacancy should occur in the membership of said commission, it may be filled by such person as the remaining members thereof may select.

SEC. 7. The members of said commission shall receive full pay and allowances according to their rank, respectively, as though on the active list during the period of their services hereunder.

Mr. FORAKER. Now, I ask the Senate to indulge me just a moment until I explain what the amendment is and why I offer it. I ask as explanatory of it that the Secretary will read, commencing at section 2, from that on.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as directed.

Mr. FORAKER. Mr. President, it must have been observed by every Senator who listened to the reading of this proposed amendment that the purpose of it is to establish a tribunal before which charges against these men, tending to identify them or any one of them as having participated in the shooting affray at Brownsville, may be heard—a tribunal before which they can appear where the charges can be presented and where the persons against whom the charges are made can have a chance to be heard in answer.

It is an elementary proposition in American law and in consonance with the spirit of American institutions that the accused shall always have an opportunity to confront the accuser and to answer testimony with testimony.

I did not suppose, when the bill was framed and introduced by me, that it would be necessary to have any further hearing of this character; but during the months of the vacation there have been coming to me letters written by one of these discharged soldiers—I hold a bundle of them in my hand—informing me how men claiming to be detectives representing the United States Government (of course not secret-service men, for they could not lawfully be so employed, but nevertheless

detectives, as they turned out to be—at least claimed to be) visited them, engaged them in conversation, dwelling and abiding with some of them, telling them what different members of the battalion had already stated in the nature of confessions, and appealing to them, if they would save themselves from prosecution, to make a like confession.

I will not detain the Senate to read at length, but I have, through my stenographer, copied out in typewritten form, which I will send to the desk, omitting all names that might lead to the identity of the person, a sample of these letters. This letter is from a soldier who has told how he has been approached by two or three different detectives on two or three different occasions, and how various things have been told him to persuade him and to induce him and then to threaten him into making a confession of some kind.

Do you know an ex-soldier (by the name of) ———?

I said, "No, sir; I don't know him."

He said, "Well, he knows you, and said you and ——— and ——— said you were going to shoot up that town."

I said, "I haven't seen that negro; haven't told him anything; furthermore, I was ——— that night and couldn't have ——— if I wanted to."

He said, "Remember, you are not the only soldier talking; we have 20 talking, and they are peaching, too; as I said, I will protect you.

"Tell us the story; don't be afraid; we have almost got it like we want it, and remember the Government never gives a thing up until it is finished."

He said, "We have been able to prove that B Company did the shooting, and what I want you to tell me is just the men that did the shooting. I know you can, if you will. We already know three men that did it, but we want the whole gang."

I omit some paragraphs:

He said: "I want to ask you a few more questions. I want to know, and I want you to tell me the truth; tell me who talked with you in Washington before you went on the stand?"

I told him no one.

"Now," he said, "isn't it true that Mr. FORAKER told you all how to swear before you went in committee room?" I said, "No, sir. I saw him passing, and some one said there goes Senator FORAKER."

He said, "Who met you at the train when you went to Washington?" I told him no one.

Then he wanted to know if I had any letters from Mr. FORAKER.

There seems to be a good deal of curiosity about my correspondence.

I said, "Sir, I have only one letter from him." Then he asked me if I had it with me.

I said, "No, sir; but I can get it as quick as you ever saw anybody get anything, if you think it will do you any good." He said, "I will be glad for you to go and get it; I would like to see some of the Senator's writing." I came home and got the letter and showed it to him. He read it, and quickly folded it, and handed it back to me, and said, "There is nothing there to hurt anyone." Then he asked me to give him the names of all the ball players in B Company.

He asked me did I have a group of the boys. I told him I did. He told me he would like to see it; for me to go and get it, if it wasn't much trouble. I told him it wouldn't be any trouble; so I got it and showed it to him. Then he took their names down, right to left, like they were on the picture; then he begin to point out some of the men on the picture to Mr. ——— that he thought was implicated in the matter; then he wanted to know if I had any of the rest of the soldiers' pictures; if so, he wanted to see them. I showed him all I had. He kept trying to persuade me to tell him who did the shooting, which was impossible for me to tell him; he also repeats there is a lot of them talking now; said ——— has acknowledged that he was in the shooting.

I said, "Mr. ———, if ——— has been man enough to tell you he was in the shooting, it looks funny he didn't tell you who else was in it." He said, "That's all right; it's all coming out."

Then he began to ask me about my family; said it would be bad for me to have to leave a young family and be turned over to the State of Texas. I told him before I would be willing to swear a lie on anybody I would be willing to go to Texas or anywhere else, because the truth stands in its place. He said, "You know if you go to Texas nobody knows the result. You will get there. You may never return here any more." I said, "God's will must be done. If it is His will for me to go, I suffer His will may be done."

Now, I might read at length to the same character, but it is not necessary. I have read what I have read only to show, if there be any truth in this, that there is still an effort being made on the part of the Government to find out, by seeking for confessions and otherwise, how to identify some of these discharged soldiers as having participated in that offense.

Mr. President, I have no objection to that. Upon the testimony as it stands now I am of the opinion none of the soldiers did any shooting in that town that night; but about that, as I have repeatedly said, I may be mistaken. I do not know who did it, but I do know that if there be a guilty man in that battalion, no man should throw a straw in the way of having that guilt established.

But, Mr. President, there is a right way and a wrong way to do these things. It seems to me that these men, poor, helpless, friendless, as they are, should at least have the benefit secured to them by the Congress of the United States of having an opportunity to confront their accusers, to answer testimony with testimony; that it is contrary to the spirit of American institutions that men should be found guilty of crime, serious crime, the crime of murder, if you please, as well as numerous crimes that go hand in hand with the commission of this offense, in this instance, by such methods as are represented in the letter from which I have read briefly.

Therefore it is not for the purpose of standing in the way of any proper investigation, but for the purpose of authorizing such further investigation as may be desired that I have undertaken to create a tribunal, and I have undertaken to name the members who shall compose that tribunal. I have selected retired army officers.

I have sought to name men who are high enough in rank and old enough in age as well as in service to be absolutely free and independent, to have absolutely free and unbiased minds to bring to bear in passing judgment upon charges that may be offered before them. The charge contemplated to be there offered and passed upon is simply the charge of any nature that will tend to identify any one of these soldiers against whose reenlistment anybody may desire to offer any such objection.

Now, I want to remind Senators that this whole subject has come down to a very narrow point. There is no longer before us any question as to the constitutional power of the President to discharge, for whether he has that power or not he has discharged these men; they are out of the service. We have heard everybody testify who was willing to come before us or whom we could subpœna from whom we thought we could get any evidence that would give us any light.

The case in that respect was entirely made up when the committee made its report; and as a result of the testimony so taken and reported by the committee to the Senate, the President himself joining with a majority of the members of that committee, came to the conclusion that there were innocent men in this battalion who ought to be given permission to reenlist. But recognizing that there was no power except in Congress to authorize the reenlistment, the President sent us a special message asking us to authorize the reenlistment of every man of the battalion whom he had discharged who could establish to his satisfaction his innocence.

I introduced a bill which omitted that requirement and put in some others. Inasmuch as two years, or nearly that, had then elapsed without any evidence being offered by anybody to identify any individual, and inasmuch as great effort had been made to get a clew of evidence that would identify some individual, it seemed to me all should be reenlisted, but that the right should be reserved—and I so provided in the bill I introduced—to prosecute any and all before any civil or military tribunal, as the case might require, against whom any evidence might hereafter be brought by anybody to show that they did have participation in that offense.

I thought that would be sufficient. I thought it was at the time. But now that more time has elapsed and that these efforts are going on, and especially in view of the fact that I am informed by these letters, and the Senate is informed by what I have read, that it is claimed by men who claimed that they were representing the Government that some of these soldiers have been giving affidavits which tend to establish their guilt, I think the whole thing should be brought out into the open, and that the bill should be amended in the way I have suggested or in some other proper way. I am not particular as to the special manner in which this wrong, in so far as a wrong has been committed, shall be righted, but I am anxious to get a bill that will be fair to the army, fair to the soldiers, fair to the people of this country, and fair to the Senate that is called upon to consider it.

Mr. CULBERSON. Mr. President, while we are upon this subject of the Brownsville outrage I will state that my information is that there has been communicated to the Senate this morning a message from the President upon the subject, and in order that we may have what appears in the RECORD to-day consecutively I ask that the message be now read.

The VICE-PRESIDENT. The Chair lays before the Senate a message from the President of the United States, which will be read.

The Secretary read the message, as follows:

To the Senate:

I inclose herewith a letter from the Secretary of War transmitting a report of the investigation made by Mr. Herbert J. Browne, employed by the department in conjunction with Capt. W. G. Baldwin to investigate as far as possible what happened at Brownsville on the 13th and 14th of August, 1906. The report and documents contain some information of great value and some statements that are obviously worthless, but I submit them in their entirety.

This report enables us to fix with tolerable definiteness at least some of the criminals who took the lead in the murderous shooting of private citizens at Brownsville. It establishes clearly the fact that the colored soldiers did the shooting; but

upon this point further record was unnecessary, as the fact that the colored soldiers did the shooting has already been established beyond all possibility of doubt. The investigation has not gone far enough to enable us to determine all the facts, and we will proceed with it; but it has gone far enough to determine with sufficient accuracy certain facts of enough importance to make it advisable that I place the report before you. It appears that almost all the members of Company B must have been actively concerned in the shooting, either to the extent of being participants or to the extent of virtually encouraging those who were participants. As to Companies C and D, there can be no question that practically every man in them must have had knowledge that the shooting was done by some of the soldiers of B Troop, and possibly by one or two others in one of the other troops. This concealment was itself a grave offense, which was greatly aggravated by their testifying before the Senate committee that they were ignorant of what they must have known. Nevertheless, it is to be said in partial extenuation that they were probably cowed by threats, made by the more desperate of the men who had actually been engaged in the shooting, as to what would happen to any man who failed to protect the wrongdoers. Moreover, there are circumstances tending to show that these misguided men were encouraged by outsiders to persist in their course of concealment and denial. I feel, therefore, that the guilt of the men who, after the event, thus shielded the perpetrators of the wrong by refusing to tell the truth about them, though serious, was in part due to the unwise and improper attitude of others, and that some measure of allowance should be made for the misconduct. In other words, I believe we can afford to reinstate any of these men who now truthfully tell what has happened, give all the aid they can to fix the responsibility upon those who are really guilty, and show that they themselves had no guilty knowledge beforehand and were in no way implicated in the affair, save by having knowledge of it afterwards and failing and refusing to divulge it. Under the circumstances, and in view of the length of time they have been out of the service, and their loss of the benefit that would have accrued to them by continuous long-time service, we can afford to treat the men who meet the requirements given above as having been sufficiently punished by the consequences they brought upon themselves when they rendered necessary the exercise of the disciplinary power. I recommend that a law be passed allowing the Secretary of War, within a fixed period of time, say, a year, to reinstate any of these soldiers whom he, after careful examination, finds to have been innocent and whom he finds to have done all in his power to help bring to justice the guilty.

Meanwhile the investigation will be continued. The results have made it obvious that only by carrying on the investigation as the War Department has actually carried it on is there the slightest chance of bringing the offenders to justice or of separating not the innocent, for there were doubtless hardly any innocent, but the less guilty from those whose guilt was heinous.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 14, 1908.*

Mr. CULBERSON. I ask that the report of the Secretary of War which accompanies the message be read.

The VICE-PRESIDENT. Without objection, the accompanying report will be read.

The Secretary read as follows:

WAR DEPARTMENT,
Washington, December 10, 1908.

MY DEAR MR. PRESIDENT: I have the honor to send you herewith a report of investigation made by Mr. Herbert J. Browne, who was employed by this department in conjunction with Capt. W. G. Baldwin to investigate as far as possible the occurrence at Brownsville on the 13th and 14th of August, 1906.

Sincerely, yours,
LUKE E. WRIGHT.

The PRESIDENT.

GENERAL REPORT.

WASHINGTON, D. C., *December 5, 1908.*

SIR: I have the honor to submit the following report relative to the investigation of the Brownsville raid:

Ex-Private Boyd Conyers, of Company B, Twenty-fifth Infantry, now at Monroe, Ga., told William Lawson, a detective in the employ of Capt. William G. Baldwin, of Roanoke, Va., that he and three [or four] other men of the Twenty-fifth Infantry were the leaders in the Brownsville raid. This information was obtained at different dates during the month of June, 1908. (See Exhibit A.)

I submit the affidavit as presented. There are certain discrepancies of a minor character, due to the fact that Lawson is illiterate and had to depend on his memory for details. But it should be borne in mind that Lawson was unacquainted with the details of the Brownsville raid and was given information which could have come only from one familiar with the secret history of the affair. Lawson's first report included the names of Conyers, John Holloman, John Brown, and "another man." Subsequently he supplied the name of James Powell, but I think the original name given was that of Robert L. Collier, Company C, one of the relief guard. This information was corroborated in the presence of witnesses, but before Lawson could finish his work Conyers became suspicious and would give no further evidence incriminating himself. From then on he furnished to A. H. Baldwin, Capt. W. G. Baldwin, and to myself information piecemeal and reluctantly. The name of Carolina de Saussure, his bunk mate, was the last one obtained.

Conyers tried to commit suicide after he found that he had made his statements to a detective, declaring that the other negroes would kill him when it got out. He finally wrote to Senator FORAKER and received a reply, a copy of which is annexed. That reply he construed to mean that he should stick to his original story told before the Senate committee at all hazards, and there he stands. I have every reason to believe that his confession is genuine and gives for the first time the true secret history of the Brownsville raid.

The list of participants given in this report Conyers furnished me personally. I believe it is substantially correct, but with the influences shown to be backing Conyers to adhere to his false testimony given before the Senate committee still being exerted he can not be relied on to support his own confession until it is thoroughly sustained from other sources.

Evidences of similar encouragement to stick to the lies told at Brownsville and before the Senate committee were found in many places, and subsequent to the date of the Foraker letter they became stronger and more obstructive than ever.

The investigation has been conducted with strict recognition of the advisability of preserving secrecy, and with discretion. No promises of immunity were made. The knowledge on the part of the ex-soldiers that the Government could not punish them after their separation from the service, coupled with the belief that by preserving silence they would aid in the passage of the relief legislation now pending in Congress, has added to the difficulty of securing information.

The issue has evidently become racial. The colored detectives would be confronted frequently in the smaller towns where these men are living with a demand from colored men for information as to their business.

We have located over 130 of these ex-soldiers, and have been in 30 States in quest of information. The appendices give statements as to the results obtained. They indicate a general knowledge on the part of the ex-soldiers that the raid came from inside the fort and that the soldiers of Company B were the guilty parties.

We earnestly urge that we be permitted to continue the investigation. Several detectives are still in the field, and within the coming week a number of affidavits will be forthcoming.

With some repetition of matter appearing later in the report, Boyd Conyers's story is given here in narrative form:

"The rumors of trouble over the assignment of colored troops to Brownsville were circulated before the troops left Fort Niobrara, and preparations were made among the men to 'get even with the crackers,' so the whites were called. Some cartridges were held out at range practice, but more en route to Brownsville. Pretense was made that they were given away at stations along the road. Some were, but a large number were secreted.

"At inspection in Brownsville Lieutenant Lawrason, Company B, threatened punishment to the men who were short of ammunition, but nothing was done about it, and the deficiency was supplied.

"The friction with citizens of Brownsville began at once. In Boyd Conyers's language, 'Whisky made all the trouble. If we hadn't been drinking we wouldn't have had the nerve to shoot up the town.'

"It was agreed at a gathering of a few men in the saloon of Allison, the colored ex-soldier, on the afternoon of August 13, 1906, that the raid should take place that night at 12 o'clock. It seems to have been delayed a few minutes to let Tamayo, the Mexican scavenger, get away from the B barracks.

"John Holloman, the money lender of Company B, was the chief conspirator and leader in the raid and custodian and distributor of the cartridges, but his plans could not have been carried out had not Sergt. George Jackson, of Company B, in charge of the keys to the gun racks in B barracks, and Sergeant Reid, in command of the guards, cooperated both before and after the raid.

"The four men who led the raid were John Holloman, John Brown, Boyd Conyers, and Carolina de Saussure, all of Company B (and probably R. L. Collier, of Company C). Holloman was in barracks, Brown in the bake shop, Conyers and De Saussure in the guardhouse. The two latter were in the same detail and had been relieved at about 11 o'clock, De Saussure on the post at the guardhouse, and Conyers on No. 2, around the barracks and facing the town. Holloman got the party together. Conyers and De Saussure slept on the same bunk in the guardhouse, claiming that they wanted to get under the mosquito net, and they had the trick of taking their guns into the bunk instead of placing them in the open rack, on the excuse that they didn't rust so badly under cover, but really so the absence of the guns from the open guardhouse rack would not attract attention, and their own absence would be ascribed to a visit to the closet, which was back of the guardhouse. These two men slipped out the rear door of the guardhouse, passed through the sally port, and joined Holloman and Brown.

"The party crossed the wall of the fort down near the end of A barracks, went up the roadway to the entrance to the Cowen alley, where the signal shots were fired. These shots were immediately tallied onto by the alarm shots of Joseph B. Howard, guard on No. 2, and formed the series testified to by Mrs. Katie E. Leahy, of Brownsville. Her testimony is further borne out by the statement that not over thirty seconds elapsed before a number of the men of Company B swarmed out on the upper gallery and opened a fusillade on the town.

"It is an absolute certainty that it would have been impossible for Sergeant Jackson to have opened the gun racks, for the men to have assembled, secured their guns, loaded them, gone out to the gallery, and started firing all after the first shot was fired, all aroused, as they testified unanimously, from sound slumber in less than two minutes in the confusion of a dark barrack room. Beyond the possibility of a doubt the racks had been opened and the inside conspirators were ready to pour out on the signal shots. The testimony is ample that there were scarcely twenty seconds between the last of the signal shots and the first general volley from B barracks.

"The number firing from the barracks is unknown, but perhaps 20 men were involved. A smaller number went to the ground and followed the leaders up the alley. It will be remembered that one of the witnesses testified to hearing some one of the group of soldiers exclaim, 'There they go!' Whereupon these men leaped over the wall and ran up the alley.

"Boyd Conyers is the man whose gun jammed at the exit of the alley by the Cowen house, testified to by Herbert Elkins, and it was taken from him by De Saussure and fixed in the street where the light from the street lamp at the corner of Elizabeth street shone on them.

"Less than five minutes elapsed from the time the first shot was fired until these men were all back inside the fort.

"Conyers stated that Reid was told that they were going to shoot up the town, and he had laughed and said, 'Don't go out there and let the crackers get the best of you.'

"When Conyers and De Saussure reached the guardhouse they ran in the back way and got into their bunks. Sergeant Reid came in and swore at them, but Conyers was so excited and out of breath that he could hardly stand, so Reid stationed him at the rear of the guardhouse in the dark where he could not be scrutinized so closely.

"Holloman came around with extra cartridges about daybreak and Reid passed them out. The guns were all cleaned before daylight."

This day personally appeared before me William Lawson, who, being duly sworn, deposes and says:

"On June 5, 1908, I was sent to Monroe, Ga., to interview Boyd Conyers, one of the soldiers who was stationed at Brownsville, Tex., in August, 1906. I was sent by Mr. Baldwin to get in with Conyers and ascertain if he knew who did the shooting at that point. I was not given the names of any of the members of either of the companies stationed at that point, nor was I given any other information, except the fact that a shooting occurred at the time and place above mentioned and that Boyd Conyers was suspected of knowing who did same.

"I arrived at Monroe, Ga., on June 5, and stopped at the home of Esther Crews, colored. I met Boyd Conyers, who is known as 'Buddie' Conyers, on the morning of June 6, but had very little conversation with him, but was introduced to him as an old soldier. On the morning of June 8, between 8 and 9 o'clock, I met Conyers about halfway between the station house and Main street. We talked some twenty or twenty-five minutes. I broached the Brownsville case, and mentioned the fact that the soldiers had shown their good sense by keeping their mouths while at Washington. I then asked him what the motive was for the shooting. He told me that the 'crackers' at Brownsville had made threats that they would have no negro soldiers at Brownsville, and the soldiers had made it up in their minds that if they bothered them that they would go in and clean up the ground. He also said that they mentioned this to Sergeant Reid, who was commander of the guards, and that Reid said, 'All that I have to say is to take care of yourself and the boys when you go down there.' S. H. Parker, whose home is at Charleston, S. C., was present and heard the same conversation.

"About then a gentleman called Conyers to come and clean some clothes, and Conyers left, and nothing further was said about the matter at this time. I was with Conyers nearly every day, and went to Gainesville, Ga., on an excursion with him on the 15th of June. I did not mention the Brownsville matter to Conyers again until on the 29th of June, when I returned from Atlanta, having gone there on June 27. On this date I met him at Joe Blassingame's, and had a pint bottle of liquor, offered him a drink—he would not drink in the house, but we went up the street and we stopped under a storehouse porch, near Main street. We took a drink or two, and I started the Brownsville case again. He told me that he was doing guard duty at the time of the shooting at Brownsville, and was stationed at the outlet toward the town. He said that when the guard was called the night of the shooting they mentioned to Sergeant Reid what had occurred downtown, and he said, 'Boys, if you are not satisfied, you will have to go and get satisfied,' and they remarked that they were going to get satisfaction that night. Reid then laughed and said, 'Boys, don't you go down there and let them get the best of you.' He then assigned the guard and went away.

"In this conversation Conyers told me that John Brown, J. H. Holloman, and a man named Powell, and several others, came down where he was on guard, and that they went downtown and just gave them hell, and after they shot out all of their cartridges they ran back to the barracks, and when they got back to the barracks they found that the alarm had been sounded and the officers were calling the roll. Holloman, Brown, and himself were late for roll call, but that some one answered for Brown and Holloman, but that he was late, and that Reid told him that they had gotten themselves and himself in a hell of a hole, and told him to go to the guardhouse and pretend to be asleep, which he did.

"He told me that they had slipped a few cartridges when at target practice, and that before inspection, after the shooting, Reid gave him some cartridges to replace the ones he had used. He further said that they had all agreed before they went out that they would keep their mouths, and that he would have told them at the investigation at Washington all about the shooting, but that he was afraid. I had no further talk with Conyers, because I saw that I was being suspected by the negroes around Monroe, Ga.

"WILLIAM (his x mark) LAWSON."

Witnesses:
H. J. BROWNE.
GEO. W. MADERT.

DISTRICT OF COLUMBIA, *ss:*

Subscribed and sworn to before me, a notary public in and for the District aforesaid, this 16th day of October, A. D. 1908.

[SEAL.] GEO. W. MADERT,
Notary Public.

This day personally appeared before me Herbert J. Browne, of Washington, D. C., who, being duly sworn, deposes and says:

"I was employed by the War Department in May, 1908, in company with Capt. William G. Baldwin, of Roanoke, Va., chief of the Baldwin Detective Agency, to investigate the conduct of the battalion of the Twenty-fifth Infantry, stationed at Brownsville, Tex., which conduct resulted in the Brownsville raid, so called, on the night of August 13–14, 1906, wherein one Frank Natus was killed, Lieutenant of Police Dominguez badly wounded, and the houses of several citizens were shot into. Captain Baldwin has charge of the secret work for the Norfolk and Western Railway, the Chesapeake and Ohio Railway, the Southern Railway, and the Atlantic Coast Line, and is one of the best-known and most responsible detectives in the country.

"In conjunction with him I have been continuously employed upon this work since its inception, in May.

"The facts set forth in my report addressed to Gen. George B. Davis, Judge-Advocate-General, War Department, under date of December 5, 1908, are true to the best of my knowledge and belief.

"In particular I visited Monroe, Ga., to corroborate the investigation at that point of William Lawson, a colored detective in the employ of Captain Baldwin, whose affidavit and reports are annexed to and made a part of my report of December 5, 1908, above referred to.

"I had several interviews at Monroe with Boyd Conyers, ex-private of Company B, Twenty-fifth Infantry, one of the guard on the night of the Brownsville raid, and found that William Lawson's statements regarding Conyers were substantially and essentially correct. I personally obtained from Conyers further information detailing how the cartridges used in the raid were surreptitiously and illegally obtained and distributed, how the principal raiders proceeded, when and by whom the gun racks in Company B were unlawfully and secretly opened for the purpose of the raid, how the raiders were protected during and subsequent to the raid and given opportunity to clean their guns, and, in particular, was furnished by Conyers with the names of 8 participants in the raid other than the 3 named by him in his statements to William Lawson, a total of 11, including himself, the said Conyers, all members of Company B, Twenty-fifth Infantry.

"The leaders of the raid, as named by Boyd Conyers, were John Holloman, John Brown, Carolina de Saussure, and himself. Following them were William Anderson, James Bailey, Charles E. Cooper, William Lemons, Henry Jimerson, James (Rastus) Johnson, and Henry (Sonny) Jones. Sergeant Reid, in charge of the guard, was accused by Conyers of knowledge before and after the raid. Sergt. George Jackson, in charge of the keys of the gun racks of Company B, was accused of opening the racks for the raiders, and of again opening them subsequent to the raid in order that the guns might be removed and cleaned.

"I found Boyd Conyers in a disturbed frame of mind. No claim is made that his original declarations to William Lawson were other than those of a criminal boasting to one of his own race of his crime and of his success in escaping discovery. His subsequent declarations to me were given partly during moments of contrition and in a desire to unload his conscience by a confession and partly as the result of careful and persistent questioning.

"I found the effect of the letter from Senator FORAKER to Conyers extremely obstructive. He seemed to regard it as a mandate to adhere to the false story told by him before the Senate Committee on Military Affairs, and as absolving him from any and all obligations to aid in uncovering the truth. Similar influences were encountered at many points, adding largely to the difficulty of obtaining admissions of even the most obvious facts relative to the raid.

"HERBERT J. BROWNE."

Subscribed and sworn to before me this 9th day of December, 1908.

[SEAL.] J. B. RANDOLPH, *Notary Public.*

THE GUARD.

Analyzing the admitted facts and recorded testimony concerning the guard on the night of August 13–14, 1906, the following is presented:

The guard consisted of 17 men, to wit:
Sergt. J. R. Reid, Company B, in charge.
Corpl. Ray Burdett, Company B.
Corpl. Anthony Franklin, Company B.
Corpl. Samuel Wheeler, Company D, on post.
Musician Hoyt Robinson, Company D.
Pvt. Boyd Conyers, Company B.
Pvt. Carolina de Saussure, Company B.
Pvt. Lawrence Daniels, Company B.
Pvt. Frank Bounsler, Company C.
Pvt. R. L. Collier, Company C.
Pvt. Joseph Rogers, Company C.
Pvt. Andrew Mitchell, Company C.
Pvt. S. M. Battle, Company D.
On post:
No. 1, Pvt. B. F. Johnson, Company D.
No. 2, Pvt. Joseph Howard, Company C.
No. 3, Pvt. Charley Hairston, Company B.
No. 4, Pvt. Alexander Ash, Company D.

None of the men on post is implicated in the charges as active participants in the raid.

Of the men on relief Pvt. Boyd Conyers's statements directly affect himself and Pvt. Carolina de Saussure as two of the principal participants and ringleaders, and Sergt. J. R. Reid as having guilty knowledge before and after the raid, using his position to aid in covering and protecting the raiders.

There is strong circumstantial evidence pointing to the participation of Pvt. R. L. Collier in the raid and guilty knowledge after the raid on the part of several of the guard relief. Of the relief guard, noncommissioned officers and men alike, none could have escaped some knowledge of the more or less incriminating evidence against the guardsmen now directly charged with participation in the raid.

The guardhouse, situated east of the center of the parade, had a west-front entrance, with rooms for the noncommissioned officers to the right and left of the entrance, a general bunk room for the privates, a rear door leading into a sally port which crossed the building entirely from north to south, open at each end, and separating the front portion from the prison cells in the rear. This rear door of the front portion furnished an easy and safe exit and entrance for the conspirators without passing the sentinel in front. The latrine was at the rear of the building, separate therefrom, and the men customarily went out the rear door and through the sally port to reach it. An absence of ten or fifteen minutes would not attract especial attention.

There was a bright light from a lamp in the guardroom, according to the testimony of Pvt. Joseph Rogers, who claims to have been reading a novel when the firing began. His original statement was that he was asleep on his bunk when the firing began and that he was awakened by Sergeant Reid. His various statements are confused and contradictory—he is evidently lying—but as to there being a light in the guardhouse, there has been no denial. Rogers had been court-martialed five times. The existence of the light is also proved by the statement of Private Johnson.

Attention is directed to the singular fact that no statement under oath was taken from Sergt. J. R. Reid, though a vitally important witness. On page 75, Senate Document No. 402, appears a brief summary of his statement (not under oath) to Maj. A. P. Blocksom, to the effect that he did not have the call to arms sounded until the shots came so fast that he thought the post was attacked. He stated also that he formed the guard before having the call sounded.

From this point Reid disappears as a witness. He was serving his fourth enlistment. He was discharged without honor November 16, 1906, with the rest of the battalion. His testimony was not taken at any of the subsequent courts-martial and investigations. He simply disappeared from view. Efforts to locate him have been unsuccessful. He is constantly on the move, and acts like a fugitive from justice. We have followed him into seven States, and spent more time and money in the search than on any other man. For some months shortly after his discharge he was traveling with a negro minstrel troupe through the South in company with John Holloman.

Boyd Conyers declared that Reid was informed that they were going to shoot up the town that night. Reid is reported to have said:

"Boys, if you are not satisfied, you will have to go and get satisfied."

And later, when Reid posted the guard:

"Boys, don't you go down there and let the 'crackers' get the best of you."

Reid seems to have understood that the raid was to be started by these men while on sentry duty and not while on relief, for Conyers declares that, after he (Conyers) returned and threw himself, out of breath, on his bunk, Reid came in and dragged him out declaring, with an oath, that he would have to stand for it or be court-martialed.

Conyers further declares that when John Holloman brought around the extra cartridges before inspection the next morning, to avoid detection, Reid attended to their distribution.

It is obvious that if Reid intended to protect the raiders he would post them away from the front of the guardhouse, where they could recover breath and clean their guns without being under observation. The printed testimony bears this out.

Senate Document No. 402, page 156: Boyd Conyers testifies that he was posted in the rear of the guardhouse after the guard was formed. Does not remember who or how many were in line when the guard was formed.

Senate investigation, page 706, Conyers says he and Lawrence Daniels were posted at the rear of the guardhouse, and that he lay down on the ground to avoid the bullets, though he doesn't claim to have heard any coming that way; had been off post about half an hour. Daniels testified that he was posted at the guardhouse, but does not say whether front or rear.

Senate Document 402, page 152, Pvt. R. L. Collier, of Company C, testified that he had just come off post, and was in the closet when the firing began. (S. I., pp. 1260–1263.) His statement is confused as to when he came off post or how long he was at the closet, or who was in the guardhouse. He was out of sight for an indefinite period, and was likewise posted at the rear of the guardhouse. He testifies that Sergeant Reid, in calling the roll, called up to No. 13 instead of calling by fours. No one else supports this assertion, and it is highly improbable that he was in line when the first call was made. He could not tell who was in the guardhouse.

Senate Document 402, page 158, Pvt. Carolina de Saussure was sent after the alarm and guard call with Corporal Wheeler and Privates Mitchell and Battle toward quarters, and he was later stationed over near the officers' quarters, where he had ample opportunity to clean his gun. (S. I., p. 676). De Saussure is very uncertain about whom he saw in the guardhouse. The time that he was sent toward quarters was later than he claimed. He admits that he had his gun and ammunition in bed with him, but says nothing about being in the same bunk with Boyd Conyers. He says there was no rack for guns in the guardhouse.

Conyers declares now that he and De Saussure were in the same bunk and both had their guns in bed and their ammunition belts on, though this important fact was not brought out in his testimony. He said that his gun got "jammed" in Fourteenth street by the Cowen house as he came out of the Cowen alley, and that De Saussure fixed it for him. This corroborates the testimony of Herbert Elkins, clerk in the Leahy Hotel. (See Senate Doc. 402, Part II, p. 51, last paragraph; Penrose court-martial, p. 443; S. I., vol. 3, p. 2313.) Conyers was a recruit and not very familiar with his weapon, while De Saussure was serving his third enlistment.

The published testimony of the noncommissioned officers on post bears evidence that they were embarrassed by conflicting purposes—to satisfy the inquiries being made and yet not betray the guilty men. The guardhouse was well lighted, and its inmates easily to be seen and identified. As stated, there is no testimony from Sergeant Reid, in charge of the guard. Corporal Wheeler, on post, testified (Macklin trial, p. 67) that Sergeant Reid was asleep in the noncommissioned officers' room, that he himself was in the guardhouse awake, but that (S. Doc. No. 402, p. 120) he didn't know who was in the guardroom.

Corporal Franklin testified (S. Doc. 402, p. 122) that he thought all his relief was present, but wasn't certain whether they were present or absent. He had dozed off when the firing began. The relief was formed double rank in front and held for fifteen or twenty minutes, he testifies, before being thrown into skirmish line lying down.

Corporal Burdett testifies (S. Doc. 402, p. 121) that he was asleep, but doesn't remember how many privates were in the guardhouse.

Musician Hoyt Robinson is equally uncommunicative. He was asleep in the entrance to the guardhouse. Was awakened (S. Doc. 402, p. 145; S. I., p. 567) by Sergeant Reid and Corporal Wheeler and told to sound the alarm. Went back into the guardroom before doing so to see the time by the clock; found it was 12 o'clock. Saw Privates Johnson and Battle, but doesn't remember any others. (Johnson was sentinel in front of the guardhouse, post No. 1.)

Privates Lawrence Daniels, Bounsler, Mitchell, and Battle gave very brief testimony at Brownsville and were not examined thereafter. They all stated that they were asleep in the guardhouse, but made no statement as to the other members of the relief.

Pvt. Joseph Rogers first testified that he was asleep (S. Doc. No. 402, p. 130), but at the Macklin trial (Macklin, p. 153) and at the Senate investigation (S. I., pp. 984–985) claims that he was awake, reading a novel; doesn't remember what novel or what it was about; was sent to awake Captain Macklin, but told several conflicting stories of what he did, and is discredited by the officers of the battalion. He didn't know how many men or who were present, but said "they were supposed to be there." He admitted at the Macklin trial that he had been court-martialed at least five times, yet was discharged with "character good" at each of his first two enlistments.

Summarizing the testimony as to the presence of the privates of the relief guard in the guardroom, it is extremely noncommittal and uncertain as to who were there and who were absent when the alarm was sounded. In justice to the commissioned officers of the battalion it should be stated that for weeks they conducted a painstaking, personal, searching investigation and examination of the soldiers in their endeavor to ferret out the guilty parties, but the seal of secrecy had been put on the mouths of the men. The few soldiers who conscientiously tried to aid the officers were called "dog robbers," and made to feel the displeasure of their fellows. Pvt. Elmer Brown, Company B, who slept in the corral the night of the raid, testifies to this.

THE SENTINELS.

Pvt. B. F. Johnson, Company D, on post No. 1, in front of the guardhouse, is personally sufficiently accounted for. He retreated behind a dense cloud of ignorance when interrogated at Brownsville. He didn't know anything; didn't even know who was the corporal of his detail; heard seven shots together, and knew nothing more. Didn't know what corporal posted him; what corporal relieved him, who came in or went out. He was not further examined and was finally discharged under a general court-martial November 22, 1906.

Pvt. Joseph H. Howard, of Company D, on post No. 2, around the barracks, has been thoroughly examined. Following the first shots of the raiders he fired the alarm signal, retreating between B and C barracks, of three shots aimed generally over the officers' quarters, and perhaps thereby explaining the bullets which several witnesses testified to having heard whistling over the post. His several statements differ widely as to the place where the first shots of the raiders were fired from down near the Allison saloon, several hundred yards east of him, to a point near the Cowen alley, and in time from four minutes to two seconds before he called the alarm and fired his rifle. In better position than any other private to see, hear, and know what actually occurred in and near the rear of the barracks, he succeeded in demonstating how much he could say and how little he could tell in four examinations—at Brownsville, at the Macklin and Penrose courts-martial, and before the Senate committee.

Pvt. Charley Hairston, Company B, on post No. 3, around the officers' quarters, throws considerable light on several mooted questions. At the Macklin trial he stated (pp. 79 and 89) that he had carried out Major Penrose's instructions to have the call to arms sounded, had then listened to the roll call of Company B, and had gone back to his post before Private De Saussure came up and told him that Sergeant Reid wanted him to call Captain Macklin, the officer of the day. This places De Saussure's mission considerably later than his own testimony would indicate and increases sufficiently the margin of time needed for De Saussure to have participated in the raid and returned to the guardhouse.

Hairston further reports hearing two pistol shots (S. I., p. 741) off to the southeast some twenty minutes before the real fusillade. This would cover Howard's confused effort to couple these shots with the firing at the entrance to the Cowan alley and to bring them all with his firing the alarm into the limit (extreme time) of four minutes. Hairston also heard bullets whistling overhead, evidently Howard's three shots, and thought he heard horses galloping, presumably the Mexican scavenger's cart hurriedly driven to a place of safety from the rear of the barracks. Hairston located the general fusillade correctly back of B Company barracks.

Pvt. Alexander Ash, Company D, on post No. 4, was remote from the whole affray—in the far southeastern end of the fort, around the corral. He threw no especial light on the situation. He had the confidence of his commanding officers as a reliable soldier.

BAKE SHOP.

John Brown, the last member of the principal conspirators, was disposed of in three lines in the investigation at Brownsville. He claimed he was asleep in the bake shop. He was not subsequently examined. He was serving his third enlistment. On Boyd Conyers's statement, made at Monroe, Ga., Brown was sought in Atlanta. James Powell, who had claimed to have been a discharged soldier of the Ninth Cavalry and to have been in Brownsville the night of the raid, proved an all-around liar and romancer, who, however, had learned much of the inside of the affair from Brown. He also gave Brown the news that detectives were looking for him.

Brown fled to Philadelphia early last August, where his trail was lost for a time. Finally it was learned that he had skipped to Tampa on a phosphate-rock vessel. From Tampa he doubled back to Jacksonville, where he now rests in fancied security. He had been a sailor before he entered the army.

Pvt. Wesley Mapp, Company D, was the only other occupant of the bake shop. He claims (S. Doc. No. 402, p. 141) that he slept through the whole shooting and did not wake till Sergt. Israel Harris, Company D, came, after it was all over. He was serving his second enlistment, was a frequenter of the Allison saloon, and after his discharge disappeared. He has not been located.

THE RAIDERS.

Boyd Conyers furnished the following list of 7 men, all of B Company, who took part in the raid, besides John Holloman, John Brown, Carolina de Saussure, and himself:

William Anderson.
James Bailey.
Charles E. Cooper.
William Lemons.
Henry Jimerson.
James (Rastus) Johnson.
Henry (Sonny) Jones.

Elmer Brown, Company B, who slept in the corral, furnished the following list of suspects:

James Bailey.
Carolina de Saussure.
C. E. Cooper.
John Holloman.
James (Rastus) Johnson.
Henry Jimerson.
William Lemons.
J. L. Wilson.

He also believed, agreeing with Conyers, that Sergt. George Jackson knew all about it and opened the gun racks for the raiders before the shooting, and again after the guns had been returned to the racks at 2 o'clock in the morning, that they might be cleaned. Boyd Conyers made the same statement as a part of the history of the raid.

The two lists of raiders agree with the addition by Brown of the name of J. L. Wilson, though furnished independently. Wilson's gun was one in which shells picked up in the alley were found to fit.

It is noted that Cooper, Holloman, Lemons, Jimerson, Johnson, and Wilson all belonged to Company B baseball team, and ran together.

Other members of the baseball team were: Corpl. Wade Harris, James Allen, Henry Carmichael, Edward L. Daniels, Henry Jones, George Mitchell, and Isaiah Raynor.

Cooper was the coach and Jimerson and Lemons substitute players.

Conyers's list is 4 short of the 15 raiders whom reliable witnesses counted in the alley.

George Mitchell was a bad egg; was given six months at Fort Reno for desertion.

Isaiah Raynor slept in the kitchen on the ground floor, and gave confused testimony as to how he got upstairs. He testified that his own gun was in the fourth section rack, but he got S. R. Hopkins's gun out of the third section rack (S. I., p. 1754). This is in line with the testimony of James H. Ballard, clerk of Company B, that the men got guns indiscriminately from the first rack they could get to. Raynor also said that "Sergeant Allison" told him to take a gun from the third section. Allison was the ex-soldier who ran the Holloman saloon.

Allison's testimony was never taken. If Raynor's reference is not a mistake, it should be inquired into as to what Allison was doing in the barracks.

Raynor says he got his own gun for inspection the next morning and Lieutenant Lawrason stood him back because it was foul. He slept in the northeast corner of the ground floor of the barracks, the corner nearest the fort wall and the gate, yet would only admit that he heard the shooting in "the back part of the town, in the rear of B Company, going down the street." (S. I., p. 1760.) Raynor's testimony was not taken at Brownsville.

The baseball crowd tried to protect the guilty men by deliberate lying. For instance, Corpl. Wade Harris testified (S. Doc. No. 402, p. 121) that the firing had ceased when Sergeant Jackson was trying to unlock the second section rack. This is manifestly false, for those of the second section who were not on the raid were pouring downstairs with their guns while the firing was still going on.

Before proceeding to examine the testimony relative to the raiders, the testimony of First Sergt. Mingo Sanders was taken by Lieutenant-Colonel Lovering, at Brownsville, September 25, 1906, nearly six weeks after the raid, should be considered. Sanders lived in married quarters, east of the guardhouse. He was awakened by the shooting; dressed, and hastened to Company B barracks, arriving there after Lieutenant Lawrason, who testifies that he got there about five or six minutes after the shooting began and that he heard no shots after he joined his company. (Macklin trial, p. 31.) The last shots fired by the raiders were at the Tillman saloon, and it took them, perhaps, at the most a minute to run back to the fort and another minute to fall in.

At least eight minutes elapsed from the first fusillade to the time Mingo Sanders reached the front of B barracks. The distance from the Tillman saloon to the front of B barracks was 300 yards. The married quarters were distant between five and six hundred yards. Sanders is positive that he saw John Holloman before the shooting ceased. (S. Doc. No. 402, p. 118.) But there was desultory firing going on in town from aroused citizens for many minutes after the raid was over. Sanders testifies that the company was practically in line when he got there, which further proves his lateness, as all other testimony shows great confusion and delay in forming the company, men being sent back for guns and ammunition, and at least eight minutes elapsing from the first fusillade till the line was fairly in shape.

Lieutenant Lawrason testifies that it took him about five minutes from the time the shooting began to get to the company and several minutes to form the company; that all the firing took place in about five minutes, and that the farthest firing seemed to be at a distance of not more than 300 or 400 yards. (Macklin trial, p. 32.) He further says (Penrose trial, p. 486) that there was great confusion, that the men straggled in, and that the last man had taken his place five or six minutes after he arrived, about eight minutes after the first call to arms, and about nine minutes after the first shots were fired. The last shots of the raiders might very probably have been fired after B Company began to assemble, but the men were straggling in for at least five minutes.

THE EVIDENCE.

It is circumstantially absolute that if soldiers of B Company fired service rifles from the upper gallery of B barracks, from the ground inside the fort wall, and then crossed the wall to join the raiders, the fact was well known throughout the barracks, and their fellow-soldiers lied to conceal the facts and to protect the raiders. Yet the building up of alibis is extremely slight, and but little testimony was adduced in regard to the presence in the barracks of the members of the raiding party while the shooting was in progress. The witnesses generally deemed it safer to know nothing.

William Anderson, Company B, was one of the three musicians of that company. Henry Jimerson was the second and Henry Odom the third. Anderson and Jimerson are charged with being in the raiding party. Odom sounded the call to arms. (Corpl. Wade Harris, S. Doc. 402, p. 121.) Anderson claims to have been asleep (S. Doc. 402, p. 153), and John B. Anderson, his "bunkie," says that he saw him when he awoke. Very little testimony of identification was brought out, and it would have been of very doubtful value at best, if for no other reason than that the barracks were in total darkness. Sergeant Jackson claims to have unlocked the racks by aid of a tallow candle. Jimerson testified that he was asleep. (S. Doc. 402, p. 149.) Cooper, Johnson, Jones, and Lemons gave identical testimony that they were asleep. This was all before Lieutenant-Colonel Lovering at Brownsville, September 25, 1906. They do not appear again.

Henry Jimerson had a bad reputation as a trouble maker and tough.

Henry Jones was a bully and notorious from picking quarrels with recruits.

William Lemons was a tough. He deserted at Fort Reno, was captured and given six months in prison.

Carolina de Saussure was notably a hard case and reckless. He assaulted a member of the band at Niobrara and was given six months in the guardhouse.

James Bailey's case needs special examination. He was supposed to be in the hospital. The hospital was under charge of First Sergt. F. L. Oltmans, Hospital Corps (white), and located about 100 yards south of the guardhouse. Oltmans was in his quarters beyond the hospital. (S. Doc. 402, Part II, p. 128.) He was awakened by the firing, dressed, and went to the hospital. He saw his orderlies, Privates Nolan and Sanborn, and four colored patients. The firing, he says, was over when he got to the porch. He does not state how long it took him to dress and get to the hospital, but does not seem to have hurried.

Orderly William C. Nolan (white) was in bed, in the hospital, got up, lighted the lamp, and then went out on the porch, then went to Sergeant Oltmans's house to call him, then went back to the hospital. (S. Doc. 402, Part II, p. 126.) He says there were three or maybe four patients in the hospital, but identifies none of them.

Orderly Sanborn identifies no patient by name, and merely refers to the records as to how many men were there.

Pvt. John Kirkpatrick, Company C, who was in the hospital, testifies that there was only one other patient, William Harden, of Company B, and an orderly. Harden was a patient there, and was also cooking at the hospital. He makes no reference to Bailey.

So, apart from Bailey's own statement, he is not identified definitely as having been at the hospital at the time of the firing. He could have been absent and returned without attracting attention.

In summary, there is no reliable direct evidence precluding a single one of the suspects from having been on the raid. The circumstantial evidence would admit of every one of the list having been out.

In the annexed material, reports of Captain Baldwin's detectives, fair samples of a much larger list, it will be seen that very different opinions are held by several of the ex-soldiers from the ones appearing in their official testimony. The admissions are somewhat remarkable. Private Howard, Corporal Franklin, Corporal Thornton, and Pvt. Joseph L. Wilson express the opinion that it was done by the soldiers.

Many of the men make statements similar to those of Sergt. George Jackson, Corpl. Anthony Franklin, and Temple Thornton that "their Senator," or their attorney, had told them not to talk. Of course, if they had no guilty knowledge they could tell nothing to harm them.

The circumstances of the firing from B barracks, from the ground inside the wall, and the general comment which ensued among the men, makes absurd any theory that the members of the battalion in barracks B, C, and D could have failed to know that soldiers did the shooting. The general resentment among them at the hostile attitude of the citizens of Brownsville was sufficient to initiate the conspiracy of silence. Added thereto was the fact that a murder was committed, and that the State of Texas was taking a hand in seeking to punish the criminals. The discharge of the whole battalion, salutary and necessary as it was, made a racial issue. Had the battalion been of white soldiers instead of colored, no maudlin sympathy would have been aroused over its discharge without honor, and the whole affair would have blown over in a month.

THE CARTRIDGE SHELLS.

The expert evidence submitted to the Senate committee identifying certain cartridge shells picked up in the Cowen alley after the raid as having been fired from guns issued to members of Company B is conclusive. The sole flaw seemed to be in the identification of one of the guns issued to Private Blaney and supposed to have been locked up in an arm chest in the storeroom of B barracks. The records of gun issues were kept by the quartermaster-sergeant and showed numerous changes and irregularities.

There was no actual inspection of the guns in the arm chest by numbers until long after the raid. There was no absolute testimony from an unprejudiced source as to the Blaney gun being in the arm chest, and it was known and acknowledged that guns were being changed more or less among the men without authority. If the Blaney gun was out, there was ample opportunity to return it without detection. Pvt. Joseph L. Wilson so declared to Captain Baldwin.

The argument advanced in defense of the soldiers, that these shells came from a box of empty shells lying open in the gallery of B barracks, and that they had been taken by townspeople and scattered in the alley to throw suspicion on the soldiers, was buttressed by the further explanation that several of them showed double-firing marks, due to a failure of the first attempt, the firing mechanism being stiffened by the cosmoline on the weapons when issued. These shells had come from the target range at Fort Niobrara. This argument is destroyed by two facts now given:

First. The box mentioned contained over a thousand shells, discharged from nearly fifty rifles, thrown in indiscriminately, and roughly shaken in the transportation and numerous handlings from the range at Niobrara to the barracks at Fort Brown, thus being thoroughly mixed. There would be mathematically only one chance in hundreds of millions that out of this box 30 shells selected at random would exhibit the absolute firing marks of only 3 rifles out of nearly 50; therefore a practical impossibility.

Second. There were 6 of the 30 shells showing marks of having been inserted in a rifle twice. No such proportion of misfires—one in five, 20 per cent, was reported from Fort Niobrara—was in evidence on the remainder of the shells, or was claimed by the soldiers to whom the guns identified with the shells were issued.

But the conclusive evidence as to the double markings on these shells and three others referred to in the expert testimony of Lieut. W. J. Hawkins (S. I., p. 1319) can be had from Hon. M. D. Purdy, former Assistant Attorney-General, who gives the information that several of the shells picked up at Brownsville were in his presence inserted in a Springfield rifle and tested by an army officer at Fort Sam Houston to illustrate the working of the guns. This accounts for the double markings. Moreover, in case two attempts were made to fire a cartridge the primer markings of the first and unsuccessful attempt would be completely obliterated by the greater explosive blow of the second and successful attempt.

THE AMMUNITION.

Boyd Conyers furnishes the information that before the battalion left Fort Niobrara rumors were circulated that they would not be welcome at Brownsville; that there would be trouble with the citizens; and the rough element of the battalion determined to prepare for trouble. On the way down boys at the stations would importune the soldiers for cartridges. Some were given, but more were held out, and on inspection at Brownsville the shortage was accredited to their having been given away.

"Lieutenant Lawrason," declares Conyers, "scolded the men and threatened punishment, but he ordered more cartridges issued. Some had been held out at target practice. So there were plenty of cartridges. John Holloman took care of them, and I think he hid them over in the Allison saloon, which he backed. After the raid he brought around a lot to the guardhouse to make up the shortage and Sergeant Reid handed them around."

Lieutenant Lawrason gave an original estimate that from one-fourth to one-third of Company B came down to roll call at the time of the raid without their ammunition. Before the Senate committee he raised his estimate to one-half. This latter estimate coincides closely with the number whom Boyd Conyers states as having come out on the upper gallery of B barracks and blazed away after the signal shots. It is not claimed or charged that the men shot away all their cartridges, but the resulting confusion was evidently a part of the premeditated plan to secure as much delay as possible in calling the roll to let the raiders have time to get back in line. From eight to ten minutes elapsed before the roll call was fairly started, and the raiders were all back.

The entire distance traversed by the raiders from the fort to the Tillman saloon, the farthest point, and return, can be and was covered in less time than six minutes from the firing of the first shot. A fast walk out and a run back will do it in less than three minutes by actual test. The distance is less than one-sixth mile each way. Allow a speed of a mile in twelve minutes out and of a mile in six minutes back and it can be covered in three minutes. Allow a minute for delays in firing and it is all done in four minutes. The raid was carefully planned and well timed.

REVOLVERS.

There is a confusion of testimony as to the use of revolvers by one or more of the raiders. No evidence has been obtained that service revolvers had been surreptitiously taken and used; but it is well known that at Fort Niobrara a search was made and several revolvers collected from members of the battalion. They could have had them, and probably several of them were used. One bullet from a pistol was dug out of a post near the Crixell saloon. Its source was not well established. Testimony as to the sound of pistol shots was, under the circumstances, not conclusive, nor of great importance.

JOHN HOLLOMAN.

John Holloman, the chief conspirator and organizer of the raid, is an interesting character. He was serving his fourth enlistment, and had been previously discharged with "character good," "character excellent," "character very good." His reputation among his fellow-soldiers does not bear out his official character. Said to be the offspring of a small Jewish trader and a mulatto woman in middle Georgia, his position as the battalion Shylock is accounted for. He was not only a money lender, charging 20 per cent usury and upward for fractions of a month between pay days, but he was a successful gambler and card sharp.

Half the battalion owed him money. Even the impeccable first sergeant, Mingo Sanders, was in his debt at the time of the raid. He was, moreover, the financial backer and half owner of the Allison saloon. What of the battalion money he didn't get in usury and card playing he received over the bar of his "bodega." Boyd Conyers acted as one of his clerks and runners.

Perhaps the most singular omission in the record of the raid is in his case. John Holloman's testimony was never taken at Brownsville or anywhere else by army officers, government officials, not even by the representatives of the Constitution League. He appeared at neither the Macklin or Penrose courts-martial nor before the Senate committee. After his discharge he disappeared in company with Sergeant Reid, one of his chief aides in the conspiracy. They traveled for some months in a negro minstrel troupe and then separated. Holloman is now in Macon, Ga., where he is known to very few, even among his own color. He keeps very much to himself. He lives with a woman who passes as his wife and runs a small grocery in a negro suburb.

It is worthy of note that John Holloman, at Macon; Boyd Conyers, at Monroe; Carolina de Saussure, at Savannah; R. L. Collier, at Barnesville; and John Brown, at Atlanta, brought five of the principals into close touch. They have kept track of each other ever since they were discharged.

It is further noteworthy that it has been comparatively easy to trace up the location of the former members of Companies C and D and extremely difficult to find men of Company B, especially the suspects.

HERBERT J. BROWNE.

Gen. GEORGE B. DAVIS,
Judge-Advocate-General,
War Department, Washington, D. C.

LOUISVILLE KY., *May 6, 1908.*

W. G. BALDWIN, *Roanoke, Va.:*

Arrived here this morning. Have located James Howard at 1015 Thirteenth street, and will try to get board in the neighborhood.

May 8.—Have gotten board two doors from Howard. Have met him and hope to be able to get some information. Have arranged to go out with him either to-night or to-morrow night.

May 10.—Was out with Howard last night. Talked freely over the Brownsville matter, but does not seem to know very much about the shooting. He tells me that he was not a member of Company B, but that he was in Company D, and knew nothing whatever about the shooting. This man is either telling the truth or he is a great deal smarter than I gave him credit for being when I first saw him. I have an engagement to go out with him to-night, and will try to sound him further.

May 11.—I was out with Howard last night and got him full of whisky, and am satisfied now that he knows absolutely nothing about the shooting. He said that the soldiers had been badly treated by the white people in Brownsville, and that he did not blame them for shooting up the town, and that he believed most of the shooting was done by men in Company B, but that he had never been able to get any information from any of the soldiers. He mentioned several little scrapes that he had been in himself, but I am thoroughly convinced that Howard knows, personally, nothing about the shooting.

I will await further orders here.

Respectfully,

GILBERT JONES.

LOUISVILLE, KY., *May 9, 1908.*

W. G. BALDWIN, *Roanoke, Va.:*

Arrived here to-day. Located George Jackson at 1202 Walnut street, where he is employed by the street railway company. Have arranged to get board across the street from where Jackson lives, and understand he is fond of baseball and hope to be able to take him out on Saturday next.

May 11.—I met Jackson to-day. Only had a few minutes to talk with him, but will arrange to call at his house to-night.

May 12.—Was with Jackson about twenty minutes last night, and find that he was discharged from Company B and is pretty sore about the way he has been treated by the President. Jackson says that he does not believe that any of the soldiers did the shooting, but that it was done by town people. Have arranged to go out with him day after to-morrow night.

May 13.—I was with Jackson for some time last night and talked very freely over the shooting and the way the soldiers had been treated by the white people at Brownsville. He says he knows absolutely nothing about the matter, but stated that they had been warned by their attorneys and had been expecting some white detectives to call on him at any time to try to pump him. He said he did not intend to talk to anyone about the case, as he knew nothing about it. I feel sure that there is no chance to get anything further out of Jackson.

Respectfully,

C. J. TALLEY.

OKLAHOMA CITY, OKLA., *May 11, 1908.*

W. G. BALDWIN:

I had some trouble locating J. Reeves, but found him at 225 West Grand avenue, this city. He was employed by the Myle-E Adams Cigar Company. This man is one smart negro.

May 12.—I saw Reeves again to-day and he refuses to talk anything about the case. Said he had told all he knew, and did not know anything in the first place, and could not tell anything if he wanted to. Further stated he was satisfied that I was either working for the Government or for some of the Senators, or connected with some newspaper; that he knew nothing and did not want to be bothered.

Respectfully,

C. MAYFIELD.

EL RENO, OKLA., *May 26, 1908.*

W. G. BALDWIN, *Roanoke, Va.:*

Just arrived here and have located Temple Thornton, 718 North Evange street. Had a talk with him and find that he was a member of Company D. He says he was asleep at the time of the shooting and that he did not believe any of the soldiers in his company knew anything about the shooting; that if it was done by any of the soldiers, it was done by either B or C company. He says he has never been able to tell who really did the shooting; that the majority of the soldiers believe it was done by the town people or the Mexicans.

May 28.—I saw Thornton again last night, but was unable to get anything further out of him. He says that all of the soldiers have been cautioned by friends and their attorneys not to do any talking in regard to the shooting. Am satisfied that this man has nothing to tell.

Very respectfully,

C. J. TALLEY.

ROCK ISLAND, ILL., *May 30, 1908.*

W. G. BALDWIN, *Roanoke, Va.:*

I had considerable trouble in locating A. Franklin. Went to Des Moines, Iowa, 318 West Third street, and found that he had moved to Rock Island, where he is now located at 222 Twenty-second street. I lost several days locating him, but finally located him and have had a talk with him. Franklin is a pretty smart negro and will be hard to work. Am now trying to get board in the neighborhood, where I can see him often.

May 23.—I was not able to see Franklin yesterday or the day before. Saw him to-day. Had quite a lot of talk with him and got very chummy. He told me that he was corporal at Brownsville at the time of the trouble, but that he was not on duty when the shooting began; that he was asleep at the guardhouse; said he knew nothing about most of it, but he thought some of the soldiers fired back from the barracks.

May 25.—I had another talk with Franklin to-day and am thoroughly satisfied that he does not know who did the shooting, although he said enough to me to convince me that in his own mind he believed it was done by some of the soldiers. Franklin said he had been warned not to talk by his lawyers and also by his Senator, but would not say who the Senator was.

Respectfully,

C. J. TALLEY.

JOLIET, ILL., *June 12, 1908.*

W. G. BALDWIN, *Roanoke, Va.:*

Arrived here day before yesterday and have located Joseph L. Wilson, one of the negro soldiers who was at Brownsville. This negro boards at 129 South Bluff street and works in a barber shop. He is a kind of dude negro and will be pretty hard to get in with.

June 15.—Have been out two or three times with Wilson, but he is not much of a talker and very smart. I think you had better come here and see if you can help me out.

Respectfully,

G. JONES.

STATEMENT OF W. G. BALDWIN, JUNE 19, 1908.

Have just returned from Joliet and Chicago, where I met Joseph L. Wilson, who is one of the smartest and brightest negroes I have seen for some time. I told him that I had been employed by a syndicate of magazines of New York to get the facts of the Brownsville case, as they wanted to write a series of magazine articles. I gave him to understand that we simply wanted to get the facts as to where the shooting occurred and what company did the shooting and that we cared very little about the individuals who did same.

Wilson told me that he believed that the shooting was done by some of the soldiers, but that he could not tell to save his life who they were. Said that he believed George Gray and William Haskins would likely know more about the case than most anyone else. I then employed Wilson and sent him to Charleston, W. Va., to get in with Gray. I returned to Roanoke and sent one of our best men to Charleston to also get in with Gray and watch Wilson to see if Wilson was loyal.

W. G. BALDWIN.

PORTSMOUTH, VA., *June 21, 1908.*

W. G. BALDWIN, *Roanoke, Va.:*

Have just returned from Atlanta, Ga., where I saw our negro. He states that Conyers told him that sometime ago he received a telegram to go to Washington, where he was present at an investigation, and that he did not tell them anything. He stated that he was in the crowd that did the shooting; that the corporal of the guard on duty that night was fully aware as to the situation, and knew every man who went out of the barracks.

Respectfully,

A. H. BALDWIN.

ATLANTA, GA., *July 3, 1908.*

W. G. BALDWIN, *Roanoke, Va.:*

I met our man here to-day and he tells me that Conyers made the following statement to him:

That he was a member of Company B and on night of shooting was on duty as outer guard. He states that Conyers told him that Holloman, a negro named Brown, and another negro whose name he could not remember did the shooting. Stated that he hid in the guardhouse after the shooting; just before roll call Sergeant Reid gave him some cartridges to replace those used, so that he would not be caught if an inspection was ordered. Conyers stated that Holloman lived in Macon and Brown lived in Atlanta. I believe this information is correct, as I never told our negro anything about the shooting, the name of the company, or the people who were suspected. Our man claims that a negro named Parker, who lived in Charleston, S. C., was present when Conyers made above statement.

A. H. BALDWIN.

UNITED STATES SENATE,
COMMITTEE ON PACIFIC ISLANDS AND PORTO RICO,
Cincinnati, Ohio, August 26, 1908.

Mr. BOYD CONYERS, *Monroe, Ga.*

DEAR SIR: On my return here I found awaiting me your letter of July 24. I hardly know from what you state just what it is that has transpired, nor do I know just what it is I should do to get the character of information to which you refer. If you will write me again at your convenience, giving me a clearer account, I will be glad to avail myself of it to the extent it may be useful.

I remember you very well as a witness before the committee, and I am sure you did not there testify to anything except only the truth.

Very truly, yours, etc.,

J. B. FORAKER.

ATLANTA, GA., *June 27, 1908.*

W. G. BALDWIN, *Roanoke, Va.:*

I located James Powell at 304 Fourth street and was with him several times to-day. He talks very freely, and knows Buddie Conyers,

Holloman, and Brown and several other members of Company B. I have an engagement with him again to-morrow.

June 28.—I was with Powell to-day, and he told me that he was at Brownsville at the time of the shooting and that he met Brown, Holloman, and Conyers at a barroom at 7 o'clock, and that there was some talk of shooting up the town that night—that the colored soldiers had been treated badly by the citizens. Powell bragged considerably about what they did in the way of shooting up the town, but I could not get out of him any of the names except Brown, Holloman, and Conyers. He told me that he had been serving in the army, at San Francisco, and had been discharged, and had only been in Brownsville a few days when the shooting occurred and that he left there soon afterwards and had not seen any of the boys since, except Brown, who was living in Atlanta.

Respectfully,

W. LAWSON.

PORTSMOUTH, VA., *August 29, 1908.*

W. G. BALDWIN, *Roanoke, Va.:*

I had conversation with James Powells to-day, in which he stated that he served in the Tenth U. S. Cavalry, and in August, 1906, he had received an honorable discharge at San Francisco, and immediately left that point for Brownsville, Tex., arriving there two or three days before the shooting took place. He stated that on the afternoon and evening of the shooting he had been in company with John Brown and a negro named Hallman and Boyd Conyers, all members of the negro regiment then stationed at Brownsville. He stated that they were in a saloon together in the afternoon, and there was some talk of shooting up the town that night.

He claims he left Conyers between 6 and 8 o'clock that evening and did not see him again that night. He claims that he was at a boarding house at the time of the shooting, but immediately after the shooting he rushed over to the barracks, arriving there about the time they finished the roll call. He saw Holloman and Brown, but could not find Conyers, and while he stayed at the barracks about an hour, he never did see Conyers. This man claims that he had no hand in the shooting and was not with the party that did it.

A. H. BALDWIN.

STATEMENT OF W. G. BALDWIN.

ATLANTA, GA., *September 11, 1908.*

I went to Atlanta and found James Powell, whose home is 305 Fort street, and who works for Dr. William Crenshaw at a double cottage in Atlanta. I told this negro that I represented a magazine of New York, and that we were anxious to get the facts of the Brownsville shooting. Before calling on Powell I sent George W. Gray, who was in Company C, and whose parents live in Roanoke, and I believe is one of the most reliable negroes I know in this country, to see Powell and find out what he had told Lawson and others. After a short interview Gray came back to the hotel and stated that Powell was lying; that he had tripped him up in a number of his statements; and that he was satisfied that he had never been in Brownsville or knew anything about the case.

My calling on Powell a few minutes afterwards evidently excited him, and when I began to ask him about the Brownsville case he told me that he knew absolutely nothing about it and that he was not at Brownsville, but had formerly belonged to the Tenth Cavalry and had been discharged at San Francisco about six years ago. I then confronted him with the letter he had written Boyd Conyers on August 14 and asked him what he meant by this. His explanation was very unsatisfactory, and he admitted to the authorship of the letter, but said that he had formerly known Conyers was the reason for his reply to Conyers's letter written to him about August 10. He denied knowing James Brown, a member of Company B, although he and James Brown left Atlanta for Philadelphia on the same train about three weeks ago. Brown is still in Philadelphia.

I called on Doctor Crenshaw, who told me that he knew that this negro, James Powell, had not been out of Atlanta for three years, except on this trip to Philadelphia.

W. G. BALDWIN.

P. S.—It subsequently developed that Powell was for a short time in a volunteer regiment. He was never in Brownsville, but had gotten his information from John Brown, one of the raiders.

ATLANTA, GA., 304 FORT STREET,
August 13, 1908.

DEARE FRIEND:

I received your letter today and was truly glad to heare from you it found me well and truly hope when these few lines reach you it will find you the same I was jest thanking about you when I got your letter John Brown went to Philadelphia a bought three weeks ago I have heard of eny rest of the boys except John Jone he was throw heare and went to Chicago I will meet the lawer when he come You ask me abought the chracker I haven had the opportunity to meet that Entertainment I have three good guns and if eny thaing should start I will be with them When are you coming to Atlanta Buddie I will take you for my Edader because I dont no wheare eny rest of the boys

You must excuse bad writing write soon and let me heare from you from your friend

JAMES POWELS

MACON, GA., *September 3, 1908.*

W. G. BALDWIN:

I arrived here to-day and have located Holloman. He is in business here and I will try and get something out of him as early as practicable.

September 4.—I have been unable to get anything out of Holloman and he is evidently on his guard.

September 8.—I have now been here a week and find it is impossible to get anything out of Holloman. I will meet you in Atlanta on the 10th.

Respectfully, W. LAWSON.

Mr. FORAKER. Mr. President, the papers and reports that have just been read show conclusively, I think, the propriety and the wisdom of our adopting a provision such as that embodied in the amendment which I offered this morning. At a later time I will discuss that at more length.

I wish now to address myself to these affidavits and to some of the statements made in them. And, first, let me say I had no knowledge of these when I prepared the amendment I offered this morning. I prepared the amendment a week ago and showed it to some of my colleagues on the Republican side, and perhaps to some on the other side of the Chamber. I am not sure about that. And I did it solely by reason of the prompting given to me by the correspondence from which I read briefly this morning, for it seemed to me, Mr. President, that it was one of the worst features of this whole unfortunate business that these men who have appeared and testified and who have been examined and cross-examined should now be pursued in this kind of way by detectives proceeding in the manner described in the letter from which I have read.

I do not pretend to know what are the facts as to how these detectives proceeded; but that detectives were employed, that they did represent the Government, that they were under the direction of the War Department are facts established by the affidavits and the reports that have just been read and by the President's message. In that particular the soldier from whose letter I read is entirely corroborated.

I have a very distinct recollection of Boyd Conyers. I think, perhaps, every other member of the Military Affairs Committee who was present when he testified will remember him. I have no recollection of ever seeing him except only while he was on the witness stand. I have just now turned to the record, and I see that I presided on that occasion and administered the oath to him. But I remember him without being refreshed by the record. It is from his letter that I read a moment ago. I had prepared that extract before I knew any message was coming. I know nothing about Conyers except only as he appeared on the witness stand. He impressed me as an intelligent and absolutely truthful witness. I believe he testified to the exact truth, so far as he knew it, in answer both to the examination and the cross-examination to which he was subjected.

He went his way when he was dismissed, and I never saw him again and never heard of him again until the following letter was received at my office in Cincinnati during my absence on a summer vacation. It is dated "Monroe, Ga., July 24, 1908." Now that this message from the President and this report from the Secretary of War and these affidavits from these detectives and this argument based on a review of the testimony by one of these detectives who was employed to represent the Government have been read, I want the Senate to indulge me until I can read this poor, helpless man's correspondence with me. You were told there—and I wish the Clerk would turn and see at what point it was in the investigation of this soldier at Monroe, Ga., that it is stated that my letter which Boyd Conyers received had a bad effect upon him in making him stubborn and obstinate, and that it made it impossible for them to get the truth. [A pause.] Meantime, while the Clerk is looking that up, I will read this letter:

Monroe, Ga., July 24, 1908—

I had never heard from him from the moment he left the witness stand until this letter came, as I say, in my absence—

MONROE, GA., *July 24, 1908.*

Mr. FORAKER.

DEAR SIR: As you have been a great friend of the discharged soldiers of Brownsville, Tex., I thought I would write you and explain a matter to you concerning a negro detective that has been hanging around for some time.

Mr. FORAKER, I have been away with Captain Mobley and the soldiers for ten days, waiting on them. They have been camping at Chickamaugua Park, and when I returned home I learned the negro was here to pick me about the Brownsville affair, and as soon as I heard it I had the high sheriff to arrest him—

Now that, according to his statement, is what this criminal, who was engaged in the shooting, did. It does not look to me like the work of a guilty man—

I had the high sheriff to arrest him and investigate the matter, and as I pushed him close and he didn't have time to have a private conversation with me, he told the sheriff lies, and goes on to say that I have been drunk with him since he has been here, but I can prove that I have not by the highest authorities of Monroe; that I don't drink enough whiskey to get intoxicated.

The way the news got out that he was here for that business is there was another negro that roomed with him, and he had to get him to read his letters and write them, and this negro told what he was up to—

I here call attention to the fact that this negro Lawson, who makes such a smooth and high sounding, logical and comprehensive affidavit, signed it by his mark, according to the reading at the desk.

Oh, Mr. President, there has been a good deal connected with this matter which has caused thoughtful men to wish it had not happened, and I am of the opinion—and I do not hesitate to express it here—that when this particular matter has been probed to the bottom all honest men will be ashamed of it—

I have been receiving letters from Roanoke, Va.—

Where are they? They are not in this report—

I have been receiving letters from Roanoke, Va. In the first one, the man told me he would give me a position at $60 to $75 per month,

and I answered the letter and told him I couldn't accept the position then, as my wife was sick and I couldn't leave her. In the next one he said he wanted me to serve in Cuba. I didn't answer it, and in the last one he told me if I would accept the position to let him know and he would send me a ticket to come; he wanted me by the 15th. I asked him in each letter what kind of work he wanted me to do, but he never would tell. So I learned this negro is here working for him. The man I have been getting the letters from goes in the name of Wallace L. Gray—

He was commented upon in one of these affidavits. I will not stop now to do more than to call attention to that fact—

but that is not his real name. However, he receives his mail in that name, and when we found that was not the right name the papers the negro had were searched this morning and found out he only receives his mail in that name.

Mr. FORAKER, I do hope this letter will be some help to you in your case. You have been a great friend to us, and I am sure I appreciate your kindness toward us and thank you very much; and I also ask you for a little of your help in this case, as the negro states that he will have a man here for me in a few days, and I feel that I am worthy of your help, as I am from a good family and the best and highest white people of Monroe, Ga., are my friends. I have had some of the best men to tell me to-night if you need their assistance in this case they are willing and ready to help you do anything for me.

Mr. FORAKER, I am writing this letter because Capt. A. B. Mobly had me to write you—

Captain Mobly is captain of a local national guard company there—

to introduce you to him through this letter. He is one of the most popular men of Monroe, Ga., and the cashier of the Farmers' Bank of this place.

Mr. FORAKER, I want to tell you from my heart the statement I made in Washington is the truth, so help me God, and I have no changes to make in it whatever, and I am just as innocent of taking any part in that trouble that night as God is on high; and the fact is I don't know any more than I have told you about it—

He evidently means told the committee, for he never told me anything except in the committee—

I am waiting for a reply at once from you, and I would like to have all the advice you can give me.

Very respectfully,

BOYD CONYERS,
Monroe, Ga.

Now, this is the answer that was sent him:

JULY 30, 1908.

Mr. BOYD CONYERS,
Monroe, Ga.

DEAR SIR: Your registered letter of the 24th of July, addressed to Senator FORAKER at Washington, has been forwarded here. The Senator is away on his summer vacation, from which he does not expect to return until about the 1st of September. I do not know that anything can be done in the meanwhile. What you have written will be brought to his attention at the first convenient opportunity, for I know he will be glad to hear from you.

Regretting I can not write you more definitely, I am,

Very truly, yours,

——— ———.

It was signed by one of my clerks.

September 1, 1908, Boyd Conyers wrote again, addressing me as follows:

DEAR SIR: Your letter was received August 27—

I want right here, before I read this letter from him, to have the Secretary read the letter I wrote him, which they claim made so much trouble.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Conyers tried to commit suicide after he found that he had made his statements to a detective, declaring that the other negroes would kill him when it got out. He finally wrote to Senator Foraker and received a reply, a copy of which is annexed. That reply he construed to mean that he should stick to his original story told before the Senate committee at all hazards, and there he stands.

Mr. FORAKER. Will the Secretary kindly read the letter. It says it is attached.

Mr. WARREN. While we are waiting for the Secretary to find the letter, I should like to ask whether there are any papers or exhibits accompanying the message which were not read in full.

Mr. FORAKER. Nothing, as I understood the Secretary. Now let him read the letter.

Mr. WARREN. We want them all, of course.

Mr. FORAKER. We will get them all, of course, now.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

UNITED STATES SENATE,
COMMITTEE ON PACIFIC ISLANDS AND PORTO RICO,
Cincinnati, Ohio, August 26, 1908.

Mr. BOYD CONYERS,
Monroe, Ga.

DEAR SIR: On my return here I found awaiting me your letter of July 24. I hardly know from what you state just what it is that has transpired, nor do I know just what it is I should do to get the character of information to which you refer. If you will write me again at your convenience, giving me a clearer account, I will be glad to avail myself of it to the extent it may be useful.

I remember you very well as a witness before the committee, and I am sure you did not there testify to anything except only the truth.

Very truly, yours, etc.,

J. B. FORAKER.

Mr. FORAKER. I am still of that opinion. In response to that, he wrote September 1 as follows:

MONROE, GA., *September 1, 1908.*

Mr. J. B. FORAKER, *Cincinnati, Ohio.*

DEAR SIR: Your letter was received August 27—

The letter that has just been read—

and was glad to hear from you.

Mr. FORAKER, from what I can learn the negro was working under a detective of Roanoke, Va., seeking and trying to find the guilty party that taken part in the Brownsville affray, and he was here five or six weeks and didn't even have any talk with me.

On my return home from Chickamauga I learned he was here to see what he could pick out of me about the Brownsville affray, and as soon as I heard it I decided I would investigate the matter; had him arrested, and he showed me he was here for that purpose. I haven't been bother with him since. As soon as he was turned loose he went off on the first train that left out, and the man he said was coming for me has never come.

The day after the negro left some one called up the high sheriff and asked him what had become of his detective; said he had run him out of town. The sheriff, Mr. E. C. Arnold, said he hadn't run him anywhere; said he must have got scared and left.

Why I wrote you at the time, my family was worrying; they didn't know what the negro would go back and tell. My wife had just gotten out of the bed from a long spell of sickness. I was very weak; and that made me worry; but so far as the Brownsville affair, that didn't worry me, because I knew I was innocent of that; I felt if I would write you and hear from you my people would be better satisfied, because they knew you were our friend and would do all you could for me.

If anything else happens concerning the matter I will let you know at once.

Mr. FORAKER, this is about as plain as I can explain this matter about the detective.

I hope this will find you well and enjoying a good life.

I will close. Hope to hear from you again, because I am always glad to hear from you.

Very respectfully, yours,

BOYD CONYERS.

I did not answer that letter, it seems. It came September 1. I did not hear from him again until October 8. This is a little tedious, but I think it is due to this soldier and due to the truth and due to common decency that this whole story should be told.

MONROE, GA., *October 8, 1908.*

Mr. J. B. FORAKER.

DEAR SIR: I have been waiting for an answer to the last letter I wrote you—

That was September 1—

but haven't received one; that's why I haven't written to you sooner. I was waiting for a reply from you.

Mr. FORAKER, I have found out Mr. Wallace L. Gray. He has been here himself. He is the captain of the Baldin Detective Company. His real name is Mr. G. W. Baldin, of Roanoke, Va., and arrived here on the 5.30 p. m. train, September 9, and asked for me, who was easy found. I goes up to the sheriff's office that night and talked with him in the presence of the sheriff. The first question he asked me was I in Brownsville, Tex., Monday night, August 13, 1906. I told him I was, and he asked me what had taken place there. I told him shooting occurred that night, between 11 and 12 o'clock, I suppose. Then he said, "Who did the shooting?" I told him I did not know. He asked me where was I at when the shooting taken place. I told him: "On guard and don't know who did the shooting, sir; I wasn't on post. I was asleep when the shooting occurred, but was quickly awakened by the alarm of Private Howard's gun and also the voices in the guardhouse hollering, 'Outside, guards; get your guns.'" Then Mr. Baldin said: "That tale is all right."

Now, this was in the presence of the sheriff, a white man, who does not appear in the record as brought before the Senate this morning, who heard what was said, as I understand it—

but I want to ask you a question, Do you know an ex-soldier by the name of Powell? No, sir; I do not know him. He says he knows you—

That is Powell; they have it there—

and says he heard you, John Brown, John Hollomon, and ex-soldier Allison, who ran the saloon, make a plot that day before the shooting had taken place to shoot up the town that night, and I told Mr. Baldin that couldn't be true because I was on guard and wasn't allowed to speak to anybody, let alone being in Allison's saloon that day. That morning we were on practice march—

The testimony shows that they did not return from that practice march until almost noon. This man was immediately put on guard duty, and while on guard duty, he was not on post at the time, the firing occurred, but he was asleep in the guardhouse and was awakened. That is testified to by as respectable witnesses as can be found in the whole record, absolutely truthful men; and, let it be remembered, the character of these men is testified to as to truth and veracity, and in all other respects by all the officers of the battalion—

to shoot up the town that night. I told Mr. Baldin that couldn't be true, because I was on guard and wasn't allowed to speak to anybody, let alone being in Allison's saloon that day. That morning we were on practice march and I had to go on guard as soon as we returned—

They marched out in the country 6 miles and back again—

He said that part is allright, too, but don't you know that men of B Company did that shooting that night. No, sir; I do not know and furthermore I don't believe the soldiers did it; he said oh! there aint no story about that; we know they did it and know the most of them

that did it; I said I am glad you all have been able to find the guilty party; he said now what about the negro Lawson—

That is the detective who makes his mark to a long statement which would do credit to an ex-newspaper man—

I sent down here; what did you tell him?" I said, "Sir, I didn't even have any private talk with Lawson at all." And he said, "Why, Lawson said you did, and taken a drink with him." And I said, "I can prove I didn't talk with him while he was here, and, furthermore, Mr. Baldin, if you take his word, he will have to prove by good authorities that he did talk with me, for I am just as reliable as Lawson, and if you trace our character I am more reliable than he is." Then he said, "I learn before I came here you are a straight and reliable man, and also since I came to Monroe." Then Mr. Baldin volunteered and told me he did not know anything about this Lawson; said his brother sent him to him, and he just taken him and sent him out, and said he had caught him in several lies since he has been out. By the way, just a few days before he came here he sent one of the boys here whom I soldiered with—he is one of C Company; his name is George Gray, private; was discharged when I was; he arrived here on the 11.30 train a. m. I forget the date now, but can get it if we need it. George asked for me when he came, and a little boy showed him where I live. He came to my home, and I prepared dinner for him and treated him nice, and also taken near a half day off from work to carry him around and introduce him to my friends and people and good white friends.

I guess he saw that I was doing so well he wouldn't have anything to say about the Brownsville affair, which he didn't say anything about it. Mr. Baldin talked on a while, and asked me if I had seen any of the discharged soldiers since I returned from Washington. I said I have only seen one, and that was George Gray, and he said he was here looking for his cousin who was here nursing for some white people. Then Mr. Baldin, said Boyd, I sent George here after Lawson came back and made his reports to see if you did tell him anything, and George said you didn't have anything to say about the Brownsville affair; he didn't mention it to you.

Mr. FORAKER, there was another detective here on the 6th of this month, I will write you another letter soon and tell you about him; his name is Mr. S. J. Brown—

I suppose we ought to read it H. J. Brown, in view of the affidavit—

He registered from Atlanta, Ga.
I hope this letter will be some help to you in the case.
I will close for to-night. Hope to receive an early reply from you.
Respectfully, yours,
BOYD CONYERS.

That was on the 12th. I answered that as follows—be it remembered, the witness says that my letters caused this man to be more difficult to get confessions from; I take great pleasure in submitting my letters:

CINCINNATI, OHIO, *October 12, 1908.*

Mr. BOYD CONYERS, *Monroe, Ga.*

DEAR SIR: I have your letter of October 8, and have read with much interest and appreciation the account of your interviews with the different men who have called upon you. If you will kindly keep me informed, I will be still further obliged.

Very truly, yours, etc.,
J. B. FORAKER.

On October 21 I next heard from him. He wrote on that day as follows:

MONROE, GA., *October 21, 1908.*

Mr. FORAKER.

DEAR SIR: Yours of the 12th of October—

The one I have just read—

MONROE, GA., *October 21, 1908.*

Mr. FORAKER.

DEAR SIR: Yours of the 12th of October was received and read with pleasure and care.

Well, Mr. FORAKER, I will finish my story about the detectives. I am glad I didn't tell you about Mr. Brown at first, because he has made another trip here; his first visit was the 6th of October and the last on the 11th.

Mr. Brown walks in and asks, "Is this Boyd Conyers?" I told him it was, and he said, "You are the man I am here after." I said, "Well, I am here; guess you can get me; I am not gone anywhere;" and he said, "No. I am not after you this time. I want to talk with you and see if you will tell me the same story you have told others about this Brownsville affair." I said, "Sir, I haven't told anybody more than I told in Washington, and that was nothing but the truth." Then he said, "Now, Boyd, I remember that. I am not here to do you any harm. I am here to protect you, and don't you be afraid to tell me the whole story about Brownsville; let me hear from you."

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A joint resolution (S. R. 74) suspending the commodity clause of the present interstate commerce law.

Mr. KEAN. As the Senator from West Virginia [Mr. ELKINS], the chairman of the Committee on Interstate Commerce, is absent, I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from New Jersey asks that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

Mr. FORAKER (reading):

I said, "Mr. Brown, I have told you all I know and that I stated in Washington." He said, "Well, I know you haven't, for you told two men here in this town that you help to do the shooting."

This is Mr. Brown testifying. He appears upon the scene—

I said, "I don't care if one of the white preachers of Monroe told you." I told him that he told a lie. He said, "No; it wasn't any preacher that told me; it was Lawson (the negro detective) said he had witness to prove it," and I said, "Please tell me the witness that Lawson has to prove." "I talked with him," he said, "I don't know the negro, but he said his name is Parker." I said, "Well, if that is his name he is the one that gave Lawson's secret away; hadn't been for him Lawson would 've been here now trying to get a chance to talk with me. I said, "Mr. Brown, Lawson had nothing to do but come up to me and say, 'I want to talk with you' and I would have talked with him, because I am not afraid to talk to no man." He said, "Well, Boyd, we sent Lawson here especially to see you about this Brownsville affair, and he sent us facts that no other man couldn't have found out about you, and it was not any make-up; he got it from you because he couldn't have got it from anybody else but you." I said, "As many papers that are printed in this world nobody had nothing to do but pick up one and read about this Brownsville affair and make up anything they want to about it." Then he said, "Lawson can't neither read or write." Then I said, "There you are. Mr. Brown, it's true, then, that Lawson had to get some one to do his reading and writing. Is that a fact?" and he said, "Yes; I guess he did," and I said, "It happened that he found a man that couldn't keep a secret and that the way it leaked out he had Parker doing his reading and writing, and he told his business before he was ready for it to be told." Mr. Brown said, "That's all right; Lawson is a truthful negro; he has been with the Baldin Detective Company for seventeen years." Then I said, "Mr. Brown, wait just one minute; let me speak one word to you." I said, "Do you know Mr. G. W. Baldin?" He said, "Yes; I know him." I said, "Is he a truthful man?" He said, "Yes; sure he is a truthful man." I said, "He stated before me and Mr. Arnold when he was here—

Mr. Arnold is the sheriff, you will remember—

that Lawson hadn't been with him more than two or three weeks, and he didn't know anything about him more than his brother told him. He was sent to him by his brother and he had caught him in several lies." Mr. Brown said: "We won't go any further with that. I want to ask you a few more questions about another party." He said: "Do you know an ex-soldier Powell?"—

I am now commencing to read the extract which I quoted in my opening remarks—

I said: "No, sir; I don't know him."

He said: "Well, he knows you; and said you, John Holloman and John Brown said you all were going to shoot up that town." I said: "I haven't seen that negro; haven't told him anything; furthermore, I was on guard duty that night, and couldn't have gotten off if I wanted to." He said: "Remember you are not the only soldier talking; we have twenty talking, and they are peaching too; as I said, I will protect you. Tell us the story; don't be afraid; we have almost got it like we want it, and remember the Government never gives a thing up until it is finished."

He said: "We have been able to prove that B Company men did the shooting, and what I want you to tell me is just the men that did the shooting; I know you can if you will; we already know three men that did it, but we want the whole gang. The three are you, John Holloman, and John Brown.

He said, "Now, suppose you dream over it to-night and come in the morning and tell me and Mr. Arnold about it; we will see that nobody don't hurt you if you were in it." And I said, "Mr. Brown, what do you want me to do—tell a lie? Pick out this man and that man and say they were in it? It is impossible for me to do that; furthermore, Mr. Brown, if you all have proven that the shooting came from B Company barracks, it is just as impossible for me to know who the men are as it is for you, because I was on guard and you were at home." He said, "Well, we will go in for to-night; come back in the morning and tell me what you have thought about it."

Mr. FORAKER, he told me not to tell anybody he was in town; both of them told me that; we all parted and went home for the night.

The next morning I went to the Walton Hotel to see him; he told me he was fixing to go off on the morning train and asked would I go to the depot with him. I told him I would.

He asked what had I decided about the matter; had I decided to explain the story to him? I told him I had told him all I knew about it, unless I tell him a lie, and I would die before I would do that. He said: "Now is your chance, Boyd, to tell the story. Well, if you won't tell me anything, I will tell you good-bye, but I will return in a few days."

Now this is all for Mr. Brown's first trip. I will now tell you about his return on Sunday, October 11.

He came on the 11.30 train and sent for me to come up to Mr. Arnold's office at once, which I did about the first thing. He said to me, said he had good news for me, and I asked him what was the news. He said he had been to Atlanta and had had a close talk with this ex-soldier Powell; said Powell told him faithful that he was mistaken in my name; said he didn't know Conyers; said the man he had reference to was named Collier instead of Conyers, a fellow in C Company—

You will remember that the Secretary of War, or the President, or somebody else, in his comments that were read to us this morning, said they had some indication that Collier was liable as one of the participators, but it was not satisfactorily shown—

and I told Mr. Brown I knew Powell lied if he said he knew me. Then Mr. Brown said, "Mr. Arnold, what did Conyers say when he came to have Lawson arrested?" Mr. Arnold said, "Boyd said he learned there was a negro here, claiming he was a detective, hunting him about the Brownsville affair, and the negro said there would be a white man here after him in a few days." Then Mr. Brown asked Mr. Arnold, "Did Boyd deny what Lawson said he told him?" Mr. Arnold said, "Sure he did; he told Lawson he told a dern lie." Mr. Brown then said, "What about the excursion trips?"

You will remember that in one of the affidavits sent us by the President it is set out that on an excursion, traveling on the train back and forth, this negro Lawson talked with Conyers. I want Senators to observe that there seems to be a white man—the sheriff of that county—present at nearly all these conversations. If the writer of this letter is telling an untruth about it, it will be very easy to disclose that fact; but if the writer of this letter be telling the truth, as I believe he is, it will be very easy to establish something else that will give some people more trouble than they expected to give this man.

Lawson said: You went on an excursion to Gainesville, Ga., with him and told him you help do the shooting. I told him I could prove I hadn't been on an excursion this, neither last year. He asked me this when he was here the first time. I forgot to state it before, and when he was here on the 11th, Mr. Arnold told him he had found out I hadn't been on any excursion at all. Then Mr. Brown said: "Boyd, you are a pretty hard case; we can't get on your track much."

He said: "I want to ask you a few more questions. I want to know, and I want you to tell the truth. Tell me who talked with you in Washington before you went on the stand." I told him no one. "Now," he said, "isn't it true that Mr. FORAKER told you all how to swear before you went in the committee room?" I said: "No, sir. I saw him passing, and some one said 'There goes Senator FORAKER.'" He said: "Who met you at the train when you went to Washington?" I told him no one. Then he wanted to know if I had any letters from Mr. FORAKER. I said: "Sir, I have only one letter from him." Then he asked me if I had it with me. I said: "No, sir; but I can get it as quick as you ever saw anybody get anything if you think it will do you any good." He said: "I will be glad for you to go and get it. I would like to see some of the Senator's writing." I came home and got the letter and showed it to him. He read it and quickly folded it and handed it back to me and said: "There is nothing there to hurt anyone." Then he asked me to give him the name of all the ball players in B Company. He asked me did I have a group of the boys. I told him I did. He told me he would like to see it; for me to go and get it, if it wasn't too much trouble. I told him it wouldn't be any trouble; so I got it and showed it to him. Then he took their names down, right to left, like they were on the picture. Then he began to point out some of the men on the picture to Mr. Arnold—

This sheriff, who was still there—

that he thought was implicated in the matter; then he wanted to know if I had any of the rest of the soldiers' pictures; if so, he wanted to see them. I showed him all I had. He kept trying to persuade me to tell him who did the shooting, which was impossible for me to tell him; he also repeats, "There is a lot of them talking now;" said "John Brown has acknowledged that he was in the shooting." I said, "Mr. Brown, if John has been man enough to tell you he was in the shooting, it looks funny he didn't tell you who else was in it." He said, "That's all right; it's all coming out." Then he began to ask me about my family; said it would be bad for me to have to leave a young family and be turned over to the State of Texas. I told him, "Before I would be willing to swear a lie on anybody I would be willing to go to Texas or anywhere else, because the truth stands in its place." He said, "You know if you go to Texas nobody knows the results you will get there. You may never return here any more." I said, "God's will must be done; if it is His will for me to go, I suffer His will may be done."

Well, Mr. FORAKER, this is all I think he had to say in his talk with me.

Now, what I have stated in each letter you can depend on it to be the truth, so help me God. I also hope these letters will help you some in this case when it comes up again. I saw in to-day's Constitution—

I suppose that is the Atlanta Constitution—

where Oscar Reid, a discharged soldier without honor of the Twenty fifth Infantry, was going to get pay for his lost time he has been out, and I feel that we all are entitled to it.

I will close for to-night. Hope to get an early reply. I received the little pamphlet you sent me; was very glad to get it; sure did enjoy reading it.

Respectfully, BOYD CONYERS.

That was something connected with the case, I suppose. I do not remember about it.

I next heard from him November 30, and that is the last time I did hear from him. It is a very short letter, and I ask the indulgence of the Senate that I may put it also in the RECORD.

I now want to read my answer to the letter from him which I have just read:

OCTOBER 23, 1908.

Mr. BOYD CONYERS,
Monroe, Ga.

DEAR SIR: I have your letter of October 21. I thank you for taking the trouble to give me in such detail the account of the interviews and conferences you have had with your visitors. I shall look after them at the proper time.

And that promise will be made good—

Hoping you will continue to keep me advised if there should be any further developments, I remain,

Very truly, yours, etc., J. B. FORAKER.

Then I heard from him next on November 30, when he wrote me as follows:

MONROE, GA., *November 30, 1908.*

Mr. J. B. FORAKER,
Cincinnati, Ohio.

DEAR SIR: I had begun to think I wouldn't have to write you any more about the detectives, but I see I will. One visited me at my home Saturday night, November 28.

He is still trying to find out if the negro Lawson had any private conversation with me; he asked me if Lawson did have a talk with me. I told him, "No, sir." He then asked me were I acquainted with Lonza Henon, of Winder, Ga., the negro that runs the eating department there. I told him, "Yes, sir; I know him." He says, "Does he know you?" I said, "Yes, sir; I suppose he does." "Well, Lonza swears he saw you on the excursion to Gainesville and saw you, Lawson, and Joe Blasingame"—

Another one of the gentlemen who figure in that report—

talking together going and coming. I have his affidavit in my pocket now, with his name signed to it." I told him I didn't care what he had; I could prove by every person on that train that I didn't go; and I have proved it. The excursion was run on the 15th day of June, and the people he asked that were on the train told him "No; I didn't go;" but his negro he had here went. I went by the depot that morning to see if my mother-in-law went off, and was talking to a lot of the boys and girls. I was in my work clothes and had my dinner with me to go to work. That is what all the people told the detective he asked. Now, Mr. FORAKER, you see by this that my witnesses have condemned both Lawson and Henon, and the white people of this town told me to have a case made against both of them for perjury, and I just told the white people I would just wait a few days on it before I went too far with it. Now, I would like to have your advice about what to do about the matter. I thought it best to ask you. I didn't want to go too far before I notified you, and I learned to-day through some of the people the detective talked with the negro was named Will Lawson. This detective shows his affidavit to Mr. E. C. Arnold, Joe Blasingame, and Lou Henon, the boy that works for Joe Blasingame in a pressing department, and he is also Lonza Henon's brother, from Winder, Ga.

I goes to him in a sly way and asked him did he see the detective; he said "Yes;" and saw the affidavit that his brother signed, but said he didn't believe his brother said it. I asked him in the presence of a reliable colored boy by the name of Joe Smith; he said the man also asked him did he see me on the excursion, and he said "No; he wasn't on it; he was in Elberton, Ga."

The boy then asked me what was the trouble. I told him not anything. I just wanted to get a little business straight. He came to me to-day and wanted to know if there was any way through me that I could help his brother out of it, if there was any trouble for him. I told him I didn't know that there was anything I could do for him, but he had better have his brother come down here and see me at once. He said he would have him here as soon as he could get him. Now, Mr. FORAKER, when he comes I am going to have him sign another affidavit in the presence of the reliable white men; then I think I will have him trapped all right. Now, I want to ask you, if I get him trapped, won't I have the negro Lawson, too; but I will work slow until I hear from you and get your advice. I won't write all that I have to write to-night. The man that was here Saturday night, he is another; Mr. Baldin, Mr. G. W. Baldin's brother. I haven't his address.

I will close for to-night, hoping to receive an early reply. I would like to ask you when does Congress go in session for this season; and do you think any of the soldiers will have to be in Washington on this case. Why I asked you this, Mr. Baldin wanted to know how much expense money I got, and how much they paid me a day, and who sent for me; and I told him D. M. Ransdell, Sergeant-at-Arms United States Senate.

Very truly, yours, BOYD CONYERS.

That letter reached Cincinnati after I had started to Washington, and on December 2 my clerk answered it as follows:

DECEMBER 2, 1908.

Mr. BOYD CONYERS,
Monroe, Ga.

DEAR SIR: I write, under general instructions, to acknowledge the receipt of your letter of the 30th of November, and to say that Senator Foraker has started for Washington to attend the opening of the session of Congress next Monday, December 7. He expects to return to Ohio within a week or ten days, when your letter will be brought to his attention. I do not feel able to advise you about the matter therein referred to, but I know the Senator will be glad to have you keep him fully informed.

Regretting I can not write you more definitely, I remain,

Very truly, yours, etc.

I never made any answer to him. That is the whole correspondence that has passed between him and me. I submit, Mr. President, that there is nothing in the letter I read that anybody has any right to take any exception to. I submit that this testimony of this poor—I will not say ignorant man, for he is not that—but this ill-informed man, this helpless man, this defenseless man ought to go into this record, and ought to receive that same fair consideration that is to be attached to the statements made by those who were in the employment of the War Department, representing the Government in this species of espionage about which he informs us.

I am not going to argue the merit of his statements as set over against the merit of the statements on the other side, but I shall only call attention to the fact that enough has been shown to make it the imperative duty of the Senate of the United States to adopt either the amendment I have offered or some other amendment similar in character to it, to the end that these men may have a tribunal before which they can go and can be heard.

Mr. President, is there anything more atrocious than the way proceedings have been conducted against these men? This is the sixth time they have been on trial and five times they have been acquitted, in my judgment; and when the investigation of these charges now preferred is completed it will acquit them again, and triumphantly, for I see enough earmarks to justify me in saying that what I have indicated will be the result of such investigation.

Is there anything more atrocious than the conviction of men of crime upon secret ex parte testimony? Is there any occasion for it? What is the necessity for such treatment of these men?

By the testimony of every one of their officers—and no officers in the American Army stand higher than do Major Penrose and his associates of that battalion—these are men of good habits, men of good character, and men of truth and veracity.

They were first found guilty upon the testimony taken by the citizens of Brownsville and Major Blocksom, without having any opportunity to meet their accusers or to cross-examine or to offer testimony in answer.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Montana?

Mr. FORAKER. I do.

Mr. CARTER. Mr. President, I have deferred interrupting the Senator from Ohio, realizing his desire, and very proper desire, to place in the RECORD at the time the correspondence of the Secretary of War is there placed matter germane, relating to the subject; but I feel constrained, now that that has been done, to remind the Senator that this day has been devoted to a special order, and that the matter to which he is addressing himself will come up in due time as a special order on the 16th instant. I do not wish to rise to a question of order, but merely to remind the Senator that the time during which the special order of his day may be executed is fast passing.

Mr. FORAKER. I beg the Senator's pardon, and at the same time I thank him for the indulgence he has shown me. I am glad he has recognized it was such a case that all the time that has been taken should have been taken to put in the RECORD the story of this poor, humble, and, as I believe, absolutely truthful man in opposition to what has been fabricated by a lot of hired detectives, of whom I shall have something more to say at another time.

Now, I only want to add one word, if the Senator from Montana will allow me. I have said this was the sixth time they have undertaken to convict these men of the shooting. It may be they did it; I do not know. There has been no testimony yet offered that satisfies me that they did it. When I say "satisfies me," I do not mean there is no testimony tending to show that these men did this shooting—some of them of that battalion—but what I mean is that the testimony to show that they did not do it is, to my mind, overwhelmingly stronger than that which shows that they did it. But some Senators differ from me about that. I was just saying the first testimony was ex parte.

We did not have to go outside of this Chamber to dispose of it. A mere analysis of it here in debate prompted the President to send Mr. Purdy to Brownsville, and he convicted them again upon testimony taken in the form of affidavits purely ex parte, without their having any chance to be heard.

Then there came the Penrose court-martial, where Major Penrose himself was on trial and the men were not, but where Major Penrose, who was on trial, was acquitted, and the men, who were not on trial, were convicted—convicted until an analysis was made of what was done. Then the claim that they were convicted there appeared so utterly absurd and such an outrage on judicial procedure as to merit only everybody's criticism.

So I might go on. They were convicted again, I was about to say, by the shells and bullets which were subjected to a microscopic inspection. There was conclusive evidence, it was claimed, that these men had done this shooting, and yet, when the testimony was taken and application made of what that showed, the evidence was conclusive just the other way, that they had nothing whatever to do with it, and could not have had.

All that has been gone over. I do not want to go over it, but now, again, after the testimony is all taken, men are hired to pursue these men, to ferret the matter out, if they can, in the way described by this poor, helpless man, by going to him and saying, "This man, that man, and the other man have been making affidavits, and you, too, must make an affidavit; if you will, I will protect you."

Oh, shame upon a Government that will employ all its power, every power that it commands, not for the purpose of the protection of men in their right to be presumed innocent until they are proven guilty, but to prove men, who claim they are innocent, to be guilty of a heinous crime, and to do it behind the door and in the dark.

Mr. President, shooting a man out of the dark and in the back is the most cowardly and indefensible procedure of which I have any conception. But I must not take more time.

I had no idea when I arose to offer my amendment that I would take any time. I did not know then of the President's message. After I reached the Chamber I received a telegram, which is in my desk, stating that a message of this general nature was likely to be sent here this morning. That did not cause me to offer my amendment. I had already brought it here to offer it; in fact, I expected to offer it last week. Neither did it deter me from offering it. And now, Mr. President, let it once and for all be understood that in this whole matter I have no desire and no purpose except only to do my duty as I understand it. I have no embarrassments to work out for anybody as against anybody. I have no feeling of spitefulness or revenge as against anybody in connection with this matter.

All I have known from the beginning has been that here are 167 men, with as good records as any battalion in the American Army, every one of whom says he had nothing whatever to do with it. Until the committee unanimously decided that they need not go further, every one of them who was called before that committee and there examined and cross-examined in the most rigid way, acquitted himself so completely that no man in that committee presumed to say "There is a man as to whom I have a suspicion of guilt." So completely did they acquit themselves that the President of the United States himself sent us the message to which I referred a moment ago, asking us to authorize him by appropriate legislation to reenlist these men. That is all my bill does. Whether his bill or my bill or some other bill shall be adopted, let us not drift into a controversy over inconsequential matters, but let us once and for all do justice to these men by enacting some kind of a law under which they can be heard in their own defense before an independent and a just tribunal, as against such serious charges as we have listened to here this morning, and against such espionage as we are told by the President's message is to be continued pending our action.

I do not object to any fair method being continued to ascertain the truth as to Boyd Conyers or any other soldier of that battalion who may have been guilty of participating in that affray. Let the truth be established; and if convicted, let him suffer the penalty; but if not, let him go acquit. Let us give to the humblest what we would not hesitate to give to the highest—a fair chance to be heard, to present his own defense and to support his defense with appropriate testimony.

The VICE-PRESIDENT. The message and accompanying papers will lie on the table and be printed.

ADDITIONAL CLERK TO COMMITTEE ON INDIAN AFFAIRS.

Mr. CLAPP submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Indian Affairs be, and it is hereby, authorized to employ an additional clerk, at an annual salary at the rate of $1,440 per annum, to be paid from the contingent fund of the Senate until otherwise provided for by law.

INDIAN LANDS IN OKLAHOMA.

Mr. CLAPP submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Senate be directed to request the House of Representatives to return to the Senate the bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes.

COUNTING OF ELECTORAL VOTES.

Mr. BURROWS submitted the following concurrent resolution, which was referred to the Committee on Privileges and Elections:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 10th day of February, 1909, at 1 o'clock in the afternoon, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed as they are opened by the President of the Senate all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A, and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed sufficient declaration of the persons, if any, elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

IMPROVEMENT OF SIUSLAW RIVER, OREGON.

Mr. FULTON submitted the following concurrent resolution, which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause such survey and examination to be made at the mouth of the Siuslaw River, in Oregon, as may be necessary in order to determine what project for its improvement can be completed by the expenditure of $100,000, in addition to a like amount to be provided by the residents of that locality.

CENTENNIAL ANNIVERSARY OF BIRTH OF LINCOLN.

Mr. DICK submitted the following concurrent resolution, which was referred to the Committee on Appropriations:

Whereas the 12th day of February, 1909, is the one hundredth anniversary of the birth of Abraham Lincoln, a towering figure in history and one of the few truly great men the world has produced; and

Whereas his life and fame are the heritage of all nations, uplifting the lowly and humbling the mighty—proclaiming the brotherhood of man—his example a beacon as generations pass that will burn brighter so long as history endures. Of lowly birth and his youth an unceasing struggle, manhood brought him wisdom, destiny gave him leadership in the greatest crisis of our Nation's history, and death placed him among the immortals; not only a grand and great man, but a good man as well, with wisdom and heart to do the right as God gave him to see the right, with malice toward none, with charity for all, giving his life that

government by the people might endure; by his martyrdom unifying a nation for all time—such being the estimate of him by the American people; and

Whereas a free people should honor and revere the memory of their great dead that posterity shall be encouraged to emulate their example, it is fitting that the one hundredth anniversary of Lincoln's birthday be specially observed with appropriate ceremonies, not only by the Congress, but also by all the States and municipalities of the United States and by all organized bodies of citizens and the people generally: Therefore, be it

Resolved by the Senate (the House of Representatives concurring), That said 12th day of February, 1909, be set apart for a joint session of the two Houses of Congress to be assembled to pay tribute to Abraham Lincoln, the great emancipator; to listen to an appropriate address upon the life, character, genius, patriotism, and public services of the statesman who guided safely the ship of state through its greatest peril; and to otherwise commemorate in fitting manner his invaluable service to this Nation.

Resolved, further, That we recommend that the American people at home and abroad; the States and Territories and the District of Columbia; all municipalities and towns; all organized bodies of citizens, church as well as state; all associations, civil, military, patriotic, fraternal, scientific, and social; labor and trade societies; chambers of commerce and boards of trade, and other civic, commercial, and industrial bodies, and all others, set apart the centennial of the birth of Abraham Lincoln to do reverent honor to his memory.

Resolved further, That we recommend that at all places where people gather for public purposes addresses be made in eulogy of Lincoln; that the emancipation proclamation be read, his Gettysburg speech repeated, and that wherever possible a short history of his life, his Gettysburg address, and suitable excerpts from his addresses and correspondence be printed for circulation in pamphlets, magazines, periodicals, and newspapers.

Resolved further, That inasmuch as his triumph over the adverse circumstances of early years should be an incentive to the youth of the land, we recommend that on this day special and appropriate exercises be held in colleges, universities, academies and schools, and all other seats of learning to teach the lesson of the life and achievements of this great exemplar of our American civilization.

Resolved further, That we recommend action looking to the erection in the city of Washington of a monument which shall be worthy his great fame, his service to humanity and to his country, and fittingly commemorate the grandeur of character, the nobility of life, and the epoch-making career of Abraham Lincoln.

HEARINGS BEFORE COMMITTEE ON PACIFIC ISLANDS AND PORTO RICO.

Mr. FORAKER submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Pacific Islands and Porto Rico be, and it is hereby, authorized to employ a stenographer to report such hearings as may be held by it during the second session of the Sixtieth Congress, the expense thereof to be paid from the contingent fund of the Senate.

HOUSE BILLS REFERRED.

The bill (H. R. 6145) to refund to the Territory of Hawaii the amount expended in maintaining light-house service on its coasts from the time of the organization of the Territory until said light-house service was taken over by the Federal Government was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 21051. An act amending the penal laws of the United States; and

H. R. 21736. An act to provide for holding terms of United States courts at Clarksdale, Miss.

H. R. 23464. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

CITIZENSHIP OF NAVAL DESERTERS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5473) to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service.

Mr. PERKINS. I move that the Senate disagree to the amendments of the House of Representatives and request a conference with that body upon the bill and amendments, the conferees on the part of the Senate to be appointed by the Vice-President.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. PERKINS, Mr. GALLINGER, and Mr. TILLMAN.

HOLIDAY RECESS.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was referred to the Committee on Appropriations:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, December 19, they stand adjourned until 12 o'clock meridian Monday, January 4, 1909.

CLAIMS OF ROMAN CATHOLIC CHURCH IN PORTO RICO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

THE WHITE HOUSE,
Washington, December 14, 1908.

To the Senate and House of Representatives:

I transmit herewith a report from Mr. Robert Bacon, Assistant Secretary of State, and Maj. Frank McIntyre, U. S. Army, of their mission to Porto Rico, under my oral instructions, to meet with representatives of the insular government of Porto Rico and of the Roman Catholic Church in that island, with a view to reaching some equitable settlement of the questions pending between that church on the one hand and the United States and the people of Porto Rico on the other.

The nature of these questions and the conditions of the controversy at the time of the meeting of the commission at San Juan are fully and clearly stated in the report, as is the basis for an equitable and complete settlement of all the questions in controversy unanimously agreed on by the members of the commission in a memorandum signed on August 12, 1908.

It will be seen that under the terms of this memorandum the United States is to pay to the Roman Catholic Church in Porto Rico the sum of $120,000 in full settlement of all claims of every nature whatsoever relative to the properties claimed by the church which are now in the possession of the United States and which are defined in the report.

The properties specifically in question form part of the land reserved for military purposes in San Juan and are now occupied by United States troops. I am informed that they are well suited to such purposes, and that to provide for the garrison of San Juan elsewhere would require the expenditure of many times the sum involved in the proposed settlement.

This basis of agreement has received my entire approval, and I trust that the Congress will see the great importance of the matter and will, at its present session, pass such legislation as is necessary to give the basis of the agreement effect on the part of the United States.

The legislative assembly of Porto Rico has already, by a joint resolution approved September 16, 1908, ratified the basis of agreement recommended by the commissioners, in so far as it affects that government, and enacted the necessary legislation to make it effective.

THEODORE ROOSEVELT.

ANNUAL REPORT OF SECRETARY OF AGRICULTURE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Agriculture and Forestry and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the Annual Report of the Secretary of Agriculture, covering the operations of the department for the year 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 14, 1908.*

INTERNATIONAL TELEGRAPHIC UNION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit to the Congress as a matter of public interest a copy of the report of the American delegates to the tenth conference of the International Telegraphic Union, which opened at the city of Lisbon, Portugal, on May 4, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 14, 1908.*

RIFLE PRACTICE IN PUBLIC SCHOOLS, ETC.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Military Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of War, submitting draft of a bill to promote rifle practice in public schools, colleges, universities, and civilian rifle clubs. I approve the recommendation of the Secretary of War and ask for its favorable consideration by the Congress.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 14, 1908.*

MILITARY EDUCATION IN CIVIL INSTITUTIONS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Military Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of War, submitting draft of a bill to promote military education in civil institutions of learning in the United States. I approve the recommendation of the Secretary of War and ask for its favorable consideration by the Congress.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 14, 1908.*

INTERNATIONAL COPYRIGHTS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress a copy of the report by the register of copyrights of the Library of Congress on the proceedings of the International Congress for the Revision of the Berne Copyright Convention, held at Berlin, Germany, from October

14 to November 14, 1908, which congress he attended as the delegate of the United States.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 14, 1908.*

POSTAL SAVINGS BANKS.

Mr. CARTER. Mr. President, it was my intention this morning to address the Senate on the subject of postal savings depositories, with particular reference to the bill (S. 6484) to establish postal savings banks for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes, made a special order for this day. At the conclusion of such remarks as I had intended to make it was my intention to move to make the bill the unfinished business; that is, formally to move that the Senate proceed with its consideration.

Numerous Senators have expressed a desire to address themselves to the merits of the bill at an early date, and I think it is due Senators with such disposition to be advised of the hours during which they may be prepared to address the Senate on the subject. I observe that the Senator in charge of the unfinished business is not at present in the Chamber, and I am therefore indisposed to make a motion to displace the existing order, and will, in consequence, reserve my remarks until immediately after the close of the morning business to-morrow. I now give notice that I will follow my observations with a motion that the Senate proceed regularly to the consideration of the postal savings depositories bill.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After fourteen minutes spent in executive session the doors were reopened and (at 3 o'clock and 14 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 15, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate Monday, December 14, 1908.

ASSAYER.

Joseph U. Eldredge, jr., of Utah, to be assayer in charge of the assay office of the United States at Salt Lake City, Utah. New office. Created by act of Congress approved May 30, 1908.

CIRCUIT JUDGES FOR HAWAII.

John A. Matthewman, of Hawaii, to be judge of the circuit court of the third circuit of the Territory of Hawaii. A reappointment, his term expiring December 11, 1908.

J. Hardy, of Hawaii, to be judge of the circuit court of the fifth circuit of the Territory of Hawaii. A reappointment, his term expiring December 11, 1908.

Charles F. Parsons, of Hawaii, to be judge of the circuit court of the fourth circuit of the Territory of Hawaii. A reappointment, his term expiring December 11, 1908.

UNITED STATES ATTORNEY.

Fred C. Cubberly, of Florida, to be United States attorney for the northern district of Florida, vice William B. Sheppard, resigned.

REGISTERS OF THE LAND OFFICE.

Charles L. Harris, of Billings, Mont., to be register of the land office at Billings, Mont., vice Elmer E. Esselstyn, resigned, and Robert P. Jackson, temporary appointee.

Harry H. Myers, of Brinkley, Ark., to be register of the land office at Little Rock, Ark., to fill vacancy caused by his resignation in October, and vice Lewis E. Eddy, temporary appointee.

Thomas B. Hiskey, of Kansas, to be register of the land office at Colby, Kans., vice John Thomas, resigned.

ISTHMIAN CANAL COMMISSIONER.

Lieut. Col. Harry F. Hodges, Corps of Engineers, U. S. Army, for appointment as a member of the Isthmian Canal Commission provided for by act of Congress approved June 28, 1902, entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," to which office he was appointed during the last recess of the Senate.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

To be captains.

First Lieut. Charles L. Fisher, Coast Artillery Corps, from October 8, 1908, vice McAlister, retired from active service.

First Lieut. Charles D. Winn, Coast Artillery Corps, from October 10, 1908, vice Ketcham, promoted.

First Lieut. Frank T. Hines, Coast Artillery Corps, from December 4, 1908, vice Balentine, resigned.

First Lieut. James Totten, Coast Artillery Corps, from December 8, 1908, vice Lamoreux, promoted.

To be first lieutenants.

Second Lieut. West C. Jacobs, Coast Artillery Corps, from October 8, 1908, vice Fisher, promoted.

Second Lieut. James W. Lyon, Coast Artillery Corps, from October 10, 1908, vice Winn, promoted.

Second Lieut. Harold Geiger, Coast Artillery Corps, from November 8, 1908, vice Tompkins, deceased.

Second Lieut. Rodney H. Smith, Coast Artillery Corps, from December 4, 1908, vice Hines, promoted.

Second Lieut. Albert L. Loustalot, Coast Artillery Corps, from December 8, 1908, vice Totten, promoted.

PROMOTIONS IN THE NAVY.

Lieut. Commander Patrick W. Hourigan to be a commander in the navy from the 11th day of July, 1908, vice Commander Henry C. Gearing, promoted.

Lieut. Commander William G. Miller to be a commander in the navy from the 20th day of July, 1908, vice Commander Burns T. Walling, promoted.

Ensign William D. Greetham to be a lieutenant (junior grade) in the navy from the 30th day of July, 1908, upon the completion of three years' service in present grade.

Lieut. Commander George W. Kline to be a commander in the navy from the 1st day of August, 1908, vice Commander Clifford J. Boush, promoted.

Commander James H. Sears to be a captain in the navy from the 3d day of September, 1908, vice Capt. Greenleaf A. Merriam, deceased.

Capt. William P. Potter, an additional number in grade, to be a rear-admiral in the navy from the 30th day of October, 1908, with Capt. Gottfried Blocklinger, promoted.

Commander Charles C. Rogers to be a captain in the navy from the 30th day of October, 1908, vice Capt. Gottfried Blocklinger, promoted.

Capt. Nathan E. Niles to be a rear-admiral in the navy from the 12th day of November, 1908, vice Rear-Admiral James M. Miller, deceased.

Capt. Newton E. Mason, an additional number in grade, to be a rear-admiral in the navy from the 12th day of November, 1908, with Capt. Giles B. Harber, promoted.

Commander John T. Newton to be a captain in the navy from the 12th day of November, 1908, vice Capt. Nathan E. Niles, promoted.

Commander Benjamin Tappan, an additional number in grade, to be a captain in the navy from the 12th day of November, 1908, with Commander John T. Newton, promoted.

Lieut. Commander George R. Evans to be a commander in the navy from the 12th day of November, 1908, vice Commander John T. Newton, promoted.

Lieut. Walter S. Turpin to be a lieutenant-commander in the navy from the 28th day of January, 1908, vice Lieut. Commander William L. Howard, promoted, to correct the date from which Lieutenant-Commander Turpin takes rank as confirmed on January 30, 1908.

Lieut. William S. Whitted to be a lieutenant-commander in the navy from the 30th day of January, 1908, vice Lieut. Commander Robert B. Higgins, promoted.

Lieut. Walter J. Manion to be a lieutenant-commander in the navy from the 25th day of February, 1908, vice Lieut. Commander Isaac K. Seymour, deceased, to correct the date from which Lieutenant-Commander Manion takes rank as confirmed on April 23, 1908.

Lieut. George E. Gelm to be a lieutenant-commander in the navy from the 17th day of April, 1908, vice Lieut. Commander Charles S. Bookwalter, resigned.

Lieut. Frank H. Brumby to be a lieutenant-commander in the navy from the 23d day of April, 1908, vice Lieut. Commander John C. Leonard, promoted.

Lieut. James P. Morton, an additional number in grade, to be a lieutenant-commander in the navy from the 23d day of April, 1908, with Lieut. Frank H. Brumby, promoted.

Lieut. Frank P. Baldwin to be a lieutenant-commander in the navy from the 24th day of April, 1908, vice Lieut. Commander John M. Ellicott, promoted.

Lieut. George L. P. Stone to be a lieutenant-commander in the navy from the 15th day of May, 1908, vice Lieut. Commander Charles W. Dyson, promoted.

Lieut. Harris Laning to be a lieutenant-commander in the navy from the 1st day of July, 1908, vice Lieut. Commander Harry George, promoted.

Lieut. Franklin D. Karns to be a lieutenant-commander in the navy from the 1st day of July, 1908, vice Lieut. Commander Frederick L. Chapin, promoted.

Lieut. David W. Todd to be a lieutenant-commander in the navy from the 1st day of July, 1908, vice Lieut. Commander William C. Herbert, promoted.

Lieut. John V. Klemann to be a lieutenant-commander in the navy from the 1st day of July, 1908, vice Lieut. Commander Alexander S. Halstead, promoted.

Lieut. Henry V. Butler to be a lieutenant-commander in the navy from the 1st day of July, 1908, vice Lieut. Commander Harry A. Field, promoted.

Lieut. Walter R. Gherardi to be a lieutenant-commander in the navy from the 1st day of July, 1908, vice Lieut. Commander Chester M. Knepper, promoted.

Lieut. James J. Raby to be a lieutenant-commander in the navy from the 1st day of July, 1908, vice Lieut. Commander Clarence S. Williams, promoted.

Lieut. Frederic N. Freeman to be a lieutenant-commander in the navy from the 1st day of July, 1908, vice Lieut. Commander Frank K. Hill, promoted.

Lieut. William H. Standley to be a lieutenant-commander in the navy from the 1st day of July, 1908, vice Lieut. Commander Roger Welles, promoted.

Lieut. Kenneth M. Bennett to be a lieutenant-commander in the navy from the 1st day of July, 1908, vice Lieut. Commander John D. McDonald, promoted.

Lieut. Edward H. Watson to be a lieutenant-commander in the navy from the 1st day of July, 1908, vice Lieut. Commander Hilary P. Jones, promoted.

Lieut. James E. Walker to be a lieutenant-commander in the navy from the 1st day of July, 1908, vice Lieut. Commander William R. Shoemaker, promoted.

Lieut. Rufus Z. Johnston to be a lieutenant-commander in the navy from the 1st day of July, 1908, vice Lieut. Commander Charles P. Plunkett, promoted.

Lieut. Thomas D. Parker to be a lieutenant-commander in the navy from the 4th day of July, 1908, vice Lieut. Commander Volney O. Chase, promoted.

Lieut. Thomas T. Craven to be a lieutenant-commander in the navy from the 19th day of July, 1908, vice Lieut. Commander George R. Slocum, promoted.

Lieut. Daniel W. Wurtzbaugh, an additional number in grade, to be a lieutenant-commander in the navy from the 19th day of July, 1908, with Lieut. Thomas T. Craven, promoted.

Lieut. Ralph Earle to be a lieutenant-commander in the navy from the 20th day of July, 1908, vice Lieut. Commander William G. Miller, promoted.

Lieut. Gatewood S. Lincoln to be a lieutenant-commander in the navy from the 1st day of August, 1908, vice Lieut. Commander George W. Kline, promoted.

Lieut. Wat T. Cluverius to be a lieutenant-commander in the navy from the 25th day of October, 1908, vice Lieut. Commander Harrison A. Bispham, promoted.

First Lieut. Frank C. Lander to be a captain in the Marine Corps from the 13th day of May, 1908, vice Capt. Newt H. Hall, promoted.

First Lieut. Eli T. Fryer to be a captain in the Marine Corps from the 13th day of May, 1908, vice Capt. Charles S. Hill, promoted.

First Lieut. Earl H. Ellis to be a captain in the Marine Corps from the 14th day of May, 1908, vice Capt. David D. Porter, appointed assistant adjutant and inspector.

Second Lieut. Samuel W. Bogan to be a first lieutenant in the Marine Corps from the 13th day of May, 1908, vice First Lieut. Robert Y. Rhea, promoted.

Second Lieut. Albert E. Randall to be a first lieutenant in the Marine Corps from the 13th day of May, 1908, vice First Lieut. Thomas Holcomb, jr., promoted.

Lieut. Jonas H. Holden to be a lieutenant-commander in the navy from the 11th day of July, 1908, vice Lieut. Commander Patrick W. Hourigan, promoted.

Assistant Paymaster Horace B. Worden to be a passed assistant paymaster in the navy from the 23d day of October, 1908, upon the completion of three years' service in present grade.

Mate William G. Smith, U. S. Navy, retired (died June 9, 1907), to be a mate on the retired list, with the rank and retired pay of the next higher grade, viz, the lowest grade of warrant officers, from the 29th day of June, 1906, to the date of his death, June 9, 1907, in accordance with the provisions of an act of Congress approved June 29, 1906.

POSTMASTERS.

ALABAMA.

George R. Lewis to be postmaster at Bessemer, Ala., in place of George R. Lewis. Incumbent's commission expires February 4, 1909.

John X. Thomas to be postmaster at Ensley, Ala., in place of John W. Clayton, resigned.

Henry C. Willis to be postmaster at Alexander City, Ala., in place of Joseph C. Manning. Incumbent's commission expired December 12, 1908.

GEORGIA.

H. B. Lemcke to be postmaster at Darien, Ga., in place of Charles R. Jackson, removed.

Clarence W. Withoft to be postmaster at Fort Valley, Ga., in place of Clarence W. Withoft. Incumbent's commission expires January 13, 1909.

IDAHO.

Nettie B. Carpenter to be postmaster at Grangeville, Idaho, in place of Julia A. Garber. Incumbent's commission expires December 14, 1908.

ILLINOIS.

Philip H. Baker to be postmaster at Jonesboro, Ill., in place of Philip H. Baker. Incumbent's commission expired December 12, 1908.

IOWA.

Albert R. Kullmer to be postmaster at Dysart, Iowa, in place of Albert R. Kullmer. Incumbent's commission expires January 13, 1909.

MAINE.

George D. Libby to be postmaster at Gardiner, Me., in place of George D. Libby. Incumbent's commission expired December 8, 1908.

MARYLAND.

William Hall Harris to be postmaster at Baltimore, Md., in place of William Hall Harris. Incumbent's commission expires January 10, 1909.

Jesse West to be postmaster at North East, Md., in place of Jesse West. Incumbent's commission expired December 13, 1908.

MICHIGAN.

Herman A. Wyckoff to be postmaster at Pontiac, Mich., in place of Herman A. Wyckoff. Incumbent's commission expired December 12, 1908.

MINNESOTA.

William B. Anderson to be postmaster at Hopkins, Minn., in place of William B. Anderson. Incumbent's commission expired December 12, 1908.

MISSOURI.

William Bostian to be postmaster at Independence, Mo., in place of William Bostian. Incumbent's commission expired December 13, 1908.

Solomon R. McKay to be postmaster at Troy, Mo., in place of Solomon R. McKay. Incumbent's commission expires January 14, 1909.

NEBRASKA.

George H. Borden to be postmaster at Beaver Crossing, Nebr. Office became presidential October 1, 1908.

Frederick W. Richardson to be postmaster at Battle Creek, Nebr. Office became presidential July 1, 1908.

NEW MEXICO.

Edward Pennington to be postmaster at Deming, N. Mex., in place of Edward Pennington. Incumbent's commission expired December 12, 1908.

NEW YORK.

Reuben Kline to be postmaster at Port Leyden, N. Y. Office became presidential October 1, 1908.

Charles J. Sweet to be postmaster at Black River, N. Y., in place of Charles J. Sweet. Incumbent's commission expired December 13, 1908.

Charles M. Waters to be postmaster at Lyons Falls, N. Y. Office became presidential July 1, 1908.

Earl L. Whiting to be postmaster at Delevan, N. Y., in place of Earl L. Whiting. Incumbent's commission expired December 13, 1908.

PENNSYLVANIA.

Charles Crouse to be postmaster at Wyoming, Pa., in place of Charles Crouse. Incumbent's commission expired February 23, 1907.

William A. Feist to be postmaster at White Haven, Pa., in place of William A. Feist. Incumbent's commission expires December 15, 1908.

Christian E. Geyer to be postmaster at Catawissa, Pa., in place of Christian E. Geyer. Incumbent's commission expired December 13, 1908.

Samuel C. Graham to be postmaster at Starjunction, Pa., in place of Martin E. Strawn, resigned.

William Krause to be postmaster at Richland Center, Pa., in place of William Krause. Incumbent's commission expires December 15, 1908.

John Nelson to be postmaster at Leetsdale, Pa., in place of David McC. Woods, resigned.

UTAH.

Johnathan S. Page, jr., to be postmaster at Payson, Utah, in place of Jonathan S. Page, jr. Incumbent's commission expires December 14, 1908.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 14, 1908.

CONSULS-GENERAL.

Hector de Castro, of New York, to be consul-general of the United States of class 5 at Zurich, Switzerland.

Ernest L. Harris, of Illinois, to be consul-general of the United States of class 6 at Smyrna, Turkey.

Paul Nash, of New York, to be consul-general of the United States of class 6 at Budapest, Hungary.

Hunter Sharp, of North Carolina, to be consul-general of the United States of class 4 at Moscow, Russia.

Robert P. Skinner, of Ohio, to be consul-general of the United States of class 2 at Hamburg, Germany.

CONSULS.

George A. Bucklin, jr., of Oklahoma, to be consul of the United States of class 8 at San Luis Potosi, Mexico.

William Bardel, of New York, to be consul of the United States of class 6 at Rheims, France.

Robert S. S. Burgh, of North Dakota, to be consul of the United States of class 7 at Belgrade, Servia.

Wallace C. Bond, of Wyoming, to be consul of the United States of class 7 at Karachi, India.

Chapman Coleman, of Kentucky, to be consul of the United States of class 6 at Rome, Italy.

William Coffin, of Kentucky, to be consul of the United States of class 8 at Tripoli, Tripoli.

Hernando de Soto, of California, to be consul of the United States of class 7 at Riga, Russia.

Harry P. Dill, of Maine, to be consul of the United States of class 8 at Orillia, Ontario, Canada.

John Fowler, of Massachusetts, to be consul of the United States of class 4 of Chefoo, China.

Arthur Garrels, of Missouri, to be consul of the United States of class 8 at Zanzibar, Zanzibar.

Edwin N. Gunsaulus, of Ohio, to be consul of the United States of class 3 at Johannesburg, Transvaal.

Michael J. Hendrick, of New York, to be consul of the United States of class 9 at Moncton, New Brunswick, Canada.

Arminius T. Haeberle, of Missouri, to be consul of the United States of class 9 at Manzanillo, Mexico.

George N. Ifft, of Idaho, to be consul of the United States of class 5 at Warsaw, Russia.

Joseph E. Haven, of Illinois, to be consul of the United States of class 8 at Roubaix, France.

Alexander Heingartner, of Ohio, to be consul of the United States of class 8 at Batum, Russia.

John F. Jewell, of Illinois, to be consul of the United States of class 7 at Melbourne, Australia.

Douglas Jenkins, of South Carolina, to be consul of the United States of class 9 at St. Pierre, St. Pierre Island.

Jesse B. Jackson, of Ohio, to be consul of the United States of class 7 at Aleppo, Turkey.

John E. Kehl, of Ohio, to be consul of the United States of class 7 at Sydney, Nova Scotia.

Will L. Lowrie, of Illinois, to be consul of the United States of class 8 at Erfurt, Germany.

Alphonse J. Lespinasse, of New York, to be consul of the United States of class 7 at Frontera, Mexico.

William W. Masterson, of Kentucky, to be consul of the United States of class 7 at Harput, Turkey.

Chester W. Martin, of Michigan, to be consul of the United States of class 7 at Barbados, West Indies.

Robert E. Mansfield, of Indiana, to be consul of the United States of class 4 at St. Gall, Switzerland.

Samuel E. Magill, of Illinois, to be consul of the United States of class 6 at Guadalajara, Mexico.

Samuel C. Reat, of Illinois, to be consul of the United States of class 9 at Port Louis, Mauritius.

James W. Ragsdale, of California, to be consul of the United States of class 6 at St. Petersburg, Russia.

John H. Snodgrass, of West Virginia, to be consul of the United States of class 3 at Kobe, Japan.

Nathaniel B. Stewart, of Georgia, to be consul of the United States of class 7 at Madras, India.

Clarence Rice Slocum, of New York, to be consul of the United States of class 6 at Fiume, Hungary.

Ralph J. Totten, of Tennessee, to be consul of the United States of class 9 at Puerto Plata, Dominican Republic.

William C. Teichmann, of Missouri, to be consul of the United States of class 7 at Colombo, Ceylon.

Ernest A. Wakefield, of Maine, to be consul of the United States of class 6 at Rangoon, India.

Evan E. Young, of South Dakota, to be consul of the United States of class 6 at Saloniki, Turkey.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. Francis Adelbert Levis to be captain.

Second Lieut. Benjamin Little Brockway to be first lieutenant.

Second Lieut. John Boedeker to be first lieutenant.

Second Lieut. Harold Dale Hinckley to be first lieutenant.

Second Lieut. Charles Frederic Howell to be first lieutenant.

Second Lieut. William Henry Munter to be first lieutenant.

Second Lieut. John Lovejoy Maher, to be first lieutenant.

Second Lieut. William Ambrose O'Malley to be first lieutenant.

Second Lieut. Henry William Pope to be first lieutenant.

Third Lieut. Wales Alfred Benham to be second lieutenant.

Third Lieut. Joseph Tillotson Drake to be second lieutenant.

Third Lieut. John Jenkins Hutson to be second lieutenant.

Third Lieut. Raymond Lockwood Jack to be second lieutenant.

Third Lieut. Chester Hardy Jones to be second lieutenant.

Third Lieut. John Farrell McGourty to be second lieutenant.

Third Lieut. Fred Arthur Nichols to be second lieutenant.

Third Lieut. Philip Francis Roach to be second lieutenant.

Third Lieut. Thomas Andrew Shanley to be second lieutenant.

Third Lieut. Charles Frederic Seiter to be second lieutenant.

First Lieut. of Engineers Frederick Elias Owen to be senior engineer.

Second Lieut. of Engineers John Irvin Bryan to be first lieutenant of engineers.

Third Lieut. of Engineers Clarence James Curtiss to be second lieutenant of engineers.

Third Lieut. of Engineers John Thomas Carr to be second lieutenant of engineers.

Third Lieut. of Engineers Webb Cudworth Maglathlin to be second lieutenant of engineers.

Third Lieut. of Engineers Whitney Matthews Prall to be second lieutenant of engineers.

Third Lieut. of Engineers Albert Frank Patterson to be second lieutenant of engineers.

Third Lieut. of Engineers Frederick Harvey Young to be second lieutenant of engineers.

Cadet Engineer Frank Everett Bagger, of New York, to be third lieutenant of engineers.

Cadet Engineer Alvan Hovey Bixby, of Massachusetts, to be third lieutenant of engineers.

Cadet Engineer Martin Augustus Doyle, of Virginia, to be third lieutenant of engineers.

Cadet Engineer Philip Bently Eaton, of Connecticut, to be third lieutenant of engineers.

Cadet Engineer Norman Brierley Hall, of New York, to be third lieutenant of engineers.

Cadet Engineer Sydney Baxter Orne, of Maine, to be third lieutenant of engineers.

Cadet Engineer Hugh Burton Robinson, of New York, to be third lieutenant of engineers.

Cadet Engineer Thomas Homer Yeager, of Virginia, to be third lieutenant of engineers.

Cadet James Pine, of New York, to be a third lieutenant.

Cadet Michael John Ryan, of Colorado, to be a third lieutenant.

Cadet Edward Joseph Donohue, of New York, to be a third lieutenant.

Cadet Warner Kieth Thompson, of Iowa, to be a third lieutenant.

Cadet Joseph Raoul Besse, of North Dakota, to be a third lieutenant.

Cadet William Francis Towle, of Massachusetts, to be a third lieutenant.

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Asst. Surg. George L. Collins to be passed assistant surgeon.
Asst. Surg. Harvey G. Ebert to be passed assistant surgeon.
Asst. Surg. Herbert M. Manning to be passed assistant surgeon.
Asst. Surg. Norman Roberts to be passed assistant surgeon.
Asst. Surg. Ernest A. Sweet to be passed assistant surgeon.
Asst. Surg. Robert D. Spratt to be passed assistant surgeon.
Asst. Surg. Frederick C. Smith to be passed assistant surgeon.
Asst. Surg. Thomas W. Salmon to be passed assistant surgeon.
Asst. Surg. William M. Wightman to be passed assistant surgeon.
Randolph M. Grimm, of Virginia, to be assistant surgeon.
Paul Preble, of Maine, to be assistant surgeon.
Joseph R. Ridlon, of Maine, to be assistant surgeon.

SECOND ASSISTANT POSTMASTER-GENERAL.

Joseph Stewart, of Missouri, to be Second Assistant Postmaster-General.

COLLECTORS OF CUSTOMS.

John R. Willis, of Alaska, to be collector of customs for the district of Alaska.
Malcolm J. McLeod, of Michigan, to be collector of internal revenue for the first district of Michigan.
Sherman T. Newton, of New Hampshire, to be collector of customs for the district of Portsmouth, in the State of New Hampshire.

SURVEYOR OF CUSTOMS.

J. Frank Taylor, of Kentucky, to be surveyor of customs for the port of Louisville, Ky.

SECRETARY OF EMBASSY.

Lewis Einstein, of New York, to be secretary of the embassy of the United States at Constantinople, Turkey.

SECOND SECRETARY OF EMBASSY.

William Blumenthal, of New York, to be second secretary of the embassy of the United States at Constantinople, Turkey.

SECOND SECRETARY OF LEGATION.

G. Cornell Tarler, of New York, to be second secretary of the legation of the United States at Habana, Cuba.

REGISTERS OF LAND OFFICES.

Nathan H. Alexander, of Montgomery, Ala., to be register of the land office at Montgomery, Ala.
Robert N. Dunn, of Idaho, to be register of the land office at Coeur d'Alene, Idaho.

PROMOTIONS IN THE ARMY.

QUARTERMASTER'S DEPARTMENT.

Capt. Joseph T. Davidson, quartermaster, to be quartermaster with the rank of major from April 25, 1908, vice Crabbs, retired from active service.

MEDICAL CORPS.

To be lieutenant-colonels.

Maj. Edward Champe Carter, Medical Corps, from April 23, 1908, vice Crampton, promoted.
Maj. William Stephenson, Medical Corps, from May 1, 1908, vice Powell, retired from active service.

To be majors.

Capt. James R. Church, Medical Corps, from May 1, 1908, vice Stephenson, promoted.
Capt. Joseph H. Ford, Medical Corps, from May 20, 1908, vice Hallock, retired from active service.
Capt. Percy M. Ashburn, Medical Corps, from June 24, 1908, vice Kieffer, retired from active service.

CORPS OF ENGINEERS.

To be colonels.

Lieut. Col. Smith S. Leach, Corps of Engineers, from June 2, 1908, vice Sears, retired from active service.
Lieut. Col. Dan C. Kingman, Corps of Engineers, from July 6, 1908, vice Marshall, appointed Chief of Engineers.
Lieut. Col. William M. Black, Corps of Engineers, from July 28, 1908, vice Symons, retired from active service.
Lieut. Col. Walter L. Fisk, Corps of Engineers, from August 7, 1908, vice Hoxie, retired from active service.

To be lieutenant-colonels.

Maj. William C. Langfitt, Corps of Engineers, from June 2, 1908, vice Leach, promoted.
Maj. James C. Sanford, Corps of Engineers, from July 6, 1908, vice Kingman, promoted.
Maj. Hiram M. Chittenden, Corps of Engineers, from July 28, 1908, vice Black, promoted.
Maj. Graham D. Fitch, Corps of Engineers, from August 7, 1908, vice Fisk, promoted.

To be majors.

Capt. Charles W. Kutz, Corps of Engineers, from June 2, 1908, vice Langfitt, promoted.
Capt. Meriwether L. Walker, Corps of Engineers, from July 6, 1908, vice Sanford, promoted.
Capt. Robert R. Raymond, Corps of Engineers, from July 28, 1908, vice Chittenden, promoted.
Capt. William B. Ladue, Corps of Engineers, from August 7, 1908, vice Fitch, promoted.

To be captains.

First Lieut. George R. Spalding, Corps of Engineers, from June 2, 1908, vice Kutz, promoted.
First Lieut. Elliott J. Dent, Corps of Engineers, from July 6, 1908, vice Walker, promoted.
First Lieut. William G. Caples, Corps of Engineers, from July 28, 1908, vice Raymond, promoted.
First Lieut. Henry C. Jewett, Corps of Engineers, from August 7, 1908, vice Ladue, promoted.

To be first lieutenants.

Second Lieut. Roger G. Powell, Corps of Engineers, from June 2, 1908, vice Spalding, promoted.
Second Lieut. John N. Hodges, Corps of Engineers, from July 6, 1908, vice Dent, promoted.
Second Lieut. Arthur R. Ehrnbeck, Corps of Engineers, from July 28, 1908, vice Caples, promoted.
Second Lieut. Harold S. Hetrick, Corps of Engineers, from August 7, 1908, vice Jewett, promoted.

ORDNANCE DEPARTMENT.

Capt. Edward P. O'Hern, Ordnance Department, to be major from October 31, 1908, vice Fuller, retired from active service.

CHAPLAINS.

Chaplain Halsey C. Gavitt, First Cavalry, to be chaplain with the rank of major from October 27, 1908.
Chaplain Henry A. Brown, Corps of Engineers, to be chaplain with the rank of major from November 12, 1908.

CAVALRY ARM.

Lieut. Col. James B. Hickey, unassigned, to be colonel from November 15, 1908, vice Godwin, Fourteenth Cavalry, retired from active service.
Maj. William D. Beach, Fifteenth Cavalry, to be lieutenant-colonel from November 15, 1908, vice Taylor, Fourth Cavalry, detailed as adjutant-general.
Capt. William F. Flynn, Eighth Cavalry, to be major from November 15, 1908, vice Beach, Fifteenth Cavalry, promoted.

To be captains.

First Lieut. Alvan C. Gillem, Fifth Cavalry, from September 21, 1908, vice Heidt, Eleventh Cavalry, retired from active service.
First Lieut. William B. Cowin, Third Cavalry, from November 15, 1908, vice Flynn, Eighth Cavalry, promoted.

To be first lieutenants.

Second Lieut. Sidney D. Maize, Third Cavalry, from May 18, 1908, vice Lusk, Twelfth Cavalry, retired from active service.
Second Lieut. William S. Barriger, Fifteenth Cavalry, from July 1, 1908, vice Jordan, Eighth Cavalry, detailed in the Ordnance Department.
Second Lieut. Ralph M. Parker, Eleventh Cavalry, from July 30, 1908, vice Dixon, Fifth Cavalry, detailed in the Signal Corps.
Second Lieut. John H. Howard, Ninth Cavalry, from August 2, 1908, vice Mangum, Eighth Cavalry, retired from active service.
Second Lieut. John K. Hume, Fourteenth Cavalry, from September 21, 1908, vice Gillem, Fifth Cavalry, promoted.
Second Lieut. Matt C. Bristol, Thirteenth Cavalry, from November 15, 1908, vice Cowin, Third Cavalry, promoted.

FIELD ARTILLERY ARM.

First Lieut. Morris E. Locke, First Field Artillery, to be captain from August 25, 1908, vice Overton, Third Field Artillery, retired from active service.

To be first lieutenants.

Second Lieut. Fred T. Cruse, Third Field Artillery, from July 1, 1908, vice Kean, First Field Artillery, detailed in the Ordnance Department.
Second Lieut. James P. Marley, First Field Artillery, from July 20, 1908, vice Roemer, Sixth Field Artillery, deceased.
Second Lieut. Waldo C. Potter, Fifth Field Artillery, from August 25, 1908, vice Locke, First Field Artillery, promoted.

Second Lieut. Harry Pfeil, Fifth Field Artillery, from September 17, 1908, vice Selfridge, First Field Artillery, deceased.

COAST ARTILLERY CORPS.

To be colonels.

Lieut. Col. George L. Anderson, Coast Artillery Corps, from July 10, 1908, vice Cummins, retired from active service.

Lieut. Col. William H. Coffin, Coast Artillery Corps, from September 1, 1908, vice Homer, retired from active service.

Lieut. Col. Albert Todd, Coast Artillery Corps, from October 10, 1908, vice Stewart, retired from active service.

To be lieutenant-colonels.

Maj. Charles L. Phillips, Coast Artillery Corps, from July 10, 1908, vice Woodward, detailed as inspector-general.

Maj. Charles J. Bailey, Coast Artillery Corps, from September 1, 1908, vice Coffin, promoted.

Maj. Clarence P. Townsley, Coast Artillery Corps, from October 10, 1908, vice Todd, promoted.

To be majors.

Capt. William C. Davis, Coast Artillery Corps, from July 10, 1908, vice Phillips, promoted.

Capt. Frank G. Mauldin, Coast Artillery Corps, from September 1, 1908, vice Bailey, promoted.

Capt. Daniel W. Ketcham, Coast Artillery Corps, from October 10, 1908, vice Townsley, promoted.

To be captains.

First Lieut. James A. Thomas, Coast Artillery Corps, from July 13, 1908, vice Marshall, detailed as quartermaster.

First Lieut. John C. Ohnstad, Coast Artillery Corps, from September 1, 1908, vice Mauldin, promoted.

First Lieut. Clarence M. Condon, Coast Artillery Corps, from September 21, 1908, vice Macon, retired from active service.

First Lieut. Curtis G. Rorebeck, Coast Artillery Corps, from September 28, 1908, vice Vance, retired from active service.

First Lieut. James D. Watson, Coast Artillery Corps, from September 29, 1908, vice Applewhite, retired from active service.

To be first lieutenants.

Second Lieut. John E. Townes, jr., Coast Artillery Corps, from July 1, 1908, vice Gatewood, detailed in the Ordnance Department.

Second Lieut. Robert E. Vose, Coast Artillery Corps, from July 1, 1908, vice Wilhelm, detailed in the Ordnance Department.

Second Lieut. Dean Hall, Coast Artillery Corps, from July 1, 1908, vice Mahaffey, detailed in the Ordnance Department.

Second Lieut. John S. Williams, Coast Artillery Corps, from July 13, 1908, vice Thomas, promoted.

Second Lieut. George Ruhlen, jr., Coast Artillery Corps, from July 27, 1908, vice Scott, resigned.

Second Lieut. John E. Mort, Coast Artillery Corps, from September 1, 1908, vice Ohnstad, promoted.

Second Lieut. Junnius Pierce, Coast Artillery Corps, from September 21, 1908, vice Condon, promoted.

Second Lieut. Henry W. T. Eglin, Coast Artillery Corps, from September 28, 1908, vice Rorebeck, promoted.

Second Lieut. Halvor G. Coulter, Coast Artillery Corps, from September 29, 1908, vice Watson, promoted.

INFANTRY ARM.

To be colonels.

Lieut. Col. William H. C. Bowen, Eighteenth Infantry, from July 1, 1908, vice Allen, Twelfth Infantry, retired from active service.

Lieut. Col. Henry E. Robinson (since retired from active service), detailed adjutant-general, from October 24, 1908, vice Smith, Eighth Infantry, appointed brigadier-general.

Lieut. Col. Charles W. Mason, Twenty-ninth Infantry, from October 28, 1908, vice Robinson, unassigned, retired from active service.

To be lieutenant-colonels.

Maj. Alexis R. Paxton, Thirteenth Infantry, from June 25, 1908, vice Augur, Twenty-fourth Infantry, deceased.

Maj. Zerah W. Torrey, detailed inspector-general, from July 1, 1908, vice Bowen, Eighteenth Infantry, promoted.

Maj. James B. Jackson, Eleventh Infantry, from July 18, 1908, vice Hardin, Twenty-sixth Infantry, retired from active service.

Maj. Reuben B. Turner, Eighth Infantry, from October 28, 1908, vice Mason, Twenty-ninth Infantry, promoted.

Maj. Daniel A. Frederick, Twenty-second Infantry, from October 28, 1908, vice Jones, Nineteenth Infantry, detailed as adjutant-general.

To be majors.

Capt. Beaumont B. Buck, Sixteenth Infantry, from June 25, 1908, vice Paxton, Thirteenth Infantry, promoted.

Capt. William F. Martin, Fifth Infantry, from June 30, 1908, vice Purssell, Eighteenth Infantry, retired from active service.

Capt. Evan M. Johnson, jr., Eighth Infantry, from June 3, 1908, vice Bundy, Sixth Infantry, detailed as inspector-general.

Capt. Frank McIntyre (major, Bureau of Insular Affairs), from July 18, 1908, vice Jackson, Eleventh Infantry, promoted.

Capt. David J. Baker, jr., Ninth Infantry, from July 18, 1908, vice McIntyre, detailed in the Bureau of Insular Affairs.

Capt. Benjamin A. Poore, Sixth Infantry, from October 28, 1908, vice Frederick, Twenty-second Infantry, promoted.

Capt. James H. McRae, Third Infantry, from October 31, 1908, vice Leonhaeuser, Sixteenth Infantry, retired from active service.

To be captains.

First Lieut. Ernest E. Haskell, Twenty-ninth Infantry, from April 3, 1908, vice Laws, Twenty-fourth Infantry, deceased.

First Lieut. Jack Hayes, Sixteenth Infantry, from April 3, 1908, vice Stone, Twenty-second Infantry, detailed as quartermaster.

First Lieut. William H. Waldron, detailed in the Signal Corps, from April 3, 1908, vice Ford, Fifth Infantry, detailed as quartermaster.

First Lieut. Joseph K. Partello, Fifth Infantry, from April 24, 1908, vice Parmerter, Twenty-first Infantry, promoted.

First Lieut. Leon L. Roach, Sixteenth Infantry, from May 9, 1908, vice Smiley, Fifteenth Infantry, promoted.

First Lieut. Horace P. Hobbs, Seventeenth Infantry, from May 15, 1908, vice Devore, Twenty-third Infantry, promoted.

First Lieut. Louis J. Van Schaick, Fourth Infantry, from June 25, 1908, vice Buck, Sixteenth Infantry, promoted.

First Lieut. George S. Tiffany, Twenty-first Infantry, from June 30, 1908, vice Martin, Fifth Infantry, promoted.

First Lieut. Edgar A. Myer, Eleventh Infantry, from July 3, 1908, vice Lawton, Nineteenth Infantry, retired from active service.

First Lieut. Arthur M. Shipp, Twentieth Infantry, from July 3, 1908, vice Johnson, Eighth Infantry, promoted.

First Lieut. Joseph W. Beacham, jr., Twenty-seventh Infantry, from July 18, 1908, vice Baker, Ninth Infantry, promoted.

First Lieut. Francis J. McConnell, Seventeenth Infantry, from July 24, 1908, vice Shelton, Eleventh Infantry, detailed in the Bureau of Insular Affairs.

First Lieut. Richard P. Rifenberick, jr., Twenty-ninth Infantry, from September 8, 1908, vice Moore, Fifteenth Infantry, deceased.

First Lieut. Graham L. Johnson, Eleventh Infantry, from September 16, 1908, vice Walton, Sixth Infantry, retired from active service.

First Lieut. Charles E. Hay, jr., Twenty-fourth Infantry, from October 2, 1908, vice Chiles, Eleventh Infantry, deceased.

First Lieut. Robert H. Wescott, Sixteenth Infantry, from October 19, 1908, vice Parker, Twenty-fourth Infantry, retired from active service.

First Lieut. George W. Wallace, Twentieth Infantry, from October 28, 1908, vice Poore, Sixth Infantry, promoted.

First Lieut. Paul Hurst, Third Infantry, from October 31, 1908, vice McRae, Third Infantry, promoted.

To be first lieutenants.

Second Lieut. Gilbert H. Stewart, detailed first lieutenant in the Ordnance Department, from November 24, 1907, vice Mullen, Twenty-first Infantry, retired from active service.

Second Lieut. Edward J. Moran, Twenty-seventh Infantry, from November 24, 1907, vice Gibert, detailed in the Ordnance Department.

Second Lieut. John R. McGinness, Sixth Infantry, from December 5, 1907, vice Wilson, Twenty-second Infantry, resigned.

Second Lieut. Henry M. Nelly, Twentieth Infantry, from December 11, 1907, vice De Funiak, Eleventh Infantry, promoted.

Second Lieut. Frederick F. Black, Tenth Infantry, from December 23, 1907, vice Armstrong, Sixth Infantry, retired from active service.

Second Lieut. James M. Hobson, jr., Twenty-seventh Infantry, from December 23, 1907, vice McCoy, Twenty-seventh Infantry, promoted.

Second Lieut. David H. Bower, Twelfth Infantry, from December 28, 1907, vice Townsend, Twenty-third Infantry, promoted.

Second Lieut. Hiram M. Cooper, Tenth Infantry, from January 1, 1908, vice Brewer, Twenty-first Infantry, promoted.

Second Lieut. Benjamin F. Miller, Twenty-seventh Infantry, from January 27, 1908, vice Parsons, Twentieth Infantry, promoted.

Second Lieut. Louis Soléliac, Sixteenth Infantry, from February 13, 1908, vice Ball, Twenty-first Infantry, promoted.

Second Lieut. Charles M. Blackford, Sixth Infantry, from March 5, 1908, vice Smith, Eighteenth Infantry, promoted.

Second Lieut. Walter O. Boswell, Sixteenth Infantry, from March 8, 1908, vice Doster, Twenty-first Infantry, promoted.

Second Lieut. Deshler Whiting, Ninth Infantry, from March 14, 1908, vice Price, Fifth Infantry, promoted.

Second Lieut. Gulielmus V. Heidt, Sixth Infantry, from March 14, 1908, vice Warfield, Thirtieth Infantry, promoted.

Second Lieut. Samuel J. Sutherland, Thirteenth Infantry, from March 14, 1908, vice McCaskey, Twenty-first Infantry, promoted.

Second Lieut. Edmund B. Iglehart, Third Infantry, from March 14, 1908, vice Lang, Fifteenth Infantry, promoted.

Second Lieut. Emory S. Adams, Fourteenth Infantry, from March 15, 1908, vice Dockery, Third Infantry, promoted.

Second Lieut. Ralph W. Drury, Ninth Infantry, from March 16, 1908, vice Thomas, Seventeenth Infantry, promoted.

Second Lieut. John C. Fairfax, Twenty-first Infantry, from March 18, 1908, vice Elliott, Thirteenth Infantry, promoted.

Second Lieut. Fred C. Miller, Twenty-third Infantry, from March 24, 1908, vice Freeman, Twenty-first Infantry, promoted.

Second Lieut. Charles L. Mitchell, Twenty-fourth Infantry, from April 3, 1908, vice Hunt, Eighth Infantry, promoted.

Second Lieut. Alfred Brandt, Twenty-fifth Infantry, from April 3, 1908, vice Haskell, Twenty-ninth Infantry, promoted.

Second Lieut. Robert John West, Twenty-sixth Infantry, from April 3, 1908, vice Hayes, Sixteenth Infantry, promoted.

Second Lieut. Seeley A. Wallen, Twenty-fifth Infantry, from April 15, 1908, vice Lewis, Eighteenth Infantry, detailed in the Signal Corps.

Second Lieut. Archibald G. Hutchinson, Third Infantry, from April 24, 1908, vice Partello, Fifth Infantry, promoted.

Second Lieut. Odiorne H. Sampson, Second Infantry, from May 15, 1908, vice Hobbs, Seventeenth Infantry, promoted.

Second Lieut. Charles G. Sturtevant, Ninth Infantry, from June 5, 1908, vice Smith, Sixteenth Infantry, retired from active service.

Second Lieut. Albert Hardman, Twelfth Infantry, from June 7, 1908, vice Vredenburgh, Eleventh Infantry, resigned.

Second Lieut. William E. Holliday, Seventeenth Infantry, from June 25, 1908, vice Van Schaick, Fourth Infantry, promoted.

Second Lieut. Frank B. Kobes, Fourteenth Infantry, from June 30, 1908, vice Tiffany, Twenty-first Infantry, promoted.

Retired, with the rank of brigadier-general.

Col. James B. Hickey, cavalry, unassigned, to be placed on the retired list of the army, with the rank of brigadier-general from the date on which he shall be retired from active service.

Col. Edward A. Godwin, retired, with rank from November 15, 1908.

Retired, with the rank of captain.

First Lieut. Samuel T. Weirick, retired, with rank from June 18, 1908.

First Lieut. James Reagles, retired, with rank from September 12, 1908.

MEDICAL CORPS.

Maj. Henry P. Birmingham, Medical Corps, to be lieutenant-colonel from April 23, 1908, vice Torney, promoted.

NOTE.—The above-named officer was nominated to the Senate on May 18, 1908, and confirmed on May 21, 1908, for promotion to a vacancy created on May 1, 1908, by the retirement of Lieut. Col. Junius L. Powell, Medical Corps, but by reason of the failure of two of his seniors to pass satisfactory examinations for promotion Major Birmingham became entitled to promotion from April 23, 1908.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICER.

Col. Frederick A. Smith, Eighth Infantry, to be brigadier-general from October 24, 1908, vice Reade, retired from active service.

CORPS OF ENGINEERS.

Col. William L. Marshall, Corps of Engineers, to be Chief of Engineers, with the rank of brigadier-general from July 2, 1908, vice Mackenzie, retired from active service.

REAPPOINTMENTS IN THE PORTO RICO PROVISIONAL REGIMENT.

To be captains.

Capt. Stewart McC. Decker, with rank from July 1, 1904.
Capt. Frank L. Graham, with rank from July 2, 1904.
Capt. John M. Field, with rank from July 3, 1904.
Capt. Edwin J. Griffith, with rank from July 4, 1904.
Capt. Ralph E. Gambell, with rank from July 5, 1904.
Capt. Miles K. Taulbee, with rank from July 6, 1904.
Capt. Orval P. Townshend, with rank from July 7, 1904.
Capt. Laurance Angel, with rank from November 20, 1906.
Capt. Frank C. Wood, with rank from November 21, 1906.
Capt. Emil J. Huebscher, with rank from November 22, 1906.
Capt. William S. Woodruff, with rank from November 23, 1906.

To be first lieutenants.

First Lieut. Abram I. Miller, with rank from July 1, 1904.

First Lieut. Samuel S. Bryant, with rank from November 30, 1904.

First Lieut. William H. Armstrong, with rank from December 1, 1904.

First Lieut. Henry C. Rexach, with rank from April 1, 1905.

First Lieut. Pedro J. Parra, with rank from February 23, 1906.

First Lieut. Teofio Marxuach, with rank from November 20, 1906.

First Lieut. Eduardo Iriarte, with rank from November 21, 1906.

First Lieut. Jaime Nadal, with rank from November 22, 1906.

First Lieut. Eugenio C. de Hostos, with rank from November 23, 1906.

First Lieut. Felix Emmanuelli, with rank from August 25, 1907.

To be second lieutenants.

Second Lieut. Pascual Lopez, with rank from March 3, 1905.

Second Lieut. Louis S. Emmanuelli, with rank from March 4, 1905.

Second Lieut. Daniel Rodriguez, with rank from January 17, 1906.

INFANTRY ARM.

To be second lieutenants, with rank from August 29, 1908.

Corpl. Roy Walter Winton, Company H, Twenty-sixth Infantry.

Sergt. Frederick Caldwell Phelps, Sixth Company, Coast Artillery Corps.

Q. M. Sergt. James Luke Frink, Troop H, Thirteenth Cavalry.

Sergt. John Burges Johnson, Company B, Hospital Corps.

Q. M. Sergt. Edmund Russell Andrews, One hundred and eighteenth Company, Coast Artillery Corps.

Master Gunner Spencer Montgomery Smith, Coast Artillery Corps.

Sergt. Joseph Albert Rogers, Company G, Ninth Infantry.

Sergt. Walter Richard Taliaferro, One hundred and tenth Company, Coast Artillery Corps.

Squadron Sergt. Maj. Henry John Damm, Third Cavalry.

Master Gunner Max Robert Wainer, Coast Artillery Corps.

Sergt. Emmett Wilbur Smith, Company I, Twenty-eight Infantry.

Sergt. Charles Thorpe Griffith, Troop H, Thirteenth Cavalry.

MEDICAL CORPS.

First Lieut. James Reagles, Medical Reserve Corps (since retired from active service), to be first lieutenant from September 9, 1908, vice Jean, retired from active service.

First Lieut. Francis A. Halliday, Medical Reserve Corps (since retired from active service), to be first lieutenant from September 9, 1908, vice Kirby-Smith, resigned.

First Lieut. William L. Hart, Medical Reserve Corps, to be first lieutenant from September 15, 1908, vice Chidester, resigned.

To be first lieutenants, with rank from June 13, 1908.

John Raymond Barber, of Oregon, vice Godfrey, deceased.

Joseph Arliss Worthington, of Arkansas, vice Newgarden, promoted.

Mahlon Ashford, of the District of Columbia, vice Williamson, resigned.

Edward Godfrey Huber, of Missouri, vice Edwards, resigned.

John Sioussa Lambie, jr., of Pennsylvania, vice Reilly, retired from active service.

Arthur Newman Tasker, of the District of Columbia, vice Straub, promoted.

Howard McCrum Snyder, of Wyoming, vice Stark, promoted.

Calvin Duvall Cowles, jr., at large, vice Lynch, promoted.

Garfield Lesley McKinney, of Pennsylvania, vice Kulp, promoted.

Hiram Alfred Phillips, of Kentucky, vice Munson, promoted.

To be first lieutenant, with rank from June 16, 1908.

Contract Surg. Samuel T. Weirick (since retired from active service), vice Roberts, retired from active service.

MEDICAL RESERVE CORPS.

To be first lieutenants, with rank from July 5, 1908.

Orlando Wood Sherwin, of Vermont.
Robert F. Weir, of New York.
Theodore Andrews McGraw, of Michigan.
Harry C. Yarrow, of the District of Columbia.
Walter S. Thorne, of California.
Frank Pierce Foster, of New York.
Edmond Souchon, of Louisiana.
Louis Favrot Reynaud, of Louisiana.
Reginald Heber Fitz, of Massachusetts.
Henry O. Walker, of Michigan.
Joseph D. Bryant, of New York.
John Allan Wyeth, of New York.
Francis Parker Kinnicutt, of New York.
James Cornelius Wilson, of Pennsylvania.
A. Alexander Smith, of New York.
Virgil Pendleton Gibney, of New York.
Frederick Cheever Shattuck, of Massachusetts.
Charles Beylard G. de Nancrede, of Michigan.
J. Henry Carstens, of Michigan.
Thomas Waterman Huntington, of California.
William Tillinghast Bull, of New York.
Frederic Sheppard Dennis, of New York.
J. William White, of Pennsylvania.
Myles Standish, of Massachusetts.
Victor Clarence Vaughan, of Michigan.
Robert Abbe, of New York.
Sanger Brown, of Illinois.
Roswell Park, of New York.
William Stewart Halsted, of Maryland.
George Henry Simmons, of Illinois.
William Thomas Councilman, of Massachusetts.
Frank Billings, of Illinois.
Alvah Hunt Doty, of New York.
Harry Mitchell Sherman, of California.
Samuel Jason Mixter, of Massachusetts.
Richard Hickman Harte, of Pennsylvania.
William M. Conant, of Massachusetts.
Carl Beck, of New York.
John H. Musser, of Pennsylvania.
Charles Sumner Bacon, of Illinois.
William Gilman Thompson, of New York.
Robert Tuttle Morris, of New York.
Harvey Gilmer Mudd, of Missouri.
John Benjamin Murphy, of Illinois.
Andrew J. McCosh, of New York.
John C. Munro, of Massachusetts.
Thomas Darlington, of New York.
George Edmund de Schweinitz, of Pennsylvania.
Paul Emile Archinard, of Louisiana.
Theobald Smith, of Massachusetts.
Edward Martin, of Pennsylvania.
Samuel Treat Armstrong, of New York.
Alexander Crever Abbott, of Maryland.
Samuel Lloyd, of New York.
Charles Locke Scudder, of Massachusetts.
Henry Baird Favill, of Illinois.
Rudolph Matas, of Louisiana.
Barton Cooke Hirst, of Pennsylvania.
Arthur D. Bevan, of Illinois.
Charles Williamson Richardson, of the District of Columbia.
Alexander Lambert, of New York.
William Bradley Coley, of New York.
Charles Bingham Penrose, of Pennsylvania.
Angus McLean, of Michigan.
Malcolm La Salle Harris, of Illinois.
Hobart Amory Hare, of Pennsylvania.
George David Stewart, of New York.
Simon Flexner, of New York.
John Miller Turpin Finney, of Maryland.
James G. Mumford, of Massachusetts.
Franklin Greene Balch, of Massachusetts.
William Sydney Thayer, of Maryland.
George W. Crile, of Ohio.
John Chalmers Da Costa, of Pennsylvania.
Emmet Rixford, of California.
Robert Grier Le Conte, of Pennsylvania.
Charles Gabriel Levison, of California.
Emil Otto Jellinek, of California.
Isadore Dyer, of Louisiana.
John Bapst Blake, of Massachusetts.
William Fitch Cheney, of California.
Lewis Atterbury Conner, of New York.
Farrar Cobb, of Massachusetts.
John G. Clark, of Pennsylvania.
Joseph Colt Bloodgood, of Maryland.
Herbert C. Moffitt, of California.
William Edward Schroeder, of Illinois.
Albert John Ochsner, of Illinois.
Albert Edward Halstead, of Illinois.
Richard Clarke Cabot, of Massachusetts.
Alfred Stengel, of Pennsylvania.
Wallace Irving Terry, of California.
William Henry Haskin, of New York.
Harvey Cushing, of Maryland.
David Linn Edsall, of Pennsylvania.
John Wilson Shiels, of California.
John Taylor Bottomley, of Massachusetts.
Frederic A. Washburn, of Massachusetts.
Charles Louis Mix, of Illinois.
Charles Harrison Frazier, of Pennsylvania.
John Heysham Gibbon, of Pennsylvania.
James Farnandis Mitchell, of the District of Columbia.
John Joseph Archinard, of Louisiana.
Walter Clarke Howe, of Massachusetts.
Bertram Francis Alden, of California.
Albert Joshua Houston, of California.
William Pepper, of Pennsylvania.
Francis Denison Patterson, of Pennsylvania.
David Cheever, of Massachusetts.

To be first lieutenants, with rank from July 7, 1908.

Contract Surg. William F. de Niedman, of Kansas.
Contract Surg. Leonard Knight Graves, of New York.
Contract Surg. Ira Christopher Brown, of New York.
Contract Surg. S. Chase de Krafft, of Maryland.
Contract Surg. Frederick Hadra, of Texas.
Contract Surg. John Robert Hereford, of Missouri.
Contract Surg. Albert H. Eber, of Michigan.
Contract Surg. Isaac Williams Brewer, of New York.
Contract Surg. Joseph Lipscomb Sanford, of Virginia.
Contract Surg. Charles Henry Stearns, of Missouri.
Contract Surg. George Sellers Wallace, of Pennsylvania.
Contract Surg. George Henry Richardson, of California.
Contract Surg. James K. Stockard, of North Carolina.
Contract Surg. Frank E. Artaud, of Louisiana.
Contract Surg. Waller Holladay Dade, of Kentucky.,
Contract Surg. William H. Tukey, of Maine.
Contract Surg. Wilson Murray, of Missouri.
Contract Surg. Clark Ingersoll Wertenbaker, of Ohio.
Contract Surg. Elmer Seth Tenney, of Massachusetts.
Contract Surg. James Stewart Kennedy, of Pennsylvania.
Contract Surg. Walter Whitney, of Georgia.
Contract Surg. Frederick Morgan Barney, of New York.
Contract Surg. Albert Leonard Miller, of Wisconsin.
Contract Surg. J. Marchal Wheate, of Idaho.
Contract Surg. Harold Leroy Coffin, of Washington.
Contract Surg. Frederick Hessler Sparrenberger, of New Jersey.
Contract Surg. Henry W. Eliot, of Connecticut.
Contract Surg. Francis Marion McCallum, of Kansas.
Contract Surg. George Washington Daywalt, of California.
Contract Surg. Thomas W. Jackson, of Pennsylvania.
Contract Surg. William O. Cutliffe, of New York.
Contract Surg. Michael Edward Hughes, of Massachusetts.
Contract Surg. Donald Paul McCord, of Missouri.
Contract Surg. Henry du Rest Phelan, of California.
Contract Surg. Luke Baker Peck, of Massachusetts.
Contract Surg. James Botterell Pascoe, at large.
Contract Surg. Thomas S. Lowe, of Pennsylvania.
Contract Surg. Ernest Kinloch Johnstone, of California.
Contract Surg. Julius Cæsar Le Hardy, of Georgia.
Contract Surg. Arthur Richard Jarrett, of New York.
Contract Surg. John Patrick Kelly, of Florida.
Contract Surg. Charles Everett MacDonald, of New York.
Contract Surg. James B. Ferguson, of Minnesota.
Contract Surg. Wallace Edgar Sabin, of Illinois.
Contract Surg. Jesse P. Truax, of Nebraska.
Contract Surg. J. Samuel White, of Pennsylvania.
Contract Surg. Thomas Gabriel Holmes, of Michigan.
Contract Surg. Victor Egbert Watkins, of the District of Columbia.
Contract Surg. Herbert Ira Harris, of New York.
Contract Surg. William Robert Sim George, of Texas.

Contract Surg. James William Hart, of West Virginia.
Contract Surg. Leonard Samuel Hughes, of Kentucky.
Contract Surg. Elias Hull Porter, of Ohio.
Contract Surg. George Newlove, of Pennsylvania.
Contract Surg. Edward Bailey, of Washington.
Contract Surg. James Christopher Dougherty, of New York.
Contract Surg. Charles Lee Baker, of West Virginia.
Contract Surg. H. Newton Kierulff, of California.
Contract Surg. Frederick Hubbell Mills, of New York.
Contract Surg. David Durward Hogan, of Wisconsin.
Contract Surg. Edwin Wambaugh Patterson, of the District of Columbia.
Contract Surg. John Findley Leeper, of Wyoming.
Contract Surg. Leonard Philip Bell, of Indiana.
Contract Surg. John Newton Merrick, of Ohio.
Contract Surg. Benjamin Beckham Warriner, of Virginia.
Contract Surg. William James Enders, of Pennsylvania.
Contract Surg. Thomas Benton McCown, of Missouri.
Contract Surg. Madison Harlan Bowman, of Kentucky.
Contract Surg. Harry Hill Van Kirk, of Ohio.
Contract Surg. Clarance Fitzhugh Dickenson, of California.
Contract Surg. Charles Wilson Johnson, of Illinois.
Contract Surg. Fred T. Koyle, of New York.
Contract Surg. Robert E. Sievers, at large.
Contract Surg. Wilmont E. Brown, of Ohio.
Contract Surg. Francis Marion Wall, of Indiana.
Contract Surg. Alpha M. Chase, of Colorado.
Contract Surg. Frank C. Griffis, of Ohio.
Contract Surg. Ernest Frederick Slater, of South Carolina.
Contract Surg. Francis Marion Wells, of Indiana.
Contract Surg. George Fitzpatrick Adair, of the District of Columbia.
Contract Surg. Clemens Wesley McMillan, of Texas.
Contract Surg. Clarence Albert Treuholtz, of California.
Contract Surg. George Ruben Clayton, of Iowa.
Contract Surg. James Kennedy Ashburn, of Ohio.
Contract Surg. Alva Rufus Hull, of Iowa.
Contract Surg. Oscar Franklin Davis, of Indiana.
Contract Surg. Rodney D. Smith, of Indiana.
Contract Surg. Wallace Ernest Parkman, of California.
Contract Surg. Preston S. Kellogg, of Michigan.
Contract Surg. Joseph Wooding Love, of Missouri.
Contract Surg. George Bass Tuttle, of Missouri.
Contract Surg. Samuel Alexander Springwater, of Illinois.
Contract Surg. Polk Duncan Brown, of Tennessee.
Contract Surg. Joseph Pinquard, of Kansas.
Contract Surg. Harrison Warder Stuckey, of Ohio.
Contract Surg. Everett Allen Anderson, of North Dakota.
Contract Surg. Marion Fraser Marvin, of Florida.
Contract Surg. Frederic Elmer Jenkins, of Maryland.
Contract Surg. John Michael Hewitt, of Pennsylvania.
Contract Surg. Ernest Eugene Roberts, of Iowa.
Contract Surg. Frank Suggs, of Arkansas.
Contract Surg. William Eugene Hall, of Missouri.
Contract Surg. James Rudolph Mount, of Kansas.
Contract Surg. Edgar James Farrow, of California.
Contract Surg. George B. Jones, of Indiana.
Contract Surg. Albion McDowell Coffey, of Missouri.
Contract Surg. W. Church Griswold, of New York.
Contract Surg. Herbert William Yemans, of New York.
Contract Surg. John MacIntosh Shepherd, of New York.
Contract Surg. Edward H. Jordan, of Colorado.
Contract Surg. Robert Lemmon, of Virginia.
Contract Surg. George Elliot Chamberlain, of Vermont.
Contract Surg. Luis G. de Quevedo, of Porto Rico.
Contract Surg. Thomas Carl Walker, of North Carolina.
Contract Surg. Henry C. Bierbower, of Pennsylvania.
Contract Surg. Oswald Frederick Henning, of Illinois.
Contract Surg. Hermon Erwin Hasseltine, of Vermont.
Contract Surg. George French Campbell, of Wyoming.
Contract Surg. William H. Myers, of Kentucky.
Contract Surg. Charles H. Halliday, of Illinois.
Contract Surg. Charles Travis Dulin, of Washington.
Contract Surg. Leon Carre Garcia, of Missouri.
Contract Surg. Samuel Brown McPheeters, of Missouri.
Contract Surg. Clarence Cameron Kress, at large.
Contract Surg. George Thomas Tyler, of New York.
Contract Surg. Charles W. Cullen, of Ohio.
Contract Surg. Daniel Warwick Harmon, of Virginia.
Contract Surg. George W. Cook, of Pennsylvania.
Contract Surg. Edgar Clyde Jones, of Ohio.
Contract Surg. George Philip Stallman, of New York.
Contract Surg. Fred J. Conzelmann, of New York.
Contract Surg. Herbert Cody Woolley, of New York.
Contract Surg. Edmund William Bayley, of Minnesota.
Contract Surg. Andrew Victor Stephenson, of Nebraska.
Contract Surg. Daniel Parker Card, of New York.
Contract Surg. Raphael John Wren, of Ohio.
Contract Surg. Sylvester Francis O'Day, of New York.
Contract Surg. Lee Roy Dunbar, of New York.
Contract Surg. George Trotter-Tyler, of Kentucky.
Contract Surg. Arthur C. Delacroix, of New York.
Contract Surg. Harlow Comstock McLeod, of New York.
Contract Surg. Henry Freeman Lincoln, of Missouri.
Contract Surg. William Hope Smith, of Texas.
Contract Surg. Herbert Lentz Freeland, of Illinois.
Contract Surg. Chauncey Leonard Chase, of Indiana.
Contract Surg. Arnold Dwight Tuttle, of New York.
Contract Surg. Charles Arthur Tetrault, of Massachusetts.
Contract Surg. Dayton Carroll Wiggin, of New Hampshire.
Contract Surg. William Meade Archer, jr., of Virginia.
Contract Surg. James Connallin Magee, of Pennsylvania.
Contract Surg. Elsworth Wilson, of Oklahoma.
Contract Surg. Howard Priest, of Pennsylvania.
Contract Surg. Percy G. Drake, of the District of Columbia.
Contract Surg. James I. Thorne, at large.
Contract Surg. Joseph Edward Bastion, of Massachusetts.
Contract Surg. Henry Reuben Weston, of Vermont.
Contract Surg. George Gorgas Craig, of Illinois.
Contract Surg. William Henry Pomeroy, of Massachusetts.
Contract Surg. Zotique Rousseau, of New York.
Contract Surg. Julian Augustus Mead, of Massachusetts.
Contract Surg. William Hull Ramsey, of Nebraska.
Contract Surg. Samuel C. Stanton, of Illinois.
Contract Surg. Carlisle F. Ferrin, of Connecticut.
William Richard Dear, of the District of Columbia.
Eben Clayton Hill, of Maryland.
Armin Mueller, of Wisconsin.
Rozier Clagett Bayly, of Virginia.

To be first lieutenants, with rank from September 14, 1908.

Henry Clay Coburn, of the District of Columbia.
John Brockenbrough Harvie Waring, of Virginia.
Charles Edward Doerr, of Ohio.
Frederick Starr Wright, of New York.
Ralph Harvard Goldthwaite, of Massachusetts.
Donald Miner, of New Jersey.
Robert William Kerr, of Rhode Island.
Norman Lincoln McDiarmid, of Ohio.
James Arthur Wilson, of Michigan.
Addison Dimmitt Davis, of South Dakota.
Corydon Goodrich Snow, of Illinois.
Morrison Clay Stayer, of Pennsylvania.
George Dawson Heath, jr., of South Carolina.
Richard Augustine Kearny, of Louisiana.
Alexander Dwight Parce, of Missouri.
Henry Fuller Philips, of Texas.
Thomas James Leary, of Pennsylvania.
William Stephens Shields, of Pennsylvania.
George Hudson McLellan, of Ohio.
Clarence Elmer Fronk, of Missouri.

To be first lieutenants, with rank from September 23, 1908.

Howard Andrew Knox, of Massachusetts.
Ralph Waldo Newton, of Massachusetts.
Nelson Walton Wilson, of New York.
Edgar Robinson McGuire, of New York.

To be first lieutenants, with rank from September 25, 1908.

James Clinton Ballard, of Mississippi.
James Edward Maloney, of New York.
Thomas Madden Foley, of the District of Columbia.

To be first lieutenants, with rank from September 29, 1908.

Joseph August Pargon, of Oregon.
Maurice Buchsbaum, of Oklahoma.

To be first lieutenants, with rank from September 30, 1908.

Frank Salter Nicholson, of Nebraska.
Charles D. W. Colby, of North Carolina.
Charles Allen Betts, of Washington.
Ziba Lindley Henry, of Ohio.
Walter Fundenberg Leech, of West Virginia.

To be first lieutenant, with rank from October 2, 1908.

James Andrew Egan, of Illinois.

To be first lieutenant, with rank from October 5, 1908.

Lester Winslow Lord, of New Hampshire.

To be first lieutenant, with rank from October 27, 1908.

William Ward Plummer, of New York.

To be first lieutenants, with rank from October 31, 1908.

Edmund Douglas Shortlidge, of Delaware.
Llewellyn Powell Williamson, of Missouri.
John Ryan Devereux, of the District of Columbia.
Walter Clifford Chidester, of Ohio.
Reynold Marvin Kirby-Smith, of Tennessee.
Samuel Ernest Lambert, of Alabama.
James Franklin Edwards, of Pennsylvania.
William Evans Richards, of Mississippi.
Edward Warwick Pinkham, of Massachusetts.
Clarence Beacom Millhoff, of Pennsylvania.
Howard Walter Beal, of Maine.
Jerome Stuart Chaffee, of New York.

CHAPLAINS.

To be chaplains with the rank of first lieutenant.

WITH RANK FROM JUNE 9, 1908.

Rev. Walter Kenyon Lloyd, of Arkansas, to fill an original vacancy.

Rev. Clinton Herby Snyder, of Ohio, to fill an original vacancy.

Rev. Frederick Lawrence Kunnecke, of Maryland, to fill an original vacancy.

Rev. Edward Russell Chase, of Maine, to fill an original vacancy.

Rev. Laurence Leo Denning, of Ohio, to fill an original vacancy.

Rev. Michael Gabriel Doran, of New York, to fill an original vacancy.

WITH RANK FROM JUNE 29, 1908.

Rev. Stephen Richard Wood, of California, vice Steward, Twenty-fifth Infantry, retired from active service.

WITH RANK FROM SEPTEMBER 22, 1908.

Rev. Stanley Clayton Ramsden, of New Jersey, vice Brockmann, Twenty-seventh Infantry, resigned.

CAVALRY ARM.

To be second lieutenants, with rank from September 25, 1908.

Herbert Hamlin White, of Idaho.
Chauncey St. Claire McNeill, of West Virginia.
John Pullman, of New York.
Frank Keet Ross, of Pennsylvania.
Herman Kobbé, of California.
John Ashley Warden, of Texas.
John Caffery Walker, jr., of Texas.
Victor McDowell Whitside, of the District of Columbia.

FIELD ARTILLERY.

To be second lieutenants, with rank from September 25, 1908.

Edward Postell King, jr., of Georgia.
Kenneth Sheild Perkins, of Virginia.
Robert George Kirkwood, of Illinois.
Harold Everett Marr, of Maine.
Joseph Wright Rumbough, of Virginia.
William McCleave, of Montana.
Allan Clay McBride, of Maryland.
Joe Reese Brabson, of Tennessee.
Leonard Craig Sparks, of Washington.
John Alden Crane, of Maryland.
Albert Kenny Craven Palmer, of Maine.
Frederick Almyron Prince, of Illinois.
Marshall Magruder, of the District of Columbia.
Truby Cheney Martin, of Kansas.
Wilbur Rogers, of Kansas.
Louis Roberts Dougherty, of California.
Samuel Roland Hopkins, of Maryland.
Frederick Warren Stewart, at large.
Joseph Taylor Clement, of Florida.

COAST ARTILLERY CORPS.

To be second lieutenants, with rank from June 9, 1908.

Robert Ross Welshimer, of Illinois, late midshipman, United States Navy.

William Whinery Hicks, of Alabama, late midshipman, United States Navy.

To be second lieutenants, with rank from July 1, 1908.

Eugene Bonfils Walker, of California, late midshipman, United States Navy.

To be second lieutenants, with rank from September 4, 1908.

Louis David Pepin, of Minnesota.
Karl F. Baldwin, of Ohio.
Charles Kleber Wing, jr., of North Dakota.
Robert Octavious Edwards, of Virginia.
Everett Martin Balcom, of New Hampshire.
Guy Agard Mix, of New York.

To be second lieutenants, with rank from September 25, 1908.

John Henry Pirie, of Texas.
George Rothwell Norton, of Massachusetts.
Eugene Reybold, of Delaware.
Wilmot Alfred Danielson, of Iowa.
Hugo Ernest Pitz, of Iowa.
Thomas Clair Cook, of Ohio.
Olin Harrington Longino, of Georgia.
Peter Hill Ottosen, of Iowa.
Edgar Hall Thompson, of Rhode Island.
Samuel Harvey McLeary, of Porto Rico.
John Norton Reynolds, of the District of Columbia.
Lewis Edward Goodier, jr., of New York.
Rufus Foote Maddux, of Kentucky.
Herbert Austin McCune, of Iowa.
Lincoln Beaumont Chambers, of Oregon.
Willis Craig Knight, of Washington.
John Robert Ellis, of Arkansas.
John Mather, of Connecticut.
Chester Raymond Snow, of New Jersey.
Robert Emmett Mason Goolrick, of Virginia.
Walter Putney Boatwright, of Virginia.
John Piper Smith, of Pennsylvania.
Harry Read Vaughan, of Georgia.
Abney Payne, of West Virginia.
Edwin Kennedy Smith, of Tennessee.
Clarence Talmage Marsh, of North Carolina.
John Blackwell Maynard, of Virginia.
Isaac Edwin Titus, of Ohio.
Jacob Frank, of Vermont.
Warren Reigle Bell, of Pennsylvania.
Arthur Griffith Campbell, of Virginia.
John Thomas Rowe, of Virginia.
Frederick Le Roy Martin, of Indiana.

To be second lieutenant, with rank from October 1, 1908.

Sergt. Harold Lincoln Gardiner, One hundred and ninth Company, Coast Artillery Corps.

INFANTRY ARM.

To be second lieutenant, with rank from June 9, 1908.

Alva Lee, of Wyoming, late midshipman, United States Navy.

To be second lieutenants, with rank from September 4, 1908.

Robert Henry Willis, jr., of South Carolina.
Charles Elting Coates, of Pennsylvania.

To be second lieutenants, with rank from September 25, 1908.

Martin Conrad Shallenberger, of Nebraska.
William Baldridge Loughborough, at large.
James Wallace Peyton, of Virginia.
Oral Eugene Clark, of Michigan.
Robert Coker, of Massachusetts.
Marcel Selby Keene, of Maryland.
William Ferguson Hoey, jr., of Delaware.
John Hale Stutesman, of Indiana.
William Willis Boddie, of North Carolina.
William Gladstone Langwill, of Iowa.
James Anthony Sarratt, of South Carolina.
Frank Melvin Kennedy, of Illinois.
John Thomas Harris, of West Virginia.
Albert Sidney Johnston Tucker, of Virginia.
Marion Ogilvie French, of New York.
George William Carlyle Whiting, of Virginia.
George Robbins Simpson, of Virginia.
Charles Winslow Elliott, of Minnesota.
James Douglas Rivet, of Massachusetts.
George Richard Koehler, of New Jersey.
James Alfred Merritt, of Maryland.
Oliver Seth Wood, of Arkansas.
Alexander Warner Cleary, of New York.
Allen Mitchell Burdett, of Georgia.
Herbert Clarence Fooks, of Maryland.
John Register Emory, jr., of Virginia.
Jacob Herman Rudolph, of Wisconsin.
Elbe Allen Lathrop, of Minnesota.
Raymond Ceward Baird, of Iowa.
Matthew Addison Palen, of California.

PROMOTION IN THE NAVY.

Rear-Admiral Newton E. Mason, U. S. Navy, to be chief of the Bureau of Ordnance in the Department of the Navy, with the rank of rear-admiral, for a term of four years from January 9, 1909.

POSTMASTERS.

CALIFORNIA.

John M. Jolley to be postmaster at Oceanside, Cal.
James G. Mason to be postmaster at Menlo Park, Cal.
Oscar L. Meek to be postmaster at Marysville, Cal.
Esther Murphy to be postmaster at Alhambra, Cal.
Frederick B. Nichols to be postmaster at McCloud, Cal.
Nellie Pellet to be postmaster at Brawley, Cal.
J. H. Williams to be postmaster at Compton, Cal.

CONNECTICUT.

John W. Cook to be postmaster at Beacon Falls, Conn.
Alexander B. Gardner to be postmaster at Milford, Conn.
Harvey S. Halligan to be postmaster at Seymour, Conn.
Nelson R. Jessup to be postmaster at Stamford, Conn.
William L. Judson to be postmaster at Woodbury, Conn.
William H. Kelsey to be postmaster at Clinton, Conn.
Giles P. Lecrenier to be postmaster at Moodus, Conn.
Charles H. Taylor to be postmaster at Georgetown, Conn.

ILLINOIS.

John F. Ashwill to be postmaster at Toledo, Ill.
Henry C. Bogue to be postmaster at Vermont, Ill.
Theodore Boltenstern to be postmaster at Cambridge, Ill.
Orange L. Campbell to be postmaster at Knoxville, Ill.
Frank J. Chapman to be postmaster at McLeansboro, Ill.
Albert S. Corl to be postmaster at North Crystal Lake, Ill. (late Munda).
Joel W. Ellis to be postmaster at Seneca, Ill.
John Holliday to be postmaster at Kirkwood, Ill.
Henry C. Jones to be postmaster at Marion, Ill.
William A. Kelly to be postmaster at West Frankfort, Ill.
Warren J. Lincoln to be postmaster at Mount Pulaski, Ill.
Robert L. Lutton to be postmaster at Clifton, Ill.
Henry P. Miller to be postmaster at Cobden, Ill.
Robert J. Morray to be postmaster at Creal Springs, Ill.
Edgar Rodee to be postmaster at Prophetstown, Ill.
Fred W. Pattee to be postmaster at Elburn, Ill.
Paul P. Shutt to be postmaster at Paris, Ill.
Frederick J. Simater to be postmaster at Minonk, Ill.
William L. Spear to be postmaster at Rankin, Ill.
J. W. Thompson to be postmaster at Granite City, Ill.
Charles G. Watrous to be postmaster at Waukegan, Ill.

IOWA.

Martin A. Aasgaard to be postmaster at Lake Mills, Iowa.
Carlos G. Aldrich to be postmaster at Schaller, Iowa.
George Banger to be postmaster at Laporte City, Iowa.
Charles O. Barry to be postmaster at Walker, Iowa.
Edgar O. Beanblossom to be postmaster at Whiting, Iowa.
Dennis Bittner to be postmaster at Olin, Iowa.
William L. Comstock to be postmaster at Mechanicsville, Iowa.
Hans Evenson to be postmaster at Calmar, Iowa.
Fred J. Fearis to be postmaster at Richland, Iowa.
John H. Hunt to be postmaster at Allison, Iowa.
J. E. T. Johnson to be postmaster at Gowrie, Iowa.
Louis N. Kramer to be postmaster at McGregor, Iowa.
Frank J. Mann to be postmaster at Burt, Iowa.
John C. Meredith to be postmaster at Allerton, Iowa.
A. W. Sleeper to be postmaster at Sheldon, Iowa.
Lewis W. Sley to be postmaster at Oxford Junction, Iowa.
Charles Smith to be postmaster at Clarence, Iowa.
Charles M. Stevens to be postmaster at Williams, Iowa.
L. H. Surber to be postmaster at Indianola, Iowa.
Frank J. Tishenbanner to be postmaster at Gilmore City, Iowa.
W. H. Vance to be postmaster at Winterset, Iowa.

KENTUCKY.

Charles Cowell to be postmaster at Earlington, Ky.
H. G. Hicks to be postmaster at Olive Hill, Ky.
John D. Littlejohn to be postmaster at Grayson, Ky.
John W. Shields to be postmaster at Williamstown, Ky.

MAINE.

Edward B. Buck to be postmaster at Foxcroft, Me.
Freeman D. Dearth to be postmaster at Dexter, Me.
Charles B. Haskell to be postmaster at Pittsfield, Me.
Charles A. Lang to be postmaster at Harrison, Me.
Frank W. Mallett to be postmaster at Fort Kent, Me.
Charles F. Plumly to be postmaster at Lincoln, Me.

MASSACHUSETTS.

Samuel Atwell to be postmaster at Kingston, Mass.
James S. Burbank to be postmaster at Mattapoisett, Mass.
Eunice Agnes Burtch to be postmaster at Sheffield, Mass.
Asa B. Fay to be postmaster at Northboro, Mass.
Harrison V. Hall to be postmaster at Wrentham, Mass.
George E. Ricker to be postmaster at Merrimac, Mass.
Joseph C. Sheehan to be postmaster at East Bridgewater, Mass.
Charles J. Shepard to be postmaster at Waltham, Mass.
Osgood L. Small to be postmaster at Sagamore, Mass.
George M. Solomon to be postmaster at Hinsdale, Mass.
Elmer Standley to be postmaster at Beverly Farms, Mass.
Marie E. White to be postmaster at South Hadley, Mass.
William F. Wiley to be postmaster at Peabody, Mass.

MICHIGAN.

Eber S. Andrews to be postmaster at Williamston, Mich.
Stuart Beatty to be postmaster at Utica, Mich.
Thomas H. Berryman to be postmaster at Mohawk, Mich.
Charles M. Butler to be postmaster at Morenci, Mich.
Theron D. Childs to be postmaster at Three Oaks, Mich.
David J. Evans to be postmaster at Millington, Mich.
Charles W. Glover to be postmaster at Bear Lake, Mich.
Jens Hemingsen to be postmaster at Grant, Mich.
A. M. Humphrey to be postmaster at Saline, Mich.
William F. Johnston to be postmaster at Roscommon, Mich.
Christopher C. Smith to be postmaster at Algonac, Mich.
William Trevarthen to be postmaster at South Range, Mich.

MINNESOTA.

Marion G. Crawford to be postmaster at Lakefield, Minn.
F. E. Toomey to be postmaster at Scanlon, Minn.
James Walker to be postmaster at Ellsworth, Minn.

MISSOURI.

Henry A. Herkstroeter to be postmaster at Washington, Mo.
John W. Key to be postmaster at Mountain Grove, Mo.
Iola W. Morsey to be postmaster at Warrenton, Mo.
William F. Norris to be postmaster at Perry, Mo.
George Stoolfer to be postmaster at Skidmore, Mo.
James A. Williams to be postmaster at Crane, Mo.
Edwin W. Pritchett to be postmaster at Martinsburg, Mo.

NEVADA.

Herbert Badt to be postmaster at Wells, Nev.
Jessie E. Burnett to be postmaster at McGill (late Smelter), Nev.
George C. Fetterman to be postmaster at Caliente, Nev.
Fred L. Littell to be postmaster at Yerington, Nev.

NEW HAMPSHIRE.

Joseph H. Avery to be postmaster at Milton, N. H.
E. Bertram Pike to be postmaster at Pike, N. H.

NEW MEXICO.

Robert Kellahin to be postmaster at Roswell, N. Mex.
Ira O. Wetmore to be postmaster at Carrizozo, N. Mex.

OREGON.

John E. Loggan to be postmaster at Burns, Oreg.
Land B. Rutherford to be postmaster at Rainier, Oreg.
Ben Weathers to be postmaster at Enterprise, Oreg.

RHODE ISLAND.

Nathaniel H. Brown to be postmaster at East Greenwich, R. I.
Hulda J. Fessenden to be postmaster at Saylesville, R. I.
Edward W. Jones to be postmaster at River Point, R. I.

VERMONT.

Lyman P. Bailey to be postmaster at Putney, Vt.

VIRGINIA.

William S. Gregory, jr., to be postmaster at Drakes Branch, Va.
Frederick I. Hanmer to be postmaster at Keysville, Va.
R. L. Hervey to be postmatser at Chase City, Va.
Frank D. Lumpkin to be postmaster at Danville, Va.
Harry A. Sager to be postmaster at Herndon, Va.
E. T. Sproles to be postmaster at Clinchport, Va.
B. P. Wall to be postmaster at Pine Beach, Va.

WEST VIRGINIA.

J. W. Edwards to be postmaster at Welch, W. Va.

WISCONSIN.

Altie B. Barnard to be postmaster at Redgranite, Wis.
Fred A. Brandt to be postmaster at Sparta, Wis.
John L. Extrom to be postmaster at Tomahawk, Wis.
Isa Faulds to be postmaster at Arcadia, Wis.
Ray Haggerty to be postmaster at Park Falls, Wis.
Robert Johnson to be postmaster at Mellen, Wis.
Asenath A. Kasson to be postmaster at Mattoon, Wis.
George E. King to be postmaster at Winneconne, Wis.
William Knelling to be postmaster at Shullsburg, Wis.
Judson L. Marvin to be postmaster at Mauston, Wis.
Thomas Stout, jr., to be postmaster at Clear Lake, Wis.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 14, 1908.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of Saturday was read and approved.

HOLIDAY RECESS.

Mr. PAYNE. Mr. Speaker, I offer the following resolution.

The SPEAKER. The gentleman from New York offers a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, December 19, they stand adjourned until 12 o'clock m., Monday, January 4, 1909.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

CONSPIRACY AGAINST ALIENS.

Mr. PAYNE. Mr. Speaker, a parliamentary inquiry. I desire to inquire if the matter pending on Saturday is in order now?

The SPEAKER. It is unfinished business and in order.

Mr. PAYNE. Mr. Speaker, I move that it lie on the table.

The SPEAKER. The gentleman from New York moves that the appeal taken by the gentleman from Missouri [Mr. DE ARMOND] to the ruling of the Chair do lie on the table.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. DE ARMOND. Division, Mr. Speaker.

The House divided; and there were—ayes 117, noes 87.

Mr. DE ARMOND. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 170, nays 98, answered "present" 12, not voting 110, as follows:

YEAS—170.

Acheson	Ellis, Mo.	Kahn	Parker
Allen	Ellis, Oreg.	Keifer	Parsons
Ames	Englebright	Kennedy, Iowa	Payne
Anthony	Esch	Kennedy, Ohio	Pearre
Bannon	Fassett	Kinkaid	Perkins
Barchfeld	Foss	Kitchin, Claude	Pollard
Bartlett, Ga.	Foster, Ind.	Knapp	Pray
Bates	Foster, Vt.	Knopf	Reid
Beale, Pa.	Foulkrod	Knowland	Reynolds
Bede	French	Küstermann	Roberts
Bingham	Fuller	Langley	Rodenberg
Birdsall	Gaines, W. Va.	Lawrence	Russell, Tex.
Bonynge	Gardner, Mass.	Lindbergh	Scott
Boutell	Garner	Longworth	Sherley
Bradley	Gilhams	Loud	Slemp
Brownlow	Gillett	Loudenslager	Smith, Cal.
Burke	Goebel	Lovering	Smith, Iowa
Burton, Del.	Graham	Lowden	Smith, Mich.
Butler	Greene	McCall	Southwick
Calderhead	Gronna	McCreary	Sperry
Campbell	Guernsey	McGavin	Stafford
Capron	Haggott	McGuire	Stevens, Minn.
Caulfield	Hamilton, Mich.	McKinlay, Cal.	Sturgiss
Chaney	Hammond	McKinley, Ill.	Sulloway
Chapman	Harding	McKinney	Swasey
Cole	Haskins	McLachlan, Cal.	Tawney
Cook, Colo.	Haugen	McLaughlin, Mich.	Taylor, Ohio
Cooper, Pa.	Hawley	McMorran	Thistlewood
Cooper, Wis.	Hayes	Macon	Thomas, Ohio
Crumpacker	Henry, Conn.	Madison	Tirrell
Currier	Hepburn	Mann	Townsend
Cushman	Higgins	Marshall	Volstead
Dalzell	Holliday	Martin	Washburn
Darragh	Howell, N. J.	Moon, Pa.	Webb
Davidson	Howland	Moon, Tenn.	Weeks
Davis, Minn.	Hubbard, Iowa	Moore, Pa.	Weems
Dawson	Hubbard, W. Va.	Morse	Wheeler
Denby	Hull, Iowa	Murdock	Williams
Douglas	Humphrey, Wash.	Nelson	Wilson, Ill.
Draper	Humphreys, Miss.	Nye	Woodyard
Driscoll	James, Addison D.	Olcott	Young
Durey	Jenkins	Overstreet	
Edwards, Ky.	Jones, Wash.	Padgett	

NAYS—98.

Adair	De Armond	Hamlin	Lever
Ansberry	Denver	Hardwick	Livingston
Ashbrook	Dixon	Hardy	Lloyd
Barnhart	Ellerbe	Harrison	McDermott
Bartlett, Nev.	Estopinal	Hay	Maynard
Bell, Ga.	Ferris	Heflin	Moore, Tex.
Booher	Finley	Helm	Murphy
Brodhead	Fitzgerald	Henry, Tex.	Nicholls
Broussard	Floyd	Hobson	Page
Brundidge	Foster, Ill.	Houston	Patterson
Caldwell	Fulton	Hughes, N. J.	Peters
Candler	Gaines, Tenn.	James, Ollie M.	Pujo
Carlin	Garrett	Johnson, S. C.	Rainey
Carter	Gillespie	Jones, Va.	Randell, Tex.
Clark, Mo.	Godwin	Kipp	Rauch
Cox, Ind.	Gordon	Kitchin, Wm. W.	Richardson
Craig	Goulden	Lamb	Robinson
Cravens	Hackney	Lassiter	Rothermel
Davenport	Hamilton, Iowa	Lenahan	Rucker
Russell, Mo.	Sherwood	Stanley	Wallace
Ryan	Sims	Stephens, Tex.	Watkins
Sabath	Slayden	Taylor, Ala.	Weisse
Saunders	Smith, Mo.	Thomas, N. C.	Wilson, Pa.
Shackleford	Smith, Tex.	Tou Velle	
Sheppard	Sparkman	Underwood	

ANSWERED "PRESENT"—12.

Adamson	Brantley	Howard	Lee
Alexander, Mo.	Clayton	Hull, Tenn.	Sherman
Bennet, N. Y.	Glass	Kimball	Talbott

NOT VOTING—110.

Aiken	Davey, La.	Hitchcock	Needham
Alexander, N. Y.	Dawes	Howell, Utah	Norris
Andrus	Diekema	Huff	O'Connell
Barclay	Dwight	Hughes, W. Va.	Olmsted
Bartholdt	Edwards, Ga.	Jackson	Porter
Beall, Tex.	Fairchild	Johnson, Ky.	Pou
Bennett, Ky.	Favrot	Kelliher	Pratt
Bowers	Flood	Lafean	Prince
Boyd	Focht	Lamar, Fla.	Ransdell, La.
Brumm	Foelker	Lamar, Mo.	Reeder
Burgess	Fordney	Landis	Rhinock
Burleigh	Fornes	Laning	Riordan
Burleson	Fowler	Law	Small
Burnett	Gardner, Mich.	Leake	Snapp
Burton, Ohio	Gardner, N. J.	Legare	Spight
Byrd	Gill	Lewis	Steenerson
Calder	Goldfogle	Lilley	Sterling
Cary	Graff	Lindsay	Sulzer
Cassel	Granger	Lorimer	Vreeland
Clark, Fla.	Gregg	McHenry	Waldo
Cockran	Griggs	McLain	Wanger
Cocks, N. Y.	Hackett	McMillan	Watson
Conner	Hale	Madden	Wiley
Cook, Pa.	Hall	Malby	Willett
Cooper, Tex.	Hamill	Miller	Wolf
Coudrey	Hill, Conn.	Mondell	Wood
Cousins	Hill, Miss.	Mouser	
Crawford	Hinshaw	Mudd	

So the appeal was laid on the table.

The following pairs were announced:

For this session:

Mr. WANGER with Mr. ADAMSON.

Mr. BENNET of New York with Mr. FORNES.

Mr. SHERMAN with Mr. RIORDAN.

Until further notice:

Mr. PORTER with Mr. AIKEN.

Mr. ALEXANDER of New York with Mr. BEALL of Texas.

Mr. ANDRUS with Mr. ALEXANDER of Missouri.

Mr. BURTON of Ohio with Mr. BURGESS.

Mr. DWIGHT with Mr. BURNETT.

Mr. COCKS of New York with Mr. BYRD.

Mr. DAWES with Mr. COCKRAN.

Mr. FOCHT with Mr. COOPER of Texas.

Mr. FORDNEY with Mr. CRAWFORD.

Mr. GARDNER of New Jersey with Mr. DAVEY of Louisiana.

Mr. GRAFF with Mr. FLOOD.

Mr. HALE with Mr. GILL.

Mr. HILL of Connecticut with Mr. GRANGER.

Mr. HINSHAW with Mr. GLASS.

Mr. HOWELL of Utah with Mr. GREGG.

Mr. HUGHES of West Virginia with Mr. HACKETT.

Mr. LAFEAN with Mr. HAMILL.

Mr. LANDIS with Mr. HITCHCOCK.

Mr. LANING with Mr. JOHNSON of Kentucky.

Mr. MCMILLAN with Mr. KELIHER.

Mr. MADDEN with Mr. LEAKE.

Mr. MALBY with Mr. LEWIS.

Mr. MILLER with Mr. KIMBALL.

Mr. MONDELL with Mr. LINDSAY.

Mr. MOUSER with Mr. MCLAIN.

Mr. NEEDHAM with Mr. O'CONNELL.

Mr. NORRIS with Mr. LEE.

Mr. OLMSTED with Mr. POU.

Mr. PRINCE with Mr. PRATT.

Mr. REEDER with Mr. RANSDELL of Louisiana.

Mr. SNAPP with Mr. RHINOCK.

Mr. STEENERSON with Mr. SMALL.

Mr. STERLING with Mr. SPIGHT.

Mr. VREELAND with Mr. SULZER.

Mr. WATSON with Mr. WILLETT.

Mr. FOELKER with Mr. WILEY.

Mr. HALL with Mr. WOLF.

Mr. GARDNER of Michigan with Mr. BOWERS.

Mr. BARTHOLDT with Mr. GOLDFOGLE.

Mr. COUSINS with Mr. HOWARD.

Mr. CALDER with Mr. FAVROT.

Mr. COOK of Pennsylvania with Mr. HULL of Tennessee.

Mr. COUDREY with Mr. GRIGGS.

Mr. DIEKEMA with Mr. CLARK of Florida.

Mr. FAIRCHILD with Mr. LAMAR of Florida.

Mr. CONNER with Mr. LEGARE.

Mr. BURLEIGH with Mr. BRANTLEY.
Mr. MUDD with Mr. TALBOTT.
Mr. HUFF with Mr. CLAYTON.
For the balance of the day:
Mr. LORIMER with Mr. HILL of Mississippi.
Mr. LAW with Mr. LAMAR of Missouri.
Mr. WALDO with Mr. MCHENRY.
Mr. CARY with Mr. EDWARDS of Georgia.
The result of the vote was then announced as above recorded.

Mr. KEIFER. Mr. Speaker, I ask unanimous consent to be allowed to print in the RECORD some remarks, less than ten minutes in length of delivery, on this question which is just laid on that table.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

DEALING IN FUTURES.

Mr. HENRY of Texas. Mr. Speaker, I desire to renew the request I made the other day for a change of reference of a bill. It is the bill (H. R. 22338) to prohibit dealing in future contracts on agricultural products by forbidding the use of mail and interstate commerce facilities and to prevent sending fictitious prices made on exchanges. I made this request the other day, and the gentleman from Nebraska [Mr. POLLARD] asked me to let it go over. This is a very important matter, and last session, my recollection is, it was referred to the Committee on the Judiciary. I have made a few mere verbal changes, adding a new section as well, and I desire that the reference of this bill be changed from the Committee on Agriculture to the Committee on the Judiciary.

The SPEAKER. The gentleman asks unanimous consent for change of reference of the bill indicated from the Committee on Agriculture to the Committee on the Judiciary.

Mr. POLLARD. Mr. Speaker, since the gentleman called the bill up the other day I have taken occasion to look over the files of our committee, and I find the Committee on Agriculture has four or five bills dealing with this same subject, and in view of that fact and the further fact, as I am informed by the chairman of the committee, that the Committee on Agriculture expects to take up this question and have hearings on the merits of the proposition, I am inclined to object.

Mr. HENRY of Texas. Now, if the gentleman will withhold his objection just a minute, and will give me assurance that there shall be hearings on this bill and kindred measures during this session, or some time, I have no objection to letting it go. All I am anxious for is that there shall be hearings on the subject-matter of the legislation.

The SPEAKER. The gentleman from Nebraska objects.

RESIGNATION OF COMMITTEE ASSIGNMENTS.

The SPEAKER laid before the House the following personal requests:

Mr. HIGGINS asks to be excused from further service on the Committee on Industrial Arts and Expositions.

HOUSE OF REPRESENTATIVES,
Washington, December 14, 1908.

To the Speaker of the House of Representatives:

I hereby resign from the Committee on Naval Affairs.
I have the honor to be,
Yours, respectfully, W. W. KITCHIN.

HOUSE OF REPRESENTATIVES,
Washington, December 14, 1908.

To the Speaker of the House of Representatives:

I hereby tender my resignation as a member of the Committees on Indian Affairs and on Elections No. 3.
I have the honor to be,
Respectfully, yours, CLAUDE KITCHIN.

The SPEAKER. Without objection these gentlemen are excused from further service on those committees.

COMMITTEE ASSIGNMENTS.

The SPEAKER. The Chair announces the following committee assignments.

The Clerk read as follows:

Mr. CASSELL, Committee on Accounts and Committee on Militia.
Mr. GUERNSEY, Committee on Banking and Currency and Committee on the Territories.
Mr. SWASEY, Committee on the Merchant Marine and Fisheries and Committee on Revision of Laws.
Mr. FOELKER Committee on the Census and Committee on Election of President, Vice-President, and Representatives in Congress.
Mr. MARTIN, Committee on Industrial Arts and Expositions.
Mr. WATSON, Committee on the Territories.
Mr. CLAUDE KITCHIN, Committee on Naval Affairs.
Mr. WILEY, Committee on Military Affairs and Committee on Militia.

AFFAIRS IN THE TERRITORIES.

The SPEAKER laid before the House the bill (H. R. 21957) relating to affairs in the Territories, with sundry Senate amendments.

Mr. HAMILTON of Michigan. Mr. Speaker, I move that the House disagree to the Senate amendments, and ask for a conference.

The motion was agreed to.

The Chair appointed as conferees on the part of the House Mr. HAMILTON of Michigan, Mr. CAPRON, and Mr. LLOYD.

EXPENDITURES UNDER THE DEPARTMENT OF STATE.

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with accompanying papers, referred to the Committee on Expenditures in the State Department and ordered to be printed:

To the House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, of expenditures under the Department of State for the fiscal year ended June 30, 1908, as required by law.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 14, 1908.*

REPORT OF THE SECRETARY OF AGRICULTURE.

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with accompanying papers, referred to the Committee on Agriculture and ordered printed.

To the Senate and House of Representatives:

I transmit herewith the annual report of the Secretary of Agriculture covering the operations of the department for the year 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 14, 1908.*

THE BERNE COPYRIGHT CONVENTION.

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with accompanying papers, referred to the Committee on Patents and ordered printed.

To the Senate and House of Representatives:

I transmit herewith for the information of Congress a copy of the report by the register of copyrights of the Library of Congress on the proceedings of the International Congress for the Revision of the Berne Copyright Convention, held at Berlin, Germany, from October 14 to November 14, 1908, which Congress he attended as the delegate of the United States.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 14, 1908.*

AFFAIRS IN PORTO RICO.

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with accompanying papers, referred to the Committee on Insular Affairs and ordered printed.

To the Senate and House of Representatives:

I transmit herewith a report from Mr. Robert Bacon, Assistant Secretary of State, and Maj. Frank McIntyre, U. S. Army, of their mission to Porto Rico, under my oral instructions, to meet with representatives of the insular government of Porto Rico and of the Roman Catholic Church in that island with a view to reaching some equitable settlement of the questions pending between that church on the one hand and the United States and the people of Porto Rico on the other.

The nature of these questions and the conditions of the controversy at the time of the meeting of the commission at San Juan are fully and clearly stated in the report, as is the basis for an equitable and complete settlement of all the questions in controversy unanimously agreed on by the members of the commission in a memorandum signed on August 12, 1908.

It will be seen that under the terms of this memorandum the United States is to pay to the Roman Catholic Church in Porto Rico the sum of $120,000 in full settlement of all claims of every nature whatsoever relative to the properties claimed by the church which are now in the possession of the United States and which are defined in the report.

The properties specifically in question form part of the land reserved for military purposes in San Juan and are now occupied by United States troops. I am informed that they are well suited to such purposes, and that to provide for the garrison of San Juan elsewhere would require the expenditure of many times the sum involved in the proposed settlement.

This basis of agreement has received my entire approval, and I trust that the Congress will see the great importance of the matter and will, at its present session, pass such legislation as is necessary to give the basis of the agreement effect on the part of the United States.

The legislative assembly of Porto Rico has already, by a joint resolution approved September 16, 1908, ratified the basis of agreement recommended by the commissioners in so far as it affects that government, and enacted the necessary legislation to make it effective.

THEODORE ROOSEVELT.

MILITARY EDUCATION IN CIVIL INSTITUTIONS.

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with accompanying papers, referred to the Committee on Military Affairs and ordered printed.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of War submitting draft of a bill to promote military education in civil institutions of learning in the United States. I approve the recommendation of the Secretary of War and ask for its favorable consideration by the Congress.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 14, 1908.*

PROMOTION OF RIFLE PRACTICE IN PUBLIC SCHOOLS, ETC.

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Military Affairs and ordered printed.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of War submitting draft of a bill to promote rifle practice in public schools, colleges, universities, and civilian rifle clubs. I approve the recommendation of the Secretary of War and ask for its favorable consideration by the Congress.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 14, 1908.*

INTERNATIONAL TELEGRAPHIC UNION.

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Affairs and ordered printed.

To the Senate and House of Representatives:

I transmit to the Congress as a matter of public interest a copy of the report of the American delegates to the tenth conference of the International Telegraphic Union, which opened at the city of Lisbon, Portugal, on May 4, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 14, 1908.*

DISTRICT OF COLUMBIA BUSINESS.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of District business.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of District of Columbia business, with Mr. TOWNSEND in the chair.

TOBACCO LICENSE, DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 16066) providing for the payment of an annual license tax by dealers in all forms of manufactured tobacco in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That an annual license tax of $12 is hereby imposed upon dealers in cigars, smoking or chewing tobacco, cigarettes, or any form of manufactured tobacco, the license year to begin November 1 and to terminate October 31 in each year.

Mr. SMITH of Michigan. Mr. Chairman, the report is so short and so fully explains the bill that I ask to have it read.

The report (by Mr. TAYLOR of Ohio) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 16066) providing for the payment of an annual license tax by dealers in all forms of manufactured tobacco in the District of Columbia, report the same back to the House with the recommendation that it do pass.

The license law now in force, found in paragraph 46 of section 7 of the act approved July 1, 1902, provides for an annual license tax of $12 on "cigar dealers" only. The proposed legislation is intended to extend the same provision to dealers in "smoking or chewing tobacco, cigarettes, or any form of manufactured tobacco." This is the only change proposed in the law.

The bill as reported has the approval of the Commissioners of the District of Columbia, who ask for its passage, as appears by the following letter:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 28, 1908.

SIR: The Commissioners of the District of Columbia have the honor to transmit herewith a draft of a bill entitled "A bill providing for the payment of an annual license tax by dealers in all forms of manufactured tobacco in the District of Columbia," and recommend its early enactment.

The object of this bill is to extend the scope of liability for license tax to sell manufactured tobacco to dealers in all forms of that product. At present the license tax for tobacco selling is restricted to "cigar dealers," the annual charge for which is $12, as reiterated in the proposed measure herewith submitted.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. S. W. SMITH,
Chairman Committee on District of Columbia,
House of Representatives.

Mr. SMITH of Michigan. Mr. Chairman, unless there is some question, I ask for a vote.

Mr. MANN. Will the gentleman yield for a question?

Mr. SMITH of Michigan. I yield to the gentleman.

Mr. MANN. Have the committee considered the proposition of charging a higher license tax upon cigarette dealers than is charged upon cigar and other tobacco dealers?

Mr. SMITH of Michigan. I do not know that they specifically took that under consideration.

Mr. MANN. Of course the gentleman is aware that in some States of the Union the sale of cigarettes is absolutely prohibited, and in nearly all or many of the States and municipalities a high license tax is charged for the selling of cigarettes. Now, here is a proposition to make it $1 a month for the privilege of selling coffin nails.

Mr. SMITH of Michigan. That is $12 a year higher than it was before.

Mr. MANN. That may be, but the subject is up.

Mr. SMITH of Michigan. Yes.

Mr. MANN. Why should it not be a great deal more than $12 a year? It ought to be not less than $12 a month. Every little establishment in Washington sells cigarettes and will under this.

Mr. WILSON of Illinois. Will the gentleman yield for a question?

Mr. SMITH of Michigan. Yes.

Mr. WILSON of Illinois. Have you ever considered the prohibition of the sale of cigarettes in the District of Columbia?

Mr. SMITH of Michigan. The District Committee have not considered it of late. At least the question has not been before us in that form.

Mr. WILSON of Illinois. Do not you think it would be a good idea for the committee to do that?

Mr. SMITH of Michigan. I have no doubt they would consider it if somebody would introduce a bill and bring it before us for consideration.

Mr. DAWSON. May I ask the gentleman a question?

Mr. SMITH of Michigan. Yes.

Mr. DAWSON. Is there any limitation as to the sale of cigarettes to minors, or boys under age, in the District of Columbia?

Mr. SMITH of Michigan. I do not recall the exact words of the statute at the moment, but I think there is such a provision. We can look it up and see.

Mr. MANN. Mr. Chairman, I move to strike out, in line 5, the word "cigarette" in order that I may offer another amendment, increasing the license tax upon cigarette dealers.

The CHAIRMAN. The Clerk will report the proposed amendment.

The Clerk read as follows:

In line 5, strike out the word "cigarettes."

The question was taken on the amendment, and the Chairman announced that the noes appeared to have it.

Mr. MANN. Division!

Pending the division,

Mr. BARTLETT of Georgia. May I ask the gentleman from Illinois why cigarette dealers should be exempted from paying this license?

Mr. MANN. The gentleman has evidently just come in. I stated that the proposition was to strike out, for the purpose of offering an amendment charging a higher license on cigarette dealers.

Mr. BARTLETT of Georgia. I did not hear the gentleman's statement. That is the reason I want to know. The gentleman proposes to make the license higher?

Mr. MANN. I propose to offer an amendment to make it much higher in case this amendment prevails.

Mr. BARTLETT of Georgia. I want to vote for that amendment if the gentleman will offer it.

Mr. MANN. Certainly.

Mr. CLARK of Missouri. Suppose you strike this out and then the committee votes down your amendment, where will you be?

Mr. DOUGLAS. No better off than we are now.

Mr. CLARK of Missouri. Why not offer an amendment combining the two propositions?

Mr. MANN. I am perfectly willing to do that. I ask leave to withdraw my amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. MANN. And at the end of the bill as now printed I offer an amendment, which I ask the Clerk to report.

The Clerk read as follows:

Insert after line 7, on page 1, the following:

"That an annual license tax of $100 is hereby imposed upon dealers in cigarettes, the license year to begin November 1 and to terminate October 31 in each year."

Mr. CLARK of Missouri. Mr. Chairman, I would like to have the Clerk read the part to be stricken out and then read the amendment.

The CHAIRMAN. The Chair is informed that there is no proposition to strike out anything in this amendment. It is an amendment to the end of the bill.

Mr. MANN. Of course, Mr. Chairman, if that amendment were adopted, that would strike out the word "cigarette" where it now stands.

Mr. WILSON of Illinois. Why not include also "cigarette papers?"

Mr. SMITH of Michigan. Does that include also striking out the word "cigarette?"

Mr. MANN. I will include in the amendment to strike out the word "cigarettes," although nobody makes the point of order on it, and insert the other amendment at the end of the section as now printed.

Mr. MACON. How about cigarette papers?

Mr. MANN. It has been suggested that the words "cigarette papers" ought to be added to the end after the word "cigarettes," so as to read "cigarettes or cigarette papers."

Mr. WILSON of Illinois. "And."

Mr. MANN. "Or" is the proper word. I ask unanimous consent that the words "or cigarette papers" be added after the word "cigarettes."

The CHAIRMAN. The gentleman asks unanimous consent that the words "or cigarette papers" may be added to his amendment. Is there objection?

There was no objection.

Mr. CLARK of Missouri. Mr. Chairman, I will ask the Clerk to read the amendment as it would now read if adopted.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Strike out in line 5 the word "cigarettes" and add at the end of the bill the following:

"That an annual license tax of $100 is hereby imposed upon dealers in cigarettes or cigarette papers, the license year to begin November 1 and to terminate October 31 in each year."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now recurs on laying the bill aside with a favorable recommendation.

The question was taken, and the bill was ordered to be laid aside with a favorable recommendation.

DISBURSING OFFICER, GOVERNMENT HOSPITAL FOR THE INSANE.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 12899) to provide for a disbursing officer for the Government Hospital for the Insane, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 4839 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4839. The chief executive officer of the Government Hospital for the Insane shall be a superintendent, who shall be appointed by the Secretary of the Interior, shall be entitled to a salary of $4,000 a year, and shall give bond for the faithful performance of his duties in such sum and with such securities as may be required by the Secretary of the Interior. The superintendent shall be a well-educated physician, possessing competent experience in the care and treatment of the insane; he shall reside on the premises and devote his whole time to the welfare of the institution; he shall, subject to the approval of the board of visitors, appoint a responsible disbursing agent for the institution, who shall give a bond satisfactory to the Secretary of the Interior, and said superintendent shall engage and discharge all needful and useful employees in the care of the insane and all laborers on the farm and determine their wages and duties; he shall also be an ex officio secretary of the board of visitors. The said disbursing agent, under the direction of the superintendent, shall have the custody of and pay out all moneys appropriated by Congress for the Government Hospital for the Insane, or otherwise received for the purposes of the hospital, and all moneys received by the superintendent in behalf of the hospital or its patients, and keep an accurate account or accounts thereof. The said disbursing agent shall deposit in the Treasury of the United States, under the direction of the superintendent, all funds now in the hands of the superintendent or which may hereafter be intrusted to him by or for the use of patients, which shall be kept in a separate account; and the said disbursing agent is authorized to draw therefrom, under the direction of the said superintendent, from time to time, under such regulations as the Secretary of the Interior may prescribe, for the use of such patients, but not to exceed for any one patient the amount intrusted to the superintendent on account of such patient. During the time that any pensioner shall be an inmate of the Government Hospital for the Insane, all money due or becoming due upon his or her pension shall be paid by the pension agent to the superintendent or disbursing agent of the hospital, upon a certificate by such superintendent that the pensioner is an inmate of the hospital and is living, and such pension money shall be by said superintendent or disbursing agent disbursed and used, under regulations to be prescribed by the Secretary of the Interior, for the benefit of the pensioner, and, in case of a male pensioner, his wife, minor children, and dependent parents, or, if a female pensioner, her minor children, if any, in the order named, and to pay his or her board and maintenance in the hospital, the remainder of such pension money, if any, to be placed to the credit of the pensioner and to be paid to the pensioner or the guardian of the pensioner in the event of his or her discharge from the hospital; or, in the event of the death of said pensioner while an inmate of said hospital, shall, if a female pensioner, be paid to her minor children, and, in the case of a male pensioner, be paid to his wife, if living; if no wife survives him, then to his minor children; and in case there is no wife nor minor children, then the said unexpended balance to his or her credit shall be applied to the general uses of said hospital: *Provided*, That in the case of any pensioner transferred to the hospital from the National Home for Disabled Volunteer Soldiers any pension money to his credit at said Home at the time of his said transfer shall be transferred with him to said hospital and placed to his credit therein, to be expended as hereinbefore provided, and in case of his return from said hospital to the Home any balance to his credit at said hospital shall in like manner be transferred to said Home, to be expended in accordance with the rules established in regard thereto, and this provision shall also be applicable to all unexpended pension money heretofore paid to the officers of said hospital on account of pensioners who were but are not now inmates thereof."

SEC. 2. That all provisions of law inconsistent with this act are hereby repealed.

Mr. SMITH of Michigan. Mr. Chairman, I ask to have the report and the letters attached thereto in this matter read also.

The CHAIRMAN. Without objection the Clerk will read the report.

There was no objection, and the Clerk read as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 12899) to provide for a disbursing officer for the Government Hospital for the Insane, report the same back to the House with the recommendation that it do pass.

This bill merely provides for a disbursing officer for the Government Hospital for the Insane.

No additional expense is entailed, and the creation of the position of disbursing officer will materially assist the proper administration of the affairs of the hospital.

Appended are letters from the Secretary of the Interior, the superintendent of the hospital, and the Commissioners, approving the bill.

DEPARTMENT OF THE INTERIOR,
Washington, January 13, 1908.

SIR: I have the honor to acknowledge your letter of the 10th instant, inclosing House bill 12899, entitled "To provide for a disbursing officer for the Government Hospital for the Insane," and requesting my opinion on same.

In reply I would say that this bill was prepared by Mr. OLCOTT, who was the chairman of the committee of the last Congress that investigated the management of the Government Hospital for the Insane. It was one of the recommendations of that committee that the superintendent should be empowered to appoint a disbursing officer for the hospital, so that he might be relieved of the duties and responsibilities pertaining to that office. It has been the unanimous opinion of the board of visitors of the Government Hospital for the Insane for some years that this should be done, and the present bill is drawn with that end in view.

In my opinion it is a good bill and should be passed.

Respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. SAMUEL W. SMITH,
Chairman of Committee on the District of Columbia,
House of Representatives.

GOVERNMENT HOSPITAL FOR THE INSANE,
Washington, D. C., February 29, 1908.

SIR: I have your letter of the 22d instant inclosing copy of House bill 12899, together with a letter from Commissioner Macfarland containing his opinions on same. You ask for my opinion of this bill.

Section 4839 of the Revised Statutes of the United States, which it is sought to amend by this bill, is a portion of the organic act creating the Government Hospital for the Insane. This act was passed something over fifty years ago, and the hospital that was created thereby was of course comparatively a very small institution. Under these circumstances it was eminently proper that the superintendent should be the responsible disbursing officer thereof. Since that time, however, the hospital has constantly grown until it is now one of the large hospitals for the insane in this country, and I believe of all the public institutions for the care of the insane it has the most complex relations. In the natural course of the growth the duties of the superintendent have become gradually more numerous, and the time which he once had to devote to fiscal matters has now to be distributed over a large number of problems. In fact, I think I might say without exaggerating that the work of the office of superintendent has increased four or five times in quantity and correspondingly in complexity in the four and a half years that I have been in charge. The natural result of all this is that while the superintendent is held by the statute to be the responsible disbursing agent, and as a matter of fact signs all pay rolls, checks, and vouchers, still the absolute necessities of the situation demand that the responsibility for the proper keeping of the accounts and the making out of the vouchers and the like be delegated to others. It would seem, therefore, that the bill under consideration not only will have the effect of relieving the superintendent from the work and responsibilities incident to his office as disbursing officer, but will also have the effect of affording additional protection to the United States by having the responsibility for the custody of the funds rest with the individual who has their immediate handling and the keeping of the accounts.

During the past four and a half years the administrative department of the hospital has been in process of reorganization. This reorganization is now practically completed, the only single thing of importance necessary to finish the work being the authority granted in the proposed bill for the superintendent to appoint a responsible disbursing officer.

The bill, in my opinion, is a good one. It provides for a change in the administrative department of the hospital, which is much needed and which will redound to the interests of the institution and will strengthen its fiscal responsibility. It is furthermore a step which is thoroughly justified by precedent, many institutions of this sort having treasurers. I think the bill should pass.

Respectfully,

WM. A. WHITE,
Superintendent.

Hon. J. VAN VECHTEN OLCOTT,
House of Representatives.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February 21, 1908.

DEAR SIR: The Commissioners of the District of Columbia have the honor to state, in response to your request for their views upon House bill 12899, "To provide for a disbursing officer for the Government Hospital for the Insane," that they know of no objection to the passage of the bill, although the legislation proposed does not seem in any way to relate to the question of disbursement of appropriations for the District of Columbia nor affect in any way the relations of the District to the Government Hospital for the Insane.

Congress provides annual and specific appropriations in the District appropriation acts for the support in the Government Hospital for the Insane of the patients committed to that institution upon the order of the executive authority of the District of Columbia. Monthly statements are submitted to this office by the authorities of the said institution, showing the cost for that period, payable by the District of Columbia. This statement is used as a basis of a voucher audited and approved by the auditor of the District of Columbia and certified to by the commissioners, and becomes the authority for the Treasury Department to debit the District of Columbia appropriation and credit the appropriation provided by the General Government for the support of the Government Hospital for the Insane, which is merely a bookkeeping entry, and does not involve the handling or transfer of cash, the expenditures on account of that portion of the expenses of the institution being primarily paid from the appropriation provided by the United States and reimbursed thereto monthly, as above cited.

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. J. VAN VECHTEN OLCOTT,
House of Representatives.

The CHAIRMAN. Without objection, the bill will be laid aside with a favorable recommendation.

Mr. JOHNSON of South Carolina. O Mr. Chairman, I wish to have some information in regard to it.

Mr. SMITH of Michigan. Mr. Chairman, I yield to the gentleman from New York [Mr. OLCOTT].

Mr. JOHNSON of South Carolina. Mr. Chairman, there has been absolutely no explanation of this bill, and if nobody is going to explain it, I want to ask somebody who knows something about it some questions.

Mr. OLCOTT. I will be glad to explain the bill.

Mr. JOHNSON of South Carolina. I want to find out from the gentleman who has been disbursing the funds of this institution heretofore.

Mr. OLCOTT. The superintendent. He is the only person who has been entitled to sign checks.

Mr. JOHNSON of South Carolina. Is the superintendent not provided with an ample force of clerks, under the appropriation bills, to do all this work?

Mr. OLCOTT. This does not add in any way to appropriations. It merely makes an assistant of his a disbursing officer, to enable him to sign checks when it is necessary for the superintendent to be away.

Mr. JOHNSON of South Carolina. Is that assistant who is now acting as clerk receiving a salary of $4,000 a year?

Mr. OLCOTT. The superintendent himself receives $4,000 a year. The clerk receives much less. He gets no additional salary; there is no increase in the appropriation. He has to give a bond in the same amount as the superintendent, and is merely put in a position where he can sign checks as well as the superintendent.

Mr. JOHNSON of South Carolina. Does not that fix the compensation of the disbursing officer at $4,000?

Mr. OLCOTT. I do not think so. I would like to say in regard to this bill that with the exception of line 9, on page 2, to line 1, on page 3, is exactly the law as it exists now. That provides merely that this disbursing officer shall have the power on giving the bond satisfactory to the Secretary of the Interior, without increase in salary at all, without any increase in the appropriation, in the necessary absence or during the time that the superintendent has other work to do, to sign checks, so that the business of the hospital need not stop until the superintendent arrives.

Mr. TAWNEY. Has this man the exclusive right or will he have the exclusive right of disbursing the funds of that institution?

Mr. OLCOTT. He will not; the superintendent still retains his present powers. It merely gives some other person the power of signing checks and transacting that business for the asylum.

Mr. TAWNEY. Well, on page 2, line 9, it reads:

The said disbursing agent, under the direction of the superintendent, shall have the custody of and pay out all moneys appropriated by Congress for the Government Hospital for the Insane——

Mr. OLCOTT. Yes.

Mr. TAWNEY (continuing)—

or otherwise received for the purposes of the hospital.

Now, that gives him exclusive control over the moneys.

Mr. OLCOTT. Under the direction of the superintendent. If the gentleman from Minnesota will notice a few lines above, there is a provision that the bond shall be satisfactory to the Secretary of the Interior, or exactly as now provided in the case of the superintendent.

Mr. TAWNEY. What salary does the superintendent receive?

Mr. OLCOTT. My impression is he receives $4,000.

Mr. TAWNEY. What salary is this man to receive?

Mr. OLCOTT. Just what he is receiving now; he is assistant to the superintendent.

Mr. TAWNEY. Why can not the disbursing officer for the Interior Department make the disbursements for that institution?

Mr. OLCOTT. Because that has not been done in the case of this institution; you would have to change entirely the conduct of the institution. Everything has always been paid over directly, and checks have been drawn by the superintendent himself upon the fund that is appropriated by Congress. He makes his drafts directly upon the appropriated amount.

Mr. FITZGERALD. Will the gentleman point out what part of this fixes the compensation of this new officer?

Mr. OLCOTT. There is no new officer. There is simply denominated a certain person connected with the institution as a disbursing officer; there is no additional appropriation called for.

Mr. FITZGERALD. What part of the bill is new?

Mr. OLCOTT. The part that is new is——

Mr. MANN. Creating him a disbursing agent; that is what is new.

Mr. OLCOTT—

Said disbursing agent under the direction of the superintendent—

That is beginning line 10 with the word "thereof" on line 16.

Mr. MANN. And the authority to appoint the disbursing agent——

Mr. OLCOTT. That is true.

Mr. MANN—

He shall reside on the premises and devote his whole time to the welfare of the institution; he shall, subject to the approval of the board of visitors, appoint a responsible disbursing agent for the institution who shall give a bond satisfactory to the Secretary of the Interior.

Mr. FITZGERALD. That is new?

Mr. OLCOTT. That is new.

Mr. FITZGERALD. So the compensation is not fixed?

Mr. OLCOTT. It is not.

Mr. MANN. That would be fixed by the appropriation act.

Mr. FITZGERALD. I understood from the report it was fixed.

Mr. OLCOTT. No. The report expressly says, and the letters of the superintendent, the Secretary of the Interior, and the Commissioners all agree, that no additional compensation is contemplated, that the disbursing officer will be one of the present employees of the institution, who will have to give bond that is subject to the approval of the Secretary of the Interior. There is no additional expense. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The question was taken, and the motion was agreed to.

FREE LECTURES.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 16977) for free lectures.

The CHAIRMAN. The gentleman from Michigan calls up the following bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 16977) for free lectures.

Be it enacted, etc., That the board of education of the District of Columbia be, and it is hereby, authorized to maintain a course or series of free evening lectures: *Provided*, That such lectures shall be held in some of the public school buildings.

Mr. SMITH of Michigan. Mr. Chairman, I call for a reading of the report, as it is short.

The report was read, as follows:

The Committee on the District of Columbia, to which was referred the bill (H. R. 16977) for free lectures, report the same back to the House with the recommendation that it do pass.

The purpose of this legislation is sufficiently indicated in the bill itself—that is, the maintenance of a course or series of free evening lectures in some of the public school buildings.

A similar bill was recommended by this committee in the second session of the Fifty-ninth Congress (Rept. No. 6731, 59th Cong., 2d sess.), which passed the House but was not passed by the Senate.

This bill was submitted to the Commissioners of the District of Columbia, and received their approval, as appears by the following letter:

OFFICE COMMISSIONERS DISTRICT OF COLUMBIA,
Washington, March 9, 1908.

SIR: The Commissioners have the honor to recommend favorable action upon H. R. 16977, Sixtieth Congress, first session, entitled "A bill for free lectures," which was referred to them at your instance for examination and report.

This bill was recommended by the full committee on libraries and lectures of the board of education and approved by that board.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners,
District of Columbia.

Hon. S. W. SMITH,
Chairman of Committee on the District of Columbia,
House of Representatives.

Mr. MANN. Mr. Chairman——

Mr. SMITH of Michigan. Mr. Chairman, I yield to the gentleman from New York [Mr. OLCOTT].

Mr. MANN. Mr. Chairman, will the gentleman from New York inform the committee what is the proposition with regard to paying the expenses of these lecturers?

Mr. OLCOTT. That, I would say, would depend entirely on what appropriation is made by the Appropriations Committee when the District appropriation bill comes up.

Mr. MANN. So this is simply a peg upon which to hang an appropriation?

Mr. OLCOTT. I would say in connection with that that there was an amendment to the District of Columbia appropriation bill, providing for free lectures, with an appropriation, but that was stricken out on the point of order being raised by the gentleman from Minnesota, if I recollect correctly, and this is to prevent that point of order being successfully made, and then I presume the Committee on Appropriations and thereafter the Committee of the Whole, when that bill comes up for discussion, will determine how much is to be appropriated.

Mr. MANN. This indicates the policy which shall be pursued. Now, what is the plan that they have in view? What are these lectures to be about. How many lectures are there to be? Are we to maintain a corps of professional lecturers for the schools?

Mr. OLCOTT. Of course, that must be limited entirely by the amount of appropriation that is made. The amendment that I offered during the discussion of the District bill, I think during the last session, or possibly the second session of the Fifty-ninth Congress, was for an appropriation of $10,000. I think that there was an amendment made to my suggestion to reduce such amount to $1,500. I am not ready at this particular moment to give an exact statement as to how these free lectures shall be conducted, or as to how many of them there shall be. The suggestion that these lectures be held in a public-school building was made and quickly accepted, so that there will be no expense whatever for rent.

Mr. MANN. Since I have been in the House, as the gentleman knows, I have seen an appropriation of $10,000, or such a matter, for rural free delivery grow to $34,000,000, and no end in sight.

Mr. OLCOTT. I scarcely think it is probable that an appropriation for free lectures would grow to such large figures. As a matter of fact, in the city of New York they do appropriate somewhere between $150,000 and $200,000.

Mr. MANN. What is the principle over there? Do they hire lecturers?

Mr. OLCOTT. In certain cases they do, but in other cases they are delivered voluntarily.

Mr. MANN. Will my distinguished friend from Missouri and my distinguished friend from Indiana soon be delivering their series of lectures, which are very good ones and worth the money, here?

Mr. OLCOTT. I think there is no particular risk in leaving that matter in the hands of the board of education. They would scarcely desire to allow a political harangue under the guise of free lectures.

Mr. MANN. It would not be a political harangue from the gentleman from Missouri, because everything he says is worth hearing. But how far will we go in hiring these professional lecturers, and what will be the result after the final cost? We ought to know something about it.

Mr. OLCOTT. I think it is proper that we should leave the details of that to the board of education, and I think that they can be depended upon to do as boards of education in other cities of this country have done, namely, maintain a method of education for people who, by reason of age or by reason of business affairs, feeling their limitations as to their education, can obtain knowledge by attending these lectures that it is impossible for them to obtain in any other way.

Mr. MANN. The gentleman understands, of course, that that which is free is generally sought for by nearly everybody.

Mr. OLCOTT. I think that is true.

Mr. MANN. And it does not make any difference whether it is a lunch, a pink tea, or a bargain counter. If it is something that is practically free, everybody wants the benefit. And if you propose to have a series of free lectures here—entertainment, instruction, literary lectures, lectures on travel, something to please the people—it is a good deal like going back to the old Roman days, when the theory was to please the people and be elected to office. Now, how far would such a thing go? I think there ought to be some limitation.

Mr. OLCOTT. I think that the limitation will come when the Appropriation Committee comes to make an appropriation. I do not imagine it is our duty to prescribe exactly the details of how the lectures are to be conducted when we have a board of education whose duty it will be to look after that.

Mr. MANN. There might be a limitation in here of the cost to the Government of these lectures.

Mr. HULL of Iowa. Would not that come every year on the Appropriation Committee? They could not go beyond what the Committee on Appropriations would give them.

Mr. OLCOTT. I think I am right when I say that there is no one who is giving serious consideration to the general free public education, which is certainly believed in in the Federal Government as well as in the various state governments, who will not concede the fact that the lectures which have been delivered in various cities have been as valuable as anything that has been done for education.

Mr. MANN. Yes; but in all the other cities the people pay the bill. Here the people outside of the District pay half the bill.

Mr. OLCOTT. I understand that; but we are not going into the old question of who pays the expense of the District of Columbia. That is not germane now.

Mr. MANN. It is germane only to the extent as to how far the people here will urge Congress constantly to increase the appropriations for their free benefit at the expense of some one else.

Mr. OLCOTT. The only letter I have quoted in my report is from the president of the commissioners. The board of education has urged it for a considerable length of time. The Public Education Society, which is an entirely free and voluntary society, has urged it in the strongest possible terms. It is urged also by other people living here in the city of Washington who take an interest in education, not by those who desire to get something for nothing, but people who are interested in the best welfare of the city of Washington and its people.

Mr. SHERLEY. Will the gentleman inform me whether there are any night schools in the District of Columbia?

Mr. OLCOTT. There are night schools in the District of Columbia.

Mr. SHERLEY. Well, at those night schools these people whom you seek to accommodate who have no opportunity, ordinarily, to get an education, would have an opportunity.

Mr. OLCOTT. By attending these schools. They can attend the night schools except, I think, there are limitations as to the age of the persons who are admitted.

Mr. GILLETT. There is no limit of age.

Mr. OLCOTT. I thought there was.

Mr. GILLETT. There is not.

Mr. OLCOTT. Then I withdraw that statement.

Mr. SHERLEY. If there was any limitation we might possibly better serve the cause by liberalizing opportunities to attend the night schools than by providing for free lectures.

Mr. GILLETT. This is not a new proposition.

Mr. OLCOTT. Oh, no; not at all.

Mr. GILLETT. We have had it for a while.

Mr. GOULDEN. It is four years since we have had an appropriation.

Mr. GILLETT. We have had a test of them.

Mr. OLCOTT. We have.

Mr. GILLETT. Can the gentleman tell the numbers attending the lectures and the character of the lectures?

Mr. OLCOTT. I regret that I can not state that accurately.

Mr. GILLETT. There have been some lectures maintained by private people.

Mr. OLCOTT. I think so.

Mr. SHERLEY. Can the gentleman tell how many free lectures, day and night, are given in the District? Are there not more than in almost any other city of the United States?

Mr. OLCOTT. I do not think there are.

Mr. GOULDEN. Four years ago Congress appropriated $1,500 for this purpose.

Mr. OLCOTT. That was before I was here.

Mr. GOULDEN. That was four years ago. I attended several of the lectures at that time. They were well patronized, and in some instances people were turned away for want of room.

Mr. GILLETT. The gentleman says he attended the lectures. Where were the people turned away?

Mr. GOULDEN. From the Carnegie Library auditorium.

Mr. GILLETT. When was that?

Mr. GOULDEN. In February, 1905.

Mr. GILLETT. What was the subject?

Mr. GOULDEN. There were various historical subjects. I remember giving one of them myself. [Great laughter.] I do not mean that they were turned away because I happened to be a participant, but the lecture hall was so crowded that people were turned away on that and several other occasions.

Mr. MANN. May I ask the gentleman a question?

Mr. OLCOTT. I yield to the gentleman for a question.

Mr. MANN. Is one reason for bringing that proposition up now because free lectures by a certain gentleman are to cease because of the change of the administration soon?

Mr. OLCOTT. I had not thought of that.

Mr. GILLETT. Mr. Chairman, this subject was up before the Committee on Appropriations several years ago, when I was on the subcommittee having in charge the District of Columbia appropriation bill. For several years there was an appropriation of $2,000.

Mr. GOULDEN. One thousand five hundred dollars.

Mr. GILLETT. We looked into the question of these lectures and the attendance at them, and we concluded that the lectures were not in the line of education of children, but that they were for adults and more a matter of gratification than education.

We thought they were more for amusement and entertainment than they were in the line of education, and we did not feel that it was the province of Congress or of the city government to begin giving entertainments to the grown people of the District. If I remember right, we found that the average attendance was about 200 at these lectures. I am quite sure it was not larger than that, and we found that the lecturers were all paid a compensation, which varied—perhaps my friend from New York can tell me what the compensation is.

Mr. GOULDEN. Ten dollars. I want to say, if the gentleman will pardon me, that the Member now speaking did not receive any compensation, but declined it.

Mr. GILLETT. I am sure it was worth it in that case. We found that they were paid a compensation, and then there were other expenses. Sometimes they had illustrated lectures, and then something was paid for janitor service. I have forgotten exactly what the expenses were, but I think the average expense of a lecture came to about $25. We concluded that the lectures, judging from the subjects which they treated of, were not in the line of the education of the children or of their parents, but were more in the line of entertainment, and we felt that it was not in the province of Congress to furnish amusement to the people of the District. Therefore we struck it out of the appropriation bill. When it came into the House an amendment was offered, as the gentleman says, and it was stricken out on a point of order. Since then there has been a constant attempt to pass this law, giving the right to have lectures, and it brings before the House the general question, it seems to me, Do we want in the District of Columbia to go into the business of providing entertainments for adults or do we not? I do not believe we do, and therefore I shall vote against this proposition. I believe in doing all we can for the children of the District, giving them everything which will promote their health as well as education. On their development depends the future of the country, and we can not afford to be on the side of niggardliness, but I do not think we should pay for the entertainment of adults.

Mr. OLCOTT. I yield to the gentleman from Vermont [Mr. FOSTER] such time as he desires.

Mr. FOSTER of Vermont. Mr. Chairman, I am heartily in favor of this proposition. As matters now stand it is very difficult to get an appropriation for anything that is not provided for by law. This bill does not mean that we must necessarily appropriate money for this enterprise. It is true that free lectures are had in other cities. Every few days I read accounts of the free lectures that are given in New York in connection with the public-school system. The subjects are given and the names of the lecturers are given. It is the desire of the people of the United States that the system of public instruction here in Washington should be as nearly ideal as possible. This bill simply prepares the way so that hereafter, if the House of Representatives thinks it wise to provide for a course of free lectures, it can do so.

It can not do so now, because a Member on the Committee on Appropriations or any other individual Member of the House can raise the point of order if an attempt is made in connection with the proper appropriation bill to appropriate money for this purpose. I believe that the House of Representatives should have the opportunity to consider these subjects. This is a great and interesting subject, one that the House of Representatives is capable of dealing with. When the appropriation bill comes in each year there will be time enough to consider the question of making or continuing an appropriation.

Mr. SHERLEY. Would not that be true as to any other governmental activity? Is it not true that a point of order lies to any item on an appropriation bill when there is no law for it? If the gentleman's argument is sound, ought we not to authorize any department to do any particular thing and then leave it to the House to determine on an appropriation bill whether we want to vote the money?

Mr. FOSTER of Vermont. I see no objection to that.

Mr. SHERLEY. But is there any force in your argument at all?

Mr. FOSTER of Vermont. I think there is.

Mr. GILLETT. If the House does not want to do this, why is it not the better way to defeat this bill, rather than to wait until the question comes up on an appropriation bill?

Mr. FOSTER of Vermont. Because that shuts out all future Houses of Representatives. The House of Representatives will go on after the gentleman from Massachusetts and myself cease to be Members.

Mr. GILLETT. Why can not a future House pass this bill just as well as we can?

Mr. FOSTER of Vermont. We can pass this particular bill; but if this particular bill is passed now, then at every session of Congress the House of Representatives can consider the question of appropriating money for a course of free lectures. Otherwise it can not do this except as the Committee on Rules brings in a special rule.

Mr. GILLETT. We can pass this bill just as well in any other Congress.

Mr. FOSTER of Vermont. I know we can pass this bill in any other Congress, but I say that we can not consider an item in the appropriation bill on its merits for this purpose until some such legislation like this is had, and for that reason I am in favor of the legislation.

Mr. OLCOTT. Mr. Chairman, the objection that free lectures are not a proper part of public education as coming from the gentleman from Massachusetts [Mr. GILLETT] surprises me greatly. I am sure that he will agree with me that the experience in the city of Boston has been that these lectures have done a great amount of good. I know it has been so in the city of New York. I really think that we might just as well seriously discuss whether it is a proper appropriation of money for free libraries. There are some people that have not the taste or perhaps the ability for making proper use of libraries. I think these people should receive the advantage of having the lectures here in the city of Washington.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. OLCOTT. Yes; if the gentleman wishes.

Mr. TAWNEY. The gentleman takes as an illustration the use of free libraries.

Mr. OLCOTT. If the gentleman wants to ask me a question, I will yield, but I do not want him to interrupt me in the middle of a sentence.

Mr. TAWNEY. The free library distributes its books everywhere, but the free lectures are limited by the size of the hall that is engaged.

Mr. OLCOTT. Not a speech, please.

Mr. TAWNEY. And the average attendance at these past lectures has only been 200.

Mr. OLCOTT. That is an interesting remark to come from the gentleman from Minnesota in view of the fact that the principal objection to free lectures in the past was that there was not enough people attending the lectures to make it profitable. Now the gentleman says that the greatest objection is that they are limited in number to the size of the hall. I think the objections made by the opponents of this bill are inconsistent.

The fact remains that in every city where lectures have been had they have been of great benefit to the community. If the Committee on Appropriations can not limit the expenditures, and the board of education can not be trusted to perform their duty properly in connection with these free lectures, if that is not a sufficient guard against this tremendous onslaught on the Treasury of the United States, then I think it is time to get a new board of education. Of course I would not say anything about a new Committee on Appropriations. [Laughter.]

Mr. GAINES of Tennessee. Will the gentleman yield to an inquiry?

Mr. OLCOTT. I will yield to the gentleman.

Mr. GAINES of Tennessee. What does the gentleman mean by "free lectures?"

Mr. OLCOTT. Lectures that do not cost anything to the people who attend them.

Mr. GAINES of Tennessee. Does the Government pay the lecturer?

Mr. OLCOTT. That is left to the board of education, who spend the money appropriated by the Appropriation Committee. If the Appropriation Committee does not make any appropriation, why, of course, the board of education can not pay any lecturer.

Mr. GAINES of Tennessee. Why should you call them "free lectures" if it takes money out of the Public Treasury to pay the lecturer?

Mr. OLCOTT. I have stated my idea of free lectures—that they are such lectures as a person can attend without paying an admission fee.

Mr. SIMS. Mr. Chairman, when this same subject-matter was up before the last Congress I opposed this bill, or as a provision then offered in the appropriation bill. I oppose it now for the reason that I see no necessity for it whatever in the city of Washington. While, as has been stated, the lectures will be free to those who hear them—and I do not know how many there will be who will go—there are more opportunities for general education in the city of Washington by means of libraries, lectures, sermons, and schools than in any place in the United States. It is suggested by my friend from Massachusetts on my right [Mr. AMES] that I have not mentioned Congress, where it does not cost anything to hear the proceedings or to read them if they will only give us their names. Another gentleman says I have omitted the White House. I do not mean to omit any educational agency in this discussion. [Laughter.]

But I think the way to look at this is to take a practical view of it and see what they did do in Washington when they had these lectures, what kind of lectures they were, and what were the subjects, and see whether or not this House feels authorized to increase expenditures while every hour the deficit is increasing in the Treasury and new sources of taxation must be sought in order to support the Government, and to see whether or not we want these free lectures—free to those who will go to hear them and yet not free to the Government of the United States or to the District of Columbia.

The gentleman from New York [Mr. OLCOTT] had charge of the measure at that time. I looked back to the lectures they did have under the appropriation in 1905, and I refresh my memory by referring to the RECORD, so as to show you some of the subjects of the lectures, to see whether or not at a time like this, when the revenues of the Government are going down every day, we want to put an additional burden on our people in order that the people here may have an opportunity to attend free lectures upon such subjects as were treated at that time. There was a lecture delivered by H. W. Wiley, Ph. D., subject, "Feeding Preservatives to Young Men." That was one of the kind of lectures that you were paying for in 1905—feeding preservatives to young men!

Mr. OLCOTT. Will the gentleman yield for a question?

Mr. SIMS. Yes.

Mr. OLCOTT. Was not that the fault of the board of education in so administering the funds? And does that change the general principle?

Mr. SIMS. Then I will say that I do not want that board or any other board in the future to again disburse money for such purpose. Here was another by Henry Oldys, subject, "Bird Notes!" Some of you perhaps remember the serious and solemn discussion we had of the importance of that great lecture at that time—a free lecture to those who had it at the expense of the Treasury of the United States, in order that the working people of the District may hear bird notes talked about—free to them!

The very fact that money would be squandered for such a purpose as that should preclude any thought of ever laying a tax to employ any lecturers to discuss subjects of that kind. Bird notes! How many of you gentlemen are interested in bird notes? We should try to preserve the birds, and they will take care of the notes, but the idea of paying somebody to go down there and lecture to the people at night free upon bird notes seems preposterous. How many of you gentlemen feel that you could justify such a vote before your constituents, taxing them to have free lectures here on bird notes, or anywhere else?

Mr. BARTLETT of Georgia. Why not have a lecture on how to pay promissory notes?

Mr. SIMS. My friend from Georgia suggests that a lecture on the method of paying promissory notes would be more in order, and I think so, too. We are issuing notes of the Government, bonds to run the Government—we will have to do so—and they are a kind of note, not a bird note, but a very interesting one to the taxpayer.

Another lecture was by George O. Totten, jr., on Spanish architecture. Now, you all know that the laboring people of this country and this District will be greatly deprived of a necessary knowledge to make a living if they do not understand Spanish architecture, and we must be taxed to have free lectures in order that they may understand Spanish architecture. Why, I suppose they are up on that subject now. They had a lecture on it in 1905. I never found out how many of them attended it, but I am showing you the subjects we did pay for, to enable the people to hear lectures free.

Another one is "Around the world in forty minutes." [Laughter.] That, perhaps, is excusable. I believe I would be willing to go to a lecture and pay for it if somebody would tell me how to go around the world in forty minutes, and especially how to get the navy of the United States around the world in less than twelve months at a cost of millions of dollars. But here is a free lecture on how to get around the world in forty minutes. These are the subjects of the lectures for which we did pay. It is so ridiculous that it seems unnecessary to comment upon the fact that these are the lectures delivered free to people who are so poor they can not pay to hear a lecture without taxation; so ridiculous as to disgust this Congress with any attempt to establish anything of that kind again.

Mr. GAINES of Tennessee. How much did they pay for a lecture?

Mr. SIMS. I do not know. If it had been a cent it would be too much.

Mr. GILLETT. Ten dollars.

Mr. SIMS. Here is another one, by the Rev. U. G. B. Pierce; subject, "A night in the nether world." Do you want to tax your people in order to let the people here find out something from a lecture about a night in the nether world? Is not that a practical subject? Is not that something we ought to all know about?—a night in a nether world. Of course, I do not know what the board of education will do in the future, but we have been taught that we must judge the future by the past, and that is what they did do. That is the way they employed the funds, and what guaranty have we that there will be any practical use made of it? Besides, it is not needed, even if it was desirable; even if the people did not have all the good opportunities they have here that are paid for, not costing them a cent, living in the finest city in the United States, if not in the world, with the greatest opportunities for educational advantage—a great museum, great libraries, and both ends of this Capitol full of great scholars, orators, and lecturers, who, at least when here, deliver them free.

Now, Mr. Chairman, I think this bill ought to be voted down. I do not think any such bill ought to pass. I do not think we ought to put it up to the Appropriations Committee to refuse to appropriate if Congress makes the law. It is saying to the Appropriations Committee that we deem it worthy of their consideration. Let us make no such useless law as this that was used, as I have indicated, when we did have such a law. Mr. Chairman, I reserve the balance of my time.

Mr. GAINES of Tennessee. Before my colleague takes his seat I want to ask him what were the subjects discussed in the public schools in Boston?

Mr. SIMS. I do not know; I have not looked that up.

Mr. GAINES of Tennessee. I would like to have that information; possibly they had something else.

Mr. OLCOTT. Mr. Chairman, I renew my motion to lay the bill aside with a favorable recommendation.

Mr. TAWNEY. Mr. Chairman, I want to call attention to one fact before the vote is taken. We have experimented with this in the past. Congress heretofore authorized these lectures and appropriated the money for them, and as a result of our experience with this authority Congress subsequently refused to authorize the continuance of these lectures and refused to appropriate money to defray the expense.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. TAWNEY. Certainly.

Mr. PARSONS. How did Congress refuse to authorize?

Mr. TAWNEY. By failing to appropriate.

Mr. PARSONS. But did not the provision go out on the point of order?

Mr. TAWNEY. The provision went out on a point of order made on the floor of the House——

Mr. GILLETT. I beg pardon; no, it did not the first time. It was omitted by the Appropriations Committee and——

Mr. OLCOTT. The amendment was offered by me, and went out on the point of order.

Mr. TAWNEY. Mr. Chairman, there is another branch of Congress where those interested in free lectures know very well that amendments of this character can be inserted in appropriation bills, and if there was any effort made to include this appropriation in the District of Columbia bill in the Senate the appropriation was not made. Now, if in the first instance we should authorize these lectures, as we did, and authorize them on the same presentation as now we are asked to authorize or enact this law, if the lectures are of such character as to justify the expenditure Congress can be relied on to make the appropriation for them, but under our experience it was demonstrated

that they were not of that character as to justify the expenditure of public money for that purpose, and for that reason the appropriation has not been made, and we abandoned the experiment. I do not know what the experience or result has been in Boston or in New York, but after a full investigation of the practicability and utility of these lectures it was found to be unsatisfactory, and for that reason Congress ceased to make the appropriation, and I do not think we are justified upon the same presentation now to enact a permanent law whereby these lectures may be continued indefinitely. They may be improved or they may not; in any event, if we enact this it creates a permanent law and appropriations will be made without reference to the necessity for them. I hope the bill will be voted down.

Mr. OLCOTT. Mr. Chairman, I renew my motion.

Mr. GAINES of Tennessee. Will the gentleman yield for a minute?

Mr. OLCOTT. Yes.

Mr. GAINES of Tennessee. I want to find out from the gentleman from Massachusetts [Mr. GILLETT] about these lectures in Boston. I understand free lectures have existed for some time in Boston. Will the gentleman tell the House what subjects were discussed?

Mr. GILLETT. I am not a citizen of Boston, and I do not know.

Mr. GAINES of Tennessee. Well, is there anybody from Boston who can inform us? I really would like to know.

Mr. MANN. The gentlemen from Boston are all on that side of the House.

Mr. GAINES of Tennessee. I understand that is a very learned side of the House.

Mr. MANN. And they send very learned Representatives here, too.

Mr. GAINES of Tennessee. I would like to know what some of the lectures are had in the schools of Boston, so we can pass on this matter intelligently. I am going to vote against the bill with the information I have.

Mr. PARSONS. I think that in New York City the character of the subjects on which lectures are given are mostly historical and scientific. I remember that some years ago we had an anniversary celebration in New York, and we called upon the bureau of public lectures to give illustrated lectures in the open air all over the city on the occasion of that anniversary. These lectures were illustrative of the history of the city. Pictures of the city, showing its growth, gave to hundreds of thousands of people in the city information that they could not have obtained in any other way, and that of itself was quite worth while. Now, I would suggest that while the subjects alluded to by the gentleman from Tennessee [Mr. SIMS] are very humorous, his arguments against lectures would be equally as good against allowing the money appropriated for the public library in the District to be used to purchase books with those same titles. You do not object to that, and you would not object to it. You can very easily suppose the kind of lectures which would be of great benefit to those who went to hear them, and I hope that the experience of New York and Boston, where they have proper subjects, will prevail with the committee.

Mr. TAWNEY. I hope that the experience in the District of Columbia will prevail.

Mr. BENNET of New York. Mr. Chairman, I have always had a great admiration for the city of Chicago.

Mr. MANN. There are others.

Mr. BENNET of New York. Since visiting there last June I want to say that my admiration is even greater because of the magnificent system of recreation centers that they have established in that city, superior, I should say, to anything in the world. I think that we Representatives from cities, and especially from districts which embrace sections of cities where we have people who have not had all of the advantages, feel that in a sense it is our duty, legislating as we do for the District of Columbia, to see that the people here of limited means have the same opportunities as people of limited means in our own cities have. We have tried these lectures in New York City, and they have appealed to and instructed the people who have not had early opportunities. They are using them in the city of Chicago, but the gentleman from Illinois [Mr. MANN] tells me that there they are either entirely free to the city, or else that the expense was defrayed by a newspaper, and, therefore, the situation is not entirely analogous. But I do believe that in cities where the population is congested instruction of this sort to people who have not had the opportunities in their youth is valuable, and I hope the bill will pass.

Mr. GOULDEN. Mr. Chairman, I am in favor of the proposed bill. Having had a number of years of practical experience in this matter, I have seen the benefits arising from free lectures. Take the Borough of the Bronx, which constitutes the major portion of the Eighteenth New York Congressional District, with a population approximating that of Washington, a fair comparison can be made. The first lecture center was established there some fifteen years ago. Since then, twenty-odd centers have been formed and are in successful operation, proving the great popularity of this part of the great educational system of New York City.

The subject-matter of the lectures, which were attended by upward of two millions, was both instructive and interesting. They were of a historical, physiological, geographical, and kindred character.

Having attended many of these lectures, witnessed the interest manifested by the people, who come largely from the laboring or middle classes, heard their testimony in favor of these functions, I am in entire accord with the measure now under consideration.

When these lectures were given here in Washington in 1905, I watched them closely and formed the same favorable opinion of their benefits and advantages.

The criticism of the gentleman from Tennessee [Mr. SIMS] in giving the title of but four of the forty or fifty lectures delivered here four years ago is unfair. Why did he not give the committee the full list, showing the high and educational character of the great majority of these functions? Experience has taught all cities which have introduced the free lectures that they are beneficial, instructive, and popular. Congress may well follow these worthy examples and approve this desirable measure for the benefit of the people of the District of Columbia.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

Mr. SIMS. Mr. Chairman, it has not been read under the five-minute rule, and I want to offer an amendment to the bill. I have not a copy of the bill with me, but I want to add this as a final section if the Clerk will take it down.

The CHAIRMAN. Does the gentleman demand the reading of the bill?

Mr. SIMS. I do not care about its being read, so that I may offer an amendment.

The CHAIRMAN. Without objection, the gentleman will offer his amendment.

Mr. SIMS. I offer this as the last section of the bill:

Provided, That the expenses thereof shall be paid entirely from the revenues of the District of Columbia as appropriated from time to time by Congress.

Mr. OLCOTT. I will not accept that amendment, Mr. Chairman, because I do not want to go into that question.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert at the end of the bill:
"*Provided*, That the expenses thereof shall be paid entirely from the revenues of the District of Columbia as appropriated from time to time by Congress."

Mr. SIMS. Mr. Chairman, as this is a local educational facility, and benefits almost entirely the local people, who are permanent residents of the District, I think these lectures ought to be paid for out of the district revenues.

Mr. MANN. Will the gentleman yield for a question?

Mr. SIMS. Certainly.

Mr. MANN. The gentleman's amendment would seem to be perfectly fair in some respects; but, after all, we have been acting under what may practically be called an agreement or organic act, under which the present District of Columbia is governed. This is in violation of the provisions of that act, and we can violate it because we have the authority to violate it; but the District people are always asking Congress to violate it in their favor. If we violate that provision in our favor, certainly we will give them a very good precedent for asking us to violate it in their favor in the future. It would be more direct to move to strike out the enacting clause of this bill.

Mr. SIMS. Under the organic act, I can not conceive that it was ever dreamed that any such appropriation as this would be asked for. I do not believe it was contemplated; and the only reason why I offer this amendment is to make the bill as objectionable as possible, in order that it may be killed—if the gentleman will accept that explanation.

Mr. MANN. In order to get at the matter directly, and as the motion will have priority, I move to strike out the enacting clause.

The CHAIRMAN. The question before the committee is the motion to strike out the enacting clause of the bill.

The question was taken, and the chairman announced that the ayes appeared to have it.

Mr. OLCOTT. Division, Mr. Chairman.

The committee divided, and there were—ayes 46, noes 21.

So the amendment was agreed to.

CODE OF LAWS FOR THE DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Chairman, I move that the bill (H. R. 552) to amend section 553 of the Code of Laws for the District of Columbia be referred back to the Committee on the District of Columbia.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 552) amending section 553 of the Code of Laws for the District of Columbia.

The question was taken, and the motion was agreed to.

So the bill was laid aside with the recommendation that it be recommitted.

ORDER OF BUSINESS.

Mr. SMITH of Michigan. Mr. Chairman, I move that the committee rise and report the bills to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TOWNSEND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration sundry bills and had directed him to report the bill H. R. 16977 with the recommendation that the enacting clause be stricken out, the bill H. R. 552 with the recommendation that it be recommitted to the committee, and the bills H. R. 16066 and 12899 with favorable recommendations.

BILLS PASSED.

The first bill reported from the Committee of the Whole was the bill (H. R. 16066) providing for the payment of an annual license tax by dealers in all forms of manufacture of tobacco in the District of Columbia, with amendments, which were read.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The next bill reported from the Committee of the Whole was the bill (H. R. 12899) to provide for a disbursing officer for the Government Hospital for the Insane.

The bill was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time and passed.

BILL RECOMMITTED.

The next business reported from the Committee of the Whole was the bill (H. R. 552) to amend section 553 of the Code of Law for the District of Columbia, with the recommendation that it be recommitted to the Committee.

The recommendation of the Committee of the Whole was agreed to, and the bill was recommitted to the Committee on the District of Columbia.

FREE LECTURES.

The next business reported from the Committee of the Whole was the bill (H. R. 16977) for free lectures, reported from the Committee of the Whole, with the recommendation to strike out the enacting clause.

The SPEAKER. The question is on agreeing to the recommendation of the committee.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. OLCOTT. Division!

The House divided; and there were—ayes 35, noes 12.

Mr. OLCOTT. I demand the yeas and nays.

The SPEAKER (after counting). Twelve gentlemen have arisen.

Mr. FITZGERALD. The other side.

The other side was taken.

The SPEAKER. Twelve have arisen in support of the demand and 56 in the negative. The yeas and nays are refused.

So the enacting clause was stricken out.

On motion of Mr. SMITH of Michigan, a motion to reconsider the votes by which the bills H. R. 16066 and 12899 had been passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed the following resolution:

Resolved, That the Secretary of the Senate be directed to request the House of Representatives to return to the Senate the bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Oklahoma, and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes.

BUCKET SHOPS IN THE DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill (H. R. 20111) to amend an act entitled "An act to establish a code of law for the District of Columbia," relative to gambling, bucket shops, and bucketing.

The bill was read as follows:

Be it enacted, etc., That section 869 of the act of Congress entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, be, and is hereby, amended by adding sections 869a, 869b, 869c, and 869d, so as to read as follows:

"SEC. 869a. An act to prohibit bucketing and bucket shopping and to abolish bucket shops.—The following words and phrases used in this act shall, unless a different meaning is plainly required by the context, have the following meanings:

"'Person' shall mean an individual, partnership, corporation, or association, whether acting in his or their own right or as the officer, agent, servant, correspondent, or representative of another.

"'Contract' shall mean any agreement, trade, or transaction.

"'Securities' shall mean all evidences of debt or property and options for the purchase and sale thereof, shares in any corporation or association, bonds, coupons, scrip, rights, choses in action, and other evidences of debt or property and options for the purchase or sale thereof.

"'Commodities' shall mean anything movable that is bought and sold.

"'Bucket shop' shall mean any room, office, store, building, or other place where any contract prohibited by this act is made or offered to be made.

"'Keeper' shall mean any person owning, keeping, managing, operating, or promoting a bucket shop, or assisting to keep, manage, operate, or promote a bucket shop.

"'Bucketing' or 'bucket shopping' shall mean: (a) The making of or offering to make any contract respecting the purchase or sale, either upon credit or upon margin, of any securities or commodities wherein both parties thereto intend, or such keeper intends, that such contract shall be or may be terminated, closed, or settled according to or upon the basis of the public market quotations of prices made on any board of trade or exchange upon which said securities or commodities are dealt in and without a bona fide purchase or sale of the same; or (b) the making of or offering to make any contract respecting the purchase or sale, either upon credit or upon margin, of any securities or commodities wherein both parties intend, or such keeper intends, that such contract shall be or may be deemed terminated, closed, or settled when such public market quotations of prices for the securities or commodities named in such contract shall reach a certain figure without a bona fide purchase or sale of the same; or (c) the making of or offering to make any contract respecting the purchase or sale, either upon credit or upon margin, of any securities or commodities wherein both parties do not intend, or such keeper does not intend, the actual or bona fide receipt or delivery of such securities or commodities, but do intend, or such keeper does intend, a settlement of such contract based upon the differences in such public market quotations of prices at which said securities or commodities are or are asserted to be bought and sold.

"SEC. 869b. Any person who makes or offers to make any contract defined in the preceding section, or who is the keeper of any bucket shop, shall, upon conviction thereof, be punished by a fine not exceeding $1,000 or by imprisonment for not more than one year. Any person who shall be convicted of a second offense shall be punished by imprisonment for not more than five years. The continuing of the keeping of a bucket shop by any person after the first conviction therefor shall be deemed a second offense under this act. If a domestic corporation shall be convicted of a second offense, the supreme court of the District of Columbia shall have jurisdiction, upon an information in equity in the name of the United States district attorney for the District of Columbia, on the relation of the Commissioners of the District of Columbia, to dissolve the corporation; and if a foreign corporation shall be convicted of a second offense, the supreme court of the District of Columbia shall have jurisdiction, in the same manner, to restrain the corporation from doing business in the District of Columbia.

"SEC. 869c. Any person who shall communicate, receive, exhibit, or display in any manner any statement of quotations of prices of any securities or commodities with an intent to make, or offer to make, or to aid in making, or offering to make any contract prohibited by this act, upon conviction thereof shall be subject to the penalties provided in the preceding section.

"SEC. 869d. Every person shall furnish, upon demand, to any customer or principal for whom such person has executed any order for the actual purchase or sale of any securities or commodities, either for immediate or future delivery, a written statement, containing the names of the persons from whom such property was bought or to whom it has been sold, as the fact may be, the time when, place where, and the price at which the same was either bought or sold; and if such person shall refuse or neglect to furnish such statement within twenty-four hours after such demand such refusal or neglect shall be prima facie evidence that such purchase or sale was bucketing or bucket shopping within the terms of this act."

Mr. SMITH of Michigan. Mr. Speaker, I yield to the gentleman from Kansas [Mr. CAMPBELL] such time as he desires.

Mr. CAMPBELL. Mr. Speaker, this bill is modeled after the law now in force in the State of Massachusetts and the law that was enacted last winter in the State of New York. I was in correspondence with the secretary of the senate of the State of New York during the time that this bill was before the committee, and I have a copy of the bill as it was reported by the senate committee to the New York senate, and also a copy as it was passed by that senate, the bill having previously passed the New York assembly. The sections are transposed in some instances, but in every section throughout the entire bill the intent and language are practically the same as the bill now before the House.

Mr. MANN. That is the New York law?

Mr. CAMPBELL. Yes. The New York law passed last winter. In a letter that I do not now find among my papers, written by the governor of Massachusetts, he states that the law has worked well there, considering the shortness of the time it has been in operation. The bill went into effect in

Massachusetts, I think, in the summer of 1907, and had only been in operation for some four or five months at the time the governor wrote concerning the matter.

Mr. MANN. We have a very effective antibucket-shop law in force in the State of Illinois. In the gentleman's investigations has he examined that law?

Mr. CAMPBELL. I examined the Illinois law very carefully.

Mr. MANN. Is it substantially the same as this bill?

Mr. CAMPBELL. Yes; as strong in some particulars as the law I propose here. All these laws tend in the same direction. The language differs and the punishment differs, in many instances, but the intent and practically the language of all the laws in all the States that I have examined are along the same lines and have the same purpose.

There are about fifteen known bucket shops in the District of Columbia, or were last winter. There are other places in the back ends of saloons and other resorts where wagers are laid on the prices of securities and commodities. They have a ticker, and margins are dealt in the same as in the more openly conducted bucket shops.

Mr. ADAIR. Mr. Speaker, is this a copy of the New York law practically?

Mr. CAMPBELL. Yes. However, it is more proper to say that it is a copy of the Massachusetts law. The New York law is a copy of the Massachusetts law.

Mr. ADAIR. And has it been successful in the State of New York?

Mr. CAMPBELL. It has just gone into effect there.

Mr. ADAIR. Are there any bucket shops in operation in the State of New York?

Mr. CAMPBELL. I think it is safe to say that there is some bucketing done in the State of New York.

Mr. Speaker, gambling in the price of stocks and commodities has been the subject of regulation and prohibitive legislation in Arkansas, California, Colorado, Connecticut, Georgia, Illinois, Iowa, Kansas, Louisiana, Mississippi, Michigan, Massachusetts, Missouri, North Carolina, New Hampshire, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, and Wisconsin.

The constitutions of California and Louisiana prohibit dealing in stocks on margins and for future delivery.

The intent and purpose of the law in all cases is to prohibit the gambling that is done in the price of stocks, securities, and commodities.

Gambling in stocks and food commodities has been a subject of discussion in many of the countries of the world. Within the past ten years the subject has been under consideration in some form or other by the Argentine Republic, Austria, Belgium, Bulgaria, Denmark, France, Germany, Greece, Hungary, Italy, the Netherlands, Norway, Portugal, Roumania, Russia, Servia, Spain, Sweden, and Switzerland.

The Canadian government has passed an effective law upon the subject. Throughout European countries a popular protest has arisen against gambling on the prices of farm products, the necessities of life.

It is wise to prohibit this species of gambling that is widely indulged in and most injurious in its consequences. Men who can ill afford to lose, gamble and lose their money in bucket shops and stock exchanges, betting on the differences in prices of stocks and commodities. Thousands have thought they could win in stock and grain gambling and have gone to their ruin. They have started in the bucket shop on a small scale, settling the differences between prices, and ended in ruin, the penitentiary, or the grave of a suicide.

It is estimated that within the last twenty-five years $2,500,000,000 have been lost in this species of gambling by those who could not afford to lose.

Embezzlement, imprisonment, ruin, suicide, and panic have been the results. Some of the principal victims were recently mentioned in a New York paper. I call attention to them here. Their experience should not be lost to others and to the country:

1884. The Marine National Bank of New York City was looted by two of its directors, who, in their Wall street speculations on margins, lost $2,000,000. The Second National Bank, through the Wall street speculations of John C. Eno, its president, lost $4,000,000.

1891. John T. Hill, president of the Ninth National Bank of New York City, speculated away $400,000.

1894. Frederick Baker, a depositor, and Samuel C. Seely, bookkeeper in the National Shoe and Leather Bank of New York City, lost $354,000.

1895. Frank C. Marvin, lawyer, Brooklyn, $75,000.

1898. John S. Hopkins, cashier of the People's Bank of Philadelphia, lost the bank's funds in speculation and killed himself, $700,000.

The Chemical National Bank, of New York City, lost, through "mistakes of judgment" on the part of the cashier, $393,000.

Ex-Mayor F. H. Twitchell, of Bath, Me., $60,000.

1899. George M. Valentine, cashier of the Middlesex County Bank and treasurer of the Perth Amboy (N. J.) Savings Institution, confessed to losing in speculation $125,000.

1900. Cornelius J. Alvord, jr., note teller of the First National Bank of New York City, lost in stock speculation $690,000.

William Schreiber, clerk in the Elizabeth Banking Company, Elizabeth, N. J., squandered in Wall street $106,000.

A confidential clerk of a wholesale house in Walker street, New York City, lost in Wall street $200,000.

1903. Frank V. La Bountie, confidential clerk for law firm of Wilson & Smith, of Chicago, $500,000.

William S. Allen, treasurer Preachers' Aid Society, Boston, $70,000.

United States Playing Card Company, of Cincinnati, robbed by a trusted woman employee of $100,000.

Enoch L. Cowart, cashier of the Navesink (N. J.) Bank, $40,000.

John A. Scott, cashier of the New York office of the London Assurance Company, $25,000.

William B. Given, president of the Lancaster County (Pa.) Railway and Light Company, $100,000.

Thomas W. Dewey, cashier of the Farmers and Merchants' Bank, of Newbern, N. C., $125,000.

James M. Watson, jr., clerk for auditor of the District of Columbia, $100,000.

Trusted clerk at the Hotel Beresford, in New York City, $50,000.

1904. Arnold Beathlen, cashier of a bank at West Liberty, Pa., $85,000.

John F. Goggin, treasurer of the Nashua Trust Company, of Nashua, N. H., arrested, charged with defalcation of $100,000.

George A. Rose, cashier of the Produce Exchange Banking Company of Cleveland, $170,000.

Wallace H. Ham, Boston agent of the American Surety Company, of New York City, $286,000.

Ex-Mayor S. F. Smith, of Davenport, Iowa, $150,000.

F. H. Cutting, bank president, of Ota, Iowa, $112,000.

1905. Ex-Tax Collector E. J. Smith, of San Francisco, $60,000.

Paul O. Stensland, Chicago banker, who was captured abroad, $1,500,000.

Cashier of the Cornwall (N. Y.) Bank, $45,000.

W. W. Karr, accountant of the Smithsonian Institution, Washington, D. C., $50,000.

Mayor William H. Belcher, Paterson, N. J., $150,000.

Frank G. Bigelow, head of the First National Bank of Milwaukee, $1,450,000.

F. H. Palmer, cashier of the State Bank, Peconic, Long Island, $40,000.

Denver (Colo.) Savings Bank, looted by speculating officials of $1,700,000.

Newton C. Dougherty, superintendent of schools, Peoria, Ill., $250,000.

T. Lee Clarke, cashier of the Enterprise (Pa.) Bank, $1,200,000.

F. R. Green, cashier Fredonia National Bank, $300,000.

1906. Joseph A. Turney, note teller in the National Bank of North America, of New York City, took from the institution and lost in Wall street $34,000.

County Treasurer F. E. Smith, of Akron, Ohio, $282,000.

Gordon Dubose, president of the First National Bank, Ensley, Ala., $40,000.

Frank K. Hipple, president of the Real Estate Trust Company of Philadelphia, $7,000,000.

C. S. Hixon, bookkeeper, Union Trust Company of Pittsburg, $125,000.

1907. Charles T. Barney, president of the Knickerbocker Trust Company, who killed himself when the financial crash came. It is estimated by his close friends that the total amount lost by him in speculation was almost $10,000,000.

F. Augustus Heinze, whose losses in the market fluctuations, according to a statement made by him to a friend, were $9,000,000.

Charles W. Morse, whilom "ice king," "steamboat king," and "bank chainer," whose losses in market fluctuations are figured at $20,000,000.

Chester Runyan, bank clerk, New York City, $86,000.

George H. Brouwer, known as the "soul of honor," confidential man for James H. Oliphant & Co., stockbrokers, of New York City, $90,000.

Clerk for the tax collector of New Orleans, $100,000.

William F. Walker, treasurer of the New Britain (Conn.) Savings Bank, $600,000.

Miss Flora Steipel, cashier in a Philadelphia department store, $25,000.

Oliver M. Dennett and William O. Douglass stole $1,300,000 in securities from the Trust Company of America and pawned them for $140,000.

Mr. Speaker, these enormous losses were the result of gambling in the price of stocks and commodities—not in the legitimate purchase of railroad or industrial stocks, or grain, or cotton, or produce of any character. It was not investment; it was gambling in options, futures, and the differences in prices of the products of the farm and stocks and securities of the transportation and industrial companies of the country.

It is safe to add to the injury that falls to the lot of the unfortunate individual who thus "speculates" and loses, and his family, the injury that comes to the whole country. Gambling on the price of other people's property, too often with other people's money, has more than once led the country into financial panics that have had a most harmful effect upon the otherwise prosperous business of the country. Thousands of industrious men, through no fault of theirs, have been thrown out of employment because other men gambled on the differences in the prices of the property they produced or worked with.

Mr. Speaker, the Wall street panic of 1901 was the result of fraudulent stock manipulation and gambling, and the whole country narrowly escaped disastrous results from that fraudulent manipulation and gambling. It was all done by a few individuals.

The incipient panic of 1903 was started by Wall street gamblers, and the financial panic of October, 1907, was started in Wall street and was the collapse after a debauch in wild and excessive gambling, largely in the prices of stocks that were

owned by an innocent public—stocks that were not bought and sold in good faith on the exchanges. Money was borrowed in large amounts for which there was not ample security. This money had been attracted from country banks in almost every State in the Union by offers from Wall street banks of attractive rates of interest on daily balances. The interest offered was a higher rate than could be paid by manufacturers, jobbers, and merchants, or grain or cattle dealers who were doing a legitimate business for a fair profit.

I have no hesitation in saying that the panic was brought on by gambling with other people's money on the differences in prices of other people's property.

I would not stop investment and speculation on the stock exchanges, which promote large enterprises and float the stocks and bonds of the great industrial and transportation concerns of the country. Not at all. I would help rather than hinder investment and proper speculation in real stocks and real bonds and real grain and real cotton and real products of every sort that are sold in good faith and delivered in good faith, where the owner through his agent wants to sell and the buyer through his agent wants to invest.

I would protect honest investors and speculators in all these stocks, securities, and commodities from gambling and fraudulent manipulation in the prices of the stocks, bonds, grain, cotton, and other property of the country.

These gamblers never buy nor sell in good faith. I assert, without fear of successful contradiction by anyone, that over 90 per cent of the transactions on all the stock exchanges in Wall street or on the board of trade in Chicago or elsewhere in the country is a gamble on the differences in prices.

I assert here that in less than 10 per cent of the transactions on these exchanges that purport to be sales and purchases there is no real delivery in good faith by a seller to a buyer who wants to invest and become the owner of the property and secure the dividends or interest that may be earned. Actual delivery of the specific property is not made or intended to be made, and the alleged buyers do not want the stock they pretend to purchase as an investment.

Why, Mr. Speaker, to the actual investor and to the man who speculates on his best judgment, the dividends paid by a concern would largely control him in the price he would pay for its stocks or bonds, and yet it is actually true that on the stock exchanges in Wall street and elsewhere in the country the prices of stocks and bonds are not controlled by this standard of value.

On the 3d day of April, 1907, the Associated Press gave out this bit of news:

NEW YORK, *April 3, 1907.*

A market in which good news is good only until it gets out is not a very robust bull market. Just before the announcement of the increase in the Atchison dividend was made the stock sold at 94⅝. A few minutes later the price dropped to 94, and within half an hour it was fully a point down from the high morning and more than two points from the highest level touched in the rise on Tuesday.

But that is not all. The income of the railroads of the country gradually increased from $875 to $1,180 in a single year, and yet by a shrewd manipulation of railroad stocks within this period the prices were forced down or up to suit the demands of a gambling enterprise. What is actually done on the exchanges denies that they are conducted solely for real investors or speculators where property is sold and delivered in good faith.

The influence of these gambling prices upon the business of the country can not be anything but bad.

There are 35 banks, 29 trust companies, 9 safe deposit companies, the general offices of 52 railroads, 46 fire and 18 life insurance companies, 6 express companies, 21 telegraph, 18 steamship, and 42 coal, iron, steel, and copper companies, and more than 200 other large industrial and transportation corporations in the financial district that surrounds the stock exchanges in Wall street. Every one of these enterprises is keenly sensitive to and affected by the manipulations that go on on the exchanges.

A recent editorial in the New York World is so full of valuable information on this subject that I shall take the liberty of quoting from it. I take it that a New York paper would be fair with Wall street, the stock exchanges, and the banks of its city. It says:

Nowhere on the earth does another such gambling institution exist as finds shelter in the New York Stock Exchange—an unincorporated irresponsible institution. According to the statistics carefully compiled by James Creelman in Pearson's Magazine, there were sold in 1906 on the stock exchange 286,418,601 shares of stock of the par value of $25,000,000,000, besides 665,000 thousand-dollar bonds; on the Consolidated Exchange 136,000,760 shares of stock, besides 21,569,178 shares of mining stock and 183,884,000 bushels of wheat. This does not include curb sales.

These gambling transactions amount to over $30,000,000,000—four times the value of the products of all the farms of the United States, half the value of all the land and buildings, one third the census valuation of all the wealth of every kind in the country.

Last year there were sold on the stock exchange 43,399,710 shares of Reading, fifteen times the total amount of Reading stock in existence. Of the Union Pacific, Harriman's road, there were sold 36,751,600 shares, twenty times as much as existed.

Ninety-one and one-half per cent of these transactions, according to Thomas W. Lawson, are nothing except bets that the price goes up or down. They are as much gambling as betting on a horse race or on the card that comes out of the faro box, or on the odd-or-even fall of the dice.

Mr. Speaker, this is gambling on a colossal scale. Carried on as it is, it takes the money of the country out of legitimate channels of trade, where interest rates are largely controlled by the sober business judgment of business men who do a fair business for a fair profit. They can not compete in the payment of interest rates with reckless gamblers, and banks that wince under the criticism that they are not conservative and careful with the money of their depositors take their chances with these gamblers too often, to the injury of their depositors and the country.

The panic of 1907, I say again, was largely due to the banks that cater to the stock gamblers, absorbing a large portion of the money of the country to be used by men engaged in reckless gambling. They were willing to pay any rate of interest that was necessary to obtain the money.

In no other country than the United States are incorporated banks permitted to be a part of the machinery of stock gambling. In no other country are the methods of stock gamblers such as to require the constant use for that sole purpose of hundreds of millions of dollars of other people's money. In London, Paris, Berlin, Frankfort, and Amsterdam gamblers in stock must use their own money and their own credit as if they were playing at Monte Carlo instead of on a stock exchange.

This difference in stock gambling accounts for the great fluctuations in the rates of interest in New York as compared with the stability of European financial centers. In New York call money may be 3 per cent one day and 50 per cent the next day, which is unknown in Europe.

By bidding up the rate of interest higher than legitimate business can pay, stock gamblers are able to draw from productive industry its means for supplying pay rolls, for carrying on manufacturing, for distributing goods, and for moving crops.

This drains the reserve money of the United States to Wall street. A commercial bank, charging merchants and manufacturers 6 per cent interest, can not afford to pay interest on deposits in competition with the Wall street banks, which can frequently get 20 to 50 per cent on the stock exchange for the use of their deposits. Thus this reserve money gravitates to the banks that can afford to pay high interest.

Wall street in this way became a great funnel into which the savings of the people, instead of being available to the local manufacturer or the local storekeeper, were driven by higher rates of interest to the stock exchanges.

Without the banks' assistance this whole system would be destroyed and the stock gamblers in New York would have to gamble as do the stock gamblers in London, Paris, Frankfort, and other European bourses where the form of actual delivery in speculative transactions is not gone through with. Such a thing as a London stockbroker having the Bank of England or a Paris broker the Bank of France certify his check in advance and thus furnish the funds for him to gamble with is unheard of. The European stockbrokers gamble as do the London race-track bookmakers, who have their regular settlement day at Tattersalls.

The forms which the New York and Chicago stock exchanges go through to evade the gambling laws are in vogue nowhere else.

The French and German Governments treat stock gambling somewhat as race-track gambling is now treated in this country. But these continental governments go further. They even decide in what stocks and bonds they will allow gambling, many of them forbidding gambling in the price of farm products.

If it is important to stop betting on cards, roulette, and horse racing—and it is—how much more important that we should rid legitimate business of the contaminating evil of Wall street and board of trade gambling.

This bill will stop betting on the price of other people's property here. I hope the bill will pass.

Mr. GAINES of Tennessee. I want to ask the gentleman from Kansas if he will not accept an amendment in the nature of an additional section to read something like this:

SEC. 869e. That the court having jurisdiction shall charge the grand jury each term to investigate violations of this act.

Mr. CAMPBELL. I should have no objection to that.

Mr. MANN. I want to say that we have a provision of that sort in the law in Illinois, and if it has any tendency at all it is to make of it a farce, because to charge a grand jury—with us every month—with the same thing where there is no offense committed, and no consideration given to the subject in the end, tends to make a laughing matter of it; and for years that was the result. We enforce the law now, but not on account of that provision.

Mr. GAINES of Tennessee. I do not think it will do any harm.

Mr. MANN. It has done harm with us, and I am sure no one would be in favor of putting it in the law again.

Mr. GAINES of Tennessee. This House has heretofore adopted similar measures. The gentleman says: "What is the use of charging the grand jury when there are no bucket shops and no violations of the law?" Then the grand jury would be very brief in their investigation and thus deter their coming. But the gentleman from Kansas says that there are a number of bucket shops all over the District of Columbia. Now, if there are five or six dozen—some on top of the ground and some under the ground, some in the garrets of the hotels and some in the cellar—the grand jury would be very apt, if they were charged every term to investigate the violations, in the course of twelve months to get all of these broken up, and thus the grand jury could attend to this matter in a few months. I think it will do no harm to adopt the amendment, and I hope the gentleman from Kansas will accept it. This amendment will show the court that Congress deems the evil very dangerous and should be wiped out.

Mr. CAMPBELL. I shall offer no objection to the amendment of the gentleman from Tennessee. I will yield to the gentleman from Tennessee to offer the amendment.

Mr. GAINES of Tennessee. Then, Mr. Speaker, I offer the amendment.

The Clerk read as follows:

SEC. 869e. Courts having jurisdiction shall charge the grand jury each term to investigate violations of this act.

Mr. CAMPBELL. The amendment will be considered as pending. I had just started, Mr. Speaker, to say that the District of Columbia Commissioners are anxious that this shall become a law. They had to resort to prosecutions for bucketing and bucket-shop keeping under the general gaming laws last winter. They want a law that is specific on the subject, and are anxious that this bill as reported by the committee shall become a law. Now, if there is nothing further to be said on the subject, I ask for a vote.

Mr. GILLETT. Mr. Speaker, I wish to submit an amendment.

The SPEAKER. Does it relate to the amendment offered by the gentleman from Tennessee?

Mr. GILLETT. No; it is a separate amendment.

The SPEAKER. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

Mr. GILLETT. Now, Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

SEC. 869f. Any person who, with intent to conduct, promote, or carry on in any manner whatever any "bucket shop," or who, with intent to aid, assist, or abet in the conducting, promoting, or carrying on of any such "bucket shop," shall deposit with, send, or transmit by any telegraph company or telephone company, or by any wire owned or controlled or leased by any such corporation, any dispatch, message, or market quotation from one State or Territory into another State or Territory, or from or into the District of Columbia, shall be guilty of a misdemeanor, and shall be punished for the first offense by a fine not exceeding $1,000 or by imprisonment for not more than one year, and for the second and each other offense punished by imprisonment for not more than five years.

SEC. 869g. No common carrier, or corporation, or employee thereof, shall receive for transmission, or transmit, or send from one State or Territory into another State or Territory, or from or into the District of Columbia, any dispatch, message, or market quotation prohibited by section 869f of this act; and every person who shall willfully violate any of the provisions of this section shall be deemed guilty of a misdemeanor and shall be liable to the same penalties as provided in section 869f.

SEC. 869h. No common carrier, corporation, or person engaged in the business of conveying for hire messages, news, or information from one State to another by telegraph or telephone shall purchase or receive the market quotations of any exchange or board of trade in one State and transmit or deliver or sell them to any person, association, copartnership, or corporation, who or which, in his, its, or their own behalf, or as agent, is engaged in another State in the business of conducting a "bucket shop;" and no such common carrier, corporation, or person, shall permit any telegraph or telephone wire owned, controlled, or leased by it or him, to any other person, to be used to convey or transmit such market quotations from one State to any person, association, copartnership, or corporation, who or which, in his, or its own behalf, or as agent, is engaged in the business of conducting in another State such "bucket shop;" and every such common carrier, corporation, or person, and every officer and agent thereof who shall willfully violate any of the provisions of this section shall be deemed guilty of a misdemeanor and shall be liable to the same penalties and punishment as provided in section 869f hereof.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that the amendment is not germane to the bill. This is a bill to prohibit the maintenance and establishment of bucket shops in the District of Columbia. It has been carefully considered by the committee, and I understand there is no objection to it. This proposed amendment attempts to regulate the business of the telegraph and telephone companies and other common carriers in their transactions through the various States. Unless the matter is very carefully considered by some committee, I do not propose, if I can prevent it, to have the matter disposed of in this way.

Mr. GILLETT. Mr. Speaker, this undoubtedly does refer to others besides the District, but it also applies and directly carries out the objects of this bill, which are to prevent bucket shopping here. Now, one of the best ways to prevent that is to prevent the bucket shops here from getting the information upon which their existence depends, and therefore so far my amendment explicitly carries out the purposes of the act. It does also go farther. It also forbids any common carriers in the United States assisting bucket shops anywhere in the United States, and I am sorry that my friend objects to so worthy a proposition.

Mr. FITZGERALD. Mr. Speaker, I am not sure that it is a worthy proposition. That is the difficulty. The gentleman offers an amendment and it is impossible to tell either what its effect will be or what it means, and under the methods in which the business of this House is done I propose to have such amendment properly considered and properly framed before I shall give my consent to it.

Mr. GILLETT. May I ask the gentleman a question?

Mr. FITZGERALD. Yes.

Mr. GILLETT. Why he considers that it is impossible to understand it. It seems to me that it is very lucid.

Mr. FITZGERALD. Oh, I suppose it is because of my lack of comprehension and not because of the lack of ability on the part of the gentleman to properly frame it, and upon that ground alone I am satisfied to insist on my objection.

The SPEAKER. The Chair is prepared to rule. This is a bill "to amend an act entitled 'An act to establish a code of law for the District of Columbia, relative to gambling, bucket shops, and bucketing.'" The amendment applies not only to the District of Columbia, but journeys elsewhere. The scope of the amendment applies to the various States and Territories and to commerce among the States. It seems to the Chair it is not germane, and the Chair therefore sustains the point of order.

Mr. CAMPBELL. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. CAMPBELL, a motion to reconsider the last vote was laid on the table.

SALE OF GAS, DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill (H. R. 18513) to repeal section 5 of an act entitled "An act relative to the sale of gas in the District of Columbia," approved June 6, 1896, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 5 of an act entitled "An act relating to the sale of gas in the District of Columbia," approved June 6, 1896, and all remedies therein provided, be, and the same are hereby, repealed, and all pending proceedings thereunder shall be vacated, and no judgment, decree, finding, permit, or valuation of any kind mentioned or intended to be mentioned in said section shall be made or ascertained.

Mr. SMITH of Michigan. Mr. Speaker, I am going to ask that the report accompanying this bill be printed in the RECORD.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the report accompanying this bill be printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. MANN. O Mr. Speaker, let us know what it is.

Mr. HEPBURN. Is there to be no explanation of this bill?

Mr. SMITH of Michigan. Is there any objection to the report being read?

Mr. MANN. That has been disposed of.

The SPEAKER. Unanimous consent has been given that the report shall be printed in the RECORD.

Mr. SMITH of Michigan. I intended to ask to have it read.

The SPEAKER. If the gentleman desires in his own time or the time of any other gentleman who takes the floor, that may be done.

Mr. SMITH of Michigan. I yield to the gentleman from Kansas.

Mr. CAMPBELL. Mr. Speaker, if the gentleman from Michigan will withdraw his request to have the report printed in the RECORD, I will ask unanimous consent to have it read in my time.

Mr. SMITH of Michigan. Very well. That is perfectly immaterial to me.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the privilege to print the report in the RECORD, which was granted by unanimous consent, be canceled.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to suggest to the gentleman that reading a report from the Clerk's desk is of very little practical value in the explanation of a bill, and certainly the committee owes it to the House that some one make an oral statement of the real facts in the case.

Mr. SMITH of Michigan. Oh, that will be done.

Mr. MANN. Let the report be printed in the RECORD. I therefore object to the request.

The SPEAKER. The gentleman from Illinois objects.

Mr. MANN. Let us have an explanation of the bill.

The report is as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 18513) "to repeal section 5 of an act entitled 'An act relating to the sale of gas in the District of Columbia,' approved June 6, 1896," report the same back to the House with the recommendation that it do pass.

Two gas companies supply gas in the District of Columbia. The larger of the two companies is the Washington Gaslight Company, which was incorporated by act of Congress passed July 8, 1848 (9 Stat. L., 702), with a capital stock of $50,000, and it supplies the territory east of Rock Creek. The smaller company is the Georgetown Gaslight Company, which supplies the territory west of Rock Creek. It was incorporated July 20, 1854 (10 Stat. L., 786), with a capital stock not to exceed $150,000. This sum represents its present capital stock.

The capital stock of the Washington Gaslight Company has been increased from time to time, and at present its authorized capital stock is $2,600,000.

Capital stock of the Washington Gaslight Company.

July 8, 1848 (9 Stat. L., 702), charter	$50,000
August 2, 1852 (10 Stat. L., 734), increase of	300,000
January 3, 1855 (10 Stat. L., 835), increase of	150,000
May 24, 1866 (14 Stat. L., 53), increase of	500,000
May 29, 1872 (17 Stat. L., 192), increase of	200,000
NOTE.—With the privilege of increasing the capital stock $1,000,000 (the said increase not to be made from undivided profits accrued or thereafter to accrue)—	
between 1873 and 1876 there was paid in	300,000
and between 1876 and 1882	500,000
was issued to stockholders share for share. (See statement of the Washington Gaslight Company, p. 6, report of Senate committee to accompany S. 2918, dated July 7, 1886.)	
June 6, 1896, section 5 (29 Stat. L., 251), increase of	600,000
Total amount of authorized capital stock	2,600,000
Certificates of indebtedness outstanding bearing 6 per cent interest per annum	2,600,000

Five hundred thousand dollars of capital stock of the Washington Gaslight Company has been distributed as stock dividends and, $2,600,000 of stock dividends in form of certificates of indebtedness has been issued, making in the aggregate $3,100,000 extra stock dividends.

The object of the present bill is to repeal section 5 of the act of June 6, 1896. That section reads as follows:

"That neither the Washington Gaslight Company nor the Georgetown Gaslight Company shall hereafter issue any greater number of shares of stock than shall be equal to the actual cash value of said plants and necessary cost of the construction of future extensions or future enlargement of plants, which cash value and cost of extensions shall first be ascertained and authorized upon petition therefor to the supreme court of the District of Columbia under such regulations as the chief justice and the justices thereof shall prescribe; also, if either of the said corporations shall desire hereafter to issue bonds upon their property, secured by mortgage or otherwise, upon petition therefor to said court, setting forth the necessity thereof and the amount of stock issued and outstanding, it may be and shall be lawful for said court, or the chief justice and justices thereof, as the case may be, or one of them, upon public notice, to be prescribed by the rules of said court, to permit the issuance of such bonds and mortgage as desired: *Provided*, That the amount of stock and bonds issued shall not exceed the actual cash value of said plants and the cost of such extensions or enlargement of plants: *And provided further*, That the Washington Gaslight Company is hereby authorized to issue such additional amount of capital stock as will provide for the conversion into such stock of its outstanding certificates of indebtedness, which conversion of said certificates is hereby authorized to an amount not exceeding $600,000."

In June, 1907, the supreme court of the District of Columbia, in general term, passed a rule for procedure under said section.

No action was taken under section 5 of this act by either of the gas companies until the month of June, 1907, when the Georgetown Gaslight Company filed its ex parte petition in the supreme court of the District of Columbia, setting forth that its stock had been fully paid; that it had issued no bonds; that its entire floating debt did not exceed $60,000, and that it desired to issue additional stock to equal the total cash value of its plant and the extensions and enlargements thereof, as provided in said section 5 of the act of June 6, 1896. A copy of this petition, with rule to show cause, was served on the Attorney-General of the United States, who appeared in the case by the United States attorney, and on the Commissioners of the District of Columbia. The cause was referred to the auditor of that court (whose office is that of a master in chancery) to take testimony on the actual cash value of the plant. Testimony was taken before him, and he has filed his report, but it has not been confirmed because of legal proceedings in the case of the Washington Gaslight Company. A summary of the auditor's report shows:

Valuation of Georgetown Gaslight Company property.

Land	$42,823.90
Buildings	42,705.30
Apparatus	59,108.50
Gas holders	36,300.00
Street mains	167,030.60
595 street-lamp services	5,950.00
225 lampposts	1,575.00
Consumers' meters and connections	18,623.00
Working capital	30,000.00
Value of franchise, rights, and good will	66,661.00
Total actual cash value	470,777.30

In his valuation of the company's "plant" the auditor included the value of its land, buildings and machinery, apparatus, personal property, street mains, gas holders, consumers' meters, working capital ($30,000), value of franchise, rights, and good will ($66,661), but did not allow the gas company for 2,025 consumers' service pipes leading from the main to the house meter paid for by the consumer, although the company claimed that these services should be valued at $16 each. Exceptions have been filed to this report by the corporation counsel on behalf of the Commissioners of the District of Columbia, particularly in reference to the valuation as part of the "plant," of franchise, rights, and good will, and working capital. These exceptions are pending and have not been heard because the Washington Gaslight Company on November 5, 1907, filed its petition in the same court for the ascertainment of the actual cash value of its "plant" and the cost of future extensions or enlargement of the same. The Commissioners of the District of Columbia appeared, by the corporation counsel, and presented a motion to dismiss the petition on the ground that section 5 of the act of June 6, 1896, was unconstitutional in that, among other reasons, the power given the court was not a judicial power. The court overruled the motion. An application was made to the court of appeals of the District of Columbia for a writ of prohibition to the supreme court of the District of Columbia, which writ was awarded on the grounds mentioned, and all proceedings under section 5 have been stayed until the Supreme Court of the United States shall determine whether that section is constitutional and valid. The opinion of said court of appeals is reported in volume 36, No. 8, of the Washington Law Reporter, at page 114.

Aside from the fact that section 5 as it now stands has been declared unconstitutional by the court of appeals (whose decision is presumably correct) and should therefore be removed from the statute books, its practical effect is to deny adequate protection to the consumer and the public, because proceedings thereunder are ex parte, and the valuation to be made depends solely on witnesses furnished by the gas companies, and there are no funds which are available to the District of Columbia to employ experts to value the gas plants on the part of the public, and therefore no fair valuation can be had under the present law.

The corporation counsel was obliged to submit the case on the facts solely on cross-examination of the witnesses produced by the Georgetown Gaslight Company.

When the Georgetown Gaslight Company's case first came before the court, the presiding justice stated:

"The simple question here is to ascertain the cash value of the plant. The court has nothing to do with the subsequent action of the gas company in issuing new stock. It may not issue it, for all the court knows or cares. It simply ascertains the cash value of the plant, and presents that fact to the gas company for such action as it may deem proper to take in the premises. It occurs to the court that the most the representatives of the United States and the District of Columbia would be expected to do would be to see that the testimony presented was fair and subjected to the usual cross-examination for the purpose of testing its accuracy. That, however, is a matter for the representatives of the United States and the District."

There is, too, a serious ambiguity in the act in that the court is to ascertain the actual cash value of the "plant," which the auditor holds to mean franchises, rights, good will, and working capital, although the charters do not grant a perpetual franchise. The auditor has arrived at this conclusion on the ground that Congress intended to protect those who dealt in gas stocks. If this construction be sustained and the ex parte character of the judicial inquiry is to be maintained, these companies will be allowed to capitalize their profits furnished by the consumers of gas on the testimony of their own witnesses, and thereby secure a valuation which will, if it becomes vested by judicial decision, require reasonable profit thereon, and thus forever prevent a reduction of the price of gas below a fair profit on the accumulated profits of the gas companies, plus tangible property. The valuation of the plant of the gas compaies and the price of gas can not be separated. Under the law the courts will not allow the question of the price of gas to be examined, but will capitalize earnings or dividends, thus authorizing the companies to charge a price for gas which will afford a fair return on such increased capital, although gas may be furnished at a less price for a fair profit without such increase of capital stock.

The repeal of the act will take nothing away from the companies or their stockholders, because they can still distribute their surplus earnings as dividends. Section 5 can be now repealed without injury to anyone, because no right has become vested by any judgment or decree.

Mr. BUTLER. Mr. Speaker——

The SPEAKER. Does the gentleman from Kansas yield to the gentleman from Pennsylvania?

Mr. CAMPBELL. Certainly.

Mr. BUTLER. Can not we have the report read; is there anything in it we should not hear?

Mr. CAMPBELL. I have just asked for that.

Mr. MANN. Oh, well, if gentlemen desire the report read, I withdraw my objection, but I had rather have the gentleman from Kansas explain it. I dare say the gentleman from Pennsylvania will not listen to it.

The SPEAKER. The gentleman from Kansas can have the report read in his own time.

Mr. CAMPBELL. Mr. Speaker, the purpose of this bill is to repeal section 5 of the gas act passed in 1896. Section 5 of that act gives the supreme court of the District of Columbia au-

thority to find the value of the gas properties here in the District. The section proposed to be repealed, I am informed, was agreed to in conference twelve years ago when a gas bill was before Congress, and that section did not have consideration in either the House or Senate at that time. Last year the Washington Gaslight Company filed a petition in the supreme court of the District petitioning the court to ascertain the value of its properties. The auditor for the District is ex officio or was made a master in chancery to take evidence as to the value of the gas plant and its property. The first objection to the section was made by the commissioners and by the corporation counsel when the method of ascertaining this value was under consideration by the court.

The court prescribed the rules under which evidence should be taken and the value of the property ascertained. These rules limited the investigation to the evidence offered by the petitioner, the gas company, and all the United States district attorney or the corporation counsel were permitted to do under the rules prescribed by the court was merely to cross-examine the witnesses offered by the gas company touching the several questions affecting the value of its property. Indeed, the question occurred to the commissioners for the first time, that they in any event had no appropriation out of which they could secure experts to make an investigation of the value of the property and offer evidence in the case. The commissioners before the committee insisted that under the procedure in the court they had no adequate opportunity of showing whether or not the value fixed by the gas company's officers and experts was a fair value or not. They were merely permitted to cross-examine the witnesses. It is contended by the corporation counsel that the value of the franchise, for example, was taken into consideration by the auditor in fixing the value of the company's property and that upon every ground they objected to that element in the value of the company's property.

The franchise cost the company nothing and it may be terminated by Congress at any time, yet it appeared in the evidence that the franchise and good will were estimated at $66,661. The commissioners directed the corporation counsel to take every step that was open to him for the protection of the District and the consumers of the gas here from an unreasonable increase in the capital stock of the gas company. The corporation counsel, upon the instructions of the commissioners, went into court and filed every pleading that was available. The result of the efforts of the corporation counsel is, or was up to the time this report was made, the court of appeals of the District of Columbia had decided that section 5, under which the value of the gas property was ascertained, was unconstitutional, and the case has been taken to the Supreme Court of the United States and, I think, is pending there now. The question raised by the commissioners before the committee, and the appeal to it which led to a favorable report on the bill and its being here to-day, was upon this proposition: Under the interpretation of the court only the gas company may offer evidence in the hearing of the character provided for showing the value of the properties sought to be ascertained.

Mr. HEPBURN. May I ask the gentleman a question?

Mr. CAMPBELL. I yield with pleasure.

Mr. HEPBURN. There is a court of appeals that would have jurisdiction over the further progress of this case, is there not?

Mr. CAMPBELL. There is.

Mr. HEPBURN. What is the objection to pursuing the ordinary course and taking an appeal to determine this question of law? Is that not the proper course, rather than coming in here and asking for a law to be repealed? Is not this a question that ought to be determined—this matter of franchise—and whether or not that is a legitimate part of the plant, and ought not the Supreme Court to pass upon the question?

Mr. CAMPBELL. The case has gone to the Supreme Court of the United States upon that question. The case went to the Supreme Court upon the constitutionality of section 5 of the act.

Mr. HEPBURN. Is it not a wise thing to have the opinion of the Supreme Court upon this vexed question, as to whether or not a franchise is a part of the plant of a corporation?

Mr. CAMPBELL. That was not the question that was raised.

Mr. HEPBURN. I understood the gentleman to say that question was involved here and that the court had intimated——

Mr. CAMPBELL. That was a question of fact that was found by the auditor, he finding that the franchise was of value.

Mr. HEPBURN. But that question is in the case, is it not?

Mr. CAMPBELL. The question went to the court of appeals of the District of Columbia, and from there to the Supreme Court of the United States, on the constitutionality of the question as to whether or not the court had authority at all to merely find the value of a public-service corporation in the District of Columbia on an ex parte proceeding.

Mr. HEPBURN. But under the law as it now exists this other question might be determined by the Supreme Court?

Mr. CAMPBELL. Yes.

Mr. HEPBURN. And if you repeal this statute that question can not be determined, can it?

Mr. CAMPBELL. Not under this section, of course.

Mr. DRISCOLL. I would like to ask what the present price is.

Mr. CAMPBELL. The present price of gas in the District of Columbia is $1 per thousand net.

Mr. DRISCOLL. How long since it has been reduced before?

Mr. CAMPBELL. On June 6, 1896.

Mr. DRISCOLL. What was it then?

Mr. CAMPBELL. Prior to that time $1.25.

Mr. DRISCOLL. I wish to ask another question: Whether or not the Washington Gas Company and the Georgetown Gas Company are now consolidated?

Mr. CAMPBELL. They have not been consolidated; no.

Mr. DRISCOLL. They have not been consolidated legally, but have they been consolidated in doing business?

Mr. CAMPBELL. It is contended they are under the same general management.

Mr. DRISCOLL. I know that some years ago an effort was made to consolidate the companies here and get Congress to permit an increase of stock. Has there been any increase of stock on the part of those companies in the last two years?

Mr. CAMPBELL. There has been an increase of stock in the Washington Gaslight Company since its incorporation in 1848. It was first chartered with a capital stock of $50,000. In 1852 that stock was increased $300,000. Then, on January 3, 1855, it was increased $150,000; May 24, 1876, it was increased $500,000; May 29, 1872, it was increased $200,000; between 1873 and 1876 there was paid in $300,000, and between 1876 and 1882, $500,000.

Mr. DRISCOLL. What do you mean by "paid in?"

Mr. CAMPBELL. The capital stock paid in.

Mr. DRISCOLL. Is it not a fact that practically all those increases were procured by earnings of the company?

Mr. CAMPBELL. That is the contention of those who are opposed to further inflation of the stock of these companies.

Mr. DRISCOLL. Is it not a fact, as developed by your investigations?

Mr. CAMPBELL. Well, we had hearings upon the subject, and there was very strong testimony tending to show that fact.

Mr. DRISCOLL. Now, on this examination for the purpose of determining the price of gas at 90 cents, what percentage does the committee allow of the stock as it is now—on the amount of stock which is now issued?

Mr. CAMPBELL. This not being a bill to fix the price of gas, we did not go into that question.

Mr. DRISCOLL. What does this bill do?

Mr. CAMPBELL. It simply repeals section 5 of the present act that authorizes the gas company to go into the courts here and have the courts find the value of their property with the view of issuing stock upon the value as found by the courts.

Mr. DRISCOLL. You have a bill here to-day fixing the price of gas, have you not?

Mr. CAMPBELL. I am not sure whether that bill is on the Calendar.

Mr. SMITH of Michigan. Yes; it is on the Calendar.

Mr. DRISCOLL. And it is to be called up within a few minutes, is it not?

Mr. SMITH of Michigan. We expect it will be.

Mr. DRISCOLL. I might as well ask now, then.

Mr. CAMPBELL. I am not prepared to answer on that. Wait until that bill comes up.

Mr. GAINES of Tennessee. Will the gentleman from Kansas [Mr. CAMPBELL] tell us if they want to repeal that law so as to wipe a lawsuit out of court?

Mr. CAMPBELL. There is a lawsuit here, but it is thought that this law is unjust to the District of Columbia and to the people here, in that it only permits evidence by the petitioner to show what the elements of value are that enter in the make-up of the stock of the company.

Mr. MURDOCK. Will the gentleman explain how we will find the valuation in case section 5 is repealed?

Mr. CAMPBELL. There would have to be some other method of ascertaining. My own opinion is that there should be a well-considered law to provide for ascertaining the value, and that that law should provide for the commissioners giving expert and other testimony as to the value of the property as well as the testimony that is given by the gas company.

Mr. MURDOCK. Just one more question: As section 5 stands, is the district government hurt in any way for the present?

Mr. CAMPBELL. Yes; the fear of those who have petitioned for the passage of this bill is, if this act stands and the Supreme

Court of the United States should say that the act providing for the method of ascertaining the value of the property was constitutional, then, without a proper hearing from the District side, the capital stock of this company might be very largely increased and the price of gas retained at a high figure on the claim that it was necessary to keep it up at that figure in order to pay dividends.

Mr. MILLER. Suppose this section 5 should be repealed, what law is there for the determination of the amount of stock that may be issued by these gas companies?

Mr. CAMPBELL. If it is repealed, there would be none.

Mr. MILLER. And they might issue any amount of stock without regard to the value.

Mr. CAMPBELL. They can not issue stock without authority of Congress.

Mr. BURLESON. It is the purpose of these proceedings now to prevent them from watering their stock.

Mr. MANN. No; it is not the purpose of the repeal of this act.

Mr. BURLESON. It is the purpose of the proceeding—that this section of the act is to enable them to water their stock, and the purpose of repealing the section of that act is to prevent them watering their stock.

Mr. ADAIR. Well, if this section is repealed, what effect would it have on the lawsuit?

Mr. CAMPBELL. It would leave the pending lawsuit suspended.

Mr. ADAIR. In other words, the purpose of this is to defeat the pending lawsuit.

Mr. CAMPBELL. No; that is not the purpose. That would be one of the effects. The purpose was to prevent an increase in the capital stock of these companies without a fair hearing from the commissioners' side of the case.

Mr. ADAIR. It would wipe out the lawsuit now pending.

Mr. CAMPBELL. It would wipe out the lawsuit in the United States Supreme Court.

Mr. DRISCOLL. Suppose this bill is not acted on and the law stands as it is, in your judgment would the company have power to issue stock without coming to Congress?

Mr. CAMPBELL. The only thing that they could do——

Mr. MANN. The gentleman misunderstands your question.

Mr. DRISCOLL. If this bill is not repealed, they have the authority?

Mr. CAMPBELL. If the court sustains the act, then they would have the authority to go ahead and increase their capital stock.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. CAMPBELL. Yes.

Mr. MANN. Without regard to the act of 1896, this company, as I understand, either can not issue additional stock or else issue additional stock for cash capital paid in?

Mr. CAMPBELL. Yes.

Mr. MANN. But under section 5 in the act of 1896 there is a provision for the issuance of stock up to the cash value of the plant. The company claims that the cash value of the plant includes the value of the franchise?

Mr. CAMPBELL. Yes.

Mr. MANN. And the statute provides that if the court shall hold that their franchise is included in the value of the plant, then the court shall permit them to issue bonds and stocks up to the cash value of the plant without paying in another dollar of capital?

Mr. CAMPBELL. Yes.

Mr. MANN. And this bill we now have is designed to prevent the issuance of any more stock or bonds without paying in more capital?

Mr. CAMPBELL. That is the purpose of the bill.

Mr. DRISCOLL. Does it do that?

Mr. CAMPBELL. It certainly does.

Mr. MANN. Because, under the existing law, they can not issue capital without cash and without authority of Congress.

Mr. CAMPBELL. I call for a vote, Mr. Chairman.

Mr. SIMS. Mr. Speaker, I would like to explain the bill, because I have been asked to make a statement. I am sorry I have not the briefs on the part of the commissioners and also the briefs of the attorneys of the gas company, in order that the position of the two sides may be understood. I will explain it, so that we may fairly understand the purpose of the committee in this report, and it is a unanimous report, so that the House will understand what will be the effect of the passage of this bill and possibly what would be the effect if it is not passed.

In the first place there are two gas companies. One is the Georgetown Gas Company, the other is the Washington Gaslight Company. I have been told that the same people own the stock in both companies, but I do not know how that is.

In 1896, before I had the honor to be a Member of this House, a bill passed the House reducing the price of gas in the District of Columbia. That bill went to the Senate, where an amendment was offered in substance providing that stock might be issued for further or future extensions, and when the bill finally went into conference the conferees brought out a section changing the proposition which had passed the Senate. It is that section that this bill now seeks to repeal. I hope I may have your attention while I read the section that we are trying to repeal. The House will understand how the section got into the bill. The object of that bill was not capitalization, but to reduce the price of gas.

The House passed the bill simply as a gas-reduction proposition, but when it got to the Senate these other amendments were offered, and it was stated on the floor of the House by one of the House conferees that it was impossible to pass the bill and get a reduction in the price of gas unless this section was accepted by the House. Upon that state of facts, as the debates show, it was accepted. The amendment was foreign to the object of the bill and had nothing to do with the proposition to reduce the price of gas. The section that we now seek to repeal is a limitation in negative form, not an enabling act, so to speak, but providing by implication the method by which future shares of stock might be issued. The section which we seek to repeal is as follows:

That neither the Washington Gaslight Company nor the Georgetown Gaslight Company shall hereafter issue any greater number of shares of stock than shall be equal to the actual cash value of said plants and necessary cost of the construction of future extensions or future enlargement of plants, which cash value and cost of extensions shall first be ascertained and authorized upon petition therefor to the supreme court of the District of Columbia, under such regulations as the chief justice and the justices thereof shall prescribe; also, if either of the said corporations shall desire hereafter to issue bonds upon their property, secured by mortgage or otherwise upon petition therefor to said court, setting forth the necessity thereof and the amount of stock issued and outstanding, it may be and shall be lawful for said court or the chief justice and justices thereof, as the case may be, or one of them, upon public notice, to be prescribed by the rules of said court, to permit the issuance of such bonds and mortgage as desired: *Provided*, That the amount of stock and bonds issued shall not exceed the actual cash value of said plants and the cost of such extensions or enlargement of plants: *And provided further*, That the Washington Gaslight Company is hereby authorized to issue such additional amount of capital stock as will provide for the conversion into such stock of its outstanding certificates of indebtedness, which conversion of said certificates is hereby authorized to an amount not exceeding $600,000.

The attack upon this section is made upon the ground that it undertakes to and does confer upon the supreme court of the District of Columbia, as a court, powers not judicial but legislative, powers which do not belong to it under the Constitution. If I had the brief of the corporation counsel I could give you the details of the suit instituted, if you can call it a suit. One of the contentions is that it is not a suit; that it is not a case in court; and the court by its action sustained that proposition to the extent of not hearing anything from the commissioners, but held that its only function under this act was to ascertain the cash value of the plant, which it is insisted by the corporation counsel and the District Commissioners is not a judicial function or power. They insist that the act is void in conferring any such power upon the court. It is a close question. It might be possible that making the members of the court a commission or naming them as individuals to do a ministerial act might not invalidate the law; but the commissioners contend that the conferring upon a court of legislative or ministerial power, work of this kind which is, as they contend, in no sense judicial, is void.

But the Supreme Court entertained a petition as to the Georgetown Gaslight Company, and fixed the value, and in the elements of value it included "franchise rights and good will." There was no franchise here in the sense of a definite period of time, but like all our corporations in the District of Columbia the right to alter or repeal at any time was retained in Congress.

Mr. McGAVIN. If this case is decided along about next September or October, and section 5 is declared invalid, may not both of these companies issue an abundance of stock and bonds before Congress will have an opportunity to prevent their issuance?

Mr. SIMS. I am coming to that in the order of my statement, but I want to make my statement in order so you can understand it. The Washington Gaslight Company filed a petition in the court to have the actual value of their plant ascertained under this act. Pending that the commissioners, through the corporation counsel, made application in the court of appeals of the District of Columbia for a writ of prohibition upon the District supreme court on the ground that the act was

void. That case was tried by the court of appeals and that court held that this act was void as conferring power that was not judicial.

In other words, the only function of the court was not judicial; the only thing it had to do was to fix the value of the plant. This section does not determine whether the stocks shall be issued nor how much, but simply fixes the value—a mere report of a referee—and the court of appeals held that the act was void.

That case has been appealed to the Supreme Court of the United States, and is now pending before that court. The commissioners had a bill introduced—I say they had a bill introduced, I am speaking from information—to indefinitely suspend this section 5 of the act of 1896. Afterwards a bill was introduced to repeal it outright and prevent any further procedure under the section, because if it ought to be suspended it ought to be repealed, as the effect was intended to be the same in both cases.

Mr. MANN. If the gentleman will pardon me, I understood him to say that the court had nothing to do with the matter of issuing stock and bonds.

Mr. SIMS. The lower court so held

Mr. MANN. But the statute says:

And shall be lawful for the said court, the chief justice and the associate justices thereof, as the case may be, or one of them, by public notice as described by the rules of said court to permit the issue of bonds and mortgages as desired.

Mr. SIMS. Yes; that is as to bonds and mortgages.

Mr. MANN. It covers the jurisdiction conferred in this case.

Mr. SIMS. Not having the ruling of the supreme court before me and stating from recollection—and I would be glad if any member of the committee would correct me if I am wrong—the supreme court held in the Georgetown proceeding that they had nothing to do under that provision but find the value of the plant. Then the company issued the stock or not in full volume of value found or less, just as the company might see proper under section 5 of the act of 1896.

Now, it is held by the corporation counsel that if a judicial finding of the actual cash value authorized by Congress is had, and stock issued to that amount, then the price of gas could never be reduced below the reasonable earnings upon that stock issue; not because this stock is outstanding, but because it is equivalent to and represents the actual value of the plant judicially determined.

The object of the commissioners in this bill is to have section 5 repealed and prevent further proceedings under it before the court acts, because they have no power to properly present to the court the interests of the consumer; that it is virtually in effect an ex parte proceeding as to the valuation of the property and the elements of value making it up, and that the consumer ought to have an opportunity through them to present their side of the case, which they claim under the holding of the Supreme Court, they were not permitted to do, and could not do.

Now, I want to say that I do not claim, under my investigation, that the capital stock of $2,600,000 is not less than the actual value of the plant. I believe it is much less. I think that the gas company, or the gas companies, in the District of Columbia are the only public-service corporations here that are not overcapitalized, and grossly overcapitalized.

Now, it is the fear of the commissioners that through the process of this computation and finding of the value by the court, which the court has itemized, including the value of the franchise and good will, the franchise being given by act of Congress for no value received, repealable at any time, that stock should not be issued by judicial authorization upon the value of a franchise given by the people and have to pay earnings upon the stock based upon the value of that franchise. If something was paid for the franchise, or it had a definite time to run, they would have a right to issue stock to that extent as well as upon any other article of property.

Mr. BUTLER. Will the gentleman yield for a question?

Mr. SIMS. I will yield to the gentleman.

Mr. BUTLER. As near as I can understand, and I have been trying to understand the purpose of the committee in seeking the repeal of this law, the auditor has placed the valuation upon the franchise, rights, and good will of the corporation?

Mr. SIMS. That is right.

Mr. BUTLER. And the gentleman contends that it was not intended by the court to include in the value the franchise, rights, and good will. Therefore, if the auditor had not valued the franchise, rights, and good will, the repeal of this section might not be asked for.

Mr. SIMS. It might be asked for just the same.

Mr. BUTLER. I agree to that, but this is the reason why it is asked for at this time?

Mr. SIMS. Well, that is one of the reasons, and a very strong reason. A precedent should not be established in this District of valuing a franchise that is given to a public-service corporation, and stock issued upon it, if it is only $25, should not be permitted by law, for every future corporation that seeks the same could get it, because we should have to put them all on the same basis and treat them all alike: Another thing: We all know that a franchise will increase in value with the increase of population in a city, with the increase of demand for gas and the use of the franchise. In the case of the Georgetown company, a very small company, it is valued at $66,661. Evidently, upon the same basis, the franchise in the Washington Gaslight Company would be of very large value.

Suppose you go along and permit stock to be issued upon the value of the franchise, in a few years—five years or ten years—the franchise is worth much more than it was when the stock was issued upon it, and you can repeat under this section, as I understand it, as the committee understands it, indefinitely. You can petition the court to fix a value, and continue to petition it and continue to add stock to the company to cover the value of a franchise that increases without a dollar of outlay by the company or any risk whatever—nothing except the natural unearned increment, as I am pleased to call it. Therefore the committee thinks that such a law should not be permitted to remain. If the Supreme Court sustains the court of appeals, of course the matter is ended; but it is a very close question, and the Supreme Court may hold that the act is valid. Then immediately the Washington Gas Company's case proceeds, as well as that of the Georgetown company. As soon as the value is fixed—I mean the cash value, including the franchise—they at once issue the stocks based on the finding of the court, and it becomes an issue based upon a judicial finding of value authorized and directed by Congress.

Mr. HEPBURN. May I ask the gentleman a question?

Mr. SIMS. Certainly.

Mr. HEPBURN. I understand the gentleman to base his argument in favor of the repeal of this statute upon the fact that in his judgment this is a very close question, and that, being a close question, therefore he proposes to take away from one of the parties whatever right he may have in it to an adjudication. Now, if it was not so close a question, if it was one in which there was no doubt at all, there would be, then, according to his argument, no argument in favor of the repeal of this statute. Is not that the position the gentleman puts himself in?

Mr. SIMS. No; Mr. Speaker, I will explain to the gentleman so I think he will understand it. Before action is taken under the act there are no vested rights, but as soon as the companies comply with the act and issue stock it becomes a vested right, and if we were absolutely sure the Supreme Court would hold the act valid, that would of itself be one of the strongest reasons why it should be repealed. In other words, the act ought never to have been passed.

Mr. HEPBURN. That may be, but as I understand it, there can be no issue of stock until the highest court in the United States declares that rightfully the stock may issue.

Mr. SIMS. No; that is not the question for the court to decide under this act.

Mr. HEPBURN. That is precisely the question, provided the act is constitutional.

Mr. SIMS. Congress provides in this act as a limitation that it shall not issue an amount of stock in value to exceed the value placed upon it by the court, but the court does not authorize the stock issued under this act. The court simply performs a ministerial legislative function, to investigate and find out what the value is. Then the law applies and the company shall not issue stock exceeding that, but it takes no authorization of the court to issue it. There is no mandate to issue it, and the company need not issue any, but if issued, then it becomes a vested right. Before it is a vested right we have a right to repeal the law.

Mr. MURDOCK. May I ask the gentleman a question? If the Supreme Court sustains the opinion of the court of appeals——

Mr. SIMS. That ends it.

Mr. MURDOCK. That ends the proposition?

Mr. SIMS. Yes.

Mr. MURDOCK. If we repeal this section——

Mr. BURLESON. That ends it.

Mr. MURDOCK. Will it redound to the good of the gas company or to the District? Is it an advantage to the District government to have this section repealed, or, on the other hand, will it do the gas company any harm?

Mr. SIMS. I will try and answer that as I see it—that is all I can do.

It may do the consumer a great deal of harm, providing the stock issue as a result of the proceedings should be so large that we can not reduce the price of gas and leave reasonable earnings to the stockholders in this new inflated or increased issue.

Therefore, the consumer, and I am presuming the commissioners represent the consumer when the commissioners, speaking in their representative capacity, ask that this bill be passed now. There is another bill here to reduce the price of gas, and if this section is repealed Congress can deal with the question of the reduction of gas unhampered by the possibilities of a stock issue that might render void or invalid any price we might fix. Some gentlemen seem to be under the impression that if this clause is repealed the company can go ahead and issue stock by some other means. They can issue no stock unless authorized by act of Congress to do so. I say, as I have said before, that the present stock issue of the Washington Gas Company does not equal even the structural value of the plant at present, but here is an act that, as construed by the court that will have to apply it, will capitalize this franchise, which is given the companies free. We should not give away the property rights of the people by way of a franchise and then allow the donee to capitalize it and demand an earning upon the gift.

But Congress has full power to authorize the increase of the stock of the gas company under such limitations as Congress may fix. It may say that in finding the value that the franchise rights and good will shall not be included, or it may fix any method, but Congress ought not, according to the judgment of the committee, have passed this bill, but the committee insists it has the right to repeal it before the rights of the companies under it have become vested.

Mr. HARDY. I desired to ask you a question, but I think you have just stated what I wanted to ask. My understanding of this position is that Congress has passed a law under which it is possible for the supreme court or higher court to hold that this company may capitalize its franchise, and before it has done so you wish to repeal that law. That is the whole thing.

Mr. SIMS. That is the whole thing in a nutshell. Now, Mr. Speaker, the object of this bill is not to reflect upon the court or findings of the court, either the supreme court or the court of appeals, or to anticipate the action of the Supreme Court of the United States. It is not interfering with the case in court, because there is only one party.

It is in the nature of an ex parte proceeding asking simply that the courts do that which will enable them to issue the stock to the extent of the value ascertained, and the court has already passed upon the Georgetown case and included the franchise, which would not amount to much if it did not go any further than that; but in the case of the Washington Gaslight Company, the franchise might be worth a million dollars, in five years' time it might be worth a million more, and in ten years' time it might be worth another million; and as long as this act stands here recapitalization can continue indefinitely, including the increased value of the franchise in each capitalization, for which nothing was paid. Now, I have no prejudice against the gas company any more than any other public-service corporation, and I may say that I have been very unsuccessful in trying to get some regulation of the street car companies here. I have no objection to the gas company having a capitalization equal to the value of the plant, excluding these elements of value that are not contributed by the stockholders directly or by withholding the dividends.

Now, I do not think the repeal of this act will prevent the gas company from getting a reasonable price for their gas. If they only had one dollar of stock they would be entitled to a just compensation for the services rendered, but the stock issue under these circumstances, as the committee looked on it, is equal to a judicial determination of the value, and then you never could reduce the price of gas below what would be a reasonable earning upon that value as evidenced by the stock issue under it. I, for one, am perfectly willing to vote for any bill to recapitalize the gas company upon a just valuation of the property; I think they are entitled to it as much as the street car companies to a vastly overissue of stock above the actual value.

But I am not here to plead the rights of either or the equity of either. Here is a law. I do not think it should ever have been passed. The law has not been executed, no rights have been fixed under it, and the committee thinks the law ought to be repealed, as it should never have been passed.

Mr. MANN. Will the gentleman yield for a couple of questions?

Mr. SIMS. Yes.

Mr. MANN. If this law be not repealed, what authority is there for these gas companies to increase their capital stock, and does the increase have to be for money paid in?

Mr. SIMS. No, sir; it does not have to be for money paid in.

Mr. WILLIAMS. He said if this act was repealed.

Mr. SIMS. I beg the gentleman's pardon. I misunderstood him. I understood the gentleman to say if we did not pass the act.

Mr. MANN. If the act be not repealed, what provision is there for the issuance of capital stock, and will the stock, if issued, ever be paid for in cash?

Mr. SIMS. If this section 5 of the act of 1896 is not repealed, and the present bill does not pass——

Mr. MANN. If the gentleman will answer the question in the form in which it is put——

Mr. SIMS. I was going to tell the gentleman what would be the effect. They could simply take up the outstanding certificates and reissue certificates equaling the value found by the court under this proceeding, whatever it might be, without one additional dollar being paid into the treasury of the company, as I understand it.

Mr. MANN. Under what authority of law is it that they could issue stock without paying in any money? There is nothing in the act that provides for the method of issuing the stock. Would they not still have to pay for the stock in cash?

Mr. SIMS. I do not think so.

Mr. FITZGERALD. There would be no restriction.

Mr. MANN. Then, if there be no restriction upon their issuing stock with this law as it stands, without paying cash, what restriction is there under the law for issuing stock without paying cash if this law is not in existence?

Mr. SIMS. There is no law authorizing the issue of one dollar of stock, except this.

Mr. MANN. There is nothing in this act that authorizes the issuance of stock.

Mr. SIMS. It fixes the value upon which they may issue stock.

Mr. FITZGERALD. Oh, no. There is no limitation upon the power to issue stock except what is contained in this section 5. If this section be repealed, then there is no limitation upon the power.

Mr. MANN. Is not there a general incorporation law in the District of any kind?

Mr. FITZGERALD. They have a special charter.

Mr. SIMS. They were chartered by act of Congress.

Mr. MANN. I know there is a general incorporation law in the District.

Mr. SIMS. If I understand the gentleman correctly, I will answer him. As I understand it, there is no law authorizing a public-service corporation to increase its stock, and it must be done by special act of Congress.

Mr. MANN. Then is there anything in their act of Congress authorizing them to issue stock?

Mr. SIMS. If this act is repealed?

Mr. MANN. Whether it is repealed or not repealed.

Mr. SIMS. No; I do not understand that there is. In fact, I understand it to be the contrary.

Mr. MANN. Then the authority to issue stock under this act is merely by implication? I would be inclined to think, unless the gentleman looked it up, that they have not relied entirely upon that. There must be some provision authorizing them to issue stock. Now, what this House does not want to do is to repeal an act which has some limitation upon the issuance of stock and thereby authorizing these companies to issue stock ad libitum.

Mr. SIMS. They can not issue a dollar, if this act is repealed, under the law of the District of Columbia, as I understand it; that is, not without special authority of Congress.

Mr. MANN. They can issue stock and add additions to their plant, can they not?

Mr. SIMS. Not under the law as it now is.

Mr. MANN. I think the gentleman is mistaken.

Mr. SIMS. They can not issue stock or bonds. That is my understanding. That is given to me by the District authorities here.

Mr. MANN. No doubt the House will pass the bill. The gentlemen on the committee have recommended it, and the people want it, but I wish the gentleman himself would look that matter up before this becomes a law, because we would feel exceedingly cheap here if we found in the end that we had repealed the only limitation there was, and that these companies could issue such stock as they pleased, thereby forbidding us in the future to reduce the price of gas.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

On motion of Mr. CAMPBELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks on this bill and on the bucket-shop bill.

There was no objection.

ADMISSION TO THE GOVERNMENT HOSPITAL FOR THE INSANE.

Mr. SMITH of Michigan. I call up the bill (H. R. 12898) to change the proceedings for admission to the Government Hospital for the Insane, and for other purposes, so as to yield to the gentleman from New York.

Mr. OLCOTT. Mr. Speaker, I will say in regard to this bill that at the request of the gentleman from Florida [Mr. CLARK] I will ask that this bill go over until another District day. Therefore, I ask that it be passed without prejudice.

The SPEAKER pro tempore. Without objection, the bill will be passed without prejudice.

WASHINGTON, ALEXANDRIA AND MOUNT VERNON RAILROAD COMPANY.

Mr. SMITH of Michigan. I now call up the bill H. R. 15448.

The Clerk read as follows:

A bill (H. R. 15448) to amend section 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901,

With an amendment to strike out all after the enacting clause and insert an amendment, so as to read:

"Be it enacted, etc., That section 12 of the 'Act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes,' approved February 12, 1901, providing among other things that a standard underground electric system of street car propulsion shall be installed by the Washington, Alexandria and Mount Vernon Railway Company on the part highway leading to the new highway bridge, and that no dynamo furnishing power to said portion of the road shall be in any manner connected with the ground, is hereby amended by inserting after the words 'shall be paid by said company' the words *'Provided, however,* That said company, for the purpose of making the necessary change from underground to overhead wire in the conduct and operation of its cars at the north end of the new highway bridge, shall be permitted to use an approved overhead-wire system on the approach to said bridge for a distance of not more than 350 feet from the northerly or Washington end of the bridge; the location, construction, and maintenance of all parts of the overhead and underground systems, of the necessary plow pits, and of the asphalt or other paving between the tracks and the 2 feet outside thereof on the bridge and both approaches to be subject at all times to the supervision, instructions, and approval of the Secretary of War; and all instructions and requirements of the Secretary of War shall be fully complied with by the said company within the time specified, at its own expense and without cost to the United States.'"

Mr. SMITH of Michigan. I yield to the gentleman from Pennsylvania [Mr. MOORE] if anyone desires to ask any questions concerning the bill.

Mr. MOORE of Pennsylvania. Mr. Speaker, this is simply an engineering proposition. In the act intended to eliminate grade crossings passed in 1901, all trolley wires were directed to be put underground. In the approaches to the bridge over the Potomac it was found impossible to do this from an engineering standpoint. It was believed it would endanger the abutments of the bridge and affect its strength. It has been necessary in order that the cars of the Washington, Alexandria and Mount Vernon line might pass over the bridge to maintain the overhead wires for a distance of about 270 feet from the north side of the bridge, in the District of Columbia. The whole question comes under the jurisdiction of the War Department, which in compliance with the act of 1901, has ordered that the wires now in existence be placed underground.

The War Department is entirely satisfied to let them stand as they are, and the District of Columbia engineer commissioner suggests that this is the best thing that can be done. We are asked, therefore, to legalize the wires as they stand. Authority is asked for 350 feet of extension north of the bridge. There seems to be no particular objection to the bill. It is simply a question of legalizing the wires and poles already in existence and absolutely necessary for the proper transit of the cars.

Mr. UNDERWOOD. I would like to ask the gentleman from Pennsylvania to explain the engineering difficulties that prevent the underground wire. Is that a real difficulty or an imaginary one?

Mr. MOORE of Pennsylvania. It would seem to be very largely a question of expense, as well as one affecting the foundations of the bridge.

Mr. UNDERWOOD. How can the wire going under the bridge affect the foundation of the bridge?

Mr. MOORE of Pennsylvania. It would run under the piers and abutments. If you will allow me to quote from the report, something taken from the statement of the Engineer Commissioner of the District of Columbia, I think it will explain the situation.

Mr. UNDERWOOD. I would like to hear it.

Mr. MOORE of Pennsylvania. "As the Engineer Commissioner of the District of Columbia pointed out to the committee, the plow pits are now out of the way of vehicles and pedestrian traffic, where they harm nobody, and are as near to the bridge as they can be placed and continue to remain out of the way of traffic, whereas if they were put upon the bridge or its abutment they would be a dangerous nuisance."

Mr. UNDERWOOD. Wherein can they be more dangerous than where the lines run down the streets of Washington?

Mr. MOORE of Pennsylvania. I think if you were to examine the line, as I did this morning, you would find that perhaps the plow pits were placed in the very best position.

Mr. UNDERWOOD. As I understand, the plow pit is the groove connecting the car with the electricity?

Mr. MOORE of Pennsylvania. Yes.

Mr. UNDERWOOD. How can it be more dangerous to have that on the approaches to the bridge than it is down in the middle of Pennsylvania avenue?

Mr. MOORE of Pennsylvania. The engineers seem to think it would be.

Mr. UNDERWOOD. If it really would be, I believe the bill ought to pass; but if it is merely a matter of saving some cost, some expense to this company, when we have adopted a rule that in building these railroads in Washington we should have no overhead wires, I do not see any reason why it should be set aside in the case of this bridge unless there is some real engineering problem.

Mr. MOORE of Pennsylvania. Since I am not an engineer, suppose I quote a little further from the report of the engineer.

Mr. UNDERWOOD. I would like to hear it.

Mr. MOORE of Pennsylvania—

It would be difficult, if not impossible, to locate these plow pits upon the bridge or in the abutment, and it would be decidedly objectionable to have them located upon the bridge or its abutment, as the tracks are there in the center of the passage for highway traffic, whereas on leaving the bridge in the park the tracks of the railway curve to the easterly side and are out of the way of travel.

Mr. UNDERWOOD. That does not answer my question. The plow pit is right in the center of Pennsylvania avenue today, where every vehicle goes, and it is not considered dangerous. I have not heard of any vehicle receiving any injury from having the plow pits there. If you had it in the middle of the bridge, I do not see how it would be any more dangerous than it is in the middle of Pennsylvania avenue.

Mr. MOORE of Pennsylvania. I can only say to the gentleman that the judgment of the engineer is as I have stated. The War Department has approved of this statute and the District of Columbia engineer has approved of it.

Mr. UNDERWOOD. Has the gentleman in his report the language of the War Department approving the proposition?

Mr. MOORE of Pennsylvania. I have seen a letter from the Secretary of War which holds to the view that I have just given, and which states that the War Department has no objection to the passage of this bill as amended. Certain amendments were offered to the bill, and the Secretary of War made certain suggestions, and those suggestions were adopted by the committee. It is upon the strength of the statement of the Secretary of War to the committee that this report has been framed.

Mr. UNDERWOOD. I can readily see how the War Department may have no objection. For instance, in my town we have everything in the way of street cars run by overhead trolley, and it works very successfully.

Mr. MOORE of Pennsylvania. They have that on the Virginia side, where they operate under the laws of Virginia.

Mr. UNDERWOOD. But the absence of objection on the part of the War Department does not mean that the War Department thinks it would be dangerous or impossible to put the plow pits in the middle of the bridge. The system that we have adopted in Washington is to require the plow pits to be underground, and the underground connection made, instead of an overhead connection with the trolley, in order that the city may be a city beautiful; and I think it is a bad proposition, if it is merely a question of spending a little money, to make an exception to this rule. If there is a real engineering problem, of course we ought to grant the consent; but if it is merely a proposition to save this company a small amount of money and not make it put the current underground instead of overhead,

I do not think there is any reason for passing the bill; and from what the gentleman has read I can not see that he has given any engineering reasons why it should not be an underground current.

Mr. MOORE of Pennsylvania. Here is a very expensive bridge, built partly by the money of the Government and partly by that of the District of Columbia, and it was intended to add to the city beautiful here, as I understand it. To cut under the bridge and put this box or plow pit there would, in the judgment of the engineers, be an undermining of the structure of the bridge. In other words, it would affect the strength of the abutments and of the bridge.

Mr. UNDERWOOD. If the gentleman has something from the engineers which says that, we ought to know it.

Mr. MOORE of Pennsylvania. I have only that which has been read here.

Mr. UNDERWOOD. I do not see that the language which has been read to us conveys that idea. It merely conveys the proposition that the engineers of the District and the engineers for the War Department do not object. I do not see anything——

Mr. MOORE of Pennsylvania. May I ask the gentleman whether he is familiar with the location of this bridge?

Mr. UNDERWOOD. Oh, yes; I have passed over the bridge a good many times. It is a very handsome bridge, very well located, and I do not really see that the wires are in the way now; but it is merely establishing a precedent somewhere in Washington, letting them establish by law an overhead trolley, when the whole proposition has always been that we must have underground wires in this city, and I think we ought to stand on that proposition.

Mr. SMITH of Michigan. Is not the approach to the bridge much narrower than Pennsylvania avenue?

Mr. UNDERWOOD. I think it is narrower than Pennsylvania avenue.

Mr. SMITH of Michigan. That is one of the engineering difficulties that is objected to.

Mr. UNDERWOOD. It is much narrower than Pennsylvania avenue, but it is not narrower than a good many other streets on which the street cars run with an underground trolley. It is not nearly as congested as it is down on F street, and if it is not dangerous on F street, it would not be dangerous in crossing that bridge. So that I do not think the gentleman ought to press the bill on the idea that the engineers say that this is an engineering problem that has got to be met, unless some more specific facts can be obtained from the engineers to demonstrate that fact to the House.

Mr. MOORE of Pennsylvania. Suppose we leave the engineers out of it for a moment, and assume that a very large crowd is about to pass over from the Washington side to the Virginia side. Would it not appear to the gentleman that it would be very dangerous to have that plow pit right at the bridge itself rather than 270 feet distant, as it now is? Suppose a crowd was surging across the bridge and there should be a pressure at the entrance. Would it not be rather more dangerous to life and limb to have the plow pits right there at the entrance than to have them 270 feet removed?

Mr. UNDERWOOD. I can not understand why it should be more dangerous, because we have them in the streets of Washington. The only thing is that it will cost more money, perhaps; that it will cost this company considerable money to make the change, but we never hesitated before to spend money to put electricity underground.

Mr. MOORE of Pennsylvania. Will the gentleman suggest how the connection might be made between the underground trolley on the Washington side and the overhead trolley on the Virginia side, midway on the bridge?

Mr. UNDERWOOD. There is no necessity of making it midway on the bridge. There is no law on the Virginia statute book which will not allow you to carry it clear across the bridge.

Mr. MOORE of Pennsylvania. I am informed that the trolley is overhead on the Virginia side immediately after the crossing of the bridge, and the connection between the two would have to be made on the bridge.

Mr. UNDERWOOD. Not at all. I understand the law of the District of Columbia controls the entire river to the opposite bank. The entire bridge to the opposite bank is in the District of Columbia, and the change from the underground trolley to the overhead trolley does not have to be made until the car has crossed the bridge on the Virginia side.

Mr. MOORE of Pennsylvania. I rather think the gentleman from Alabama ought to consider the convenience of the people who are going across the bridge each day. If this change were ordered—that is to say, if the order of the War Department were carried into effect, and the overhead wires for this distance were to be removed—I think there would be a temporary cessation of travel, and it would be a great inconvenience to the people on the Virginia side who want to get in here daily. There would be a great inconvenience in reaching Washington if a continuous ride could not be had across the bridge.

Mr. UNDERWOOD. I think the gentleman is mistaken. If I recollect right, these cars are run every twenty minutes, and you do not find two cars on the bridge at the same time. They could put the underground trolley on one side of the bridge and run the cars on one side, and then put in on the other side of the bridge while the repairs were going on.

Mr. MOORE of Pennsylvania. Is it not a matter of inconvenience to travelers if they are made to get off the cars and walk 270 feet——

Mr. UNDERWOOD. They would not have to do that; they could put a switch below and run the cars on a single track instead of a double track, and put a flagman either side, and it is only a twenty minutes' schedule.

Mr. MOORE of Pennsylvania. With all due respect to the views of the gentleman from Alabama, I shall decline to discuss the engineering problem further, and call for a vote.

The SPEAKER pro tempore (Mr. CAPRON). The question is on the adoption of the committee amendment.

Mr. UNDERWOOD. Let the committee amendment be reported again.

The SPEAKER pro tempore. The Chair will state that the amendment is in the nature of a substitute and that it has already been read and is now before the House.

The question on the amendment was taken, and on a division (demanded by Mr. UNDERWOOD) there were 34 ayes and 21 noes.

So the amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

FIXING THE PRICE OF GAS IN THE DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Speaker, I call up H. R. 18345, to fix the price of gas in the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted, etc., That on and after January 1, 1909, no person, firm, copartnership, association, or corporation engaged in the manufacture and sale of fuel or illuminating gas in the District of Columbia shall sell or otherwise dispose of the same to any person, firm, copartnership, association, or corporation in the District of Columbia for a price exceeding 90 cents per 1,000 cubic feet.

With the following amendments recommended by the committee:

"Strike out of page 1, line 3, the word 'May' and insert in lieu thereof the word 'January.'

"Strike out of page 1, line 3, the word 'eight' and insert in lieu thereof the word 'nine.'

"Strike out of page 1, line 9, the word 'eighty' and insert in lieu thereof the word 'ninety.'

"Add in page 1, at the end of line 9, the words, 'such gas to be of the standard and quality required at the present time.'"

Mr. SMITH of Michigan. Mr. Speaker, there is a short letter from the Commissioners of the District in connection with the report that I would like to have the Clerk read.

The Clerk read as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, March 6, 1908.

DEAR SIR: The Commissioners have the honor to state in response to your reference to them of H. R. 18345, entitled "A bill to fix the price of gas in the District of Columbia," that they are in favor of a reduction in the price of gas to whatever figure will yield a reasonable profit to the gaslight companies, as they have heretofore recommended to Congress. But, as they have also stated to Congress, they have not the authority or the means at present to determine what that price should be. They have recommended in their annual report that they be given the necessary authority and means to properly supervise the operations of all the public utility corporations in the District of Columbia, including the gaslight companies. If Congress will give the Commissioners the additional authority and means needed they will be able, with the advice of disinterested experts employed by them for the purpose of investigation, to arrive at the amount of reduction that ought to be made in the price of gas.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. S. W. SMITH,
Chairman Committee on the District of Columbia,
House of Representatives.

Mr. SMITH of Michigan. Mr. Speaker, like the Commissioners of the District, I, too, have been of the opinion for some time that perhaps the price of gas could be reduced in the District.

Mr. GAINES of Tennessee. Will the gentleman give the committee the price of gas in the District for the last ten or fifteen years, and how it is that it has been so high?

Mr. SMITH of Michigan. The price of gas net in Washington is $1 per thousand.

Mr. GAINES of Tennessee. We have had a great deal of legislation in the last ten years upon this subject. What was it before?

Mr. SMITH of Michigan. Previous to that time I think that gas was sold at $1.25 per thousand in Washington.

Mr. GAINES of Tennessee. Were not we paying more than that?

Mr. SMITH of Michigan. Yes; previous to that time we were. There have been one or two different reductions. I think the last reduction was eight or nine years ago; I don't remember the exact date.

Mr. GAINES of Tennessee. Has the gentleman the exact figures there?

Mr. SMITH of Michigan. I do not think I have.

Mr. GAINES of Tennessee. I think it would be very interesting reading, because I know the gas company has used some sort of influence for years here, persistently claiming and showing that to reduce the price of gas would be a confiscation, and I want it to go into the RECORD if I can get it there, as going to show that they were wrong and that Congress was right.

I remember one day here when we refused to pass a bill as reported by the committee and instructed the committee to go out and bring in a certain bill reducing the price of gas a great many cents. The distinguished gentleman from Iowa [Mr. HEPBURN], as I remember it, was the able gentleman who urged the reduction of the price of gas. I think he will remember the occasion. I do not think he ever got the bill back, either, that we directed the committee to bring back. I would like to know if you can give us the charges for gas for as many years as we can get them.

Mr. SMITH of Michigan. I will be glad to put into the RECORD that information. I have no doubt that it can be obtained. I have not the information at hand.

My remarks upon H. R. 18345 have been withheld until this time that I might obtain the information as requested by the gentleman from Tennessee [Mr. GAINES], and in response to a telephone message this morning the secretary of the Washington Gaslight Company has kindly sent me the following information, which, at the request of the gentleman from Tennessee [Mr. GAINES], I will insert in the RECORD as a part of my remarks:

WASHINGTON GASLIGHT COMPANY,
Washington, D. C., December 16, 1908.

HON. SAMUEL W. SMITH,
Chairman Committee on District of Columbia,
House of Representatives, City.

DEAR SIR: According to promise, I herewith transmit schedule of reductions in price of gas in this city from January 1, 1867, to July 1, 1901, and there has been no change since July 1, 1901, to the date of this communication.

Very respectfully, W. B. ORME, *Secretary.*

Price of gas and reductions in the same at Washington, D. C.

Date.	By the company.	By act of Congress.
Jan. 1,1867	$4—7½ per cent=$3.70	
July 1,1867	$4—12½ per cent=$3.50	
July 1,1868	$4—15 per cent=$3.40	
Nov. 1,1869		$4—18¾ per cent=$3.25.
Aug. 1,1872	$3.75—20 per cent=$3	
July 1,1874		To United States and District of Columbia, $2.50.
Do		To other consumers, $2.75 less 25 cents, $2.50 net; street lamps, 2,200 hours, 6 feet per hour, $40 per year.
May 1,1876	$2.50—25 cents=$2.25; street lamps $36.70.	
July 1,1878		Street lamps reduced to $32.
Jan. 1,1880	$2.25—25 cents=$2; street lamps reduced to $28.70.	
July 1,1881	Street lamps to $25	
Jan. 1,1882	$2—25 cents=$1.75	
July 1,1883	$1.75—25 cents=$1.50; street lamps to $22.	
July 1,1886		Street lamps reduced to $20.
Oct. 1,1886	$1.50—25 cents=$1.25	
July 1,1891		Street lamps increased to $21.50 and 3,000 hours, instead of 2,600 hours as heretofore.
Nov. 1,1893	$1.25 net	Same as above.
July 1,1896		Street lamps $20; consumers, private, $1.25—15 cents=$1.10 net; consumers, United States and District of Columbia, $1 net.
July 1,1901		Consumers, $1.25—25 cents=$1.

Mr. GAINES of Tennessee. I wish the gentleman would put it into the RECORD, so that we can have some vindication of the judgment of this House, that the gas rates in this District were outrageous, that they were oppressive, that they should have been reduced, and they could have been reduced without confiscating the gas company's property, and let it go into the RECORD.

Mr. SMITH of Michigan. Now, Mr. Speaker, I was about to say that the committee, in the investigation of this matter, heard two distinguished experts. One was Edward W. Bemis, of Cleveland, Ohio, and he was heard upon both the subject of the repeal of the fifth section, which has already passed the House, as well as upon the question of the reduction of the price of gas. As to the first proposition, that bill having passed, I will not spend any time respecting that portion of his statement, although I would like to insert, as a part of my remarks, the statements of Mr. Bemis and Mr. Humphreys, given before the committee.

The SPEAKER pro tempore. Without objection, permission will be given.

There was no objection.

Mr. SMITH of Michigan. Upon the question of the price of gas Mr. Bemis gave it as his judgment to the committee that gas could be manufactured in the city of Washington for 58.9 cents, and I think in another portion of his testimony the outside figure claimed was 62 cents. Mr. Bemis also gave it as his judgment that the maximum price of gas in the city of Washington should be 85 cents. But, Mr. Speaker, no one can read the statements of Mr. Bemis and Mr. Humphreys without coming to the conclusion that these gentlemen were at that time in a large measure unprepared to give the committee their best judgment for the reason they had not had sufficient time to visit the plant and to make a satisfactory examination.

The committee heard Mr. Bemis for an hour and twenty minutes. Subsequent to that time the committee also heard another distinguished expert, Mr. Alexander C. Humphreys, for an hour and thirty minutes, and upon some questions these gentlemen differed, questions that are certainly very material in determining what is a fair price for gas. I shall not take the time now to go into the details, but I desire to say upon one important question, which is very material to the people of the District, particular stress was laid, and that is this: Mr. Humphreys insists that we do not need in this city gas at 22 candlepower, but that we could get along with gas at 17 candlepower, and both he and Mr. Bemis agreed upon this, that the difference in price would be 5 cents per thousand. It seems to me that this is a very material matter in the final determination of this subject, for if it shall be found that a fair price for gas at 22 candlepower is 85 cents, 90 cents, 95 cents, or a dollar, it is of the utmost importance that we make sufficient further inquiry to know whether or not in the city of Washington we shall have gas at 22 or 17 candlepower. Both the experts agree that the reduction from 22 to 17 candlepower will save the consumer 5 cents per thousand. There are but three or four cities in the Union that have 22 candlepower gas.

It is suggested to me that it is twenty-three. As I remember the law, it is twenty-two. Now, Mr. Speaker, Mr. Humphreys in his testimony frankly admitted that he had not had an opportunity to examine the gas plant in late years, although his testimony does disclose that he had been sent here on different occasions during the last eight or ten years to examine the same, and as I remember the testimony of Mr. Bemis, he was never called here, but both of these gentlemen are agreed on the fact that ample time should be taken and opportunity be given for the examination of these matters before a final conclusion is reached. Mr. Humphreys told the committee that gas in the city of Washington at $1 per thousand was right. Now, after the committee listened to Mr. Bemis for an hour and twenty minutes and to Mr. Humphreys for one hour and thirty minutes, making less than three hours altogether that the committee listened to these two distinguished experts, the committee struck, so to speak, a middle price between what Mr. Humphreys thought the price of gas ought to be in the city of Washington and what Mr. Bemis thought it ought to be and reported this bill to the House at 90 cents.

Mr. DRISCOLL. Will the gentleman yield for a question?

Mr. SMITH of Michigan. Certainly.

Mr. DRISCOLL. I would like to have the gentleman state in what manner either of these two gentlemen arrived at their conclusion or in what manner the committee arrived at the conclusion which they reached.

Mr. SMITH of Michigan. I have just stated.

Mr. DRISCOLL. For instance, what rate of interest did they allow on the stock in coming to this conclusion of 90 cents?

Mr. SMITH of Michigan. As I remember the testimony of these gentlemen, 6 per cent.

Mr. DRISCOLL. Both agreed on 6 per cent on the stock?

Mr. SMITH of Michigan. There was no material dispute on that question, as I now remember it.

Mr. DRISCOLL. I suppose the franchise was not considered in that matter at all, was it?

Mr. SMITH of Michigan. Mr. Bemis, as I remember the testimony, took one view of that, and Mr. Humphreys, who has been connected with gas companies for many years and is himself a stockholder, and a large stockholder, in gas companies here, as well as abroad, entertained an entirely different view

from Mr. Bemis upon that question. I understand—and I think it is the general understanding—that the Supreme Court of the United States, if it did not hand the opinion down today, will likely hand down an opinion on almost any Monday bearing upon that question.

Mr. CAMPBELL. That is in the New York case.

Mr. SMITH of Michigan. That is in the New York case. I understand that question is involved with several other important questions.

Mr. DRISCOLL. Does not the gentleman think he ought to reserve the bill until that opinion is handed down?

Mr. SMITH of Michigan. No; my regret is that we did not have more time, better opportunity, and better facilities to make the investigation. In other words, had time in proportion to what we took last session to investigate the proposition of getting the tracks to the Union Station and the cross-town extension, time we took to investigate the prohibition question, if you please. Those were questions which seemed paramount at the time, especially the railroad question, and we spent a great deal of time upon them.

Mr. DRISCOLL. Did the committee consider this case in that manner?

Mr. SMITH of Michigan. I have stated frankly, and I think the other members of the committee will bear me out, that after listening to the two experts, one for an hour and twenty minutes and the other for an hour and thirty minutes, less than three hours, the committee recommended the bill as I have said.

Mr. HEPBURN. May I ask the gentleman a question?

Mr. SMITH of Michigan. Certainly.

Mr. HEPBURN. I understood you to say that you had two experts before the committee?

Mr. SMITH of Michigan. Yes, sir.

Mr. HEPBURN. And that the committee refused to agree with either of them?

Mr. SMITH of Michigan. That is so.

Mr. HEPBURN. And arrived at their conclusion how?

Mr. SMITH of Michigan. As I said, one of the experts fixed the price at a dollar, and the other at 85 cents, and the committee reported a bill at 90 cents.

Mr. HEPBURN. If the committee is going to be exact, it ought to have been 92½ cents, ought it not?

Mr. SMITH of Michigan. Yes; that is so.

Mr. HEPBURN. Well, now, when the committee were considering this matter what valuation did they put upon the plant?

Mr. SMITH of Michigan. That is stated in the report. Both Mr. Bemis and Mr. Humphreys in giving their testimony and fixing the price took into consideration the last report of the gas company for the last year.

Mr. HEPBURN. I understood you to say one of these experts had never seen the plant and that the other had not seen it for eight or nine years.

Mr. SMITH of Michigan. Mr. Humphreys had not seen it for some time so as to make a careful examination. He had been here on one or two former occasions and made a careful examination. I do not want to do Mr. Bemis any injustice, but as I remember the testimony he had not visited the plant; certainly not at the time when he testified.

Mr. HEPBURN. And then how did they arrive at the value of the plant?

Mr. SMITH of Michigan. It is only fair to say of either of these gentlemen that their testimony was very largely general. They had to give it in that way.

Mr. HEPBURN. Did they include the franchise or any part of it in their valuation of the plant?

Mr. SMITH of Michigan. I do not think Mr. Bemis did, and I do not recall that Mr. Humphreys did.

The gentleman from New York [Mr. DRISCOLL] asked me a question a moment ago with reference to the report of the committee. If it were not for the prejudice which seems to be prevailing in some quarters, it would seem to me that it would have been well for the committee even now to further consider and take more testimony, but the committee have reported the bill, it is on the Calendar, and I assume that when it goes to the other end of the Capitol they certainly will be able to spend more time and make a more careful and thorough investigation than the House Committee on the District of Columbia did in the short time that we had in which to investigate the matter.

Mr. DRISCOLL. And they will probably hold it up until the decision comes down.

Mr. SMITH of Michigan. Well, I do not know. I now yield to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. I have listened very attentively to the explanation that has just been made by the chairman of the committee, but after following him closely I must say I have come to the conclusion, as I believe most of the Members must have come to the conclusion, that the price that has been fixed upon in this bill is merely a guess. If anything justifies the appointment of a public-utility commission to investigate this and kindred subjects, it is the statement that has just been made by the chairman. He states that it has been utterly impossible for the committee, on account of lack of time, to examine into it as it should have been examined into. And that committee might have spent a hundredfold the length of time that it has taken, and they, not possessing expert knowledge to go into the technical details, would have been enveloped in a maze of difficulties that would have prevented them from arriving at an intelligent decision, just as they have after this bare inspection of three hours of a very important question.

We do not know from the statement and investigation made whether we are doing justice to the capital invested or justice to the consumer. But the time is coming, I wish to say, when a public-service commission will have to be created in order to pass upon the returns to these public-service corporations and the price they may charge for services to the public, such as street railway fares and the price of gas and the price of electric light; for Congress has not the time in which to properly investigate those questions. We give too much time as it is to the consideration of these District measures, and it will be necessary in the future to have a public-service commission that will pass intelligently upon the questions involved so as to report to Congress what should be the reasonable rate to the consumer of these public-service corporations. Not upon the investigation that has been made in this case, but upon the general reduction in the price of gas in other municipalities, will I support the reduction in the price of gas to 90 cents, or even lower.

Mr. GAINES of Tennessee. I would like to ask the gentleman from Michigan [Mr. SMITH] a question.

The SPEAKER pro tempore. Does the gentleman yield for a question?

Mr. SMITH of Michigan. I do.

Mr. GAINES of Tennessee. A few days ago we had up the legislative, executive, and judicial appropriation bill, and it developed in the course of the debate on the several items that we are paying $471,000 a year rent for offices for the government service. Now, does the gentleman know whether that rental is reasonable or not; and if it is unreasonable, what would be reasonable? And what is the judgment of the gentleman as to what Congress should do—continue to rent offices or proceed with some policy as to establishing a proper number and quality of buildings?

Mr. SMITH of Michigan. My judgment has been for some time that the Government could well afford, when it can borrow money for 2 per cent, to erect its own buildings and not pay rent.

Mr. GAINES of Tennessee. I am going to ask the gentleman another question. Is it the duty of your committee to look after that sort of thing?

Mr. SMITH of Michigan. No, sir. I should think it would be the duty of the Committee on Appropriations. They, as I am informed, have taken that matter up, and I think a member of that committee visited—at least, if they did not, some one in the last year or two visited—these various buildings that are being rented by the Government and determined as to whether or not there was a fair rental being paid. As I remember it, the report was, in substance, that the Government was paying a fair rental for the buildings rented.

Mr. GAINES of Tennessee. Well, the chairman of the Committee on Appropriations stated the other day that it was not pertinent to bring in relief in the bill then pending. It would seem the Committee on Appropriations has not jurisdiction of it, and I would like to locate the committee of Congress that has jurisdiction.

Mr. JOHNSON of South Carolina. The Committee on Public Buildings and Grounds.

Mr. GAINES of Tennessee. I think it is a reform that ought to be brought about.

Mr. BONYNGE. Will the gentleman allow me as ask him a question?

Mr. SMITH of Michigan. Certainly.

Mr. BONYNGE. What is the price charged by the gas company in the District of Columbia now?

Mr. SMITH of Michigan. A dollar net.

Mr. BONYNGE. Does the statute fix the price at a dollar?

Mr. SMITH of Michigan. A dollar and twenty-five cents—a dollar net.

Mr. BONYNGE. Can the gentleman tell what the price fixed by law is?

Mr. SMITH of Michigan. One dollar and twenty-five cents—a dollar net.

Mr. BONYNGE. Is that the way the law reads—that the law permits the gas company to charge a dollar and twenty-five cents or a dollar?

Mr. SMITH of Michigan. As I understand, $1.25—$1 net.

Mr. BONYNGE. The statute permits them to charge a dollar and twenty-five cents?

Mr. SMITH of Michigan. As I understand it.

Mr. WILLIAMS. And for cash a discount of 10 per cent.

Mr. BONYNGE. Is the standard of quality of the gas specified?

Mr. SMITH of Michigan. Yes, sir; 22 candlepower.

Mr. BONYNGE. When was the law passed fixing the price at $1.25?

Mr. CAMPBELL. Eighteen hundred and ninety-six.

Mr. SMITH of Michigan. Before I came to Congress.

Mr. MANN. Will the gentleman yield to me for a question?

Mr. SMITH of Michigan. Yes, sir.

Mr. MANN. Under the existing law the gas company makes out a bill at the rate of $1.25, or a dollar if the bill be paid before a specified time. Now, the proposition is to do away with that system entirely. Is it not desirable that there be some premium given to those who pay their gas bills promptly?

Mr. SMITH of Michigan. I think so.

Mr. MANN. But you do away with that entirely.

Mr. SMITH of Michigan. Yes, sir.

Mr. MANN. Upon what theory do you change that method, which has been adopted by every municipality in the country?

Mr. SMITH of Michigan. There is no theory about it. I have stated the case as correctly as I could, and I think every member of the committee agrees with me. After listening to one gentleman for an hour and twenty minutes and to another gentleman for an hour and thirty minutes, some one made a motion that the price of gas be 90 cents.

Mr. MANN. That is not the idea—that the net price of gas be 90 cents. Whereupon, without any consideration, without a vote, without any further consideration, it was passed.

Mr. SMITH of Michigan. Without any further consideration. I think I have stated that in the statement I made as to how this bill was reported to the House.

Mr. MANN. Well, the gentleman himself, I know, has given consideration to the subject. Therefore may I appeal from his action as chairman of the committee to his individual opinion? Ought there not in any bill fixing the price of gas to be some arrangement by which there can be given a preference to those who pay their bills promptly?

Mr. SMITH of Michigan. Yes, sir; I think that is a fair proposition.

Mr. MANN. Now, another thing I would like to ask the gentleman. This bill not only fixes the price of gas for those companies which have been created by act of Congress, but undertakes to say at what price one individual shall sell gas to another individual, without regard to any act of Congress. Have we the constitutional power to do that?

Mr. SMITH of Michigan. That is a very nice question.

Mr. MANN. Can we say at what price butter shall sell; can we say at what price clothes shall sell; can we say at what price gas shall sell, where it is not in a sense sold by a public-utility corporation or by anybody who derives their right from Congress?

Mr. SMITH of Michigan. I do not know whether the bill will bear the interpretation the gentleman puts upon it in that respect.

Mr. MANN. Well, it says "no person."

Mr. MACON. Can not the gentleman make any distinction between a case of public utility?

Mr. MANN. I make the distinction; but that is the point I am trying to make the distinction in—whether this bill is constitutional or whether it will go the same way as the last bill went fixing the price of gas at a dollar; then after a delay of years it was found that it was unconstitutional.

Mr. MACON. We have power under the Constitution to fix the sale of any public utility.

Mr. MANN. We have the power to control a public utility, but this bill says—

Any person, firm, copartnership——

Mr. MACON. Oh, yes; "person."

Mr. MANN (continuing)—

association, or corporation engaged in the manufacture or sale of fuel, illuminating gas in the District of Columbia, and so on, shall sell or otherwise dispose of the same at a price exceeding 90 cents per thousand.

Now, I very much doubt the power of Congress, if I establish a plant down here without asking anything of Congress—whether I shall sell gas to my next-door neighbor or some one in the same building—to say at what price I shall sell it, as long as it is in no way a public-utility matter, deriving no authority from an act of Congress.

Mr. SIMS. Mr. Speaker, there has been great agitation here for a long time in the public press, or part of it, for cheaper gas and better service. I do not remember how many bills have been introduced, but I must insist that the committee did try to have hearings and have the matter investigated as far as it was possible for a committee to do so. Several times when we fixed days for hearings on one or the other of these bills (we heard them together because they were related) one of the gentlemen who was to appear before us in behalf of the gas company was ill, and we adjourned the hearings several times in order to have that gentleman before us to give his views as to the Washington and Georgetown gas companies but his illness continued, and it was impossible to hear from the gas company or to get facts as to the company given by a person connected with it and familiar with it. Finally Mr. Bemis was brought here, as I understand, upon the employment of a Washington newspaper, and qualified as a gentleman having knowledge of such subjects.

I may not state exactly what he said, but I think I give the substance. As to this particular company, he had made no investigation and knew nothing about it except what he gathered from the reports of the Washington and Georgetown gas companies made to Congress. From those reports he made a statement to the committee, saying that without an investigation of this plant it was impossible for him to be exact. Then finally came before us Mr. Humphreys, I believe, of Buffalo, N. Y., who qualified as a gas expert, and I believe he stated that he appeared at the request of the Washington Gas Company. He made his statement not from an examination of the plant, but from the reports of the gas company to Congress. I want to read to you what Mr. Bemis said about this matter relating to the price of gas. Remember that both these gentlemen gave opinions as to the effect of the capitalization clause of the act of 1896, but I only want to read what they said, or a portion of what they said, bearing as pointedly as possible upon this question. Mr. Bemis said:

Now, I want to say a word about the question of the price for gas, assuming for the moment that you have desired to consider that when this other matter is out of the way. Any full consideration of either the price of gas or proper capitalization can only come after a very considerable study—a study by expert engineers, a study by expert accountants. In any case which I have ever been connected with there has been a large amount of time necessary for such investigations. Even the smaller cities of 50,000 population have found it necessary to go into the matter quite exhaustively. The company will do that, and the public must do it in order to present its side of the case, and the court should have all of that information before it. It would certainly be impossible for me to go into a full consideration of the proper price in Washington with the very small amount of available data at present. All I shall attempt to do will be merely to call your attention to two or three things, which I think no one will controvert.

* * * * * * *

The CHAIRMAN. What course do you think we ought to pursue in order to get at a fair price for gas in the city of Washington? I wish you would indicate just what you think we ought to do.

Mr. BEMIS. I think you ought to repeal this law, and have a thorough investigation of the books of the company running back several years, going fully to every account as to what it costs them, find out just how much it has earned out of their dollars and put in the plant every year, and just what it has cost them before they did that. Also get some idea of the average expense as compared with last year, and whether last year was normal or abnormal.

The CHAIRMAN. You do not think we can get at the price to fix by spending an hour in this way, with all due respect to you?

Mr. BEMIS. No; and I do not come——

Mr. NYE. Your conclusion ought to be worth something to us, however.

Mr. BEMIS. Of course you can do this: You can pass an act making a reduction, assuming that the courts will not hold it to be confiscatory, and that the courts will declare it confiscatory if it does reduce the price too law. You can pass an arbitrary act saying that you think that the circumstances justify 80-cent gas, or whatever you fix, and leave it to the courts to go into the investigation. Undoubtedly some time or other there will have to be an investigation. Make it 75 cents if you wish; but I think it would be better if you can have this investigation, and if you can do that I think you can pass an act making a comparative reduction, but not going to the extreme limits, and then leave it to the courts for further investigation.

Now, that is the testimony of the witness who appeared on behalf of the consumers, or on the side of the reduction of the price of gas. He concludes from an investigation of the reports of the gas company that the price of gas can be reduced in the city of Washington. I asked him this question:

Mr. SIMS. Considering the gas that is made here, 23-candlepower, and taking into consideration such facts as you have been able to gather from your limited investigation, what do you think the maximum reasonable price for gas to private individuals in this city should be?

Mr. BEMIS. It should run somewhere between 75 and 85 cents. It might be as low as 75 cents, and it might be as high as 85 cents. But

I do not like to take a very decided stand without having an opportunity to go into it further.

Mr. SIMS. It would be more of an estimate than a scientific conclusion?

Mr. BEMIS. Yes.

Now, Mr. Humphreys, who appeared in behalf of the gas company, and who beyond any question qualified as an expert, stated in substance, from the reports of the Washington Gas Company, taking into consideration the high candlepower required, the price of coal and materials, and all expenses as shown by the report, that a dollar a thousand for gas in this District was not unreasonable.

With nothing else before us and with no opportunity of having anybody else before us, for there is no appropriation to authorize us to employ experts to make a physical examination of the properties and every element entering into the cost of making gas in Washington City, we did the best we could. I am not here to urge that it is absolutely correct, because the experts themselves base their conclusions on the report of the gas company and nothing else except their general knowledge.

I thought it was more important, and think so to-day, to pass the bill repealing the capitalization clause of the act of 1896 than it was to pass this bill, because this bill at 90 cents is a compromise between 80 cents and $1, the amounts named by these respective witnesses, and is not the result of specific detailed information. Further, both of these experts agree that each gas plant was, so to speak, an individuality; that you could not well classify them, and to have a proper price, just to the consumer and just to the producer of gas, the gas plant itself should have a careful and critical examination by experts qualified to pass upon it.

Now, there was great demand for action by the committee for the reduction of the price of gas, and the committee have done all that it could with the limited means at its disposal, and as a result has brought in this bill. I think that the gentleman from Illinois [Mr. MANN] is correct in his criticism.

The bill ought to be amended to that extent, at least, of providing a price and a discount similar to existing law, as I believe is done with gas companies everywhere; but this amendment can be made here or at the other end of the Capitol. This is simply in the nature of a compromise price that we did not think under the evidence was too low, which is a reduction of 10 per cent on all gas furnished private individuals.

Gas may not be worth over 75 cents as made here under the law and requirements in force here, and it may be worth 85 cents or 90 or 95 cents or $1. The experts do not agree on the same state of facts. I am not an expert, and could not know which of the experts seems to be the best sustained in his conclusions by the statements made.

Mr. MADDEN. Mr. Speaker, I regret to see the committee report a bill for 90-cent gas. I hoped that the committee would see its way to report in favor of a much lower price. The cost of gas to the consumers all over the country is being lowered continually, and I think the price provided in the bill introduced by me some time ago of 75 cents was nearer justice to the people who consume gas than the price which is sought to be fixed in the bill reported by the committee. The company having the right to manufacture and sell gas in the District of Columbia has a capitalization of $2,600,000, on which, according to its report, it pays 10 per cent dividends. This company also has $2,600,000 of interest-bearing certificates on which, I believe, 6 per cent interest is paid annually. In addition to that it has about $593,000 in bonds on which it pays interest, and all of this stock, bonds, and certificates of indebtedness have been created out of the earnings of the company.

No very large amount of cash was ever invested in this enterprise. The company, in addition to the payment of this interest charge and these dividends, sets aside a large amount of money every year—I have not the figures in my mind—for depreciation of the plant, and also sets aside a large sum annually for the construction of new mains and the extension of the plant. A company that is able to build additional facilities to enable it to supply additional consumers out of the earnings after paying dividends at the rate of 10 per cent on the stock that is quoted in the market at 67 for a $20 share ought to be able to sell gas at 75 cents.

Mr. SIMS. The gentleman from Illinois says 67 cents. He means it is quoted in the market at $67 a share on a par value of $20.

Mr. MADDEN. I supposed the shares were $100 par value. Then the stock is three times more valuable than the face of the certificate. Well, this great value attaches to the stock because of the enormous earnings of the company, and the enormous earnings of the company are created by the fact that the company is permitted to charge for the gas exorbitant prices. The fact is that at 75 cents a thousand cubic feet the company would be able to pay handsome dividends, not only on the money it has originally invested in the enterprise, but on the wind and the water it has seen fit to inject into the capitalization of the company.

If this stock is worth $67 for every $20 that the certificate says the company has invested, everybody can see that the value has been made by the privileges that have been granted by the public through the legislation granted by Congress, and I hope that the chairman of the committee having charge of the bill will be able to see his way clear to offer an amendment to the bill of the committee reducing the price proposed to be paid in the bill and making that price 75 cents instead of 90. If, on the other hand, it is determined by the committee to insist upon the figures named in the bill, I am so anxious to see some reduction in the price made to the consumer of gas in this District that I would even be willing to vote for 90 cents rather than not see any reduction made at all.

Mr. McMILLAN. Mr. Speaker, before this bill is passed upon, because of the differences in opinion and of the different issues that have been raised by men who are deeply interested in the burning of gas, a commodity to-day that furnishes light, heat, and fuel to the home of everybody, rich and poor, the matter should be well considered. There is no man here to-day on this floor who can say that the expert examination was made by men fully qualified as experts. Because of this fact I shall move that this bill be recommitted to the committee. The real issue is the cost of the production and the cost to the consumer. This city should be the mother influence that goes over the whole country and should name the price, not only in Washington, but in New York and Chicago and in every city in our Union. Let us have the best experts; let us have men worthy of being called experts to pass upon this question. Let us have this issue intelligently investigated by men who are fit to do so. I move that this bill be referred back to the committee.

Mr. SMITH of Michigan. Mr. Speaker, I desire to say that I am in hearty sympathy with the suggestion that, so far as possible, Washington in all these matters of public-service corporations should set an example to the country, but, as the gentleman from Tennessee [Mr. SIMS] said a few moments ago, this committee has no money with which to do these things, and the only way in which, in a measure, the suggestion of the gentleman from New York [Mr. MCMILLAN] could be carried out would be either to authorize the Commissioners of the District, as they have repeatedly requested, to do this work, or to have a separate commission. I have no idea that this Congress will do either.

I have no hesitancy in saying that we as a committee should have made further investigation, but I do not know where or how we would have procured any expert testimony. You must remember that Mr. Bemis was brought here by one party and Mr. Humphreys by another, and that as a committee we listened to their testimony. I for one would have been glad to have spent more time, but I see nothing now to be gained by rereferring this bill to our committee. Let it go to the other end of the Capitol, and let them further investigate, if they so desire.

Mr. WILLIAMS. Mr. Speaker, I would like to ask the gentleman a few questions. This bill does reduce the price of gas in the District of Columbia?

Mr. SMITH of Michigan. Yes.

Mr. WILLIAMS. And the price of gas in the District of Columbia now is too high, is it not?

Mr. SMITH of Michigan. I want to say as I have said before that I have thought and still think that gas might be sold in Washington at less than a dollar a thousand. The gentleman a few moments ago referred to the price of gas in different cities. If there is any one thing that is disclosed in the testimony of Mr. Bemis and Mr. Humphreys in this case, it is that the only way in which you can decide is to take each city by itself. Within the last few weeks the city of Indianapolis has passed a franchise fixing the price of gas at 60 cents a thousand. In the city of Saginaw, in Michigan, Judge Gage, one of Michigan's ablest judges, recently handed down an opinion in which he declared that 90 cents a thousand for gas in that city was confiscatory. Therefore, as both of these experts said to us, the only way you can get at these matters is to take each city by itself and all the facts and circumstances connected with the subject, in order to determine what the price of gas should be in that particular city. I ask the Members of the House, to read the testimony of Mr. Bemis and Mr. Humphreys which I will insert as part of my remarks in the RECORD, and I feel sure they will certainly come to the conclusion that there ought to have been a further and more thorough investigation of this matter. The committee has made this report, and it is before the House. It becomes my duty to ask the House to accept it.

COMMITTEE ON THE DISTRICT OF COLUMBIA,
Wednesday, April 8, 1908.

Committee called to order at 10.25 a. m., Hon. SAMUEL W. SMITH in the chair.

PRICE OF GAS, WASHINGTON, D. C.

Statement of Mr. Edward W. Bemis, of Cleveland, Ohio.

The CHAIRMAN. Mr. Bemis, will you please state your name, your residence, and your profession?

Mr. BEMIS. I am superintendent of the waterworks at Cleveland, Ohio, a position that I have held since the fall of 1901. Before that I had been engaged in college teaching for ten years at the University of Chicago, and elsewhere, and that also been engaged in statistical investigations of municipal work, particularly with regard to gas. During the last few years I have been appearing before courts and commissions quite extensively in connection with gas cases, more particularly in connection with fixing the price for gas; for example, in the last three or four years I have appeared before the New York State Commission a great many times in connection with the price of gas in New York City, Syracuse, and Buffalo, and before the federal court or referee appointed by the court in the New York gas case.

I also have done work in court for Saginaw, Mich., and Cedar Rapids, Iowa, and have done work for Chicago, Boston, Montreal, Baltimore, and several other cities. My work has not been directly that of a gas engineer, for I have never been engaged directly in the gas business. Of course, my work at the waterworks has been more or less along the same lines in some ways—that is, the distribution system is somewhat similar; the methods of handling business are somewhat similar—but I have gone into it more directly in connection with the statistical and financial side. I may say also that I was one of the committee of five of the National Civic Federation that had to do with the very extensive investigation of municipal ownership in this country and in Europe. There was a larger committee, but a subcommittee was appointed of five to do the work, hire the experts, write the report, and I was one of that subcommittee, going abroad with the experts and visiting a good share of the large gas and electric light plants of Great Britain and a number in this country.

I make that statement at your request as a general introduction. I may say, by the way, that as I go on I have no objections to any interruption, and at the close I will expect a good many questions.

As I understand it, the committee has to do primarily with the repeal, or the demand for the repeal, of a certain section 5 of the gas laws of the District of Columbia with respect to the capitalization of the gas companies here and at Georgetown, but that the larger question of the proper price for gas comes up directly, that you wanted both questions more or less considered. As a matter of fact, they can not be separated. It may be from many points of view immaterial whether you have a million dollars of stock worth 300 on the market, every share representing $300 worth of property, the share itself having a par value of $100, or whether you have $3,000,000 of stock worth $100, or $6,000,000 of stock worth $50. It all amounts to the same thing in the total market value. Nevertheless, if the Government is going to do anything in the regulation of capitalization, it is quite common for the courts, and even for public opinion, to consider that there should be some relation between that capitalization and a proper investment on which to compute a proper profit in fixing the price of gas; and therefore the capitalization that is allowed does seem to have, whether we think it ought to or not, some influence upon the courts and public opinion with respect to the question of price. I refer to nominal capitalization as represented in so many nominal shares of stock.

Now, in approaching this subject, we do not have as many precedents as you might expect from the importance of the subject. It is to a considerable degree still untried, and you can feel, I think, that you are making history on this question. You can also feel that, although there are not so many precedents at present, public opinion is rapidly forming in certain directions, and will undoubtedly in the future look back with a good deal of criticism or approval upon what is now done, as it is so important.

Now, first, regarding capitalization, and then in regard to the price.

The present law, as I understand it, in the District of Columbia aims to allow a company, whenever it comes before the proper authorities, to capitalize any earnings that have gone into the plant or into the property. There is a dispute as to what the word "plant" means, I understand, but anyway the earnings have been invested in something, and if it can be shown to the court, the theory of the law seems to contemplate that it may be capitalized.

Now that needs to be examined in the light of two theories that have largely prevailed in recent years with regard to how to treat profits that come from the consumer, for that is what it means, capital that the consumer furnishes. It is not claimed that it is capital directly furnished by the stockholders. The stockholder has furnished capital, and he gets his dividend—in this case 10 per cent—but in addition to that the consumer has furnished a large amount of capital, how much is not yet definitely stated, and the company demands the right to capitalize and earn dividends on that.

Now, there have been two theories with regard to how to treat such profit as comes from the consumer. One theory has prevailed very largely in Massachusetts ever since perhaps the creation of a commission in 1885, and it is this: The company, under this theory, should be encouraged to earn for a while more than it is permitted to divide into dividends, more than the law would consider proper, or public policy would consider proper to earn if it were to go to the stockholders. The idea is that the amount that the company shall be allowed to earn in excess of the proper amount to distribute will be put into the plant, not, however, to go to the stockholder, but to stay there until some future time when perhaps the money the stockholder furnished does not represent more than half or third of the investment, the money the consumer furnished representing the rest. There will thus come a time after a while when the plant has become very large, but with a very small nominal stock. Then the consumer will get the benefit of the capital thereafter furnished, and the company will continue to be allowed to give dividends upon what the stockholder has furnished, but not upon what the consumer has furnished; and ultimately the consumer will get a very low price for gas.

The theory has been strongly held, but it has had very grave difficulties in the courts—there has been no formal adjudication of this subject, the case coming up first in Haverhill, Mass. There the gas commission ordered a reduction in the price of gas that would leave only the usual dividend on the small amount of stock that the company had itself furnished, which was only one-fifth of the actual physical value of the property, the rest having all come from earnings. The company refused to obey the decision of the commission, and the case has not yet been adjudicated in the courts. There is some claim that the commission has hesitated about bringing the case to a head for fear it would lose, although a member of the commission now tells me that they are expecting to bring it to a head this year and get a decision. But it has been in the courts for six or eight years, and there has been a growing feeling that it was rather dangerous for the consumer to furnish capital with the idea that he ever would get it back again or get benefit from it. It is more than likely if he does not eat his cake when he can get it, he never will. If the profits are once allowed to go into possession of the company and furnish its capital, it is probable that the consumer will never enjoy the benefits of it, but that the company will. That has become so strong a feeling of late that the Massachusetts commission has changed its attitude on the subject and is insisting upon reductions at present in the price whenever cases come before them rather than to allow the profits above a reasonable dividend to go into the plant without capitalization. And the tendency of legislation of late has been along the same line.

There has, however, been another theory which has been more largely prevalent in Europe, especially in England, which is that the consumer shall get the benefit immediately of the profits of the company; that the company shall not declare more than certain dividends, neither shall it earn more, and all beyond that shall go immediately to a reduction of the price; and if the company wants more capital it must go to the proper government board or Parliament and get that right, and furnish the capital itself in the shape of selling stock and bonds in the open market or auction to the highest bidder.

Mr. CAMPBELL. In a somewhat extensive, but a very hurried, investigation that I have been able to make within the past five or six weeks of this very important question I have found this proposition somewhere that the gas company may increase its capital stock in the proportion that it reduces the price of gas.

Mr. KELIHER. That is the law in Massachusetts to-day, is it not?

Mr. CAMPBELL. I think it is.

Mr. BEMIS. In regard to one company in Massachusetts, in Boston.

Mr. CAMPBELL. I think it was in consideration of the Boston law that I found that theory. What do you think of that theory?

Mr. BEMIS. It prevails in a few places in England, from which it was introduced into Massachusetts with respect to that one company, the Boston company. That theory has worked very well in Boston, and under it the price of gas has been voluntarily reduced by the company below the 90 cents at which the ordinance fixed it when it took effect—first to 85, and then in July of last year the company voluntarily reduced it to 80 cents, because, under the sliding scale and the reduction of 5 cents in price below 90 cents, they could increase their dividends from 7 per cent upward. The greatest objection to the law is the fact that you tie this up for a long time to come, but whatever may be the present adjudication as to a proper capitalization you must tie this up, and ought to, for quite a while in order to be a proper protection to the company and encourage it to go on in reductions; but the moment you do that you are assuming to decide to-day for quite a long time to come what your basis shall be for the reduction in price and for increase of capital. There is so great an uncertainty now as to the proper basis of capitalization of such companies, and the public sentiment is so rapidly changing on the subject, that a good many hesitate about introducing this sliding scale very rapidly just now, but are continuing the rather short relations or engagements with companies, not tying themselves to long franchises or long contracts which the sliding scale contemplates, letting the matter drift a little and trying to get every four or five years such reductions as investigations show are deserved and merited, and perhaps in time the sliding scale will be generally introduced.

Mr. CAMPBELL. Do you regard that as scientific?

Mr. BEMIS. I regard the sliding scale as an improvement over most of our efforts, but I do not feel quite ready to tie to it—not just now when public sentiment is so rapidly changing on the subject. I think it is best to leave the matter a little more open for a while yet, and I would rather see the experiment tried in Boston. I am awaiting for that with a good deal of interest, and the service is working well there. I am afraid that that basis, if taken now, would be very unpopular in a community ten or fifteen years hence.

I have spoken of two theories of the disposition of consumers' profits. One theory is to encourage the company to take it and invest it in the plant and never to capitalize it, but to give the consumer the benefit of it, if the courts will allow; and the other theory is to see that they shall turn over to the consumer all the profit in the shape of low prices beyond what is reasonable return on the capital that the stockholder has put in, and do it every year. But this law unfortunately has none of the benefits of either one of these propositions and is worse than either, for this law provides directly that the company shall keep these profits, and, having kept them, shall never return them, but shall capitalize them whenever they please to do so and can show that it has taken the profits.

So that this law directly antagonizes everything that they have attempted to do in Massachusetts, and does not attempt to do what they have tried to do in England, give the benefit to the consumer; but has the disadvantage of both schemes and leads to a tendency to absorb entirely and forever any profits that are made in the gas business. But you may reply, If it is not allowed to do this, why can't the company declare a larger dividend? It has the right to declare, perhaps, as large a dividend as it wants to, in Washington. There are, of course, places where that might not be legal, but I suppose it is here. Therefore if the company should not, as a matter of public policy, be allowed to take the profits from the consumer and put them in the plant, and avoid raising money by direct contribution of stockholder and bondholder, what would prevent its treating the consumer badly by dividing the profit as it accumulates in larger dividends? Simply the company would not dare do it, that is all; and that is one of the bases of the present scheme; it enables the community to be deceived as to the profits of the company.

You have to face here not only what is legal, but what the public opinion will tolerate. Public opinion will not tolerate a 20 per cent dividend in the gas business. If the company can show that for a long period of time it has not made any dividends—of course the company might have existed for many years and not made any money—then if it declares a 20 per cent dividend, which one would say was a reasonable recoupment for not earning anything for a long time, there might not be any objection. But if the company had been earning good dividends, the community would not tolerate an open payment of large dividends; but this law allows the community to be deceived, or go to sleep on that matter. Take, for example, the reports just made to Congress by the Washington Gaslight Company, shown in House Document No. 609. It appears from this document that the company declares that it made a profit last year, which it spent for extensions and construction aside from what it put in the renewal reserve fund; that it earned and spent for extensions and construction $130,602.24, and had a further surplus of $139,290.82, or a total of $269,893.26,

which is over 10 per cent on the $2,600,000 paid-up capital stock. So that the company, in addition to declaring a 10 per cent dividend on that stock, put into the plant the surplus, a little over 10 per cent more, but the community does not realize that fact at all. Or, put it in another way: The company has $2,600,000 of paid-up capital stock, and $2,600,000 of dividend certificates of indebtedness, paying, I believe, 6 per cent. I do not yet see how under the law they ever had a legal right to declare those certificates of indebtedness or to issue them. It seems to me like evasion of the law. It was really a stock dividend of 100 per cent to the stockholders out of earnings that the consumer had furnished, and without going to any court under this law, simply evading the idea of having an investigation, they just simply issued these certificates, as I understand it; I may be wrong on a hasty reading of the evidence, but that is what I infer from the evidence and from what I have seen in Moody's Manual and elsewhere.

Mr. OLCOTT. I do not quite understand one thing you mentioned there. You spoke of the earnings and surplus being $269,893 and the paid-up capital stock as $2,600,000. That did not much more than enable them to pay their 10 per cent dividend on that; it is about $9,000 more. Those are the figures you gave us, are they not?

Mr. BEMIS. I did not state, because I took it for granted that you were familiar with the fact—but I see that I should have stated it—that after they had paid a dividend of $269,000——

Mr. OLCOTT. I only call your attention to this, because I want to have it correct in the hearings.

Mr. BEMIS. They had paid $260,000 in dividends, and $179,948 in interest, the interest consisting chiefly of the 6 per cent on the $2,600,000 of certificates. After having done all of that, they still had 10 per cent interest on the stock; I did not go back to the point as to whether the stock was ever the result of earnings from the consumer or not; but assuming for the moment that the stockholder had furnished all of that, which I remember has been disputed by many, this 6 per cent on the certificates of indebtedness and the 10 per cent that went into the surplus made 16 per cent—plus the 10 per cent actually declared, makes 26 per cent. So that assuming that the $2,600,000 of paid-up capital stock was really paid up by the stockholders, and not by the consumers, then the earnings last year were 26 per cent, according to this report.

I am not asking you to accept any theory of mine, but to take their own returns, given to Congress on February 1, and which I am sure the company will not dispute. Or we may put it in this way: If the company is entitled to $2,600,000 of certificates, then what they put into the surplus is equivalent to a 5 per cent addition to their dividends, making their dividends 15 per cent, and 5 per cent additional to the 6 per cent upon the certificates, or 11 per cent on that. While legally I suppose the company could declare a dividend of any amount—20, 30, or 40 per cent—the people would not long endure that if they knew it. But this law directly does allow it without the people knowing of its being done, which constitutes a very great phase, to my mind, of its viciousness. And that is not all. Not only does this law deceive the public as to the profits, and if taken advantage of by the company in the formal way allows a permanent capitalization, but it can be interpreted by the court or by the referee, who acts under the law, in a way to exert still worse results, and that is very apparent in what is before us in the case of the Georgetown Gaslight Company, and therefore I want to speak a moment upon that.

I have before me the report of the auditor in the Georgetown case. I find that he secured from the company a report of all the money that they had put into the plant since it started. He did not secure from them any statement as to the amount of renewals to take care of depreciation from year to year.

Mr. CAMPBELL. You say that is not shown in the report?

Mr. BEMIS. Not for the entire period; no. There was a little testimony as to the buildings having depreciated 5 or 10 per cent, and a few little things like that, but most of the property had no depreciation charge upon it, and there are no returns as to the amount of renewals put in the plant since it started. Perhaps that would be difficult to obtain, since the company went back to 1853; nevertheless, no effort appears to have been made running back for any length of time to have gotten it. We are left in the dark whether this investment of $353,568.39, which is all the company claims it has ever invested in Georgetown, has had charged off any depreciation or not. It was quite common until late years for companies not to charge off depreciation, but to merely keep up a fair degree of repairs from the earnings and pay out the rest of the profits, and then, after a series of years, issue a new block of stock for further extensions.

Mr. CAMPBELL. What have you found to be the average per cent of depreciation of gas companies?

Mr. BEMIS. It varies very much with the many conditions. You have got to take into account how much they do spend, for repairs and the reserve for depreciation go together. You may spend so much on your plant from year to year in renewals that you have no depreciation at all. That is the common method with our steam railroads now, such as the Lake Shore and the Pennsylvania.

Mr. CAMPBELL. It is claimed by some that railroad property is renewed every ten years.

Mr. BEMIS. The best illustration we have of the extent to which this can be carried is the New York gas case, where the Consolidated Gas Company has kept very accurate returns for twenty years, and it has spent on the average 10.6 cents per thousand feet for repairs and renewals; and the testimony of their own witnesses, engineers and superintendents, shows that the plant at the time of the hearings in 1907 was in better shape in every way than in 1884, when they began their system of bookkeeping on that subject. In other words, the 10.6 cents had much more than kept the plant in good condition. It had improved the plant, very largely improved it. They had taken out small service pipes and put in large ones, and charged it to renewal. They had done very much in their manufacturing plant to improve it and to get a much better plant out of it, so that the question is a difficult one to answer. The amount will vary all the way from 6 or 8 cents a thousand feet for repairs or renewals up to 15 cents.

Mr. KELIHER. What are they selling gas for in New York now?

Mr. BEMIS. One dollar per thousand. The case is before the courts now.

Mr. OLCOTT. The decision of the master was in favor of the company.

Mr. BEMIS. Yes. The decision of the judge indicated that about 85 cents per thousand would be a price that would be a reasonable price, but that 80 cents was not, for reasons that I will come to in a moment.

In most hearings that I have attended gas companies insist on a depreciation charge of more than 2 per cent a year. But I took occasion last night to see what a 2 per cent depreciation charge written off on the declining value of every year since 1853 would amount to, and it would take off one-third of it, leaving the Georgetown property worth only about $225,000. I think that is extreme; I think it is too high. Very likely the plant has been pretty well kept up by renewals and out of earnings, as it should have been, so I only give that as an extreme illustration. But there should have been much more taken off, probably, than there was by the referee, since the company made very little allowance for depreciation in their testimony.

It is rather amusing that in almost every case of litigation that I have ever been in the depreciation has always begun at the time the case came up for hearing; there was never any in the past; but from the time of the hearings it must be allowed for on the price of gas in the future. It is a wonderful situation—never any depreciation in the past, and it has always begun at the time of the hearing.

Mr. CAMPBELL. As a matter of fact, is there much depreciation in the strength and durability of a gas main as the years go by?

Mr. BEMIS. No; there is very little depreciation in gas mains if there is no electrolysis, and there should be very little in Washington because of the conduit system here. The main will practically last for two hundred years. Of course it may become too small in some districts. There is no limit, however, to the durability of either water or gas mains; that is, where there is no salt or ashes to eat into it and where there is no electrolysis.

Mr. CAMPBELL. That is really the heavy expense, is it not, in these plants?

Mr. BEMIS. Yes. Of course there is always a considerable expense for depreciation for the manufacturing plant, which must be kept up-to-date, which is from 6 or 8 cents up to 15 cents, according to the size of the plant. In smaller cities, particularly where the cities are growing rapidly, and where you have a population of twenty-five or thirty thousand, as in the western towns, there you would have to allow a depreciation much greater for displacement by growth than in the larger cities of the East, which are fairly standardized.

Mr. CAMPBELL. What per cent of the cost of a gas plant in a city the size of this would be in the mains?

Mr. BEMIS. It varies a good deal, but I would not be surprised to find half of it. I find this company, after setting aside an amount for repairs, also set aside for renewals, as it should have done, last year—and the total is a little over 8 cents per thousand feet of gas—8.17 cents. This includes what they do not include as depreciation, $7,328 for material destroyed and $4,000 for material charged off. That probably was a reasonable allowance, so far as we know at present. Anyway it is what the company considered was a reasonable allowance and I am not in a position, without further light on the subject, from examination, to say that it is wrong. But considering in a broad way how the law is interpreted, it seems to me that in the Georgetown decision—and that illustrated what will happen in the city of Washington if the law continues—depreciation does not seem to have been charged off as much as I should think it ought to have been. In the next place, the auditor attempted to determine, not what had been invested in the plant out of the earnings of the consumer, but what the plant could be duplicated for. I have not noticed any reference to any illegality in that point of view, but it strikes me that it violates the spirit of the first sentence of the fifth section, "that neither the Washington Gaslight Company nor the Georgetown Gaslight Company shall hereafter issue any greater number of shares of stock than shall be equal to the actual cash value of said plants and necessary cost of the construction of future extensions or future enlargements of plants."

If the company is going to enlarge its plant to-day—if, for example, it discovers that there is an unpaved street about to be paved, and that it has no street main on that street, it would lay its main there probably. That is the way almost all gas mains are laid. Then it could under this law go to the court and say that it is going to cost them so much to put this main down and they want the right to capitalize that cost. The court could say, "Well and good" under this law. Suppose, however, the gas company is shrewd, and says, "No, we will not do that; we will wait; we will put the main down, but we will wait until the Government has come along and paved over the main. Then we will go to the court and say, "If we had come to you two or three years ago we could only have asked for what it cost us, but by waiting three years we are going to ask for 60 or 75 per cent more, because we are now going to ask not only what it cost us, but what it would cost us to construct it now, because the company has put the paving down." It would seem to me that that violates the whole letter and spirit of the act. When this act provided that they can only capitalize the future extensions on the basis of cost, it must have intended to apply it to whatever was put in, but the auditor has gone on and taken an entirely different theory—that it can apply to the past one theory and to the future another theory.

Mr. CAMPBELL. It developed in the trial of the Georgetown case, as shown by the record and the pleadings and briefs, that the court refused to hear any testimony, ex parte or otherwise, or anyone, excepting the gas company. Do you regard that as a fair sort of way at which to arrive at the value of the gas plant?

Mr. BEMIS. I have rarely known that to be pursued. It would not strike anyone as being fair.

Mr. CAMPBELL. Taking the practical side of it—you have been on both sides, in all probability, of gas questions in many States——

Mr. BEMIS. I have been connected with twenty such cases, but I have never seen a case in which both sides have not been heard.

Mr. CAMPBELL. Even experts would differ, would they not?

Mr. BEMIS. Oh, yes.

Mr. CAMPBELL. An auditor making an examination to-day would probably have some of his conclusions or findings disputed by another auditor on the same question to-morrow?

Mr. BEMIS. Yes.

Mr. OLCOTT. It is the general experience that experts never agree anyhow.

Mr. BEMIS. No; I suppose they do not.

Mr. SIMS. Has it been the rule for capital stock to be issued upon the value of the franchises, earnings, and rights where nothing has been paid in as an investment made for those rights or franchises? Is it usual to include that in capitalization?

Mr. BEMIS. I was going to refer to that a little later, but I will refer to it now. That is one of the points in which the auditor has interpreted this law even worse than it reads on its face. He has interpreted this law as allowing a capitalization of the franchise and good will, as he calls it, but the rulings of the Massachusetts and New York commissions and the custom in England have not been that way; they have always been rigidly against that. The only case in which I have known a court to sustain a capitalization of a franchise is the recent New York gas case, which I am pretty familiar with, as I have done a good deal of work on it for the city of New York, and have

carefully read Judge Hough's opinion, which I have here, and which shows very clearly two or three things: First, that he believed it to be absolutely ridiculous to capitalize a franchise, and that he was absolutely opposed to capitalizing franchises; and that the only reason he allowed it in this case was because the law had allowed it back in 1884 when it provided for the consolidation of the manufacturing corporations of New York City, and at a capitalization to include the value of their property and franchises, and because this has never been tested in the courts, and because the stock and bonds had been outstanding for over twenty years—on that basis Judge Hough said he thought that he had better pass it up to the United States Supreme Court for further action. And in a later decision, or a supplemental decision, in respect to further hearings on this very case, when he was asked to again review his position, he states: "For all I can see, the franchise of 1884 might as well have been valued on just the amount of stock issued on the face; it was enough to attempt to capitalize expected profits, but the attempt has now twenty years to justify it." It was because it had had twenty years uninterrupted legal success, and for that reason alone—as I read the original decision—he indorsed this in that particular case.

Mr. OLCOTT. That consolidation took place in 1884 and especially provided that the franchise should be valued?

Mr. BEMIS. Yes. It was contended by the State, even if that were done, the franchise had run out and had no value.

Mr. OLCOTT. Was not the law tested just immediately after 1884? There was certainly a good deal of litigation, according to my recollection, about that gas-consolidation act.

Mr. BEMIS. There is still disagreement among the lawyers——

Mr. OLCOTT. Wasn't it decided by the court of appeals of New York State?

Mr. BEMIS. I heard it discussed among the attorneys as to what the decision settled, but whether it settled that case was still a matter of discussion.

Mr. OLCOTT. I know the State had a vast amount of litigation with the gas company, and I thought they were beaten.

Mr. BEMIS. Now, further on this franchise matter, that is an argument for repealing this law before rights are secured under it. Certainly it is against public policy, it strikes me, to capitalize a gift from the community and make a community pay interest on its own gift. If it gives to the company a fair return on the capital furnished by the company, it seems to me it has gone as far as it should. Then the question comes up of capitalization of good will or established connections with the customer. Those connections with the consumer were either paid for directly by the consumer, who owns part of the service—the service at least from the sidewalk in—or they were charged to construction by the company and allowed in their schedules, or the soliciting of the business was a proper charge to the promotion, and paid for in operating expenses—that is, the canvassing, the advertising, the securing of business. Nevertheless, they have gone ahead here and capitalized those established connections with the consumers. I am trying to find the number of them in this Georgetown case, but they were somewhat over 2,000—I will assume that they were 2,000—and they value the franchise rights and good will at $66,000, or about $30 a connection. In other words, what they have done has been to capitalize the consumer at $30 a head. What that means would be this: I am a consumer in Washington and pay for having the service put in. In the operating expenses I pay for all charges for promotion, having paid for the canvassing which secured me as a consumer, and having paid interest on any construction costs the company has been put to for service connected with my house. I then have to go to work and pay interest on myself for the rest of my life. That is what this means. The consumer shall not only pay the expense of getting himself connected with the gas company, but after the connection is made he shall pay interest on it the rest of his days. That is one of the most ridiculous contentions ever made by a gas company.

Again, in this Georgetown case the auditor has interpreted the law to allow him to increase the value of the land. I question if land usually is worth more for gas-making purposes, because of the growth on the lands around it, than it was when purchased, but you have got to find one horn or the other of the dilemma. If you are going to increase the value of your land with the growth of the value of the land surrounding it, you have got to take the basis on which the value of the land is fixed in the neighborhood, and that is what it would be wanted for for ordinary purposes. Gas land would not be wanted for ordinary purposes, and therefore if you are going to value the land at the increased value on the basis of what the land around is worth, you can only value the manufacturing plant on it at its scrap value. I think it is a great deal fairer to value the apparatus at its cost, or take account of the depreciation, or even the cost of duplication, and to give to the land the value paid for it. To be sure, the company could sell that land if it cared to and move to another location; I think that right would be recognized. But while it is using it for gas-making purposes I do not think it should be too ready to increase the capitalization with the assumed increase of the value of the land.

Mr. OLCOTT. Why should not the gas company have the right to get the unearned increment just as well as the individual?

Mr. BEMIS. It can when it sells it; but I do not think that during its use it is really of any more value for gas-making purposes. I doubt if its value for gas-making purposes has increased, and I think that you can not fix a value for the land excepting as you throw it in the open market and strip it of its improvements.

Mr. OLCOTT. The taxes will have increased?

Mr. BEMIS. But the taxes must have been paid by the consumer.

Mr. OLCOTT. But the tax increase shows that the land has itself increased in value, even if used for gas-making purposes?

Mr. BEMIS. That would seem to indicate it to that extent; that is true.

Now, if you are going to adopt the theory as to the value of the property in case of duplication, you ought to take into account what the prospective purchaser should give who had a franchise and no gas property, and had a right to buy this property or locate anywhere else in the city and duplicate the plant. It is more likely that he would take cheaper land.

But take the question of street mains in this Georgetown case. They have capitalized the street mains, the new paving that has gone over them since they were put down, and there seems to have been no complete investigation as to whether all the street mains were put down before the paving or not, but in most cases they are, and I shall assume for the moment that they were until further evidence is introduced. If they were, then what has happened is this: That $54,000 capitalization has been added by the auditor on account of the paving, for that is what is accepted as the value of the paving, plus 10 per cent, making about $60,000. That, to my mind, is equally absurd. The consumer, as the taxpayer, pays for the paving, and then he has to pay interest on it in the form of a higher price for gas. If the auditor is consistent in that view, then this company would have the right, every time the city of Washington put down some more paving, to charge more for gas, because the company could go to the courts and say: "Here, my property is worth $100,000 more this year than last, because the Government has put paving over my mains; therefore I am not charging enough to pay for the outstanding amount on that cost." Logically that is a direct result of that reasoning, and yet you can see how ridiculous it is when it is analyzed.

Mr. NYE. Was that allowed by the court in the Georgetown case?

Mr. BEMIS. Yes; they added $54,000 for paving without apparently stopping to find out whether the company had paid for the paving or not. In fact, the tendency of the testimony seems to be that probably the company had not put down many mains after the paving was laid, but that the company ought to have the right to capitalize it because it would cost $54,000 for a new company coming in now and laying mains under this pavement.

The working capital, too, was taken by the auditor at $30,000, which does not seem to have been accompanied with sufficient investigation of how much credit the company was enjoying. For example, if the company had two months' credit on coal, oil, and other supplies without interest, then to that extent there should be a deduction made from the working capital. What the company paid no interest on it should have no right to charge the consumer. But there does not seem to have been any recognition of that fact.

Now, I have taken up these matters merely to indicate how many defects there are in the present law, which is bad enough on its face, and it is still capable of still worse interpretation than has been put upon it in this decision. And therefore it strikes me that the first thing necessary is to repeal the law before further valuations are attempted under it. The law may be constitutional—I understand that point is being tested—but it certainly is against public policy, as I look at it.

Now, I want to say a word about the question of the price for gas, assuming for the moment that you have desired to consider that when this other matter is out of the way. Any full consideration of either the price of gas or proper capitalization can only come after a very considerable study, a study by expert engineers, a study by expert accountants. In any case which I have ever been connected with there has been a large amount of time necessary for such investigations. Even the smaller cities of 50,000 population have found it necessary to go into the matter quite exhaustively. The company will do that, and the public must do it in order to present its side of the case, and the court should have all of that information before it. It would certainly be impossible for me to go into a full consideration of the proper price in Washington with the very small amount of available data at present. All I shall attempt to do will be merely to call your attention to two or three things, which I think no one will controvert.

Mr. TAYLOR. Was not the price of gas yesterday found by the House to be worth 75 cents?

Mr. OLCOTT. For the public schools.

Mr. TAYLOR. Well, if it is worth 75 cents to the Government, I think it is worth 75 cents to the individual.

The CHAIRMAN. Allow me to ask you whether, with the experience you have now had with the Washington Gaslight Company, you are able to say what the price of gas should be here?

Mr. BEMIS. I was going to say a few things about that, and I think perhaps it is best to say them in the way I am going to do. I said a moment ago that I have not information enough, and that it is impossible for anyone to have information enough, to settle that question offhand, but what I am going to say is this: That there are a few facts that no one can controvert. The company has made a report, which I have already referred to, for the year 1907, and it is embodied in House Document No. 609, Sixtieth Congress, first session. It is the annual report as of February 1, 1908, signed by John R. McLean, president, and furnishes a list of the stockholders. It is not to be assumed that the company will put its profits too high or its cost of gas too low. The tendency rather, I should think, would be in the opposite direction. The company has stated that after paying all expenses and providing for a depreciation and renewal account, it had left the profit paid as dividends of 10 per cent on its stock, and an average of 5.629 per cent on some improvement bonds, of $598,700. It also paid 6 per cent on $2,600,000 of certificates of indebtedness, which represented apparently, as I have said before, a stock dividend out of the consumer; and in addition to that, as I have already indicated, they earned and put into the plant a surplus of about $270,000. Now, that amounts to 14.57 cents per thousand feet of gas, and the average price, they say, for their gas was a dollar.

Mr. TAYLOR. Is that 14½ cents profit per thousand feet?

Mr. BEMIS. After paying dividends and interest. Their actual cost, they claim, was 62 cents.

Mr. CAMPBELL. For manufacture and distribution both?

Mr. BEMIS. Manufacture, distribution, depreciation, and renewal. They claim that they had to put into the plant after paying interest and dividends 14.57 cents. They could have, according to their own report, furnished gas at about 85 cents, and still have paid interest, dividends, renewal, and depreciation account which they did pay.

Mr. TAYLOR. On their own capital stock?

Mr. BEMIS. Yes. At a price of 85 cents, that would be 10 per cent on the stock, 6 per cent on the certificates, and an average of 5.625 per cent on the bonds.

Mr. TAYLOR. Including fixed charges?

Mr. BEMIS. Everything, including 10 per cent on the stock, 6 per cent on the certificates of indebtedness, and the interest they paid on the bonds.

Mr. CAMPBELL. That includes all fixed charges, rents, salary, and other expenses that would not be included in the manufacture and distribution, and the depreciation?

Mr. BEMIS. Yes.

Mr. OLCOTT. Following out the remarks that you made when you began, you rather approve of their keeping some surplus providing they do not attempt to capitalize the surplus afterwards. Say we have 14.57 cents taken off, and the gas sells for 85 cents, which includes this surplus, I imagine you think that would be a good thing for them to have in case of an emergency when they could not get money.

Mr. BEMIS. I am glad you brought that out. I said the plan in Massachusetts had been along that line for years, but experience had shown that it was unwise. Approaching it from another point of view, the company claims an actual operating cost and expense of renewals to meet depreciation of 62.116 cents, but in that amount there are three items of expense at least which I think would be subject to criticism, to say nothing of what an exhaustive study of their books

and accounts would reveal. These three items are, first, they have a leakage of about 10 per cent, while good companies like Boston, Baltimore, Chicago, and many others have a leakage below 5 per cent; 3 or 4 per cent, I believe. A leakage of 5 per cent would reduce their expense about 2 cents per thousand feet.

Mr. KELIHER. Is that due to lax methods or a poor plant?

Mr. BEMIS. Some fault of the system, or care for it; I would not undertake to say now what. You will find plenty of small companies that have a leakage of 10 or 15 or even a greater percentage, but I speak of the better companies.

Again, they have a legal expense of nearly 2 cents per 1,000 feet, while the average expense per 1,000 feet for legal expenses of all the 60 companies in Massachusetts is less than 1 cent—about three-quarters of a cent. They have probably had an extra expense on account of this litigation, and they have doubtless charged that up to the consumer, and the propriety of that is open to discussion. It certainly is not a normal amount.

Then they have charged in as operating expenses interest on deposits of consumers, which is a capital charge. In other words, they make the consumer in many cases put up a deposit, which is perfectly proper to do, but the interest on it is not an operating cost; it is a capital charge, if the deposit is used as capital; and therefore in speaking of operating cost we ought to exclude any interest charge and put it in the capital account.

Mr. OLCOTT. How much difference does that make?

Mr. BEMIS. The three together make 3.2 cents, and taking that from the 62 cents, about, you have 58.9 cents.

Mr. OLCOTT. I understood you to say 2 cents for the legal cost and 2 cents for the leakage.

Mr. BEMIS. I only took off one of them; I took the average, that is, I took 1 cent out of the two. It is 5 per cent, which would mean only about 2 cents per thousand feet.

Now, that reduces the expense, even by those cursory suggestions, to 58.9 cents. Since that includes repairs and renewals, they can easily be obtained. There has been recently a decision in the little town of Cedar Rapids, Iowa, where Judge Ellison, of the Iowa state court, has lately ordered a reduction to 90 cents, although the operating cost was 68 or 69 cents, more even than this cursory examination indicates in Washington.

Mr. TAYLOR. And then in a town of smaller size it costs more to produce gas than in a larger place?

Mr. BEMIS. Very much more. If Boston can sell gas at a profit at 80 cents, it would certainly appear that Washington, which is nearer the coal, gas, and oil fields, ought to do so.

Mr. KELIHER. From your investigation made here, how do you think the principle of the sliding scale in operation now in Boston would apply to the local conditions here?

Mr. BEMIS. I should not want to make any suggestions of how to apply it without more study. Of course, it could be applied by taking a price and a dividend, and letting the company change the price 5 cents, and then change the dividend 1 per cent after that, and so on, but you would have to be careful as to the amount of stock you allowed them to start with.

Mr. KELIHER. But from what you learned in Boston, it is an unqualified success there?

Mr. BEMIS. It has been a success up there; I do not say unqualified, because there are criticisms of it; but President Richards is a magnificent manager.

Mr. CARY. Have you any statistics concerning the gas company in Milwaukee?

Mr. BEMIS. No; I have never had occasion to investigate it, but I know they are charging in the neighborhood of 80 cents for it, and at Detroit and Grand Rapids about the same.

Mr. CARY. The Milwaukee Gas Company rate is from 60 to 80 cents per thousand, according to the amount used; and not that alone, but they give a certain percentage in wages every six months to employees.

Mr. BEMIS. They do that in Boston; therefore I should say that 85 cents is a maximum charge, and it looks, from all of these considerations, that it should be considerably lower than that, but I do not want to make any definite statement now, because it should be a matter of careful investigation.

The CHAIRMAN. I wish you would explain what causes the difference in cost in the difference in candlepower.

Mr. BEMIS. Candlepower is high here, as it is in Chicago, Philadelphia, and New York, and the difference of five candles will make a difference of about a gallon of oil per thousand feet, and that will cost them from 4 to 5 cents.

Mr. TAYLOR. The candlepower here is about 22?

Mr. BEMIS. The average of the District is about 23. The law requires 22.

Mr. TAYLOR. That is high. It runs as low as 15 in illuminating gas in other places?

Mr. BEMIS. In Boston the average was 18.3 last year, according to the state inspection.

The CHAIRMAN. What is it in Milwaukee?

Mr. BEMIS. From the data I have from the president of the company, I am told that it is about 18, and also that in Detroit and Grand Rapids. In Chicago it is 22, Philadelphia 22. It is 24 in Chicago a mile from the works.

Mr. SMITH. I have the honor to represent in part the city of Detroit, and during nearly all of last winter, after reducing the price of gas to 80 cents, the papers were filled with statements from people to the effect that their gas bills were larger than they were before. Will you please explain what brings that about?

Mr. BEMIS. If there is a proper testing of the gas, it can not occur. What often happens is this: That the people, since the reduction in the price, use a good deal more for fuel purposes, cooking, and so forth.

Mr. TAYLOR. Yes; it is just like in the cheapening of railroad and street-car fares; they ride more and use more money.

Mr. BEMIS. What really happens, they use more gas and less coal.

The CHAIRMAN. What course do you think we ought to pursue in order to get at a fair price for gas in the city of Washington? I wish you would indicate just what you think we ought to do.

Mr. BEMIS. I think you ought to repeal this law, and have a thorough investigation of the books of the company running back several years, going fully to every account as to what it costs them, find out just how much it has earned out of their dollar and put in the plant every year, and just what it has cost them before they did that. Also get some idea of the average expense as compared with last year, and whether last year was normal or abnormal.

The CHAIRMAN. You do not think we can get at the price to fix by spending an hour in this way, with all due respect to you?

Mr. BEMIS. No; and I do not come——

Mr. NYE. Your conclusion ought to be worth something to us, however.

Mr. BEMIS. Of course you can do this: You can pass an act making a reduction, assuming that the courts will not hold it to be confiscatory, and that the courts will declare it confiscatory if it does reduce the price too low. You can pass an arbitrary act saying that you think that the circumstances justify 80-cent gas, or whatever you fix, and leave it to the courts to go into the investigation. Undoubtedly some time or other there will have to be an investigation. Make it 75 cents, if you wish; but I think it would be better if you can have this investigation, and if you can do that I think you can pass an act making a conservative reduction, but not going to the extreme limits, and then leave it to the courts for further investigation.

Mr. CARY. But you think 85 cents would be the maximum?

Mr. BEMIS. I do not see how you can possibly make it higher than that, in view of this company's report.

Mr. MURPHY. The courts would probably investigate anyway.

Mr. BEMIS. It would depend a good deal upon what the evidence is. It is pretty hard for the company to go back on its books in the courts.

Mr. TAYLOR. Can you give the name of some city located very much as Washington is, and about the same size, containing, say, 325,000 people or about that, and located as to fuel and supplies about the same, so as to have about the same cost of production?

Mr. BEMIS. The only city I think of at the moment is Baltimore, but Baltimore is not situated quite the same.

Mr. TAYLOR. What is the rate there?

Mr. BEMIS. It varies from 85 cents to a dollar, I think. I have not the lowest figures. It may be lower now, but that was my information a few months ago. But you can not very well be guided by Baltimore, for the reason that there has been no great effort made to get a low price there, and that is true of four-fifths of the cities of the country. The people have not paid much attention to it.

Mr. NYE. Are you familiar with the condition in Minneapolis?

Mr. BEMIS. I once lived there, but it was many years ago.

Mr. NYE. We approximately have 300,000 people.

Mr. BEMIS. Yes. The price of gas is 90 cents there now, is it not?

Mr. NYE. Yes; they have been paying a dollar up to recently, and have been squabbling over it for a year, insisting upon a reduction to 80 cents. I do not know whether they have come to a conclusion upon it or not.

The CHAIRMAN. If a dollar is a fair price for 23-candlepower gas, in the same proportion what would 18-candlepower gas be worth?

Mr. BEMIS. About 5 cents less, I should think.

Mr. OLCOTT. Did you come here at the request of a citizen of Washington?

Mr. BEMIS. Yes; Mr. Welliver, of the Washington Times.

Mr. SIMS. Considering the gas that is made here, 23-candlepower, and taking into consideration such facts as you have been able to gather from your limited investigation, what do you think the maximum reasonable price for gas to private individuals in this city should be?

Mr. BEMIS. It should run somewhere between 75 and 85 cents. It might be as low as 75 cents, and it might be as high as 85 cents. But I do not like to take a very decided stand without having an opportunity to go into it further.

Mr. SIMS. It would be more of an estimate than a scientific conclusion?

Mr. BEMIS. Yes.

Mr. CARY. Would 80 cents be a fair price?

Mr. BEMIS. The more I look into this the more I think the price can be somewhat lower to the city than to a private consumer, although the difference in cost would not be large, but may be from 2 to 5 cents.

The CHAIRMAN. Of course you do not know what the present physical valuation of either the Washington Gaslight or the Georgetown Gaslight Company is, do you?

Mr. BEMIS. No.

The CHAIRMAN. Would the price that the stock has been costing the stockholders for the past few years make any difference as to the price of gas?

Mr. BEMIS. I do not think it ought to.

The CHAIRMAN. There is a gentleman here, a citizen of Washington, who would like to ask you a question.

Mr. TUCKER. Suppose we took out of those items of cost the renewal expense and add that to their capital, how much would that reduce the 85 cents, on their own report?

Mr. BEMIS. As to the the renewal account, it was about 3 cents, so if I took out that it would be about 82 cents.

COMMITTEE ON THE DISTRICT OF COLUMBIA,
Wednesday, April 15, 1908.

Committee called to order at 10.20 a. m., Hon. SAMUEL W. SMITH in the chair.

COST OF GAS.

Statement of Mr. Alexander C. Humphreys, residing in Morristown, N. J., doing business in New York, and president of the Stevens Institute of Technology, Hoboken, N. J.

The CHAIRMAN. You may go ahead in your own way, Mr. Humphreys, but I think it would be well for you to make a statement showing your experience in this subject.

Mr. HUMPHREYS. I have been connected with the gas business since the year 1871, and from the year 1872 have continuously been in charge of one or more gas companies, running all the way from one company up to as many as fifty at one time. I graduated from the Stevens Institute with the degree of mechanical engineer in 1881. Immediately after that I became chief engineer of the Pintsch Lighting Company, which is the company lighting cars, buoys, light-houses, and so forth, with compressed-oil gas.

In the year 1885 I became superintendent of construction of the United Gas Improvement Company, of Philadelphia. Three months later I was made general superintendent and chief engineer, and shortly after put in charge of all their operating concerns. When I left them at the close of 1894, we were operating something over 50 different companies, I being responsible for the commercial operations, engineering, sales of apparatus, and so forth. In the year 1892 I started the firm of Humphreys & Glasgow, of London, which firm has built probably 75 per cent of all the water-gas plants built in the world outside of the United States. In the year 1894 I started the firm of Humphreys & Glasgow, of New York, which has since then done a consulting engineering business in gas, and largely has been concerned in making appraisals and directing financial people as to investments in that line. In the year 1902 I was made president of my alma mater, the Steven's Institute of Technology, and now conduct

the affairs of that institute while conducting my professional business. I happen at the present time to be president of the American Gas Institute, which is a consolidation of the American Gaslight Association, the Western Gaslight Association, and the Ohio Gas Association. I am past president of the American Gaslight Association. I belong to most of the engineering societies of America; I am a member of the council of the American Association of Mechanical Engineers and a member of the British Institute of Civil Engineers, and so forth.

If I might be permitted, as I am deeply interested in the subject, and I think it may be pertinent, I would like to refer to an article that I saw in the Washington Times last night, which speaks of the doctoring of the books and the papers of the New York Consolidated Gas Company, and as to their having been proven to be in error. If that be so, it is absolutely opposed to my understanding of that matter, because I was in that case, and am still in it, was in it for a year and a half, and I went into the books in great detail and never found, in checking up with the chief accountant, Mr. Carter, who is now vice-president, any more than the ordinary errors one would expect to find. On the contrary, I was very much astonished to find how very accurately they brought their matters before me for me to digest before I went on the stand as a witness. I will say further that I have not found anything in my analysis of the accounts of the Washington Gas Company to indicate that there is anything wrong with their accounts.

Mr. SIMS. To what do you refer—to their reports issued to Congress from year to year?

Mr. HUMPHREYS. Yes; or to matters brought to my attention alone. I will say that I have not had an opportunity to go into this thing exhaustively, as I was called suddenly, but I have been more or less familiar with Washington gas affairs for a number of years. I made an appraisement of the plant, I think, in 1898, and another one some few years later, and have been called in from time to time, so that in a general way I am familiar with the Washington plant and business, but I do not pretend to be familiar with all the business details connected with it by any means.

The CHAIRMAN. I think that editorial in the Washington Times to which you referred should be introduced in the record.

Following is the editorial referred to:

SOME "COST FIGURES" ON GAS.

[Washington Times, April 14, 1908.]

A fine mess has been stirred up in New York, as a result of the charge that the Consolidated Gas Company submitted false records to the court in the recent investigation to determine whether gas could be sold for 80 cents per 1,000 feet.

Legislation had reduced the price from $1 to 80 cents. The gas company enjoined the rate. The court named a master to hear evidence. The master sent for books, papers, and witnesses of the gas company. The cost of making and distributing gas was investigated in detail. The court decided that 80 cents was too low, but found that about 85 cents would be fair.

Now, information has reached the authorities in New York that the Consolidated Gas Company made up misleading and untrue statements of cost; had sheets inserted into the ledgers from which employees read; suppressed the carefully prepared and accurate "cost sheets" kept in the offices, and forced employees to swear to the accuracy of all the mass of doctored testimony brought forward.

The experts on behalf of the State found that gas ought to cost 54 cents. The books of the company made it 74.

The charge is now made that the State's experts were correct to within a cent or two; that the doctored ledgers and lying affidavits served to add 20 cents to apparent cost; and that, instead of 85 cents, something like 65 cents would be the fair and reasonable price of gas.

This, be it understood, for one of the most outrageously overcapitalized concerns in the country.

Attorney-General Jackson is going after the Consolidated, and will get to the bottom of these charges.

If he proves them correct, he will deprive the Washington gas monopoly of one of its pet arguments against reducing the price of gas here.

The fact that the courts held 80 cents unreasonably low in New York has been a dainty and delicious morsel to roll under the tongue of every special pleader for the gas monopoly. It was made to answer every argument.

"The charge that the New York price was swollen 20 cents per 1,000 by perjury and falsification of course will not get much attention—at the hands of the gas-monopoly lawyers.

"But it illustrates handsomely how these things are done. Professor Bemis showed from the gas monopoly's own report that it can sell gas in Washington at 82 cents and make a 10 per cent dividend. That, of course, is an excessive dividend. Grant a 6 per cent dividend—that is what the court was willing to do in the New York case, which the gas monopoly has loved to quote—and 80-cent gas would be highly profitable here.

"Incidentally, it may be observed that the annual report of the Washington Gas Company needs attention, and a good deal of it, before it will be entitled to any high rating for honesty and candor.

"Repeal the gas-inflation act.

"Pass a 75-cent gas law.

"And then let the gas monopoly enjoin the new price and have a judicial determination as to what is reasonable.

"That is a fair course to all concerned."

Mr. HUMPHREYS. I had drawn to my attention last night some sort of a communication, as I understand it, made by some people in Washington, giving the population of different cities and the prices charged for gas. I started in to check up every one of them, from Brown's Gas Directory, which is evidently the source from which they were obtained, as I notice that the populations are sometimes generally a little less than I found them to be in 1907 in Brown's Directory, and so I think that they have probably used that directory for the year before. I will not attempt to read those that I have checked up, but I will show you enough to demonstrate that the schedule as prepared is absolutely reprehensible and unreliable.

The CHAIRMAN. Please state what schedule you are referring to.

Mr. HUMPHREYS. It is a schedule that has been brought into this case, so I was told last night, in connection with some computation made. For instance, it starts off this way: "On the question whether gas ought to be sold in Washington for less than a dollar, the following list of cities is given in which it is sold at from 30 cents upward; in which, in all cases, artificial gas only is refered to; in none of which is the price so high as $1, and in which few have coal as cheap as Washington." That is all I know about it.

Mr. SIMS. Where does that come from?

Mr. HUMPHREYS. From some citizens' committee, I understood.

Mr. SIMS. Does it not show what it is?

Mr. HUMPHREYS. No; because I only picked up the one sheet that was given to me.

The CHAIRMAN. Just one moment; I want to get the straight of that, so that we will know what we are doing.

Mr. SIMS. Yes; that would be well, because I thought that Mr. Humphreys referred to some member of the committee.

Mr. HUMPHREYS. No; some citizens' committee.

The CHAIRMAN. I did not know but that it was the list that was published in one of the evening papers some time ago.

Mr. SIMS. I think it is.

Mr. CAMPBELL. I do not find such a resolution among the papers in the case here.

Mr. HUMPHREYS. I am sorry that in my haste I did not learn its origin.

The CHAIRMAN. For one, and as a member of the committee, I am anxious to hear Mr. Humphreys's views about that, because there has been published in the papers at different times a list of the different cities of the Union, with the respective prices of gas, and I would like to hear what Mr. Humphreys has to say about that by way of comparison.

Mr. CARY. Have you read the list?

Mr. HUMPHREYS. I have started it, and I can introduce a few words upon it later.

Mr. SIMS. I think it will be well for you to go on and give your testimony in your own way. We simply want to find out what instrument it was you referred to.

Mr. HUMPHREYS. This list here before me gives the price of gas in the city of Oakland, Cal., as 90 cents, when, in fact, the net price for light is $1.15 and for fuel 90 cents, and the average last year was $1.03¾. Bridgeport, Conn., is stated as 90 cents, whereas the price is from $1.15 to 90 cents, and the average $1.02½. I particularly call attention to the fact that in the statement preceding the table of prices, as already quoted, it says that the following list of cities is given in which gas is sold from 30 cents upward, but in all of which cases it is artificial gas. Akron, Ohio, is then given as furnishing artificial gas at 30 cents, whereas the statement of the company, as it appears here in Brown's Gas Directory, directly states that the artificial gas works have been closed, and they are now selling natural gas.

Mr. MCGAVIN. In regard to these places that you have mentioned, and the discrepancies between the statements made there and what you claim to be the actual price of gas, do you know whether or not there is a minimum price they can charge in those places?

Mr. HUMPHREYS. Yes.

Mr. MCGAVIN. What is the minimum charge? I think you stated that it was 90 cents at Bridgeport, Conn.

Mr. HUMPHREYS. Yes. What they have done is this: This list has been made from a statement showing a range of prices running from a higher price for gas used for light to a lower price for gas used as fuel, and the lowest price has been quoted, with no mention of the higher price. Brown's Gas Directory gives a price net for light and another price net for fuel, and also gives the per cent of the gas consumed for fuel—and with these data you can make up an average, and while it might not be correct to a fraction of a cent, it will be practically correct. This is the way I have prepared my figures for the comparisons, whereas in making up this table they have taken the minimum price, which does not take note of higher prices charged, and hence is not the average price. The prices used in the table in most cases only cover the large wholesaling of gas. Not to weary you with references to all the cities named let me speak of a most flagrant case. I speak of Superior, Wis., where the table gives the price as 75 cents, whereas the price is for light $1.60 gross and $1.40 net; and for fuel $1.20 gross, $1 net. For power it is 95 cents gross, 75 cents net; and the proportion of fuel and power is 35 per cent. The only thing that I haven't got to figure on is the division between the amount used for power and the amount used for fuel, but I assume that there will be at least 20 per cent used for fuel and not more than 15 per cent for power, and if I had all the data, I should not expect to find that more than 5 per cent was sold for power. I find that this is a remarkable case, that while it is stated in this table that the price is 75 cents, if we omit from consideration the gas for fuel and power, and simply take the amount received for light alone, and distribute that all over the gas sold, that alone will give an average of 91 cents per thousand instead of 75 cents. I wish this to be understood, so I repeat: If I eliminate all the fuel and the power gas, and take the receipts from the light gas alone, the illuminating gas, and distribute that over all the gas that is sold, it will still give an average price of 91 cents, and this in spite of the fact that the price is given as 75 cents. But figuring in the fuel gas and the power gas, according to the percentages named, I find that the average price is $1.22½ instead of 75 cents.

Mr. CARY. Will you now please take up some first-class city? These are second and third class cities, as I understand it; but take up a city of the size of Washington, and let us hear what the price of gas is in those cases.

The CHAIRMAN. Let me suggest that you take Detroit.

Mr. HUMPHREYS. Very well; I think that happens to be one that is mentioned here. Detroit is named here as 80 cents. The fact is that Detroit has a sliding scale, according to how much you use, or the purpose for which it is used, rather, and the price is from 90 cents to 60 cents. I figure that the average will be about 85 cents instead of 80 cents.

Mr. CARY. Have you Milwaukee there also?

Mr. HUMPHREYS. Milwaukee is down here at 60 cents. As I figure it out, it will be 85 cents on the average; that is, light, gross, $1.20 to $1 net. Fuel, gross, $1 to 80 cents.

Mr. CARY. But that is wrong. It is from 90 cents, and 10 per cent off, and from 80 cents to 60 cents.

Mr. HUMPHREYS. Yes; that is it. Fuel, gross, $1; net, 80 to 60 cents. The proportion of fuel is 54 per cent, and that would make it average about 85 cents. You have got to take any proportion at the average prices in order to arrive at the average price. It is from 80 to 60 cents for fuel gas.

Mr. CARY. That is not as shown in their reports, is it? I live there and I pay my bills there. Here are the figures on the back of the bill. Some two or three years ago they had a separate price——

Mr. HUMPHREYS. This is their own report for 1907.

Mr. CARY. They used to have two meters, one for fuel and one for illumination, but now it is all registered by one meter, and this is what is charged.

Mr. HUMPHREYS. It is 90 cents gross, with 10 per cent discount, 80 cents net for the first 10,000, and the next 10,000 80 cents, 70 cents—if that is it, then they have gone back to the one-meter scheme, and

of course in that case I would be in error on that. I take the same source of information, however, that these people have taken.

Mr. CARY. That is in case they do not pay their bills inside of ten days?

Mr. HUMPHREYS. Of course. In one company that I am connected with—the Buffalo Gas Company, of which I am president—the unaccepted discounts sometimes amount to quite a considerable sum.

The CHAIRMAN. I want to ask you a question which I asked of Mr. Bemis, and it is this: As is commonly known, Detroit is selling gas at 80 cents, but the newspapers of Detroit last summer were constantly giving complaints of people to the effect that while gas was said to have been reduced in cost, yet their gas bills were higher than before. They said that they thought that was brought about in some way by the pressure. I wish you would explain that, for I do not understand it.

Mr. HUMPHREYS. In both Detroit and Milwaukee they have the advantage of using gas produced by a by-product from coke ovens, operated by an independent company, where the principal purpose is to make coke as the product of the business, and sell the gas for what they can get for it. Of course they get the best price they can. It is a scheme outside of the gas company, but they have got to get rid of the gas at a fair price in order to make the coke-oven business pay.

Mr. CARY. Now, I wish you would put that right. It is not true that the gas is the second consideration. You are referring to the Semet-Solvey Coke Company, but that is a different proposition from the Milwaukee Gas Company.

Mr. HUMPHREYS. Certainly it is.

Mr. CARY. The Semet-Solvey Coke Company have had to get rid of their gas in some way, and they forced the Milwaukee Gas Company to buy it, but the Milwaukee Gas Company first started out in the fifties to manufacture gas, and my grandfather was one of their first foremen. At that time they gave the coke away, but finally a price of 6 cents a bushel was paid, then it went up and up, and now they get $4 or $5 a ton. But I want to say that the gas is a first consideration.

Mr. HUMPHREYS. But there is no difference between us. The Coke Oven Company sells its gas wholesale to the gas company, and the gas company thus has the advantage of buying cheaper gas. The Semet-Solvey Coke Company is a coke-producing company, so far as their plant is concerned, and it is a business with which I am somewhat familiar. I was for a number of years vice-president of the United Coke and Gas Company, which has operated coke-oven plants and has built a number of these plants in the United States, including the one in Boston.

Mr. CARY. Now please excuse me for interrupting you again, but I want to say that the Semet-Solvey Coke Company started about three years ago, and after a year or so, there being no way to take care of the gas, they came to the council with a proposition for a franchise, and we all knew that it was nothing but a subterfuge to scare the gas company into taking this gas off its hands, and it turned out that way, and I helped to bring it about, too. Of course I thought that that would tend to cheapen the gas.

Mr. CAMPBELL. Have they reduced the price of gas since they have been able to get it from the coke company?

Mr. CARY. No; it is just the same.

Mr. SIMS. What do they give the coke company for their gas?

Mr. CARY. I could not say, but it is very little.

Mr. MCGAVIN. But they have done away with the two-meter system since then?

Mr. CARY. No, that was done away with before—no, I would not be sure about that; I would have to look that up and see.

Mr. HUMPHREYS. I think it was after that. I want to say that there is no difficulty between the gentleman and myself. My point is that there is a separate company making coke, and they can afford to sell gas to the local gas company at a lower rate than they could make it themselves, which enables them to sell it for less to the people.

Mr. SIMS. What rate do they get?

Mr. HUMPHREYS. I have forgotten the rate.

Mr. SIMS. If the price of gas has not been reduced since this was done, then what effect did it have?

Mr. HUMPHREYS. It was reduced, I am quite sure. This gentleman, Mr. Cary, has shown that there has been a reduction between 1907 and the time when this bill was made out. Their own report shows one thing, while their bill states another thing. I am inclined to think that in going back to the one-meter system the price was reduced.

Mr. SIMS. Relatively, how much gas does the coke company furnish, as compared with the total volume sold?

Mr. HUMPHREYS. That I do not recollect. It is a very large amount of gas. It is the same in Boston, where the coke-oven gas is made by the New England Company, and that is a very large proportion of the gas made; and there they have the advantage of a special contract with the Dominion Coal Company, which was made while the two companies were in accord in management. This enables the Boston company to give a price which no other company would attempt to give.

Mr. SIMS. I hope you will get down to the city of Washington in the course of the hearing; that is what we are considering.

Mr. HUMPHREYS. Now, Mr. Chairman, you asked me as to the city of Detroit; why, if the price is reduced, the bills for gas remain the same. I think that is one of the places referred to by Mr. Bemis—one of the chief places—and I would agree with him on that, that it is due to a large extent to the fact that when people get things cheaper they use more of it. They are not as careful about their bills, and I will also say that the candlepower is very low. It is only 17.

The CHAIRMAN. Now, please explain about that question of pressure. That is what I do not understand. I am told by some that they have a means of manipulating the pressure in some way so as to increase the amount of gas consumed, and I would like to know about that.

Mr. HUMPHREYS. That is a very interesting question, and it has been brought up a great many times in connection with this discussion in many large cities in the United States, but there is a misconception in regard to the whole question. So far as it actually increases the amount of gas delivered through the meter by reason of the increased pressure, which of course means an increased compression for each volume of gas going through the meter, you would have a little more gas under the higher pressure than under the lower pressure. If I compress the gas to two atmospheres above the absolute zero, I would be delivering through the meter twice what I would deliver at the atmospheric pressure of about 15 pounds to a square inch—that is, I would compress twice the amount of gas into a given space. They would probably answer that by saying that that is not the point we make. The point is, by increasing the pressure the gas is forced through the burner at too rapid a rate to give a satisfactory light, which to a certain extent is true. If you burn gas under excessive pressure, then you get a poor flame, and in that way you get less light, but that is in the hands of the consumer, and he can turn it down himself. But if there is a constantly excessive pressure due to the fact that a house is on a hill, that can be regulated once for all at the meter cock so far as the general regulation is concerned. For instance, all who use the Welsbach burner know that you can not get a proper result by simply turning the cock and lighting the burner. It has to be regulated, and that is done at the burner itself. I do not believe that that is any real cause for complaint excepting where there is a distinctly excessive pressure at a certain point due to the fact that they can not force the gas through the weak spots of a city without putting excessive pressure on the points which have large enough mains. In the case that I have cited, the consumer on the hill would get too high a pressure, but even then it could be regulated by the two cocks, first at the meter, and then at the burner itself; and that is being continually done. But here is where the trouble comes in: If you have a pressure that varies between day and night, from an excessive pressure to a pressure that is too low, then you will be led, by necessity, to regulate it from time to time during the evening, which would be very annoying, and I know for one that I should kick. But that is a rare case.

The CHAIRMAN. If gas can be sold in Detroit for 80 cents, and Detroit has about the same population as Washington, why can it not be sold in Washington for 80 cents? That is what we would like to know, and that is what we would like to have you explain.

Mr. HUMPHREYS. Now, I can not tell you in figures, but I can tell you in a general way. Of course the fact that you can sell gas in a certain place for a certain figure is not a good reason why you should sell gas in another place for the same figure. But if I had known just exactly what questions I would have to answer, I should have brought more figures with me. Coal is dearer here than in Detroit. It is a question of relative price all the way through, and a great many things enter into the question of cost. Now, for instance, you have here some of the conditions which are so onerous in New York—expensive street pavements, regulations as to quality, carrying excessive penalties, and the like. A large amount is paid out for renewals of expensive pavements. In some cities we do not have as much of that, if at all. In some cities the renewal of pavements practically amounts to but little, because they use very little expensive pavements, such as asphalt, but use block pavement, which can be more easily taken up. Here I suppose the pavement renewals would amount to $12,000 or $15,000 a year. All those things count up; in other words, you can not take two places and put them side by side, and because the population of one is about the same as the other make a comparison and assume the same price should be charged in both.

Mr. MCGAVIN. But if you assume that the cost of production is about the same—as to Detroit, I think you are mistaken about the coal; I think it is dearer there than it is here, and I think you will also find that labor is dearer in Detroit than in Washington.

Mr. HUMPHREYS. I feel sure I am correct, and if the committee will allow me I will submit a memorandum on that.

Mr. OLCOTT. Yes; we want to know about that question of coal and labor.

The CHAIRMAN. I do not pretend to know anything about gas; I am seeking light, and that is the reason why I am asking these questions.

Mr. CAMPBELL. Would it be too much trouble to have you state, in the memorandum, the relative cost per thousand feet for Milwaukee, Detroit, and Washington or at any other cities that are similar in size and location?

Mr. HUMPHREYS. Of course Cleveland and Cincinnati pay a much lower price for coal.

Mr. CAMPBELL. And also the relative consumption in these cities per inhabitant.

Mr. SIMS. Is it not easy enough to take the coal cost in any one of these cities per thousand feet and the coal cost in Washington per thousand feet and make a comparison on that basis?

Mr. HUMPHREYS. It is easy enough as far as that one item is concerned if I can get the figures. I do not know, but I think they will give me the figures.

Mr. CAMPBELL. Do they make water gas here?

Mr. HUMPHREYS. Oh, yes; they make both here. That is a very complicated question, when you bring the two things in.

Mr. CAMPBELL. In connection with that question, please give the cost of distribution in the several cities and the cost of fixed charges per thousand.

Mr. HUMPHREYS. Of course you are asking me for a good deal, and I will have to get some of this information.

Mr. CAMPBELL. But it goes right to the meat of this matter.

Mr. HUMPHREYS. As to a good many of these things, I can answer right from my office, but I would have to get permission. I would have to make some examination of the works, and of course I could not use that information without the company's consent. But one point in that connection might be emphasized, and that is that people are apt to think that when they have made a comparison of the cost of manufacturing gas they have virtually covered the cost, but the fact is that there are other items of cost that vary greatly throughout the United States; for instance, we generally say that it costs more to make and distribute gas in the smaller places than in the larger places, but I know a number of small places that can distribute gas at considerably less than New York City can, on account of the conditions; and those things have to be brought into account.

The CHAIRMAN. Should not gas be sold cheaper in New York City than in Washington, considering the population and everything?

Mr. HUMPHREYS. No; I think not. There are some things in favor of New York and some things in favor of Washington. Washington has a large sale per capita, but New York has still larger. New York has a large sale per mile of main and very condensed districts. But, on the other hand, they have very heavy expenses on the streets. I have known them there to make a little change that would cost, under ordinary circumstances, a few dollars, but they had to pay out thousands of dollars to get ready to do it on account of the obstructions in the streets. And all that has to be charged up to operating expenses, to renewals or repairs. So it is an extremely difficult matter to analyze fairly the relative costs, and, consequently, what should be the relative prices in the different cities.

The CHAIRMAN. When you began your statement you referred to an editorial in the Washington Times of last evening and said that in your judgment the statements in that editorial were not correct. Do I understand you to say that there was not any fraud practiced in New York, as that article sets forth?

Mr. HUMPHREYS. Yes, as I said, I was in it, and so far as I know it is an absolutely false statement.

Mr. CAMPBELL. Are you familiar with the books of the New York Consolidated Gas Company?

Mr. HUMPHREYS. To this extent, that I did not accept any of their statements on which I was to testify, but I checked up the books as they were offered to me, the accounts, going into the books on the different cases and checking them up to see if I could make the statements tally.

Mr. CAMPBELL. That is, you checked up the accuracy of the statements in the books before you went on the stand to testify?

Mr. HUMPHREYS. Do not understand me as saying that I checked up every voucher, but I took different items and checked them up, and spent probably two months at it in the endeavor to see that the statements would tally; and I will say that the errors were extremely few, so much so as to astonish me; and the man in charge, Mr. Carter, is one of the fairest accountants I have ever met. I do not think you could get him to tamper with the books in the smallest details.

Mr. MCGAVIN. But it might be that there were conditions and things which they would not disclose to you, or which they would not want to disclose to the public.

Mr. HUMPHREYS. I would not go into a case if I found anything of that kind had happened.

Mr. MCGAVIN. Of course I am not reflecting upon you, but I mean to say that there might have been a good deal they would not disclose to you as an expert, and perhaps which might have been material to that case.

The CHAIRMAN. Did you have free access to the books in that case?

Mr. HUMPHREYS. Yes; anything I asked for, and understand that that was a case where, if I failed to check up according to the statements submitted, I would have to work perhaps two days before I could get an agreement, and why? Because the commission was demanding a classification that did not agree with their books, and therefore it was necessary to reclassify the accounts to meet the wishes of the commission. In doing that they naturally would make some mistakes, and in that way we got down to what the books showed. They had men working on the reclassification of the accounts of the books, so as to get the statements in the way the commission wanted them. The information was called for one way one day, and a different way another day. The result of the whole thing was that the unreasonable demands broke down a number of the company's men and one man had to go to a sanitarium on account of it. But when I finally got down to a complete analysis, and ran out these apparent errors to the end, I found that the statements checked with the books; and in my testimony, where they tried to show that there were items of disagreement, I accounted for every one of them that they put up to me.

Mr. KELIHER. Have you made any study of the gas situation in Boston?

Mr. HUMPHREYS. Yes; but not recently.

Mr. KELIHER. You know that we are getting gas there for 80 cents per thousand?

Mr. HUMPHREYS. Yes; you are getting gas for 80 cents, a large part of which is coke-oven gas bought from a company under a special contract, to which I referred, and that company has a special contract for coal; and on top of that the gas is of a much lower candlepower than is sold here—about 5 candlepower less.

Mr. KELIHER. It seems to be giving satisfaction both as to the price and the quality.

Mr. HUMPHREYS. Yes.

Mr. SIMS. What is the difference in cost per thousand feet due to the difference in candlepower?

Mr. HUMPHREYS. Somewhere around 6 cents, I should say.

Mr. KELIHER. What do you think of the sliding-scale system that they have in use there; what is your opinion of the principle?

Mr. HUMPHREYS. I think the principle in some ways is a pretty good one, but it will have to be introduced with great care. I doubt whether it is altogether satisfactory in Boston. I think if they are going to introduce the system here they ought to follow more largely the England idea, which is not to start off with the lowest possible price as a standard price. Some of the strongest men connected with the business in England—I think of one particular man with whom I have been associated for many years, an engineer and a barrister, who is a director in some eight companies, and who believes that it is not wise to adopt the sliding-scale principle, because in the effort to increase the dividends they usually skin the property and do not keep up the repairs. That has been shown, he claims, by an analysis of the working of the system in certain companies. But I simply mention that as one of the objections, and I should want to take up each case and examine it by itself in order to come to a final decision.

Mr. KELIHER. You do not mean to say that they have put the lowest possible price on in Boston for the standard?

Mr. HUMPHREYS. I say that they have gotten close to the lowest possible price and have left no margin. And I say this, that if Boston has bad luck they will be in trouble, because they have no margin for contingencies.

Mr. KELIHER. President Richards, of the Boston Consolidated Gas Company, is rated as one of the cleverest men in the gas business in this country, is he not?

Mr. HUMPHREYS. Mr. Richards is an extremely clever business man, and is credited with being such, but I do not think he would claim to be an expert gas engineer. He is simply the gaslight company's business manager, and has had a wide experience in street-railway management and other public-utility concerns. He is a man that I have the greatest respect for, but I do not think Mr. Richards himself would claim to be a gas expert.

Mr. KELIHER. Have you heard that there is any marked deterioration in the equipment at Boston?

Mr. HUMPHREYS. No; I should not in any case expect to find that at once.

Mr. KELIHER. On the contrary, I have heard that the company is maintaining a very high standard of equipment, management, and everything else. I am surprised to hear you say that owing to the adoption of that principle the management of the company is suffering——

Mr. HUMPHREYS. Oh, I have not said that, if you will excuse me; and that is the trouble in a hearing of this kind. I have said that that was one of the dangers recognized by Englishmen, but I certainly would not want it understood that I have made any such charge as that against the Boston company.

Mr. KELIHER. Not to your knowledge?

Mr. HUMPHREYS. No. In my opinion, at the price they are now running, they are pursuing an unsafe course, and not providing for the contingencies that are liable to arise; for instance, the contingency with regard to electrolysis. We to-day do not know what electrolysis is going to do with our mains. In some cities it has occasioned great losses, and I myself, with a wide experience in that line, confess that I can not size the situation up.

Mr. KELIHER. Is that danger increased by lowering the price of gas?

Mr. HUMPHREYS. No; but the danger of ultimate loss to the company is increased; for instance, if they have not provided against this possible trouble with electrolysis, they will have heavy losses coming upon them not provided for in their ordinary depreciation charges.

Mr. KELIHER. Good judgment and good management should protect them from those losses.

Mr. MCGAVIN. Has there been anything found that will protect these mains from electrolysis?

Mr. HUMPHREYS. You can have bad practice and comparatively good practice, but there has been nothing yet found that has been a complete protection against electrolysis.

The CHAIRMAN. Is there, in your judgment, a need for 23-candlepower gas in Washington?

Mr. HUMPHREYS. No, sir.

The CHAIRMAN. I wish you would devote a moment or two of your time to that. I have heard about a candlepower gas as low as 11 in some cities, and I think the average is 16 or 17, so I was wondering why 23-candlepower gas was necessary in Washington.

Mr. HUMPHREYS. I do not recall any gas in America as low as 11 or 12 candlepower, unless it is natural gas. Of course that will go lower than that. But the necessity for high candlepower gas does not exist to the same extent to-day that it did, say, eight years ago, when the Welsbach and similar burners—that is, the incandescent mantle burners—were not used to such an extent. The perfection with which we are now able to use the mantle burners with low candlepower gas has greatly reduced the necessity for high candlepower gas; in other words, what we want in that case is not the high illuminating value from the gas itself, but the high illuminating value from the mantle, which can be secured as soon as the gas has a sufficient number of heat units in it and sufficiently high flame temperature to bring the mantle up to a sufficient temperature. In England they have for many years run a number of companies—and that shows the practical side of the Englishman's character—in the southern part of England, where they only have ready access to the lower quality of coals, they always use a low quality of gas, but the farther north you go the higher the quality of gas, and when you get to Scotland the candlepower runs up pretty close to 28, but they use it to the best advantage. In Liverpool they use as high as 20 candlepower, and it has always been regarded as an extremely high candlepower city.

The CHAIRMAN. What would you say would be a fair candlepower for Washington?

Mr. HUMPHREYS. I should say that 18 candlepower would give excellent results.

Mr. CARY. Do you believe that the gas company furnishes 23 candlepower in Washington?

Mr. HUMPHREYS. I certainly do.

Mr. KELIHER. Is it fixed by regulation?

Mr. HUMPHREYS. It is fixed by the act which makes it 22, and with heavy fines which may run as high as $100 a day.

Mr. KELIHER. Do they not furnish a higher candlepower than that?

Mr. HUMPHREYS. They must do that in order to deliver it to the houses and testing stations, which otherwise they could not possibly reach with 22 candlepower, and must make it as high as 24 candlepower in order to do that; and with certain qualities of oil that we have been forced to use of late, especially the oil from Texas, we could not deliver 22 candlepower without making it, in winter time especially, even higher than 24 candlepower.

Mr. KELIHER. But you think that 18 candlepower would be sufficient?

Mr. HUMPHREYS. Yes.

Mr. KELIHER. And what bearing would that have on the price?

Mr. HUMPHREYS. A bearing of 5 cents on the price, probably.

Mr. MOORE. That would be the difference in cost of production?

Mr. HUMPHREYS. About 5 cents, I say.

Mr. SIMS. Does the candlepower have anything to do in connection with the making of water gas; in other words, can you give as high a candlepower with water gas at a lower rate of cost than without the water gas? Which is the more expensive, water gas or the other?

Mr. HUMPHREYS. That is too broad a question to answer, but I will try to explain it, however. It is the most dangerous thing in the world to generalize in this business, and that is why I testify in this way, because as I testify, it is apt to be put down as an exact statement, whereas I must make a separate statement for each place. The cost of gas will vary all over the United States, and the relative cost between coal gas and water gas will vary at each place.

Mr. SIMS. Well, take the same place then; can you not tell that?

Mr. HUMPHREYS. You can not tell until you examine the particular cost for each kind of gas, taking into account the several items in each case. For instance, it will vary as to the candlepower.

Mr. SIMS. But I am referring to the same candlepower.

Mr. HUMPHREYS. You can not get the same candlepower. Water gas, if it is used properly, is the agent employed for raising the candlepower. You make the coal gas, say, of 14 candlepower, and that is as high as the coal will naturally give you; but say you have to furnish a 24-candlepower gas, so you have to make the water gas of such candlepower, and introduce it in such proportion, that in the mixture with the lower candlepower coal gas it will bring the mixed product up to the candlepower required. That is one of the great advantages of water gas, and that is why it has been able to make its way in spite of the larger per se cost in many cases, because of the value of its mixture with coal gas. It brings the candlepower up, and you can put in so much oil as will vary the quality of the gas according to necessity from day to day. In England, when my firm went there to introduce our plant, we could not have thought of driving out the coal gas, and we did not and do not attempt such a thing, but we pointed out that if we could make the two kinds of gas in certain proportions, making coal gas in larger proportion at a constant rate, and making water to enrich and also take care of the fluctuations of demands—that is, the peak of the load—we could produce a mixed gas that would in many cases cost less than either gas if made alone. So you see that it is a pretty complicated question to cover in a hearing of this kind.

Mr. MCGAVIN. Well, suppose we come back to Washington. You are an expert whose opinion we consider of value to this committee, and I assume that you have studied this Washington question somewhat?

Mr. HUMPHREYS. Let me say in advance, before you ask the question, that I have not studied the question in detail. I have not gone into the accounts any more than I can show you by my analysis of these accounts here. In the past seven or eight years I have gone through every one, but——

Mr. MCGAVIN. Taking into consideration the price of coal-gas materials, the price of labor, and everything, can you give this com-

mittee somewhere near a definite idea as to what gas could be manufactured and sold for here?

Mr. HUMPHREYS. Yes, sir; if I made that analysis.

Mr. KELIHER. With the same candlepower as is now being served?

Mr. HUMPHREYS. Of course. We have the accounts here before us, and I see nothing in them to lead me to think, from my examination now, that they are incorrect, especially as in the past we have found them correct, as stated to me at the time. And I find nothing in this statement here, which is the gas company's published statement, to indicate that there is anything incorrect in the figures.

Mr. MCGAVIN. Is the cost indicated in that report?

Mr. HUMPHREYS. I would say from my analysis of the figures made last night that my analysis does not agree with that of Mr. Bemis.

The CHAIRMAN. What deduction do you get from them?

Mr. HUMPHREYS. The cost that I make, by their own figures, including the depreciation and deducting residuals as a credit, is 64.36 cents. Mr. Bemis puts it down at about 62 cents and then proceeds to make certain deductions from that amount.

Mr. MCGAVIN. What are these "residuals," as you call them?

Mr. HUMPHREYS. Residuals are the by-products left over after making coal gas. There are no residuals to speak of from the manufacture of water gas, so the returns from residuals seem to be small for such a large company. The residuals, of course, only apply to the amount of coal gas made, and there are no residuals from water gas excepting a small amount of water-gas tar, which is used in firing the boilers. I will give the figures I use so you can check me up, especially as I am in contradiction of Mr. Bemis. The total operating expenses, including depreciation, as given on page 3, are $1,257,079.56. On the same page, lower down, the amount of gas sold, as shown, is 1,852,689,902 feet. If the amount of expense is divided by the amount sold in thousands—in other words, in round numbers, dividing by 1,852,690, we would have the figure of 67.8 cents; but the way this report is made out that does not show to the credit of the residuals, which is stated on page 1 to be $63,770.15, which, following the same procedure, will amount to 3.44 cents per thousand. Deducing that from the 67.8 cents, we have as the cost of gas manufactured, delivered, taxes included—which, by the way, amount to 6 cents a thousand alone—as 64.36 cents delivered at the burner.

Now, in this connection I would like to explain one thing. The gas company has started a depreciation and renewal account, which is one of the most complicated things in our business, and which they state to be 7 cents per thousand. There might be a conflict there, and I might as well explain that. So as not to complicate it between the amount made and the amount sold, I will say that they use as a divisor the amount of gas made, which makes 7 cents per thousand, and that 7 cents becomes 7.77 cents when we spread the cost only over the gas sold; but in addition to the amount shown for repairs—here is the item on page 3—the damaged and worn-out meters destroyed amount to $7,328.25.

Mr. MCGAVIN. Is not that included in this other depreciation account?

Mr. HUMPHREYS. No, sir.

Mr. CARY. Do you know whether the gas company charges 25 cents a month for the use of the meter or not?

Mr. HUMPHREYS. I do not remember whether they do or not, but I do not think they do.

Mr. CARY (addressing Mr. Hart). Do they do that?

Mr. HART. No, sir; no charge.

Mr. MCGAVIN. What is this depreciation account for?

Mr. HUMPHREYS. One moment and I will get to that. The damaged and worn-out meters destroyed are put in as $7,328.25, which equals 0.4 cent a thousand, and adding to that 7.77, makes 8.17 per thousand feet sold. In my opinion, instead of this being sufficient, it is insufficient to cover repairs plus accruing depreciation; in other words, to provide for future renewals of the plant.

Mr. MCGAVIN. All other depreciation of plant and renewal is included in this depreciation acount, is it not?

Mr. HUMPHREYS. Yes; and it is very clearly indicated here as to how they do it, and more so than is generally found in these reports. They write up an amount which they say is 7 cents, and it is correctly 7 cents figured on the gas made, but 7.77 cents figured on the gas sold. They write that up as general depreciation reserve, and then charge against that the actual amount spent from year to year, leaving a balance not so wiped out by the actual cash charges to take care of the accruing depreciation and all reserve from year to year; and the fact is that the actual repairs, according to this last report, were 4.42 cents. And then there was this 0.4 cent for the destroyed meters, making 4.82 cents actual cash expenditure, and the balance is against this accrued depreciation, which I say is not sufficient, although Mr. Bemis says it is. I am familiar with his testimony in many other cases, and as far as I know he has never testified to a figure as low as that. But I want to say that that is a dangerous basis on which to make comparison in this or any other item of cost—that is, cents per thousand—unless we understand the underlying principles. We convert our costs into the form of cents per thousand after the facts have developed as a convenient means of comparison in checking up from day to day and month to month to determine whether we are doing as well as in previous like periods. The depreciation should be figured by analyzing the condition of the plant, to determine what, in our best opinion, is the amount being required to keep it up, having in view not only the physical decay, which we must indicate, but obsolescence and the chance of the plant becoming inadequate, which latter is one of the most serious items of so-called "depreciation" that we have to meet.

Mr. MCGAVIN. Then the cost of the gas to the burner is 64.36 cents plus 7.77 cents plus 0.4 cents, is it not?

Mr. HUMPHREYS. No; the figure 64.36 covers depreciation as far as covered in the company's report, but does not include as much as I believe to be necessary for that item.

Mr. SIMS. Mr. Bemis gave it as 62 cents, I think.

Mr. HUMPHREYS. I can not make it 62 cents, as Mr. Bemis figured it, and I have tried my best.

The CHAIRMAN. Mr. Bemis called our attention to another thing that I would like to have you explain. He stated that there was greater leakage here in Washington than usual. What is your view of that?

Mr. HUMPHREYS. Now, you have gotten into another pretty complicated question, this so-called "leakage." There is no such thing as it is ordinarily reported. It would be a good deal better if we used the term "unaccounted for," which would at once point to the danger of error. There is the actual leakage of gas through the mains and services, and that actual amount of leakage would indicate with a fair degree of accuracy the condition of the mains and services, but before you can determine what the actual leakage is you must be sure that all your estimating is done correctly, and the man does not live who can do it with absolute accuracy, because it has to be estimated.

Suppose we register our gas at one temperature at the works. It will be registered at different and varying temperatures at the consumers' houses, and no man knows what that average temperature will be, so it can only be estimated. Again, if the city lamps are consuming gas, that gas is not metered. We estimate what we believe each burner will consume, and so average it up, and we try to keep it as accurately in our records as we can. In my company in Buffalo I know perfectly well that the record is not absolutely accurate, because we supply more gas to the city lamps than we receive credit for. But suppose we make all the corrections indicated and then come down to what we say correctly is unaccounted for, we still have to consider this question, namely, how much gas we are going to lose in transit from the works to the consumers by reason of condensation in addition to what we apparently lose by compression due to fall in temperature. Here the quality of the oil affects our results.

Then we come to the final danger. The percentage as shown on the amount of gas sold is no indication unless we have all the facts before us, to take an extreme case, but it is a good one to point out the nature of the source of error. Suppose we had the works built to-day and we were now ready to turn the gas on.

We say we have 16,000 consumers, and we are going to turn the gas on by an electric button at a certain time to-morrow, and no gas is going to be consumed until to-morrow. Some gas would be lost over night, and we would have 100 per cent leakage, so-called, because there would not be any consumed. The only gas which passes out will be the leaked gas, and so the leakage is 100 per cent. In other words, the per cent of leakage depends upon the amount sold, and is therefore no basis for final comparison as to efficiency of operation.

Mr. MCMILLAN. Is the leakage changed by pressure?

Mr. HUMPHREYS. That affects it to a small degree, but the effect of pressure is one, I think, not in accord with the popular idea.

Mr. MCMILLAN. But an increase of pressure leads to an increase of leakage. What is the largest element of cost in producing gas?

Mr. HUMPHREYS. That varies in different places.

Mr. MCMILLAN. Is the coal, labor, machinery, genius, or what?

Mr. HUMPHREYS. Generally the largest element of cost in the manufacture is the gas-making material; coal in the case of coal gas, and oil in the case of water gas.

Mr. MCMILLAN. What material are you now using most of here, or elsewhere, wherever your investigations take you?

Mr. HUMPHREYS. Gas coal for coal gas and oil for water gas.

Mr. MCMILLAN. Which produces the best results from your experience?

Mr. HUMPHREYS. It is difficult to answer that type of a question. What do you mean by "best results?"

Mr. MCMILLAN. In the manufacture of gas.

Mr. HUMPHREYS. I can not answer any such general question, because what would produce the best results in one place might not in another. For instance, in connection with my business in Europe, I have in some few cases advised against the introduction of my own plants, because under peculiar local conditions they would not give the best results in dollars and cents; the local conditions were unfavorable. You can not generalize in that way. Probably in general the best results obtained, if you should take the average of a good many works, would be the combination plant, coal gas to take care of the solid output and water gas to take care of the fluctuating demand and the increased candlepower such as you have in Washington, but which is an extreme case. If you will put the question in some other form I will do my best to answer it.

Mr. MCMILLAN. We want to know the element that will give to the people of Washington the cheapest gas. Is it coal, oil, or what element is it, so far as your experience can indicate it to us?

Mr. HUMPHREYS. I believe that the combination of coal gas and water gas that you have here to-day will give, all things considered, the best results for the least money.

Mr. SIMS. Can the gas company here supply a gas of one candlepower at night when we need it for illuminating purposes, and during the day when they need it for fuel purposes supply a gas with a reduced candlepower?

Mr. HUMPHREYS. No; not practically. They could do it, but of course you would have very unsatisfactory results, because you would have times at night when lean, or low-candlepower, gas would reach the burners, and times in the day when rich, or high-candlepower, gas would reach the burners. In practice the gas of required candlepower could not be separated between day and night. If you had two sets of mains, of course you could send out two qualities, and by manipulating the one plant supply the two characters of gas in that way, but it would be very complicated and expensive, and I think the advantages would not at all equal the disadvantages. But now with the same works and the same mains you would have both rich and poor gas mixed, and the consumers would never know what they were going to get. The burners regulated for one quality would not be regulated for the other.

Mr. SIMS. Then they must supply the highest candlepower for both fuel and light, and when they are using the gas for fuel they are using a much higher quality of gas than is needed.

Mr. CARY. I wanted to make a comparison with the city of Wheeling, W. Va. I think it was in 1890 that they took over the gas plant themselves. Do you remember what the price was before the city took it over, and what the price is now?

Mr. HUMPHREYS. I do not remember, but I did make a very exhaustive examination of that whole question; but I do not remember.

Mr. CARY. I think it was in the neighborhood of $1.40.

Mr. HUMPHREYS. I should not wonder.

Mr. CARY. And I think now it is down to 80 cents, and they are working on the eight-hour system, too.

Mr. HUMPHREYS. I made an analysis of the Wheeling conditions, a very exhaustive one, about the year 1894, in connection with an attempt to reduce the price of gas in a western city, and this examination, I think, demonstrated beyond all question that at the western city referred to they were doing better at $1.50, as far as actual management of the plant was concerned, than at Wheeling, charging 75 cents. Wheeling is not including in its cost sufficient for repairs and renewals, and that is the case in many places in the United States under municipal management, and also in England. Take the case of the Richmond municipal plant, to which reference is frequently made. An examination was made of the Richmond plant about a year ago, and it was discovered that they needed about $705,000 to renew the plant, which should have been charged up in previous years to operating expenses for repairs and renewals, but they have done what all are very

anxious to do—endeavored to make as good a showing as possible. At 75 cents Wheeling makes a loss instead of a profit, if all items of cost are included.

Mr. SIMS. From what you know about the Washington Gas Company's plant, and of the kind of gas they supply, what would be a fair and reasonable price for the gas furnished here, all things considered?

Mr. HUMPHREYS. I find in an analysis of their report as to the conditions under which they operate, which are extremely severe in the way of inspections and so forth, and the fines that they are liable to——

Mr. TAYLOR. Do you mean to say that that is a matter of any importance, that they have to pay out any considerable sum in fines? You mean that they might have to pay them, is not that it?

Mr. HUMPHREYS. They have to pay out quite a sum to avoid them. For instance, they have a most elaborate system, not only of settling their tar, but as is quite unusual with gas companies, they actually filter every drop of it. That can not be done without an expenditure of money.

Mr. MOORE. But suppose you simply put in a fair return to the company upon the investment.

Mr. SIMS. Yes, including the items to be considered, including a return on the capital, that is proper. You know what that is, what it should be, what is a fair price for the manufacture of gas of the quality that is served here?

Mr. HUMPHREYS. I believe that the price of a dollar per thousand with the conditions as you find them here to-day, and the quality of gas delivered, is absolutely a fair price in order to give a fair return on the capital invested, which capital, as we find it here, does not begin to represent even the structural value.

Mr. SIMS. Do you mean simply the $2,600,000?

Mr. HUMPHREYS. No; I mean $2,600,000, plus $2,600,000, plus, say, $600,000. That is the total capitalization, par value, including stocks and bonds. That, in my opinion, does not begin to represent the structural value of the Washington Gas Company's plant.

The CHAIRMAN. The physical value?

Mr. HUMPHREYS. The physical value. I have not made a critical examination, and I start in with that statement in advance and would not hesitate at all to make it.

Mr. SIMS. Taking it for granted that the company has always paid remunerative dividends on the stock that is out and has paid for the structural cost out of the earnings in addition to the dividends, should they also have dividends on the structural plant?

Mr. HUMPHREYS. My opinion is, though I am not a lawyer—but I am inclined to think that the highest courts in the land will follow the same line—that the carnings that have been put into a plant are the possession of the stockholders, and it does not make any difference whether those earnings have been taken out in dividends and then a certain amount paid back and put back into the plant or not. Those stockholders own that plant.

Mr. SIMS. But that is not what I was asking you. Taking it for granted that the dividends paid have been fair and reasonable upon the stock issued, and then enough has been charged over and above that to build the structure, should that have any effect in fixing the price of gas now?

Mr. HUMPHREYS. I believe so, certainly. I believe that that is money that belongs to the stockholders.

Mr. SIMS. In addition to the dividends already paid? Suppose the stockholders had received the dividends, and then in addition money has been used to enable them to make the improvements and additions, should the price of gas now be fixed with reference to that fact or not; should it be considered?

Mr. HUMPHREYS. I believe it should. I believe that independent of whether it is a fair dividend or not, the thing was permitted at the time, and that money belongs to the stockholders. The earnings were allowed at the time under those conditions, whether they have charged an exorbitant price or not. But that is not my experience generally in the general gas business, and I doubt whether it is the experience here; but it does not make any difference whether it is a question of dividing up dividends or not. Supposing you should say that 10 per cent on the actual investment, or the property value, was a fair dividend, and the stockholders have been receiving 6 per cent. Then they are entitled to that other 4 per cent, even if it has been stated in advance that that shall be the limit. Take, for instance, the New York Consolidated Gas case—one which I have been largely interested in. We proved conclusively that we had not been building a plant out of earnings wrongfully made, but that the dividend had been at a low rate, sometimes as low as 3 per cent, for many years simply on a capitalization not in excess of actual value. Certainly in those cases the money put back in the plant belonged to the stockholders, and it certainly would be correct to say that they owned it; and in addition to that the property as a whole is made safer, because the undivided profits are so tied up for the benefit of the creditor.

Mr. SIMS. Supposing there had been a 10 per cent dividend paid all along, and this additional added value by way of structure had also been met out of the earnings, in increasing the capital, should that amount, whatever it may be, be added to the capital and included in it, and entitled to earnings just as though no dividend had been paid?

Mr. HUMPHREYS. I should say yes, as a question of right. They have a right to certificates of value for those additional earnings apart from the question of the original stock. But before you established the actual rights in the case, you would have to find out whether the certificates of stock as issued represent the actual value of the property. In Washington for many years they did not begin to represent the value in its stock issue. Washington, Cleveland, Cincinnati are three marked cases of companies capitalized away below their actual value. Now, if they paid 10 per cent on those valuations, they are certainly entitled to more.

Mr. SIMS. You are here, in part, to give your opinion as to whether a bill should be passed that will repeal a law authorizing capitalization on actual value. What we want to get at is whether or not that law ought to pass, or be amended, or remain as it is. And that law, as is shown by a suit that has already been instituted, includes franchise value, rights, and good will. Of course it also includes the physical or actual money value of the property as part of it. Now, as to the extent of the franchise, good will, and rights, ought that to be covered by an issue of stock?

Mr. HUMPHREYS. I should say it should. Any of us in business know that a mere physical plant without a business does not begin to be worth what that same plant would be worth with the business attached to it. And a question of estimating the value of a plant as only of the value of the mortar, bricks, and iron is to my mind absolutely absurd.

Mr. CARY. Right on the back of this bill it says: "These prices apply to all gas used by any one consumer, with one meter or with any number of meters located in one building," and so forth, showing that it is a uniform price all the way through?

Mr. HUMPHREYS. That is what I understand you to say.

On that question of capitalization, Mr. Bemis in his testimony referred to a very marked case at Haverhill, Mass. There is a case where the physical capitalization per thousand feet of gas sold per year is probably not less than $5 to $6. Now, what have they got on their books: Sixty-three cents; and why? Because here they have followed the very misleading practice that they have been following in Massachusetts under the direction of a commission, and now are beginning to see the boomerang of blindly charging up a lump sum for depreciation and crediting it to the plant. They meet around the directors' table and some dear old gentleman says: "I think we have made a nice lot of money this year, and we will put up $30,000 for depreciation." They have done that in Haverhill until they have reduced their book value of plant to 63 cents per thousand although they could not reproduce that plant, without any good will or anything else, for probably less than $5.

Mr. SIMS. Will you allow me to ask you by whose invitation you have appeared here?

Mr. HUMPHREYS. The gas company's.

Mr. MCMILLAN. Upon that question of the pressure of gas in the pipes, what influence has the pressure, if any, upon the meter?

Mr. HUMPHREYS. In what way?

Mr. MCMILLAN. In increasing the consumption—in giving evidence of consumption. What injury does it work to the consumer? Please give a good, clear, concise statement on that. A great many people think that there is more injury caused from the pressure than through the increased price of gas.

Mr. HUMPHREYS. It is a very difficult matter to make a clear and concise statement without being technical.

Mr. MCMILLAN. But you ought to put yourself on record upon that point.

Mr. HUMPHREYS. I think I did that before you came in.

Mr. CARY. Is not there a law in the District of Columbia at present that the company can not charge over a dollar per thousand for gas?

Mr. SIMS. I think not; I think it is $1.10.

Mr. HUMPHREYS. Replying to the question asked by Mr. McMillan, I will say that if I take an amount of gas and squeeze it, I can get more in a cylinder than if I do not squeeze it. The harder the pressure the more gas can be squeezed in a cylinder.

Mr. MCMILLAN. And the more the pressure the more consumed?

Mr. HUMPHREYS. No; I think not. That will not affect the consumption at all.

The CHAIRMAN. I would like to ask you why gas can not be sold as cheap in Georgetown as in Washington?

Mr. HUMPHREYS. Well, it is a more scattered district, and, as a rule, in general, as I have stated—you can not always follow a rule—but the general rule is that it costs more to make gas in smaller communities and distribute it than in the larger cities. There are certain exceptions that sometimes, on analysis, will show that the rule is not followed. But as a rule the smaller place has to charge more for gas than the larger one.

The CHAIRMAN. In that New York case was anything taken into consideration besides the physical value of the gas company?

Mr. HUMPHREYS. Yes.

The CHAIRMAN. What was taken into consideration in that case?

Mr. HUMPHREYS. My recollection is on the last decision, which I confess I have not had time to read—Judge Hough's last decision—that $20,000,000 was allowed for franchise and good will, I think. But I am not positive about that; it might have been $12,000,000. Upon second thought, I am confident that the judge stated it was not less than $12,000,000.

The CHAIRMAN. As you have not had sufficient time to make a thorough investigation here, I would like to ask you if you can and will in the near future tell this committee what gas ought to be and can be sold for in Washington and allow a fair profit to the company, and at both 18 and 23 candlepower? I have been told that we ought to get along with 18 candlepower, and that the people would be just as well satisfied and would then have the benefit of a reduction in price. If that is the case, I would like to know it.

Mr. HUMPHREYS. Very well.

Mr. KELIHER. Will you also furnish the committee your idea of the relative cost at tide water per ton of coal in the cities of Washington, New York, and Boston?

Mr. HUMPHREYS. Of course, in the Boston case we will have to take into account the special contract with the Dominion Coal Company, which, I think, has been modified some 5 cents.

Mr. KELIHER. What I have in mind is regardless of any contract. What should be the cost of the coal?

Mr. HUMPHREYS. I will put that in as a side memorandum and take the ordinary commercial gas coal as delivered in Boston. Of course it is not for me to say that I will do this; it is for the Washington Gas Company to say whether they will employ me to do it or not, as I am a rather expensive man.

The CHAIRMAN. Mr. Bemis has consented to come back here, the other side has consented to bring him back, and I apprehend that if the committee is going to take your testimony or that of anybody else it ought to have the benefit of at least enough time of the witness to satisfy ourselves as to the value of the testimony.

Mr. HUMPHREYS. I am a little modest about talking about it. I am not the principal, I have to be employed, and I presume that my charge is probably ten times that of Mr. Bemis.

Mr. HART. He will be retained.

Mr. SIMS. Which is the greater cost, coal or oil, in the manufacture of water gas alone?

Mr. HUMPHREYS. The oil is the chief element of cost in the case of water gas.

Mr. SIMS. So that if there is a larger percentage of water gas, the oil cost will become greater relatively if we use the high candlepower; that is, if you reduce the candlepower you reduce the oil cost, and that would reduce the general price?

Mr. HUMPHREYS. That is where the saving comes in.

Mr. SIMS. In answer to a question, in which you said that you are employed by the gas company; I suppose that fact has nothing to do with the answers you have given?

Mr. HUMPHREYS. No; not at all; I hope I am answering the questions absolutely upon what I believe to be true.

Mr. SIMS. I understood you to say a moment ago that if you answered certain questions it would depend upon whether you were employed or not.

Mr. HUMPHREYS. Oh, no. The question the chairman asked me was whether I would come here again to answer certain additional ques-

tions, and that would mean a long investigation and an additional cost to the company.

Mr. MCMILLAN. Have you examined this gas plant here?

Mr. HUMPHREYS. In a general way.

Mr. MCMILLAN. So far as you know, is this plant an up-to-date plant?

Mr. HUMPHREYS. Yes, sir.

Mr. MCMILLAN. That is, all the appliances that are now used in the manufacture of gas are used here, so far as you know?

Mr. HUMPHREYS. So far as I know. Of course we could rebuild the works every year and probably bring in something new.

Mr. MCMILLAN. In other words, the works here are really up-to-date works and have been kept so?

Mr. HUMPHREYS. Yes; and admirably managed works. Since I was here a year or two ago they have made some distinct improvements.

Mr. MCMILLAN. Do they use modern means to cheapen gas?

Mr. HUMPHREYS. They might possibly cheapen it a little bit.

Mr. MCMILLAN. What fuel do they use now for generating gas—coal, oil, or what?

Mr. HUMPHREYS. They use what is known as "gas coal."

Mr. MCMILLAN. Soft coal?

Mr. HUMPHREYS. That is a particular kind of bituminous coal adapted to the making of coal gas, because it is of a high volatile character, and with a large amount of gas held in it. That does not necessarily mean that any rich soft coal is good gas coal, because it must be free from excess of sulphur. Then they use an anthracite to make the water gas. Water gas has to be made by just the opposite kind of carbon from coal gas. It must be made from coal that is free from bituminous matter, so they are obliged to use both kinds of coal. They also use the coke from the coal-gas works in making their water gas.

Mr. MCMILLAN. And you consider that a modern means?

Mr. HUMPHREYS. Yes; and on top of that they use oil.

The CHAIRMAN. I heard last night that gas was sold in Cincinnati for 50 cents a thousand, and I would like to ask you why it can not be sold as cheap in Washington?

Mr. HUMPHREYS. But that is not true; gas is sold at 50 cents in Cincinnati, yes, under certain arrangements as to what it is to be used for. I figured up last night from the returns, and I made up my mind that, as close as we could figure it from the reports, the average price is 66¼ cents in Cincinnati.

Mr. HART. Will you allow me to ask what the candlepower is in Cincinnati?

Mr. HUMPHREYS. The candlepower is 17.

The CHAIRMAN. You say that it is sold in Cincinnati for about 66 cents?

Mr. HUMPHREYS. It averages about 66¼ cents.

The CHAIRMAN. There is a difference of candlepower, you say, of 5—between 17 and 23. If we allowed for that difference, would it be the same price here?

Mr. HUMPHREYS. No.

The CHAIRMAN. Why?

Mr. HUMPHREYS. Because Cincinnati is one of the cheapest places in the United States for the delivery of gas coal. It has always been one of the cheapest places for gas coal in the United States; and it also has been always a very low candlepower city.

Mr. SIMS. Would it be cheaper with water gas?

Mr. HUMPHREYS. No; they never have used much water gas because of their ability to make a cheap coal gas due to the particular materials at hand, just as they do in England. I put in a plant for water gas in Cincinnati in 1892, but they have never used it regularly, just holding it in reserve for emergencies.

Mr. SIMS. You state that the present price of a dollar per thousand, in view of the conditions prevailing here, you believe to be a reasonable and fair price?

Mr. HUMPHREYS. I believe it to be so.

Mr. SIMS. Supposing these conditions continue, but the city grows larger and the population increases, would that not give a greater profit?

Mr. HUMPHREYS. Yes.

Mr. SIMS. Then what would you suggest, if anything, in the line of a sliding scale, for instance, a sliding scale beginning with a dollar as now, and in two or three years bring it down——

Mr. HUMPHREYS. I should not want to answer that question offhand, because the conditions vary so with increased population. I was surprised on comparing New York with London to find that the increase there from a sale per capita was about six thousand up to ninety-two hundred per capita, and it had not produced a decrease of cost, because the actual cost of distribution in New York had increased in spite of the large increase per capita and in spite of having probably the largest sale per mile of mains in the United States.

Mr. SIMS. I am only assuming that the present cost of materials will be maintained. The price might go up or down?

Mr. HUMPHREYS. I am not referring to that so much as the congestion in the streets. That has been the great trouble in New York—the tremendous cost of operating in the streets and repairing them.

Mr. SIMS. But that will never exist here, in all probability.

Mr. HUMPHREYS. To no such extent; no, sir; I should not imagine so. You have broader streets for one thing.

Adjourned at 11.50 a. m.

COMMUNICATION FROM MR. HUMPHREYS.

In a letter addressed to the committee, under date of April 21, 1908, Mr. Humphreys, in referring to his statement, says:

"There is one correction I would like to make, but hardly feel warranted in doing so, because it is based upon information obtained since I returned to New York. You will remember that they questioned my statement that coal was dearer in Detroit than in Washington. I have made the statement that I felt quite sure that I was correct. If there is any way to have it so, I would like to have it appear that this statement is confirmed. If you think it is proper to put it in as parenthesis, I would be very glad to have you do so.

"I find that, under ordinary circumstances, there is a difference of about 50 cents in favor of Detroit."

Mr. MANN. Mr. Speaker, I would like to offer an amendment covering the matter of a discount for payment of the bill in cash within a certain time in this form, if the gentleman will yield for that purpose: After the word "feet," in line 10, add the word "net," so that it will read:

Ninety cents per thousand cubic feet net: *Provided*, That 10 cents per thousand cubic feet additional may be collected on any bill which is not paid within twenty days from the time of mailing the bill to the consumer.

The SPEAKER pro tempore. The Chair will state to the gentleman from Illinois that there is a motion pending before the House to recommit the bill.

Mr. MANN. I was not going to offer the amendment; I was going to ask if the gentleman from Michigan would yield to me for the purpose of offering that amendment.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York, that the bill be recommitted to the committee.

The question was taken; and on a division (demanded by Mr. MCMILLAN) there were—ayes 4, noes 61.

So the motion to recommit was rejected.

Mr. MCMILLAN. Mr. Speaker, I wish you would state the issue; these gentlemen do not know what they are voting upon.

The question was taken, and the amendment was rejected.

The SPEAKER pro tempore. The question now is upon the committee amendment.

Mr. MANN. This is not a committee amendment. Will the gentleman from Michigan yield to me for the purpose of offering an amendment?

The SPEAKER pro tempore. The amendment of the gentleman from Illinois has not been submitted.

Mr. MANN. I have no authority to offer an amendment unless the gentleman yields to me for that purpose.

The SPEAKER pro tempore. Does the gentleman from Michigan yield to the gentleman from Illinois?

Mr. SMITH of Michigan. No, Mr. Speaker; I do not feel like receiving the amendment and I ask for a vote.

Mr. FITZGERALD. Mr. Speaker, I desire to offer an amendment to the committee amendment——

Mr. CAMPBELL. There is no committee amendment.

Mr. FITZGERALD (continuing). To strike out the word "ninety" and insert the word "eighty-five," line 9.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Strike out the proposed amendment and insert in lieu thereof "eighty-five."

The question was taken, and the Chair announced he was in doubt.

The House divided; and there were—ayes 61, noes 33.

Accordingly the amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. MADDEN, a motion to reconsider the vote was laid on the table.

AMENDMENT OF EMPLOYMENT AGENCY ACT.

Mr. SMITH of Michigan. Mr. Speaker, I desire to call up the bill H. R. 20247.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 20247) to amend section 8 of an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906.

Be it enacted, etc., That section 8 of an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906, be amended to read as follows:

"SEC. 8. That the fees charged for the employment of agricultural hands, coachmen, grooms, hostlers, seamstresses, cooks, waiters, waitresses, scrubwomen, nurses (except professional nurses), chambermaids, maids of all work, domestics, servants, or other laborers (except seamen), or for the purpose of procuring or giving information concerning such person for or to employers, shall be as follows:

"Employment agents or agencies shall be entitled to receive in advance from an employer, for male or female employees, $2 each: *Provided*, That such fee shall entitle said employer to at least thirty days' service from said male or female employee, or from other employees at the same rate of wages to be furnished by said employment agent or agencies.

"Employment agents or agencies shall be entitled to receive in advance from the applicant for work or employment, either male or female, $1 each, one-half of which is to be returned on demand if such applicant is not secured a fair opportunity of employment within thirty days after the receipt of said original fee of $1: *Provided*, That where the male or female employee receives employment at a rate of wage of $25 per month or more, said employment agent or agency shall, on obtaining employment for such employee, receive an additional $1 from said employee: *Provided*, That the whole fee and any sums paid by the applicant for transportation in going to and returning from such employer shall be refunded within four days of demand, if no employment of the kind applied for was vacant at the place to which the applicant was directed: *And provided further*, That it shall be unlawful for any employment agent or agency to receive more than the fees set forth in this act in the business aforesaid.

"It shall be the duty of such licensed person to give to every applicant for employment from whom a fee shall be received a receipt in which shall be stated the name of said applicant, the date and amount of the fee, and the purpose for which it was paid, and to every appli-

cant for help a receipt stating the name and address of said applicant, the date and amount of the fee, and the kind of help to be provided. Every such receipt, excepting only those given by theatrical and teachers' agencies and those procuring technical, clerical, sales, and executive positions for men only, shall have printed on the back thereof a copy of this section in the English language. No such licensed person shall divide fees with contractors or their agents or other employers or anyone in their employ to whom applicants for employment are sent. Every such licensed person shall give to each applicant for employment a card or printed paper containing the name of the applicant for employment, name and address of such employment agency, and the written name and address of the person to whom the applicant is sent for employment. Every such licensed person shall post in a conspicuous place in each room of such agency a plain and legible copy of this act, which shall be printed in large type."

The committee amendment was read, as follows:

In page 2, line 7, after the word "employees," insert the words "at the same rate of wages."

Mr. SMITH of Michigan. Mr. Speaker, I yield to the gentleman from Ohio [Mr. TAYLOR].

Mr. TAYLOR of Ohio. Mr. Speaker, the object of this amendment, and the only amendment to the existing law, is to increase the fees paid by persons employing help from $1 to $2, and the reason for that is that in the law which was passed a little over two years ago, providing for the regulation of employment agencies and the fees to be charged, a dollar was allowed to be paid by the employer and a dollar by the servant. That was simply an experiment. We had no data to go on, and after two years of trial and after a careful investigation of more than a dozen respectable and first-class agencies we came to the conclusion, justifiably, I believe, that the fee was too small to maintain the high-class and proper agencies that we are trying to keep up in this District.

Members of the committee gave personal investigation of more than a dozen places, and hearings were given to more than a dozen persons interested in employment agencies, also to certain ladies of the District who are interested in this line of work. This was the recommendation of all of those people. As an additional consideration for this extra dollar, the committee has inserted a proviso that the employer, after paying his $2, shall have for thirty days a chance to test out a servant and get a proper servant without additional charge. That is a very valuable suggestion, and we hope it will be enacted into law with this amendment. The only other amendment is where the salary of a servant is $25, from $25 up, which is more than the average salary, the employer of the agency may receive an additional dollar. Up to $25 they shall only receive a dollar, as now provided in the law in existence. These are the only amendments, and I have given the reasons for the amendments.

Mr. CAULFIELD. What are the customary fees charged in places throughout the country?

Mr. TAYLOR of Ohio. As near as I can get at it, in the larger cities it is on a percentage basis, which works out a much larger fee than anything paid in Washington. In some cities it is scaled according to the salary.

Mr. CAULFIELD. How long does this percentage continue?

Mr. TAYLOR of Ohio. Just one payment.

Mr. CAULFIELD. Is a license required of these people under this law?

Mr. TAYLOR of Ohio. Yes; a license is provided for. Now, if there are no further questions, I ask for a vote.

The SPEAKER. Without objection, the committee amendment will be considered as adopted.

There was no objection.

The bill as amended was ordered to be engrossed and read a third time, was read a third, and passed.

On motion of Mr. TAYLOR of Ohio, the motion to reconsider the vote by which the bill as amended was passed was laid on the table.

INFERIOR COURT JUSTICE OF THE PEACE.

Mr. SMITH of Michigan. Mr. Speaker, I desire to call up the bill S. 6359, entitled "An act to change the name and jurisdiction of the inferior court of justice of the peace of the District of Columbia."

The SPEAKER. The Clerk will report the bill.

The Clerk proceeded with the reading of the bill.

During the reading—

Mr. UNDERWOOD. I desire to make a point of order that this bill ought to be on the Union Calendar. It is the proper place to consider it, I think; and it is now getting late, too. I understand the bill creates offices and changes offices, and necessarily ought to go to the Union Calendar; also, it fixes the compensation.

Mr. MANN. It fixes a compensation or rental at $1,800 a year.

Mr. MACON. And fixes salary, too.

Mr. CAMPBELL. But it does not provide for any appropriation.

The SPEAKER. If it makes a charge upon the Treasury of the United States, it is surely subject to the point of order. The Chair is causing the bill to be examined to see whether it makes a charge upon the District revenues alone or upon the Treasury itself.

Mr. MANN. It provides for a rental of $1,800 a year, and that itself would put it upon the Union Calendar.

The SPEAKER. The gentleman will point out the provision.

Mr. FITZGERALD. Under the organic act the judges are paid half from the revenues of the District of Columbia and half from the Treasury of the United States.

The SPEAKER. The Chair is trying to ascertain, and therefore asks the gentleman whether or no, under the terms of this act, the salaries and expenditures referred to in the act are payable from the District revenues or from the Treasury of the United States.

Mr. FITZGERALD. The act does not say, and unless the act specifically directs that they shall be paid out of the District revenues, they are paid out of the Treasury of the United States.

Mr. SMITH of Michigan. On page 4, beginning with the fourteenth line, the bill reads:

The said court shall have power to employ a clerk at an annual salary of $1,500; and an assistant clerk at an annual salary of $1,000, payable monthly by the District of Columbia, which clerks shall hold office at the pleasure of the court.

Mr. CAMPBELL. At this time the court collects fees. This money is turned into the Treasury, and out of that money the salaries and rentals are paid, and there is still a surplus left that goes into the Treasury. The salaries of the six justices are reduced from $3,000 to $2,500, and the salary of the clerks will average about what the reduction amounts to. Also, we pay rent now for the buildings that are occupied by the six justices. Our proposition is to put them all in one building instead of keeping them in six.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. CAMPBELL. Yes.

Mr. MANN. On page 2, line 16, the bill says:

Such municipal court shall sit for the trial of causes in one building, to be designated by the Commissioners of the District of Columbia, to be rented by said District of Columbia at a rental not to exceed $1,800 per annum.

Mr. CAMPBELL. And the aggregate rent we pay now amounts to more than that.

Mr. MANN. That is all the same. Here is an express provision not now authorized by law, providing for the rental of a building in the District of Columbia, and no provision being made as to how it shall be paid; and yet, by the organic act, one-half is paid out of the National Treasury and half out of the District treasury.

Mr. MADDEN. I would like to ask the gentleman from Kansas if it is not a fact that all the men appointed to these municipal judgeships will have police powers?

Mr. CAMPBELL. Yes; and they have now.

Mr. MADDEN. Is it a fact that all the police court fines are covered into the police insurance fund?

Mr. CAMPBELL. No; when they sit as police judges they go into the police court and sit there and merely try causes. The clerk of the police court has charge, rather than the clerk of the municipal court.

Mr. UNDERWOOD. Mr. Speaker, if I can have the attention of the chairman of the committee a minute. The reasons I raised the point of order are these: I do not know that I am opposed to the bill, but it is a very important bill, the hour is late, but few Members are here, and I think it is too late to consider this bill at this time. Manifestly there is not a quorum here, and I ask the gentleman, to save time, to withdraw the bill for the present. Unquestionably he can not go along with it.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that the District Committee may have one hour to-morrow for District business. We have three or four more bills. This committee did not have a regular day from the 23d day of March last until the adjournment on the 30th of May.

The SPEAKER. Pending the point of order, the gentleman from Michigan asks unanimous consent that the Committee on the District of Columbia may have one hour of to-morrow's session as of to-day. Is there objection to the request? [After a pause.] The Chair hears none.

The Chair desires to state that the gentleman from Illinois calls attention to line 16, page 2:

Said municipal court shall sit for the trial of causes in one building, to be designated by the Commissioners of the District of Columbia, to be rented by said District of Columbia, at a rental not to exceed $1,800 per annum.

The line of decisions is that it must appear from the face of the bill and not as a matter of argument or speculation that the bill makes a charge upon the Treasury. The Chair will take time to read the bill through very carefully, if it is desired. The Chair can not decide the point of order without a careful examination of the bill.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman moves that the House do now adjourn. Pending that, the Chair lays before the House the following request from the Senate for the return of a bill.

The Clerk read as follows:

In the Senate of the United States, December 14, 1908.

Resolved, That the Secretary of the Senate be directed to request the House of Representatives to return to the Senate the bill (H. R. 16743) for the removal of restrictions of alienation of lands of allottees in the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings of any of the reservations within the jurisdiction of said agency, and for other purposes.

The SPEAKER. Without objection, the bill will be returned.

There was no objection.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. R. 78. Joint resolution establishing the boundary line between the States of Colorado and Oklahoma and Territory of New Mexico.

LEAVE OF ABSENCE.

Mr. MARSHALL, by unanimous consent, obtained leave of absence, indefinitely, on account of sickness.

WITHDRAWAL OF PAPERS.

Mr. WEEMS, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Andrew Crowl (H. R. 18170), Fifty-ninth Congress, no adverse report having been made thereon.

The motion to adjourn was then agreed to; and accordingly (at 5 o'clock and 9 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting data in relation to railroads in Alaska under the act of May 14, 1898—to the Committee on the Territories and ordered to be printed with illustrations.

A letter from the Postmaster-General, transmitting papers on the claim of Cadmus Crabill—to the Committee on Claims and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting explanations in connection with estimates of appropriation for foreign intercourse—to the Committee on Foreign Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a response to the inquiry of the House in relation to admission of manganiferous iron ore at ports of entry—to the Committee on Ways and Means and ordered to print manuscript, but not the book.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for irrigation on Indian reservations—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Postmaster-General submitting an estimate of reappropriation for street railway tracks at the Baltimore post-office—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for taking the Thirteenth Decennial Census—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for the establishment of a fish-cultural station in the upper Mississippi Valley—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a petition of the Sac and Fox Indians of Oklahoma, praying for the payment of certain trust funds—to the Committee on Indian Affairs and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Thomas Williams against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. P. Matthews, administrator of estate of Nathan Gradick, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of L. H. Kelly, administrator of estate of John McH. Kelly and Allie V. Kelly, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of the Interior, proposing legislation authorizing the construction of road and bridges in Warm Springs Reservation, Oreg.—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with draft of a bill, recommendations as to construction of a bridge over Little Colorado River, abutting on Navajo Reservation—to the Committee on Indian Affairs and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 22361) granting an increase of pension to John Marshall—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 22362) granting an increase of pension to John C. Cribbs—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 22363) granting an increase of pension to George D. Hamm—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 22364) granting an increase of pension to John Lukecart—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 22365) granting an increase of pension to William E. Weckerley—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 23279) granting an increase of pension to Samuel F. Dyer—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23357) granting a pension to Ellen M. Brennan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23358) granting a pension to Harry Menovitz—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23379) granting a pension to Ruthey J. Robinson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23400) granting a pension to Jacob H. Mose—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23401) granting a pension to Charles E. Welker—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23404) granting an increase of pension to Mary Gorman—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22963) granting an increase of pension to Anna Irvine—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DOUGLAS: A bill (H. R. 23971) to amend section 2 of an act approved June 27, 1890, entitled "An act granting pensions," etc.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23972) to amend section 4708, laws of the United States, granting pensions, etc.—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 23973) for the relief of pensioners of the Metropolitan police fund—to the Committee on the District of Columbia.

By Mr. CRUMPACKER: A bill (H. R. 23974) providing for a light-ship in Lake Michigan off the harbor at Gary, Ind.—to the Committee on Interstate and Foreign Commerce.

By Mr. FOCHT: A bill (H. R. 23975) to amend an act entitled "An act to amend an act entitled 'An act amending section 4708 of the Revised Statutes of the United States in relation to pensions to remarried widows,'" approved February 28, 1903—to the Committee on Invalid Pensions.

By Mr. McKINNEY (by request): A bill (H. R. 23976) to correct the mistakes in the location and construction of the Illinois and Mississippi Canal, the lock and dams within and near the village of Milan, county of Rock Island, and State of Illinois—to the Committee on Rivers and Harbors.

By Mr. MAYNARD: A bill (H. R. 23977) to provide for acquirement by condemnation of lands at Cape Henry, Va., for the purpose of fortification and coast defense—to the Committee on Appropriations.

By Mr. LAFEAN: A bill (H. R. 23978) to authorize and direct the Secretary of War to purchase certain lands on the battlefield of Gettysburg, and making an appropriation therefor—to the Committee on Appropriations.

By Mr. THOMAS of North Carolina: A bill (H. R. 23979) authorizing the Secretary of War to expend moneys already appropriated for Beaufort Harbor, North Carolina, for certain improvements in said harbor and for an additional appropriation of $18,000 for said harbor—to the Committee on Rivers and Harbors.

By Mr. HIGGINS: A bill (H. R. 23980) to provide for a survey of the Mystic River, Connecticut—to the Committee on Rivers and Harbors.

By Mr. LOVERING: A bill (H. R. 23981) to amend the act to increase the limit of cost of certain public buildings, etc., approved June 30, 1906, and the act to increase the limit of cost of certain public buildings, etc., approved May 30, 1908—to the Committee on Public Buildings and Grounds.

By Mr. LOUDENSLAGER: A bill (H. R. 23982) for the erection of a public building at the city of Woodbury, in the State of New Jersey—to the Committee on Public Buildings and Grounds.

By Mr. WILEY: A bill (H. R. 24134) directing the fixing of a standard of cotton classification in the transaction of cotton business by the exchanges in the United States—to the Committee on Agriculture.

By Mr. BENNET of New York: Resolution (H. Res. 455) to amend the rules as to the admission of reporters to the floor of the House of Representatives—to the Committee on Rules.

By Mr. MOORE of Pennsylvania: Joint resolution (H. J. Res. 203) to authorize the Secretary of State to invite the permanent International Association of Navigation Congresses to hold in the United States, in the year 1911, the Twelfth International Congress of Navigation—to the Committee on Foreign Affairs.

By Mr. WILEY: Joint resolution (H. J. Res. 204) authorizing and directing the Secretary of War to cause an examination and survey to be made of an inland waterway or canal from Mobile Bay to Perdido Bay and from the latter bay to Escambia Bay of such width and depth as will be sufficient to permit of the navigation of such vessels as ordinarily navigate said bays—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 23983) granting a pension to Thomas M. Smith—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of Missouri: A bill (H. R. 23984) granting a pension to Lucy R. Woodward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23985) granting a pension to Sabina Pierce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23986) granting an increase of pension to Alexander M. Rainey—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 23987) granting an increase of pension to Mathias Hicks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23988) granting an increase of pension to John Love—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23989) granting a pension to Amanda S. Kline—to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 23990) granting an increase of pension to Rollin B. Shower—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23991) granting an increase of pension to George Abrams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23992) granting an increase of pension to William R. Vanhoozer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23993) granting an increase of pension to Michael Knight—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: A bill (H. R. 23994) for the relief of J. M. King—to the Committee on Claims.

By Mr. BROWNLOW: A bill (H. R. 23995) granting a pension to Oscar C. Oliver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23996) granting a pension to Elizabeth L. Bayliss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23997) granting an increase of pension to Enoch Carter—to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 23998) granting a pension to Jane Elvin—to the Committee on Invalid Pensions.

By Mr. CALE: A bill (H. R. 23999) granting an increase of pension to William H. Chapin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24000) granting an increase of pension to Adelbert Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24001) granting an increase of pension to Byron T. Gibson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24002) granting an increase of pension to Albert F. Pierce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24003) granting an increase of pension to Charles E. Hinman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24004) granting an increase of pension to William H. Meade—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24005) granting an increase of pension to James A. Benjamin—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 24006) granting an increase of pension to Josiah D. Mater—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24007) granting an increase of pension to William A. Rose—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24008) granting an increase of pension to Lewis Hannah—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24009) granting a pension to Izora O. Cook—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 24010) granting an increase of pension to Edward E. Thorn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24011) granting an increase of pension to George W. Bennett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24012) granting an increase of pension to David Jarvis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24013) granting an increase of pension to James A. Medaris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24014) granting an increase of pension to John D. Bray—to the Committee on Pensions.

Also, a bill (H. R. 24015) granting an increase of pension to Louis R. Edmunds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24016) granting an increase of pension to Silas R. Houston—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 24017) granting an increase of pension to John Rees—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24018) granting an increase of pension to Chamness S. Burks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24019) granting an increase of pension to Marcus H. Ingram—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 24020) granting a pension to Esther M. Stanley—to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 24021) granting an increase of pension to Thomas A. Pearce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24022) granting an increase of pension to Sylvester Justis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24023) granting an increase of pension to Julius Lane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24024) granting an increase of pension to Jasper Ross—to the Committee on Invalid Pensions.

By Mr. DOUGLAS: A bill (H. R. 24025) granting an increase of pension to Henry Duddleson—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 24026) granting an increase of pension to Hiram Cornish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24027) granting an increase of pension to Nathaniel J. Robinson—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 24028) granting an increase of pension to James E. Reilly—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 24029) for the relief of Alexander Everhart—to the Committee on Military Affairs.

By Mr. FOSTER of Illinois: A bill (H. R. 24030) granting an increase of pension to Joseph Boles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24031) granting an increase of pension to William H. Williamson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24032) granting an increase of pension to Andrew Watts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24033) granting an increase of pension to Daniel W. Myers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24034) granting an increase of pension to Jonathan Huston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24035) granting an increase of pension to John G. Dale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24036) granting an increase of pension to George T. Clausen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24037) granting an increase of pension to Christopher C. Estes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24038) granting an increase of pension to B. M. Laws—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24039) granting a pension to Lydia McKoin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24040) granting a pension to W. J. Collins—to the Committee on Pensions.

Also, a bill (H. R. 24041) granting a pension to Clifford Sweeten—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24042) granting a pension to Oscar Sweeten—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24043) granting a pension to Viola Shaw—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24044) granting a pension to Elizabeth Girard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24045) granting a pension to Sarah Highsmith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24046) granting a pension to B. F. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24047) granting a pension to Richard M. Goddy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24048) granting a pension to Prudence Simmons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24049) to remove the charge of desertion from the record of George W. Terrell—to the Committee on Military Affairs.

By Mr. FOSTER of Vermont: A bill (H. R. 24050) granting an increase of pension to C. C. Sabin—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 24051) granting an increase of pension to William H. Young—to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 24052) granting an increase of pension to Alvin E. Nishwitz—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 24053) granting an increase of pension to Oscar E. Hildebrand—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24054) granting an increase of pension to Benjamin G. Barber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24055) granting an increase of pension to George E. Leonard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24056) granting an increase of pension to Benajah E. Smith—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 24057) for the relief of James R. House—to the Committee on War Claims.

By Mr. HUGHES of New Jersey: A bill (H. R. 24058) granting an increase of pension to James Skrine—to the Committee to Invalid Pensions.

Also, a bill (H. R. 24059) granting an increase of pension to William H. Reinhart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24060) granting a pension to William Haley—to the Committee on Pensions.

Also, a bill (H. R. 24061) granting a pension to George Ihnath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24062) granting a pension to Michael J. Tully—to the Committee on Pensions.

Also, a bill (H. R. 24063) granting a pension to Howard Farrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24064) granting a pension to Marie Fraser—to the Committee on Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 24065) for the relief of the legal representatives of Jacob W. Staley, deceased—to the Committee on War Claims.

By Mr. HULL of Tennessee: A bill (H. R. 24066) for the relief of George A. Vandever—to the Committee on Military Affairs.

By Mr. JENKINS: A bill (H. R. 24067) granting a pension to Peter Andress—to the Committee on Invalid Pensions.

By Mr. KEIFER: A bill (H. R. 24068) granting an increase of pension to George W. Wilson—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 24069) for the relief of John T. Mott—to the Committee on Claims.

Also, a bill (H. R. 24070) for the relief of William D. Allen—to the Committee on Claims.

By Mr. KNOPF: A bill (H. R. 24071) granting an increase of pension to Christian Wendling—to the Committee on Invalid Pensions.

By Mr. KÜSTERMANN: A bill (H. R. 24072) granting an increase of pension to George William Northedge—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 24073) granting an increase of pension to Adam F. Becker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24074) granting an increase of pension to Charles G. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24075) granting a pension to Annie M. Tinsley—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 24076) granting an increase of pension to Jacob L. Parker—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 24077) granting a pension to Lucy A. Deering—to the Committee on Invalid Pensions.

By Mr. McGAVIN: A bill (H. R. 24078) granting an increase of pension to James Linnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24079) granting an increase of pension to Orlando Van Buren—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 24080) granting an increase of pension to Elwood W. Coleman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24081) granting an increase of pension to Andreas Hirlinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24082) granting an increase of pension to James W. Kearns—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24083) granting an increase of pension to Nathan Kaseman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24084) granting an increase of pension to Henry Kearns, alias Henry Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24085) granting an increase of pension to Samuel Letteer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24086) granting an increase of pension to William H. Small—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24087) granting a pension to James F. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24088) granting a pension to Edwin R. Warburton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24089) granting a pension to Joseph Yeager—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 24090) granting a pension to John Webb—to the Committee on Pensions.

By Mr. McKINNEY: A bill (H. R. 24091) granting an increase of pension to Milon L. Tompkins—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 24092) to remove the charge of desertion from the record of William Birk—to the Committee on Military Affairs.

By Mr. MAYNARD: A bill (H. R. 24093) granting an increase of pension to Martha L. De Ryder—to the Committee on Naval Affairs.

By Mr. MOON of Pennsylvania: A bill (H. R. 24094) granting a pension to Ellen Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24095) granting an increase of pension to Joseph S. Lechler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24096) granting a pension to James B. Coppuck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24097) granting a pension to Mary Sullivan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24098) granting a pension to Emma Wagner—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 24099) for the relief of the estate of Aaron Murdock, deceased—to the Committee on War Claims.

Also, a bill (H. R. 24100) for the relief of the estate of Patrick Henry Watkins, deceased—to the Committee on War Claims.

Also, a bill (H. R. 24101) for the relief of the estate of William Roberts, deceased—to the Committee on War Claims.

Also, a bill (H. R. 24102) for the relief of James B. Hoge—to the Committee on War Claims.

Also, a bill (H. R. 24103) for the relief of the heirs of Thomas Penny, deceased—to the Committee on War Claims.

By Mr. OLCOTT: A bill (H. R. 24104) authorizing the Secretary of the Treasury to adjust and settle the account of James M. Willbur with the United States—to the Committee on Claims.

By Mr. RANSDELL of Louisiana: A bill (H. R. 24105) for the relief of the estate of T. J. Semmes, deceased—to the Committee on War Claims.

By Mr. SHERMAN: A bill (H. R. 24106) granting a pension to Ann Hickox—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 24107) for the relief of Davis W. Hatch—to the Committee on War Claims.

By Mr. SMITH of California: A bill (H. R. 24108) granting an increase of pension to Abram Storms—to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 24109) granting a pension to Mary Hanna—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 24110) granting a pension to Bennett Whidden—to the Committee on Pensions.

Also, a bill (H. R. 24111) granting an increase of pension to Myrtle L. Hart—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 24112) granting an increase of pension to David S. Dort—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 24113) granting an increase of pension to Henry J. Fuller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24114) granting an increase of pension to James A. Woodson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24115) granting an increase of pension to Mary B. Jenks—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 24116) restoring to the pension rolls the name of Robert J. Scott—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 24117) granting an increase of pension to Charles Ward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24118) granting an increase of pension to Byron T. Gibson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24119) granting an increase of pension to J. H. Heather—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24120) granting an increase of pension to John Neugebauer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24121) granting an increase of pension to Peter McHugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24122) granting a pension to Margaret Williamson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24123) granting an increase of pension to William Anglum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24124) granting an increase of pension to George T. Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24125) granting an increase of pension to August Grupe—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 24126) for the relief of the estate of Ann M. Meehan, deceased—to the Committee on War Claims.

By Mr. WILSON of Illinois: A bill (H. R. 24127) granting an increase of pension to Thomas Jaworski—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24128) granting an increase of pension to John F. Barrow—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 24129) granting a pension to Ellen Johnston—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 24130) authorizing the Secretary of War to adjust the claim of the Merritt & Chapman Wrecking Company—to the Committee on Claims.

Also, a bill (H. R. 24131) authorizing the Secretary of War to adjust the claim of the Merritt & Chapman Derrick and Wrecking Company—to the Committee on Claims.

Also, a bill (H. R. 24132) for the relief of John D. Toppin, passed assistant engineer, United States Navy, retired—to the Committee on Naval Affairs.

By Mr. SHACKLEFORD: A bill (H. R. 24133) granting an increase of pension to Eleanor A. McCardell—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of Edward B. Ward—to the Committee on Invalid Pensions.

By Mr. ALLEN: Petition of Walter H. Libby and 21 other citizens of Portland, Me., against Senate bill 3940 (religious observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. ANTHONY: Petitions of citizens of Atchison and citizens of Willard, against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. ASHBROOK: Petition of Association of American Agricultural Colleges and Experiment Stations, for removal of duty on basic slag—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of W. E. Tyler—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Annie Irvine (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. BINGHAM: Petition of Board of Trade of Philadelphia, favoring Senate joint resolution No. 40, relative to transportation of material for the Panama Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. BRADLEY: Petition of J. W. Matthews & Co., of Newburgh, N. Y., for removal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. CHANEY: Paper to accompany bill for relief of Louis R. Edmunds—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Silas R. Houston—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: Petition of sundry citizens of Hermann, Mo., asking for improvement of certain portions of Missouri and Gasconade rivers—to the Committee on Rivers and Harbors.

By Mr. DAWSON: Petition of 48 citizens of Davenport, Iowa, for legislation to pension members of the Telegraph Corps of the civil war—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of A. E. Yoell, for Asiatic exclusion legislation—to the Committee on Immigration and Naturalization.

By Mr. DWIGHT: Petition of Theodore C. Thorpe, favoring removal of duty from raw and refined sugars—to the Committee on Ways and Means.

By Mr. ESCH: Petition of H. C. Weidenbacher, of Eau Claire, Wis., for repeal of duty on sugar—to the Committee on Ways and Means.

Also, petition of Philadelphia Board of Trade, favoring Senate joint resolution No. 40, relative to transportation of material for the Panama Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Petition of River Improvement and Drainage Association, for the improvement of Sacramento River, California—to the Committee on Rivers and Harbors.

Also, petition of Asiatic Exclusion League, for the exclusion of Asiatics other than certain special classes—to the Committee on Immigration and Naturalization.

Also, petition of Tennie Alsberg and 71 others, citizens of Brooklyn, against S. 3940 (religious legislation in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. FLOYD: Paper to accompany bill for relief of John H. Gray (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. FOSS: Petition of citizens of Chicago, Ill., against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. FULLER: Paper to accompany bill for relief of William H. Young—to the Committee on Invalid Pensions.

Also, petition of J. J. Winter, of Garfield, Ill., against a parcels-post act—to the Committee on the Post-Office and Post-Roads.

Also, petition of Illinois Retail Jewelers' Association, of Chicago, favoring enactment of federal advertising law against fraudulent advertising—to the Committee on Interstate and Foreign Commerce.

Also, petition of Al F. Schoch, of National City Bank, of Ottawa, Ill., favoring tariff on zinc ore—to the Committee on Ways and Means.

By Mr. GRAHAM: Paper to accompany bill for relief of Albert E. Beatty (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. HAYES: Petition of R. W. Fuller and 47 other citizens of Stockton, Cal., favoring an effective Asiatic exclusion law against all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of River Improvement and Drainage Association, of San Francisco, for appropriation to improve Sacramento and San Joaquin rivers—to the Committee on Rivers and Harbors.

By Mr. HIGGINS: Petition of J. B. Holl, of Willimantic, Conn., and Ernest C. Laboll, of Groton, Conn., against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. HOUSTON: Paper to accompany bill for relief of Samuel S. George (H. R. 23590)—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: Petition of William White, president, and E. G. Locke, secretary, of Bingham Union, No. 67, International Wood Workers, and Paul G. Smith and Al Hansen, of Bingham Local Union, No. 93, for investigation and regulation of the Treadwell Mining Company, of Douglas Island, Alaska—to the Committee on Mines and Mining.

Also, petition of Asiatic Exclusion League, for more stringent exclusion laws against Asiatics—to the Committee on Immigration and Naturalization.

By Mr. HUGHES of New Jersey: Petition of citizens of New Jersey, favoring the creation of a department of education—to the Committee on Education.

Also, petition of citizens of New Jersey, favoring legislation to provide pension for the United States Military Telegraph Corps of the United States Army during civil war—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: Petitions of the Chamber of Commerce of Huntington, W. Va., and of the Board of Trade of Elkins, W. Va., praying for legislation providing for the establishment of the Appalachian-White Mountain National Forest—to the Committee on Agriculture.

Also, petition of the Veteran Army of the Philippines, praying for the enactment of legislation recognizing August 13 as a legal holiday—to the Committee on Military Affairs.

By Mr. KAHN: Petition of Frank Thole and 47 other residents of Richmond, Cal., in favor of an exclusion law prohibiting entrance of all Asiatics into the United States—to the Committee on Foreign Affairs.

By Mr. KNAPP: Paper to accompany bill for relief of John T. Mott—to the Committee on Claims.

By Mr. LAFEAN: Papers to accompany bills for relief of John Cline (H. R. 22666), Lewis I. Renaut (H. R. 22663), James Miller, William H. Zeigler (H. R. 22661), James A. Poleman (H. R. 22667), and James Spealman (H. R. 22664)—to the Committee on Invalid Pensions.

By Mr. LASSITER: Petition of Veteran Army of the Philippines, for legislation making August 13 a legal holiday, to be known as "Occupation Day"—to the Committee on the Judiciary.

Also, petition of Roper & Co., of Petersburg, Va., for the removal of duty on sugars—to the Committee on Ways and Means.

By Mr. LINDBERGH: Petition of citizens of Stevens County, against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. LINDSAY: Petition of A. E. Yoell, for Asiatic exclusion law—to the Committee on Immigration and Naturalization.

Also, petition of citizens of New York, against enactment of the Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

Also, petition of River Improvement and Drainage Association, for improvement of Sacramento and San Joaquin rivers—to the Committee on Rivers and Harbors.

By Mr. LOUD: Petition of citizens of Cheboygan and Onaway, against S. 3940 (religious legislation in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. MAYNARD: Paper to accompany bill for relief of Martha L. De Ryder—to the Committee on Pensions.

By Mr. McCALL: Petition of ladies of Physiological Institute, of Boston, favoring legislation to suppress manufacture and sale of opium—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Reading, Mass., against Senate bill 3940, entitled "An act for proper observance of Sunday as day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. McHENRY: Petition of the Hooven Mercantile Company, of Sunbury, Pa., for removal of duty on sugars—to the Committee on Ways and Means.

By Mr. McKINNEY: Petition of residents of Milan, Ill., for relief from overflow of waters of Mill Creek—to the Committee on Rivers and Harbors.

By Mr. MOON of Tennessee: Papers to accompany bills in re war claims of James B. Hoge; estate of William Roberts, deceased; of Abner Louder; estate of Aaron Murdock, deceased; of George W. Penny and others; and of Patrick H. Watkins, deceased—to the Committee on War Claims.

By Mr. OLCOTT: Paper to accompany bill for relief of Charlotte Velle—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: Petition of A. E. Yoell, for more stringent Asiatic exclusion law—to the Committee on Immigration and Naturalization.

By Mr. PATTERSON: Paper to accompanying H. R. 23934, for the relief of Harmony Lodge, No. 17, Ancient Free Masons, of Barnwell, S. C.—to the Committee on War Claims.

By Mr. POLLARD: Petition of Omaha Bar Association, favoring increase of salaries of United States circuit judges—to the Committee on the Judiciary.

Also, petition of residents of Auburn, Nebr., favoring the pensioning of members of the Military Telegraphers' Corps in civil war—to the Committee on Invalid Pensions.

By Mr. PRAY: Petition of citizens of Bozeman, against Senate bill 3940, entitled "An act for proper observance of Sunday as day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. RYAN: Petition of Chamber of Commerce of Buffalo, favoring removal of duty on barley—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of Buffalo, N. Y., favoring creation of a nonpartisan tariff commission—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce, Buffalo, N. Y., for increase of salaries of United States district court judges—to the Committee on the Judiciary.

Also, petition of bar association of Erie County, N. Y., for legislation increasing salaries of district court judges—to the Committee on the Judiciary.

By Mr. SHERMAN: Papers to accompany bill granting a pension to Ann Hickox—to the Committee on Invalid Pensions.

Also, petition of citizens of Utica, N. Y., for the removal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. SLAYDEN: Petition of citizens of San Antonio, Tex., against the Johnston bill (S. 3940), providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of David W. Hatch—to the Committee on War Claims.

By Mr. SMITH of Texas: Petition of citizens of Texas, against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. SPARKMAN: Petitions of citizens of Plant City, citizens of Bartow, and citizens of Manatee County, all in the State of Florida, against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. UNDERWOOD: Petition of citizens of Alabama, against S. 3940 (religious observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. VREELAND: Petition against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. WANGER: Petition of Philadelphia Board of Trade, for S. 40, providing for transportation by sea of material and equipment for use in construction of the Panama Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. WHEELER: Petition of Smith, Horton & Co., favoring removal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. WILLIAMS: Paper to accompany bill for relief of estate of Ann M. Meehan—to the Committee on War Claims.

By Mr. WOOD: Paper to accompany bill for relief of Ellen Johnson—to the Committee on Invalid Pensions.

By Mr. WOODYARD: Petition of J. S. Moore and Shattuck & Jackson Company, wholesale grocers of Parkersburg, W. Va., for removal of duty on sugar—to the Committee on Ways and Means.

SENATE.

TUESDAY, *December 15, 1908.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Edward Everett Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BURROWS, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ELECTORAL VOTE OF MONTANA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of the final ascertainment of electors for President and Vice-President appointed in the State of Montana, which, with the accompanying paper, was ordered to be filed.

PNEUMATIC-TUBE SERVICE.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, stating that, pursuant to law, he had transmitted to the Speaker of the House of Representatives a report on the feasibility and desirability of the Government purchasing and installing the equipment for pneumatic-tube service, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, returned to the Senate in compliance with its request the bill (H. R. 16743) for the removal of the restrictions or alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 21957) relating to affairs in the Territories, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAMILTON, Mr. CAPRON, and Mr. LLOYD managers at the conference on the part of the House.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 11733. An act punishing conspiracy to injure or intimidate any person in the exercise of a right under the Constitution or laws of the United States;

H. R. 12899. An act to provide for a disbursing officer for the Government Hospital for the Insane;

H. R. 15448. An act to amend section 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901;

H. R. 16066. An act providing for the payment of an annual license tax by dealers in all forms of manufactured tobacco in the District of Columbia;

H. R. 18345. An act to fix the price of gas in the District of Columbia;

H. R. 18513. An act to repeal section 5 of an act entitled "An act relative to the sale of gas in the District of Columbia," approved June 6, 1896;

H. R. 20111. An act to amend an act entitled "An act to establish a code of law for the District of Columbia," relative to gambling, bucket shops, and bucketing; and

H. R. 20247. An act to amend section 8 of an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. R. 78) establishing the boundary line between the States of Colorado and Oklahoma and the Territory of New Mexico, and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

Mr. BURROWS presented a petition of sundry citizens of Scotts, Mich., praying for the passage of the so-called "postal savings bank and parcels post bills," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ANKENY presented a memorial of sundry citizens of Deming, Wash., remonstrating against the enactment of legislation making the first day of the week a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. NELSON presented a petition of the St. Paul Chapter, American Institute of Banking of St. Paul, Minn., praying for the adoption of certain amendments to the present national-bank law, which was referred to the Committee on Finance.

Mr. GAMBLE presented a memorial of sundry citizens of the States of South Dakota and Wyoming, remonstrating against the enactment of legislation making the first day of the week a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Lead City Miners' Union, of Lead, S. Dak., praying that an investigation be made into the operations of the Treadwell Mining Company, on Douglas Island, Alaska, which was referred to the Committee on Mines and Mining.

Mr. BURKETT presented an affidavit to accompany the bill (S. 7368) granting an increase of pension to Hortense B. Follett, which was referred to the Committee on Pensions.

Mr. BROWN presented sundry affidavits to accompany the bill (S. 2702) granting an increase of pension to Isaac A. Arnold, which were referred to the Committee on Pensions.

Mr. SIMMONS presented sundry papers to accompany the bill (S. 243) for the relief of John Wise, which were referred to the Committee on Claims.

Mr. LODGE presented a petition of the Ladies' Physiological Institute of Boston, Mass., praying for the enactment of legislation to suppress the importation, manufacture, and sale of opium within the jurisdiction of the United States, except for medicinal uses, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Reading and Wakefield, in the State of Massachusetts, remonstrating against the enactment of legislation making the first day of the week a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Boston, Mass., praying for the enactment of legislation granting pensions to the surviving members of the United States Military Telegraph Corps who served in the civil war, which was referred to the Committee on Pensions.

Mr. BULKELEY presented a memorial of sundry citizens of Windsor Locks, Conn., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition of the East Washington Citizens' Association of the District of Columbia, praying for the enactment of legislation providing for the elimination of the present grade siding of the Pennsylvania Railroad Company on K and Canal streets, connecting the main track of that company with the navy-yard in the District of Columbia, which was referred to the Committee on the District of Columbia.

SUFFRAGE IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I present a petition of Henry W. Blair, of Manchester, N. H., an ex-Senator of the United States, in favor of a constitutional amendment granting the right of suffrage to the citizens of the District of Columbia. I ask unanimous consent that the petition be printed in the RECORD—it is brief—and that the petition and accompanying papers be referred to the Committee on the Judiciary.

There being no objection, the petition was referred, with the accompanying papers, to the Committee on the Judiciary, and the petition was ordered to be printed in the RECORD, as follows:

To the honorable Senate and House of Representatives:

Your petitioner, Henry W. Blair, of Manchester, in the State of New Hampshire, a citizen of the United States, respectfully represents that the inhabitants of the District of Columbia, consisting of more than three hundred thousand souls, have been held and are now being held in legal bondage, under a despotic form of government in which they have had no representation whatever, which has thus oppressed and despoiled them of life, liberty, and property continuously for more than thirty years last past, and that it is alleged and claimed that the said despotism is so set up and exercised over the inhabitants of the District of Columbia by virtue of the provisions of the Constitution of the United States. The permanent continuance of such a state of things is intolerable and impossible in a free country.

Your petitioner believes that the people of the District of Columbia are entitled to their full share in the sovereignty by which they are governed, and to equality of civil and political rights with other citizens of the United States and of the several States, including voting representation in both Houses of Congress, which has over them the combined powers of the national and state governments over other American citizens.

One drop of poison at the heart kills more surely than a shower shed on the surface of the body.

It is not well for the robust freedom which dwells on the hills and mountain ranges and in the valleys and plains of the country, which is our only real hope as a nation, to behold even a splendid slavery in their capital city and its people growing fat and magnificent and contented in their bonds, though made of hemp and iron and gold so mingled that at a little distance and to the popular eye the glisten of the latter conceals the other two.

Some who claim this to be the best form of government on earth are themselves the government which they thus naturally approve; others are apprehensive that any change will be harmful to dominant interests and to the forces and conditions which keep them so; others still are honest disbelievers in free institutions and all government republican in form, or their unrepublican environment has developed native-born foreigners under the shadow of the Capitol. But the great mass of human beings in the District of Columbia want a radical change for themselves, if possible, but chiefly for their children and the generations to come.

The population of the District of Columbia has increased fivefold during the last fifty years, and with the impetus which would come from participation in the higher franchise and general sovereignty of the country (not merely the local, subordinate, municipal franchise which Congress may now confer), before the close of the twentieth century more than 2,000,000 people will dwell within her limits.

The ordinance of 1787 and the cession of territory by Georgia in both cases required the division of the territory and its admission into the Union as States when the subdivisions had a population of only 60,000 free inhabitants.

(2) Your petitioner also alleges, as a matter of history, that in time of peace great danger has arisen to the existence of the Government of the United States by reason of deficient provisions in the Constitution for the transmission of the executive power, in that under the operation of those now existing an election of President became impossible and a deadlock in the Government and disturbance of public order, if not civil war, was only avoided by resort to a certain unconstitutional makeshift or device, entered into by agreement of parties, known as an "Electoral Commission," the practical working of which was not such as to make like agreements probable hereafter.

(3) He further respectfully alleges that in his belief the failure of the Constitution to provide for the temporary exercise of the executive power and for a new election whenever for any cause no President shall have been inaugurated at the end of the regular term of the President is a source of danger calling for immediate remedy.

Wherefore your petitioner prays the Congress to inquire, and if these things are found to be so, to formulate and submit to the legislatures of the States a joint resolution or resolutions for amendments to the Constitution substantially as follows, or in some better form which the wisdom of the Congress may prescribe:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as a part of the Constitution, namely:

ARTICLE XVI.

SECTION 1. The District of Columbia shall be entitled to representation in the Congress of the United States by one Senator and by one or more Representatives, according to the rule of apportionment established by the Constitution, and to as many electors for President and Vice-President as it has Members of the Congress, who shall have the same qualifications and powers as other like officers, and shall be chosen, and all vacancies filled, by election of the people.

SEC. 2. The Congress shall prescribe and regulate the qualifications of voters in the District of Columbia in any manner consistent with government republican in form.

SEC. 3. When the choice of President shall devolve upon the House of Representatives, the Members of the House chosen from the District of Columbia shall vote and be counted as a State, but in no case shall the vote of a Member chosen to either House of Congress from said District be cast or counted when a choice of President or of Vice-President will thereby be prevented; and in case there is a tie in the vote for President in the delegation from the District of Columbia in the choice of President by the House of Representatives voting by States, and there is no choice without the vote of the delegation from the District, the Senator from the District shall vote as a member of the delegation to the end that a President may be chosen.

SEC. 4. The Congress may provide for the holding of a new election by the people of the United States forthwith whenever for any cause a President shall not be chosen or inaugurated before the expiration of the existing term of the President and for the temporary exercise of the executive power (during a period not exceeding ninety days) until a President is inaugurated whose term of office shall end four years from the expiration of the preceding full term.

SEC. 5. The Congress shall enforce this article by appropriate legislation.

Respectfully submitted.

HENRY W. BLAIR.

SUPPRESSION OF USURY IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I have, Mr. President, a valuable paper prepared by the chairman of the committee on social betterment of the President's homes commission on the suppression of usury in the District of Columbia, a matter that is engaging the attention of the Committee on the District of Columbia, two separate bills being before the committee. I ask unanimous consent that this paper may be printed as a Senate document and referred to the Committee on the District of Columbia.

The VICE-PRESIDENT. Without objection, it is so ordered.

EMPLOYEES OF DEPARTMENT OF AGRICULTURE.

Mr. HALE, from the Committee on Appropriations, to whom was referred the letter from the Secretary of Agriculture transmitting a statement showing the travel from Washington to points outside of the District of Columbia performed by officers and employees of the Department of Agriculture during the fiscal year 1908, asked to be discharged from its further consideration and that it be referred to the Committee on Agriculture and Forestry, which was agreed to.

HOLIDAY RECESS.

Mr. HALE, from the Committee on Appropriations, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, December 19, they stand adjourned until 12 o'clock meridian Monday, January 4, 1909.

HEARINGS BEFORE COMMITTEE ON PACIFIC ISLANDS AND PORTO RICO.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. FORAKER, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Pacific Islands and Porto Rico be, and it is hereby, authorized to employ a stenographer to report such hearings as may be held by it during the second session of the Sixtieth Congress, the expense thereof to be paid from the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. CLARK of Wyoming introduced a bill (S. 7803) granting an increase of pension to Alanza A. Bailey, which was read twice by its title and referred to the Committee on Pensions.

Mr. HOPKINS (by request) introduced a bill (S. 7804) for permanent consular improvement and commercial enlargement, which was read twice by its title and referred to the Committee on Foreign Relations.

Mr. SCOTT introduced a bill (S. 7805) granting an increase of pension to William A. Ferrel, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ANKENY introduced a bill (S. 7806) to remove the charge of desertion from the military record of William McCutcheon, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 7807) granting an increase of pension to Almeran A. Stillman, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. NELSON (for Mr. CLAPP) introduced a bill (S. 7808) to provide for the distribution of the reports of the United States circuit courts of appeals and of the United States circuit and district courts to certain officers of the United States, and for other purposes, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. CULLOM introduced a bill (S. 7809) granting an increase of pension to Peter Jones, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SUTHERLAND introduced a bill (S. 7810) granting an honorable discharge to Wilbur I. Rowland, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 7811) granting an increase of pension to Eugene S. Austin, which was read twice by its title and referred to the Committee on Pensions.

Mr. du PONT introduced a bill (S. 7812) granting a pension to Catharine Doherty, which was read twice by its title and referred to the Committee on Pensions.

Mr. SMOOT introduced a bill (S. 7813) granting an increase of pension to Eleanor P. Bigler, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FLINT introduced a bill (S. 7814) to divide the southern judicial district of California into three divisions and to provide for the holding of terms of court at the cities of Fresno, Los Angeles, and San Diego, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. SIMMONS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7815) granting an increase of pension to Jacob C. Ramsey (with the accompanying papers);

A bill (S. 7816) granting an increase of pension to Miles Goforth (with the accompanying papers);

A bill (S. 7817) granting an increase of pension to Gaston H. Wilder; and

A bill (S. 7818) granting an increase of pension to John Monnett.

Mr. SIMMONS introduced a bill (S. 7819) for the relief of the heirs of Nancy Barfield, deceased, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. GARY introduced a bill (S. 7820) granting an increase of pension to Julia F. Darling, which was read twice by its title and referred to the Committee on Pensions.

Mr. FRAZIER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 7821) for the relief of Joseph H. Thompson;

A bill (S. 7822) for the relief of E. B. McHenry (with an accompanying paper);

A bill (S. 7823) for the relief of Thomas J. Hunt, administrator of the estate of Samuel Mosby, deceased (with an accompanying paper);

A bill (S. 7824) for the relief of the estate of Preston Gann, deceased (with an accompanying paper);

A bill (S. 7825) for the relief of the estate of Hampton Hudgens, deceased (with an accompanying paper);

A bill (S. 7826) for the relief of the trustees of the University Street Primitive Baptist Church, of Nashville, Tenn.;

A bill (S. 7827) for the relief of the estate of Alexander O. Smith, deceased (with an accompanying paper); and

A bill (S. 7828) for the relief of the heirs of Simeon Graves, deceased (with an accompanying paper).

Mr. CUMMINS introduced a bill (S. 7829) to amend an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois, and to establish it as a post-road," approved April 26, 1882, which was read twice by its title and referred to the Committee on Commerce.

He also introduced a bill (S. 7830) granting an increase of pension to Leonard J. Harvey, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BURKETT introduced a bill (S. 7831) granting an increase of pension to Martin Long, which was read twice by its title and referred to the Committee on Pensions.

Mr. TAYLOR introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7832) granting a pension to Michael Grace;

A bill (S. 7833) granting a pension to John Sexton; and

A bill (S. 7834) granting an increase of pension to Rodham Miller.

Mr. McCUMBER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7835) granting an increase of pension to George Whitson;

A bill (S. 7836) granting an increase of pension to Roswell Thomas;

A bill (S. 7837) granting an increase of pension to Edward E. Houstain; and

A bill (S. 7838) granting an increase of pension to Ensign L. Calkins.

Mr. McCUMBER introduced a bill (S. 7839) granting an increase of pension to John E. Rogers, which was read twice by its title and referred to the Committee on Pensions.

Mr. WARNER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7840) granting an increase of pension to John Robertson;

A bill (S. 7841) granting an increase of pension to Ida L. du d'Huy;

A bill (S. 7842) granting an increase of pension to Bedford B. Hulet;

A bill (S. 7843) granting an increase of pension to John Whelan;

A bill (S. 7844) granting an increase of pension to Jennie E. Lowell;

A bill (S. 7845) granting an increase of pension to William West;

A bill (S. 7846) granting an increase of pension to Caleb Stone;

A bill (S. 7847) granting a pension to Henry Frederick Gieseke;

A bill (S. 7848) granting an increase of pension to Isaac Shields;

A bill (S. 7849) granting a pension to Charles Herold;

A bill (S. 7850) granting a pension to George W. Wells;

A bill (S. 7851) granting an increase of pension to John Mulcare; and

A bill (S. 7852) granting a pension to Samuel Robinson.

Mr. BURROWS introduced a bill (S. 7853) granting a pension to Margaret Barry, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 7854) granting an increase of pension to John H. Albee, which was read twice by its title and referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 7855) to correct the military record of Wilson Rice, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. TELLER introduced a bill (S. 7856) granting an increase of pension to Walter H. Morrison, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 7857) granting a pension to Augusta Burchard, which was read twice by its title and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 7858) granting an increase of pension to Eliza C. Clark, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 7859) for the relief of Parsey O. Burrough, which was read twice by its title and referred to the Committee on Claims.

Mr. PILES introduced a bill (S. 7860) granting an increase of pension to John E. Phelps, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 7861) for the relief of B. D. Crocker, which was read twice by its title and, with the accompanying paper, referred to the Committee on Finance.

He also introduced a bill (S. 7862) to extend the privileges of the first section of the act of June 10, 1880, to the subports of Blaine and Sumas, in the State of Washington, and allowing the Secretary of the Treasury to fix the compensation of the deputy collectors at Seattle and Tacoma, which was read twice by its title and, with the accompanying paper, referred to the Committee on Commerce.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. du PONT submitted an amendment proposing to appropriate $3,000 for salary of the United States attorney for the district of Delaware, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. NELSON submitted an amendment intended to be proposed by him to the omnibus claims bill, which was referred to the Committee on Claims and ordered to be printed.

EMPLOYMENT OF STENOGRAPHER.

Mr. LONG submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Census be, and it is hereby, authorized to employ a stenographer to report such hearings as may be held by it during the second session of the Sixtieth Congress, the expense thereof to be paid from the contingent fund of the Senate.

ANNUAL REPORT OF THE POSTMASTER-GENERAL.

Mr. CARTER. I submit a resolution and ask unanimous consent for its present consideration.

The resolution was read, as follows:

Resolved, That there be printed for the use of the Post-Office Department 10,000 copies of the annual report of the Postmaster-General for the fiscal year ended June 30, 1908.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. KEAN. I understand the Senator from Montana has inquired as to the cost of the publication, and it is under $500. I make no objection to the resolution.

The resolution was considered by unanimous consent and agreed to.

PANAMA CANAL PURCHASE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

In view of the constant reiteration of the assertion that there was some corrupt action by or on behalf of the United States Government in connection with the acquisition of the title of the French Company to the Panama Canal, and of the repetition of the story that a syndicate of American citizens owned either one or both of the Panama companies, I deem it wise to submit to the Congress all the information I have on the subject. These stories were first brought to my attention as published in a paper in Indianapolis, called "The News," edited by Mr. Delavan Smith. The stories were scurrilous and libelous in character and false in every essential particular. Mr. Smith shelters himself behind the excuse that he merely accepted the statements which had appeared in a paper published in New York, "The World," owned by Mr. Joseph Pulitzer. It is idle to say that the known character of Mr. Pulitzer and his newspaper are such that the statements in that paper will be believed by nobody; unfortunately, thousands of persons are ill informed in this respect and believe the statements they see in print, even though they appear in a newspaper published by Mr. Pulitzer. A Member of the Congress has actually introduced a resolution in reference to these charges. I therefore lay all the facts before you.

The story repeated at various times by the World and by its followers in the newspaper press is substantially as follows: That there was corruption by or on behalf of the Government of the United States in the transaction by which the Panama Canal property was acquired from its French owners; that there were improper dealings of some kind between agents of the Government and outside persons, representing or acting for an

American syndicate, who had gotten possession of the French Company; that among these persons, who it was alleged made "huge profits," were Mr. Charles P. Taft, a brother of Mr. William H. Taft, then candidate for the Presidency, and Mr. Douglas Robinson, my brother-in-law; that Mr. Cromwell, the counsel for the Panama Canal Company in the negotiations, was in some way implicated with the United States governmental authorities in these improper transactions; that the Government has concealed the true facts, and has destroyed, or procured or agreed to the destruction of, certain documents; that Mr. W. H. Taft was Secretary of War at the time that by an agreement between the United States Government and the beneficiaries of the deal all traces thereof were "wiped out" by transferring all the archives and "secrets" to the American Government, just before the holding of the convention last June at which Mr. Taft was nominated.

These statements sometimes appeared in the editorials, sometimes in the news columns, sometimes in the shape of contributions from individuals either unknown or known to be of bad character. They are false in every particular from beginning to end. The wickedness of the slanders is only surpassed by their fatuity. So utterly baseless are the stories that apparently they represent in part merely material collected for campaign purposes and in part stories originally concocted with a view of possible blackmail. The inventor of the story about Mr. Charles P. Taft, for instance, evidently supposed that at some period of the Panama purchase Mr. W. H. Taft was Secretary of War, whereas in reality Mr. W. H. Taft never became Secretary of War until long after the whole transaction in question had been closed. The inventor of the story about Mr. Douglas Robinson had not taken the trouble to find out the fact that Mr. Robinson had not had the slightest connection, directly or indirectly, of any kind or sort with any phase of the Panama transaction from beginning to end. The men who attacked Mr. Root in the matter had not taken the trouble to read the public documents which would have informed them that Mr. Root had nothing to do with the purchase, which was entirely arranged through the Department of Justice under the then Attorney-General, Mr. KNOX.

Now, these stories as a matter of fact need no investigation whatever. No shadow of proof has been, or can be, produced in behalf of any of them. They consist simply of a string of infamous libels. In form, they are in part libels upon individuals, upon Mr. Taft and Mr. Robinson for instance. But they are in fact wholly, and in form partly, a libel upon the United States Government. I do not believe we should concern ourselves with the particular individuals who wrote the lying and libelous editorials, articles from correspondents, or articles in the news columns. The real offender is Mr. Joseph Pulitzer, editor and proprietor of the World. While the criminal offense of which Mr. Pulitzer has been guilty is in form a libel upon individuals, the great injury done is in blackening the good name of the American people. It should not be left to a private citizen to sue Mr. Pulitzer for libel. He should be prosecuted for libel by the governmental authorities. In point of encouragement of iniquity, in point of infamy, of wrongdoing, there is nothing to choose between a public servant who betrays his trust, a public servant who is guilty of blackmail, or theft, or financial dishonesty of any kind, and a man guilty as Mr. Joseph Pulitzer has been guilty in this instance. It is therefore a high national duty to bring to justice this vilifier of the American people, this man who wantonly and wickedly and without one shadow of justification seeks to blacken the character of reputable private citizens and to convict the Government of his own country in the eyes of the civilized world of wrongdoing of the basest and foulest kind, when he has not one shadow of justification of any sort or description for the charge he has made. The Attorney-General has under consideration the form in which the proceedings against Mr. Pulitzer shall be brought.

Meanwhile I submit to you all the accompanying papers, so that you may have before you complete information on the subject. I call your attention to my communications in my messages to the Congress of January 20, 1902, March 11, 1903, December 7, 1903, January 4, 1904, and December 17, 1906, in which I set forth at length the history of various phases of the whole transaction. I recall your attention to the report and opinion of the Attorney-General rendered to me, dated October 25, 1902, with the accompanying documents and exhibits. I call your attention to the correspondence of the officers and agents of the Panama Canal Company with the President and other officers of the United States printed in Senate Document No. 34, December 10, 1902; also to the copy of the official proceedings of the New Panama Canal Company at Paris on the 30th of December, 1903, together with a report of the Council of Administration of that company, printed in Senate Document No. 133, January 28, 1904; and to the copy of the general conveyance by the New Panama Canal Company to the United States, also copies of certain telegrams from the president of the company making an offer of sale, and Attorney-General Knox's cablegram in response printed in Senate Document No. 285, March 23, 1906. I call your attention furthermore to the exhaustive testimony recorded in public document (Sen. Doc. No. 411, 59th Cong., 2nd sess.), which contains the searching investigation into the whole transaction made by the Congress for its information and fully considered by the Congress before it took action.

In the act approved June 28, 1902, "To provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," the Congress provided as follows:

> That the President of the United States is hereby authorized to acquire, for and on behalf of the United States, at a cost not exceeding forty millions of dollars, the rights, privileges, franchises, concessions, grants of land, right of way, unfinished work, plants, and other property, real, personal, and mixed, of every name and nature, owned by the New Panama Canal Company, of France, on the Isthmus of Panama, and all its maps, plans, drawings, records on the Isthmus of Panama, and in Paris, including all the capital stock, not less, however, than sixty-eight thousand eight hundred and sixty-three shares of the Panama Railroad Company, owned by or held for the use of said Canal Company, provided a satisfactory title to all of said property can be obtained.

It thereupon became the duty of the President, in execution of this statute, to purchase the property specified from the New Panama Canal Company, of France, provided he could obtain a satisfactory title. The Department of Justice was instructed to examine the title, and after such an examination Attorney-General Knox reported that a satisfactory title could be obtained. Payment of the purchase price was thereupon made to the New Panama Canal Company, in accordance with the act of the Congress, and the property was conveyed by that company to the United States. It was no concern of the President, or of any officer of the Executive Department, to inquire as to what the New Panama Canal Company did with the money which it received. As a matter of fact, the New Panama Canal Company did distribute the money between its shareholders and the shareholders of the preceding Panama Canal Company in accordance with the decree of a French court, and the records of the French court show who were the shareholders who received the money; but that is no concern of ours.

I call your attention to the accompanying statement as to the attempt to form an American company in 1899 for the purpose of taking over the property of the French company. This attempt proved abortive. There was no concealment in its effort to put through this plan, its complete failure and abandonment being known to everyone.

The important points set forth in the accompanying papers, and in the papers to which I have referred you, are as follows:

The investigation of the history, physical condition, and existing value of the enterprise by the Congress, resulting in the enactment of the law of 1902 authorizing the President to acquire the property for the sum of $40,000,000 upon securing a satisfactory title and thereupon to undertake the work of construction; the failure of the Americanization of the enterprise in 1899; the transmission by me to the Congress from time to time of full information and advice as to the relations of this Government to transit across the Isthmus and under the treaties, as to the negotiations and final acquisition of the title, and later as to the progress and condition of the work of construction; the previous authorization of the sale to the United States by the stockholders of the new company and their subsequent ratification; the examination and approval of the title by Mr. Knox; the arrangements for payment through J. P. Morgan & Company as the fiscal agents of this Government, and the payment accordingly at the Bank of France upon proper official receipts to the liquidators acting under the decree of the French court, the French governmental body having jurisdiction in the matter; and, finally, the subsequent apportionment and distribution of the fund to the creditors and stockholders of the two companies under that decree.

The Panama Canal transaction was actually carried through not by either the then Secretary of State, Mr. John Hay, or the then Secretary of War, Mr. Elihu Root, both of whom, however, were cognizant of all the essential features; but by the then Attorney-General, Mr. P. C. Knox, at present Senator from Pennsylvania. I directed or approved every action, and am responsible for all that was done in carrying out the will of the Congress; and the provisions of the law, enacted by Congress after exhaustive examination and discussion, were scrupulously complied with by the Executive. While the transaction was pending I saw Mr. Cromwell but two or three times, and my

communications with him were limited to the exchange of purely formal courtesies. Secretary Hay occasionally saw him, in the same manner; I doubt whether Mr. Root held any conversation with him. The Attorney-General saw him frequently, as he was counsel for the Panama Company; their communications were official, as representing the two sides. I enclose copies of my correspondence with Mr. Wm. Dudley Foulke, who first brought these scandalous stories to my attention, and with Senator Knox and Mr. Cromwell, to whom I wrote in response to the request of a gentleman who wished to know about the stockholders in the Panama Canal Company.

The title to the Panama Canal properties was vested in the New Panama Canal Company of France, which was the legal owner thereof, and the old or so-called De Lesseps Company had a large equity therein. The title was not in a New Jersey company nor in any other American company, nor did this Government have any dealings with any American company throughout the affair.

The exact legal status, to the most minute detail, appears in the exhaustive opinion of Attorney-General Knox approving the title to be given to the United States, which clearly establishes that the only party dealt with was the New Panama Canal Company of France (with the concurrence of the liquidator of the old company) and not any American corporation or syndicate.

The action of the United States Government was, of course, wholly uninfluenced by, and had nothing whatever to do with, any question as to who were, or who had been, the security-holders of either the new or the old company. Who such security-holders were was not our affair. If, as a matter of fact, the Canal companies, either or both, had been owned by American citizens or by citizens of any other nationality, it would not have altered in the slightest degree the action taken by this Government. Our concern was to get the canal property which was owned by the French Company, and to see that the title was clear. Our transactions were carried on openly, and were published in detail, and we dealt solely (so far as the interests of the old Panama Company were concerned) with the liquidator appointed by the proper French governmental body, the Civil Tribunal of the Seine, and in accordance with the decree of this same tribunal, with the New Panama Canal Company, which also went into liquidation upon the sale to the United States. All our transactions were carried on openly, and were published in detail.

The distribution of our payment of $40,000,000 follows the award of arbitrators chosen by the new company and the liquidator, authorized by the decree of this same Civil Tribunal of the Seine, and providing for a determination of the proportionate division between the new and old companies. We paid the money through the New York banking house of Messrs. J. P. Morgan & Company, acting as fiscal agents of this Government, into the Bank of France in Paris. The receipts and accounts of our Treasury Department show the payment of the money into the Bank of France and account for the money being paid over to the liquidator appointed by the Civil Tribunal of the Seine and to the New Panama Canal Company of France, the proportion of the forty million dollars being 128,600,000 francs to the liquidator of the old company and 77,400,000 francs to the New Panama Canal Company of France in liquidation. In these payments we followed to the letter the decree of the governmental tribunal of France which had the authority to make such a decree, the Civil Tribunal of the Seine. We had neither desire nor authority to go behind this decree of this proper governmental body, as all the conflicting rights of the security-holders of both companies had been settled by the decree of said court by ratification of the arbitration which resulted in that division.

I wish to make as clear as possible, and as emphatic as possible, the statement that we did not have anything to do with the distribution of a dollar of the $40,000,000 we paid as regards any stockholder or bondholder of the French Companies, save that we followed out the award of the arbitrators appointed in accordance with the decree of the French court which had dealt with the subject in awarding a certain proportion to the old company and a certain proportion to the new company. Any question concerning the stockholders, bondholders, or other beneficiaries of the proceeds of sale was purely a question for the Civil Tribunal of the Seine, the French governmental body, with which this Nation had nothing whatever to do.

Under these circumstances there was not the slightest need for Mr. Cromwell to give any information on the subject of the companies for which he had been counsel. This Government has no concern with Mr. Cromwell's relation to these companies, or either of them, or with the amount of his professional compensation; it was not the affair of this Government to inquire who were the security holders of the companies. Nevertheless, Mr. Cromwell, of his own accord, has submitted to me, together with a copy of his statement published on the 11th instant, and which I transmit herewith, a full list of the stockholders of the New Panama Canal Company of France on January 15, 1900 (numbering over 6,000), and a list of all stockholders who were present at a special meeting of the company held February 28, 1902, immediately after the cable offer of the company was made to the United States (January 9–11, 1902), to accept the appraisement of $40,000,000 made by the Isthmian Canal Commission, and to sell for said sum the Panama Canal, concessions, and other property, and the shares of the Panama Railroad Company. He has also furnished me a certified copy of the final report of the liquidator of the old company, which was filed on June 25 last and formerly approved by the Civil Tribunal of the Seine, together with a summary account prepared and signed by said liquidator as late as the 24th ultimo. I also transmit a translation of the two resolutions, with the vote upon them, adopted at the meeting of the stockholders of the new company held on April 23, 1904, for the purpose of finally ratifying the sale.

All these documents I herewith transmit as a part of this message. It appears from them that the creditors of the old company number 226,296 parties who have received dividends out of the funds in the hands of the liquidator, who, in his letter, states that in this present month of December the second and last distribution to the creditors will be begun, and that the average dividend heretofore paid to each individual was 782 francs, or $156. No payment whatever was or will be made upon the stock of the old company, as it was worthless from the day De Lesseps failed, and this cuts out from consideration all misleading statements regarding a possible purchase by anybody of the stock of the old Panama Canal Company. It has not received, and will not receive, a penny. Even upon the bonded indebtedness the dividend, I am thus informed, will amount, in the aggregate, to only about ten per centum. It likewise plainly appears that this distribution by the liquidator of the old company has been openly conducted at his office in Paris, No. 50 Rue Etienne Marcel, where all the receipts, accounts, and records of his payments are on file.

The New Panama Canal Company of France is in liquidation. As the accompanying papers set forth, this liquidated company received as its proportion of the $40,000,000 the sum of 77,400,000 francs, and this amount was distributed by the liquidation in three payments through four leading banks of Paris, covering a period of the last four years, and to shareholders numbering about 6,000. Every step of the transaction was not only taken publicly, but was, contemporaneously therewith, advertised in the legal and financial papers of France, and the banks making the payments took proper receipts from all the parties to whom payments were made, as is customary in such cases.

The capital of the New Panama Canal Company of France was 65,000,000 francs, and the distribution thus made amounted to about 130 francs on each share of 100 francs. No dividends were paid during the ten years of the company's existence. It therefore resulted that the shareholders only recovered their original investment with annual interest of about three per cent.

The accounts and records of this liquidation, which was concluded in June last, are on deposit with the Crédit Lyonnaisé of Paris as a proper custodian of the same, appointed upon such liquidation. Recently a request was made by a private individual to inspect the records of these payments, but answer was made by the custodians that they saw no proper reason for granting such request by a stranger, and, inasmuch as there is not the slightest ground for suspicion of any bad faith in the transaction, it hardly seems worth while to make the request; but if the Congress desires, I have no doubt that on the request of our Ambassador in Paris, the lists of individuals will be shown him.

As a matter of fact, there is nothing whatever, in which this Government is interested, to investigate about this transaction. So far as this Government is concerned, every step of the slightest importance has been made public by its Executive, and every step taken in France has there been made public by the proper officials.

The Congress took the action it did take after the most minute and exhaustive examination and discussion, and the Executive carried out the direction of the Congress to the letter. Every act of this Government, every act for which this Government had the slightest responsibility, was in pursuance of the act of the Congress here, and following out the decree of the Civil Tribunal of the Seine in France.

Furthermore, through the entirely voluntary act of Mr. Cromwell, I am now able to present to you full information as to these actions in France with which this Government did not have any concern, and which are set forth in the accompanying papers.

It may be well to recall that the New Panama Canal Company of France did not itself propose or fix the figure $40,000,000 as the valuation of the canal and railroad properties. That sum was first fixed by our Isthmian Canal Commission in its reports to the Congress after two years of investigation and personal inspection of all the properties and work already done, whereby the properties and the work done were in detail appraised at that sum as their value to the United States. The French company steadily refused for over two years to make any offer whatever in answer to the many written requests of the Isthmian Canal Commission; and when its president did approach the question of price, it was on the basis of $109,000,000. Later, under conditions not necessary now to rehearse, the company, by cable, accepted the appraisement of $40,000,000 made by our Commission. This Government, therefore, acquired all the properties and concessions, both of canal and railroad, at its own valuation and price, the Congress approving the price, and authorizing the expenditure of the money, after the most exhaustive examination and discussion.

I transmit herewith lists of the documents in the possession of the Department of State, the Department of Justice, and the Department of War, so that, if the Congress sees fit, it may direct that they be printed. They are, and always have been, open to the examination of any Member of the Congress. There is no object in printing them, but there is also no objection to printing them, save that it is a useless expense.

I also transmit a list of the documents furnished by Mr. Cromwell.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 15, 1908.*

APPENDIX.

HOT SPRINGS, VA., *November 29, 1908.*

The PRESIDENT.

SIR: The Indianapolis News, not only during the campaign but even after its close, has been repeatedly and continually making serious charges against your administration as well as against Mr. Taft in connection with the Panama purchase, as, for example, the following:

"THE PANAMA MATTER.

"The campaign is over and the people will have to vote to-morrow without any official knowledge concerning the Panama Canal deal. It has been charged that the United States bought from American citizens for $40,000,000 property that cost those citizens only $12,000,000. Mr. Taft was Secretary of War at the time the negotiation was closed. There is no doubt that the Government paid $40,000,000 for the property. But who got the money? We are not to know. The administration and Mr. Taft do not think it right that the people should know. The President's brother-in-law is involved in the scandal, *but he has nothing to say.* The candidate's brother has been charged with being a member of the syndicate. He has, it is true, denied it. *But he refuses to appeal to the evidence, all of which is in the possession of the administration and wholly inaccessible to outsiders.* For weeks this scandal has been before the people. The records are in Washington, and they are public records. But the people are not to see them—till after election, if then."

Even after the election this has been continued, it being said that Mr. Taft's "weakness" in Indiana (where he ran many thousands ahead of any other Republican candidate) was due in great measure to this alleged scandal, and as late as November 18th another editorial appears which I inclose. What are the facts, may I ask, in regard to these charges? Where are these "inaccessible" records? When did they come into possession of the Government, and what do they contain? If the statements of the News are true, our people ought to know it; if they are not true, they ought to have some just means of estimating what credit should be given in other matters to a journal which thus disseminates falsehoods.

Yours, faithfully, WM. DUDLEY FOULKE.

THE WHITE HOUSE,
Washington, December 1, 1908.

MY DEAR MR. FOULKE: I have received your letter of the 29th ultimo and have read it in connection with your previous letters enclosing quotations from the Indianapolis News, a paper edited by Mr. Delavan Smith. As Mr. Smith certainly knew that all the statements he made were false, both as to this Panama matter and as to the other matters of which you enclosed me clippings, and inasmuch, therefore, as the exposure of the falsity will not affect his future statements, I am not very clear what good will result from such exposure. But inasmuch as you evidently earnestly desire some answer to be made, and inasmuch as you say that some reputable people appear to believe the falsehoods of the News and Mr. Smith, and inasmuch as you seem to think that his falsehoods as regards the Panama matter are the most prominent, I will answer them.

The News states in one of its issues that probably some of the documents dealing with the matter have been destroyed. This is false. Not one has been destroyed. It states that the last documents were sent over in June of this year, the object of this particular falsehood being, apparently, to connect the matter in some way with the nomination of Mr. Taft. As a matter of fact, the last papers that we have received of any kind were sent over to us in May, 1904, and they have been accessible to every human being who cared to look at them ever since, and are accessible now. Any reputable man within or without the Congress, Republican or Democrat, has now and always has had the opportunity to examine any of these documents. You quote the News as stating that "the people have no official knowledge concerning the Panama Canal deal." The fact is that the people have had the most minute official knowledge; that every important step in the transaction and every important document have been made public in communications to the Congress and through the daily press, and the whole matter has been threshed over in all its details again and again and again.

The News gives currency to the charge that "the United States bought from American citizens for $40,000,000 property that cost these citizens only $12,000,000." The statement is false. The United States did not pay a cent of the $40,000,000 to any American citizen. The News says that there is no doubt that the Government paid $40,000,000 for the property, and continues—"But who got the money? We are not to know. The administration and Mr. Taft do not think it right that the people should know." Really this is so ludicrous as to make one feel a little impatient at having to answer it. The fact has been officially published again and again that the Government paid $40,000,000, and that it paid this $40,000,000 direct to the French Government, getting the receipt of the liquidator appointed by the French Government to receive the same. The United States Government has not the slightest knowledge as to the particular individuals among whom the French Government distributed the sum. This was the business of the French Government. The mere supposition that any American received from the French Government a "rake off" is too absurd to be discussed. It is an abominable falsehood, and it is a slander not against the American Government, but against the French Government.

The News continues, saying that "The President's brother-in-law is involved in the scandal, but he has nothing to say." The President's brother-in-law was involved in no scandal. Mr. Delavan Smith and the other people who repeated this falsehood lied about the President's brother-in-law; but why the fact that Mr. Smith lied should be held to involve Mr. Robinson in a "scandal" is difficult to understand. The scandal affects no one but Mr. Smith; and his conduct has been not merely scandalous but infamous. Mr. Robinson had not the slightest connection of any kind, sort, or description at any time or under any circumstances with the Panama matter. Neither did Mr. Charles Taft. The News says that Mr. Taft was a member of the "syndicate." So far as I know there was no syndicate; there certainly was no syndicate in the United States that to my knowledge had any dealings with the Government, directly or indirectly; and inasmuch as there was no syndicate, Mr. Taft naturally could not belong to it. The News demands that Mr. Taft "appeal to the evidence," by which it means what it calls "the records"—that is, the mass of papers, which are stored in the War Department, save such as, because of their technical character and their usefulness in the current work of the canal, it has been found advisable to send to the Isthmus.

All of these documents that possessed any importance as illustrating any feature of the transaction have already been made public. There remains a great mass of documents of little or no importance which the administration is entirely willing to have published, but which because of their mass and pointlessness, nobody has ever cared to publish. Any reputable man can have full access to these documents. If you or Mr. Swift, or Mr. Booth Tarkington, or Mr. George Ade—in short, if any reputable man—will come on here, he shall have free access to the documents and can look over everything for himself. Congress can have them all printed if it wishes; but no Congressman has ever so far intimated any desire that this should be done; I suppose because to print such a mass of documents would be a great expense, and, moreover, an entirely useless expense, unless, which is not the case, there was some object in printing them.

Now, my dear Mr. Foulke, I have answered in detail your questions and the statements of the News. You are quite welcome to print my answer; but I must frankly add that I don't think any good will come from doing so. Mr. Delavan Smith is a conspicuous offender against the laws of honesty and truthfulness; but he does not stand alone. He occupies, for instance, the same evil eminence with such men as Mr. Laffan of the New York Sun, editorials of whose paper you or others have from time to time called to my attention, just as you have called to my attention these editorials of the Indianapolis News. I never see an editorial in any one of these or similar papers unless for some reason it is sent to me by you or by some one else; and of the editorials thus sent me there is hardly one which does not contain some willful and deliberate perversion of the truth. For example, I have just made public the following statement concerning a tissue of utterly false statements which appeared in Mr. Laffan's paper, the Sun:

"As the New York Sun story entitled 'Roosevelt and Prairie Oil' has seemed to deceive a number of people, the following statement is made public about it:

"As soon as the story was brought to President Roosevelt's attention he not only called for reports concerning the statements from the Department of Justice and the Department of the Interior, but also communicated with ex-Secretary Hitchcock so as to be sure that the President's recollection was not at fault. The story is false in every particular, from beginning to end. Not only is there no such report in the Department of Justice and never has been, but no such report was ever made. In granting the franchise of the Prairie Oil and Gas Company the President simply approved the recommendation of Secretary Hitchcock submitted to him precisely as all other recommendations were submitted. Moreover, in every case referring to the granting of franchises or the adoption of regulations as regards oil and gas franchises in Oklahoma and the Indian Territory, the President approved the recommendation of Secretary Hitchcock, with the exception of one small and unimportant grant to a Delaware Indian to whom the Delaware Indians, in recognition of eight years of service to the tribe, had voted in council a fee of $50,000, which he had declined to accept, and who was given twice the usual amount of land. The statement about the alleged promise to a western Senator is as ridiculous a falsehood as the rest of the story."

The fact is that these particular newspapers, habitually and continually and as a matter of business, practice every form of mendacity known to man, from the suppression of the truth and the suggestion of the false, to the lie direct. Those who write or procure others to write these articles are engaged in the practice of mendacity for hire; and surely there can be no lower form of gaining a livelihood. Whether they are paid by outsiders to say what is false, or whether their profit comes from the circulation of the falsehoods, is a matter of small consequence. It is utterly impossible to attempt to answer all of their falsehoods. When any given falsehood is exposed, they simply repeat it and circulate another. If they were mistaken in the

facts, if they possessed in their make-up any shred of honesty, it would be worth while to set them right. But there is no question at all as to any "mistake" or "misunderstanding" on their part. They state what they either know to be untrue, or could by the slightest inquiry find out to be untrue.

I doubt if they themselves remember their own falsehoods for more than a very brief period; and I doubt still more whether anybody else does. Under these circumstances it seems hardly worth while to single out for special mention one or two given falsehoods or one particular paper, the moral standard of which is as low as, but no lower than, that of certain other papers. Of course now and then I am willing to denounce a given falsehood, as, for instance, as regards this case of the Indianapolis News, or the case I have quoted of the New York Sun, simply because it appears that some worthy people are misled or puzzled by the direct shamelessness of the untruth. But ordinarily I do not and can not pay heed to these falsehoods. If I did I would not be able to do my work. My plan has been to go ahead, to do the work, and to let these people and those like them yell; and then to trust with abiding confidence to the good sense of the American people in the assured conviction that the yells will die out, the falsehoods be forgotten, and the work remain.

Therefore, as far as I am concerned, I would rather make no answer whatever in this case. But I have much confidence in your judgment, and if you feel that these men ought to be exposed, why you are welcome to publish this letter. There is no higher and more honorable calling than that of the men connected with an upright, fearless, and truthful newspaper; no calling in which a man can render greater service to his fellow-countrymen. The best and ablest editors and writers in the daily press render a service to the community which can hardly be paralleled by the service rendered by the best and ablest of the men in public life, or of the men in business. But the converse of this proposition is also true. The most corrupt financiers, the most corrupt politicians, are no greater menace to this country than the newspaper men of the type I have above discussed. Whether they belong to the yellow press or to the purchased press, whatever may be the stimulating cause of their slanderous mendacity, and whatever the cloak it may wear, matters but little. In any event they represent one of the potent forces for evil in the community.

Yours, very truly,

THEODORE ROOSEVELT.

Hon. WILLIAM DUDLEY FOULKE,
Richmond, Ind.

DECEMBER 8, 1908.

MY DEAR SENATOR: Mr. * * * is trying to look into that Panama Canal transaction, and he has asked me for information that I am not able to furnish. I do not know whether it can be furnished at all, but if it can be I suppose you would know more about it than anyone else. He wants to get at the stock books of the Panama Canal companies, old and new, if possible, to find out the votes by which the stockholders agreed to the various transactions with the United States Government. Did this Government obtain those stock books, or any records which would show who the stockholders were? If not, have you any idea where we could obtain any information about such records?

Sincerely, yours,

THEODORE ROOSEVELT.

Hon. P. C. KNOX,
United States Senate.

SENATE OF THE UNITED STATES,
COMMITTEE ON RULES,
December 8.

DEAR MR. PRESIDENT: This Government did not get the stock books of either the old or new Panama Canal company. We did not buy the corporations or their stocks; we only bought the property. We had no dealings with the old company at all. That company and the new company adjusted their equities in the French courts. All I cared for was to see that they did adjust them in such a way as to protect this Government. In the absence of any suggestion of irregularity—and there was no such suggestion—it was a matter of indifference to the United States who owned the stock of the new company. The only question was, Did we want the property at the price? Congress decided that we did, and all you had to do was to determine if you could get a good title to it and then go ahead and make the purchase. If there was any question as to our desire for the property at the price depending upon the personnel of the stockholders, that was one for the Congress, which decided that we would take it. You executed the law directing the purchase, and that is all there is to it so far as you are concerned.

My recollection is that the final ratification of the sale was almost unanimous by the stockholders of the new company; not more than four or five small dissenting votes.

Sincerely, yours,

P. C. KNOX.

DECEMBER 8, 1908.

MY DEAR MR. CROMWELL: A friend of mine has asked me for certain facts about the Panama Canal transaction, as to which I should be obliged for any information you can give me.

Is there any way of getting at the stock books of the Panama Canal Companies, old and new, or any official record of the votes of the stockholders on the different proposals made to them for entering into agreement with the United States for the sale of their rights in Panama?

Did the United States Government ever get possession of any of these data? If not, can you tell me where they can be obtained, if in private possession here in America, or where they can be looked up in France?

With regards, sincerely yours, THEODORE ROOSEVELT.

WILLIAM NELSON CROMWELL, Esq.,
49 Wall Street, New York.

(Mr. Cromwell, in reply, sent a copy of the following statement.)

Mr. William Nelson Cromwell, at his office, to-day authorized the following statement:

"My attention has been called to a statement issued by the editor of the Indianapolis News in which he attempts to reply to the charge made by President Roosevelt that certain statements made in the Indianapolis News, both before and since the recent election and relating to the purchase of the Panama Canal by the United States, were false and untrue."

The President said:

"The News gives currency to the charge that 'the United States bought from American citizens for $40,000,000 property that cost these citizens only $12,000,000.' The statement is false. The United States did not pay a cent of the $40,000,000 to any American citizen," etc.

From the statement issued in reply by the editor of the News, I quote the following:

"The only man who paid any attention to them (that is, the criticisms referred to, etc.) was Mr. Charles P. Taft, who did deny that he was in any way related to the affair. We had no word from the President or Mr. Taft. The other men, such as Cromwell and Morgan, who were believed to have full information in regard to the business, said nothing."

And he attempts to justify the publication of the false statements appearing in his paper by saying that they "were based largely on statements of the New York World, criticisms which were made over and over again during the campaign, were utterly ignored until to-day."

The reply of the editor of the News furnishes another proof of the justice of the President's characterizations, for in the very journal under whose sheets it now takes refuge, namely, in the New York World of October 3, 1908, appears an explicit and unqualified denial by me of the story referred to and in which I used the following language:

"We may expect during a heated political contest all kinds of stories which are not worthy of notice, but this one I wish to denounce in the strongest terms as a lying fabrication without a shadow of truth in it. Neither I nor anyone allied with me, either directly or indirectly, at any time or in any place in America or abroad, ever bought, sold, dealt in, or ever made a penny of profit out of any stocks, bonds, or other securities of either the old Panama Canal Company or the New Panama Canal Company, or ever received for the same a single dollar of the forty millions paid by the United States. I make this the most sweeping statement that language can convey.

"As everybody connected with the affair knows, I abstained from receiving the forty millions in my own hands at Washington or New York as the general counsel of the company, and myself arranged for the payment of the entire forty millions direct from the Treasury of the United States through the bankers of the Government into the Bank of France at Paris to the credit of the liquidators of the two companies. There it remained subject to the order of the liquidators until distributed by them to the hundreds of thousands of beneficiaries, and not one dollar of it ever came to me or anyone in anywise connected with me. Of course I do not refer to our regular compensation as counsel."

I wish to call attention to the fact that upon the first day of the hearings before the Committee on Interoceanic Canals of the Senate of the United States in February, 1906, I voluntarily made an explicit and detailed statement showing how the $40,000,000 was paid by the United States, through Messrs. J. P. Morgan & Co. as their agents, to the Bank of France at Paris for account of the New Panama Canal Company, and also explaining the subsequent payment of the full amount to the liquidators of the New Panama Canal Company and to the liquidator of the old Panama Canal Company, who in turn distributed the same to their respective stock and bond holders, numbering hundreds of thousands of persons.

I further submitted to the Senate committee, with the permission of the Panama Government, a detailed statement of the disposition by the Republic of Panama of the $10,000,000 paid by the United States to Panama in 1904, accounting for the payment of the whole amount and showing the investments and disposition by the Panama Government of every dollar.

Upon the same public inquiry, I further stated with reference to the proposed Americanization of the Panama Canal Company in the year 1899 and the proposed formation of a syndicate for that purpose in that year, that the proposed plan "never matured into anything. It was never consummated either by subscription or by assent, and it is obsolete and an impracticable thing—proved so to be. It has no life or force of being, did not exist and never has existed, and is as dead as a doornail. That was a fruitless suggestion of the company which came to naught and under which I acted as their counsel solely."

The testimony taken by the Senate committee is a public record and was available to the editors of the News and the World, and had either of them been as interested in publishing the truth as they were to create a political sensation, they doubtless would have taken the pains to have published the above facts which I quote.

I again denounce the statement wherever published or by whomsoever made that there was a syndicate formed by American citizens to purchase the Panama Canal and to sell it to the United States as absolutely and unqualifiedly false and untrue. The Americanization plan was an entirely different matter. It was a project proposed by the company to the Rivers and Harbors Committee of the House and to President McKinley on February 27, 1899, and was formally authorized by the board of directors October 10, 1899, subject to the necessary approval of the stockholders. The initial steps were taken by me in October, November, and December, 1899, and a company formed for the purpose under the laws of New Jersey for carrying out the instructions of my client. While the certificate of incorporation of the Panama Canal Company of America was filed in New Jersey, no capital stock, except the nominal capital of $5,000 set forth in the certificate of incorporation was ever issued and nothing further was ever done by that company, as the records in the office of the secretary of state of New Jersey will show. The project adopted by the board of directors failed of approval by the stockholders in December, 1899; the board of directors in consequence resigned in a body, and the plan then and there forever ended. The period covered by this project was less than three months; not a dollar was paid in under it nor a transaction conducted by the New Jersey company for the reason stated. The plan was dead and abandoned over two years before the company finally yielded to the pressure of the American Government to sell at $40,000,000.

Now with regard to the distribution of the $40,000,000, it has been made to appear in newspaper comments that there was some mystery connected with the disposition of this money. There is no mystery and never has been. The fund in question paid into the Bank of France by the United States produced the net sum of 206,000,000 francs, the sum of 128,600,000 francs being placed to the credit of the liquidator of the old Panama Canal Company, and 77,400,000 francs to the credit of the New Panama Canal Company in liquidation, and by said bank paid over to said liquidators, respectively, pursuant to a decision of arbitration at Paris February 11, 1902, confirmed by the Civil Tribunal of the Seine.

To the Senate committee I stated that I did not know what distribution of the fund had been made and that I was in no way concerned or interested therein. That statement by me was true. I had no

pecuniary interest in the canal, and it was none of my business, personally or professionally, who were the stockholders or bondholders of the company.

Since the recent publications I have made inquiries in Paris, and am informed that the distribution of these moneys is a matter of public record; that the amount received by the liquidator of the old Panama Canal Company has been distributed by him as an officer of the court to the holders of the obligations of the old company; that these persons appeared in person at the office of the liquidator to receipt for the moneys paid to them; that they numbered 226,296, the largest number of individuals probably ever appearing in person upon a single business affair, and that the average amount paid was $156. The complete and detailed record of these payments, together with the names and receipts of every person to whom payment was made and the amount of such payment, is in the hands of the liquidator at his offices at 50 Rue Etienne Marcel, Paris, which is in a prominent and frequented part of the city, near the Bourse, easily found by anyone desirous of doing so.

As to the fund paid to the New Panama Canal Company: That company at the time of the sale of its property to the United States went into liquidation, and I am likewise recently informed that the distribution of its assets amongst its shareholders was made through four leading banks of Paris, the Crédit Lyonnaisé, Société Générale, Comptoir National d'Escompte de Paris, and Crédit Industriel et Commercial, in three separate payments (July 15, 1904, February 3, 1908, and June 15, 1908), covering a period of four years, and was completed in June, 1908. This liquidation took place at the regular offices of the company, 19 Rue Louis le Grand, Paris, readily found by anybody who honestly sought to find them. The facts concerning the liquidation are a matter of public report to the shareholders of the company (this company has no bond issues) and were the subject of official publications from time to time covering a period of four years in the official papers under direction of the courts. The amount so paid to the shareholders of the New Panama Canal Company, as I am informed by the liquidators, is approximately 129.78 francs on each share of the par value of 100 francs—that is, they received back only the capital originally invested with interest, less than 3 per cent per annum. I am informed by the liquidators that the shareholders to whom distribution was made numbered 6,796.

Neither I nor my law firm nor anyone connected with me ever owned, directly or indirectly, any share of stock in the New Panama Canal Company, nor any of the obligations or securities of the old Panama Canal Company, nor ever bought or sold any of the shares or securities of either one of said companies, nor were directly or indirectly interested in them.

I am also positive that not a man in public life in America, in or out of Congress, ever had the least pecuniary interest in the Panama Canal.

I do not know and never have known of any American citizen who has ever dealt in any of the shares of the New Panama Canal Company or the shares or bonds of the old company.

A further instance of the unwarranted attitude of the Indianapolis News and of other journals repeating the statements is furnished with respect to Mr. C. P. Taft and Mr. Douglas Robinson. In the same issue of the World (October 3, 1908) I said:

"The mention of the names of Mr. Taft and Mr. Douglas Robinson is another evidence that this is a fake story. No member of the Taft family or Mr. Douglas Robinson ever had the remotest connection with Panama Canal matters, directly or indirectly, and I never saw one of them on this subject before the United States acquired the canal. I never saw Mr. Douglas Robinson in my life. The names of Cæsar and Napoleon might as well have been used, for it could not be more impossible. All this except the dragging in of new names was threshed out before the United States Senate committee by the late Senator Morgan. Out of respect for the dead I refrain from comment upon that proceeding, but I feel warranted in saying that it was pursued with unparalleled energy and skill. It was, however, completely exploded and refuted by the facts in the case, and ended in complete discomfiture. There is not a word of truth in it, and I would not notice it at this time if it did not concern others."

The introduction of these gentlemen in the Panama affair is like the creation of a character in a work of fiction. They did not exist in the sense of having any relation to the canal matter. Neither of them ever had the least pecuniary interest in the business. It is a matter of public history that the President-elect never had any official connection with the canal until months after it had been acquired by this Government. He was in the Philippines as governor during all the years in question.

Equally perverted is the fact concerning the records and accounts of the two companies. They were not delivered to the United States because they were records of the companies' transactions with which the United States had no concern. But, as a matter of fact, the records and files of the liquidation of the old company are in the hands of the liquidators at 50 Rue Etienne Marcel, Paris, and those of the new company were, on the final payment in June, 1908, deposited with the Crédit Lyonnaisé, Boulevard des Italiens, to be preserved, in accordance with French custom, for a period of twenty years. That corporation has the custody of the records, as is well known to all parties in interest.

The whole story of Americans, or some American syndicate, buying up the Panama Canal securities at a low price, or at any price, and then turning them in upon liquidation at a profit is a fiction and a concoction. The money of the United States went to France and was distributed to the hundreds of thousands of foreign owners, none of whom, so far as I know, were Americans.

The VICE-PRESIDENT. The message will be printed and lie on the table; and unless the Senate otherwise orders, the accompanying documents will not be printed.

PEACE PALACE AT THE HAGUE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a report from the Secretary of State, with accompanying dispatch from the American legation at The Hague, concerning the wish expressed by the Second Hague Conference that appropriate contribution be made by each Government toward the adornment of the peace palace at The Hague.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 15, 1908.*

INDIAN LANDS IN OKLAHOMA.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes, returned to the Senate in compliance with its request.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 12899. An act to provide for a disbursing officer for the Government Hospital for the Insane;

H. R. 15448. An act to amend section 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901;

H. R. 16066. An act providing for the payment of an annual license tax by dealers in all forms of manufacture of tobacco in the District of Columbia;

H. R. 18345. An act to fix the price of gas in the District of Columbia;

H. R. 18513. An act to repeal section 5 of an act entitled "An act relative to the sale of gas in the District of Columbia," approved June 6, 1896;

H. R. 20111. An act to amend an act entitled "An act to establish a code of law for the District of Columbia," relative to gambling, bucket shops, and bucketing; and

H. R. 20247. An act to amend section 8 of an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906.

H. R. 11733. An act punishing conspiracy to injure or intimidate any person in the exercise of a right under the Constitution or laws of the United States, was read twice by its title and referred to the Committee on the Judiciary.

POSTAL SAVINGS BANKS.

Mr. CARTER. Mr. President, I call up for consideration Senate bill 6484.

The VICE-PRESIDENT. The Senator from Montana asks for the present consideration of the bill (S. 6484) to establish postal savings banks for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes. Is there objection?

Mr. BAILEY. Do I understand the Chair to submit it to the Senate as a matter of unanimous consent?

The VICE-PRESIDENT. The request of the Senator from Montana was equivalent to a request for unanimous consent. The question is, Will the Senate consent to the present consideration of the bill?

Mr. BAILEY. Certainly I would interpose no objection to taking up the bill for the purpose the Senator from Montana has in mind, which I understand is now to address the Senate, but of course I would object to any order agreeing to a disposition of the bill or making it the regular order of business in the Senate.

The VICE-PRESIDENT. The Chair finds, upon consulting the Calendar, that the bill is a special order for to-day.

Mr. BAILEY. I thought it was.

The VICE-PRESIDENT. The bill is before the Senate. It was considered as in Committee of the Whole and read May 7, 1908. The Senator from Montana will proceed.

Mr. CARTER. Mr. President, the special order, made after the bill had been favorably reported from the Committee on Post-Offices and Post-Roads, directed the attention of the country to this measure in a pronounced manner. I do not recall any instance of a bill on the Senate Calendar awaiting consideration in which the general public has manifested more intense interest.

National conventions of political parties, citizens' organizations, party candidates, the public press, and platform speakers have discussed and considered the bill and the principles it involves. In every State, congressional district, county, city, village, hamlet, and town in all this broad land the proposal to establish a system of postal-savings depositories has been de-

bated with that intensity which is peculiar to the American people when called upon to form and express an opinion on any question involving a noteworthy departure from the routine of existing national policy. The wide range taken by the discussion is equaled by the almost universal approval accorded the measure.

The Republican party, in national convention assembled, maturely considered and sanctioned the system in these words:

We favor the establishment of a postal savings-bank system for the convenience of the people and the encouragement of thrift.

The national Democratic convention gave its primary allegiance to what is commonly known as "the guaranty of bank deposits," but accepted the postal-savings system as an alternate proposition in these words:

We favor a postal savings bank if the guaranteed bank can not be secured, and that it be constituted so as to keep the deposited money in the communities where it is established.

The Prohibition party and the Independence League each in national convention declared for postal savings banks.

These national political conventions were not only commissioned to nominate officers for the office of President and the office of Vice-President, but they were expected, in conformity with established usage, to give expression to the views of the electors they each represented on issues involving the public welfare and the administration of the National Government. State, congressional, and county conventions gave forceful expression not only to the general policies approved by the respective national conventions, but with only few exceptions the postal savings depository idea was emphatically indorsed.

In the course of the great campaign which followed the conventions the subject was discussed by the press and mentioned with approval by public speakers representing all the contending parties. If a discordant note was sounded anywhere, it was lost in the overwhelming volume of commendation. No subject was ever more squarely presented and more thoroughly and cordially approved. This statement I make as applicable to the general principle involved. Of course the task of agreeing on the details of a bill destined to carry out the public will was committed to the Congress, and in the orderly course of procedure in the Senate we are now called upon to discharge the duty imposed upon us with reference to this bill by the direct command of a large majority of the American people.

The President of the United States deemed the subject of postal savings banks of such general concern as to make mention of it in his annual message in this clear and decisive language:

I again renew my recommendation for postal savings banks for depositing savings with the security of the Government behind them. The object is to encourage thrift and economy in the wage-earner and person of moderate means. In fourteen States the deposits in savings banks, as reported to the Comptroller of the Currency, amount to $3,590,245,402, or 98.4 per cent of the entire deposits, while in the remaining thirty-two States there are only $70,308,543, or 1.6 per cent, showing conclusively that there are many localities in the United States where sufficient opportunity is not given to the people to deposit their savings. The result is that money is kept in hiding and unemployed. It is believed that in the aggregate vast sums of money would be brought into circulation through the instrumentality of the postal savings banks. While there are only 1,453 savings banks reporting to the Comptroller, there are more than 61,000 post-offices, 40,000 of which are money-order offices. Postal savings banks are now in operation in practically all the great civilized countries, with the exception of the United States.

The President-elect not only during the campaign, but since the election, announced his belief in the wisdom and beneficence of the postal savings system. After the election the National Grange, representing in a broad and liberal way the farmers of the United States, devoted much time in their national meeting in the city of Washington to the consideration of this question, and in a resolution referring directly to the bill before us employed this language:

A bill (S. 6484) providing for the establishment of postal savings banks has been reported to the Senate and is now on the Calendar of that body; and

Whereas the enactment of this bill would greatly benefit the farmers of the country, particularly in the more sparsely settled districts and sections remote from banking facilities, by providing a convenient method of deposit for their savings, with absolute security against loss: Therefore

Resolved, That we indorse Senate bill 6484 as a measure directly in the interest of the farmers, and call upon the members of the grange to write to their Senators and Representatives in Congress urging them to vote for this bill.

Labor organizations, benevolent associations, and other organizations of high respectability have taken occasion to express their faith in, and their approval of, the bill, and the great public press has given it generous support.

In this case it seems to be the clear duty of Congress to crystallize into law the expressed will of the people, and in doing so to take note of the friendly criticisms which have been offered for consideration and approval or rejection. It is a matter of common knowledge that since the November election certain individuals and associations—actuated to some extent, no doubt, by high and worthy motives, but to a much greater extent inspired by selfish regard for the dividend-paying qualities of existing concerns—instituted a campaign of so-called "education," with a view to inducing Congress to accept the responsibility of repudiating a measure which an overwhelming majority of the American people, after a full and free discussion and consideration, directed the Congress to place upon the statute books. We should not permit the signal fact to escape attention that this adverse propaganda was not directed to the public mind during the political campaign, but has been instituted only, as to time and circumstance, in such manner as to constitute an appeal to the Congress to reverse the judgment of the people. Under the established rules of judicial procedure the appellants in this case would be refused a hearing because of failure to present their case to the trial court, but in this forum, where formalities are largely dispensed with and technical rules are rarely invoked, it is incumbent upon us to patiently consider the arguments put forward by those who in silence have heretofore apparently acquiesced.

As I have intimated, criticisms advanced are of two classes: First comes the individual who favors the enactment of a law along the lines proposed, but takes exception to certain provisions of the pending bill; and, second, comes a class wholly and irreconcilably opposed to the establishment of any kind of a postal savings-bank system in this country. With the first of these two classes we at once enter into cordial relations on the basis of united purpose, not only to establish the system but to establish the best system which our common knowledge and experience can devise after full and free exchange of opinions and views. The critics who come forward to aid us in perfecting the measure by offering suggestions and objections dwell chiefly upon five features of the bill. They allege:

First. That the maximum amount allowed to the credit of any depositor, fixed by the bill at $1,000, is too large.

Second. That no person should be permitted to deposit as much as $200 in any one month, as provided in the bill.

Third. That inasmuch as we allow all persons over the age of 10 years to open accounts, no one should be permitted to open an account individually and also as a trustee in the manner provided by the bill.

Fourth. That the deposits should not be exempt from taxation.

Fifth. That the deposits should not be exempt from seizure under legal process.

In order to clear the atmosphere for a speedy adjustment of conflicting opinions, I may as well say at the outset that I expect, with the approval of the committee, to offer amendments to the bill reducing the amount to be allowed to the credit of any depositor from $1,000 to $500, and also reducing the maximum amount allowed to be deposited by any person during any calendar month from $200 to $100; and, in addition, an amendment striking out that portion of the bill allowing any person to make a deposit as a trustee.

The bill as thus amended will, I sincerely hope, meet the approval of most of its friends who have taken exception to the three points on which the amendments will be offered. As to the exemption of deposits from taxation and seizure under legal process, I indulge the hope that after mature reflection every friend of the measure will concur in the view that the exemptions specified are indispensable, unavoidable, and desirable.

Students of assessment and taxation as conducted in the respective States are well aware that persons having less than $250 in actual money in hand or in bank rarely, if ever, feel called upon to make return of such asset to the assessor.

On July 1 of the present year the stock of money in the United States was reported at $3,378,800,000, of which about 10 per cent was in the Treasury as assets and 40 per cent in banks reporting to the Comptroller of the Currency and approximately 50 per cent elsewhere. The amount of money in circulation on the day named, exclusive of coin and other money in the Treasury as assets, but including money in reporting banks, was $3,038,000,000, or $34.72 per capita. I am not prepared to state the aggregate amount of this circulation entered upon the books of assessors throughout the country, but I venture the opinion that less than 25 per cent of the total pays taxes any year.

In the presence of this state of affairs, would it not be a harsh and impolitic discrimination against the people of small means to subject their initial savings to a burden calculated to

discourage thrift while extorting the revenues of Government from the class of citizens least able to pay?

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. CARTER. I yield to the Senator.

Mr. GALLINGER. I was unavoidably absent from the Chamber a moment ago, and I did not hear a statement I think the Senator must have made, and that is the limitation as to the amount to be deposited that shall be exempted from taxation. Is there a limitation?

Mr. CARTER. According to an amendment, which will be offered in due time, the amount allowed to the credit of any depositor, exclusive of interest accumulated, will be $500. I mentioned the sum of $250, because further on in my remarks, I shall undertake to demonstrate that the average deposit to the credit of individuals would be less than $200, and probably less than $100.

Mr. GALLINGER. The reason why I asked the question is that, taking the State of New Hampshire as an illustration, we have a very large amount of money in savings banks, $70,000,000, I think, at the present time, and almost one-half of our population are depositors.

Mr. CARTER. I think fully one-half.

Mr. GALLINGER. Fully one-half. The average deposit, I think, is less than $500, but the deposits are taxed, not as heavily as other property, because we look upon it as rather a beneficent scheme, but they are taxed three-fourths of 1 per cent, as I recall. Now, establishing postal savings banks in that State will bring those banks in direct competition with our savings banks, and in exempting them from taxation what is going to happen to the small depositors in our savings banks?

Mr. CARTER. In the State of New Hampshire the savings banks pay about three and seventy-one one-hundredths per cent interest.

Mr. GALLINGER. Yes; in interest.

Mr. CARTER. Even assuming that the three-quarters of 1 per cent deducted from the depositors in local or private savings banks is not charged to the postal savings depositor, it will be observed that the 2 per cent paid by the Government plus the three-quarters per cent paid by the individual patronizing private banks as taxes would, added together, be only 2¾ per cent, counting interest, together with the exemption as a return on the money, giving to the local savings bank a distinct advantage over the postal savings depositories in the matter of interest.

The assumption that each depositor would have $500 exempt from taxation is violent and unjustifiable. By reference to a table which, with the permission of the Senate, I will attach to my remarks, it will be found that the deposits in the various postal savings banks in other countries average from $5.77 per capita in Japan, which is the lowest, to $283.67 in Canada, which is the highest—all the countries showing less than $100 as the average deposit.

Fortunately our conclusions in regard to the prospective operations of this bill need not be speculative, for we are at liberty to consult a world-wide experience under all forms of government, extending from the adoption of the postal savings system in Great Britain in 1861 down to the present time. Any one who will take the pains to study the statistics contained in the report of the committee and those embraced in my remarks on this subject in the Senate during the last session, together with the tabulations which I will, with the permission of the Senate, have printed in this day's RECORD, must inevitably reach the conclusion that the average of deposits in the United States will never exceed $200 per capita, and probably a much less amount. Deposits are not made in the post-offices where this class of banks exists, as a rule, by investors and active men in business, but chiefly by persons seeking to save small sums which may prove useful in an emergency or form the basis for the purchase of a home or the establishment of some small business enterprise. Postal-bank depositors the world over are made up of people of small incomes with few or no commercial connections. The accumulation made of small sums deposited from time to time tend to enable such depositors to ultimately reach a point where they can make investments, and in exempting these small beginnings from taxation, we are, I submit, inaugurating a policy of the highest order of wisdom.

It must be borne in mind that we are not relieving money from taxation which is now being taxed, because it is obvious to everyone that 99 per cent of the money which the small depositors will place to their credit in the post-offices never yields one farthing of revenue through taxation anywhere. But it may be suggested by some one that designing persons would avail themselves of the postal depository as a refuge from the assessor, although an examination of the bill, as we propose to amend it, will show that it will take an individual five months to reach the maximum of $500, and an active business man would lose more by way of interest on his money during that period than the taxes would amount to. It is not pretended that the private savings banks of the country furnish to the assessors statements of the accounts of their depositors, and I doubt very much if any considerable percentage of such deposits is returned for taxation by anyone. I am informed that in Massachusetts the savings banks pay one-fourth of 1 per cent on their deposits to the State by way of a franchise tax. I presume the same is true in the State of New Hampshire and doubtless in other States, where what are called "mutual savings banks" obtain. But within the range of my knowledge and observation no banker furnishes any assessor with a statement of balances to the credit of the patrons of the bank.

There are two classes of savings banks. Those of New England are what are called "the old-style banks," organized generally by retired men of benevolent purpose, who serve as directors without pay, the bank being conducted without capital and wholly and solely conducted in the interest of depositors.

Another style of savings bank is the joint stock company, which exists chiefly in the far West, in the country beyond the Mississippi. These stock banks, so-called "savings banks," are conducted for the profit the stock may be made to yield. There is no more evidence of benevolence in the management or the purpose than in the management or purpose of a railroad company or any class of commercial enterprise conducted under corporation form.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from California?

Mr. CARTER. With pleasure.

Mr. FLINT. I should like to ask the Senator from Montana, if he has investigated the matter, whether or not the officers of these mutual savings banks of the New England States do not receive very large compensation for the services they render?

Mr. CARTER. I am informed that only the necessary clerical and administrative force is paid.

Mr. GALLINGER. That is all.

Mr. FLINT. I have been advised that there have been very large salaries paid to some officers of the larger mutual savings banks throughout the New England States, far in excess of the dividends of what are known as stock banks in the Western States.

Mr. CARTER. I imagine that the stock bank probably pays as good a salary as the mutual savings bank.

I wish it distinctly understood that in so far as my study and observation have extended, the mutual savings bank, beginning in England and adopted quite universally throughout New England, has proven a beneficent institution for the struggling poor in all the States where it has been adopted. This postal savings bank of which I speak is not needed so much in New England, where, as stated by the Senator from New Hampshire [Mr. GALLINGER], every other person—man, woman, and child—has a savings deposit. It is not needed to such an extent, I suggest, as is the case in the 32 States where 1 person in 250 only has a savings account or any facility for establishing a savings account.

Mr. BULKELEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Connecticut?

Mr. CARTER. Most assuredly.

Mr. BULKELEY. I want to say, Mr. President, if the Senator from Montana will permit me, in reply to the inquiry of the Senator from California [Mr. FLINT], that in my own State, where we probably have as large and as successful savings banks conducted on the New England plan as exist anywhere, the salaries of the officers who conduct the banks are of a very limited character. The president of the bank is generally, as the Senator from Montana has described, a retired business man, who performs the duties of that office without any compensation, and the executive officer who receives a compensation is usually the treasurer.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from California?

Mr. CARTER. With pleasure.

Mr. FLINT. I will ask the Senator from Connecticut whether he knows what is the largest amount paid one of the trustees or officers of a mutual savings bank in his State?

Mr. BULKELEY. We have in the city where I reside one of the largest savings banks, if not the largest, in our State, with deposits amounting probably to from $20,000,000 to $25,000,000. I will venture to say, without an exact knowledge of the condition, that no officer of that savings bank receives a compensation in excess of $5,000, and that but one officer receives as large a compensation as that. The clerical force necessary to conduct the business usually receives compensation of the ordinary character attached to positions of that kind. I venture the assertion now that no business of the magnitude of the savings banks of Connecticut—and I might say as well of New England—is conducted with such economical expense as are the savings banks to which the Senator from Montana has referred as existing in the New England States. We have no savings banks with capital.

Mr. CARTER. I am thankful to the Senator from Connecticut [Mr. BULKELEY] for his lucid explanation of the point raised by the Senator from California [Mr. FLINT]. The existence in New England and New York——

Mr. KEAN. And New Jersey.

Mr. CARTER. And New Jersey, Pennsylvania, Ohio, and California of reasonably adequate savings facilities through savings banks is at the basis of the great financial power of the respective States referred to. Through the agency of these widely scattered savings banks, conducted under rigid laws and by benevolently inclined gentlemen, all the available current cash in the States referred to is kept in circulation; but there are whole States in this Union, and a large number of congressional districts, in which no savings institution of any kind, character, or description exists. It is to this long-neglected section of country that this bill will come as a boon. The stock savings bank is established only at such favorable points as will promise large deposits and consequent profit on the stock. Beyond such favored points the stock company will not go, because the primary purpose is profit on the stock.

Mr. FLINT. Mr. President——

Mr. CARTER. But the benevolent institutions can not well be managed in new and sparsely settled districts with that degree of success which has marked them in the older States.

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from California?

Mr. CARTER. With pleasure.

Mr. FLINT. I call the attention of the Senator from Montana to the fact that in the State of California we have stock savings banks, known as "capital stock banks" and "mutual savings banks," and that the interest paid depositors in stock savings banks is the same as that paid to depositors in mutual savings banks.

Mr. CARTER. That is true the country over.

I propose to submit some figures showing that in the main the interest paid in the mutual banks and in the stock banks is substantially the same, with slight shades of difference here and there.

But I was proceeding to address myself to the question of exemption from taxation. In addition to what I have heretofore offered in that behalf, I make this final statement, that to impose such a task on the Postmaster-General as to all postal depositors and assessors in the United States would import an element of destruction into the system, and therefore the committee deemed it wise and in harmony with good, sound public policy to distinctly state that these deposits should be exempt from taxation. The same argument applies in a great measure to the provision exempting the savings deposits from seizure under legal process directed against a depositor. In the absence of such a provision, it is doubtful if the Government could be compelled to respond to a demand for a statement of the account of a person at any given post-office, but it was deemed prudent to make the fact clear that it was not the intention of Congress to involve the Government in a multiplicity of garnishment proceedings. On principle there is no objection to the exemption, for it is in harmony with enlightened legislative policy the world over to protect the struggling poor in the enjoyment of the fruits of toil to a limited extent. By a statute of the United States, passed long ago, a homestead conveyed by the Government to an individual by patent is exempt from seizure for debt, except where the land has been voluntarily incumbered by the homesteader.

Nearly every State in the Union exempts the library of the professional man, the tools of the mechanic, and the home in which the family lives. These exemptions are of varying extent in the different States. The exemption laws have occasionally been the refuge of dishonest men, but in the main they have proven beneficent shields for struggling men and women pursued by heartless creditors, who would prostrate the debtor by taking "the pound of flesh." The man who is never encouraged to save anything is less liable to pay his debts than the individual who, under the protection of a beneficent law, is induced to save and thus to become imbued with a higher sense of self-respect and responsibility.

The policy which tends to keep struggling men at the bottom of the ladder is ill advised and pernicious. The best and highest interests of civilization command those in power to maintain open avenues for the worthy and ambitious poor to secure a substantial start in life. Everyone who has been called upon to encounter the obstacles thrown in the way of the small beginner fully realizes that the pinch is hardest in the effort made to accumulate the first few hundred dollars. When such accumulation is made a sense of self-confidence and an increased sense of responsibility comes to the individual, and the disposition to evade the payment of honest debts disappears just in proportion as the sense of self-respect and responsibility increases. A thrifty, saving people will always be found patriotic, law-abiding, and self-respecting. The man, the woman, or the child having a deposit, be it ever so small, in the postal savings department of the United States will surely be better disposed toward the Government and all that good government means for our common country.

But I fear that I am consuming the time of the Senate to emphasize the virtues of a policy already approved, as I have said, by an overwhelming majority of the American people in all parties at the last election. I submit with candor and confidence to my fellow-Senators the amendments which I think may be profitably made to the pending bill, and my reasons for opposing any retreat from the committee position on the question of exemptions.

To the second class to whom I have heretofore referred—that is, the organized institutions and the individuals who find fault only and solely with a view to the utter defeat of the people's will—I am inclined to throw down the gage of battle. Having stood mute when the question at issue was being discussed before the great jury of American electors, these opponents should in truth and in fact not now be heard by the representatives of States and districts commissioned to carry out the people's will. But since the verdict was rendered at the election this organized opposition has concentrated its assault on Congress.

A few days ago I received from a banker in the State of Indiana a circular which had been mailed to him by the recruiting service of a central organization. This selfsame circular has since come in from so many directions as to leave no doubt of the national scope of the organized crusade against the bill. The circular is self-explanatory, and at this point I will ask the Secretary to read it. Before the reading, however, I wish to acquit the body of the membership of that distinguished organization, the American Bankers' Association, from responsibility for the statements made or the methods employed to spread them before the people.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

COMMITTEE ON POSTAL SAVINGS BANKS,
AMERICAN BANKERS' ASSOCIATION,
New York, November 24, 1908.

GENTLEMEN: At the convention of the American Bankers' Association held in Denver September 28, the sentiment of the savings-bank section, subsequently confirmed by the general convention, was strongly opposed to the establishment of postal savings banks.

We are inclosing for your serious consideration the following documents bearing on the subject:

1. Copy of the Carter postal savings-bank bill, which is indorsed by the administration, and which comes up for a hearing early in the coming session.
2. Copy of the report indorsed by the convention at Denver.
3. Copy of an address delivered by George E. Roberts, formerly Director of the Mint.
4. Copy of an address by E. R. Gurney, vice-president of the First National Bank of Fremont.
5. A condensed synopsis of the arguments against postal savings-bank legislation, to be used as a basis for newspaper articles.

We would especially call your attention to the latter, and would strongly urge the advisability of your using your best endeavors to have the newspapers in your section of the country give proper publicity to our side of the question.

We moreover believe it to be of the utmost importance to have you use your influence with the Members of Congress from your district, and to this end would suggest that you have your directors and others interested personally write to Members of Congress whom they know, voicing their protest against the bill.

We will be pleased to receive any suggestions from you and will appreciate your prompt and careful consideration of this entire proposition.

Yours, respectfully, LUCIUS TETER, *Chairman.*

Mr. CARTER. Mr. President, the speeches of Mr. Roberts and the banker referred to were very appropriate arguments,

conducted with a view to combating this bill, but the circular is unique, and this is the heading:

Each banker receiving these press suggestions is requested to present them to the publisher of the local newspaper, with the request that editorials and write ups be prepared setting forth the arguments showing the real tendency and effects of postal saving bank legislation.

POSTAL SAVINGS BANK COMMITTEE,
American Bankers' Association.

And in small type the following:

(Please remove this slip when handing to newspaper.)

[Laughter.]

The circular of suggestions to local editors can scarcely be regarded as complimentary to the gentlemen who are expected to make editorial comments along the lines indicated. A high order of prudence dictated the phrase "Please remove this slip before handing to the newspaper." The slip was signed by a committee of the American Bankers' Association, but manifestly that committee had two points in view in directing removal of the slip from the head of the circular—the first a design to approach the editor from the blind side, and the second idea was to avoid responsibility for the many loose and indefensible statements an unsophisticated editor might be induced to make under the inspiration of the circular suggestions.

With the permission of the Senate, I will incorporate that circular in the RECORD, to the end that it may get open, bold, and free circulation without any surreptitious work being necessary to reach the country editor.

The VICE-PRESIDENT. Without objection, permission is granted.

The circular referred to is as follows:

Each banker receiving these press suggestions is requested to present them to the publisher of the local newspapers with the request that editorials or write ups be prepared setting forth the arguments showing the real tendency and effects of postal savings bank legislation.

POSTAL SAVINGS BANK COMMITTEE,
American Bankers' Association.

(Please remove this slip before handing to newspaper.)

THE FUNCTIONS OF THE NATIONAL GOVERNMENT.

The National Government has functions which are distinct from those of the state and local governments. In matters such as interstate commerce, waterways, the raising of national revenue, and other matters which depend for their efficiency in any one part of the country upon conditions and management in other parts of the country should be controlled by the Federal Government; but the operation of a savings bank, being purely local, requiring no assistance from distant points, does not come within the pale of the Federal Government. How savings shall be deposited and invested is a question for the States to settle.

GOVERNMENT INCONSISTENCY.

The establishment of postal savings banks by the National Government would develop an inconsistency which can scarcely be overlooked. The Comptroller of the Currency examines national banks and publicly declares that those passing under his scrutiny are worthy of public confidence, yet in the same community where the national bank thus commended to the people is located the postal savings bank bids for the deposits, effecting a government guaranty and certain other inducements.

THE CARTER BILL.

The doctrine of the Postmaster-General concerning postal savings banks has been embodied in a law known as the "Senate bill 6484," introduced by Senator CARTER, from Montana.

When this bill is studied with care it manifests the objections to postal savings banks in a striking manner.

1. It provides for the exemption of deposits from legal processes, which is made necessary by reason of the fact that the United States Government has never submitted to attachment as an aid in execution. It is improbable therefore that a provision can be made in any legislature making attachment possible. The fact that deposits are exempt from execution would enable dishonest and designing people to secrete an undue amount of money, keeping it beyond the reach of creditors. Inasmuch as this law provides that each individual may have an account of $1,000 and that any child of 10 years or older may also have an account of $1,000, a man or woman who has a family of four children can deposit a thousand dollars for each member of his family, and therefore control $5,000 which is beyond the reach of the law. Thus by a little maneuvering a dishonest person could outwit his creditors in the matter of collecting honest debts. This feature of the postal savings bank law for the United States is so vicious that it would unhinge the commercial world, resulting in confusion and financial disaster.

2. This law provides for the establishment of interest at the rate of 2 per cent per annum, and on the supposition that all of the money deposited in savings banks during the past year had been transferred to the postal savings banks under the provisions of the proposed law with interest at 2 per cent the savings depositors of the country would have been deprived of more than $50,000,000 in interest during the year.

3. This bill provides for the Government depositing money coming into its possession through the postal savings depositories in national banks with interest at the rate of 2¼ per cent per annum. The money deposited with government depositories becomes a first lien upon the assets of the bank, so that those national banks which have savings departments must place their savings depositors in jeopardy in order to protect the postal savings bank deposits from loss.

This situation develops practical difficulties which are insurmountable objections to the proposed legislation. In this connection it is the policy of the Postmaster-General to have the receipts of the postal savings banks deposited in those national banks located nearest the place of deposit, but there might appear two practical difficulties in the path of the postal savings bank which are insurmountable objections to it.

(a) Those national banks located nearest the place where money has been deposited in postal savings banks may not accept government funds at the stipulated rate of interest.

(b) The depositories located in the vicinity of the postal savings banks which collect the funds may not be willing to jeopardize their own savings depositors by accepting large consignments of government funds upon which interest must be paid.

4. The Carter bill requires no notice for the withdrawal of deposits, so that the Government might at times be seriously embarrassed, either being forced to default in payment or deplete its gold reserve, to the detriment of the Nation's credit and the business interests of the entire country.

ERRONEOUS STATISTICS.

In presenting the claims of the postal savings bank idea upon the attention of lawmakers, there have appeared a number of erroneous statistics. For example, it has been represented that the State of Ohio has ten stock savings banks with deposits amounting to $9,000,000 and four mutual banks with deposits amounting to $19,000,000, making a total of $28,000,000 in savings deposits. Now, the fact is that aside from savings deposits in national banks in the State of Ohio, there are savings deposits aggregating $379,000,000, and, making a fair estimate of the savings deposits in national banks, the aggregate amount of savings in the State of Ohio will reach $450,000,000. This instance illustrates the lack of thoroughness with which the enthusiasm of postal savings bank advocates has been tempered, and many of the extravagant expressions which they have made when subjected to minute scrutiny have revealed the greatest inconsistency and want of fidelity to existing facts.

POSTAL SAVINGS BANKS.

A few enthusiastic men, notably Postmaster-General Von L. Meyer, have espoused the cause of postal savings banks, urging that foreign governments afford security for the savings of their peoples; and they point to the apparent success of government savings banks in foreign lands as a good reason for the establishment of postal savings banks in this country. They argue, moreover, that there are many foreign-obrn people in this country who miss the postal savings-bank accommodations when they come to America, and it is reported that many of them persistently go to the post-office and buy postal money orders, payable to themselves, in order to provide safety for their money.

PLEADS FOR IGNORANCE OF FOREIGNERS.

The advocates of postal savings banks in the United States, moreover, claim that these foreign people distrust American banking institutions by reason of their ignorance concerning American customs. It is not held by postal savings bank advocates that the banks in the United States are untrustworthy, but simply that many people do not intrust their money to the safe-keeping of banks because of their lack of knowledge. Indeed, the entire basis of argument upon which the postal savings bank idea rests is very unstable, and when compared with the arguments against postal savings banks appears very meager and illogical. The facts are, however, that people who come to this country from foreign lands readily take up with American customs and in the second generation become thoroughly Americanized. It seems, therefore, far more preferable to educate the newly arrived foreigner in regard to American institutions than to adopt old-country customs to comply with his previous experience.

PRESENT BANKING FACILITIES.

The majority of the States are at present furnished with savings systems, consisting of banks equipped with modern facilities for the transaction of a savings-bank business, which, taken together with the banking-by-mail privileges afforded by practically all financial institutions, are fully adequate for the needs of the people and the safeguarding of their deposits.

The bankers are a progressive, substantial class of men, always identified with the best interests of the community in which they live. They are always ready to adopt any modern method which will prove of service to the public. A sound bank is an honor to any town; it is a conservator of the community's resources, the worthy agent of local enterprise. How different, indeed, must be the local post-office as a depository for the savings of citizens.

GROWTH OF NEW SECTIONS IMPAIRED.

It will also be observed that the savings bank has followed the course of population and every town of any considerable size has adequate banking facilities. The bank, moreover, when planted naturally in a town capable of properly supporting it, in turn becomes the means by which the town and vicinity are built up and developed. The programme contemplated by the postal savings bank advocates means stagnation in every new section of the country; it means that business will be at a standstill by reason of the fact that the money which should be circulating locally will be transferred to other points, as the proposed savings-bank legislation provides for taking the deposits out of the local community and placing them in designated national depositories, of necessity at the large centers of population. This is manifestly against the best interests of our country, for it is in the newly developed States that the greatest growth of this country must be looked for in the future. The small savings of those sturdy people who make their homes in frontier towns, when gathered in the local bank and combined into what is known as "capital," become the sinews of business prosperity for those settlements. The money is invested in first mortgages to build homes, business blocks, factories, and other industrial enterprises. This money is invested in municipal bonds and commercial paper, all of which investments greatly assist in building up a local community. If deposited in postal savings banks, however, these savings could not be available for local purposes.

THE ORGANIZATION OF NEW BANKS MADE IMPRACTICABLE.

The proposed postal savings bank bill, if enacted by Congress, means that fewer banks will be established after the law goes into effect. It means that many and many a town, which will perforce grow up in the future, will be practically without those modern banking facilities which have proved to be the backbone of older States, towns, villages, and even rural districts. Those communities which have become accustomed to modern bank methods will not give them up; but the frontier deprived of the incentive to organize strong, sound banks, will continue for long periods to struggle against the disadvantages imposed by postal savings bank laws. The bank which has always been proudly numbered among the first establishments of growing towns will no longer be among the first institutions; but will be forced to delay its appearance by reason of the presence of its rival, the United States Post-Office, doing away with the organization of new banks.

THE GOVERNMENT'S PART IN BANKING.

It has, moreover, been pointed out that the previous experiences of the United States Government in conducting banks do not encourage us to believe that the proposed postal savings bank system would be managed with any greater degree of wisdom or success than the existing savings banks and savings departments of national banks. The proposed law places the Government in the light of a solicitor for bank deposits—a solicitor which stipulates just what rate of interest the depository shall pay. It may be found impracticable many times to force national depositors to accept postal savings bank funds at the stipulated interest rate.

In view of the facts, the Government can render the best service to the people by strengthening the established banking institutions by amended laws, such as are being considered by the finance commissions and the rulings of the Comptroller of the Currency.

STATE BANKING LAWS.

The laws regulating state banks are rapidly being amended, by the efforts of the bankers themselves, in such a way as to render the highest degree of safety for depositors. The American Bankers' Association, representing banks in all parts of the country, is making every effort to see that the depositors are afforded every safeguard which safe and sane laws can assure. One of the most active committees of this association is the standing law committee, the members of which are devoting a great deal of time and energy in making the various state laws as nearly uniform as possible, taking as a basis the laws of those States which from the standpoint of security for savings are regarded as models by conservative financiers, both in this country and abroad.

Mr. CARTER. If the function of the National Government as defined by the circular had been insisted upon from the beginning, we would not enjoy the privilege of registering a letter or of sending money by a post-office order.

The comments of the circular with reference to the bill generally are ridiculous, so ridiculous as not to be even entitled to the denomination of unfair. I will not undertake to go over that circular in detail, but in the circular they deal with one fact which I think should be mentioned here. It is stated that the national banks in the locality where the money is received at the post-office may not be willing to accept the deposit from the postmaster. A slight explanation to those who have not read the bill carefully may be desirable at this point. It is provided that the money received at the respective post-office depositories shall be by the postmasters, under rules and regulations to be prescribed by the Postmaster-General, deposited in the national bank nearest the place of receipt. The Government pays 2 per cent interest to the depositor, and the bill provides that the bank shall be required to pay 2¼ per cent interest.

The circular is gravely apprehensive of the disposition of the banks to accept this, which will be a most desirable and constantly increasing deposit, a deposit which will become larger in proportion as fear and panic spread broader in the country, a deposit which will, of course, increase in time of doubt and uncertainty, and thus tend to repair the depleted deposits of the banks at the close of the day.

In case of a panicky feeling throughout the country it is known that the small depositors, claiming amounts that do not enable them to ask for collateral security from banks or the indorsement of a director, generally withdraw their money; and those bankers who have had to encounter runs will bear free witness to the fact that the runs have often been precipitated and always aggravated by the appearance upon the street in front of the bank of a large number of persons, each claiming a small amount of money.

Mr. NELSON. Mr. President, may I ask the Senator a question at this point?

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. CARTER. Certainly.

Mr. NELSON. I desire to ask for information whether the banks to receive these deposits from the Government are required to give security for them?

Mr. CARTER. Instead of requiring security we make the postal deposit in a national bank a prior lien on its resources. But I will reach that point a little later and elucidate it somewhat more at length.

Mr. NELSON. Very well.

Mr. HOPKINS. That in the judgment of the committee is ample security, is it not?

Mr. CARTER. That is ample security, most undoubtedly, in view of the fact that the Government, through the Treasury Department, has access to these national banks and keeps constantly advised of their condition.

In the case of panic the money which is taken out by the small depositor is under present conditions placed in safety deposit vaults, holes in the ground, between the covers of the bed, in old stockings, in tin cans, and in every conceivable receptacle where a man thinks it may be safe. But, Mr. President, if the individuals could bring their money to the postmaster, they would do so, because the post-office depository has the faith and credit of the Government pledged to repayment. The postmaster, in turn, would that same afternoon deposit the funds in the bank, and thus we would have a panic preventive which would be effective.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. Certainly.

Mr. HEYBURN. I should like to inquire of the Senator from Montana, for information, what provision is there in this bill that would cover the case of a bank declining to receive a deposit accompanied by the obligation to pay interest upon it?

Mr. CARTER. Mr. President, in that respect the bill provides that if the bank in the neighborhood refuses to pay the interest required by law, the Postmaster-General may then deposit in some bank more remote than the place of receipt which is willing to pay the interest. If, in the last analysis, all banks refuse to pay interest, then the Postmaster-General may, with the approval of the Secretary of the Treasury and the Attorney-General, invest these postal savings funds in municipal, State, and other bonds to be approved.

Mr. HEYBURN. If the Senator will indulge me a little further, it was developed on a recent occasion that the amount of the securities of the class suggested by the Senator would not be sufficient to absorb, perhaps, more than 10 to 15 per cent of the deposits of this class. Then where would the Government find a use for this money that would justify it in paying interest?

Mr. CARTER. Mr. President, where the national-bank reserve agents are now, and have been for all the years, paying at least 2 per cent interest on daily balances on money subject to check and liable to be withdrawn when most needed by the reserve banks, I think it is purely speculative to suggest a contingency based upon a supposition that the banks of the country will not take a reliable deposit which is sure to increase in time of financial stringency and distress, rather than diminish.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Michigan?

Mr. CARTER. Certainly.

Mr. SMITH of Michigan. At this point I desire to ask the Senator whether he has given any attention to the question of the permanency of these deposits? Is it not true that in Europe, where the postal-savings banks are established, the funds on deposit have accumulated permanently, and in many cases there are millions and millions of dollars that have never been called for at all by the depositors; and do not such deposits, after all, constitute one of the most profitable and one of the most reliable and least vexatious of the deposits of banks?

Mr. CARTER. Mr. President, in putting the question the Senator from Michigan [Mr. SMITH] has stated substantially my approved answer. As I took occasion to remark some moments ago, we are not pioneers in putting this system forward. It has been in operation in the United Kingdom of Great Britain and Ireland since 1861, and there the experience is that the account constantly and regularly increases in aggregate amount until, I believe, in 1907 the United Kingdom postal savings deposits amounted to $950,000,000, and the average to the credit of the depositor respectively was only $72 and a fraction.

Mr. HEYBURN. I should like to ask the Senator from Montana a question.

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. With much pleasure.

Mr. HEYBURN. I wish to ask the Senator from Montana whether there is any country which receives this class of deposits for the purpose of loaning them out under any circumstances?

Mr. CARTER. This bill makes a departure with reference to the use of the deposits. As a rule these deposits are used by the respective governments for public purposes. In England they are invested in government securities, and I believe that practice generally obtains in the various countries where the system has been adopted. But the committee was confronted with the important fact that the concentration at the national capital or at any or all of the great financial centers of the country of the small, accumulated savings of the people would result in impoverishing the circulation at extremities, to the enduring injury of remote sections. Therefore we concluded that it would be sounder and better policy to make a provision which would insure not only the extending of saving facilities to the people, but the circulation of the money of the people in the respective communities.

Mr. HEYBURN. May I ask the Senator from Montana a question?

The VICE-PRESIDENT. Does the Senator from Montana yield further to the Senator from Idaho?

Mr. CARTER. Most assuredly.

Mr. HEYBURN. Does it not result in the Government guaranteeing the loans of this money made by the national banks?

Mr. CARTER. Mr. President, that suggests another thought, which I will interject at this time. As I have stated, the postal savings deposits in the banks are made by the bill a prior lien upon the resources of the banks. With the loaning of the postal money by the banks we have not to do, but the agents of the Treasury Department are permitted at any time to examine national banks, and we think that with such examination as a safeguard, with knowledge of the interior conditions of the bank possessed by the Government through the examination, the postal savings fund will be amply secured by the lien. We took this course because of an earnest desire to avoid a concentration of these sums in the financial centers, to the impoverishment, as I stated, of the circulation throughout the country.

It was suggested that we require collateral from the banks in the form of bonds, to be deposited as security for the postal funds. But it at once became apparent on slight reflection that in purchasing the bonds the banks would be compelled to go to the bondholding centers, where that class of securities are generally held, and that by indirection we would thus cause the money of the people to be concentrated at the capital or in the financial centers in a manner that we did not desire should be done.

It has been suggested that state banks should likewise be made depositories. If that departure should obtain, we will then of necessity be compelled to make a provision for the acceptance from such banks of collateral security, because we will be denied the privilege of making direct examination of such institutions.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. Certainly.

Mr. HEYBURN. I trust the Senator from Montana will not conclude from my interruptions that I am antagonizing this legislation. I am simply seeking light to the end that we may avoid difficulties which would militate against the usefulness of the legislation.

I should like to make a suggestion. Would it not seriously detract from the credit of national banks in their ordinary business if you gave preference to this class of deposits where this class of deposits might perhaps exceed the general deposits of the bank? Would depositors submit to being placed in a position subject to a preferential creditor?

Mr. CARTER. I have not observed that persons who deposit in national depositories lose faith or have their confidence impaired because the money placed there by the United States Treasury on temporary deposit is specially secured. What is the essential difference between the banks taking the funds of the bank or the funds of depositors and buying bonds and placing them in the Treasury of the United States to secure the United States Government deposits and saying that the United States postal deposit is a preferred claim?

Indeed, I suggest to the Senator from Idaho that when collateral security is put up by the local bank it is well known that the market value of the bonds required always exceeds the amount of the deposit by a fair margin, to make up for fluctuations.

Mr. HEYBURN. I suggest to the Senator that there are not enough of that class of securities in existence to meet so large a business transaction as is proposed by this legislation.

Mr. CARTER. We realize that; and then, I presume, the tendency would be to inflate the value of bonds, should we require collateral security. But I submit to the Senator that with this widely scattered business of the Post-Office Department, making these deposits in the banks, with the stable character of the deposits constantly increasing and never diminishing, except in exceptional cases, with the assurance that the deposits will increase when fear and panic appear, rather than diminish, it is a very desirable thing for the local banks to have the privilege of doing business with the post-office. I imagine that if there are two banks in a given town in our western country and the Postmaster-General should approve one as a place in which to put postal deposits and decline to approve the other, his acceptance of the bank for postal business would be advertised upon the window just as we see advertised everywhere the words "United States depository" on the window of a bank in which the Government elects to place its money.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Kansas?

Mr. CARTER. With pleasure.

Mr. CURTIS. I should like to ask the Senator if the committee considered, or if he has considered, the advisability of permitting these deposits to be placed in state banks. One of the complaints that is urged against the bill is that no such provision is contained in it.

Mr. CARTER. In reply to the question of the Senator from Kansas I can speak only individually. The matter to which he refers was considered by the committee, and it at once appeared that inasmuch as the United States would have no right or authority whatever to make any examination of the business or solvency of a private bank, it could not with that degree of confidence which would obtain in the case of a national bank enter into business relations with it. But since the subject has been more thoroughly discussed throughout the country, a disposition has been manifested by some Senators, and on the initiative of many citizens who are friendly to the postal savings banks, that some provision be made whereby deposits may be made in banks organized under state laws. I doubt if we could go far enough to make any provision which would allow a deposit in a purely private bank, but where the laws of a State are sufficiently rigid to secure sound banking, where collateral security could be provided in addition to the known solvency of the banks, I believe an amendment could be attached to the bill permitting the transaction of business with such state banks. But I am not prepared to offer that.

Mr. HOPKINS. I desire to ask the Senator from Montana if it would not be better in these small places to have the state banks take out national charters. Under the national banking act a capital of $25,000 is sufficient to organize a national bank. Then there would be throughout the entire country one system, and we would have one set of bank examiners to control the examination of the small banks as well as the large ones.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Michigan?

Mr. CARTER. Certainly.

Mr. SMITH of Michigan. I wish to suggest to the Senator from Illinois that there may be advantages under the state law which a state savings bank would not willingly forego. For instance, a national bank is not free to invest its deposits in real estate, whereas a state bank may do so.

I desire also further to suggest to the Senator from Illinois, and the Senator from Montana as well, that it might be possible, wherever a state bank submitted itself to an examination by the federal authorities with reference to its soundness, that it would be sufficiently attractive to get some of these funds. Take, for instance, a post-office in a community where there is no national bank. It would seem a little unfortunate if the deposits should be made in the post-office and then taken away from that community entirely because of the absence of a national bank in the immediate neighborhood, whereas a state bank there might be equally secure.

Take it in the State of Michigan, for instance. The state banks are under examination as thorough and as effective and as complete as that of the national banks. I think a better system of examination prevails in the state banks of Michigan than in the national banks, because of this fact: The state bank examiner gets a salary for his services, and he can spend as much time in a state bank as is necessary to ascertain its soundness, whereas under the federal system the national bank pays a fixed sum for each examination, no matter how little time is consumed in making it, and oftentimes it is hurried and incomplete and unsatisfactory. Indeed, I know of national banks which have protested against the unsatisfactory examinations conducted by the national authority.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. Certainly.

Mr. HEYBURN. I would suggest the necessity for considering not only the examination of the state bank, but the control of the state bank by the National Government.

For instance, if the condition of a state bank suggested a suspicion that it was not doing business upon a safe basis, the Government of the United States would have no power, either through the appointment of a receiver or otherwise, to make it change its method of doing business. While a state bank might stand the examination to-day, it might be suggested to

the Government to-morrow that the bank had changed its method and was no longer safe. On the other hand, the national bank is subject to control as well as to examination by the federal authority.

Mr. SMITH of Michigan. If the Senator from Montana will pardon me for just a moment, I dislike very much to think of any legislation which would seriously interfere with the conduct of the banking business in the various States, because it is convenient, it is safe, and it is generally under proper control. If there are no objections more serious than those I have heard against a provision in this bill, which will permit the deposits to be made under certain conditions in state banks, I think it ought to be done. The fund is a large, permanent, satisfactory fund. I do not agree with the Senator from Idaho that there will be any danger at all, but that the banks will desire this money and that they will make liberal bids for it. I can not imagine a fund so permanent in its character as will be the funds accumulated under this system not being desired by banking institutions.

But I do hope that there may be some provision attached to this bill which will not discriminate unfairly and unjustly against the state organizations that are under proper control, and which have been authorized by proper and appropriate legislation.

Mr. HOPKINS. If the Senator from Montana will permit me, before the Senator from Michigan takes his seat I desire to call his attention to the fact that the policy controlling national banks is entirely different from that controlling state banks, and one of those points is that suggested by the Senator himself, that no national bank can take real estate security for a loan. That has been the policy of the Government always.

Mr. SMITH of Michigan. I think the Senator from Illinois will recall that the House of Representatives passed a bill several years ago permitting in certain Southern States national banks to take real estate.

Mr. HOPKINS. Ah! but that does not interfere with the general policy which has always prevailed.

Mr. SMITH of Michigan. No.

Mr. HOPKINS. That is what I am speaking of. That principle distinguishes national banks from state banks.

Mr. SMITH of Michigan. Exactly. The state banks of Michigan are required to invest largely in real-estate security.

Mr. HOPKINS. Yet the Senator wants state banks which invest in such securities to have the same privileges and benefits with respect to this money taken in at the post-offices that are given national banks.

Mr. SMITH of Michigan. No. I think the Senator misunderstands me. I do not want the state banks discriminated against unfairly. If it is possible under the Constitution, and under sound limitations consistent with safe banking, to have a portion of these deposits left with the local bank, whether state or national, I would like to see it done. This is an important step, and it should be undertaken with deliberation and care. As I said a moment ago, I can conceive of communities—indeed, I know of communities in my own State—prosperous and progressive where there is not a single national bank. I dislike to think that farmers and laborers and business men will deposit their money in post-offices in such a community and have it carted away a great distance to be deposited in a national bank, perhaps entirely out of sympathy with the community from which the fund is drawn.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Kansas?

Mr. CARTER. With pleasure.

Mr. CURTIS. I wish to suggest, in answer to what was said by the Senator from Illinois, that in some communities the conditions will not justify the organization of a $25,000 national bank, but they are such as to justify the organization of a $10,000 state bank. Therefore state banks of that size ought not to be deprived of the benefit of the deposits that might be made in the post-office.

Mr. CARTER. The statement made by the Senator that the bill would be improved by some provision which would permit the deposit of these postal funds in state banks will receive careful consideration from the committee, and if it is deemed proper and wise to liberalize the bill in that particular an amendment will be presented. I hope we may be able to reach a more liberal range of bank deposits than the bill now provides.

We have wandered far from the circular to which I called attention, and I will conclude my respects to the circular now by saying that its underlying idea in opposition to this bill seems to be conveyed in the lines near its close. It says:

> In view of the facts, the Government can render the best service to the people by strengthening the established banking institutions by amended laws, such as are being considered by the finance commissions and the rulings of the Comptroller of the Currency.

It does not appear that the author of the circular was in any manner advised of what the Committee on Finance would recommend nor what the Currency Commission would recommend, but on general principles accepted that source as the source of all wisdom on this and kindred questions. Or, in other words, the people of the United States are henceforth and forever to be confined to such saving facilities as may be provided by individual initiative or by national banking concerns. The old style savings bank, organized without capital and conducted by directors without compensation and solely for the benefit of the depositors, is confined to a very limited part of the United States.

Of the savings banks reported to the Comptroller of the Currency 676 are mutual institutions such as I have named and 777 are stock savings banks, the latter being operated for the benefit of both the shareholder and the depositor. According to the report of the comptroller, one-third of all the savings deposits of the United States is in the banks of New York and one-fifth in the savings banks of Massachusetts, or more than one-half of all the savings deposits of the United States is in the savings banks of these two States, which attract money from the people who patronize savings banks because of the rigid laws which give a feeling of confidence and security to the people.

New England, New York, Pennsylvania, Ohio, Illinois, Iowa, and California have 92 per cent of all the savings deposits in this country, and the remaining 8 per cent is divided among the 34 remaining States, the Territories, and the District of Columbia, and yet the committee on postal savings banks of the American Bankers' Association has the effrontery to assert that facilities for the people's savings are ample throughout this entire country when it is known of all men that there are whole congressional districts and States without any savings institutions at all. This is but natural, because in the West, the Middle West, and the South the stock company is generally organized to furnish savings facilities, and as dividends on stock are the primary purpose, it follows, as a matter of course, that such institutions are only organized at such favorable places as may promise large deposits, and consequently large dividends. The joint-stock company has never been noted for philanthropic design, and the orginizers of such a company under the name of savings bank are as keenly bent on earning profit on the investment in their stock as are the organizers of any commercial or industrial corporation.

The advocates of the pending bill insist that enlightened public policy dictates such use of the agencies of government as will encourage thrift and a saving disposition among the people. If a man remote from any banking center can, without cost or injury to the Government or perversion of its functions, be afforded as good facilities for saving his earnings as the resident of a great center of population enjoys, why should such opportunity not be extended? Why are citizens of the United States residing in sparsely settled regions remote from banks not entitled to as good treatment from their Government as residents of Siberia or Canada enjoy, through the use of an arm of the Government specially adapted to extend to them savings facilities? But it is asserted that the Government would, through postal savings depositories, invade the domain of legitimate banking. Those who make such assertions are manifestly wanting in knowledge of the provisions of the bill and ignorant of the operations of the postal savings bank system in the foreign countries in which it has been in successful operation for many years. In no just sense does the bill propose to establish a banking system. It is true that deposits are received and returned on demand to the depositor, with such interest as may have accumulated, and it is also true that moneys received will be deposited in the national banks nearest the place of receipt at a stipulated rate of interest. At this point all analogy to banking ceases; checks will not be cashed, exchange will not be bought or sold, notes will not be discounted, collections will not be made, nor will any of the customary functions and activities of a bank be invaded. The limitations provided by the bill will necessarily confine the patrons of the postal savings bank very largely to persons who rarely, if ever, have any dealings with a commercial banking concern, nor can there be injurious competition with well-conducted savings banks where such exist. The Government will pay 2 per cent on deposits, computations to be made semiannually rather than quarterly, whereas the

average rate of interest paid by mutual savings banks in the New England States is 3.72 per cent, in the Eastern States 3.49 per cent, in the Middle Western States 3.75 per cent. The average interest paid by mutual savings banks is 3.70 per cent and by stock savings banks 3.53 per cent.

To the allegation that exemption from taxation would be a premium in addition to the interest on postal savings it is quite sufficient to say that only on a very limited proportion of the deposits in either stock or mutual savings banks are any taxes paid.

It is only fair to say that the utterances of the committee on postal savings banks of the American Bankers' Association do not represent the voice of all the members of that great association, for I have been personally advised by many of its members that they had given no consideration to the subject of postal savings banks, and by many others who, having considered the subject, freely announced the conclusion that the system would result, as I believe it will, in drawing forth from innumerable hiding places and turning into the active channels of commerce and trade hundreds of millions of dollars now dormant and useless. Within the last two weeks a prominent officer of one of the leading banks of the country, who had been before the Finance Committee to give his views on currency reform, candidly stated to me that he had never read the pending bill and had not studied any aspect of the proposed postal savings system. His frank statement leads me to believe that many of the busy men who have been called upon to unite in an organized effort to defeat this proposed legislation are proceeding with much zeal and little knowledge, and for their benefit I will again tersely state what this bill as it will be amended is intended to accomplish.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law.

Mr. CARTER. I move that the Senate proceed to the consideration of Senate bill 6484, known as the "postal savings banks bill."

Mr. GALLINGER. The unfinished business, I believe, has not been disposed of. I ask unanimous consent that it be temporarily laid aside.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection?

Mr. CARTER. I object. I insist on my motion.

Mr. GALLINGER. I did not understand that the Senator had made a motion which would dispose of the unfinished business.

The VICE-PRESIDENT. The Senator from Montana has made a motion which will supersede the unfinished business if it prevails. The Senator from Montana moves that the Senate proceed to the consideration of the bill (S. 6484) to establish postal savings banks for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes.

Mr. FORAKER. May I inquire, Will that give this bill a status that would give it preference over the special order for to-morrow?

Mr. CARTER. I will state to the Senator that my understanding is it would have no more preference over the special order than does the unfinished business which I ask to have displaced.

Mr. FORAKER. It can be laid aside.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The VICE-PRESIDENT. The Senator from Montana will proceed.

Mr. CARTER. Under the provisions of the bill every post-office in the United States authorized to issue a money order, together with such other offices as the Postmaster-General may designate, will become postal savings depositories, at which any person may open an account by the deposit of not less than $1 nor more than $100 during any calendar month. Upon the opening of an account a pass book will be delivered to the depositor, and the balance may thereafter be increased by a deposit of 10 cents or the multiples thereof, each deposit to be entered by the postmaster in the depositor's book. No deposit can at any time exceed $500, exclusive of accumulated interest. A depositor desiring the return of any part of his money must make a written application to the postmaster, who will forward the same to the Postmaster-General, and in due time a check on some bank or an order on the postmaster will be forwarded to the depositor for the amount for which the application is made, if the amount is found to be due. Interest at the rate of 2 per cent per annum will be paid on the average deposit, computed every six months. No person can have more than one account, and any person over the age of 10 years may open an account. The postmasters will be required to deposit postal savings in the national banks nearest the place of receipt, and the banks will be required to pay interest at the rate of 2½ per cent per annum for the use of the money.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from California?

Mr. CARTER. Certainly.

Mr. FLINT. May I interrupt the Senator just at that point to ask him whether he does not think it would be an advantage to the bill to make it mandatory under the terms of the bill for the Postmaster-General to deposit the money pro rata among the banks in the various localities nearest the post-offices; in other words, not leaving it discretionary with the Postmaster-General to deposit in this bank or that bank, but to provide that he must deposit the money as near as possible pro rata among all the national banks in the locality?

Mr. CARTER. It is assumed that a Postmaster-General administering the law would seek to so administer it as to meet the approval of the people, and particularly approval for fair dealing with the respective banks in which deposits were made. There would be some limitations which would have to be specified if we arbitrarily commanded the Postmaster-General to deposit in all banks, irrespective of their condition. I think it will grow to be a recognized fact that the deposit of the postal savings in a national bank will be regarded as an evidence of the confidence of the Postmaster-General in the administration of the affairs of that bank, and inasmuch as that thought will prevail the Postmaster-General would of necessity be very loath to discriminate against any solvent bank.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield further to the Senator from California?

Mr. CARTER. With much pleasure.

Mr. FLINT. The point I am making is that the very fact that these deposits will be desired by the banks will lead to placing the banks in politics, a bank being desirous to be designated as the depository, and for that reason it should be eliminated from that criticism and be made mandatory, provided the Secretary of the Treasury states that the bank is solvent.

Mr. CARTER. I think if the Senator will read that portion of the bill referring to the topic we are discussing he will find that the Postmaster-General is not left with unrestricted latitude to discriminate for or against any bank. I think by fair intendment and reasonable construction the language of the bill would require that these deposits be made without partiality or discrimination in the banks in each locality.

Mr. JOHNSTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Alabama?

Mr. CARTER. With pleasure.

Mr. JOHNSTON. I should like to inquire of the Senator from Montana whether any provision is made by which deposits can be made in state banks. In my State there are many places where there are no banks except those chartered by the State, and I wish to know if some provision can not be inserted in the bill by which upon giving proper security a deposit can not be made there.

Mr. CARTER. In reference to that, I will say to the Senator from Alabama that the bill in its present form makes no provision for deposits in any bank save only national banks, but the propriety of making some provision for deposits in state banks where national banks do not exist in the neighborhood has been pressed with much force upon the attention of the committee, and at some later day the committee's position on that question will be announced in the form of a proposed amendment or the reasons for failing to propose such an amendment will be stated.

Aside from details and administrative features, I have stated the sum and substance of the proposed legislation. Of course, if the bank nearest the post-office where the money is received declines to pay the rate of interest required by law, the Postmaster-General will be authorized to deposit the same in the next nearest bank willing to pay the interest, and if no bank in the State is willing to pay the rate stipulated the Postmaster-General, with the approval of the Secretary of the Treasury and Attorney-General, may invest the idle money in municipal, county, or state bonds. The provision with reference to depositing the money in banks differs radically from any of the European or Japanese or the colonial government systems, as in substantially all other countries the postal savings are invested in

government securities. It was deemed unwise to pursue that policy in this country, because of the concentration of the peoples' savings at the national capital or the great financial centers which would inevitably follow. The design is to keep the money among the people in the respective localities where deposited. Postal savings on deposit in a national bank are made a prior lien on its resources. This means of securing the deposits was approved in preference to requiring collateral security, as is done with moneys placed in national-bank depositories by the Secretary of the Treasury, for the reason that the purchase of the necessary collateral to secure postal deposits would require all the banks to resort to the money centers for the purchase of the bonds, and thus, by indirection, the deposits of the post-office would be concentrated at the financial centers.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. Certainly.

Mr. HEYBURN. I should like to call the attention of the Senator from Montana to section 9 of the bill, which seems intended to cover the manner of withdrawing the money by the depositor. I notice a provision that—

All withdrawals of deposits must be made in even dollars unless the account shall be closed.

I would suggest to the Senator that inasmuch as we allow deposits of 10 cents and multiples thereof, a depositor might want to withdraw only 50 cents. Why should he be compelled to withdraw a dollar and then redeposit the surplus?

Mr. CARTER. Mr. President, it is very desirable, as the Senator will appreciate, to simplify the book accounts as much as possible. I will venture the opinion now that the bill could be improved by providing that no deposit should be made for less than 50 cents and that initial savings might be accumulated through a stamp system or cards up to the amount of 50 cents.

After the bill was reported I took occasion, through the Post-Office Department—and I wish to extend my thanks to that department for continuous courtesy and great helpfulness in gathering data in connection with this matter. I have taken occasion to look up the smallest deposit allowed by the various savings banks, and I find that the franc or the mark or the equivalent is about the smallest amount allowed to be deposited anywhere. The great amount of bookkeeping which would attach would be a difficulty that the Senator will readily perceive in the computation of the very small or trifling amounts if allowed to be withdrawn in fractional sums.

Mr. HEYBURN. I wish to ask a further question in connection with that. There seems to be no provision as to the manner of withdrawing money. Section 9 simply says that a depositor may withdraw his deposits. I would inquire whether he is to withdraw by check or to go in person and withdraw it, or may he give an order for the payment of an obligation upon the post-office for it?

Mr. CARTER. A later section of the bill provides that the Postmaster-General may make such rules and regulations as are necessary to carry into effect the provisions of the bill. We purposely avoided going into minute details for the purpose of directing the course of clerical work. I assume an application will have to be made in writing.

Mr. HEYBURN. If the Senator will permit me, this idea occurred in connection with the provision that the depositor could withdraw only in even dollars. If he is to withdraw it by receiving a check or order upon the post-office for the money, he would naturally want to receive the order for the exact amount or draw the check for the exact amount which he intends to pay. Suppose he owed a bill of $6.25. He must withdraw $7. Are you to give a check for $7? In that event he could not send the check to his creditor.

Mr. CARTER. Under the bill it is not contemplated that any order on the postmaster or Postmaster-General will be honored. It is expected that the depositor will make a formal application for the repayment of his deposit.

Mr. HEYBURN. To whom?

Mr. CARTER. To the postmaster, who will forward the same to the Postmaster-General, where the entire matter will be examined; and if the amount is due to the individual, it will be sent back in the form of a check on a bank, as I have stated, or by an order on the local postmaster.

Mr. HEYBURN. If the Senator will permit a further interruption in this connection, it was just to develop that position that I was making some inquiry. Then a depositor must wait until his application to withdraw the sum of $5 is made in form to the postmaster, sent to Washington City, there approved in the routine of business, and an order sent back. Suppose a depositor wanted the money more quickly than could be done in that way? Is there no alternative provision? Must he disconnect himself with his money so that he could not use it, say, without a two weeks' notice?

Mr. CARTER. Mr. President, the individual who desires his money for ready use in active business will have no dealings with the postal savings depository. The primary purpose of this institution will be to extend facilities as broad as the money-order department of the post-office service for those desiring to save. We do not wish to have it understood that in any sense checks can ever be issued against the postmaster or the Postmaster-General. We expect within a few days to present a bill for the consideration of the Senate looking to the decentralization of the Postal Service, so that we think, through the organization of field districts—some fifteen in number—the post-office business may be conducted more expeditiously for the various localities than under the present effort to conduct it from the central office in Washington.

Mr. HEYBURN. If the Senator will permit me a little further, I should like to submit this question: By the express provisions of this bill the money received by the Government is made public funds. That puts it on a par with any other money in the Treasury of the United States, does it not?

Mr. CARTER. Except as disposition is made of it by the express terms of the bill.

Mr. HEYBURN. How, under the Constitution, can public funds be paid out except pursuant to a direct appropriation for the purpose for which they are paid?

Mr. CARTER. I think the Senator, taking the bill as a whole, will find that this is a special fund.

Mr. du PONT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Delaware?

Mr. CARTER. With pleasure.

Mr. du PONT. I should like to ask the Senator from Montana whether the bill does not contemplate that a depositor in one post-office can draw out his funds from any other post-office?

Mr. CARTER. The bill does not contemplate that proceeding.

Mr. du PONT. It seems to me that is a very important provision for the large number of people who earn their money away from their homes and who, when they return home, would like to draw their money and deposit it in a regular savings bank, so as to get a higher rate of interest. I know that is the system which prevails in France, where a depositor can take his little book and draw his money from any post-office in the whole country.

Mr. CARTER. I think the Senator will find that no postmaster will pay upon the face of the book, but that it is necessary that the book should be sent to the central office before payment of the full amount is made, there to be balanced and the amount due to be ascertained, not from the pass book held by the individual, but from the central books of the postal system.

Mr. du PONT. I should like to ask the Senator from Montana whether, under the provisions of the bill, it would not be possible for the Postmaster-General to make such regulations as would enable the funds to be drawn from a post-office other than the post-office in which they were originally deposited?

Mr. CARTER. I answer that it was not the intention that that should be done.

Mr. du PONT. It seems to me that that is a very important feature which ought to be covered by the bill.

Mr. HOPKINS. That can be considered when the bill is open to amendment.

Mr. CARTER. I trust the Senator will bear in mind the point he makes, so that when the bill is taken up by sections for amendment attention may be given directly to that question.

Mr. BURKETT. While the Senator is on that point, I wish to say, although the whole matter is left very largely in detail to the Postmaster-General, that I have not observed anything in the bill that would preclude the Postmaster-General from making provision for the withdrawal of deposits in more than one office. It may not have been the intention of the Postmaster-General or of the committee in any of these recommendations, but certainly there is not anything in the bill to prevent the Postmaster-General from making any arrangement for withdrawal, whether it be wise or not.

Mr. CARTER. I shall be glad to consider that matter with the Senator when the Senator from Delaware [Mr. du PONT] presents his amendment. The whole subject can then be gone over with more profit than at present.

Before passing, I desire to make a suggestion in further reply to the Senator from Idaho [Mr. HEYBURN]. It appears from

the face of the statement to be a great hardship to require a person to wait a few days after making an application for the return of a check from a central place where the accounts of the postal savings will be kept, but that is indispensable. Payment can not be made upon the mere showing of pass books. It would be perilous, as the Senator will perceive, to authorize postmasters all over the United States to pay upon the mere showing of a pass book. Such payment is not made at any bank save and except upon comparison of the entries contained in the pass book with the books of the bank.

Mr. SMITH of Michigan. And then only upon identification.

Mr. CARTER. And then identification, as the Senator from Michigan very aptly suggests, is another important matter. The hardship is not so great as compared with regular savings banks when we reflect that all the savings banks in every State reserve the right to demand thirty days' notice, and in some cases as much as ninety days' notice of the intention of the depositor to withdraw his deposit or any part of it.

Mr. SMITH of Michigan. That is a rule of the bank, a by-law.

Mr. CARTER. Of course the law authorizes the rule, and the rule, or the by-law of the bank, may be changed from time to time.

Mr. HEYBURN. It is merely a contract.

Mr. SMITH of Michigan. Yes; a contract between depositor and depositary.

Mr. HEYBURN. A contract between the depositor and the savings bank. When he deposits in a savings bank he does it under a contract that he will give so much notice.

Mr. CARTER. Whenever a depositor makes a deposit at a post-office he will be presumed to know the law under which he is making the deposit, and therefore will enter into a contract.

Mr. HEYBURN. Probably less than 5 per cent of them will.

Mr. CARTER. They will soon become very familiar with the general provisions of the law. It is believed that through the confidence inspired by absolute assurance of repayment, for which the faith and credit of the Government will be pledged, by the extension of facilities to the people, such as the extended arms of the Postal Service can supply, hundreds of millions of dollars now in hiding will soon be placed in active circulation to the great and enduring benefit of the whole country.

Those inclined to conjure up visions of difficulty and disaster will profit by studying the history of postal savings banks in England, extending over a period of more than forty-seven years, and then, for shorter periods of time, the experience of all the British colonies, together with Russia, Sweden, Austria, Belgium, Finland, France, Hungary, Italy, the Netherlands, Japan, the Philippine Islands, and so forth, to the end of a most interesting chapter of unbroken success.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. Certainly.

Mr. HEYBURN. It occurred to me to inquire, Mr. President, of the Senator from Montana whether or not anything except actual lawful money could be deposited in the postal savings banks?

Mr. CARTER. I can not conceive, Mr. President, that the Postmaster-General would authorize any postmaster to receive checks or bills of exchange of any kind or character. Money only would be receivable, of course.

Mr. HEYBURN. Mr. President, I had supposed that was the intention of the bill, and it occurred to me that there are not many hundred million dollars of actual money in the United States. There is about 25 per cent, or probably 20 per cent, of the actual money that is in the pocket of somebody and not in any bank at all. About 75 per cent of the money would be available to do business in the postal savings banks, and when a man got his pay check at the end of the month, or the week, or the day, as the case might be, he would have to go to some bank and get the money for it before he could do business with the government postal savings bank. He would have to cash his check. I merely make these suggestions.

Mr. CARTER. Mr. President, the law is that the officers of the United States commissioned and authorized to receive money are not now anywhere authorized to receive checks or substitutes for money save at their own peril, and in some instances, I believe, they are prohibited by law from receiving anybody's check.

It will be perceived that the banking power and activity of the respective countries have increased rather than diminished since the advent of the postal savings bank, and most meager reflection will convince any inquiring mind that such increase in banking power and activity is traceable to a system which, by establishing absolute confidence and extending broad facilities, has kept in active use all the available coin and currency of the respective jurisdictions.

In this country financial disaster has occurred periodically with distressing regularity since the foundation of the Government, and all observers and students agree that panic has generally been produced by widespread distrust and often by groundless fears, resulting in the sudden withdrawal of money from the banks. Merchants and large business operators are usually borrowers, through the banks, from the small depositors, and when the small depositors become frightened the bank reserves are quickly depleted by the withdrawal of money, which is straightway hidden and withheld until confidence is restored again. The interval between the loss and restoration of confidence is marked by liquidation and sacrifice. Allow these small frightened bank depositors to place their money in the postal savings banks, and thus insure its prompt return for services in the commercial world through the national banks, and you will, with almost unerring certainty, avert violent contraction of the circulation and the consequent results which follow.

It will not answer to say that the existence of postal depositories would be a menace rather than an aid in the presence of a financial scare, because if the post-office is not open to receive a deposit withdrawn from the bank the frightened owner of the money will in the future, as in the past, have recourse to a safety-deposit box or a hole in the ground.

The postal savings bank is not an innovation, nor is the opposition presented in any sense novel. From 1807 to 1861, the banking interests of England persistently urged substantially the same objections being urged by the committee of the American Bankers' Association to-day against the establishment of postal savings banks in the United Kingdom. This question precipitated one of the most stubbornly contested parliamentary battles ever waged in the British Parliament, and when finally in 1861 a bill providing for postal savings banks passed, under the leadership of Mr. Gladstone, the prophets of evil predicted dire disaster to banks, bankers, commerce, and trade, but none of these predictions were verified by experience, but on the contrary such satisfactory results obtained that to-day no British statesman can be found to question the wisdom of the adoption or the continuance of the system. In regular order every British colony established and is now maintaining postal savings banks. Belgium, the Netherlands, Austria-Hungary, Italy, France, Russia, Switzerland, Sweden, Japan, the Philippines, and the colonies to which I have referred have postal savings banks, and no backward step has ever been taken on this question by any country.

The United States and Germany alone of all of the great governments are without postal savings facilities. In Germany the need is not so keenly felt as here, because there they have a substitute in the form of the municipal savings banks, conducted under the direct supervision of the Government in the interest of the people in every considerable city and town in the Empire.

From the fears of those who believe that the passage of this bill will impair the credit or the banking power of the country I appeal to the experience of the people, the banks, and the governments of the mighty galaxy of great nations, through whose satisfactory experience the soundness of the postal savings bank system has been established beyond the shadow of a doubt.

For the convenience of Senators desiring to investigate the subject I will, with the permission of the Senate, insert in the RECORD, as part of my remarks, certain tables, statements, and letters bearing on the subject under consideration.

The VICE-PRESIDENT. In the absence of objection, permission is granted.

Mr. CARTER. As I stated in the beginning, Mr. President, a large majority of the American people, speaking through their usual channels of expression and by their votes cast at the November election, have commanded us, as their representatives, to enact a law establishing postal savings banks, and we are not at liberty to disregard that command. The measure is not partisan, because all parties stand committed to it; it is not sectional, because all sections are interested in and will be affected by it; nor will it be a burden on the Post-Office Department, because under the provisions of the bill the system will be more than self-sustaining. It is not class legislation, because its provisions will be available for all the people, and surely it will prove a special boon to struggling men, women, and children all over this broad land.

[The tables and letters referred to follow on next page.]

APPENDIX A.

Postal savings statistics.

Country, year of establishment, etc.	1907.	1906.	1905.	1904.	1903.	1902.	1901.	1900.	1899.	1898.
EUROPE.										
Austria, 1883:										
Deposits	$44,434,421	$43,019,788	$42,536,832	$39,937,633	$36,568,590	$32,870,084	$30,355,244	$28,599,030	$26,612,972	$24,076,951
Number of accounts	2,064,403	2,004,487	1,900,194	1,798,018	1,694,702	1,610,530	1,547,541	1,484,607	1,415,348	1,318,626
Average holding	$21.52	$21.46	$22.39	$22.21	$21.58	$20.40	$19.62	$19.26	$18.80	$18.26
Belgium, 1869:										
Deposits	162,840,157	$156,733,934	$151,640,100	$147,452,000	$141,851,419	$140,986,500	$141,912,900	$127,669,500	$117,421,200	$109,006,400
Number of accounts	2,528,207	2,419,710	2,312,000	2,205,000	2,038,448	1,973,000	1,863,000	1,758,000	1,643,000	1,515,000
Average holding	$64.41	$64.77	$65.59	$66.87	$67.92	$71.46	$76.17	$70.98	$71.47	$71.95
Finland, 1887:										
Deposits	(a)	$1,213,973	$1,004,488	$1,034,184	$981,280	$[illegible]65,367	$789,014	$720,013	$589,722	$509,536
Number of accounts	(a)	57,555	53,455	56,462	53,303	47,451	42,965	40,188	35,347	30,208
Average holding	(a)	$21.09	$18.79	$18.32	$18.34	$17.60	$18.36	$17.92	$16.68	$16.87
France, 1882:										
Deposits	(a)	$258,374,735	$246,703,726	$229,158,291	$215,766,859	$213,603,320	$208,515,240	$194,989,796	$179,384,676	$168,879,128
Number of accounts	(a)	4,794,874	4,577,390	4,345,446	4,143,888	3,991,412	3,895,881	3,564,464	3,318,461	3,010,198
Average holding	(a)	$53.89	$53.90	$52.74	$52.07	$53.51	$54.78	$54.70	$54.08	$56.10
Hungary, 1886:										
Deposits	$18,044,220	$15,903,796	$13,975,300	$12,457,866	$10,713,366	$10,309,416	$7,579,625	$6,632,944	$5,983,623	$5,368,784
Number of accounts	648,652	607,456	563,973	525,818	484,834	446,695	416,328	389,083	364,775	337,936
Average holding	$27.82	$26.28	$24.78	$23.69	$22.10	$23.08	$18.21	$17.05	$16.40	$15.89
Italy, 1876:										
Deposits	$273,702,695	$233,735,421	$206,224,600	$194,278,656	$167,785,138	$156,248,204	$138,913,421	$131,652,255	$121,301,196	$110,072,639
Number of accounts	4,904,714	4,689,669	5,527,322	5,402,497	4,951,971	4,854,519	4,318,612	3,990,983	3,633,063	3,302,064
Average holding	$55.80	$49.84	$37.31	$35.96	$33.87	$32.19	$32.16	$32.99	$33.39	$33.33
Netherlands, 1881:										
Deposits	$58,489,392	$56,153,000	$52,231,689	$48,414,706	$44,828,527	$40,839,011	$37,696,208	$34,048,200	$31,494,544	$28,144,884
Number of accounts	1,336,846	1,259,681	1,184,316	1,111,590	1,035,527	966,433	896,761	829,131	764,201	693,228
Average holding	$43.75	$44.58	$44.10	$43.55	$42.52	$42.26	$42.03	$41.06	$41.21	$40.60
Russia, 1889:										
Deposits	[b]$130,721,935	$99,649,925	$88,613,475	$89,647,684	$88,425,386	$77,043,466	$67,441,000	$59,214,720	$52,003,765	$42,800,963
Number of accounts	(a)	1,488,432	1,413,448	1,469,910	1,337,680	1,163,310	1,018,735	897,618	757,770	653,470
Average holding	(a)	$66.95	$62.69	$60.99	$65.36	$66.23	$66.20	$65.97	$68.63	$65.47
Sweden, 1884:										
Deposits	(a)	$14,498,185	$14,648,559	$14,849,881	$14,601,238	$14,449,594	$14,532,662	$15,131,653	[d]$16,062,354	$17,161,001
Number of accounts	(a)	569,155	567,032	570,203	570,686	577,627	573,800	566,805	[d] 556,544	535,305
Average holding	(a)	$25.47	$25.83	$26.04	$25.59	$25.01	$25.32	$26.70	[d] $28.86	$32.06
United Kingdom, 1861:										
Deposits	$766,474,125	$759,156,704	$740,248,862	$721,893,466	$711,166,692	$703,720,660	$683,222,126	$659,652,347	$633,222,191	$599,280,758
Number of accounts	10,692,555	10,332,784	9,963,049	9,673,717	9,403,852	9,133,161	8,787,675	8,439,983	8,046,680	7,630,502
Average holding	$71.68	$73.47	$74.30	$74.62	$75.62	$77.05	$77.75	$78.16	$78.69	$78.53
NORTH AND SOUTH AMERICA.										
Bahamas, 1885:										
Deposits	(a)	$122,621	$114,027	$96,299	$93,933	$80,823	$79,976	$74,156	$63,600	$50,689
Number of accounts	(a)	1,971	1,864	1,700	1,610	1,489	1,421	1,350	1,240	1,107
Average holding	(a)	$62.21	$61.17	$56.65	$58.34	$54.61	$56.28	$54.93	$51.29	$45.79
Canada, 1868:										
Deposits	$47,452,957	$45,736,489	$45,368,321	$45,419,706	$44,255,326	$42,320,209	$39,950,813	$37,507,456	$34,771,605	$34,489,938
Number of accounts	167,285	164,542	165,518	168,572	167,023	162,761	157,308	150,987	142,141	142,289
Average holding	$283.67	$277.96	$275.10	$269.44	$264.96	$260.01	$253.87	$248.81	$244.62	$242.47
British Guiana, 1889:										
Deposits	(a)	$369,522	$324,075	$266,996	$263,506	$261,847	$238,327	$225,699	$212,252	$210,598
Number of accounts	(a)	11,192	9,966	9,158	9,189	8,678	8,202	8,263	7,853	7,225
Average holding	(a)	$33.01	$32.52	$29.15	$28.68	$30.17	$28.84	$27.31	$27.08	$29.15
Dutch Guiana, 1904:										
Deposits	(a)	$261,405	$230,222	$205,876	----------	----------	----------	----------	----------	----------
Number of accounts	(a)	6,525	5,785	4,967	----------	----------	----------	----------	----------	----------
Average holding	(a)	$40.06	$39.80	$41.45	----------	----------	----------	----------	----------	----------
ASIA.										
British India, 1882:										
Deposits	$47,902,582	$45,396,741	$43,496,821	$40,014,543	$37,055,287	$34,656,365	$32,583,673	$31,296,257	$35,010,220	$34,249,528
Number of accounts	1,190,220	1,115,758	1,058,813	987,635	922,353	866,693	816,651	785,729	783,559	755,426
Average holding	$40.25	$38.98	$41.08	$40.52	$40.17	$39.99	$39.90	$39.83	$44.68	$45.34
Ceylon, 1885:										
Deposits	$683,890	$615,717	$567,147	$548,425	$518,318	$472,004	$426,782	$407,907	$378,957	$355,984
Number of accounts	71,018	66,949	63,850	60,884	58,121	57,007	54,426	51,837	48,816	46,133
Average holding	$9.67	$9.20	$8.88	$9.01	$8.92	$8.28	$7.84	$7.83	$7.76	$7.72
Straits Settlements, 1876:										
Deposits	$339,855	$330,840	$317,208	$320,420	$331,482	$223,986	$227,169	$211,493	$204,044	$191,641
Number of accounts	(a)	3,571	3,310	3,109	3,078	2,951	2,745	2,504	2,404	2,244
Average holding	(a)	$92.65	$95.83	$103.06	$107.69	$75.90	$82.76	$84.46	$84.88	$85.45
Dutch East Indies, 1898:										
Deposits	$2,845,860	$2,841,535	$2,643,050	$2,379,437	$1,920,370	$1,576,290	$1,367,540	$1,140,871	$836,710	[c] $308,200
Number of accounts	56,464	49,566	46,478	38,424	33,550	30,058	26,535	22,327	17,010	[c] 6,114
Average holding	$50.40	$57.33	$56.87	$61.83	$57.24	$52.44	$51.54	$51.10	$49.19	[c] $50.41
Formosa, 1875:										
Deposits	$685,657	$552,408	$430,972	$141,340	$451,709	$380,230	$316,060	$321,323	$278,371	$241,935
Number of accounts	61,586	63,332	56,833	53,835	50,836	41,145	33,836	27,639	22,520	14,697
Average holding	$0.98	$8.72	$7.58	$8.20	$8.89	$9.24	$9.31	$11.61	$12.36	$16.46
Japan, 1875:										
Deposits	$46,275,300	$33,713,037	$27,015,890	$20,582,387	$15,758,653	$15,167,047	$13,544,007	$11,984,688	$11,658,747	$10,940,327
Number of accounts	8,013,193	6,658,758	5,848,498	4,907,561	3,501,353	2,906,899	2,363,355	1,979,640	1,396,147	1,239,657
Average holding	$5.77	$5.06	$4.62	$4.19	$4.50	$5.30	$5.73	$6.03	$8.35	$8.91
The Philippines, 1906:										
Deposits	$255,050	(a)	----------	----------	----------	----------	----------	----------	----------	----------
Number of accounts	2,676	(a)	----------	----------	----------	----------	----------	----------	----------	----------
Average holding	$111.77	(a)	----------	----------	----------	----------	----------	----------	----------	----------

[a] No report available. [b] June 30, 1908. [c] First year.

[d] Extract from an official report entitled "Post-Office Savings Bank of Sweden in 1899:"

"Whereas in each of the fifteen previous financial years the amount of deposits exceeded that of the withdrawals, in 1899, on the contrary, the latter exceeded the former by not less than 6,132,286 crowns (a crown being equal to 26.8 cents). This unfavorable result is due on the one hand to the fact that the rate of interest granted by private banks has been considerably increased during the year under review, and on the other hand to the fact that private banks now also accept small deposits on terms much more advantageous than those of the post-office savings bank, as they allow depositors to withdraw higher sums without giving notice in advance. Accordingly a number of depositors who had invested their savings in the post-office savings bank when the rate of interest was higher than in private banks withdrew their capital to invest in the latter banks."

Postal savings statistics—Continued.

Country, year of establishment, etc.	1907.	1906.	1905.	1904.	1903.	1902.	1901.	1900.	1899.	1898.
AFRICA.										
Cape Colony, 1884:										
Deposits	$10,722,984	$11,052,566	$11,062,093	$11,911,791	$12,401,837	$13,266,439	$12,218,628	$9,003,313	$8,440,252	$8,452,001
Number of accounts	101,553	100,699	98,328	99,421	95,590	92,413	82,753	70,812	62,356	58,953
Average holding	$105.50	$109.75	$112.20	$119.81	$129.74	$143.56	$147.65	$139.85	$135.36	$143.37
Egypt, 1901:										
Deposits	$1,928,749	$1,581,613	$1,168,624	$889,147	$336,707	$425,541	$233,466			
Number of accounts	74,178	59,084	31,411	29,151	20,199	13,295	6,740			
Average holding	$26.00	$26.77	$37.20	$30.50	$31.52	$32.01	$34.64			
Gold Coast, 1838:										
Deposits	(a)	$62,369	$43,774	$34,095	$28,172	$25,890	$21,711	$21,685	$24,187	$24,371
Number of accounts	(a)	890	648	505	615	431	341	271	458	469
Average holding	(a)	$70.08	$67.55	$84.19	$45.81	$60.07	$63.67	$80.02	$52.81	$51.96
Orange River Colony, 1897:										
Deposits	(a)	$771,340	$828,439	$764,916	$547,861	$327,842	(a)	(a)	$33,506	$95,865
Number of accounts	(a)	6,120	5,645	4,931	3,721	2,272	(a)	(a)	904	1,231
Average holding	(a)	$126.04	$146.76	$155.12	$147.23	$144.29	(a)	(a)	$37.03	$77.88
Sierra Leone, 1899:										
Deposits	(a)	$334,840	$303,081	$302,268	$280,388	$240,026	$238,094	$238,079	$232,765	$210,739
Number of accounts	(a)	4,991	5,623	5,368	5,307	4,570	4,116	3,950	3,581	4,562
Average holding	(a)	$67.09	$53.90	$56.31	$52.83	$52.52	$57.84	$60.27	$65.00	$46.19
Transvaal, 1898:										
Deposits	$6,548,844	$6,263,769	$5,224,635	$4,363,484	$3,298,859	$720,651	$537,539	$288,783	$345,312	$1,614,267
Number of accounts	51,022	47,092	40,844	35,059	27,940	12,020	11,515	9,672	9,945	12,544
Average holding	$128.35	$133.01	$127.94	$124.46	$118.07	$59.95	$46.68	$29.86	$34.72	$128.69
New South Wales, 1871:										
Deposits	(a)	$43,232,288	$38,702,715	$36,377,370	$34,155,165	$34,552,676	$32,349,032	$29,421,019	$26,692,923	$24,459,365
Number of accounts	(a)	270,982	254,331	243,794	237,389	230,755	216,947	198,014	179,526	163,552
Average holding	(a)	$159.54	$152.17	$149.21	$143.88	$149.74	$149.11	$148.58	$148.69	$149.55
Tasmania, 1882:										
Deposits	(a)	$2,336,173	$2,216,107	$2,007,971	$1,952,608	$1,840,690	$1,623,348	$1,432,226	$1,208,717	$909,928
Number of accounts	(a)	17,813	17,045	16,665	16,159	15,736	14,881	14,008	12,710	10,607
Average holding	(a)	$131.15	$130.02	$120.49	$120.84	$116.99	$109.09	$102.24	$95.10	$85.79
Western Australia, 1833:										
Deposits	(a)	$11,271,598	$10,741,806	$10,121,167	$9,677,644	$9,193,218	$7,875,744	$6,322,284	$5,431,880	$5,217,270
Number of accounts	(a)	63,574	59,764	54,873	48,008	45,108	39,318	33,646	29,371	29,791
Average holding	(a)	$177.30	$179.74	$184.45	$201.58	$203.80	$200.31	$187.91	$184.94	$175.13
New Zealand, 1867:										
Deposits	$53,077,799	$48,437,564	$42,153,735	$37,770,766	$35,957,021	$33,499,950	$30,902,343	$28,272,185	$25,891,585	$24,123,993
Number of accounts	319,733	298,746	276,066	259,164	243,675	227,465	212,436	197,408	183,046	169,968
Average holding	$175.39	$162.14	$152.69	$145.75	$146.56	$147.28	$145.47	$143.22	$141.45	$141.95

(a) No report available.

APPENDIX B.

LETTER OF SYDNEY BUXTON, OF THE GENERAL POST-OFFICE, LONDON.

NOVEMBER 13, 1908.

MY DEAR MR. MEYER: I duly received your letter of the 3d of October about post-office savings banks, and I have much pleasure in supplying you with some particulars of the British system.

I may say at the outset that the assertion to which you refer, that the post-office savings bank has been a failure in the United Kingdom and that the expense is a drain upon the Government, is quite misleading. As you will see from the profit and loss statement which I inclose, the bank has paid into the exchequer since 1876 a net gain of £1,117,381.

The deficiency during the years 1896–1899 was due to a rapid increase in the price of consols, and when the price dropped in 1900 the balance of the year's business was again in favor of the State. It so continued until 1903, when the rate of interest on the nominal value of consols was reduced to 2½ per cent, the same rate which the bank was paying and still continues to pay to its customers.

It must be remembered that although consols, at their present price, can be bought to yield more than 2½ per cent, a great part of the savings-bank money was invested when the price was a long way above par and the stock was a 2¾ per cent stock.

The change in the rate of interest had of course a considerable effect on the finances of the bank, and the expenses of management have each year since exceeded the margin of profit accruing to the Government, but the deficit could be put an end to at any time, if the Government so desired, by a slight reduction in the rate of interest allowed to depositors or even by some modification of the period during which money must remain undisturbed in the bank in order to earn interest.

Your proposal to pay depositors 2 per cent only, while you receive from the national banks 2½ per cent, certainly has the appearance of a scheme which ought, as you say, to "board itself," especially if the usual savings-bank practice of not allowing interest on broken amounts or on amounts left on deposit for less than a fixed minimum period is adopted.

I send you copies of the annual accounts of the British post-office savings bank for the last seven years and also a copy of the report of a select committee of the House of Commons appointed in 1902 to inquire into the general conditions of savings-bank funds in the United Kingdom. Perhaps you may find some details which will be of use to you in the evidence taken before the committee and in the report itself, which deals as much with private (trustee) savings banks as with the post-office savings bank.

I need hardly add that I shall be happy to give you any further particulars which you may wish to have about our system here.

Believe me, sincerely, yours,

SYDNEY BUXTON.

HON. G. VON L. MEYER.

Post-office savings bank.

	Loss.	Gain.
	£	£
1876		126,279
1877		147,116
1878		77,787
1879		125,345

Post-office savings bank—Continued.

	Loss.	Gain.
	£	£
1880		144,879
1881		145,799
1882		123,139
1883		93,794
1884		93,040
1885		64,608
1886		67,001
1887		78,805
1888		72,495
1889		36,050
1890		65,662
1891		51,117
1892		29,922
1893		35,100
1894		3,836
1895		16,983
1896	6,162	
1897	9,231	
1898	7,019	
1899	11,711	
1900		10,465
1901		26,177
1902		29,809
1903	107,403	
1904	112,090	
1905	88,094	
1906	119,870	
1907	83,247	
	547,827	1,665,208
Net gain		1,117,381

APPENDIX C.

HONOLULU CHAMBER OF COMMERCE,
Honolulu, Hawaii, November 27, 1908.

HON. GEORGE VON LENGERKE MEYER,
Postmaster-General, Washington, D. C.

DEAR SIR: Inclosed herewith find copy of a report submitted to the trustees of the Honolulu Chamber of Commerce by its committee on commerce, manufacture, and agriculture at the last meeting of the board. Upon motion, duly made and carried, the report was adopted and the recommendations therein contained approved.

Yours, very truly,

H. P. WOOD, *Secretary.*

HONOLULU, HAWAII, *November 4, 1908.*

To the president and trustees of the
Honolulu Chamber of Commerce, Honolulu.

GENTLEMEN: On September 10 this committee was requested by your president to look into the suggestion made by Mr. J. G. Pratt,

postmaster, that your chamber pass resolutions favoring the recommendation of the Postmaster-General, in regard to establishing postal savings banks and extending the parcel-post system.

Since said request was issued the subcommittee on postal laws and transportation of the Trans-Mississippi Commercial Congress, held at San Francisco last month, brought forward a resolution recommending, for stated reasons, the disapproval by the congress of the proposal to increase the limit of packages by mail. The recommendation was supported by a vote of 140 to 60, the Hawaiian delegate voting with the majority. Under these circumstances it seems unnecessary for your committee to take any action on Mr. Pratt's suggestion so far as parcel post is concerned.

Regarding postal savings depositories, your committee believes that the establishment of branch postal savings banks in country post-offices throughout these islands would do much to promote thrift among our poorer classes, as it would afford them an opportunity of placing in a safe place their money (from 10 cents upward), for which they had no immediate use; and as many country post-offices are in the immediate vicinity of the plantation offices from which large sums are paid out in wages, a fairly good business would no doubt be done in many such branch postal savings banks.

At present Japanese laborers send large amounts of their savings by postal orders to Japan. If confidence was established among these people—which it would be as soon as they fully realized that the local post-office was as safe a depository as though it were the Treasury of the United States itself—it is quite possible that they would not send their money away in such quantities and would keep it more in the country. If the establishment of country postal savings bank had this effect, it would be a good thing for our Territory.

Since the abolishment of the government postal savings bank, which flourished before annexation, the four local American banks and the Japanese bank have established savings departments, so the needs of the city of Honolulu seem to be well provided for in the way of savings depositories; but the country districts are not provided for except in certain centers not always readily accessible to wage-earners.

It is quite clear to your committee that the general principle of postal savings depositories is an excellent one; and although it is hardly probable that any recommendation from your chamber will have effect in either precipitating or retarding legislation on a matter of such importance, your committee believes it would be proper for your chamber to lend its support to the measure as set forth in the Senate bill 6484, Sixtieth Congress, first session, entitled "A bill to establish postal savings depositories for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes."

In this bill the rate of interest which it is provided shall be allowed depositors is 2 per cent per annum; and as this is considerably less rate than that which is allowed by the private banks in this city, there would be little chance of the postal savings bank competing to the disadvantage of the private banks. On the other hand, the probability is it might act as a feeder for these private banks.

We are, gentlemen, yours, respectfully,

F. M. SWANZY,
E. D. TENNEY,
Committee on Commerce, Manufacture, and Agriculture.

Mr. Richard Ivers, the third member of this committee, is absent from the Territory.

APPENDIX D.

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., December 12, 1908.

MY DEAR SENATOR: I am sending you herewith interesting extracts relating to the postal savings banks of other countries.

I shall endeavor to demonstrate herein that large numbers of immigrants to our country systematically bank their savings in the postal savings depositories of their native countries. Figures for Italy alone are given, but the practice is by no means confined to arrivals from that country. American bankers certainly can not get this business, except, perhaps, through the agency of the postal savings bank, nor are they likely to reach the hosts of school children and very poor people who would delight in the opportunities which could be given them by a wisely planned system of postal savings depositories. Furthermore, the experience of other nations has shown that well-managed private savings institutions have nothing to fear from a conservatively conducted postal savings system.

The following is summarized from a book on the Italian post-office savings bank, by Alberto Gaviani, published in 1902:

"Measures must be taken to induce the numerous Italians abroad to invest their savings in the Italian post-office savings bank. The steps taken in this direction are insufficient. Small savings banks must be opened abroad, these banks to be managed free by honorable and solvent Italians and placed under the supervision of the nearest Italian consul or of the manager of the nearest branch of the Bank of Naples, as this bank is already authorized now by the Government to collect the savings of Italians abroad and invest them in the domestic post-office savings bank."

During the last fiscal year 488,564 money orders were sent to Italy from this country, amounting to $21,292,938.57, an increase of $2,306,418.96 over the previous year. The foregoing, however, sufficiently shows that these form but a small part of the total amount sent out of the country annually by Italian residents of the United States.

I have on my desk a paper published in the Swedish language at Chicago. Prominently displayed therein is an advertisement of the Swedish postal savings bank, and throughout its columns not less than 50 displayed advertisements of private Swedish banks appear. These advertisements indicate that a considerable business is transacted with Swedish banks by the Swedish element of our population.

The following is part of a reading before a scientific society of Paris, April 16, 1898, by Mr. A. de Malarce, political economist:

"It is worth mentioning in this connection that in a good many of the aforesaid countries the other well-administered savings banks have not ceased to prosper and to show steady progress especially among the town populations; for instance, in France, where the number of clients of private savings banks has risen from 4,199,228 to over six and one-half millions since the opening of the post-office savings bank in 1882."

In Hungary, out of depositors to the number of 389,083, 95,351 are shown to be school children and 23,014 domestic servants.

I take pleasure in forwarding to you under separate cover a copy of the last annual report of the Secretary of War, just issued, on page 67, of which reference is made to the postal savings banks of the Philippine Islands.

Believe me, faithfully, yours, G. V. L. MEYER.

Hon. THOMAS H. CARTER,
United States Senate.

[From L'Union Postale, July, 1899.]

HISTORICAL DEVELOPMENT OF THE POST-OFFICE SAVINGS BANKS.

On April 16, 1898, Mr. A. de Malarce, the political economist well known to our readers, and at the same time the indefatigable champion of benevolent institutions, read at the academie des sciences morales et politiques in Paris the first chapter of his work "Histoire generale des Caisses d'epargne," the material for which he had gathered on his travels and official missions. This lecture contains in brief exposition such a series of interesting information on the origin and development of the post-office savings banks that we feel impelled to bring before our readers the most important features of it.

The first idea of using the post-office as a savings institution for the benefit of the people at large dates, according to the inquiries of Mr. de Malarce, as far back as the year 1807. In that year a member of the British Parliament, Mr. Whitbread, laid before the House of Commons a bill the object of which was to improve the condition of the lower classes of the population by means of self-help and not alms. In a noteworthy speech which kept the audience in rapt attention for three consecutive hours, he gave a detailed account of his scheme for a general savings bank to be worked by the post-offices of the Kingdom. Mr. Whitbread was unlucky with his well-thought-out and far-seeing scheme. The most influential newspapers were against the bill, and even one of the most renowned magazines covered the idea with scorn. At the close of the session the bill was rejected. Great Britain possessed at that time two savings banks only, one at Tottenham, opened in 1798, and the other at Wendover, opened in 1799. Both were private, local, and limited institutions, the moral, economical, and social importance of which was even put into question. In 1807 there were throughout the civilized world but eleven savings banks, viz, in Hamburg, the first to exist, opened in 1778; Oldenburg, opened in 1786; Berne, opened in 1787; Coire, opened in 1790; Kiel, opened in 1796; Tottenham, opened in 1798; Wendover, opened in 1799; Gottingen and Altona, opened in 1801; Zurich, opened in 1805; Lauf, in Central Franconio, opened in 1806.

People in England were the more inclined to call Mr. Whitbread's idea of connecting the little-known saving-bank system with the post a strange project, since in 1807 the English post only transacted letter-post business. The money-order service, which in 1859 was made a chief argument for the establishment of a post-office savings bank, did not exist at that time. The transmission of money by means of orders had been effected since 1792 by a private enterprise unconnected with the post, and it was not until the 6th of December, 1838, that this service was organized and made a branch of the post-office.

It was not until fifty-two years later, in 1859, that the plan of Mr. Whitbread, M. P., was resuscitated. Charles W. Sikes, a bookkeeper of the Joint Stock Bank, at Huddersfield (Yorkshire), who had been studying popular institutions for a long time, presented the then chancellor of the exchequer, W. E. Gladstone, with a memorial in which he showed by proofs the incontestible usefulness and success of the money-order service which had been worked by the State for twenty years, the great practicalness of a savings bank managed by the post-office, and especially pointed out that deposits made to the post-office were nothing else than money-orders drawn by a private person on the postmaster-general, and withdrawals of deposits nothing more than money-orders drawn by the postmaster-general on a private person.

Mr. Sikes further added that from the promulgation of the organic law of 1817 on the savings banks the number of these institutions had, it is true, increased in England to 625 and their participants to over one and one-half millions, but that they had not come within the reach of country people. The latter object could be attained by post-offices only. From the very moment the latter were authorized to receive deposits every workman in the United Kingdom would be able to make use of the savings bank.

Mr. Sikes's plan, fortunately, met with the approval of the English postal reformer, Mr. Rowland Hill, who had been appointed general secretary of the post-office for life by Sir Robert Peel. Thanks to the valuable support of this eminent man, both Government and Parliament decided in favor of the establishment of a post-office savings bank.

The bill presented and eloquently supported by Mr. W. E. Gladstone was passed and became law on May 17, 1861. On September 1, 1861, the British post-office savings bank came into operation.

The institution at once took a firm hold in the British colonies—i. e., in western Australia in 1863, Victoria in 1865, New Zealand in 1867, Canada in 1868, New South Wales in 1871, South Australia in 1872, Queensland in 1872, British India in 1882, Tasmania in 1882, Cape Colony in 1884, Ceylon in 1885, Bahama Islands in 1886, Jamaica in 1888, British Guiana in 1889; as also in Belgium in 1870, through Mr. Frere-Orban, minister of the Government; in Japan in 1875; in Italy in 1875, through Deputy Quintino Sella, former minister of finance, and Prime Minister Marco Minghetti; in the Netherlands in 1881, through Deputy Bruyn Kops; in France in 1882, upon the proposal of Deputy Arthur Legrand and the bill of Adolphe Cochery, minister for the post; in Austria in 1883, through Otto Haussner, member of the Reichsrath; in Sweden in 1884, through Mr. Themptander, then minister of finance and later prime minister; in Hungary in 1886; in Hawaii in 1886; in Finland in 1887; in the other parts of Russia in 1889; in the South African Republic in 1893; in Bulgaria in 1896.

Post-office savings banks now exist in 11 European states, in 14 British colonies, in 2 French colonies, in Japan, Hawaii, and the South African Republic—i. e., in 30 countries of the civilized world. The total number of depositors amounts to over 21,000,000.

It is worth mentioning in this connection that in a good many of the aforesaid countries the other well-administered savings banks have not ceased to prosper and to show steady progress, especially among the town populations, for instance, in France, where the number of clients of private savings banks has risen from 4,199,228 to over six and one-half millions since the opening of the post-office savings bank in 1882.

[From L'Union Postale, August, 1899.]

The organizations of the 30 post-office savings banks of the world have many features in common. For instance, in the majority of these

countries the smallest deposit is 1 franc or 1½ francs, according to the currency. In the Netherlands it is one-fourth gulden, or 52 centimes, in British India 4 annas, or 60 centimes, in Victoria one-half shilling, or 62 centimes.

It is, however, almost everywhere permitted to deposit in the post-office savings banks sums of 10 and even 5 centimes, consisting of postage stamps, by means of the so-called "savings cards" introduced into England in 1881 by Postmaster-General Henry Fawcett.

In two countries the minimum amount of a deposit is surprisingly high, viz, in Japan, where it is fixed at 1 yen, or 5 francs 10 centimes, and in Canada, at $1, or 5 francs 18 centimes.

The highest sum which can be invested by one and the same person in a post-office savings bank differs very much in the various countries. It amounts to 1,500 francs in France (2,000 from 1882 to 1895), 2,500 in Austria-Hungary and British India, 4,000 in Russia, 5,000 in England and Canada, 25,000 in Victoria.

In a great number of countries the lawful maximum of a deposit is fixed by the post-office according to circumstances. The rate of interest is also fixed accordingly; the interest in some countries ceases to be added to the capital as soon as the deposits exceed a certain sum, for instance, in Sweden for a deposit of more than 1,400 francs, in the Netherlands for more than 1,650 francs, in Italy for more than 2,000 francs, in Victoria for more than 6,250 francs, in New Zealand for more than 12,500 francs.

A comparison between the sums invested in the post-office savings banks can not be made on account of the variety existing in the maximum amounts allowed for deposits; a comparison is only possible on the basis of the number of depositors and deposit books. The British post-office savings bank has the greatest number of clients, 6,862,035; next comes the Italian with 3,013,004 depositors, the French with 2,892,307, the Austrian (Hungary not included) with 1,241,562.

The rate of interest of the post-office savings banks is, as a rule, fixed according to the rates of interest of the safest investments. It amounts in England and France to 2.5 per cent; in the Netherlands to 2.64 per cent; in Austria and Finland to 3 per cent; in Hungary and Sweden to 3.6 per cent; in Belgium to 3 per cent for deposits not exceeding 3,000 francs in amount and 2 per cent only for deposits exceeding that sum; in Italy to 3.25 per cent; in the British colonies to 3.50 to 3.75 per cent, except Canada, where the rate of interest is 4 per cent, and Victoria as much as 5 per cent; in Russia 4 per cent up to the year 1895, and 3.6 per cent from that year.

Almost all the laws made for post-office savings banks contain the stipulation, in force in France since 1845 for all savings banks without exception, that government stocks for depositors may be bought cost free through the medium of savings banks.

This legal stipulation is of great value and has contributed immensely in France, where it has been in force for more than half a century, to the purchase of government stocks by the lower classes.

The benevolent institution of the post-office savings bank only made its way in France after long and hard struggles.

The attention of French statesmen and heads of administrations was for the first time drawn to the success of post-office savings banks when Mr. A. de Malarce, who had been sent abroad in 1865 by the French minister for commerce to study the foreign benevolent institutions, reported on the usefulness of the English post-office savings bank. In 1869 the idea of the adoption of a similar institution on French soil found a quite unexpected supporter in the person of Mr. Agathon Prevost, the director of the Paris Savings Bank, who was regarded as the greatest authority in France on savings-bank questions. Having returned from a journey to England, where he had studied the post-office savings-bank system, that gentleman not only abandoned his original objections against the union of a savings bank with the post, but became even a convinced friend and promoter of post-office savings banks. Petitions for the foundation of a post-office savings bank in France were then sent to the Senate, and its committee, after a first refusal, finally decided, at the proposal of their reporter, Mr. E. de Parieu, vice-president of the council of state, that at every place where there was no receiving office of the savings bank tax collectors and postmasters should be bound to act as agents for savings banks. The war of 1870–71 interrupted the negotiations.

In June, 1872, the Revue des Deux-Mondes contained an article from the pen of Mr. de Malarce, in which, referring to a crisis in French savings banks in the year 1870, the proposal was renewed of making use of the post and tax offices for savings-bank purposes in so far as the latter should require their assistance. This proposal, which was at last accepted by the legislative bodies and sanctioned by a decree of August 23, 1875, was much less effective than the resolution passed by the committee of the Senate in 1869. The mover of the proposal had wisely reflected on the necessity of this restriction. Since he had been studying the question he had come to the conviction that a bill for the direct foundation of a post-office savings bank in France would have little chance of being passed by the legislative powers. Mr. de Malarce therefore considered it advisable to attain his end, so to say, in a roundabout manner, and for this purpose to propose a less radical measure. He thus addressed the parliamentary commission at Versailles:

"If the majority of the savings banks accept the postal service offered them, much good will result to the working classes and thrifty country people. Should the savings banks decline the cooperation of the post-office, one would be justified in retorting: 'Since you will not have the services of the post-office, nothing can at least hinder the post-office from offering its services to that part of the population which is distant from the great center of traffic and unable to make use of the usual savings banks.' The State will thus call into life a post-office savings bank on the excellent English model."

The second of these assumptions was realized. In 1878 it was proved clearly that until that date the savings banks had made no use of the post-office. The question was brought forward at the Paris Universal Congress for Beneficent Institutions, at which Mr. de Malarce energetically proposed the immediate foundation of a French post-office savings bank.

Deputy Arthur Legrand introduced to the Chamber a bill, based on Mr. Malarce's work, for the foundation of a post-office savings bank, which was followed in 1880 by a bill introduced by Mr. Adolphe Cochery, minister for posts. In the debates on this bill by the committee of the Chamber of Deputies and the Senate the opposition of those deputies and senators who, as directors of private savings banks, would not hear of such a thing as the foundation of a government savings bank, was rendered futile by the simple fact that the private savings banks had made no use of the assistance of the post-office offered in 1875, and that they, in consequence, had no right to oppose the foundation of a post-office savings bank.

The directors of private savings banks were at the same time obliged to acknowledge the economical and social value of post-office savings banks. The bill was passed on April 9, 1881, and became law on January 1, 1882. Its beneficent results have already been spoken of in a former paragraph.

We will give in conclusion the judgment of Mr. W. E. Gladstone, the statesman to whom belongs the honor of having first cleared the way for the post-office savings bank.

Speaking in the House of Commons in the year 1888, Mr. Gladstone said, amid the applause of all parties, "The post-office savings bank is the most important institution which has been created in the last fifty years for the welfare of the people and the state. I consider the act of 1861, which called the institution into existence, as the most useful and fruitful of my long career."

Charles Sikes, from whom the proposal for the founding of post-office savings banks first emanated, was knighted in 1881 on the proposal of Mr. Gladstone, then premier. Soon afterwards he was appointed deputy lieutenant of the county of York, and by means of public subscriptions a considerable national gift was made him.

[From L'Union Postale for 1905, p. 29.]

FRANCE.

With respect to the ship savings banks, the report states that every sailor on board, either officer or seaman, may, at the post-office savings bank on board his ship, invest part of his pay, withdraw the balance standing to his credit either partly or entirely, send money to his family, or buy stocks. He may also receive money from France, the necessary measures having been taken to enable any person to invest at a post-office any sum whatever in favor of the owner of a deposit book of the naval series. In 1904 the transactions connected with the ship savings banks amounted to 39,618 deposits for 2,168,937.54 francs, and 16,305 withdrawals for 1,607,944 francs. On December 31 the number of accounts of the naval series amounted to 19,601, with a total balance to their credit of 2,233,572.27 francs.

[See L'Union Postale for 1890, No. 3, pp. 40–51.]

THE FRENCH NATIONAL SAVINGS BANK (POST-OFFICE) IN 1892.

From the report dated November 1, 1893, on the results of the National (Post-Office) Savings Bank in the year 1892, presented by the French minister of commerce, industry, and the colonies to the President of the Republic, we extract the following particulars of general interest:

The report announces that the business done in the National Savings Bank in 1892 exceeds considerably that of the preceding years, and has given proof of the vitality of the institution in all parts of the country. Since the period mentioned, namely, in the early part of 1893, a temporary crisis has, it is true, taken place, the origin of which must be sought solely in the political state of affairs, since, on the one hand, the absolute guaranty which the national bank offers its depositors has in no way altered, and, on the other hand, because the reduction of interest, which was considered necessary, had been foreseen and announced long before.

But, remarks the report further, if unfounded and vehement attacks were able for a time to disquiet certain minds, this unwarranted and unjustifiable uneasiness soon disappeared. Since several months the deposits again exceed the withdrawals, business is gradually increasing in all departments, and the situation has become normal. There is, therefore, no cause for uneasiness as to the future of the post-office savings bank.

[From L'Union Postale, March, 1894.]

FRANCE.

In the international service an agreement (of the 31st of May, 1882) exists with Belgium according to which depositors in the French National Savings Bank who have removed to Belgium can demand the transfer of their book, free of charge, to the Belgian Caisse generale de'epargne et de retraite.

Depositors are also permitted, in anticipation of their return to France, to retain their French book, and during their sojourn in Belgium to withdraw their savings, partly or entirely, through the medium of the Belgian post-offices.

The same privileges are enjoyed in France by the possessors of Belgian books.

[From L'Union Postale, September, 1894.]

AUSTRIA.

If the depositors are classed according to social position and profession, the largest participation is by children, school children, and students, who form 44 (1890, 48) per cent of all the depositors, which agrees with the above-mentioned preponderance of depositors below the age of 30. Artisans and laborers, with 14.3 (1890, 13) per cent, are more numerously represented than any other calling. Domestic servants, also with 8 per cent (as in 1890), form a not inconsiderable fraction of the clientele of the savings bank. Four and five-tenths per cent of the deposit books belong to married women and widows; 2.1 per cent of the depositors are military men. State and parochial officers represent 1.5 per cent. The remaining 25.6 per cent are distributed among the members of a great variety of professions and callings, none of which, however, are especially predominant.

These statistics prove that the savings bank finds special favor with the young. The number of children and school children who in 1893 made request for deposit books was 54,713.

Of the above-mentioned books issued to youthful depositors, 432,839 were still in use at the end of 1893. The percentage among these books of accounts closed (39 per cent) is less than the usual percentage of accounts closed (46 per cent), a fact which shows the favorable influence which the impulse to save given in youth exerts in promoting constant habits of saving. The gratifying participation of youthful depositors, which gives promise of good results in the future, is ascribed in no small degree to the thankworthy efforts of the teachers and post-office officials, namely, the rural letter carriers collect deposits when on their rounds. In 1893 they collected 42,452 separate sums, with a total value of 1,294,041.60 florins; in 1890, 27,762 sums, value 962,376 florins.

[See the Union Postale for 1902, p. 68.]

HUNGARY.

With respect to the professions, the depositors are distributed as follows:

Profession.	Number.
Clerks and soldiers	45,780
Clergymen, professors, teachers, authors, etc	14,250
Agriculture and forests:	
(a) Owners	5,674
(b) Clerks, farmers, and workmen	13,951
Industry:	
(a) Manufacturers	394
(b) Employees and factory hands	8,281
Artisans:	
(a) Masters	35,688
(b) Employees and workmen	36,716
Commerce:	
(a) Managers	9,169
(b) Employees and workmen	11,126
Independent persons	11,768
Domestic servants	23,014
Day laborers	9,776
Other vocations	58,940
School children	64,473
Other children	30,878
Corporations	9,205
Total	389,083

APPENDIX E.

[Extracts from the platforms of political parties re postal savings banks.]

THE REPUBLICAN PARTY.

We favor the establishment of a postal savings-bank system for the convenience of the people and the encouragement of thrift.

THE DEMOCRATIC PARTY.

We favor a postal savings bank if the guaranteed bank can not be secured, and that it be constituted so as to keep the deposited money in the communities where it is established. But we condemn the policy of the Republican party in proposing postal savings banks under a plan of conduct by which they will aggregate the deposits of rural communities and redeposit the same, while under government charge, in the hands of Wall Street, thus depleting the circulating medium of the producing regions, and unjustly favoring the speculative markets.

THE INDEPENDENCE LEAGUE.

The Independence League advocates the establishment of the parcels post and government postal savings banks where the people's deposits will be secure.

[From the Boston Morning Globe of January 13, 1908.]

Ex-Governor N. J. Bachelder, of New Hampshire, master of the National Grange, Patrons of Husbandry, is in Washington to urge upon Congress the legislation advocated by Postmaster-General Meyer for the establishment of a parcels post and savings banks and also for a liberal appropriation for improvement of industrial highways.

* * * * * * *

"We believe," said Mr. Bachelder, "that the Government could afford to pay depositors in the postal savings banks interest at the rate of 2 per cent. The money received by these banks could be redeposited in national banks and secured in the same way that national-bank notes or government deposits are secured, the banks paying, perhaps, the same rate of 2 per cent. We do not think the Government should go into the general banking business, of course, and the plan of postal savings banks should not contemplate that the Government would make any money out of it. This is the simplest, and would be the most popular way of having the Government guarantee bank deposits. Within a few years the people would wonder how they ever got along without these banks, just as they marvel how they ever did without rural free delivery."

[From the Washington Post of November 12, 1908.]

Grand master of the National Grange, former Governor Bachelder, of New Hampshire, at the opening session of the grange yesterday made a strong appeal for the parcels post, postal savings banks, and the election of United States Senators by a direct vote of the people. Grand Master Bachelder also spoke of the importance of good roads and automobile legislation.

In relation to postal savings banks he said:

"The unusual financial conditions which prevailed during five or six months at the end of 1907 and the beginning of this year, when banks in all sections of the country either failed or suspended cash payments, served to direct public attention to the necessity for reforms in our banking system and to show the importance of the grange proposition for postal savings banks.

HOPES FOR LAW.

"That a method by which the savings of the people can be deposited in the post-offices of the country with absolute security, drawing approximately the same rate of interest realized on government bonds, will be of great advantage to the farmers in districts remote from banking institutions is self-evident. The enactment of legislation providing for this extension of the post-office will be actively urged upon Congress at the coming session by the Postmaster-General, and in view of the favorable attitude of prominent Senators and Representatives of both political parties a bill for this purpose assuredly will become law in the near future."

[From the Baltimore News of November 9, 1908.]

* * * * * * *

NEEDS OF RURAL LIFE.

Secretary Allen sent 600,000 circulars to persons of all classes making inquiries which would assist the commission in its work. Of these, 40,000 went to rural free-delivery carriers and 50,000 to country ministers and physicians. He has received 60,000 of these circulars properly filled out. The answers indicate that the most essential needs of the rural districts are—

1. Better school and educational facilities.
2. Good roads under individual state laws.
3. Cooperative organization of farmers to fix the prices of the products in market.
4. A parcels-post system to reach the same territory contemplated in rural free delivery.
5. A postal savings bank which will give government guaranty to small savings of farmers.
6. General sanitary supervision, which will increase the comforts of living and reduce physical menaces.

[From the Philadelphia North American of November 18, 1908.]

WASHINGTON, *November 17.*

Progress throughout the country in lines of agricultural activity was reflected in to-day's sessions of the National Grange, the Society for the Promotion of Agricultural Science, and the Association of Farmers' Institute Workers.

The members of these organizations also held a joint meeting with the President's country life commission.

The meeting developed that among the farmers' paramount needs were the parcels post and postal savings banks. The economic handling of farm products, the inability of the farmer to obtain money as easily as the manufacturer, and other problems were discussed. Proposed legislation for the parcels post and postal savings bank received hearty indorsement, and committees were appointed to urge the passage of such bills before Congress.

APPENDIX F.

Data relating to the postal savings banks of foreign countries.

Country.	Rate of interest.	Minimum deposit.	Maximum drawing interest.	Maximum of one account.
EUROPE.				
Austria	3 per cent	[a] $0.203	$406.00	$406.00
Belgium	3 per cent up to $386; 2 per cent on excess	.193	No limit.	[b] No limit.
Bulgaria	4 per cent	.193	Individuals 386.00; Institutions 965.00	Individuals 386.00; Institutions 965.00
France	2½ per cent	.193	Individuals 289.50; Institutions 2,895.00	Individuals 289.50; Institutions 2,895.00
Hungary	3 per cent	.203	Individuals 812.00; Institutions 1,624.00	Individuals 812.00; Institutions 1,624.00
Italy	2.04 per cent [c]	.193	386.00	No limit.
Netherlands	2.64 per cent	[a] .1005	Individuals 482.40; Institutions 964.80	Individuals 482.40; Institutions 964.80
Sweden	3.6 per cent	.268	536.00	536.00
United Kingdom	2½ per cent	.243	[d] 973.30	973.30
NORTH AND SOUTH AMERICA.				
Bahamas	2½ per cent	.243	973.30	973.30
British Guiana	2.40 per cent	(f)	1,500.00	1,500.00
Canada	3 per cent	1.00	[e] 3,000.00	3,000.00

[a] This may consist of stamps of small denominations.
[b] Not more than $965 may be deposited in any period of two weeks by one person.
[c] In 1905. From 1876 to 1878 the interest rate was 3 per cent; 1879 to 1886, 3½ per cent; 1887 to 1895, 3¾ per cent; 1896 and 1897, 3 per cent; 1898 to 1901, 2.88 per cent; 1902 to 1904, 2.76 per cent.
[d] Not more than $243.32 may be deposited in any one year by any person.
[e] Not more than $1,000 may be deposited in any one year by any person.
[f] Minimum deposit not stated. The smallest amount upon which interest is paid is $5.

Data relating to the postal savings banks of foreign countries—Continued.

Country.	Rate of interest.	Minimum deposit.	Maximum drawing interest.	Maximum of one account.
ASIA.				
British India	3 per cent and 3½ per cent [a]	$0.081	{ Adults $648.86 / Minors 324.43	Adults $1,622.16 / [b] Minors 1,297.73
Ceylon	2.4 per cent	.507	648.86	[c]
Straits Settlements	3 per cent	.487	731.27	731.27
Dutch East Indies	2.4 per cent	.1005	964.80	964.80
Japan	4.8 per cent	.05	249.00	[d]
AFRICA.				
Cape Colony	3 per cent	.243	2,919.90	2,919.90
Egypt	2½ per cent	{Initial .989 / Later .247	988.60	988.60
Orange River Colony	3 per cent	.243	2,433.25	2,919.90
Sierra Leone	2½ per cent	.243	2,433.25	2,433.25
Transvaal	3½ per cent	.243	2,433.25	2,919.90
AUSTRALASIA.				
New South Wales	3 per cent	.243	2,433.25	Not given.
New Zealand	3½ per cent up to $1,459.95 / 3 per cent on excess	.243	2,433.25	2,919.90

[a] Interest at the rate of 3 per cent is paid on deposits "at call;" at the rate of 3½ per cent on those requiring six months' notice of withdrawal.
[b] Not more than $389.32 may be deposited in any one year by one person.
[c] $324.43 yearly, or $973.30 in all, may be deposited by one person for investment in government bonds.
[d] Should more than $249 be deposited, the excess is invested in government bonds.

APPENDIX G.

Data relating to the postal savings banks of foreign countries.

EUROPE.

Austria.—The rate of interest may not exceed 3 per cent, and is declared every year by the minister of commerce. The minimum deposit accepted is 1 crown, which may be made up of postage stamps of small denominations. No interest is paid on any sum less than 2 crowns nor over 2,000 crowns. The maximum amount which may be deposited to the credit of any one account is 2,000 crowns. The rate of interest has been 3 per cent for some years past.

Belgium.—Three per cent interest is paid on accounts amounting to 2,000 francs or less, and 2 per cent on all sums in excess of 2,000 francs. The minimum deposit accepted is 1 franc, and not more than 5,000 francs may be deposited in any fortnightly (two weeks') period. If the restrictions shown be complied with, there is no limit to which an account may grow.

Bulgaria.—Four per cent interest is paid. The minimum deposit accepted is 1 franc. No account of an individual may grow beyond 2,000 francs; and of an institution beyond 5,000 francs, but full interest is paid up to the amounts stated.

France.—The rate of interest is fixed jointly by the minister of commerce and the minister of finance, and has been 2½ per cent for some years past. The minimum deposit is 1 franc. Not more than 1,500 francs may be deposited in any one year, and no more than that sum will be allowed to be deposited to the credit of any account of an individual. Beneficent institutions, however, may deposit 15,000 francs in any one year, and may have an account showing a maximum credit of that amount. Interest is paid on all sums deposited.

Hungary.—The rate of interest may not exceed 3 per cent, and is declared yearly by the minister of commerce. It has been 3 per cent for some time past. The minimum deposit is 1 crown, and no amount less than 2 crowns is permitted to draw interest. A maximum credit of 4,000 crowns is allowed to individual accounts, and of 8,000 crowns to beneficent institutions. Interest is paid on all deposits. Deposits in excess of the maxima shown are invested in state bonds.

Italy.—The rate of interest paid in 1905 was 2.04 per cent per annum. The rate is determined yearly by the minister of finance, and varies so greatly that a table is given showing same in every year since the establishment of the system. The minimum deposit accepted is 1 franc. There is no limit placed upon the size of an account, but no interest is paid on any sum in excess of 2,000 lire.

	Per cent.
1876 to 1878, both inclusive	3
1879 to 1886, both inclusive	3½
1887 to 1895, both inclusive	3¼
1896 and 1897	3
1898 to 1901, both inclusive	2.88
1902 to 1904, both inclusive	2.76
1905	2.04

Netherlands.—The rate of interest paid is 2.64 per cent. The minimum deposit accepted is 25 cents, which may be made by means of postage stamps. Interest is paid upon all deposits, which may not exceed 1,200 florins for an individual, or 2,400 florins for a public, religious, or mutual institutions.

Sweden.—The rate of interest is fixed by royal decree, and is now 3.6 per cent per annum. The minimum deposit accepted is 1 (Swedish) crown. The maximum upon which interest is paid is 2,000 crowns, and the maximum which an account may reach is the same.

United Kingdom.—The rate of interest paid is 2½ per cent per annum. The minimum deposit accepted is 1 shilling. Not more than £50 may be deposited in any one year. The maximum upon which interest is paid is £200, and the total which an account may reach is also £200.

NORTH AND SOUTH AMERICA.

Canada.—The rate of interest was reduced on July 1, 1897, from 3½ per cent to 3 per cent, which is the present rate. The minimum deposit accepted is $1. Interest is paid upon deposits up to the maximum amount which may be placed to the credit of any one account—$3,000. However, not more than $1,000 may be deposited in any one year to the credit of any one account.

Bahamas.—The rate of interest paid is 2½ per cent. The minimum deposit accepted is 1 shilling. The maximum to which an account may grow is £200, and interest is paid on all sums up to that amount.

British Guiana.—The rate of interest paid is 2.40 per cent. Interest is paid on all sums not less than $5 and up to and including $1,500, the maximum which may stand to the credit of any one account.

ASIA.

British India.—Three per cent interest is paid upon deposits which are "at call;" 3½ per cent is paid upon accounts requiring that six months' notice of withdrawal be given. The minimum deposit accepted is 4 annas. Not more than 1,200 rupees may be deposited to the credit of any one account in any one year. Interest is paid to adults on deposits which they may make up to and including 2,000 rupees. Interest is paid to minors on their deposits up to and including 1,000 rupees. The account of an adult is permitted to reach a maximum of 5,000 rupees; that of a minor 4,000 rupees.

Ceylon.—Interest is paid at the rate of 2.40 per cent per annum on deposits of 10 rupees or multiples thereof. The minimum deposit accepted is 25 cents. Interest is paid on deposits up to and including 2,000 rupees. One thousand rupees in any one year, or 3,000 rupees in all, may be deposited by one person for investment in government bonds.

Straits Settlements.—The rate of interest paid is 3 per cent per annum. The minimum deposit accepted is $1. Not more than $500 may be deposited in any one year. The maximum upon which interest is paid is $1,500, which is also the total which any account is permitted to reach.

Dutch East Indies.—The rate of interest paid is 2.4 per cent per annum. The minimum deposit accepted is 25 cents. The maximum upon which interest is paid is 2,400 florins, which is also the total to which any account may grow. It is interesting to note that this amount is just twice that permitted in the "mother" country—the Netherlands.

Japan.—The rate of interest paid is 4.8 per cent per annum. "Any sum from 10 sen upward can be deposited by any person at any one time: Provided, that a fraction of 1 rin, or a sum more than 50 yen on any one day, can not be deposited." Interest is paid on deposits up to and including 500 yen. Should more be deposited, the excess is invested in government bonds.

AFRICA.

Cape Colony.—The rate of interest paid is 3 per cent per annum. The minimum deposit accepted is 1s. Not more than £100 may be deposited in any one year. Interest is paid on deposits up to and including £600, which is also the total amount which an account may reach.

Egypt.—A dividend is declared yearly; the last of which information has been received was 2½ per cent. The minimum deposit accepted is 50 mills. Not more than £50 may be deposited in any one year, nor more than £200 in all. The minimum initial deposit accepted is 200 mills. These are Egyptian pounds.

Orange River Colony.—The rate of interest paid is 3 per cent. The minimum deposit accepted is 1s. Not more than £100 may be deposited in any one year. An account may grow to £500, exclusive of interest, and, with interest included, to £600.

Sierra Leone.—Interest at the rate of 2½ per cent per annum is paid. The minimum deposit accepted is 1s. Not more than £130 may be deposited in any one year. Interest is not allowed upon sums less than £1 or more than £500. The maximum which may be deposited to the credit of one account is £500.

Transvaal.—The rate of interest paid is 3.75 per cent. The minimum deposit accepted is 1s. Not more than £100 may be deposited in any one year. Not more than £500 may be deposited to the credit of any one account, but an account may reach £600, inclusive of interest.

AUSTRALASIA.

New South Wales.—The rate of interest paid is 3 per cent per annum. The minimum deposit accepted is 1s. Interest is paid on all deposits up to and including £500.

New Zealand.—Interest is paid at the rate of 3½ per cent per annum on sums up to and including £300. On sums in excess of £300 the interest rate is 3 per cent per annum. Deposits of 1s. or multiples thereof are accepted. The maximum which any account may reach, inclusive of interest, is £600.

Mr. DEPEW obtained the floor.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Minnesota?

Mr. DEPEW. I yield to the Senator from Minnesota.

Mr. NELSON. Mr. President, in the absence of the junior Senator from Virginia [Mr. MARTIN], a member of the Committee on Commerce——

The VICE-PRESIDENT. The Chair will state that, under the rule, morning business is not in order. The Senator from New York [Mr. DEPEW] has the floor.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Ohio?

Mr. DEPEW. Certainly.

Mr. FORAKER. I ask leave, out of order, to offer a resolution, and I ask for its present consideration.

The VICE-PRESIDENT. The Chair will state that the resolution is not in order under the rule of the Senate.

Mr. DEPEW. Mr. President, it is hardly——

Mr. FORAKER. May I ask on what ground it is out of order to offer a resolution?

The VICE-PRESIDENT. It is out of order under the rule which prevents the interruption of a Senator having the floor by another Senator for the purpose of introducing morning business.

Mr. FORAKER. The Senator from New York had merely been recognized. He had not commenced to address the Senate. I did not compete with him in undertaking to secure recognition of the Chair, because he told me he would yield to me as soon as he got the floor.

The VICE-PRESIDENT. The Chair will read the rule. It is as follows:

> It shall not be in order to interrupt a Senator having the floor, for the purpose of introducing any memorial, petition, report of a committee, resolution, or bill. It shall be the duty of the Chair to enforce this rule without any point of order hereunder being made by a Senator.

Mr. FORAKER. I am familiar with the rule, but always as heretofore enforced it has been after a Senator was addressing the Senate and there was an interruption of the Senator. The Senator from New York had only been recognized. He had not commenced to address the Senate; he had not presented any business to the Senate, and, being merely recognized, I supposed I was not interrupting. But, of course, I acquiesce in the ruling of the Chair.

The VICE-PRESIDENT. The Chair is of the opinion that if a Senator is recognized, he has the floor and that an interruption for the purpose indicated would be in contravention of the rule.

Mr. FORAKER. Certainly he has the floor, but I am not interrupting him or any address he is making to the Senate. I only want to call the attention of the Senate to the fact that a precedent is being made by this ruling.

Mr. DEPEW. Mr. President, it is difficult to add anything to the exhaustive and illuminating speech of the Senator from Montana [Mr. CARTER], to whom we have listened with so much pleasure. But I want to record my approval of this measure for a government postal savings bank system. Early in my life I was connected with a savings bank and have always been deeply interested in them.

It is surprising that this work has not been given to the Post-Office Department before. The record shows that a postal savings bank system has been recommended by nearly every Postmaster-General for thirty-five years. Bills have been repeatedly introduced in one or the other House of Congress representing the desire of the administration of the time on this subject, but none of them has received any consideration. It requires about forty years of agitation to bring about the adoption of any radical change in government procedure or activities. We are the most conservative people in the world, though having the reputation of being the most radical. It is our dual system of federal and state powers which accounts for the slow pace of reforms or improvements in the service or demonstrated beneficence because of devotion to state rights and fear of federal encroachment upon them, which is the bogy that is ever distracting the legislative mind. This is not a new or untried proposition. It was adopted by Great Britain in 1861 and its success and popularity were immediate. Within a few years every continental nation, except Germany, had followed the British example. In Germany, largely because of the wide difference between federal government and independent states, the matter was taken up and successfully carried out by municipalities. The table which I here present is a remarkable exhibit of the working of the postal savings banks in these countries. I find it in the annual report of the Postmaster-General.

Postal savings banks, 1904–1906.

Country.	Date.	Number of depositors.	Deposits.	Average deposit.
Europe:				
Austria—				
Savings accounts	Dec., 1905	1,900,194	$42,536,862	$22.59
Banking accounts	Dec., 1905	67,804	62,225,584	917.73
Belgium	Dec., 1905	2,316,633	155,646,121	67.19
Bulgaria	Dec., 1904	124,007	2,723,182	21.96
Finland	Dec., 1905	53,455	1,004,488	18.79
France	Dec., 1905	4,577,390	246,703,726	53.90
Great Britain	Dec., 1904	9,673,717	721,819,296	74.62
Hungary—				
Savings accounts	Dec., 1905	563,973	13,975,800	24.78
Banking accounts	Dec., 1905	13,581	13,031,159	957.51
Italy	Dec., 1903	4,6 ,689	233,735,421	49.84
Netherlands	Dec., 1903	1,259,681	56,153,000	44.50
Russia	June, 1903	1,488,432	59,649,925	66.95
Sweden	June, 1905	567,032	14,648,559	25.83
North and South America:				
Bahamas	June, 1905	1,864	114,027	61.17
Canada	June, 1906	164,542	45,736,489	277.96
Guiana—				
British	Dec., 1905	9,966	324,075	32.52
Dutch	Dec., 1905	5,785	230,222	39.80
Asia:				
British East Indies—				
British India	Mar., 1906	1,115,758	45,396,741	38.98
Ceylon	Dec., 1905	63,850	567,147	8.88
Straits Settlements	Dec., 1905	3,310	317,208	95.83
Dutch East Indies	Dec., 1906	49,566	2,841,535	57.33
Formosa	Mar., 1906	63,332	552,408	8.72
Japan	Dec., 1906	6,658,758	33,713,037	5.06
The Philippines	June, 1907	2,676	255,050	111.77
Africa:				
Cape Colony	June, 1905	98,328	11,032,093	112.20
Egypt	Dec., 1906	50,084	1,581,613	26.77
Gold Coast	Dec., 1905	862	43,774	50.78
Orange River Colony	June, 1905	5,645	828,439	146.76
Sierra Leone	Dec., 1905	5,223	303,081	53.90
Transvaal	June, 1905	40,844	5,224,635	127.94
Australia:				
New South Wales	June, 1905	254,331	38,702,715	152.17
Tasmania	Dec., 1905	17,045	2,216,107	130.02
Western Australia	June, 1906	63,574	11,271,598	177.30
New Zealand	Dec., 1905	276,066	42,158,735	152.69

The most curious and striking feature of this exhibit is that government postal savings banks are in successful operation in Europe, in Austria, Belgium, Bulgaria, Finland, France, Great Britain, Hungary, Italy, the Netherlands, Russia and Sweden; in Asia, in the British East Indies, British India, Ceylon, Straits Settlements, Dutch East Indies, Formósa, Japan, and the Philippines before we acquired them; in Africa, in Cape Colony, Egypt, Gold Coast, Orange River Colony, Sierra Leone, and Transvaal; in Australia, in New South Wales, Tasmania, Western Australia, and New Zealand; in North and South America, in the Bahama Islands, British Guiana, Dutch Guiana, and Canada, and none in the United States.

The operation of the system in Canada is especially significant for us. In European countries like Great Britain, France, Belgium, Holland, and Switzerland the populations are compact, almost congested, in small areas compared with the territory of the United States, but every subdivision of population large enough to support a post-office presents the opportunity to the thrifty to save their earnings. Our own statistics are startling. No one now disputes the benefits of savings institutions to any community. On the contrary, they are one of the best cultivators of good citizenship, good morals, and healthy and independent homes.

I recall an instance in my own experience which illustrates the situation. In the village where I was born and which had many prosperous industries there never had been a savings bank. The artisans in the foundries earned good wages, but the shops were shut down during the winter and also when there was a depression in the trade. All of the workmen lived up to their wages, with the result that in these times of depression there was the greatest distress among them and their families. Thrift is not a natural gift, but an acquired habit. Self-indulgence is according to nature. An astonishing number of people must be placed upon their feet by agencies out of themselves and kept there and kept moving by extraneous help. That accounts for the wonderful and increasing movement for the prohibition in the sale of liquor in the various States. All temperance laws were carried largely through the influence of the women. In one of the great conventions of the ladies of Georgia, one of the orators said:

> The reason why we want and must have this legislation is that our men are temperamentally so constituted that they can not resist temptation.

There settled among us in the early years of my practice at the bar a savings-bank man from New York. He called to-

gether the citizens and organized an institution. As an example and to start it, all who could deposited a hundred dollars. The hundred which I put in, and which represented the extent of my capital, I have never touched to this day, though nearly fifty years have elapsed. Its influence as an anchorage in all crises of a long life has been incalculable. It required eight or ten years to cultivate among the people the saving habit, but when success was assured for the bank, distress disappeared among the artisans and workingmen of the town. The money for the rainy day was in the savings bank and hard times were tided over without suffering, though a greater gain was that in these deposits were the beginnings of the purchase of homes. Before that time for an artisan or workingman to own his home was exceedingly rare, but afterwards it became the rule and not the exception. Good citizenship, a keen interest in public affairs, the prosperity of the church and the school, were all incalculably promoted by the independence and self-respect in the ownership of homes.

The savings-bank system in the various States is admirable, the laws governing them are excellent, and they are safeguarded in every way. There are no better managed or safer institutions in the world. But under private management they are established only where there is a large enough population to support the machinery of a bank out of the surplus, after paying interest to depositors. That machinery means banking rooms, officers, clerks, and other expenses, which increase with the magnitude of the business. In fact, it would be impossible to maintain a savings bank in isolated communities. When a savings bank is established the expense of its maintenance and administration is supported for the first few years by the philanthropists who have originated it. The deposits must be very considerable before there will be, after 3 or 4 per cent has been paid the depositors, a balance sufficient to run the bank and to lay up a surplus against the accidents of banking, such as depreciation of securities and defalcations. The result is that 14 States have virtually all the savings institutions and 32 States and the Territories have practically none. The deposits in 14 States aggregate three thousand five hundred and ninety millions of dollars, in round numbers, while in the other 32 States and all the Territories the deposits are only seventy thousand. The 6 New England States and New York have twice as many deposits as all the other States put together. This demonstrates that a savings bank, which is the greatest encouragement to industry and thrift, exists and can exist only in crowded communities, but industry and thrift are important everywhere. The only agency which can make these opportunities universal is the post-office. There are less than fifteen hundred savings banks in the United States, and there are 68,000 post-offices. Those figures tell the whole story.

Nearly every day in the newspapers are accounts of crimes of murder and arson committed upon isolated farms, at coal mines, mining camps, and lumber camps, and all of them for robbery. The fact that farmers too distant to avail themselves of savings banks hide their money in the house, and that this is true among the thrifty in coal and iron mines and with the men who are working upon the construction of railways or in the digging of canals, has created a class of criminals whose specialty is ascertaining the thrifty and preying upon them either by threats or violence. There is no doubt if the post-offices in these neighborhoods could receive, as this bill suggests, deposits from $1 up with the confidence which exists everywhere in the Government, that the temptation for thieves and murderers would be removed and criminal conspiracies broken up. The deadly dullness of department figures is seldom relieved by anything of human interest, but a pathetic incident in the routine of the Treasury was the statement made recently that the work of the bureau which endeavors to make out the numbers and denominations of burned bank bills which have been returned in order that new ones may be issued in their place is very much greater at the beginning of the winter than at any other season of the year, because the farmer or his wife have hidden their money in the stove and when the fires are started this risky safe deposit has been forgotten and the savings of years are raked out from the embers of the fire in the hopes of some recovery by the care of the examiners of the Treasury Department.

In industrial crises, which will continue to be common with us so long as our present unscientific system of currency exists, the acuteness of the difficulty is accentuated by the hoarding of money, but this would no longer be practiced if the people who are distant from populous centers where savings banks can be supported had a place for deposit. Judging from the example of Great Britain, France, Belgium, Holland, Switzerland, and Canada it is safe to calculate that there would be on deposit in the postal savings banks in the United States at least $500,000,000. This would be money in possession of the Government available to prevent and minimize financial troubles. It would be money which otherwise could not be reached by any process. Fear leads depositors to make runs upon the banks in times of panics, but confidence would cause every depositor with the Government to leave his money in the Treasury and all who had money hidden to take advantage of this solid security. Our Post-Office Department, which began so humbly, has now reached enormous proportions. Its receipts for 1908 were, in round numbers, $191,500,000, and its expenditures $208,351,000. At first its workings covered only letters. Then by reductions of postage and new methods an enormous impetus was given to the education which can be derived by the largest possible circulation of newspapers and magazines. Then to make it easy, safe, and cheap for the people to send money to different parts of the country, or to their relatives abroad, the money-order system was adopted and is now in successful operation in about 38,000 post-offices. Through this medium, which is an awkward one, it is estimated that nearly $20,000,000 are annually transmitted.

Ten years ago we entered with many misgivings upon the rural free delivery. This now takes 16,000,000 farmers out of their isolation and brings them in daily contact with the affairs and markets of the world. Here we have an illustration of the very gradual and conservative expansion of our post-office facilities during a century.

Postal savings banks would not have been feasible years ago, but now it will be a natural and expressive adjunct to the post-offices of the country. The Government allows 2 per cent interest, and the postmaster deposits the money at the nearest bank at 2½ per cent. The extra one-half per cent will pay all the expenses of the administration and leave a surplus. This rate of interest prevents the postal savings bank being brought in competition with existing institutions. With only 1,500 savings banks, and those in 14 States, with 32 States and the Territories practically deficient, and with 68,000 post-offices, the figures demonstrate that it is a new business outside of existing savings-bank business and can not interfere with it to any appreciable extent. We have already enlarged the power of the Secretary of the Treasury in the acceptance of bonds for deposits, and there is no question but that Congress can authorize the Secretary, if there is no use for these moneys in the national banks, to invest them in interest-paying securities. The principal objection that I have heard to the postal savings bank is the old cry of paternalism, with a suggestion, as usual, of constitutional limitation, but we are already, in the development of our resources, a paternalistic government in fields which promote instead of weaken individual enterprise and independence. Our whole scheme of internal improvements is based upon this consideration. The Rivers and Harbors Congress, recently in session here, was composed of able and patriotic men from every State in the Union. Among them were many of the greatest statesmen for states rights as against the enlargement of the powers of the Federal Government, but under a proposition to issue five hundred millions of bonds for the improvement of our waterways the congress unanimously and enthusiastically arose and cheered an appropriation under the old flag. We are spending two thousand millions a year for our navy, our army, our rivers and harbors, our Reclamation Service, and our civil service. The fruits of these expenditures are largely protection against what may never happen, but in this proposition we are adding to the solid wealth of the country, we are protecting the thrifty in localities where now they are helpless, we are encouraging the careless and extravagant to become thrifty, and we are promoting the general welfare and good citizenship and adding substantially to the national credit.

Mr. BURKETT. I rose to ask that the unfinished business be laid aside, but I see the Senator from Montana is now present.

Mr. CARTER. I ask that it be temporarily laid aside.

The VICE-PRESIDENT. The unfinished business will be temporarily laid aside at the request of the Senator from Montana.

ST. PAUL BRIDGE AND TERMINAL RAILWAY COMPANY.

Mr. NELSON. On behalf of the junior Senator from Virginia [Mr. MARTIN], from the Committee on Commerce, I report the bill (S. 7777) to authorize the St. Paul Bridge and Terminal Railway Company to construct a bridge across the Mississippi River at or near St. Paul, Minn. I submit a report thereon (No. 697). It is a simple bridge bill, which has been favorably reported upon by the War Department. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HERBERT J. BROWNE AND W. G. BALDWIN.

Mr. FORAKER. I beg leave to submit a resolution, and I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The Senator from Ohio asks unanimous consent for the present consideration of a resolution, which will be read for the information of the Senate.

The resolution was read, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to report to the Senate when Herbert J. Browne and W. G. Baldwin, mentioned in the President's message of December 14, 1908, relating to the Brownsville shooting affray, were employed by the War Department to investigate what happened at Brownsville on the 13th and 14th of August, 1906, the terms of that employment, and whether any others, and, if so, who, were, or at any time have been, employed to assist them or to render a like service, and whether white or colored, with full names and residence of same; and whether the said Herbert J. Browne and W. G. Baldwin and any others who may have been so employed are still in such employment, and under what instructions they have been acting; and if such instructions are in writing, to send to the Senate a copy of the same; and what has been paid said parties, or any of them, on such account either as compensation for services rendered or on account of expenses by them incurred in connection with said employment; and also by what authority such persons were employed and by what authority they, or any expenses they may have incurred, were paid, and out of what fund, or funds, giving such account item by item.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. LODGE. I was out of the Chamber for a moment. I should like to hear the resolution read.

The VICE-PRESIDENT. The Secretary will again read the resolution at the request of the Senator from Massachusetts.

The Secretary again read the resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. WARREN. I ask that it may lie over.

The VICE-PRESIDENT. Objection being made, the resolution will lie over.

OMNIBUS CLAIMS BILL.

Mr. FULTON. Mr. President, House bill 15372, known as the "omnibus claims bill," was made a special order for this time. But I see it will be impracticable to take it up and proceed with it, as a great many who are interested in it have already left and will not return for some days, probably not until after the holidays. I therefore ask unanimous consent that the bill may be made a special order for Wednesday, the 6th day of January, to be taken up for consideration at the expiration of the routine morning business, and its consideration proceeded with until it shall have been disposed of.

The VICE-PRESIDENT. The Senator from Oregon asks unanimous consent that House bill 15372, known as the "omnibus claims bill," be taken up for consideration following the routine morning business Wednesday, January 6 next, the consideration thereof to proceed until the bill shall have been disposed of.

Mr. FULTON. Not to interfere, of course——

Mr. KEAN. With appropriation bills.

Mr. FULTON. Not to interfere with the postal savings bank bill.

Mr. KEAN. Or with appropriation bills.

The VICE-PRESIDENT. Such consideration not to interfere with appropriation bills.

Mr. FULTON. Or with the postal savings bank bill.

Mr. FORAKER. Or any other special order.

Mr. FULTON. I am not disposed to limit it to any such special order. There is not one that I am aware of.

Mr. FORAKER. We have a special order for to-morrow, and we may not get through with it before we adjourn, and in that event I suppose it would continue the special order until in some manner disposed of.

Mr. FULTON. I do not so understand. I understand where a measure is simply made a special order for a special day——

Mr. FORAKER. I think we can accommodate any differences we may have about it. I have no disposition to stand in the way of the Senator's bill.

Mr. FULTON. I will say that if, when the claims bill comes up for consideration, there is any measure that a Senator specially wishes to have disposed of, I will agree to lay aside the special order.

Mr. FORAKER. Very well.

Mr. DAVIS. I would make no objection to having this bill made a special order, but I suggest to the Senator from Oregon that he put it at a later date. It will be impossible for a number of us to return here before the 10th of January, and if he will fix it for the 10th it will be more satisfactory than the 6th. I trust he will yield to that suggestion.

Mr. FULTON. The situation in regard to the measure is this: It was reported at the last session, and it should have been considered then. It involves a vast number of items proposed to be placed in the bill by way of amendment. If the bill goes back to the other House, it will take probably several weeks for its consideration there, and unless it is sent by the Senate to the House very early it will not be considered at this session. Therefore I must ask that the Senate indulge me in the request that it be made the special order, as stated, for Wednesday, the 6th of January.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Oregon? The Chair hears none, and it is so ordered.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE SMITH OF ILLINOIS.

Mr. CULLOM. Mr. President, I ask that the resolutions of the House of Representatives on the death of the Hon. GEORGE W. SMITH be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,
April 19, 1908.

Resolved, That in pursuance of the special order heretofore adopted, the House now proceed to pay tribute to the memory of Hon. GEORGE W. SMITH, late a Member of this House from the State of Illinois.

Resolved, That as a special mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House at the conclusion of the exercises to-day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. CULLOM. Mr. President, I offer the following resolutions.

The VICE-PRESIDENT. The resolutions submitted by the Senator from Illinois will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate expresses its sorrow on account of the death of Hon. GEORGE W. SMITH, late a Member of the House of Representatives from the State of Illinois.

Resolved, That the business of the Senate be suspended in order that fitting tribute be paid to his memory.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the widow and family of the deceased.

Mr. CULLOM. Mr. President, I ask the attention of the Senate while I submit some remarks appropriate to the occasion, suggested by the resolutions just read.

We are called upon, according to the usual custom in the Senate, to pay our tribute of respect to the memory of a deceased colleague of the other House, GEORGE W. SMITH, late a Representative in Congress from the State of Illinois.

The death roll in Congress during the past few years has been unusually large, and we are again reminded that—

In the midst of life we are in death.

GEORGE W. SMITH was born in Putnam County, Ohio, on August 18, 1846. When but a child he came with his parents to Illinois and settled on a farm in Wayne County, in the southern portion of the State. His early life was the ordinary hard life of a farm boy whose parents were in the most moderate circumstances.

In his early years he learned the trade of a blacksmith, and at the same time attended the common country school. Being ambitious to advance to the higher walks of life, and realizing early the value of education, on his own initiative he commenced his studies in the literary department of McKendree College at Lebanon, Ill., from which he graduated in 1868. Determining to have a profession, to rise above his humble trade as a blacksmith, he took to the law, and entered the law department of the university at Bloomington, one of the earliest and best law institutions in the State, from which he was graduated with honors in 1870 and was admitted to the bar during that year. Like the majority of the young lawyers in that portion of the State, he early took an interest in politics, and was a presidential elector and voted for Garfield in 1880. He was always an uncompromising Republican, and was ready at all times to defend and fight for his party, its principles and policies. For years he devoted close attention to the practice of the law, and as a lawyer possessed far more than ordinary ability, and when elected to Congress his firm enjoyed one of the largest law practices in that portion of Illinois.

GEORGE W. SMITH served in Congress continually from March 4, 1889, until his death, having been elected to the Fifty-first

Congress, and reelected to the Fifty-second, Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, and Sixtieth, and had he lived he could have continued to represent his district as long as he wished to serve. His district was an interesting one. It was the district so long the home of that foremost volunteer soldier and officer of the civil war—Gen. John A. Logan, than whom there was no braver and better soldier, and himself a politician of no mean order. The Logan district, the district represented by Mr. SMITH for so many years, I suppose contains more ambitious politicians than any district in the State. That he was able to retain his place in Congress for so many years proves that he was a shrewd, astute politician. I regarded him as one of the shrewdest politicians in that portion of Illinois. He was a great judge of men and was rarely mistaken in his friends. He had a splendid organization, composed of the best men and politicians in the district, and although he had a sharp contest every time he came up for reelection no one was ever successful in defeating him. He had been unusually successful in his district in securing the nomination from term to term, and ambitious men desirous to represent the district in Congress had become disinclined to become candidates of late years, feeling that Mr. SMITH could and would defeat any man who should become a candidate. As the years went by he seemed to grow stronger among the people of his district, and he was devoted to their interests, never tiring, always ready to respond to the call of a constituent, and the calls were many and frequent, that portion of the State being filled with the gallant survivors of the civil war.

The old soldiers who fought for the country and the flag know and appreciate the men who most sympathize with them, and veterans in his district never failed to manifest their appreciation of Mr. SMITH'S friendship for them.

Under our constitutional form of government, the Senators and Representatives bring from their several States and districts the sentiments and desires of the people they represent touching national affairs and legislation, and by so doing a consensus of public opinion of every section is voiced in our legislative action as nearly as may be, and this is more true in the House, whose Members come closer to and represent the people directly, than it is in the Senate, representing, as we do, the sovereign States. In his legislative action Mr. SMITH always sought to represent as nearly as he could the views of his people, and this made him strong at home. In a popular form of government such as ours it is the duty of Representatives and Senators to represent and carry out the wishes of the people, so far as the Constitution will permit. Mr. SMITH'S service in Congress was at a time when the country had just passed through a great civil war, when only earnest and determined men were most active in political affairs.

GEORGE W. SMITH was my warm, personal friend for many years, and I am indebted to him for years of loyal and active support. He was a man of much power when aroused, and demonstrated his power when goaded and pressed hard by his enemies. He was true to his friends, honest and generous in his sentiments, sincere in his convictions, and strong in his adherence to what he believed to be right.

On the 30th of November, 1907, after a brief illness, attended by a beloved wife and surrounded by devoted friends, he passed away at his old home in Murphysboro. His labors, struggles, and conflicts ended; his work was done; he had finished his course.

Mr. CURTIS. Mr. President, I desire to add a word or two as a tribute to the memory of GEORGE W. SMITH. I knew him well, not only having served with him from the Fifty-third to Fifty-ninth Congress, inclusive, but a few years ago made a trip to the Philippines with a party of which he and his good wife were also members, and on this trip I became intimately acquainted with him and learned of his many good qualities.

He was a successful man on the farm, in the blacksmith shop, in the legal profession, and he was a faithful, hardworking, and successful Member of the House of Representatives. That his people had faith in him is evidenced by the fact that they kept him in Congress for nearly twenty years, and had he lived, he no doubt would have continued to represent them for many more years. He was well equipped for the service in the House; he knew his district well; he loved the people who had honored him, and was ever ready to aid and assist them. He served in the House long enough to be understood by those who were in the public service; he earned high regard by his earnest study of great questions and by the independence and wisdom he displayed.

No taint of corruption or dishonor ever stained his name, and it is therefore befitting that we should record here our affection for him and our appreciation for his honorable and useful life.

Mr. HOPKINS. Mr. President, among the public men from Illinois whom death has claimed in recent years no one has held a better place in the affections of his constituents than GEORGE W. SMITH, late a Member of the House of Representatives from the twenty-fifth district of Illinois.

My acquaintance with Mr. SMITH began when he came to the House of Representatives as a Member of the Fifty-first Congress. I had preceded him as a Member of the House by several years, and I shall never forget the favorable impression that he made upon me as he took his place among the Members of that great legislative body. He was a picture of manly beauty and was well endowed mentally. He was representing a constituency that once had been honored by the service of Gen. John A. Logan, a constituency that demanded much from their Representative. He continued to represent his district in the House of Representatives for twenty years, and during that entire period steadily grew in the affections and esteem of the good people of southern Illinois.

Mr. SMITH was a lawyer by profession, and for many years prior to his entering political life had made his home at Murphysboro, Ill., and had attained by his ability and industry a leading position among the lawyers of his section of the State. He was a ready and eloquent speaker, a logical reasoner, and a careful student of the law. Had he not been diverted from his profession into political life he would have undoubtedly been ranked as one of the leading lawyers of the State. He had a natural aptitude, however, for politics. Murphysboro was once the home of Gen. John A. Logan and the center of political life. Mr. SMITH thus early was brought in contact with the leading men politically in his section of the State. The favorable impression that he made upon them made it very easy for him to become their Representative in Congress.

He had a few fierce battles to maintain his position during his twenty years of service in Congress, but on each of those occasions he displayed the ability, the nerve, and the dash that not only overcame all opposition but strengthened him in the love and esteem of his constituents. I think at the time of his death he was never held in higher regard by those who had followed his fortunes for twenty years. His work in Congress was marked by a steady growth. He served on many of the important committees of the House of Representatives and on each of them displayed the industry and ability that had marked his early career as a lawyer.

Mr. SMITH was a lover of good literature and a man who had traveled extensively in his own and foreign countries. His reading and his travels had made him a broad-minded, cultured gentleman. In private life he was a genial and companionable man. His loss is deplored not only by his personal friends, but by a constituency that will long remember his services and honor his name.

Mr. President, I ask for the adoption of the resolutions submitted by my colleague.

The resolutions were unanimously agreed to.

Mr. HOPKINS. As a further mark of respect to the memory of Mr. SMITH, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 3 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 16, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 15, 1908.*

The House met at 12 o'clock noon.

Prayer by Rev. S. H. Woodrow, D. D., pastor of the First Congregational Church of Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

RULES.

Mr. GARDNER of Massachusetts. Mr. Speaker, I desire to present a privileged question.

The SPEAKER. The gentleman will state it.

Mr. GARDNER of Massachusetts. I move to discharge the Committee on Foreign Affairs from the further consideration of House resolution 447 and that the same be considered by the House.

The SPEAKER. The gentleman will please send the resolution to the Clerk's desk. The gentleman moves, as a question of privilege, to discharge the Committee on Foreign Affairs from further consideration of the following resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Secretary of State be, and he is hereby, respectfully requested, if not incompatible with the public interests, to inform the House of Representatives whether he has in his possession any information as to whether or not the House of Commons of Great Britain has recently adopted a resolution to the effect that a committee of 8 Members of the House be immediately appointed, 5 to be selected by the Speaker and 3 by the leader of the minority, to consider the existing rules of the House, and to report not later than February 1, 1909, what changes, if any, it is desirable to make.

Mr. DALZELL. Mr. Speaker, what is the parliamentary situation?

The SPEAKER. The Chair is just trying to ascertain. The resolution was referred to the Committee on Foreign Affairs on December 8. The question is on the motion to discharge the committee. That is a proper motion and is privileged, and is to be decided without debate. As many as favor the motion——

Mr. CLARK of Missouri. Mr. Speaker, I should like, for the information of the House, to have that resolution read again.

The SPEAKER. The Clerk will again report the resolution.

The resolution was again read.

Mr. PERKINS. Mr. Speaker, do I understand the Speaker to state that that motion can not be debated?

The SPEAKER. The motion to discharge the committee is not subject to debate. After the committee is discharged, if it shall be discharged, then the resolution is, under the rules of the House, subject to any disposition that the House sees proper to make of it. The question is on the motion to discharge the committee.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. GARDNER of Massachusetts. Division, Mr. Speaker.

The House divided; and there were—ayes 73, noes 79.

Mr. GARDNER of Massachusetts. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 146, nays 134, answered "present" 3, not voting 107, as follows:

YEAS—146.

Adair	Ferris	James, Ollie M.	Richardson
Adamson	Finley	Johnson, S. C.	Riordan
Alexander, Mo.	Fitzgerald	Kimball	Robinson
Ashbrook	Floyd	Kipp	Rothermel
Barnhart	Foster, Ill.	Kitchin, Claude	Rucker
Bartlett, Ga.	Fowler	Kitchin, Wm. W.	Russell, Mo.
Bartlett, Nev.	Fulton	Lamb	Russell, Tex.
Beall, Tex.	Gaines, Tenn.	Leake	Ryan
Booher	Gardner, Mass.	Lee	Sabath
Bowers	Garner	Lenahan	Scott
Boyd	Garrett	Lindbergh	Shackleford
Brodhead	Gill	Lindsay	Sheppard
Brundidge	Gillespie	Livingston	Sherley
Burgess	Glass	Lloyd	Sherwood
Burleson	Godwin	Lovering	Sims
Burnett	Gordon	McDermott	Slayden
Caldwell	Goulden	McKinlay, Cal.	Small
Campbell	Gronna	Madison	Smith, Mo.
Candler	Hamilton, Iowa	Maynard	Smith, Tex.
Carlin	Hamlin	Moon, Tenn.	Sparkman
Carter	Hammond	Moore, Tex.	Stanley
Caulfield	Hardwick	Morse	Stephens, Tex.
Clark, Mo.	Hardy	Murdock	Sturgiss
Clayton	Harrison	Murphy	Talbott
Cockran	Hay	Nelson	Taylor, Ala.
Cooper, Tex.	Hayes	Nicholls	Thomas, N. C.
Cooper, Wis.	Heflin	Nye	Underwood
Cox, Ind.	Helm	Padgett	Volstead
Craig	Henry, Tex.	Page	Wallace
Cravens	Hepburn	Patterson	Watkins
Davenport	Houston	Pearre	Webb
Davis, Minn.	Howland	Peters	Weisse
De Armond	Hubbard, Iowa	Pollard	Wiley
Denver	Hubbard, W. Va.	Pujo	Williams
Dixon	Hughes, N. J.	Rainey	Wilson, Pa.
Ellerbe	Hull, Tenn.	Randell, Tex.	
Ellis, Mo.	Humphreys, Miss.	Rauch	

NAYS—134.

Alexander, N. Y.	Cushman	Gilhams	Kennedy, Ohio
Allen	Dalzell	Graff	Knapp
Ames	Darragh	Graham	Knopf
Andrus	Dawson	Greene	Knowland
Anthony	Denby	Haggott	Küstermann
Bannon	Douglas	Hale	Langley
Barchfeld	Draper	Hamilton, Mich.	Law
Bates	Driscoll	Harding	Lawrence
Beale, Pa.	Durey	Haskins	Longworth
Bonynge	Dwight	Haugen	Loudenslager
Bradley	Edwards, Ky.	Hawley	Lowden
Brownlow	Ellis, Oreg.	Henry, Conn.	McCall
Burton, Del.	Englebright	Higgins	McCreary
Butler	Esch	Howard	McGavin
Capron	Fairchild	Howell, N. J.	McGuire
Cassel	Fassett	Howell, Utah	McKinley, Ill.
Chaney	Foss	Hughes, W. Va.	McLachlan, Cal.
Chapman	Foster, Ind.	Hull, Iowa	McLaughlin, Mich.
Cocks, N. Y.	Foster, Vt.	Humphrey, Wash.	McMillan
Cook, Colo.	Foulkrod	Jenkins	McMorran
Cook, Pa.	French	Jones, Wash.	Madden
Cooper, Pa.	Fuller	Kahn	Mann
Crumpacker	Gaines, W. Va.	Keifer	Martin
Currier	Gardner, Mich.	Kennedy, Iowa	Miller
Moon, Pa.	Reynolds	Steenerson	Vreeland
Moore, Pa.	Rodenberg	Sterling	Wanger
Mudd	Sherman	Stevens, Minn.	Washburn
Needham	Slemp	Sulloway	Watson
Olmsted	Smith, Cal.	Tawney	Wheeler
Overstreet	Smith, Iowa	Taylor, Ohio	Wilson, Ill.
Parker	Smith, Mich.	Thistlewood	Woodyard
Payne	Snapp	Thomas, Ohio	Young
Perkins	Sperry	Tirrell	
Pray	Stafford	Townsend	

ANSWERED "PRESENT"—3.

Bennet, N. Y.	Macon	Reid

NOT VOTING—107.

Acheson	Davey, La.	Hitchcock	Mondell
Aiken	Davidson	Hobson	Mouser
Ansberry	Dawes	Holliday	Norris
Barclay	Diekema	Huff	O'Connell
Bartholdt	Edwards, Ga.	Jackson	Olcott
Bede	Estopinal	James, Addison D.	Parsons
Bell, Ga.	Favrot	Johnson, Ky.	Porter
Bennett, Ky.	Flood	Jones, Va.	Pou
Bingham	Focht	Keliher	Pratt
Birdsall	Foelker	Kinkaid	Prince
Boutell	Fordney	Lafean	Ransdell, La.
Brantley	Fornes	Lamar, Fla.	Reeder
Broussard	Gardner, N. J.	Lamar, Mo.	Rhinock
Brumm	Gillett	Landis	Roberts
Burke	Goebel	Laning	Saunders
Burleigh	Goldfogle	Lassiter	Southwick
Burton, Ohio	Granger	Legare	Spight
Byrd	Gregg	Lever	Sulzer
Calder	Griggs	Lewis	Swasey
Calderhead	Guernsey	Lilley	Tou Velle
Cary	Hackett	Lorimer	Waldo
Clark, Fla.	Hackney	Loud	Weeks
Cole	Hall	McHenry	Weems
Conner	Hamill	McKinney	Willett
Coudrey	Hill, Conn.	McLain	Wolf
Cousins	Hill, Miss.	Malby	Wood
Crawford	Hinshaw	Marshall	

So the motion was agreed to.

The following pairs were announced:

For the session:

Mr. BENNET of New York with Mr. FORNES.

Mr. BOUTELL with Mr. GRIGGS.

Until further notice:

Mr. MARSHALL with Mr. REID.

Mr. CONNER with Mr. LEGARE.

Mr. BINGHAM with Mr. KELIHER.

Mr. COUSINS with Mr. BYRD.

Mr. BURLEIGH with Mr. BRANTLEY.

Mr. DIEKEMA with Mr. CLARK of Florida.

Mr. CALDER with Mr. FAVROT.

Mr. BARTHOLDT with Mr. GOLDFOGLE.

Mr. COUDREY with Mr. LAMAR of Missouri.

Mr. MOUSER with Mr. MCLAIN.

Mr. WALDO with Mr. SULZER.

Mr. MCKINNEY with Mr. ANSBERRY.

Mr. CARY with Mr. EDWARDS of Georgia.

Mr. ACHESON with Mr. PRATT.

Mr. BIRDSALL with Mr. AIKEN.

Mr. BURKE with Mr. BELL of Georgia.

Mr. BURTON of Ohio with Mr. BROUSSARD.

Mr. CALDERHEAD with Mr. MACON.

Mr. COLE with Mr. CRAWFORD.

Mr. DAVIDSON with Mr. DAVEY of Louisiana.

Mr. DAWES with Mr. ESTOPINAL.

Mr. FOELKER with Mr. GRANGER.

Mr. FORDNEY with Mr. GREGG.

Mr. GARDNER of New Jersey with Mr. HACKETT.

Mr. GILLETT with Mr. HACKNEY.

Mr. GOEBEL with Mr. HAMILL.

Mr. GUERNSEY with Mr. HITCHCOCK.

Mr. HILL of Connecticut with Mr. HOBSON.

Mr. HINSHAW with Mr. JOHNSON of Kentucky.

Mr. HOLLIDAY with Mr. JONES of Virginia.

Mr. HUFF with Mr. LAMAR of Florida.

Mr. LAFEAN with Mr. LASSITER.

Mr. LANDIS with Mr. LEVER.

Mr. LOUD with Mr. LEWIS.

Mr. MALBY with Mr. MCHENRY.

Mr. MONDELL with Mr. O'CONNELL.

Mr. NORRIS with Mr. POU.

Mr. OLCOTT with Mr. RANSDELL of Louisiana.

Mr. PARSONS with Mr. RHINOCK.

Mr. PORTER with Mr. SAUNDERS.

Mr. PRINCE with Mr. SPIGHT.

Mr. ROBERTS with Mr. TOU VELLE.

Mr. SOUTHWICK with Mr. WILLETT.

Mr. WOOD with Mr. WOLF.

For this day:

Mr. LORIMER with Mr. HILL of Mississippi.

Mr. COLE. Mr. Speaker, am I entitled to vote?

The SPEAKER. Was the gentleman present and listening when his name should have been called?

Mr. COLE. I have just arrived.

The SPEAKER. The gentleman is not entitled to vote.

The vote as above recorded was announced by the Speaker.

Mr. GARDNER of Massachusetts. Mr. Speaker, I desire to offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Strike out all the words beginning with "that," in line 1, and ending with the word "effect," in line 6.

Mr. GARDNER of Massachusetts. Mr. Speaker——

Mr. PAYNE. Will the gentleman wait until we find out what the amendment is?

The SPEAKER. The Clerk will report the resolution as it will read if the amendment is adopted.

The Clerk read as follows:

Strike out all the words beginning with "that," in line 1, and ending with the word "effect," in line 6, so as to read as follows:
"*Resolved*, That a committee of 8 Members of the House be immediately appointed, 5 to be selected by the Speaker and 3 by the leader of the minority, to consider the existing rules of the House, and to report not later than February 1, 1909, what changes, if any, it is desirable to make."

Mr. DALZELL. Mr. Speaker, I make the point of order that that is not germane.

Mr. FITZGERALD. Oh, it is in order to strike out the resolution.

Mr. DALZELL. Oh, the gentleman knows——

Mr. FITZGERALD. Oh, the gentleman knows too. [Laughter.]

Mr. PAYNE. I make the point of order that it destroys the privilege of the resolution.

Mr. FITZGERALD. The privilege of the resolution is to discharge the committee.

Mr. PERKINS. The committee has been discharged.

The SPEAKER. Upon the point of order suggested by the gentleman from New York [Mr. PAYNE], that this amendment destroys the privilege of the resolution, the Chair will hear the gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. It is customary to state all points of order at once, and I desire to address myself to the point of order made by the gentleman from Pennsylvania [Mr. DALZELL], unless it is withdrawn, as well as to the point of order made by the gentleman from New York [Mr. PAYNE].

The SPEAKER. The Chair would be glad to hear from the gentleman on the point of order suggested by the gentleman from New York if the gentleman from Massachusetts desires to be heard.

Mr. GARDNER of Massachusetts. And the Chair is unwilling to hear the gentleman from Massachusetts on the point of order made by the gentleman from Pennsylvania?

The SPEAKER. The Chair does not care to hear the gentleman from Massachusetts on that point of order, but the Chair does desire, if the gentleman from Massachusetts desires to be heard, to hear him briefly upon the point of order suggested by the gentleman from New York.

Mr. GARDNER of Massachusetts. Very well, Mr. Speaker. I invite the attention of the Chair to the fifth volume of Hinds's Precedents of the House of Representatives, and more especially to page 396. I shall read the heading, section 5783, which is as follows:

The admissibility of an amendment should be judged by the provisions of its text rather than from the purpose which circumstances may suggest.

I admit at once that the proposed amendment changes the whole character of the resolution, but that fact alone does not make it obnoxious to the point of order. I shall go on and read from the decision of the Speaker at that time.

The SPEAKER. To get at the exact question, the Chair will state what was in the mind of the Chair. The Chair would be glad to hear discussed this question, if the gentleman from Massachusetts desires to discuss it. Here is a resolution that under the rules was referred to the Committee on Foreign Affairs. That committee failed to report within the prescribed seven days. The gentleman from Massachusetts [Mr. GARDNER] moves to discharge the Committee on Foreign Affairs from the further consideration of that resolution. The House has so voted. Now the gentleman offers an amendment to that resolution which the Chair suggests to the gentleman changes the character of the resolution, so that that which was privileged would be so changed as to bring before the House a proposition that *is not privileged*, and therefore the gentleman would thereby accomplish indirectly what he could not accomplish directly. It is that particular question which dwells in the mind of the Chair and upon which the Chair would be glad to hear the gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. Mr. Speaker, it is to that very branch of the question that I am endeavoring to address myself, if the Chair will give me a chance. First, let me say that while I am perfectly well aware that the rules say that by the motion to recommit you can not by indirection adopt an amendment which could not be adopted directly, I fail to see how that well-known principle applies in this case. The single decision which would support the contention of the gentleman from New York was made in 1882. By that decision an amendment which would have changed a resolution of inquiry to one of instruction was held not to be germane. That would appear to support the contention of the gentleman from New York, but if the Chair will examine section 5805, he will see that that decision has been overruled, to the extent at least of deciding that an amendment *striking out* words is to be held admissible in contradistinction to an amendment *adding* words. I call the House's attention to this statement from the chairman, Mr. THEODORE E. BURTON, of Ohio, in ruling on that question:

The Chair also thinks the rule to be that an amendment striking out a portion of the paragraph is not subject to the point of order. Form and not effect should be considered.

I read again. The chairman says:

The Chair would state that there is merely a question for the committee to consider. It is to be noted that this amendment consists not in adding to the language of the paragraph, but in striking out certain words which constitute a portion of the paragraph.

Mr. FITZGERALD. Mr. Speaker, I should like to be heard briefly on the question of order. I wish to call the attention of the Chair to the fact that under the rule the privilege belongs to the motion to discharge the committee when certain resolutions have not been reported within a certain time. When such resolutions are before the House and it is attempted to add amendments by insertion, the point of order that the amendment is not germane is a point that is frequently raised and sustained, not because of any peculiar character the resolution has by having come before the House on a motion to discharge the committee, but under the general rules affecting the germaneness of the amendments. But this is not a motion to insert. This is a motion to perfect the resolution by striking out. The gentleman can not make the point of order that it is not germane to strike something out of the resolution. The House, having possession of the resolution, so far as it does not violate the rule regarding germaneness, is entitled to amend it in any way it sees fit. The only way an amendment can be held out of order to this resolution would be on the ground that its subject-matter was not germane to the subject-matter of the resolution itself. The mere fact that the resolution when amended would accomplish some other purpose than that intended by the original resolution should not affect the ruling on the question of order.

The SPEAKER. The Chair is prepared to rule. The motion to discharge the committee was privileged, and the resolution from the consideration of which the Committee on Foreign Affairs was discharged is privileged. The amendment strikes out the following words:

That the Secretary of State be, and he is hereby, respectfully requested, if not incompatible with the public interests, to inform the House of Representatives whether he has in his possession any information as to whether or not the House of Commons of Great Britain has recently adopted a resolution to the effect.

Those words are to be stricken out by the amendment, and the amendment would then leave the words in the original resolution as follows:

That a committee of eight Members of the House be immediately appointed, five to be selected by the Speaker and three by the leader of the minority, to consider the existing rules of the House and to report not later than February 1, 1909, what changes, if any, it is desirable to make.

Thus the amendment would change the character of the resolution, which was one of inquiry, and therefore privileged under the rule, by striking out the matter inquired about and leaving in the resolution matter that is not privileged. If the resolution had stood as the gentleman now proposes by his amendment to have it stand, it would not have been in order, because it would be shorn of all matter of inquiry contained in the resolution. The precedents are quite numerous. I read from the Digest, volume 7:

A privileged proposition may not be amended by adding thereto matter not privileged or germane to the original question. (Vol. 5, sec. 5890.)

That was a ruling by the present Speaker of the House.

It is not in order to amend a pending privileged proposition by adding a matter not privileged and not germane to the original proposition. (Vol. 5, sec. 5809.)

That was a ruling by Mr. Speaker Carlisle. Section 5810 contains a similar ruling by Mr. Speaker pro tempore Blackburn:

The text of a bill containing nonprivileged matter, privilege may not be created by a committee amendment in the nature of a substitute not containing the nonprivileged matter. (Vol. 4, sec. 4623.)

The precedents are numerous and to the point, and the Chair is perfectly clear that the point of order is well taken, and sustains the same.

Mr. GARDNER of Massachusetts. Mr. Speaker, I respectfully appeal from the decision of the Chair and ask to be heard on that appeal according to the rules.

The SPEAKER. The gentleman from Massachusetts appeals from the decision of the Chair.

Mr. PAYNE. Mr. Speaker, I move to lay that appeal on the table.

The SPEAKER. The gentleman from New York moves to lay that appeal on the table.

Mr. GARDNER of Massachusetts. Mr. Speaker, I raise the point of order that the rules give the right to one speech on an appeal from the decision of the Chair.

The SPEAKER. The Chair's recollection, from many years of service, confirmed by good authority, is that, time out of mind, for at least a generation, the uniform practice has been on a motion to appeal from the decision of the Chair to entertain a motion to lay the appeal on the table, and therefore the Chair entertains that motion.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts shall be heard upon his appeal for ten minutes.

Mr. DALZELL. Regular order!

Mr. PAYNE. Mr. Speaker, I want to say here that the gentleman from Massachusetts had an opportunity to present this question; I therefore object to unanimous consent.

The SPEAKER. Objection is heard. The question is on the motion of the gentleman from New York to lay the appeal on the table.

The question was taken.

The SPEAKER. Well, as the Chair is in doubt—more noise being made on one side than the other [laughter and applause]—as many as favor the motion will rise and stand until they are counted.

The House proceeded to divide.

Mr. PAYNE. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from New York demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 149, nays 136, answered "present" 4, not voting 101, as follows:

YEAS—149.

Alexander, N. Y.	Edwards, Ky.	Humphrey, Wash.	Overstreet
Allen	Ellis, Oreg.	Jenkins	Parker
Ames	Englebright	Jones, Wash.	Parsons
Andrus	Esch	Kahn	Payne
Anthony	Fairchild	Keifer	Perkins
Bannon	Fassett	Kennedy, Iowa	Pollard
Barchfeld	Fordney	Kennedy, Ohio	Pray
Bates	Foss	Kinkaid	Reynolds
Beale, Pa.	Foster, Ind.	Knapp	Roberts
Birdsall	Foster, Vt.	Knopf	Rodenberg
Bonynge	Foulkrod	Knowland	Scott
Brownlow	French	Küstermann	Sherman
Burton, Del.	Fuller	Landis	Slemp
Butler	Gaines, W. Va.	Langley	Smith, Cal.
Campbell	Gardner, Mich.	Law	Smith, Iowa
Capron	Gilhams	Lawrence	Smith, Mich.
Cassel	Goebel	Longworth	Snapp
Caulfield	Graff	Lorimer	Sperry
Chaney	Graham	Loud	Stafford
Chapman	Greene	Loudenslager	Sterling
Cocks, N. Y.	Guernsey	Lowden	Stevens, Minn.
Cole	Haggott	McCreary	Sturgiss
Cook, Colo.	Hale	McGavin	Sulloway
Cook, Pa.	Hamilton, Mich.	McGuire	Tawney
Cooper, Pa.	Harding	McKinley, Ill.	Taylor, Ohio
Crumpacker	Haskins	McKinney	Thistlewood
Currier	Haugen	McLachlan, Cal.	Thomas, Ohio
Cushman	Hawley	McLaughlin, Mich.	Tirrell
Dalzell	Henry, Conn.	McMillan	Vreeland
Darragh	Higgins	Madden	Wanger
Davidson	Hill, Conn.	Mann	Washburn
Dawson	Holliday	Martin	Watson
Denby	Howard	Miller	Wilson, Ill.
Douglas	Howell, N. J.	Mondell	Woodyard
Draper	Howell, Utah	Moon, Pa.	Young
Driscoll	Hubbard, W. Va.	Moore, Pa.	
Durey	Hughes, W. Va.	Needham	
Dwight	Hull, Iowa	Olmsted	

NAYS—136.

Adair	Bartlett, Nev.	Burnett	Clayton
Adamson	Beall, Tex.	Byrd	Cockran.
Aiken	Booher	Caldwell	Cooper, Wis.
Alexander, Mo.	Bowers	Candler	Cox, Ind.
Ashbrook	Boyd	Carlin	Craig
Barnhart	Brodhead	Carter	Cravens
Bartlett, Ga.	Burgess	Clark, Mo.	Davenport
Davis, Minn.	Harrison	Lloyd	Ryan
De Armond	Hay	McDermott	Sabath
Denver	Hayes	McKinlay, Cal.	Saunders
Dixon	Heflin	Macon	Shackleford
Ellerbe	Helm	Madison	Sheppard
Ellis, Mo.	Henry, Tex.	Maynard	Sherley
Ferris	Houston	Moon, Tenn.	Sherwood
Finley	Howland	Moore, Tex.	Sims
Fitzgerald	Hubbard, Iowa	Morse	Slayden
Floyd	Hughes, N. J.	Murdock	Small
Foster, Ill.	Hull, Tenn.	Murphy	Smith, Mo.
Fulton	Humphreys, Miss.	Nelson	Smith, Tex.
Gaines, Tenn.	James, Ollie M.	Nicholls	Stanley
Gardner, Mass.	Johnson, S. C.	Padgett	Stephens, Tex.
Garner	Jones, Va.	Page	Taylor, Ala.
Garrett	Kimball	Peters	Thomas, N. C.
Gill	Kipp	Rainey	Tou Velle
Gillespie	Kitchin, Claude	Randell, Tex.	Townsend
Glass	Kitchin, Wm. W.	Ransdell, La.	Underwood
Godwin	Lamb	Rauch	Volstead
Gordon	Leake	Reid	Wallace
Gronna	Lee	Richardson	Watkins
Hamilton, Iowa	Lenahan	Robinson	Webb
Hamlin	Lever	Rothermel	Weisse
Hammond	Lindbergh	Rucker	Wiley
Hardwick	Lindsay	Russell, Mo.	Williams
Hardy	Livingston	Russell, Tex.	Wilson, Pa.

ANSWERED "PRESENT"—4.

Bennet, N. Y.	Brantley	Goulden	McMorran

NOT VOTING—101.

Acheson	Davey, La.	Huff	Pearre
Ansberry	Dawes	Jackson	Porter
Barclay	Diekema	James, Addison D.	Pou
Bartholdt	Edwards, Ga.	Johnson, Ky.	Pratt
Bede	Estopinal	Keliher	Prince
Bell, Ga.	Favrot	Lafean	Pujo
Bennett, Ky.	Flood	Lamar, Fla.	Reeder
Bingham	Focht	Lamar, Mo.	Rhinock
Boutell	Foelker	Laning	Riordan
Bradley	Fornes	Lassiter	Southwick
Broussard	Fowler	Legare	Sparkman
Brumm	Gardner, N. J.	Lewis	Spight
Brundidge	Gillett	Lilley	Steenerson
Burke	Goldfogle	Lovering	Sulzer
Burleigh	Granger	McCall	Swasey
Burleson	Gregg	McHenry	Talbott
Burton, Ohio	Griggs	McLain	Waldo
Calder	Hackett	Malby	Weeks
Calderhead	Hackney	Marshall	Weems
Cary	Hall	Mouser	Wheeler
Clark, Fla.	Hamill	Mudd	Willett
Conner	Hepburn	Norris	Wolf
Cooper, Tex.	Hill, Miss.	Nye	Wood
Coudrey	Hinshaw	O'Connell	
Cousins	Hitchcock	Olcott	
Crawford	Hobson	Patterson	

So the motion to lay the appeal on the table was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. McCALL with Mr. RIORDAN.

Mr. MUDD with Mr. TALBOTT.

Mr. MADDEN with Mr. BURLESON.

Mr. WEEKS with Mr. SPARKMAN.

Mr. LANING with Mr. PATTERSON.

Mr. ADDISON D. JAMES with Mr. FLOOD.

Mr. HEPBURN with Mr. COOPER of Texas.

Mr. BENNETT of Kentucky with Mr. BRUNDIDGE.

Mr. BEDE with Mr. ANSBERRY.

For the session:

Mr. BRADLEY with Mr. GOULDEN.

Mr. MCMORRAN with Mr. PUJO.

The result of the vote was announced as above recorded. [Applause.]

Mr. GARDNER of Massachusetts. Mr. Speaker, I desire to address the House on the resolution.

The SPEAKER. The resolution is before the House.

Mr. GARDNER of Massachusetts. Mr. Speaker, I admit that this is not the right way to introduce into this House a resolution for the appointment of a committee. It is not proper to introduce a wolf in sheep's clothing. I admit that at once. But before now I have introduced more than one resolution referred directly to the Committee on Rules, and experience taught me that if I introduced this resolution in the way it ought to be introduced, but scant consideration might be its fate. I am glad that this question has come up to-day, because it shows one of the few loopholes that are left open, and I suggest that it might well be closed up.

I do not think, however, that the people of this country care very much about these small details. I do not think they care very much whether this man or that man is recognized. What they want to know is that measures of great public importance are recognized, and it is coming to such a pass that matters of great public importance can not have their day in court unless with the approval of the Committee on Rules. Oh, I know that has been denied. I have read with interest the statement made by the best parliamentarian of us all, the gentleman who stands at the Speaker's right hand.

Mr. DALZELL. Mr. Speaker, I rise to a question of order. The gentleman is not addressing himself to the resolution.

The SPEAKER. In the opinion of the Chair, the point of order is well taken. The gentleman will proceed in order.

Mr. GARDNER of Massachusetts. Mr. Speaker, I had anticipated that point of order, and was only surprised that it was not made sooner. [Applause on the Democratic side.]

Now, Mr. Speaker, I yield such portion of my time as is reasonable to the gentleman, or any other gentleman, if he wishes to discuss the merits of this resolution.

Several MEMBERS. What gentleman?

Mr. GARDNER of Massachusetts. Any gentlemen. Those whom the cap fits may wear it.

Mr. PAYNE. Nobody seems to see any merit in it.

Mr. GARDNER of Massachusetts. Very well, Mr. Speaker, if no one wishes to discuss this further, I move to lay the resolution on the table, and on that I ask the previous question.

Mr. PAYNE. Mr. Speaker, I make the point of order that the previous question does not lie to a motion to lay on the table.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] moves that the resolution do lie on the table.

The question was taken; and there were—ayes 127, noes 42.

So the resolution was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the following concurrent resolution of the House, No. 46:

Resolved by the House of Representatives (the Senate concurring): That when the two Houses adjourn on Saturday, December 19, they stand adjourned until 12 o'clock meridian, Monday, January 4, 1909.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 5473) to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service, had asked a conference with the House on the disagreeing votes of the two Houses, and had appointed Mr. PERKINS, Mr. GALLINGER, and Mr. TILLMAN as the conferees on the part of the Senate.

PEACE PALACE AT THE HAGUE.

The Speaker laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a report from the Secretary of State, with accompanying dispatch from the American legation at The Hague, concerning the wish expressed by the Second Hague Conference that appropriate contribution be made by each Government toward the adornment of the Peace Palace at The Hague.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 15, 1908.*

PANAMA CANAL.

The Speaker also laid before the House a message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Interstate and Foreign Commerce and ordered to be printed.

[See Senate proceedings of to-day for message.]

UNFINISHED BUSINESS.

The SPEAKER. The unfinished business coming over from yesterday was the point of order made by the gentleman from New York [Mr. FITZGERALD] that the bill (S. 6359) should receive its first consideration in the Committee of the Whole House on the state of the Union, inasmuch as it was alleged that it made a charge upon the Treasury.

The Chair has carefully examined the bill, and finds, on page 2, the following language:

Said municipal court shall sit for trial of causes in one building to be designated by the Commissioners of the District of Columbia, to be rented by said District of Columbia at a rental not to exceed $1,800 per annum.

On page 4 the bill provides for the appointment of clerks, payable monthly by the District of Columbia, and so forth. The rule has been construed that it must appear on the face of the measure that a charge was created. It will not do to speculate that it may make a charge. Now, the Chair should be inclined to hold, if it were not for this provision, that the point of order was not well taken. The Chair has read part of it. The second provision would probably require an argument or speculation showing that a charge is made. Suppose this bill was enacted into law and in the District appropriation bill there was a provision that the rent of this building should be paid, under the law, as the law provides, one-half from the District revenues and one-half from the Treasury of the United States. It seems to the Chair it is perfectly clear under the law, which the Chair, the present presiding officer of the House, is presumed to know as Chairman of the Committee of the Whole House, in the event the bill was pending and the point of order was made in that case, it would be overruled. It seems to the Chair in this case the point of order is well taken under the law that this would make a charge on the Treasury of the United States under the existing law, and the Chair sustains the point of order.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Michigan asks unanimous consent that this bill may be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection?

Mr. FITZGERALD. Mr. Speaker, this is an important bill. I object.

CHANGE OF NAME OF V STREET TO CALIFORNIA STREET.

Mr. SMITH of Michigan. Mr. Speaker, I call up the Senate bill 4308, to change the name of V street, from Florida avenue to Nineteenth street NW., to California street.

The bill was read, as follows:

A bill (S. 4308) to change the name of V street, from Florida avenue to Nineteenth street NW., to California street.

Be it enacted, etc., That the name of the street lying in the county of Washington, D. C., in the tract of land known as the "Commissioners' subdivision of Washington Heights," running from Florida avenue west to Nineteenth street extended, and now called V street, be, and the same shall henceforth be, known as California street. And the Commissioners of the District of Columbia are hereby directed to cause the name of California street, from Florida avenue to Nineteenth street NW., to be placed upon the plats and maps of the District of Columbia.

Mr. SMITH of Michigan. Mr. Speaker, I do not think of anything that could be added to that which is contained in the brief letter of the commissioners, and I ask that it be read.

The Clerk read as follows:

EXECUTIVE OFFICE COMMISSIONERS
OF THE DISTRICT OF COLUMBIA,
Washington, April 30, 1908.

DEAR SIR: The Commissioners of the District of Columbia have the honor to state with respect to Senate bill 4308, to restore the name of California avenue to that certain street lying and being in the county of Washington and running from Florida avenue to Nineteenth street NW., and now known as V street, which was referred to them at your instance for their views thereon, that they are of opinion that inasmuch as Congress has given the name of California street to the old California avenue, the name of California street should be given to what is now called V street from Florida avenue west to Nineteenth street.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. J. H. GALLINGER,
Chairman Committee on the District of Columbia,
United States Senate.

Mr. MANN. Mr. Speaker, will the gentleman yield to a question?

Mr. SMITH of Michigan. Certainly.

Mr. MANN. Does this proposed change interfere with the naming of the streets in accordance with the general plan that has been adopted in Washington?

Mr. SMITH of Michigan. No, sir.

Mr. MANN. Well, it changes, as I understand, the names of these streets. The streets are named under a plan according to the first letter of the name. It is very evident that California avenue would not be near to V street. Is that one of the efforts to please part of the people, or are we now going back and repudiating the plan that we have adopted?

Mr. SMITH of Michigan. This is simply to save confusion, and meets with the approval of the commissioners.

Mr. MANN. Oh, yes; the commissioners, too, are subject to local influences and yield to the wishes of the people.

Mr. SMITH of Michigan. I do not know of any objection that has been made by anybody. The matter has been pending in Congress for weeks and months. It was passed by the Senate and comes to the House. I do not know of any objection on the part of anybody.

Mr. MANN. I suppose no one has especial interest as to whether you follow the plan or not, but I do not know what Congress would think about that.

Mr. SMITH of Michigan. I assume that the commissioners, in making this report approving it, have no desire to disarrange in any way this plan.

Mr. KAHN. I understand that V street is cut in two at Connecticut avenue. In order to continue your walk on V street you would have to walk half a block down Connecticut avenue and then get into V street again. It creates confusion, and

therefore it is thought better to give it the name of California street, which it formerly had.

Mr. MANN. If confusion is created by the change of California avenue, it ought not to have been changed.

Mr. KAHN. The street was originally known as California avenue, and then it was changed to V street.

Mr. MANN. This is called V street because that was in accordance with the plan, and if it was to be called California street it would be because the street commenced with the letter C at the proper place in accordance with the plan. Now, you break into that plan and take it out of the plan. If you go on with that it will lead us to a state of confusion such as we had on the south side of Chicago, when we could not tell what was the name or number of a street.

Mr. KAHN. The confusion that is created out there is because in walking on V street you would have to leave the street and walk down Connecticut avenue a half a block until you strike V street again. Now, in order to obviate that, they restore to the street the old name of California avenue.

The bill was ordered to a third reading, read the third time, and passed.

NEW HAMPSHIRE AVENUE.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill (S. 2999) to amend an act entitled "An act to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes," approved February 27, 1907.

The bill was read, as follows:

Be it enacted, etc., That the act entitled "An act to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes," approved February 27, 1907, be, and the same is hereby, amended by striking out section 3 thereof and inserting in lieu thereof the following:

"SEC. 3. That there is hereby appropriated out of the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto, and for the payment of amounts awarded as damages, to be repaid to the District of Columbia from assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

"SEC. 4. That the Commissioners of the District of Columbia are hereby directed to change the plans for a permanent system of highways outside the city of Washington so as to abandon the extension of New Hampshire avenue from Buchanan street northward to the District line, as at present laid down on said plans."

Mr. SMITH of Michigan. Unless there are some questions, Mr. Speaker, I ask for a vote.

Mr. FITZGERALD. Does this provide for the closing of a street?

Mr. SMITH of Michigan. No, sir.

Mr. FITZGERALD. What is this abandonment that is proposed?

Mr. SMITH of Michigan. It is the extension of New Hampshire avenue.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

CONDEMNATION PROCEEDINGS.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill (S. 4814) to amend section 491n of the Code of Law for the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That the act of Congress entitled "An act to amend an act entitled 'An act to establish a Code of Law for the District of Columbia,' regulating proceedings for condemnation of lands for streets," approved April 30, 1906, be, and the same is hereby, amended so that section 491 n thereof will read as follows:

"SEC. 491n. In case any of the owners of land heretofore or hereafter condemned for public use, whether under the provisions of said code or by virtue of any special or general act of Congress, are under disability or can not be found, or neglect or refuse to receive the money awarded to them; or in case the record is imperfect or the title to the property is in dispute or uncertain, the money due the owners of the property for damages for land taken may be deposited in the registry of the supreme court of the District of Columbia, for the use of the rightful owners without cost or expense to said District; and thereupon the title to the land condemned shall become vested in the District of Columbia."

Mr. SMITH of Michigan. If there is no question to be asked about this bill, I call for a vote.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

JUSTICES OF THE PEACE.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of District business.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of business relating to the District of Columbia, with Mr. MILLER in the chair.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (S. 6359) to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia.

The CHAIRMAN. The bill has been read once, and by unanimous consent——

Mr. MANN. The bill has not been read yet. In the middle of the reading a point of order was made.

The CHAIRMAN. Is there objection to the omission of the first reading?

There was no objection.

Mr. SMITH of Michigan. I assume that the committee, of course, would like to have an explanation of the bill, and I yield to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, as is apparent from the reading of this bill, the purpose is to change the name and somewhat the jurisdiction of the justices of the peace here in the District of Columbia. The necessity for this change first occurred to the auditor of the District of Columbia. While the justices of the peace are on a salary, they yet collect fees as provided by law for justices of the peace.

Mr. GAINES of Tennessee. Are those fees a part of their pay?

Mr. CAMPBELL. The fees are no part of their pay; they are collected and paid into the Treasury of the United States, and disbursed as are all other taxes collected in the District of Columbia. The auditor, in keeping track of the costs paid into the justices' courts and the deposits made there as required by law, found it very difficult to know whether or not that source of revenue was yielding the proper amount at all times into the Treasury. An investigation of the dockets of the justices in many instances showed that the justices erred in the taxing of costs, that they erred in the amount that they turned over to the auditor, and in many instances the error was against the justice. At other times the error was in his favor. There are six of these officers. The business of the justices' courts is large. The fees taxed in 1907 amounted to $28,210.43. The fees taxed in 1908 amounted to $28,006.25. It is estimated that the amount of revenue to be derived from this source in 1909 will be, in round numbers, $30,000.

Mr. MANN. How many of them are there?

Mr. CAMPBELL. Six of them.

Mr. FITZGERALD. I wish to ask about that portion of the bill which provides for the holding of all these courts in one building. Will the gentleman discuss that?

Mr. CAMPBELL. I am just ready to reach that part of the bill. At the present time, while the District of Columbia is divided into six districts in which court is held, yet it is a fact that all the justices' courts are now held in offices rented by authority of law by the justices of the peace within a narrow radius surrounding the city hall. The justices of the peace are not, as might be supposed, holding their offices out in the several parts of the city, distant from one another; the most distant office from the city government building at the present time, I understand, is on Twelfth and G streets, all the others being within two or three blocks from the court-house. Now, it is contended by the auditor who looks after these revenues that by all these justices being put in one building, with a proper clerk and a deputy clerk, the cases may be well distributed, and the clerk can tax all the fees and take charge of all the deposits, keep track of the costs that are paid in, and the amounts that are left over to be returned to a litigant who has made a deposit for costs.

Mr. STAFFORD. Will the gentleman state whether these justices of the peace at the present time have a clerk and a deputy clerk as well?

Mr. CAMPBELL. They have neither a clerk nor a deputy, but, like all other justices of the peace, are required to tax their own costs.

Mr. STAFFORD. Who is performing that clerical work at present?

Mr. CAMPBELL. The justices themselves. That is the reason it is not systematically done, and that the auditor for the District has difficulty in determining whether the exact amount of costs has been properly taxed. I looked over a docket this morning that had necessarily been revised by the auditor, and saw a case in which he had to tax costs that had not been taxed, and another instance where he found that the justice had overpaid to the auditor costs that he had not taxed or collected.

Mr. STAFFORD. Is there anything in the hearings to show that the time of the justices of the peace was not ample to discharge their duties as law officers and also to perform the clerical service?

Mr. CAMPBELL. The hearings upon this bill showed that the business was congested, and that litigants in many instances had to wait a long time to have their business transacted. There is a great deal of business, as must be apparent from the amount of costs that are collected.

Mr. STAFFORD. What testimony did the committee have to warrant it in creating two new officers, a clerk and assistant clerk, to perform the work now attended to by the justices?

Mr. CAMPBELL. It was done in order to facilitate and systematize the business. It is improperly attended to now. It is not systematically attended to now, and it is contended by the auditor that the amount we provide here for this clerical force will be made up by the efficiency with which the work is done.

Mr. STAFFORD. Under the system proposed in this bill you place the offices of the justice of the peace with the same jurisdiction in one building?

Mr. CAMPBELL. Yes.

Mr. STAFFORD. Has the committee considered the necessity of having a clerk for each justice?

Mr. CAMPBELL. Not at all.

Mr. STAFFORD. You have provided one clerk for each justice?

Mr. CAMPBELL. We have one clerk for all the justices.

Mr. STAFFORD. The bill, to my mind, conveys the idea of a clerk for each justice. I gathered the impression that each justice would have one clerk and one deputy.

Mr. MANN. No; there is one clerk and one deputy for all.

Mr. KAHN. This condition, I will ask the gentleman, prevails in most of the cities of the United States, does it not—all in one building and having only one clerk and one deputy?

Mr. CAMPBELL. Yes; where the business can be handled in that way. They hold court in their own district now. In many instances a litigant goes outside of his district by reason of not knowing the boundaries of the district, and he is then put to the delay of having his case transferred back to the justice of the district in which he resides.

Mr. FITZGERALD. The object of having the justices of the court in each district is for the convenience of the average business man that does business in his court.

Mr. CAMPBELL. As a matter of fact, all the justices are doing business within a narrow radius in the city. This radius is like the hub of a wheel, and the districts radiate out from a central point. The necessity for this change is urged on two grounds. First, to facilitate the collection of fees, and second, to facilitate the transaction of business. It is thought that the business of the District can be much more expeditiously transacted under this system. When the cases are filed they are filed with the clerk, the clerk knows the condition of the docket before each judge of the court, and he assigns the cases as the conditions on the docket justify.

Mr. DRISCOLL. May I ask the gentleman a question?

Mr. CAMPBELL. Certainly.

Mr. DRISCOLL. What salary are justices paid now?

Mr. CAMPBELL. Two thousand five hundred dollars a year.

Mr. DRISCOLL. The salary of each justice is the same?

Mr. CAMPBELL. The salary will remain the same.

Mr. MANN. And the fees will go to the same place?

Mr. CAMPBELL. The fees will go into the Treasury as now.

Mr. DRISCOLL. What will these justices be called?

Mr. CAMPBELL. Judges of the municipal court.

Mr. SMITH of Michigan. The gentleman from Kansas says that the salary is $2,500. It is $3,000 now, and we propose by this bill to change it to $2,500. As a matter of fact, this bill contemplates the saving of $200 to the District.

Mr. MANN. By paying the judges a cheaper salary? My observation is that it greatly increases the expense when you hire a cheap judge or a cheap lawyer.

Mr. CAMPBELL. We get the same judges.

Mr. MANN. How does the gentleman know?

Mr. CAMPBELL. Because the bill provides for it.

Mr. MANN. But you can not make them serve.

Mr. DRISCOLL. Oh, they will serve all right. As I understand, there are now six judges?

Mr. CAMPBELL. Yes.

Mr. DRISCOLL. And they get $3,000 apiece?

Mr. CAMPBELL. So the gentleman from Michigan states, but this bill provides for $2,500.

Mr. DRISCOLL. So that that will be a saving of $3,000?

Mr. SMITH of Michigan. I have figured it out that we are now paying $3,000 a year for six justices, which would make $18,000. There is a saving of $500 apiece. There will be a further saving of $250 for each of the six judges, which would make $1,500, which makes in all $4,500. The clerk and assistant clerk is to get $2,500. The expense under this bill figures up to $4,300, which, taken from the $4,500, is a saving of $200.

Mr. MANN. Who pays for the offices which the justices now occupy?

Mr. CAMPBELL. The District pays for them out of the District revenues.

Mr. MANN. How long are the justices appointed for?

Mr. CAMPBELL. Six years.

Mr. MANN. When were they appointed?

Mr. CAMPBELL. I do not know that I have that information. This bill proposes to continue them for their term.

Mr. MANN. It is proposed to reduce their salary in the middle of their term. Does the gentleman know of any case anywhere in the country where any legislative body, except in this particular case, have a right under the Constitution to reduce the salary of a judicial officer in the middle of his term?

Mr. FITZGERALD. I think the gentleman from Michigan is mistaken; the salary of the justices is only $2,500.

Mr. MANN. I was quite certain the gentleman from Michigan was mistaken, because I was satisfied that no committee of this House would bring in a bill to reduce in the middle of his term the salary of a judge from that which he had when he was appointed.

Mr. FITZGERALD. They get $2,500 a year and $400 apiece for clerical force and stationery and rent.

Mr. MANN. Of course nobody doubts the good faith of the gentleman from Michigan, but I thought he was mistaken in the matter.

Mr. SMITH of Michigan. We certainly looked it up in the code; and if we are mistaken, I should be glad to correct the figures.

Mr. MANN. The code may provide for $3,000.

Mr. FITZGERALD. It does; but the appropriation is $2,500 a year. I have the appropriation act here.

Mr. GAINES of Tennessee rose.

Mr. CAMPBELL. I am yielding to the gentleman from Illinois [Mr. MANN].

Mr. GAINES of Tennessee. Well, I want to try and help the gentleman from Illinois.

Mr. CAMPBELL. Oh, ordinarily the gentleman from Illinois does not need any help.

Mr. MANN. I am perfectly willing, Mr. Chairman, always to get the help of the gentleman from Tennessee.

Mr. GAINES of Tennessee. The gentleman from Illinois asked whether Congress had the right to change the salary of these judges. That exact question was passed upon by the supreme court of Tennessee. After a very great deal of deliberation and with a divided court, it held that the legislature created the judgeships and therefore had a right to change the salary during the incumbency of office.

But my recollection is that the majority based its opinion upon several cases passed upon by the Supreme Court of the United States. Now, then, those were courts provided for by the Constitution, and the Constitution provided that their salaries should not be changed during their term of office. I could not agree with the Supreme Court, but here are justices of the peace, offices that we create by statute, and that are unknown to the Constitution, and it seems to me that as we create these courts, we have a right to regulate the salaries.

Mr. MANN. I did not question the right to do it. I said that in every other case I knew of the Constitution forbade the action, and the question was whether we should do that which the Constitution ordinarily forbade the legislatures to do.

Mr. GAINES of Tennessee. These courts are not known to the Constitution.

Mr. MANN. Oh, I have not any question in my mind that we can reduce the salaries to 1 cent, if we want to. We have plenary power over these things, but that is another proposition. To whom do all these fees go at the present time?

Mr. CAMPBELL. Into the Treasury of the United States, as part of the District revenues.

Mr. MANN. These justices, as I understand, have certain districts, each judge to a district.

Mr. CAMPBELL. Yes; at this time.

Mr. MANN. Do these districts all converge down here?

Mr. CAMPBELL. Yes; like the hub of a wheel, right out from the center.

Mr. MANN. So that each judge has supervision of suits commenced in his district only, but there is no requirement as to where suits shall be commenced, is there?

Mr. CAMPBELL. They must be commenced in the court that sits in the territory where the action arises or the defendant resides.

Mr. MANN. I understand that process runs in the whole district.

Mr. CAMPBELL. I presume so.

Mr. DRISCOLL. The gentleman means the suit must be brought in the district where the plaintiff lives?

Mr. CAMPBELL. Yes; or the defendant.

Mr. MANN. I do not know whether or how far this law may have been modeled after the Chicago act creating a municipal court in the city of Chicago. That is probably the most recent act, to any extent, and there they have abolished entirely the justices of the peace, as formerly known, and after a trial that act has met with the unqualified approval, I think, of everybody in Chicago and has done away with the most flagrant abuses of the justices of the peace, and the lawyers and litigants and the public that suffer by litigation, and everyone else, are satisfied that that act has been of untold benefit.

Mr. CAMPBELL. It is fondly hoped by the people of this District that this act will have the same effect here. I have here letters and resolutions from many associations asking for the passage of this law.

Mr. DRISCOLL. This does not change anything.

Mr. MANN. It changes the title from justice of the peace to judge, and that changes the dignity of the office.

Mr. DRISCOLL. Did the act to which the gentleman refers in the city of Chicago change it to a salary from a fee system?

Mr. MANN. Yes.

Mr. DRISCOLL. That is a change which goes to the meat of the matter?

Mr. MANN. Yes; and changed it from scattering them all over town, so that except in the case of a few of the justices who sit for criminal cases they are all located in one building and enjoy the same jurisdiction——

Mr. CAMPBELL. That is the purpose of this bill.

Mr. MANN. And make it substantially a new court, and it is unqualifiedly a success there in Chicago.

Mr. MACON. Does the gentleman think it wise to make the people come to the courts, a little court like this, a justice of the peace court, in the center of a city extending out 5 miles in each direction, in the face of the fact that the courts ought to be taken to the people?

Mr. MANN. Oh, the gentleman and I quite agree about that proposition.

Mr. MACON. I think the courts ought to be taken to the people and not the people to come to the courts wherever it can be done.

Mr. MANN. I think the gentleman is correct, and if there were a court held in Georgetown to-day I would not be in favor of moving it here to the Municipal Building. But is there any court held in Georgetown to-day?

Mr. CAMPBELL. No; the farthest court from the center of the city hall to-day is on Twelfth and G streets, about five or six blocks.

Mr. MACON. Could the gentleman not pass a law as easily as this one requiring a court to be held in Georgetown?

Mr. CAMPBELL. It is thought it will promote the transacting of business in these courts to centralize them here in one building, with one clerk, as is provided for in this bill, rather than to compel these justices by mandamus or otherwise to take their offices farther from the center of the city than they now have them.

Mr. MANN. Take, for instance, this case. No one would know where a justice of the peace was located. If some one should sue me, I should not have the slightest idea where I would have to go, and that is the case of everybody in town except professional litigants and lawyers. If you have one place, people will learn where it is. That is a great convenience as well to litigants and lawyers.

Mr. CAMPBELL. That is the contention everybody made before the committee.

Mr. DRISCOLL. I would like to ask about the location of these justice of the peace offices. Have they been located heretofore by the justices of the peace?

Mr. CAMPBELL. By the justices themselves.

Mr. FITZGERALD. The gentleman is mistaken——

Mr. CAMPBELL. The law fixes the district and the justice of the peace uses the appropriation to rent his office.

Mr. FITZGERALD. The District Code provides that the justices of the supreme court shall divide the District into districts and fix the place of the offices of the District where these men shall hold their office. Undoubtedly the purpose was to compel these men to stay in their districts so that the courts would be available to the poor, who usually resort to those courts, and it requires, as a matter of jurisdiction, that the defendant there shall reside in the district or that the corporation or nonresident shall have a place of business in the district. Now, if this city or community has been so divided into districts that they all center in one place, center so that these justices all have their offices practically all in one place, then I believe it is a perversion of the original law. I do not believe from my experience it is wise to have these courts all in one place. I do not believe that the poor men interested in these small petty cases should be compelled to travel all about the city with one or two witnesses seeking justice. It is for the convenience of the justices and the few lawyers who make a specialty of practicing in their court.

Mr. CAMPBELL. The gentleman from New York is very much mistaken. It is not for the convenience of the justices; the justices have not asked for it. It is asked for by the auditor of the District, as the gentleman will see by reading his report——

Mr. FITZGERALD. The gentleman from Kansas need not get excited. I have had experience in these courts——

Mr. MANN. In justices of the peace courts? I am surprised.

Mr. FITZGERALD. And I know they are intended for the protection and advantage of the poor, but they are frequently used as places of oppression of the poor.

Mr. CAMPBELL. I have never thought that a court was a place of luxury for the poor. I have thought it was a place where only people who could afford went.

Mr. FITZGERALD. The gentleman need not put words in my mouth which I did not use. I use language carefully, and I think pretty accurately. I did not say luxury; I said protection, and I repeat now that the chief advantage of this concentration of these justices of the peace in one building will be for the benefit of the justices and of the comparatively small number of lawyers who make a specialty of living on the small law business of the poor litigants of the city.

Mr. MANN. I noticed the gentleman from New York stated that he had frequently visited the justices of the peace courts and that they were for the benefit of the poor. I can not reconcile the two statements. [Laughter.]

Mr. FITZGERALD. I think the gentleman from Illinois also makes a mistake. I did not say I had frequently visited those courts, but I did state that I was familiar with them.

Mr. MANN. That is the same thing.

Mr. MACON. The gentleman stated this had been asked for by the auditor, and now I would like to ask if the gentleman does not think that the chief interest the auditor had in it was to have a clerk created to come in and take from his shoulders a whole lot of work of investigating the dockets of the justices of the peace?

Mr. CAMPBELL. The auditor is only interested in collecting all fees to which the District is entitled in those cases.

As such he was interested in having all such fees properly taxed and properly accounted for, and thought that a clerk that had charge of the business, and that being his only business, could do that in a better way than for the six justices to do it.

Mr. MACON. Does the gentleman think that one who is capable of being designated a judge by an act of the legislature would not be as competent to tax costs as a mere clerk that might be picked up because he could write a good hand, or something of that sort?

Mr. CAMPBELL. Quite so, if that was his only business; but, as my friend from Arkansas well knows, the judge who has upon his mind the important matter of a lawsuit when he is in the trial of a case gives that more attention than he does the taxing of 10 cents for the filing of a paper or for entering the appearance of a party.

Mr. MACON. If that is the character of the judges that they are going to appoint and elect here, of course I can see where the gentleman's contention is correct.

Mr. CAMPBELL. They have a high character of justices here.

Mr. MACON. A man who is capable of being a judge in a great city like this——

Mr. CAMPBELL. They are appointed by the President of the United States.

Mr. MACON (continuing). When he takes an oath to do a certain thing, he ought to do it.

Mr. CAMPBELL. They can do it, but it was thought it could be more systematically done and that it would be better for everybody to have this law passed.

Mr. MANN. How much more will it cost to operate the courts under this plan than under the present plan?

Mr. CAMPBELL. It is thought it will save in the neighborhood of $200 per annum.

Mr. BURLESON. Is not this just a preliminary movement toward a very marked increase in the salaries of the judges and all the other expenses incident to the conduct of their courts?

Mr. CAMPBELL. Nothing whatever of that character has been intimated and that is not the intention. It is not a step in that direction.

Mr. BURLESON. And the gentleman is satisfied that they will not ask for an increase of salary?

Mr. CAMPBELL. There has been no intimation whatever that they will ask for an increase of salary.

Mr. SIMS. Mr. Chairman, this bill was not taken up and considered by the District Committee on May 4, but, in fact, May 8. I was away then, serving on another committee with the distinguished chairman, in the State of New York, and consequently was not present when the bill was considered. But I supposed that the minority members of the Judiciary Committee had examined it, and I therefore gave it no thought. But, investigating to-day, I find that the minority members of the District Committee did not consider it and were not present when the committee reported the bill. Therefore I have given it such attention and study as I could. I am opposed to the bill, and I will give the committee my reasons for it.

Many of the reasons for the passage of the bill are good if present conditions are to be retained. In other words, if we are going to continue to have the justices of the peace all in one place, if these justices continue to hold their courts practically at one place, it is well to have a designated place in one building. But I appreciate the fact that these courts are minor courts; that their exceedingly limited jurisdiction is such as to indicate that they will be used largely by the poorer class of people or in cases where the amount involved is very small. I do think that the District of Columbia ought to be redistricted by an act of Congress, if necessary, and have a justice's court in Georgetown, one in the southern part of Washington south of Pennsylvania avenue, one in the eastern part of the District, and one, perhaps, if necessary, east of the Anacostia River. They should have them where the people will not have to patronize an automobile, a taxicab, or a street car company, or have to walk 2, 3, or 5 miles to get to a court. Perhaps, as the districts are now laid out, they have to do that. But I believe it would be a good idea to defeat this bill and then let a bill be drawn up properly with a view to having these justices' courts where they will be convenient to the people who litigate in such courts.

Then, another thing. I do not think it necessary to make these justices of the peace judges and make their courts courts of record and place them on the plane of United States courts, because I am satisfied there will be a demand immediately for an increase in their salaries to make them commensurate with the dignity of judges of other United States courts. I do not think it is at all necessary to make them judges.

As I started to say, I believe that we can make these justices' courts more useful to the people by defeating this bill and introducing a bill redistricting the District, requiring them to hold their courts at a central point in their district, such point as will be most convenient to the majority of the people within the District, that is the most thickly settled portion of the judge's district. Outside of that I do not see any particular objection to the bill; only I would not make them judges. Let them remain justices of the peace. I do not see why they should have clerks, and 1 clerk can not serve all these judges in different parts of the city. Let them get along as they have done and give them such reasonable allowance for help as may be necessary. It seems to me that $2,500 is plenty for a justice of the peace in this District. It is all we give the circuit judges and chancellors in my own State, and we think we have very good judges. My chief objection, however, to the bill is doing away with all of these districts and concentrating all at one point and making the people all resort to one place. I think they should have a court in each one-sixth portion of the District. As I have said, I was not present when the bill was considered, and therefore I have been embarrassed somewhat in speaking about it at this time.

Mr. CAMPBELL. Mr. Chairman, the gentleman from Tennessee has offered nothing new in the way of substantial objection to this bill. The central part of this city is within twenty minutes of the most distant part of the District, on the street cars, and anybody who has had any experience at all in litigation knows that a matter of 10 cents street car fare is not a matter that would deter or embarrass the litigant in getting to the place where the case is to be tried.

Mr. FITZGERALD. I think the gentleman is mistaken in regard to the conditions existing in a city like this. I have known many men to bring actions in these courts for wages, and not even have the price of a cup of coffee.

Mr. CAMPBELL. He would have to pay his attorney to go out to Georgetown.

Mr. FITZGERALD. Oh, no; he would not. He would have the poor process, no fees, nor any attorneys. He could make his complaint and have the process issued and served, and bring the party into court.

Mr. CAMPBELL. It is not made up of litigants who would indulge in litigation to a very great extent of that kind.

Mr. FITZGERALD. The great bulk of the business of these courts is by very poor litigants, who have actions for rent, possession of premises, wages, and for small sums of compensation for employment, and matters of that character, necessary in a city like this, and the judges ought to be near the people.

Mr. MACON. Mr. Chairman——

Mr. SMITH of Michigan. I yield to the gentleman from Arkansas.

Mr. MACON. Mr. Chairman, I am inclined to think that if this bill prevails it will be in the interest of the lawyers of the city of Washington and no one else. I can conceive that if this bill becomes a law it will be only a short time before there will be such technical rules adopted by the court that is to be created by it that no person can be heard therein unless he is heard by counsel. The proceedings will be on the plan of the circuit courts of the different States of the Union. In a magistrate's court the humblest citizen in the land can have his rights determined, can appear in person and present his case, but if he goes to the circuit court he is powerless to present his case in person, because he is too ignorant of the legal, technical rules of courts of record to appear in them for himself, and must necessarily employ a lawyer to present his cause. So I believe if this bill becomes a law by our votes, we will be practically saying to every poor man in this District, "You must first have the price to pay a lawyer before you can have your rights properly determined in any sort of a court within the confines of the District." I am opposed to it upon that ground, if for no other reason, and I think you ought to give the question a serious thought before you say to these people that they must under any and all circumstances be forced to go to a court of record and pay a lawyer a large fee before they can have their humblest rights determined, pay a lawyer a fee before they can have justice done them. Under existing law they themselves can appear in person, without having the price to pay a lawyer's fee, and have their rights determined according to law, and that privilege ought to be permitted to abide with them forever.

Mr. SMITH of Michigan. Mr. Chairman, I certainly have no special interest in this bill more than anyone else. The argument is made here that the poor man is being deprived of his rights. This bill was introduced in the Senate as early as last April and passed soon thereafter. The summer vacation has gone by, and so far as I know there is not the slightest objection on the part of the so-called "poor" of this city. As a matter of fact, there has been but one voice, so far as I know, from lawyers, litigants, and everybody else—that they believe this change is in the interests of all concerned.

The present judicial districts of the justices of the peace are so arranged that three of them, I am told, front at the court-house and the other three are within two blocks. This bill makes no decided change from what exists in other cities. It is sometimes appropriate to make comparisons with other cities. The city of Detroit, Mich., has about the same population as Washington. That city has a mayor and common council and something like 300 members of the bar. This question was agitated, argued, and settled in Detroit, and it was the judgment of lawyers and of litigants that the thing to do was to hold the justices' courts in one building, which they are doing with great success and satisfaction to all concerned.

Mr. KAHN. The same condition prevails in the city of San Francisco, and has prevailed there for many years, and it has been found exceedingly beneficial to all classes of litigants.

Mr. SMITH of Michigan. I want to say in that same connection that I talked this morning with different Members on the floor who live in various cities of the Union, and they tell me that a like condition prevails in their cities. There is no criticism of the system, but it is found to be to the advantage of all the people.

Mr. GAINES of Tennessee. How far do the people have to come in the city of Washington to try their lawsuits before these magistrates here about the court-house?

Mr. SMITH of Michigan. It depends, of course, upon what part of the District they come from.

Mr. GAINES of Tennessee. It is, on an average, a mile and a half to 3 miles, is it not?

Mr. SMITH of Michigan. I should think in some cases it was a little farther.

Mr. GAINES of Tennessee. How far is it across the city?

Mr. MANN. It is 10 miles across the District.

Mr. GAINES of Tennessee. I mean the city of Washington.

Mr. SMITH of Michigan. The gentleman knows the distance quite as well as I do.

Mr. GAINES of Tennessee. Do you think it is well to have all these magistrates down here around the court-house?

Mr. SMITH of Michigan. They are there now.

Mr. GAINES of Tennessee. Why do you not make these magistrates have their offices scattered around in different parts of the city?

Mr. SMITH of Michigan. Because, so far as I know, the demand is not to do what you suggest, but, on the contrary, it is to do what the people are asking for in this bill. The committee are simply trying to carry out the wishes of the people, so far as I know.

Mr. GAINES of Tennessee. Mr. Speaker, let me tell the gentleman what occurred in my own city of Nashville. The country magistrates came in and held court in the cities to such an extent that they had to change the law and compel each magistrate to hold court in his own district, at all events, a certain number of days. The people in the country did not have the conveniences of the court in their country that they were entitled to have. Now the new law is working admirably. For litigants, with their witnesses, to come from out here 3 miles, take them in here to a trial of a case does not seem to me right; it is not exactly fair to them. There is nothing particularly wrong about it, but it is a burden upon them.

Mr. SMITH of Michigan. The gentleman will certainly agree with me that it is no farther than to have the litigants in the State of Michigan go across a township which is 6 miles square—and that is the law there.

Mr. GAINES of Tennessee. Does not the gentleman from Michigan think it is better to have the magistrate in the neighborhood where he is elected and where the litigants and witnesses reside?

Mr. SMITH of Michigan. That may be so.

Mr. GAINES of Tennessee. The gentleman knows that it is easier to go a third or three-quarters of a mile to a magistrate to try a case than it is to go 3 miles.

Mr. SMITH of Michigan. Sometimes it is more convenient and cheaper to hire a lawyer and let him try a case in a building like this, and bring the witnesses there, than it is to hire the lawyer to go a certain distance to try the case.

Mr. GAINES of Tennessee. It is easier for the lawyer to go that distance than it is for the litigant to take his witnesses that distance.

Mr. SMITH of Michigan. I want to say again that the members of this committee have no special interest in this legislation. We believe, after hearing what the people of the District want done, that we have reported a bill in accordance with their wishes and their judgment, and therefore I hope the bill will pass.

Mr. MANN. Mr. Chairman, we are all guided more or less by our own personal experience. A few years ago in the city of Chicago there were eight justice of the peace districts—that is, eight townships—all the operations of which were included within the limitations of the city of Chicago. The district which I represent, the northern boundary line, is 4½ miles from the center of the city. The southern line is 14 miles from the center of the city. There was a justice of the peace in each of these townships under the title of justice and operating under the fee system. The proposition was made to establish a municipal court in the city to take the place of the justices of the peace. I am frank to say that I did not think the proposition would work well, that it would deprive the poor people of cheap justice. I was not particularly favorable to it. I believe I did not vote for it when it was submitted to the vote of the people.

But it became a law, however, and it has been in practice for a number of years. No one has criticised it. Those people in our city who are particularly interested in the welfare of the poor are especially pleased with the working of this system. There are several reasons for this. Let me call the attention of my friend from Arkansas [Mr. MACON], who always enlightens a subject upon which he speaks, who referred to the fact that it would delay litigants to this proposition. Under the provision of the statute as it now exists in the District, the justices of the peace are all located downtown. They are not located out in Georgetown, but all parts of the District are convenient to the location downtown. Now, if there happens to be half a dozen cases before one justice, all of them must wait, pending the disposition of the ones ahead. Another justice may be engaged in doing nothing while another may be overburdened with work, and so the poor people must wait, out of employment which is profitable to them, for the trial of their case.

Under the system as now proposed, and it seems to me that that is the kernel of this case, all of these justices will sit in the same building and the cases will be assigned to them in order as each one becomes disengaged in the trial of a case, so that the clerk will assign to each justice the cases as they can be reached, and people will not be required to wait while one justice is engaged on a dozen cases and another justice is engaged in doing nothing. It often happens in Washington, as elsewhere, that one man may be engaged in much work while another is doing nothing. Under this proposition all of them will be engaged until the work is disposed of, so that instead of delaying litigation it will hasten the trial of cases for litigants, instead of putting off the case from to-day until to-morrow or next week, because one justice is engaged in the trial of a case which he will not be through with, the litigants are sent to another justice who is not engaged in the trial of a case, and we all know that one of the great troubles with the justice of the peace practice is the delays that occur. This overcomes the delays and for that reason it seems to me highly desirable as a real reform to put this practice into operation.

The CHAIRMAN. The question is on the amendment.

Mr. FITZGERALD. What amendment?

The CHAIRMAN. The amendment to the bill.

Mr. FITZGERALD. But, Mr. Chairman, this bill has not been read for amendment as yet, and I wish to be recognized to debate the subject.

Mr. SMITH of Michigan. Mr. Chairman, I regret to say that at this hour I am compelled to make the motion that the committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Michigan that the committee do now rise.

The question was taken, and the motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. MILLER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 6359) changing the name and jurisdiction of the inferior court of justice of the peace of the District of Columbia, and had come to no conclusion thereon.

PENAL CODE.

Mr. MOON of Pennsylvania. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11701) to codify, revise, and amend the penal laws of the United States.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11701, the penal code, with Mr. CURRIER in the chair.

The CHAIRMAN. When the committee last rose after considering this bill an amendment was pending, offered by the gentleman from Tennessee [Mr. HOUSTON], and on that amendment a division had been called for. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

In line 18, page 109, strike out the word "or" before "lascivious" and after the word "lascivious" add the words "vile, filthy, or indecent."

Mr. MOON of Pennsylvania. Mr. Chairman, I think it important that a brief explanation should be made to the House of just the condition of this bill at the time the consideration of it was suspended. I therefore ask unanimous consent that I may make a brief statement of the exact condition of affairs.

The CHAIRMAN. The Chair hears no objection.

Mr. MOON of Pennsylvania. Mr. Chairman, the House had under consideration at that time section 212, on page 109 of the bill. Members will recall the fact that in addition to the regular bill they were furnished with what we called a "report," which contained printed upon one side the bill now pending before the House and printed on the opposite side the existing law, carefully codified, in order that they might at a glance be able to see if any changes were proposed by this bill. I trust, therefore, that the Members have at their command those reports. They had them and should have them now unless they have mislaid them.

The section of law under consideration is that under postal provisions respecting mailable matter; it has particular reference to that which is of an unmailable character and which is designated under existing law as "obscene, lewd, or lascivious." For a number of years after that law was pased there seemed to be no difficulty about its enforcement and about its general application. The courts had defined these words. They had defined the word "obscene" as meaning one kind of objectionable matter. They had defined it as applying to material that went through the mail that was of a coarse or vulgar or indecent character, and they had defined the other two words, "lewd or lascivious," as relating to matters having reference to sexual

impurity. But in 1896 the Supreme Court, in a noted case, limited the meaning of all of those words in existing law—"obscene, lewd, and lascivious"—limited them in their application to publications relating to sexual impurity.

The pending amendment seeks to create another class of publications that shall be excluded from the mail—a class which is vile and filthy, but having no relation whatever to sexual impurity. That is the character of the pending amendment. At the time of the suspension of our consideration I had objected to the word that had been offered as an amendment to designate this class—that is the word "indecent." The pending amendment adds the words "vile, filthy, or indecent." I had objected, and it had been objected to by other Members on the ground that the word "indecent" is of too broad a signification; that it might be construed not to mean simply immodest, and it might be differently construed by different people. It might be construed, and probably would be, as, and, indeed, that is one of its synonyms, simply as indelicate, and as chairman of the committee I opposed the amendment including that word because it would give to Postmasters-General and judges too great a power in using their individual sense and judgment of what would be indecent to exclude from the mail what has heretofore been mailable matter, and in the conviction of persons charged with a violation of this section.

Now, I have been informed by the gentleman from Tennessee [Mr. HOUSTON], who offers the amendment, that he is also of that conviction; that he has a proposition to make respecting an amendment of his amendment. Therefore I will leave the floor to the gentleman moving his amendment for his explanation.

The CHAIRMAN. Will the gentleman suspend for one moment until the Clerk can report the pending amendment.

The Clerk reported the amendment, as follows:

In line 18, page 109, strike out the word "or" before the word "lascivious," and after the word "lascivious" add the words "vile, filthy, or indecent."

Mr. HOUSTON. Mr. Chairman, in view of the situation as stated by the chairman and the views of many Members of the House and the majority of the committee in regard to the indefinite character of the words of the amendment offered by myself, I want to ask unanimous consent from the House to withdraw that amendment and substitute another in its place, which will accomplish the purpose sought by the first amendment perhaps more definitely, and would relieve the doubtful construction of the words which were complained of by different Members of the House.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to withdraw the pending amendment. Is there objection? [After a pause.] The Chair hears none. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 109, in line 18, after the word "lascivious," insert the following: "and other filthy."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MACON. Mr. Chairman, before the question is put I would like to suggest to the gentleman that it might be well to add the word "vulgar" to his amendment.

Mr. HOUSTON. Mr. Chairman, I will read the section as it will be if amended by the amendment offered by me and sent to the desk: "Every obscene, lewd, or lascivious, and every filthy book, and so forth." Now, if we use the words "and other filthy," I think we get in a more distinctive class, which will embrace other articles of publication which are objectionable and that ought to be barred from the mails. The classification as stated in the old section as stated by the chairman has been held by the courts to apply only to matters relating to sexual impurity. Now it was the object of the amendment to add in a different class of filthy matter and have them excluded from the mails, but it was thought that was perhaps too indefinite, and there has been some holding, especially in a New York case, which has construed the words "vile, filthy, and indecent" in connection with the same words in the federal statute here, as still enumerating the same character of offense, because of their connection in the section. Now when we make this addition, setting forth "obscene, lewd, or lascivious," and then the phrase "and other filthy," that brings in a positive and definite class which I think will be of less doubtful construction.

Mr. HUMPHREYS of Mississippi and Mr. MACON rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. HOUSTON. I yield to the gentleman from Mississippi.

Mr. HUMPHREYS of Mississippi. I desire to ask the gentleman, Has there been any judicial interpretation of the word "filthy?" Does it have reference to anything other than the physical condition of the book? Have the courts given that word any other meaning?

Mr. MOON of Pennsylvania. Nasty, dirty, filthy, vile, and impure is the general meaning of it.

Mr. HUMPHREYS of Mississippi. But does not that refer to the physical condition?

Mr. HOUSTON. It does not. It would refer to the character of the publication.

Mr. MOON of Pennsylvania. No; it refers to literature. It could not give it that meaning.

Mr. STAFFORD. Does the gentleman think the word "filthy" adds anything to the strength of the amendment?

Mr. HOUSTON. No; but the word "filthy" makes it another class in addition to obscene, lewd, and lascivious.

Mr. STAFFORD. Would not the words "vile, indecent, and disgusting" be a rather broader terminology than "vile, filthy, and indecent?"

Mr. HOUSTON. It was the opinion of the committee, and I think correctly, too, that the words "and other filthy" added to the terms already in the statute would make a distinct class that would reach the objectionable matter that has been complained of by the department as having been sent through the mails to quite an extent.

Mr. STAFFORD. I certainly favor the adoption of the amendment.

Mr. MOON of Pennsylvania. Mr. Chairman, one word on behalf of the committee. I have no doubt Congress originally intended to create two distinct classes of nonmailable matter by the existing section. Indeed, the decision of the circuit court prior to the time of the Swearingen case had defined the word "obscene," or obscenity," as that form of indecency which is calculated to promote the general corruption of morals. They had defined lewdness and lasciviousness as that form of immorality which has respect to sexual impurity. However, that distinct classification was overturned by the Supreme Court decision in the Swearingen case, which decided that owing to the juxtaposition of the words "obscene," "lewd," and "lascivious" Congress had created but one class. Therefore feeling that Congress originally intended to create these two distinct classes of prohibition, on behalf of the committee I am entirely willing to put this language in the form offered by the gentleman from Tennessee [Mr. HOUSTON], which I think does create another class and a class that the department informs us it is very necessary should be excluded from the mails.

Mr. MACON. I would like to ask the gentleman a question before he takes his seat. Does the gentleman from Pennsylvania [Mr. MOON], chairman of the committee, think that "filthy" covers the word "vulgar?"

Mr. MOON of Pennsylvania. I do. The synonyms of "filthy" are "nasty," "dirty," "polluted," "foul," "impure," and "obscene."

Mr. MACON. Nothing vulgar?

Mr. MOON of Pennsylvania. Well, I do not know. "Vulgar" is also a very broad word. If it is vulgarity extended to the verge of impurity or nastiness of any kind, it certainly would be included, and if it is not, I am not sure the mails ought to be closed to it.

Mr. MACON. The federal courts are holding now that you can put a vulgar thing in a letter or use a vulgar word, and transmit it through the mails, and not be indictable under the present statute.

Mr. MOON of Pennsylvania. Under the construction given in the Swearingen case.

Mr. MACON. Now, I want to ask if "filthy" would take in "vulgar?"

Mr. MOON of Pennsylvania. In my judgment it would to the extent to which we are to legislate upon that subject. I think it would, in other words. We have given it careful consideration, and the committee was under the impression that the word "filthy" would cover just what the department asked us to exclude.

Mr. MACON. All right.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 213. All matter otherwise mailable by law, upon the envelope or outside cover or wrapper of which, or any postal card upon which, any delineations, epithets, terms, or language of an indecent, lewd, lascivious, obscene, libelous, scurrilous, defamatory, or threatening character, or calculated by the terms or manner or style of display and obviously intended to reflect injuriously upon the character or conduct of another, may be written or printed or otherwise impressed or apparent, are hereby declared nonmailable matter, and shall not be conveyed in the mails nor delivered from any post-office nor by any letter carrier, and shall be withdrawn from the mails under such regulations as the Postmaster-General shall prescribe. Whoever shall knowingly deposit or cause to be deposited, for mailing or delivery, anything

declared by this section to be nonmailable matter, or shall knowingly take the same or cause the same to be taken from the mails for the purpose of circulating or disposing of or aiding in the circulation or disposition of the same, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HUMPHREYS of Mississippi. I have just been advised that there are no copies of this bill that are available now to Members. There is, however, a supply of what is called the "proposed bill"—that is, the law as it is proposed on the opposite side of the page, the existing law. Those are available. Quite a number of us here had not a copy of the bill and could not get it, but we could get these. I want to know now if it will be permissible for the Clerk to read from this proposed bill, so that we could keep up with him. Otherwise it is impossible for us, those of us who have no bill, to keep the run of matters and know just what the amendment is or where in the bill the Clerk is reading.

Mr. MOON of Pennsylvania. It is the same bill exactly, I want to say, and the same language.

Mr. HUMPHREYS of Mississippi. The same exactly, but reading from a different print. For instance, we are now on page 232——

The CHAIRMAN. In answer to the parliamentary inquiry as to whether that would be permissible or not, the Chair thinks not, for the reason that there would be some trouble in keeping track of it at the Clerk's desk. The Chair would state if the Clerk would announce the section, the gentleman might be able to follow.

Mr. HUMPHREYS of Mississippi. Yes, that would be a help. Of course, we have to count down the lines then to find out exactly where he is.

The CHAIRMAN. The Chair thinks it would not be permissible for the Clerk to read anything but the official bill.

Mr. HUMPHREYS of Mississippi. I will ask, then, that the Clerk announce the sections.

The CHAIRMAN. The Clerk will announce the sections. The Chair thinks he has been doing that, but perhaps the gentleman has not noticed. We are now reading section 213.

The Clerk read as follows:

SEC. 214. No letter, postal card, or circular concerning any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance; and no lottery ticket or part thereof, or paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance; and no check, draft, bill, money, postal note, or money order, for the purchase of any ticket or part thereof, or of any share or chance in any such lottery, gift enterprise, or scheme; and no newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or containing any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes, shall be deposited in or carried by the mails of the United States, or be delivered by any postmaster or letter carrier. Whoever shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than $1,000, or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than five years. Any person violating any provision of this section may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed.

Mr. DE ARMOND. Mr. Chairman, I wish to offer an amendment. Amend by inserting the word "package" between "letter" and "postal card" on the first line.

The Clerk read as follows:

Page 111, line 24, insert the word "package" between the words "letter" and "postal card."

Mr. DE ARMOND. I think that ought to be in.

Mr. MOON of Pennsylvania. I think there is no objection to the amendment. It makes the matter the more clear.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 215. Whoever, being a postmaster or other person employed in the postal service, shall act as agent for any lottery office, or under color of purchase or otherwise, vend lottery tickets, or shall knowingly send by mail or deliver any letter, postal card, circular, or pamphlet advertising any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any ticket, certificate, or instrument representing any chance, share, or interest in or dependent upon the event of any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes awarded by means of any such scheme, shall be fined not more than $100 or imprisoned not more than one year, or both.

Mr. GARRETT. Mr. Chairman, I have an amendment to offer.

The Clerk read as follows:

Page 113, after section 215, insert the following as a new section, to stand as section 215a:

Mr. STAFFORD. Mr. Chairman, I desire to offer an amendment to the section just read. We have just amended section 214, upon motion of the gentleman from Missouri, by inserting the word "package," and in line 11 of page 113, after the word "letter," the same word ought to be inserted, and I therefore offer that amendment.

The Clerk read as follows:

Page 113, line 11, insert after the word "letter" the word "package."

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 113, after section 215, insert the following as a new section, to be numbered section 215a:

"That no letter, postal card, circular, book, newspaper, pamphlet, writing, or other publication containing any advertisement, notice, account, or record of any contract which is made for future delivery of any product or products of the soil, minerals, meats, stocks, bonds, or anything whatsoever, tangible or intangible, without agreeing and intending that the article or stock or asset which is the subject of such contract shall be actually delivered or received in kind, or relating to any contract wherein any party thereto in whose behalf such contract is made acquires the right or privilege to demand in the future the acceptance or delivery of such article or asset without being thereby obligated to deliver or accept same; and no check, draft, bill, money, postal note, money order, or other instrument of payment or obligation for any such contract or transaction hereinabove defined; and no notice, letter, writing, or publication of any kind or character referring or relating to what is commonly called 'dealing in futures,' 'stock gambling,' or other names or terms intended to be understood as relating to such contracts as are herein described, shall be deposited in or carried by the mails of the United States or be delivered by any postmaster or letter carrier.

"That whoever shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than $5,000 and imprisoned not more than two years, and for any subsequent offense shall be imprisoned not more than five years. Any person violating any provision of this section may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. GARRETT. Mr. Chairman, I shall not endeavor to discuss this amendment upon its merits now. I had hardly expected that it would be reached to-day. Notice was given of the intention to offer this amendment quite a good while ago, so that all gentlemen, of course, have had full opportunity to study it. I call attention to the fact that the verbiage is very similar to that used in the lottery statute. This amendment provides for a clear exercise of the power which the Federal Government has. It only applies, and only undertakes to apply, to the use of the mails or the postal system, over which there is no question the Federal Government has supreme and exclusive power. I shall not endeavor now to go into a discussion of the merits or demerits of stock gambling.

Mr. DRISCOLL. It seems to me, Mr. Chairman, that before we vote on this the gentleman ought to explain definitely, as well as he can, what it is intended to accomplish.

Mr. GARRETT. It is intended to accomplish in the case of future dealings precisely what has been accomplished in the matter of lotteries; to prevent the use of the mails for transportation of matter referring or relating to bucket-shop gambling and future dealing, being defined in the language given there so as to eliminate any legitimate transactions and defined clearly so as to cover only illegitimate and gambling transactions.

Mr. MANN. Will the gentleman permit me to ask him a question?

Mr. GARRETT. Certainly.

Mr. MANN. Of course it is very difficult to catch an amendment of that sort by merely hearing it read. But as I understood, it provides only against transactions where there was no intention to deliver the article itself?

Mr. GARRETT. Yes, sir.

Mr. MANN. In that respect does the gentleman know how nearly that language is the same as the bill we passed here yesterday for the District of Columbia, forbidding bucket shops?

Mr. GARRETT. I do not know how nearly it follows it. I confess I have not seen the bill passed yesterday; I only heard it from the desk, and have not carefully analyzed it.

Mr. MANN. The gentleman's amendment sounds as though it was along identical lines. That bill, as the gentleman from Kansas stated, was taken from the Massachusetts law. I think

he stated it was taken from the Massachusetts law, and along the line of the law newly passed by New York against bucket shops. Can the gentleman tell us what this provision is taken from?

Mr. GARRETT. The language in this provision, drafted by myself, was taken, as I now remember it, from the statutes of Mississippi.

Mr. MANN. Intended to prevent bucket shopping?

Mr. GARRETT. Intended to prevent the transportation through the mails of anything relating to stock gambling.

Mr. MANN. Is that the statute of Mississippi?

Mr. GARRETT. The offense is defined in this bill as it is defined in the Mississippi statutes.

Mr. MANN. Aimed at bucket shopping.

Mr. GARRETT. Aimed at bucket-shop gambling; yes.

Mr. MANN. Do they have any public exchanges in Mississippi?

Mr. GARRETT. I shall have to refer the gentleman to some Member from Mississippi to answer that question.

Mr. HUMPHREYS of Mississippi. Yes; they have what are variously called exchanges and bucket shops, according to the view that different gentlemen take of the situation. As I understand, there are only two cotton exchanges, one in New Orleans and one in New York. These Mississippi establishments—warehouses, bucket shops, exchanges, or whatnot—are connected with the exchange in New York or the exchange in New Orleans, or maybe both. They are generally termed "bucket shops."

Mr. MANN. I think no one defends bucket shops, as far as I know——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Has it expired? This is a new section in this bill. Are we not entitled to an hour?

Mr. MOON of Pennsylvania. We are in the Committee of the Whole House under the five-minute rule.

The CHAIRMAN. The gentleman is speaking to an amendment under the five-minute rule.

Mr. MANN. He is speaking to an original proposition.

The CHAIRMAN. He is speaking to an amendment to the bill under the five-minute rule.

Mr. HUMPHREYS of Mississippi. I ask that his time be extended five minutes.

Mr. MANN. The Chair is undoubtedly correct. I was under the impression that in the reading of this bill we were entitled to general debate.

The CHAIRMAN. The bill is being read under the five-minute rule.

Mr. GARRETT. I ask for five minutes more.

The CHAIRMAN. Unanimous consent is asked that the gentleman's time be extended five minutes. Is there objection?

There was no objection.

Mr. MANN. May I ask the gentleman whether the section that he presents would, in his opinion, wipe out of existence dealing in all futures on an exchange like the New York Cotton Exchange?

Mr. GARRETT. No, sir; I would not say that it would. I think that it would cripple illegitimate dealings very much, but I would not undertake to say that it would absolutely wipe them out. This only goes to the question of the mail. Of course the telegraph offices would be left untouched, so far as this business is concerned, and the telephone lines and express lines.

Mr. MANN. Assuming that forbidding the use of the mails—is that the purpose of the amendment?

Mr. GARRETT. That is the purpose of the amendment.

Mr. MANN. To prevent dealings in futures.

Mr. GARRETT. Illegitimate gambling; yes. Of course the gentleman knows that there is a certain amount of dealing in futures where the intention is to deliver that are legitimate, and there is no desire to infringe upon them, but this is leveled at illegitimate or gambling transactions, and I think the language is sufficiently clear to indicate that.

Mr. MANN. The gentleman says that he thinks the language is sufficiently clear. We would like to have the gentleman's opinion as to what it means. He is familiar with the language. The difficulty is that we never saw it before. For *myself I confess* I am entirely unqualified to pass upon the meaning of the amendment which the gentleman sends up and has read at the Clerk's desk unless he informs us himself what he means by it.

Mr. GARRETT. As I have already stated, I gave notice when this revision matter was up at the last session of the Congress that I would offer this amendment. I inserted the proposed amendment in the CONGRESSIONAL RECORD at that time, stating that I would offer it when this section was reached. I did so in order that gentlemen might have the opportunity to inform themselves in regard to it. I am sorry that it did not happen to catch the eagle eye of the gentleman from Illinois [Mr. MANN].

Mr. MANN. I trust the gentleman will not accuse me of being able to remember everything that occurred in the CONGRESSIONAL RECORD of last year. [Laughter.]

Mr. GARRETT. Certainly not.

Mr. MOON of Pennsylvania. Will the gentleman permit a question?

Mr. GARRETT. Let me answer first the inquiry of the gentleman from Illinois asking my opinion as to what the effect would be. I think, as I tried to state, the effect would be that it would prevent the using of the mail for the transportation of anything relating or referring to stock gambling, as we commonly understand it, or any illegal future dealing.

Mr. MOON of Pennsylvania. Does not the gentleman think from his own uncertainty in regard to the provisions in this section that it ought to be referred to a proper committee and properly considered and reported to the House before it is attempted to be put in this bill before the Committee of the Whole House on the state of the Union?

Mr. GARRETT. I have not said, so far as I am concerned, that there was any uncertainty in my mind about it. I have tried to be modest about the matter. I do not mean to claim that no court would construe it differently, but I am quite certain that the language involved is easy of construction, and I will say that so far as its consideration is concerned, the amendment was offered as a bill and has been before a committee of the House. I call the attention of the gentleman to the fact that notice was given, and Members of the House have had months and months, if they were interested in the subject, in which they could study this amendment, because notice was given at the time and in advance.

Mr. DRISCOLL. I recollect that the gentleman gave notice, but this is a long and complicated section.

Mr. GARRETT. But gentlemen have had a long time to study it.

Mr. DRISCOLL. I did not know that this bill was going to be called up now. It strikes me that the gentleman ought to allow this to go over until the next hearing of the matter, so that we may have a chance to examine it and consider it. I am in favor of the general proposition of the gentleman. I do not think I would want to vote for it now by just hearing it read from the desk. If the gentleman will let it stand over it may go through without trouble.

Mr. HUMPHREYS of Mississippi. I would suggest to the gentleman that the gentleman from Tennessee says this is modeled after the Mississippi law. That ought to be sufficient for any gentleman who wants to do exactly the right thing. [Laughter.]

Mr. DRISCOLL. What was the Mississippi law modeled after?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks that the time of his colleague be extended five minutes. Is there objection?

There was no objection.

Mr. GARRETT. I will state, in answer to the gentleman from New York, that my impression is that the language of the Mississippi statute and the language of the New York statute is almost identical upon this subject. I see no reason why we should not vote on this matter now as well as at any time.

Mr. CRAIG. Will the gentleman allow a question?

Mr. GARRETT. Certainly.

Mr. CRAIG. I ask for information because I am interested in the bill. Does the language of the statute contemplate that there must be any intention on the part of one party or both parties?

Mr. GARRETT. The language of that statute would prevent the transportation by mail where there was any intention on the part of one of the parties, I think.

Mr. CRAIG. Take a case like this: A cotton mill receives an order for a bill of goods to be made up which they figure will take 100 bales of cotton. They have not the cotton at that time, but they go into the future market and buy 100 bales. They may have no intention then of taking the cotton, but going into the local market and buying the cotton, if they can do so at a proper price. Now, the intention of the man making the future contract may be perfectly good to deliver the cotton. Does this outlaw that kind of a contract?

Mr. GARRETT. I am inclined to think so.

Mr. DRISCOLL. Is it not a fact that in the consideration of this bill for the codification of the code last year we practically adopted a rule that there should be no new matter inserted into this law by the Committee of the Whole in this way; that this was practically a revision or codification of existing law and not for the purpose of making new law? This amendment is entirely new law. It is a very important section, and the members of this committee have not had any chance to consider it fully on its merits. If the gentleman insists on its being acted on now, it ought to be voted down and not be put into the penal law in this manner.

Mr. GARRETT. I will say in regard to the rule to which the gentleman alludes that my observation is that wherever the majority of the House wanted to put a new section in they did so, and that wherever the majority was against it the rule was enforced.

Now, so far as not having an opportunity to study it is concerned, the gentleman from New York [Mr. DRISCOLL] surely can not mean that. There has been opportunity to members of the committee to see it. I offered the amendment many days before it would have been reached in the ordinary course of procedure had we gone on with this bill, and it was there, open for the consideration of the Members, and has been during the entire vacation. At the time I offered it I stated that I did so in order that the committee might have an opportunity and Members might have an opportunity of studying it and analyzing it and meeting it upon its merits.

Mr. PARSONS. The gentleman says that his amendment is substantially the same as the New York statute. Will he inform us just what the New York statute does with reference to the mail?

Mr. GARRETT. What I meant, I will say to the gentleman from New York, is that the language which defines what stock gambling is was substantially the same as that of the State of Mississippi, and that it was my recollection that the language of the statute in Mississippi defining what stock gambling is was the same as that of New York, though as to that I am not sure, I will say.

Mr. PARSONS. Then, inasmuch as we have cotton exchanges in New York and stock exchanges, despite the New York law, is it the gentleman's idea that this amendment would not exclude from the mail matters relating to what goes on in the New York exchanges?

Mr. GARRETT. Well, that would be a matter of construction of the law. I do not know how the courts in New York would construe the laws up there.

Mr. PARSONS. I presume that if the amendment is modeled on the New York law, then the federal courts would probably follow the construction that the New York courts have put on the New York law.

Mr. MANN. What would the courts have to do with it?

Mr. JAMES. What would the state courts of New York have to do with the mail?

Mr. MANN. Or any other court?

Mr. PARSONS. It would have nothing to do with the mail, but——

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. PARSONS. I ask unanimous consent that the gentleman be allowed five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PARSONS. The New York courts would have a chance to construe the law in case of any prosecution under the New York statute. Now, although the New York statute would not relate to the mail, when this amendment was being construed, having been said to be modeled on the New York statute, naturally the Postmaster-General or the court, if it got into court, would follow the ruling of the New York courts construing the same sort of language.

Mr. GARRETT. Well, perhaps we might speculate as to how it would be construed by the Postmaster-General and by authorities that will have it to deal with, and possibly it is proper to speculate about it. I think it would be construed so as to prevent the transportation through the mails of anything relating to future dealings. That is the intention and purpose of it, and I have used as nearly correct language as I can to reach that purpose. If any gentleman can suggest language that will be better, I am perfectly willing to accept an amendment to the amendment. I have done the best I could at drafting in that respect.

Mr. PARSONS. The difficulty is that not having been considered and reported by the committee, the Members of the House are in a position where they have not studied it, and it has not had that concerted scrutiny which any bill gets which has been considered by the committee.

Mr. GARRETT. Why?

Mr. PARSONS. Because it has not been before the committee.

Mr. GARRETT. It has been before the Committee of the Whole.

Mr. PARSONS. It is now; yes, sir.

Mr. GARRETT. For seven or eight months, and it has been in the RECORD for months and months.

Mr. PARSONS. I will say for the Committee on Revision, of which I have the honor to be a member, that we naturally would not consider such an amendment, because we have acted as though bound by what we have considered a rule established by the practice of the Committee of the Whole and which we assumed it would establish, that we should not incorporate new matter except in cases where it was plainly necessary to put into the statute what the courts had said should be the law or what we thought had originally been the intention of Congress and had been omitted. And if we proceed now to adopt such an amendment as this, then practically every bit of legislation that is before Congress can be tacked on here somehow and we will never revise the laws. It can be tacked on here, of course, if the House and the Senate see fit to do it.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word, and I ask the indulgence of the committee for a few minutes.

The CHAIRMAN. The gentleman from Tennessee moves to strike out the last word.

Mr. GAINES of Tennessee. Mr. Chairman, this is a very important proposition, as we all agree. The gentleman from New York [Mr. PARSONS] says it has not been referred to his committee. That is possibly unfortunate, in one sense, but does that bar this great body of lawmaking lawyers and good hard-sense statesmen from now taking up this matter and now consiging it? It is a matter of too much importance to throw aside, because it has not been considered by the committee of which the gentleman from New York happens to be a member. The chances are it might be impossible, and I dare say would be, to get it back from that committee the balance of this session, and the gentleman knows it. [Laughter.]

Mr. PARSONS. I do not know it at all.

Mr. GAINES of Tennessee. The gentleman has spoken about the rules. I do not know whether the gentleman is one of the "kickers" on his side about the rules or not. I want to say, gentlemen, I have been a kicker for twelve years, and if I should stay in this Congress until I arrive at the age of 144 years I would kick against the rules of this or any House that suppresses free speech, that permits the sale of Wall street blubbers and allows stock gambling to go on as it does in New York to prey upon the people——

Mr. PARSONS. I want to say to the gentleman——

Mr. GAINES of Tennessee. The gentleman is a member of the committee, and he has had his chance to do something in regard to stock gambling; now let the people have a chance.

Mr. PARSONS. Will the gentleman yield?

Mr. GAINES of Tennessee. I will yield in a minute. Only this morning I read in one of the New York papers that Governor Hughes—and the gentleman is a "Hughesite"—[laughter] has appointed a committee to investigate "Wall street" transactions, following the suggestion of the humble gentleman from Tennessee, perhaps, who tried to get this Congress to not adjourn but one day for last Christmas, but remain here and investigate your Wall street. [Laughter and applause.] Now, what is the law——

Mr. PARSONS. Will the gentleman yield?

Mr. GAINES of Tennessee. I will yield when I get through the best part of my speech; I am now on "Wall street." [Laughter and applause.] Lo and behold, that great governor, for he is a great intellectuality, and it is a great pity that he has not been in the American Congress on that side, and I hope the time will come when a man who loves right, order, and justice and disapproves of stock gambling, as it seems he does, will get into one end or the other of this Congress. [Applause.]

Mr. Chairman, so much for that. I was very much surprised to learn from Governor Hughes, in the morning press, that the Republican legislature of New York had not given him any money to pay the expenses of this committee to investigate "Wall street," and he has asked the Hon. Horace White, whom we all well know, to be chairman of that committee to investigate "Wall street," its stock gambling, and its devilment generally—and its panic-producing machinery, if you please, and other wrongdoings with which "Wall street" has scourged our defenseless people for years.

HUGHES NAMES COMMISSION TO PROBE WALL STREET—BOARD OF NINE TO INVESTIGATE METHODS OF STOCK AND COMMODITIES EXCHANGES—HORACE D. WHITE HEADS IT—GOVERNOR SEEKS CORRECTION OF ABUSES AND REQUESTS AN EARLY REPORT.

ALBANY, *December 14.*

Governor Hughes to-night announced the appointment of a committee of nine, consisting of bankers, business men, and economists, to inquire into the facts surrounding the business of stock and commodities exchanges in New York and to suggest "what changes, if any, are advisable in the laws of the State bearing upon speculation in securities and commodities; or relating to the protection of investors, or with regard to the instrumentalities and organizations used in dealing in securities and commodities which are the subject of speculation."

The committee named includes Horace White, author and editor; Charles A. Schieren, merchant, formerly mayor of Brooklyn; David Leaventritt, former justice of the supreme court; Clark Williams, state superintendent of banks; John B. Clark, professor of political economy in Columbia University; Willard V. King, banker, president Columbia Trust Company; Samuel H. Ordway, lawyer, New York; Edward D. Page, of New York; and Charles Sprague Smith, director of the People's Institute, all of New York City.

ALL AGREE TO SERVE.

The commission is to serve without compensation, and it is understood all have signified their willingness to act. The commission has been asked by the governor to report as early as practicable.

To each member the governor to-night sent the following letter:

"GENTLEMEN: At the last session of the legislature I recommended that provision should be made for suitable inquiry into the facts relating to speculation in securities and commodities, with the view of ascertaining the manner in which illegitimate transactions might be prevented and legitimate business safeguarded.

"As I stated in accepting renomination, I had in mind in making this recommendation such an expert inquiry as was made into banking conditions, the result of which was the passage of highly beneficial measures. In this Commonwealth, the vast commercial and financial transactions of which represent the activities of the entire country, it is of the utmost importance that legislation affecting business and exchange should be the result of deliberate study, and that we should neither threaten business stability by ill-considered measures, or, on the other hand, invite agitation or impair confidence by ignoring abuses and by failing to provide suitable correction.

TO SUGGEST CHANGES.

"It is with this view that I request you to act as a committee for the purpose of collating facts, receiving suggestions, and making such recommendations as may seem to you fitting with regard to the following question:

"What changes, if any, are advisable in the laws of the State bearing upon speculation in securities and commodities or relating to the protection of investors or with regard to the instrumentalities and organizations used in dealing in securities and commodities which are the subject of speculation?

"It is not my intention to limit you in the consideration of any phase of the matters submitted, and I am confident that your carefully formed opinions, being those of men known for their interest in public questions and their acquaintance with affairs, and accredited to the community by high reputation, will be of the greatest value.

"I must ask this public service without offer of compensation or indemnity for expense, as I have no authority to subject the State to any obligation in connection with your appointment. But I know that your generous action in serving the community will be highly appreciated and will afford another and most welcome illustration of the public spirit of our citizens.

"I shall be glad to receive your report at as early a date as you may find practicable. I have the honor to remain,

Very respectfully, yours,

"CHARLES E. HUGHES."

FAILED TO REPORT IT.

Governor Hughes recommended to the extraordinary session of the legislature this year that a similar commission be appointed, but the legislative committee to which the recommendation was offered failed to report it.

In his speech of acceptance, to which he refers in his letter, Governor Hughes said in part:

"I have no sympathy with financial schemes for the regulation of business with arbitrary legislation. But it is important to the maintenance of business stability and to the prosperity of honest enterprise that suitable opportunity should be afforded for the proper dealing with all questions that are presented, to the end that such remedies may be provided as after competent consideration may be found advisable."

Mr. Chairman, I happen to hold, and I am glad to say I do, in my hand one of the greatest speeches ever delivered in the American Senate—by the lamented James Z. George, of Mississippi—on this very question, the gambling transactions of the New York and New Orleans stock exchanges, saying that they were robbing the people of this country by virtue of the fact that Congress had not outlawed "options" and cotton "futures" and things of that sort. Now, here is a copy of that great speech. I thought so much of it that I have had it well bound, that I may keep it in my private library when I retire from the House, as I shall on the 4th of March.

Mr. FITZGERALD. Will the gentleman yield?

Mr. GAINES of Tennessee. Well, I wanted to get through and then yield to your colleague, the gentleman from New York [Mr. PARSONS], but——

Mr. FITZGERALD. I desire to ask the gentleman if he has ever read the speech made in reply to that speech by the present Justice White, of the Supreme Court, who was then a Senator from Louisiana?

Mr. GAINES of Tennessee. Yes, sir; I think Senator George was right, and I think that Mr. Justice (the then Senator) White was wrong.

Mr. FITZGERALD. I disagree with the distinguished gentleman.

Mr. GAINES of Tennessee. Well, thus runs the world away.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent for five minutes' additional time. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. I say that we should stop this "gambling," as far as we can, by cutting the windpipe, by shutting it off from the use of the mail. We stopped the Louisiana lottery in that way. I believe the great supreme court of Louisiana had upheld that concern as a legal institution, and perhaps it was entirely legal because duly chartered by that State. But the Federal Supreme Court upheld the law passed by Congress, saying that an organization like that should not use the mail. We did not stop it until Congress had invoked this remedy. Then it stopped, never to go again. I mean no criticisms of either of these States. I love the great men of Louisiana, and I love the great men of New York. I respect their great intellectuality, Republicans and Democrats alike. But I love all the people of this country better than I do those of either State.

The great lawyer, Senator George, than whom no greater mind was ever in a legislative body in this country, said that two States in this country, New York and Louisiana, brought about and were keeping up this cotton-future gambling machine, and he was trying in 1892 to invoke the powers of Congress to stop it. It has not been stopped yet, and that speech was delivered on Monday, July 25, 1892. Now, let me read a few paragraphs from it, because I am sure you would rather hear from that great man than hear from me, although this speech is many years old. He says:

First. I have shown these future contracts to be absolutely null and void—as being mere wagers as to the price of cotton on a future day, and hence they are not legitimate dealings.

He further said:

This monopoly is in restraint of trade and commerce—interstate, foreign, and domestic—and it, as shown, controls the whole business.

He continues—

It is shown, if anything can be shown, that these dealings in futures, though actually carried on only in two places, in two States in the Union, do, because they relate to a product not present at the locality of the trade, and need not be present anywhere, affect, materially affect, the commerce in this product everywhere. Now, Mr. President, I have shown this to be an obstruction to commerce, I have shown that it is a business carried on in only two places in the United States, in which, giving the same number to New York as to the New Orleans Cotton Exchange, only 600 of the people of the United States can engage.

I have shown that it is so interwoven and interlocked with interstate commerce in cotton and foreign commerce in cotton that the witnesses say if you disturb it you disorganize the whole system. Now, what remains? Nothing but for us to do our duty in passing the bill.

That was from that great man, the father of the Mississippi constitution; this great jurist who helped to build the Sherman antitrust law—not a line of which Senator Sherman wrote—one of the great Senators whose legal arguments were so felt in the American Congress in throwing overboard the varying propositions of Senator Sherman, that he, with Judge Reagan, carried with them the leading Republican lawyers of that body, finally bringing out the measure that was at last brought out, based upon the commerce clause of the constitution and made law.

Mr. Chairman, of course I can go further and read from Senator George's speech, but I have read enough to show you why we find that in 1892 he said two States, one a Democratic and the other a Republican State, one Democratic now and the other Republican now, were running this stock-exchange business that my colleague's bill is leveled against.

Now, do not let us sit here like a lot of schoolboys and say we have not got time to write a few lines of good law on this subject. We are fixing to go home now and stay nearly three weeks, as we did last year, when I invited you to stay here and investigate our Wall street panic. I know you are just as good thinkers as we are and just as considerate as we are, and you can legislate when you will just as well as we can on this side.

I want to get this bill through. I told the gentleman from Pennsylvania [Mr. MOON] that I was going to help him. I had forgotten about my colleague's amendment. I knew he had offered it. We should not plead the baby act and say that we have not time to stop gambling.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I would like two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. I beg of this distinguished committee—the bill has already passed the Senate now and is over here—to consider this matter, which to-day is a menace to this country, and which the gentleman from Tennessee, who has studied it, says is a menace, as well as the gentleman from Mississippi, my friend [Mr. HUMPHREYS]. You all know, gentlemen, that the money from our banks in the country is sent to New York, thence to Wall street, and by stock gambling in that city we get back panics and bankruptcy. I say if we can not do anything else in this matter the balance of this week we ought to stay here and stop this stock gambling that has brought so much ruin under all administrations in this country. The great governor of New York has invited gentlemen, without money and without price, as patriots, to examine into and get to the bottom of it.

House Report No. 1387, Sixtieth Congress, first session.

PROHIBITION OF BUCKETING AND BUCKET SHOPPING, AND ABOLITION OF BUCKET SHOPS.

Mr. CAMPBELL, from the Committee on the District of Columbia, submitted the following report, to accompany H. R. 20111:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 20111) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," relative to gambling, bucket shops, and bucketing, report the same back to the House with the recommendation that it do pass when amended as follows:

Add at the end of line 5, page 4, the following:

"If a domestic corporation shall be convicted of a second offense, the supreme court of the District of Columbia shall have jurisdiction, upon an information in equity in the name of the United States district attorney for the District of Columbia, on the relation of the Commissioners of the District of Columbia, to dissolve the corporation; and if a foreign corporation shall be convicted of a second offense, the supreme court of the District of Columbia shall have jurisdiction, in the same manner, to restrain the corporation from doing business in the District of Columbia."

The purpose of the bill is to prohibit gambling on the price of stocks, securities, and commodities.

Gambling in stocks and commodities has been the subject of prohibitive legislation in Arkansas, California, Colorado, Connecticut, Georgia, Illinois, Iowa, Kansas, Louisiana, Mississippi, Michigan, Massachusetts, Missouri, North Carolina, New Hampshire, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, and Wisconsin.

The constitutions of California and Louisiana prohibit the dealing in stocks on margins and for future delivery. There is now under consideration by the New York legislature a bill very similar in its provisions to the one your committee reports. The laws of some of the States named are drastic and far-reaching, going so far in their effect as to prohibit speculation in stocks and commodities.

The intent and purpose of the law in all cases is to prohibit the gambling that is done in stocks, securities, and commodities.

Gambling in stocks and commodities is a subject of discussion in many of the countries of the world. Within the past decade the subject has been under consideration in some form or other by the Argentine Republic, Austria, Belgium, Bulgaria, Denmark, France, Germany, Greece, Hungary, Italy, the Netherlands, Norway, Portugal, Roumania, Russia, Servia, Spain, Sweden, and Switzerland.

The Canadian government has passed an effective law upon the subject. Throughout the European countries a popular protest has arisen against gambling on the prices of commodities that compose the necessities of life.

It is thought wise to prohibit this species of gambling that is widely indulged in and most destructive in its consequences. Men who can ill afford to lose gamble and lose their money in bucket shops, betting on the differences in prices of stock and commodities. Thousands have thought they could win in stock and commodity gambling and have gone to their ruin. They have started in the bucket shop on a small scale, settling the differences between prices, and ended in ruin, the penitentiary, or the grave of a suicide.

It is estimated that within the last twenty-five years $2,500,000,000 have been lost in this species of gambling by those who could not afford to lose.

Embezzlement, imprisonment, ruin, suicide, and panic have been the results. Some of the principal victims are here named:

"1884. The Marine National Bank of New York City was looted by two of its directors, who, in their Wall-street speculations on margins, lost $2,000,000. The Second National Bank, through the Wall-street speculations of John C. Eno, its president, lost $4,000,000.

"1891. John T. Hill, president of the Ninth National Bank of New York City, speculated away $400,000.

"1894. Frederick Baker, a depositor, and Samuel C. Seely, bookkeeper in the National Shoe and Leather Bank of New York City, lost $354,000.

"1895. Frank C. Marvin, lawyer, Brooklyn, $75,000.

"1898. John S. Hopkins, cashier of the People's Bank of Philadelphia, lost the bank's funds in speculation and killed himself, $700,000.

"The Chemical National Bank, of New York City, lost through 'mistakes of judgment' on the part of the cashier, $393,000.

"Ex-Mayor F. H. Twitchell, of Bath, Me., $60,000.

"1899. George M. Valentine cashier of the Middlesex County Bank and treasurer of the Perth Amboy (N. J.) Savings Institution, confessed to losing in speculation $125,000.

"1900. Cornelius J. Alvord, jr., note teller of the First National Bank of New York City, lost in stock speculation $690,000.

"William Schreiber, clerk in the Elizabeth Banking Company, Elizabeth, N. J., squandered in Wall street $106,000.

"A confidential clerk of a wholesale house in Walker street, New York City lost in Wall street $200,000.

"1903. Frank V. La Bountie, confidential clerk for law firm of Wilson & Smith, of Chicago, $500,000.

"William S. Allen, treasurer Preachers' Aid Society, Boston, $70,000.

"United States Playing Card Company, of Cincinnati, robbed by a trusted woman employee of $100,000.

"Enoch L. Cowart, cashier of the Navesink (N. J.) Bank, $40,000.

"John A. Scott, cashier of the New York office of the London Assurance Company, $25,000.

"William B. Given, president of the Lancaster County (Pa.) Railway and Light Company, $100,000.

"Thomas W. Dewey, cashier of the Farmers and Merchants' Bank of Newbern, N. C., $125,000.

"James M. Watson, jr., clerk for auditor of the District of Columbia, $100,000.

"Trusted clerk at the Hotel Beresford, in New York City, $50,000.

"1904. Arnold Beathlen, cashier of a bank at West Liberty, Pa., $85,000.

"John F. Goggin, treasurer of the Nashua Trust Company, of Nashua, N. H., arrested, charged with defalcation of $100,000.

"George A. Rose, cashier of the Produce Exchange Banking Company of Cleveland, $170,000.

"Wallace H. Ham, Boston agent of the American Surety Company of New York City, $286,000.

"Ex-Mayor S. F. Smith, of Davenport, Iowa, $150,000.

"F. H. Cutting, bank president, of Ota, Iowa, $112,000.

"1905. Ex-Tax Collector E. J. Smith, of San Francisco, $60,000.

"Paul O. Stensland, Chicago banker, who was captured abroad, $1,500,000.

"Cashier of the Cornwall (N. Y.) Bank, $45,000.

"W. W. Karr, accountant of the Smithsonian Institution, Washington, D. C., $50,000.

"Mayor William H. Belcher, Paterson, N. J., $150,000.

"Frank G. Bigelow, head of the First National Bank of Milwaukee, $1,450,000.

"F. H. Palmer, cashier of the State Bank, Peconic, Long Island, $40,000.

"Denver (Colo.) Savings Bank, looted by speculating officials of $1,700,000.

"Newton C. Dougherty, superintendent of schools, Peoria, Ill., $250,000.

"T. Lee Clarke, cashier of the Enterprise (Pa.) Bank, $1,200,000.

"F. R. Green, cashier Fredonia National Bank, $300,000.

"1906. Joseph A. Turney, note teller in the National Bank of North America, of New York City, took from the institution and lost in Wall street $34,000.

"County Treasurer F. E. Smith, of Akron, Ohio, $282,000.

"Gordon Dubose, president of the First National Bank, Ensley, Ala., $40,000.

"Frank K. Hipple, president of the Real Estate Trust Company of Philadelphia, $7,000,000.

"C. S. Hixson, bookkeeper, Union Trust Company of Pittsburg, $125,000.

"1907. Charles T. Barney, president of the Knickerbocker Trust Company, who killed himself when the financial crash came. It is estimated by his close friends that the total amount lost by him in speculation was almost $10,000,000.

"F. Augustus Heinze, whose losses in the market fluctuations, according to a statement made by him to a friend, were $9,000,000.

"Charles W. Morse, whilom 'Ice King,' 'Steamboat King,' and 'Bank Chainer,' whose losses in market fluctuations are figured at $20,000,000.

"Chester Runyan, bank clerk, New York City, $86,000.

"George H. Brouwer, known as the 'soul of honor,' confidential man for James H. Oliphant & Co., stock brokers, of New York City, $90,000.

"Clerk for the tax collector of New Orleans, $100,000.

"William F. Walker, treasurer of the New Britain (Conn.) Savings Bank, $600,000.

"Miss Flora Steipel, cashier in a Philadelphia department store, $25,000.

"Oliver M. Dennett and William O. Douglass stole $1,300,000 in securities from the Trust Company of America, and pawned them for $140,000."

All these enormous losses were the direct result of gambling in stocks and commodities as defined in this bill—not in the legitimate purchase of railroad or industrial stocks, or grain, or cotton, or produce of any character. It was not investment; it was gambling in options, futures, and the differences in prices of the products of the farm and stocks and securities of the transportation companies of the country.

It is safe to add to the injury that falls to the lot of the unfortunate individual who thus "speculates" and loses and his family the injury that comes to the whole country. Gambling in the price of other people's property with other people's money has more than once led the country into financial panics that have had a most harmful effect upon the otherwise prosperous business of the country. Thousands of industrious and innocent men have been thrown out of employment because other men gambled with the property they produced or worked with.

This bill has been carefully prepared and is conservative in its provisions. It is modeled after the Massachusetts statute on the same subject. It will not interfere with the investors in stocks and commodities of any character in any legitimate speculation in them.

Mr. HENRY of Texas. Mr. Chairman, I desire only a few moments to discuss this amendment. It is gratifying to know that the question is pointedly presented here, so that we may vote on the direct proposition. Permit me to say there can be no more appropriate time to vote upon such an amendment than while we are adopting the penal code of the United States. We are now considering the criminal statutes, and as legislators during this consideration we are surely capable of passing on this important question. The amendment of the distinguished gentleman from Tennessee [Mr. GARRETT] simply proposes to deny the use of our postal facilities for the purpose of transmitting mail or information in regard to "speculation in futures" and "stock gambling." It applies to agricultural products, meats, minerals, stocks and bonds, and many other things, and seeks to prohibit "speculation in futures" and "stock gambling" pertaining to such things. Its meaning is manifest, and clearly presents to Members of this House the proposition of whether or not they favor such gambling transactions and vicious practices. The amendment has my cordial support, and I take my stand against such gambling evils here sought to be reached.

Mr. Chairman, there is nothing ambiguous about the issue here joined. It is clear and specific. It proposes to deal with

gambling contracts, and in so doing seeks to deny the use of the mails in transmitting anything touching the same. It does not go as far as, in my judgment, it should go. It only denies the use of postal facilities in the transmission of such information, contracts, and writings. It should include telephone and telegraph lines, steamboat lines, express companies, and railways. But this amendment does not extend that far.

Mr. GARRETT. Will the gentleman allow me to interrupt him?

Mr. HENRY of Texas. Certainly.

Mr. GARRETT. The gentleman does not mean to be understood as saying that this would be germane to that point?

Mr. HENRY of Texas. I am not discussing that proposition; but say here is a clear provision presented for the determination of this House, and there is no reason why we should not amend our penal statutes and apply a remedy to the evils manifest in this great problem.

Mr. Chairman, I have read carefully the amendment drawn by the distinguished gentleman from Tennessee. During the last session of this Congress he had it printed in the RECORD. and gave notice that in due season he would call it up and ask for its adoption. The proposed legislation is along familiar lines; there is nothing doubtful about it. It can be perfectly understood. A few years ago the Louisiana lottery was corroding the civilization of this country; the people throughout the Union arose and asked Congress for legislation on that great evil and to exterminate it. Congress passed an act which denied to the lottery the use of the mails, express, railways, telegraph, telephone, and steamship companies, and prohibited further transaction of the business of that institution anywhere in this Union or wherever it touched interstate or foreign commerce.

Gentlemen, the questions in litigation went to the Supreme Court of the United States. That court, in a well-considered opinion, held it was within the power of Congress to deny the use of all these facilities to the Louisiana lottery and stamp it out of existence. It was put out of being by federal legislation. We have a provision here based upon similar legal propositions. There is no reason why we should not adopt the amendment. If "gambling in future transactions" is vicious, we have the opportunity to secure legislation that will suppress in some degree a crying evil which has injured people throughout the country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENRY of Texas. I ask for five minutes more.

There was no objection.

Mr. HENRY of Texas. Mr. Chairman, I am not here discussing the question of abolishing the New York Cotton Exchange or the New Orleans Cotton Exchange, but leave that matter for some other occasion. It is not involved in the verbiage of the proposed amendment. Whether Congress has power in any sort of way or by any kind of method to abolish them or whether they are purely local questions of state concern is a broad proposition to be dealt with at another time. However, it is undeniably true that there are many vicious and gambling transactions carried on in the cotton exchanges that can and should be stamped out. There are doubtless legitimate and necessary ones prosecuted there; but, in my humble judgment, the vicious and of a gambling nature are preponderating. The time has come to meet the problem, and Congress can not much longer tolerate such practices as I have pointed out.

The producers of cotton and other agricultural products are waging a great fight against these nefarious evils and are now invoking the aid of Congress in that contest and have a right to do so. We can come largely to their relief if we will. We are fully advised that the foreign spinners can go upon the New York and New Orleans cotton exchanges and fictitiously sell the market down in spite of the greatest cotton pool the world ever witnessed. As long as we allow such immoral practices the farmer must bow his head and put his neck under the cruel yoke of gamblers, speculators, and commercial buccaneers. I am bitterly opposed to tolerating such a condition and raise my voice in emphatic and violent protest against it. Mr. Chairman, any system anywhere which permits gamblers to sell or buy a hundred millions of bales of cotton which they never expect to receive or deliver (and which can not and will not be produced) to persons who do not wish to receive it and never expect its delivery is a grievous and outrageous injury to the producer, is criminal, immoral, and detrimental to every interest of the farmer and should be speedily crushed out of existence. Time forbids me going into fuller discussion of those topics now, but I am glad of the opportunity to say here that in my humble judgment Congress should reach out its strong right arm and protect the millions of producers in America. We should exhaust every legitimate and constitutional power based upon the interstate-commerce clause, the postal clause, or wherever we may find warrant in the Constitution to bring wise and efficient aid in properly legislating on these problems.

It passes my comprehension when the gentleman from New York [Mr. PARSONS]—and I would like to be enlightened—is opposed to the amendment, for certainly he must believe that gambling transactions prohibited by this amendment are evils. I can not understand why my amiable friend [Mr. FITZGERALD] from the city of New York should be opposed to such legislation as this. Nor can I conceive how any Member can raise his voice against stamping out such wrongs. This amendment, if adopted, proposes to deny the use of United States mails to anyone engaging in such gambling transactions as described by its terms. It contemplates making a new section to the code. Gentlemen, if you are opposed to such vices, give us your vote, and let us embody our protest in the penal code.

Gentlemen, it is all nonsense to talk about not amending this code while we are considering it. Why is it brought into the House for consideration if it is not for Members to rise and state their positions in regard to the various sections taken up? Why not pass it through en bloc? Why not pass it all in ten minutes if we can not amend it and consider it, as some of you gentlemen contend? Mr. Chairman, if I should study this question for a year I could not better understand it than to-day, and do not believe there is a gentleman in the sound of my voice who does not perfectly understand the provisions of the amendment and the object aimed at.

Mr. OLLIE M. JAMES. Will the gentleman yield for a question?

Mr. HENRY of Texas. I will.

Mr. OLLIE M. JAMES. Is it not true that during the last session of Congress we amended this very bill frequently?

Mr. HENRY of Texas. I do not think there is any question about it, and after looking through it I think we will amend it very frequently as we proceed. It needs amendment.

Mr. COX of Indiana. Is it not also a fact that the President in the last session of Congress recommended legislation aimed largely against gambling in futures?

Mr. HENRY of Texas. The President, as I recollect, recommended it at the last session and at this session as well, and I do not think there can be much diversity of opinion in regard to the proposition that legislation is necessary. As to whether or not Congress can stamp out the New York Cotton Exchange or the New Orleans Cotton Exchange or some other exchange located in some State of this Union is another proposition. I am not undertaking to discuss those things now, but say our power is clear, and we should put something in the statute and prevent transmission of information pertaining to such gambling contracts as are mentioned in the provision. I believe if any gentleman thinks it ought not to be permitted he should vote with us. This is a step in the right direction. It does not go far enough. I wish we might now include the telephone, telegraph, railway, and express companies and all other transportation facilities, but I know a point of order would perhaps be made against such effort, and we would not be permitted to incorporate them in it this afternoon.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I suggest to the gentleman, in answer to the question just asked about the President's message, that he have the Clerk read a part of what the President said.

Mr. HENRY of Texas. Yes; I should like to have it.

The CHAIRMAN. The gentleman's time has again expired.

Mr. HENRY of Texas. I ask for five minutes more.

The CHAIRMAN. Unanimous consent is asked that the gentleman's time be extended five minutes. Is there objection?

There was no objection.

Mr. HUMPHREYS of Mississippi. This shows what President Roosevelt thought on the subject, and what he said in a message that came here, wrapped up, I believe, in asbestos.

Mr. HENRY of Texas. Let it be read in my time.

Mr. HUMPHREYS of Mississippi. Just to show the Republican position.

The CHAIRMAN. It will be read in the gentleman's time.

The Clerk read as follows:

I do not know whether it is possible, but if possible, it is certainly desirable, that in connection with measures to restrain stock watering and overcapitalization there should be measures taken to prevent at least the grosser forms of gambling in securities and commodities, such as making large sales of what men do not possess and "cornering" the market. Legitimate purchases of commodities and of stocks and securities for investment have no connection whatever with purchases of stocks or other securities or commodities on a margin for speculative and gambling purposes. There is no moral difference between gambling at cards or in lotteries or on the race track and gambling in the stock market. One method is just as pernicious to the body politic as the other in kind, and in degree the evil worked is far greater. But it is a far more difficult subject with which to deal. The great bulk of the business transacted on the exchanges is not only legitimate, but is

necessary to the working of our modern industrial system, and extreme care would have to be taken not to interfere with this business in doing away with the "bucket shop" type of operation. We should study both the successes and the failures of foreign legislators who, notably in Germany, have worked along this line, so as not to do anything harmful. Moreover, there is a special difficulty in dealing with this matter by the Federal Government in a Federal Republic like ours. But if it is possible to devise a way to deal with it the effort should be made, even if only in a cautious and tentative way. It would seem that the Federal Government could at least act by forbidding the use of the mails, telegraph and telephone wires for mere gambling in stocks and futures, just as it does in lottery transactions.

Mr. HENRY of Texas. Mr. Chairman, at the suggestion of my friend from Mississippi [Mr. HUMPHREYS] I have had that read for the information of the House. Let me say I have always been ready to support the President of the United States when he recommended good legislation, such as contained in this message. Therefore I must again express my surprise that the gentleman from New York [Mr. PARSONS] and the other New York gentleman [Mr. FITZGERALD] should be opposed to our contention, when the President of the former's party and of this country so enthusiastically advocates it. When gentlemen arise to discuss this, if they intend to do so, let them state their reasons for opposing it on its merits. Let us raise no technical objections, but give the real reason for your opposition.

Mr. OLLIE M. JAMES. I would suggest to the gentleman from Texas that the chief reason which some of the gentlemen opposed to this amendment have suggested is that the amendment might not in reality prevent that which they think ought not to be prevented. [Laughter.]

Mr. HENRY of Texas. If they have any such fears, I am sure the gentleman from Tennessee would be willing to accept any amendment making it more effective.

Mr. GARRETT. Certainly.

Mr. HENRY of Texas. I apprehend that there is enough certainty of verbiage in the amendment to be of practical benefit to the people of the country. My recollection is the lottery legislation was given us by the Republican party. It was put in the statutes by that party, illustrating that they do occasionally enact some good laws. [Laughter.]

Here is one recommended by their President, and I want to invoke the aid of gentlemen who agree with us to act with us this afternoon, and let this just and wholesome law go into the statutes and be the crowning act of President Roosevelt's administration. [Applause.]

Mr. CAMPBELL. Mr. Chairman, I do not know when I have seen anything in the press dispatches that pleased me more than when I noticed this morning that Governor Hughes had appointed a special commission to make an investigation of the transactions of the stock exchanges in New York. Everybody knows what Governor Hughes aims to reach. He proposes to reach just what is proposed to be reached by the amendment offered by the gentleman from Tennessee—the stock gambling that is transacted on these stock exchanges.

On yesterday this House passed by a unanimous vote a bill prohibiting the keeping of bucket shops in the District of Columbia. In doing so the Congress of the United States did for this District what almost every State in the Union has done heretofore. The State of New York last winter passed a most forcible law to prevent the keeping of bucket shops and of bucketing. The State of Illinois years before had done the same thing.

Mr. PARSONS. Was not the law passed in New York State last year advocated by the New York Stock Exchange?

Mr. CAMPBELL. It was; and the New York Stock Exchange does some legitimate business; that is, it does a percentage of legitimate business. Less than 10 per cent of the business transacted on the New York stock exchanges is legitimate, however. The remaining 90 per cent is just such business as is prohibited by the bill passed by this House yesterday, aimed directly at bucket shops.

Mr. FITZGERALD. I would like to inquire whether the gentleman heard that part of the President's message, in which he said that the great bulk of the transactions there—on the New York Stock Exchange—were legitimate? I would like to ask whether he agrees or disagrees with the President as to that?

Mr. CAMPBELL. I do not agree with the President in the degree of percentage he has given there. The president of one of the exchanges appeared before our committee last winter, and when the question was squarely put to him, he would not say that 3 per cent of the business transacted on his exchange resulted in legitimate sales to legitimate purchasers where there was a delivery in good faith by a man who had the property to sell to a man who wanted to buy it. That was the testimony given by a president of one of the New York exchanges in one of the committee rooms of this Congress less than eight months ago.

I have in my hand what practically amounts to a confession by a man who has been engaged in the business, and I send it to the Clerk's desk and ask to have it read, omitting the addressee and the writer's name.

Mr. PARSONS. Before that is read, let me ask the gentleman a question. The gentleman does not intend to state that the person who appeared before the committee said that the people who dealt in these transactions did not intend that a certificate of stock should be delivered?

Mr. CAMPBELL. Oh, he described minutely just what was done, and what is done is a subterfuge to defeat the criminal laws of the State of New York. There is a pretense of delivery in good faith and a percentage of purchases in good faith, but everybody knows that, in the main, the man who sells does not own the property, and the man who buys does not mean to take the property, in too many instances not being able to pay for it.

The time of Mr. CAMPBELL having expired, by unanimous consent his time was extended five minutes.

The Clerk read as follows:

DEAR SIR: Seeing the inclosed item in the Pittsburg Post this morning, I take the liberty of expressing to you a few thoughts based on the experience and observation of more than twenty-five years in the speculative markets as speculator, exchange broker, and "bucket-shop" man. I do not propose to defend the "bucket shop" as not being an evil that should be eliminated from the body politic. The "bucket shop" is merely a trailer in the wake of regularly organized exchanges, and the opposition to their method of doing business comes not from the speculative public but from these same stock exchanges, for the simple reason that they (the "bucket shops") cut in on their business, at least 90 per cent of which is as nefarious as any "bucket-shop" business.

What is desired is to eliminate the gambling features as far as possible from stock dealings. Now, then, the gambling feature comes in at the "margin" line. Eliminate all "margin" trading, both in stock exchanges and "bucket shops," and an evil stupenduous in its proportions will be abolished.

More than 90 per cent of stock-exchange transactions are marginal deals, which, if eliminated, would reduce the business to such small proportions that the general public would lose all interest in speculation and "bucket shops" would cease to exist.

It makes no difference to a "trader" dealing on "margins" whether he operates with an exchange broker or a "bucket shop;" the result is almost invariably the same, viz: He puts up a margin of from 1 to 10 per cent of the value of the stock with the "broker;" the markets go against him; his margins are exhausted; his account is closed by the "broker"—whether an exchange broker or not—and he has lost his money. I assert, and challenge any exchange broker to refute it, that the percentage of loss to their clients on their "marginal" business is as great on an equal amount of business as in any "bucket shop." Reference is made to the "antibucket-shop" law of Pennsylvania. There is about as many "brokers'" offices open in Pittsburg now as there were before the passage of the law, and people are dealing on "margins" and losing their money just the same, but the business is principally put through regularly organized exchanges, thereby eliminating the "bucket-shop" feature, but not in the least eliminating the evils of stock gambling from the body politic. As between stock exchanges and "bucket shops," it is merely a case of the "pot and kettle," and the Lord knows they are both black enough. Let the Congress put a prohibitive tax on all "marginal transactions" in stocks, and the speculative gambling dog is dead.

I want to say that our house closed its business on June 1 of last year, on the passage of the "antibucket-shop" law, and we are in no way interested in the speculative markets at the present time.

Very truly, yours,

Mr. CAMPBELL. Mr. Chairman, I ask unanimous consent that the name of the writer of the letter be omitted from the RECORD.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the name of the writer of the letter be omitted from the RECORD. Is there objection?

There was no objection.

Mr. MOON of Pennsylvania. Will the gentleman yield for a question?

Mr. CAMPBELL. Yes.

Mr. MOON of Pennsylvania. Has the gentleman read and considered the pending amendment offered by the gentleman from Tennessee [Mr. GARRETT]?

Mr. CAMPBELL. I have read it; I have not given it careful consideration.

Mr. MOON of Pennsylvania. Does the gentleman think this House ought to vote on an important question of that kind without having carefully considered it and having considered it carefully in many aspects, more carefully than it is possible to consider it in the House sitting as a Committee of the Whole House on the state of the Union?

Mr. CAMPBELL. I can only speak for myself on that. I have read the amendment—read it when it went into the RECORD. I have heard it read again this afternoon. I am ready to vote on it. I favor the amendment. [Applause on the Democratic side.] I see nothing in it that is injurious to the country, and I see nothing in it that would indicate it was bad legislation; and I believe it would lead to good results.

Mr. MOON of Pennsylvania. The gentleman himself has recently been engaged in preparing a similar bill for the District of Columbia.

Mr. CAMPBELL. Yes.

Mr. MOON of Pennsylvania. And therefore has given careful consideration to the subject.

Mr. CAMPBELL. I have given some time and consideration to the subject.

Mr. MOON of Pennsylvania. Therefore, in all probability, by reason of that special study, was better able to digest the amendment as it was read from the desk than the other members of the Committee of the Whole House.

Mr. CAMPBELL. I read it at the time it was first placed in the RECORD.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CAMPBELL. I should like to have just a little more time; I wanted to make one or two observations.

Mr. FITZGERALD. I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ALEXANDER of New York. Will the gentleman yield?

Mr. CAMPBELL. If my time can be extended. I have some things I really want to say, but I shall be glad to yield to the gentleman from New York.

Mr. ALEXANDER of New York. The gentleman suggested in opening his remarks that Governor Hughes had taken this matter up in a manner very satisfactory to him.

Mr. CAMPBELL. Yes.

Mr. ALEXANDER of New York. The gentleman is aware, is he not, that Governor Hughes has appointed a committee of very distinguished experts, if you may use the word, to consider and report upon dealings in stocks and bonds and all that. Now, if the gentleman wants to follow——

Mr. CAMPBELL. Is that the gentleman's question?

Mr. ALEXANDER of New York. My question is coming. We will give the gentleman plenty of time. I am sure this House wants to be informed. Now, if the gentleman wants to follow the guidance of New York's distinguished governor, why does he not allow this amendment to be referred by this House to its proper committee, as it ought to be, where it will be investigated with great care and reported upon, so that the House may have the facts and know what it is voting upon?

Mr. CAMPBELL. I stated in the beginning of my remarks that I was particularly pleased with the action of Governor Hughes in appointing a commission for the purpose of making an investigation of this subject, and I assert again that I am particularly pleased that that distinguished governor has taken that important action, for I believe that it will result in action that will be beneficial to the whole country.

Mr. ALEXANDER of New York. Now, will the gentleman answer my question? Why should not this amendment be submitted first to a committee of this House, which will take such action as the Hughes commission is expected to take?

Mr. CAMPBELL. Oh, this amendment has been before the House for some months. It has been in the RECORD. We are not hearing of this subject for the first time. There is not a man here who has not discussed one side or the other of this question and who does not know of the subject-matter under consideration. There is not a man here who does not recall the methods by which the Louisiana lottery was put out of business—the method proposed now to rid the country of stock gambling. There is not a man here who does not know that stock gambling, not stock speculation, is as great an evil as taking chances on the Louisiana lottery was, and that does not know that stock gambling has resulted in greater injury to the legitimate business of the whole country than the Louisiana lottery ever did.

Mr. ALEXANDER of New York. I do not take exception to what the gentleman has affirmed, but I desire to ask if this amendment, which is in the form of a regular bill, and which presumably has been referred to a regular committee, has been examined and favorably reported to the House? Can the gentleman answer that?

Mr. CAMPBELL. I have to answer that it has not; but I am satisfied, so far as I am concerned, having read the amendment, having read the bill, to vote upon the question; and I am satisfied that there is not a man here who is not prepared to vote upon it.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. CAMPBELL. Yes.

Mr. PARSONS. The gentleman has stated there is a difference between stock speculation and stock gambling.

Mr. CAMPBELL. Yes.

Mr. PARSONS. Will the gentleman, for the benefit of the Committee of the Whole, define that difference?

Mr. CAMPBELL. I should say the difference was this: A man who speculates legitimately in stocks would buy the stock, and pay for it, and become the owner of it, and when he found a purchaser who would purchase it so that he could sell at a fair profit he would sell. I would call a stock gambler a man who did not have the price of the stock in the first instance and therefore not able to buy and become the real possessor or owner of the property—a man only able to put up a small margin and willing to take chances on losing the margin.

Mr. BURLESON. Only be able to put up a small margin.

Mr. PARSONS. Would the gentleman allow a purchaser of stock to borrow money against it?

Mr. CAMPBELL. Oh, if he had the money and was able to buy the stock, I would not object to his borrowing money against it, but I would not say that he was able to buy stock if he only had $5,000 or $10,000 and wanted to buy $200,000 or $300,000 worth of stock on a particular day. In that case I should say that he was not a speculator; I should say that he was a gambler risking a margin on the difference in prices.

Mr. PARSONS. He can not speculate in stocks on the New York Stock Exchange.

Mr. CAMPBELL. But he does.

Mr. PARSONS. He does not.

Mr. CAMPBELL. The gentleman has a right to his opinion, but I assert the fact to be as I have stated. A respectable gambler goes to a bank in the morning before 10 o'clock and has a check certified for whatever amount the banker is willing to trust him for, and he goes back to the bank at 2.15 in the afternoon and deposits the securities that he has bought on the exchange during the day with the certified check that he got in the morning. The stock so deposited is the security the bank has for the check it certified in the morning.

Mr. PARSONS. He combines the two transactions just as other people in New York who buy real estate combine the two transactions. The poor man in New York who manages to save his money and wants to buy a house goes to a loan company or a life insurance company or some other concern and says he is going to buy a house, but he has only one-third of the money necessary. Will they loan him two-thirds when he buys that house? They say "yes," after they have investigated. Then they send their lawyers with his lawyer, and the whole transaction is closed in one.

Mr. CAMPBELL. The stock gambler says he does business the same as the man who buys real estate; but he does not. I am aware that is the defense of the stock gambler; that is the pretense that is made in order to avoid the criminal laws in the State of New York.

Mr. PARSONS. And I dare say some of the farms out in your country are bought in just the same way.

Mr. CAMPBELL. No; a man buys a farm in good faith. He knows what he is getting and he wants the farm; he has to put up, and he enters upon the farm or sends his tenant there. Now I yield to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. The gentleman from New York makes a strong point against passing legislation by this House without being considered by a committee. Now I want to ask the gentleman from Kansas if we did not pass one of the most important bills ever passed in this House in the last session, called "the Vreeland currency bill," without any report of or consideration by the Committee on Banking and Currency?

Mr. CAMPBELL. Yes.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. CAMPBELL. I have been wanting to say something which I had in mind. I do not appear here as an expert in stock gambling. I never won a dollar on either exchange in my life and never lost a dollar.

Mr. GAINES of Tennessee. Your colleague alluded to Governor Hughes's action, and says that Governor Hughes did so and so yesterday, in the face of the fact that last year Governor Hughes's legislature passed a law designed to remove this evil. Does not the mere fact that he has called upon this lot of volunteer people in New York to aid him show that the law has failed and we should help him out?

Mr. ALEXANDER of New York. May I ask the gentleman from Kansas [Mr. CAMPBELL] a question?

Mr. CAMPBELL. Oh, yes.

Mr. ALEXANDER. Is it not true that we did have a special committee on the currency bill, several very eminent Members of this body, and that they took a long time to consider it, and finally made a report which was very satisfactory to almost the entire House?

Mr. CAMPBELL. I do not like to be sidetracked from a discussion of stock gambling to the passage of the Vreeland currency bill.

Mr. ALEXANDER of New York. I asked the gentleman a question that the gentleman from Tennessee [Mr. SIMS] ought to answer.

Mr. CAMPBELL. The American Congress, if it adopts the amendment offered by the gentleman from Tennessee [Mr. GARRETT], will only be doing what has been done to some extent in almost every country. The gentleman from Tennessee is especially interested in preventing gambling in the price of cotton. My interest is especially to prevent gambling in the price of wheat and corn and in the price of cattle and hogs. When the price of these articles is fixed, I would like to have it fixed by somebody who is able to buy.

The CHAIRMAN (Mr. WASHBURN in the chair). The time of the gentleman has expired.

Mr. DRISCOLL. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Kansas [Mr. CAMPBELL] be extended ten minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CAMPBELL. It is now the practice in Wall street to sell properties to which the sellers never had any title. Cotton is sold by people who have never seen a bale of cotton, cattle are sold by people who do not own cattle, corn is sold by people who have never raised corn, and stocks and securities are sold by people who have absolutely no title to or possession of them. And it is for the purpose of preventing that sort of transaction that I think this amendment should be adopted.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. CAMPBELL. Yes.

Mr. PARSONS. Has not lots of land in western cities been sold to people who never saw the land?

Mr. CAMPBELL. Oh, very little.

Mr. PARSONS. And a great deal of money put up in order to buy the land?

Mr. CAMPBELL. But such land has not been sold by somebody who had no title to it.

Mr. SIMS. Is it not a fact that in the bucket shops deals on quotations are made in the exchanges over which they have no power whatever, while in the exchanges they do have the power to make quotations that they bet on?

Mr. CAMPBELL. Yes.

Mr. HUMPHREYS of Mississippi. If the gentleman will permit another statement, I might help the gentleman from New York [Mr. PARSONS] out in determining who are speculators and who are gamblers. The cotton crop is about twelve or thirteen million bales annually, and there are sold on the New York Cotton Exchange ninety millions of bales, and some years a hundred millions of bales. Is that speculation or gambling?

Mr. CAMPBELL. And the stock of railroads is sold over as many as 150 times in a single year, and, as a matter of fact, it is not transferred on the books of the company once. We should go as far as we may to protect the legitimate business that is transacted here.

There is more business done here than in any other country in the world. There is enough legitimate business to be done, and the necessity for gambling in an alleged business transaction does not arise in order that people may be employed or in order that they may find employment for their money. I therefore urge the necessity, in the interests of legitimate business transactions on the New York Stock Exchange, of this amendment becoming a law.

Mr. DRISCOLL. Mr. Chairman——

Mr. PARSONS. Will the gentleman answer a question?

Mr. CAMPBELL. Yes.

Mr. PARSONS. Would the gentleman allow any speculation on the New York Stock Exchange on margins at all?

Mr. CAMPBELL. Certainly. Where a man is a legitimate speculator and able to go upon the exchange and buy the property that he offers a price upon.

Mr. PARSONS. Then if a man wanted to buy a hundred shares of something, and he only had enough to buy a third of the amount necessary, you would not allow him to borrow the other two-thirds to buy the one-third?

Mr. CAMPBELL. Yes; but if he had but a small per cent of a margin to pay I would say he was a gambler, and he was simply taking a chance of losing what he put up as a margin, and that he had at no time the intention of buying the stock.

Mr. PARSONS. Then the question would be the waste of the margin?

Mr. CAMPBELL. Yes, and that would tend to show his good faith in the transaction.

Mr. MADDEN. Suppose a man wanted to buy a farm in Kansas, and only had $1 per acre to pay on land that could be bought for $10 an acre?

Mr. CAMPBELL. He could not buy it out there for $10 an acre. He could not get started for $1 an acre.

Mr. MADDEN. Do not get away from the question. Suppose he could buy it for $10 an acre, and the man who wanted to sell it was willing to take $1 an acre down, would the gentleman consider that the two men would have the right to trade?

Mr. CAMPBELL. Well, I should say they had the right, but that they were both taking chances.

Mr. SABATH. Not doing a legitimate business?

Mr. CAMPBELL. They were both taking a great chance; one taking the chance that he would lose his dollar, and the other taking a chance that he would not get his $9 until he foreclosed.

Mr. MADDEN. But would the gentleman consider that a legitimate business transaction?

Mr. CAMPBELL. Oh, yes; but a very unwise one. [Laughter.]

Mr. PARSONS. Why?

Mr. CAMPBELL. Why it is unwise because they are both taking great chances.

Mr. MADDEN. Where is the chance? Suppose a man had the land and he wanted to sell it, and the man wanted to pay the first dollar on the land. He could not lose that.

Mr. CAMPBELL. In answer to the gentleman, I will state that if I had 160 acres of land that I would sell at $10 an acre and the gentleman only had a dollar an acre, I would not look on him as a desirable purchaser, or a purchaser at all of my land.

Mr. MADDEN. But people of other sections of the country are used to trusting those with whom they deal. [Laughter.] They believe that when they propose to make a purchase that they mean what they say, and if they promise to pay the $9——

Mr. CAMPBELL. Let me ask the gentleman a question.

Mr. MADDEN. Certainly.

Mr. CAMPBELL. Do you pretend that when men go into the wheat pit in Chicago and buy 5,000 bushels of wheat they ever expect to get the wheat and pay for it?

Mr. MADDEN. I pretend to say——

Mr. CAMPBELL. Do they mean to get the wheat?

Mr. MADDEN. The gentleman must not ask a question and answer it too. I pretend to say that whenever any friend of mine on the Chicago Board of Trade goes on the board and buys 500 bushels of grain, that he intends to buy the grain, and to receive it when the day of delivery comes.

Mr. WILLIAMS. Will the gentleman permit an interruption there? I want to ask the gentleman from Illinois this question in the time of the gentleman from Kansas. The gentleman from Illinois has supposed a case where he had the land and wanted to sell it, and where the other gentleman was willing to pay a dollar down and pay the other at some other time. Let me suppose a case where a man wanted to sell land and the gentleman did not have the land. Would the gentleman consider that a legitimate transaction?

Mr. MADDEN. If the agent was acting.

Mr. WILLIAMS. But if he was not the agent of anybody?

Mr. CAMPBELL. I am aware that it is a dim line that separates gambling and speculation in these matters; but I am as clearly convinced, and I am sure that the gentleman from Illinois, like the gentleman from New York, is as clearly convinced that there is a place on both sides of that line that is clearly defined, marking what is legitimate business on the one side and absolutely illegitimate business on the other side. It would be beyond the power of Congress to deny to anyone the right to engage in a legitimate business or to engage in legitimate speculation. But I contend at the same time that it is the duty of Congress to protect the man who is following a legitimate business, and wants to continue it, from the fictitious business of those who are engaged in illegitimate gambling in futures.

Mr. FITZGERALD. Mr. Chairman, there is evidently some difference of opinion upon this amendment, also some varieties of opinion upon the questions affected. I wish first to read again what President Roosevelt said about the volume and character of trade transactions on the exchanges in his message of the 31st of January, 1908.

He said:

The great bulk of the business transacted on the exchanges is not only legitimate, but is necessary to the working of our modern industrial systems, and extreme care will have to be taken not to interfere with this business in doing away with the "bucket-shop" type of operation.

The gentleman from Kansas [Mr. CAMPBELL] advances the opinion that not more than 10 per cent of the business done on the exchanges is legitimate. I called his attention to this statement of the President of the United States. He disagreed with the President, and he had read here a letter to justify his opinion. It was a letter from a self-confessed manager of a bucket shop, who was put out of business by the law of the State of Pennsylvania. Now, I have never asserted a very strong belief in the accuracy of the opinions of the President of the United States, but I am very much surprised to find a Republican, and a Republican from the State of Kansas, preferring the opinion of a self-confessed bucket-shop operator to the statement of the President of the United States. [Laughter.] I shall not quarrel with the gentleman——

Mr. CAMPBELL. Will the gentleman from New York yield for a question?

Mr. FITZGERALD. Just a minute. I shall not quarrel with the gentleman in his choice of witnesses. Kansas has done some peculiar things, and Kansas will continue to occupy a somewhat peculiar relation to the rest of the United States. In justice to the gentleman I shall yield at this time, if he wishes to make a statement in reference to what I have said.

Mr. CAMPBELL. I hold in my hand the testimony before the judiciary committee of the District of Columbia Committee——

Mr. FITZGERALD. Now, one moment. The gentleman can not reargue his case. He read his authority. I am going to reply to what the gentleman has said.

Mr. CAMPBELL. Oh, no; this is what the president of one of the New York stock exchanges, a constituent of the gentleman from New York, says about the matter.

Mr. FITZGERALD. Well, if he is my constituent he must be a good man. I shall ask you to read what he said—give his name, but quickly, because the gentleman took a lot of time.

Mr. CAMPBELL. His name is Ogden D. Budd.

Mr. FITZGERALD. He does not live in my district [laughter], but read what he says.

Mr. CAMPBELL. I am not able to place my hand at this moment on his statement. I will say that he would not state before the committee that more than 10 per cent of the business transacted on the New York Stock Exchange resulted in a sale from a party who had the authority to sell to a purchaser who had the authority to buy.

Mr. FITZGERALD. What position did he occupy?

Mr. CAMPBELL. He states here what he is. He is president of the New York Stock Exchange——

Mr. FITZGERALD. I do not know him, but I do not think he is the man. Mr. Chairman, as I was about to say, I have had no personal experiences in these places that would qualify me as a witness on this question. But certainly between this self-confessed bucket-shop operator and the President of the United States, after he has performed his duty to inform himself in order to advise Congress as to how it shall act, I prefer to accept the statement of the President, that the great majority of the transactions on these exchanges are legitimate.

Mr. CAMPBELL. I have the name of the gentleman now, and the exchange of which he is president. His name is Ogden D. Budd, and he is president of the Consolidated Stock Exchange, of New York.

Mr. MOON of Pennsylvania. That is a bucket shop.

Mr. FITZGERALD. Nobody pays any attention to it. The gentleman never knew it existed until he read it in that book. The discussion here has not been concerning the Consolidated Exchange, but it has been about the operations of the New York Stock Exchange and the New York Cotton Exchange. Mr. Chairman, I believe that there are some transactions on those exchanges that should be prohibited. Whenever legislation is proposed that I believe will suppress or prevent the operations that everybody will agree or that all reasonable men will agree should be prohibited, I am ready to support it. This amendment will not do it. I shall not read it, but I ask any gentleman who is anxious to do what is advisable to read the first section of this proposed amendment and see what he can make out of it.

But there is something more to be considered. The great complaint against these exchanges comes from men who injudiciously and unwisely have tempted fortune, and have attempted to become rich more quickly than their merits deserve. There seems to be a great number of them scattered throughout all parts of the country.

Mr. GARRETT. Will the gentleman yield?

Mr. FITZGERALD. I did not have the gentleman in mind. There is no personal reference in what I said. [Laughter.]

Mr. GARRETT. I desire to correct the statement which the gentleman, no doubt unwittingly, made, that the principal objection to this form of business is from those who have made bad investments and lost money.

On the contrary, it is a fact that the cotton growers of the South, almost to a man, and the small merchants who buy cotton in the South, almost to a man, who never engage in future dealings, except under pressure of necessity, are opposed to this gambling.

Mr. FITZGERALD. The gentleman's statement can go in the RECORD. In connection with that, Mr. Chairman, I desire the Clerk to read a newspaper clipping which may illuminate this question and shows that even among those who occupy the side of the gentleman from Tennessee there may be some differences of opinion. If the complaint does not come actually from those who have lost money by trading on the exchanges, it does come from those who believe that the price of their product is depressed by the transaction on the exchanges. So this article which the Clerk will read will be somewhat illuminating. It was taken from the New York World of November 12, 1908.

The CHAIRMAN. The Clerk will read the article in the gentleman's time.

The Clerk read as follows:

HAS CURE FOR NIGHT RIDING.

Cotton ginners' president urges removal of ban on futures.

MEMPHIS, *November 11, 1908.*

Speaking before the cotton conference to-day, J. A. Taylor, president of the National Ginners' Association, declared that the night riding in the cotton belt, resulting in only a few depredations, had been done, not by organizations, but by individuals, in the mistaken idea that the ginners could be intimidated and the ginning of cotton stopped, thereby causing the price of the staple to advance.

He attributed the low price of cotton to manipulation, saying that nearly all of the speculating members of exchanges were very bullish, having contracts on the long side of the market.

"I feel sure," said he, "that we have lost during the past two years at least $100,000,000 by the passage of state laws. To offset this we have succeeded in bringing the cotton exchange to give us what we want—a fair contract. I think that we should at once amend our laws so as to allow trading in futures on legitimate exchanges. Do this and you will remove the cause, and there will be no more night riding in the South."

Mr. FITZGERALD. Mr. Chairman, I do not vouch for the credibility of this witness; I do not know him.

Mr. BURLESON. I can throw some light on that.

Mr. FITZGERALD. The gentleman can do that in his own time. I am not familiar with it.

Mr. BURLESON. Does the gentleman want to know who he is?

Mr. FITZGERALD. I wish the gentleman from Texas would permit me to proceed. He is the president of the National Ginners' Association. The speech was made in a place where night riding was somewhat prevalent, and it was addressed to men who were interested in having a fair return for their crops.

Mr. BURLESON. Will the gentleman permit me?

Mr. FITZGERALD. Well, the gentleman from Texas had better say it. [Laughter.]

Mr. BURLESON. He is the president of a fictitious organization and was here last year lobbying against this legislation. He was direct from the New York Cotton Exchange. [Laughter.]

Mr. FITZGERALD. Mr. Chairman, I do not know him. He may have been here; if he was here lobbying, of course I can understand why I never met him. [Laughter.] His speech was made in Tennessee, and no man at the head of a fictitious organization of that character would assume to make a statement of that nature in Tennessee.

Gentlemen have referred to the fact that the governor of the State of New York has just appointed a commission to investigate the New York Stock Exchange to ascertain whether any legislation is necessary to correct any evils, if there be any. It is a commission composed of very eminent men. I have wondered whether those who have expressed such delight at the appointment of that commission would be in hearty accord with its conclusions if they happen to differ from the preconceived notions that these gentlemen now have.

The New York Cotton Exchange, upon its own initiative, has appointed a committee to conduct an investigation, in connection with men assigned by the Commissioner of Corporations, in order to ascertain whether there has been just cause for complaint against the methods in operation there. When these investigations are completed it will be possible to discuss all the questions involved more intelligently and to more purpose.

I repeat, that so far as I am concerned, I have no sympathy with the improper transactions of any exchange; but it is only fair to have in the RECORD, with all this talk and this abuse of the great city of New York, the fact that there is, down at the bottom of much of the agitation, the personal incentive of men who think they should get more for what they produce, or should do better in speculations in which, in my opinion, they injudiciously engage.

Mr. CAMPBELL. Will the gentleman from New York yield a moment? I have the testimony to which I referred a moment ago.

Mr. FITZGERALD. How long is it?

Mr. CAMPBELL. Mr. Chairman, in answer to what the President says I read the testimony of the president of the Consolidated Stock Exchange before a committee of this House:

Q. Have you anything to say as to what proportion of these transactions actually go through in which there is a delivery as to stocks?

A. There is a delivery in every single transaction between brokers. Do you mean in what proportion there is a delivery to the customer?

Q. Yes.

A. No; I have not.

Q. Have you any idea?

A. Certainly.

Q. Give us that.

A. I have an idea. I do not know what the percentage would be, but compared with the volume of transactions it is small.

Q. Two or 3 per cent?

A. I can hardly guess. It is small. I do not hesitate to say that the actual delivery to customers is small, but please do not misunderstand me. In all transactions the receipt and delivery of the goods take place.

This evidence is my authority for saying here that more than 90 per cent of the business done on these exchanges is nothing short of gambling in the price of other people's property, and too often with other people's money.

Mr. FITZGERALD. The gentleman has spoken of sales of real estate. He thinks it injudicious to sell property or to make a contract to sell property to a man at $10 an acre, when he had but a dollar an acre to pay. Mr. Chairman, I can not enumerate how many, but I suppose at least 50 bills have passed this House during my service and during the service of the gentleman from Kansas [Mr. CAMPBELL] that provided for the sale either of public lands or of lands held by the United States as trustee for the Indians. Every single one of them had provisions in it under which the payments were to be made in periods of about five years, at an insignificant price per acre, ostensibly to men who could not pay at once $1.50 per acre for the land; and I have never heard the gentleman from Kansas raise his voice in protest against that injudicious policy of selling land upon such terms to men who did not have the money to pay for it at the time of the sale.

There is a good deal of misapprehension and much unnecessary agitation about some of these matters. I do not believe this proposed amendment will stop any of the improper transactions of which some complaint has been made. I believe that the wise thing to do is to permit the eminent commission appointed by the governor of the State of New York to make its investigation and to make recommendations, which I hope will meet with the approval of the people throughout the country, as to any legislation that may be necessary to regulate or control these exchanges, and then to legislate upon lines of adequate information.

Mr. OLLIE M. JAMES. Mr. Chairman, the gentleman says that he does not think that this amendment would stop gambling.

Mr. FITZGERALD. I do not.

Mr. OLLIE M. JAMES. The gentleman has given a good deal of attention and study to this matter. Will he not help us to perfect it so that it will stop it? The gentleman tells us that he is opposed to it.

Mr. FITZGERALD. The difference between the gentleman and myself is this: I believe the great bulk of the transactions on these exchanges are not only legitimate, but necessary, and—I do not want to say anything discourteous—I think the gentleman believes, like a great many others, that the bulk of them are illegitimate and unnecessary.

Mr. HUMPHREYS of Mississippi. Does the gentleman believe that the bulk of the transactions on the cotton exchange, when 100,000,000 bales were bought out of a crop of only 12,000,000, were legitimate?

Mr. FITZGERALD. Yes. I know of some localities in New York where more parcels of land have been sold than exist. I know that some property changes hands frequently, and I know that some cotton has been sold and bought many times, not only on exchanges, but right in the communities where it is raised.

Mr. HUMPHREYS of Mississippi. Does the gentleman believe that any considerable per cent of these hundred millions of bales was ever intended to be delivered by the men who sold them or to be received by the men who bought them?

Mr. FITZGERALD. Of course the gentleman knows that my opinion as to the intentions of people buying and selling commodities is absolutely worthless. I decline to express it. If the gentleman believes that he can determine whether men actually intended to deliver or to receive properties they attempted to sell or buy, let him do so.

Mr. HUMPHREYS of Mississippi. I have no idea in the world that those gentlemen ever expected to receive the cotton they bought or to deliver the cotton they sold. They bought it on margins. They put up the margins, and if it went up beyond the margin——

Mr. FITZGERALD. Oh, yes; and they financed and marketed the cotton crop, which could not have been marketed otherwise.

Mr. HUMPHREYS of Mississippi. They had nothing to do with the financing of it.

The CHAIRMAN. The time of the gentleman has expired.

By unanimous consent, Mr. FITZGERALD was granted leave to append to his remarks, from a pamphlet—"Board of Trade of the city of Chicago," issued in 1907—the following:

BUYING AND SELLING FOR FUTURE DELIVERY.

Ever since commercial exchanges were devised for the distribution of commodities at fair prices to both buyer and seller there has been misapprehension about transactions for future delivery. No feature of the business of the board of trade is as little understood as this. The reader will gain a clear idea of the necessity of trading in "futures" when he reflects that the entire amount of money in circulation in the United States at the present time would be insufficient to transfer the wheat and corn crops from the hands of the farmers to the bins of the consumers here and abroad if it were not possible to distribute the task over the crop year. The farmer must realize on his grain as soon as possible after it is harvested, but the grain is not needed for immediate use, and it must be carried in store until it is needed for food. The selling of a crop for delivery at different dates in futurity enables the farmer to realize at once on the toil of the summer, and places in his hands the ready cash he needs to pay his help, his local storekeeper, the interest on his borrowed capital, and to improve his farm for next year's tillage.

Of course, grain which is not deliverable until December can not appear in the visible supply at primary markets in July, and that is all the basis there is for the complaints sometimes made that the board of trade deals in grain which it never sees. As a matter of fact, every bushel of grain which is bought or sold on the board is actually deliverable on the demand of the buyer. If he wants wheat he may pay for it and it will be delivered to him out of an elevator. There is no fiction about such a trade. Behind every transaction there is somewhere a warehouse receipt representing an equivalent quantity of actual grain of a certain contract quality.

There is much misapprehension, also, about the class of trades known as "hedges." Suppose that a miller from Glasgow is in San Francisco and buys 100,000 bushels of wheat for shipment to Glasgow. San Francisco is four or five months distant by voyage from Glasgow, so in order to protect himself, to avoid speculation, this miller sells 100,000 bushels of wheat on the board of trade at about the same price that he paid in San Francisco. He does it in order to avoid the risk of changes in the market during the time that his grain is in transit. When the wheat arrives in Glasgow, if the market has declined, his sale in Chicago makes up the loss. On the other hand, if the market advances, the sale in Chicago at the lower price equalizes the transaction, so he can sell the flour on the basis of the price at which he bought it in San Francisco.

Multiply this incident by thousands and we have an explanation of how it is possible for hundreds of thousands of bushels of wheat to be sold on the board of trade in Chicago which are not necessarily delivered here. The transactions on that board stand not for local transactions merely, but for transactions all over the world. They depend not merely on the amount of grain here, but on the world supply of grain. Transactions on the board are in relation to the supply and demand of the world for breadstuffs. If the farmer could not sell for future delivery, he would have to suffer.

Mr. MOON of Pennsylvania. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania that the committee do now rise.

The question was taken; and on a division (demanded by Mr. GARRETT) there were—ayes 57, noes 42.

Mr. GARRETT. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. MOON of Pennsylvania and Mr. GARRETT were appointed tellers.

The House again divided; and the tellers reported—ayes 61, noes 49.

So the motion to rise was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11701, the penal code, and had come to no resolution thereon.

Mr. SHERMAN. Mr. Speaker, in the closing days of the last session we passed what was called an "omnibus" Indian bill, a bill which contained many small bills. Among the other bills there are five that are now on the Calendar favorably reported, four House and one Senate bill, and in order to clear the Calendar I ask unanimous consent that they may be stricken from the Calendar. All of them are now laws.

The SPEAKER. The Clerk will read the numbers.

The Clerk read as follows:

H. R. 17717, S. 4791, H. R. 16492, H. R. 19468, H. R. 21811.

The SPEAKER. Without objection, the bills will be stricken from the Calendar. [After a pause.] The Chair hears no objection.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask the same privilege.

Mr. CAMPBELL. And, Mr. Speaker, I would like to have the same privilege.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. MOON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Agriculture submitting an estimate of appropriation for "Laboratory, Department of Agriculture," for the year ending June 30, 1909—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Colorado River, Texas—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

A letter from the Secretary of Agriculture, transmitting detailed estimates of appropriations for the fiscal year ending June 30, 1910, with comparisons of current appropriations—to the Committee on Agriculture and ordered to be printed.

A letter from the Postmaster-General, transmitting report of investigations as to pneumatic-tube service for the mails—to the Committee on the Post-Office and Post-Roads and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Bayou Vermilion, Louisiana—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Saline River, Arkansas—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Arroyo Colorado, Texas—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Pass Cavallo, Texas—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting report of the annual inspection of the several branches of the National Home for Disabled Volunteer Soldiers—to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 22274) to authorize the St. Paul Bridge and Terminal Railway Company to construct a bridge across the Mississippi River at or near St. Paul, Minn., reported the same without amendment, accompanied by a report (No. 1797), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 23351) for the relief of the owners of the Mexican steamship *Tabasqueno*, reported the same without amendment, accompanied by a report (No. 1798), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10592) granting a pension to Martin Gardner—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23377) granting an increase of pension to Henry A. Butcher—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23485) granting a pension to Matilda Merrick Goodrich—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23491) granting an increase of pension to Mary Whelchel—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 24135) to amend an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes"—to the Committee on the Judiciary.

By Mr. COOPER of Texas: A bill (H. R. 24136) to regulate the sending of newspapers and periodicals through the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. RODENBERG: A bill (H. R. 24137) for the purchase of the house in which President Lincoln died, and the Lincoln relics contained therein, and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. JONES of Washington: A bill (H. R. 24138) giving a pensionable status to telegraph operators who served in the war of the rebellion to whom certificates have been issued by the Secretary of War under the act of January 26, 1897—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 24139) to establish a fish hatchery and biological station in the Thirteenth Congressional District of the State of Indiana—to the Committee on the Merchant Marine and Fisheries.

By Mr. HUMPHREY of Washington: A bill (H. R. 24140) extending the provisions of the act of June 10, 1880, concerning transportation of dutiable merchandise without appraisement—to the Committee on Ways and Means.

By Mr. SMITH of Arizona: A bill (H. R. 24141) to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, and amendments thereto, to the Territory of Arizona—to the Committee on the Public Lands.

By Mr. RUSSELL of Missouri: A bill (H. R. 24142) making appropriation for the protection of the bank of the Mississippi River at Birds Point, Mo.—to the Committee on Rivers and Harbors.

By Mr. SMITH of Arizona: A bill (H. R. 24143) to enable the people of Arizona to form a constitution and state government and to be admitted into the Union on an equal footing with the original States—to the Committee on the Territories.

By Mr. STEENERSON: A bill (H. R. 24144) to establish postal savings depositories for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes—to the Committee on the Post-Office and Post-Roads.

By Mr. ALEXANDER of New York: A bill (H. R. 24145) to regulate the judicial procedure of the courts of the United States—to the Committee on the Judiciary.

By Mr. LEE: A bill (H. R. 24146) to add 31,000 acres of land, by purchase or condemnation, to the Chattanooga and Chickamauga National Military Park and appropriating $761,000 for that purpose—to the Committee on Military Affairs.

By Mr. MOON of Tennessee: A bill (H. R. 24147) to add 31,000 acres of land, by purchase or condemnation, to the Chattanooga and Chickamauga National Military Park and appropriating $761,000 for that purpose—to the Committee on Military Affairs.

By Mr. PARSONS: A bill (H. R. 24148) to establish in the Department of the Interior a bureau to be known as the children's bureau—to the Committee on Expenditures in the Interior Department.

By Mr. MONDELL: A bill (H. R. 24149) granting to the Montana, Wyoming and Southern Railway Company a right of way across the Fort Keogh Military Reservation, Mont.—to the Committee on Military Affairs.

By Mr. SMITH of California: A bill (H. R. 24150) setting aside certain lands for the conservation of water—to the Committee on the Public Lands.

By Mr. HUBBARD of West Virginia: A bill (H. R. 24151) to authorize the Secretary of War to donate two condemned brass or bronze cannon or field pieces and cannon balls to the county court of Marshall County, W. Va.—to the Committee on Military Affairs.

By Mr. LANGLEY: A bill (H. R. 24152) for the widening and extension of Massachusetts avenue SE. from its present terminus near Fortieth street SE. to Bowen road—to the Committee on the District of Columbia.

By Mr. CLAYTON: A bill (H. R. 24153) to further extend the operation of the act approved April 5, 1906, entitled "An act authorizing the Choctawhatchee Power Company to erect a dam in Dale County, Ala."—to the Committee on Interstate and Foreign Commerce.

By Mr. DENBY: A bill (H. R. 24154) to prohibit the importation, manufacture, sale, or gift, for other than medicinal purposes, under regulations to be established by the Secretary of Agriculture, of crude opium, powdered opium, smoking opium or opium prepared for smoking, or hasheesh into the United States or any territory under their jurisdiction—to the Committee on Interstate and Foreign Commerce.

By Mr. LEAKE: A bill (H. R. 24155) to appropriate $500,000 to deepen the channel and to open an additional channel in the Hackensack River, in the State of New Jersey—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 24156) for the purchase of a site and the erection of a public building at Bayonne, N. J.—to the Committee on Public Buildings and Grounds.

By Mr. RANSDELL of Louisiana: A bill (H. R. 24326) for the relief of owners of outstanding and unsatisfied military bounty-land warrants heretofore issued by the United States, and all outstanding and unsatisfied certificates of location heretofore issued by the United States under the closing part of section 3 of the act of June 2, 1858 (11 Stats., p. 294)—to the Committee on War Claims.

By Mr. BATES: A bill (H. R. 24327) to make Corry, Pa., a port of delivery in the district of Erie, Pa., and extending to it the privileges of section 7 of the act of June 10, 1880—to the Committee on Ways and Means.

By Mr. STANLEY: A bill (H. R. 24328) to enable the Secretary of Agriculture to conduct experiments and determine the practicability of making paper material out of cornstalks and to erect buildings and purchase apparatus therefor—to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 24157) for the relief of Eli Connor—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of Missouri: A bill (H. R. 24158) for the relief of the heirs of John G. W. Brooks—to the Committee on War Claims.

By Mr. AMES: A bill (H. R. 24159) granting a pension to James E. McKenna—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24160) granting a pension to Addie Black—to the Committee on Pensions.

Also, a bill (H. R. 24161) for the relief of Orlando Lawrence—to the Committee on Military Affairs.

Also, a bill (H. R. 24162) granting an increase of pension to George E. Pinkham—to the Committee on Invalid Pensions.

By Mr. BARCLAY: A bill (H. R. 24163) granting an increase of pension to William T. Saylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24164) granting an increase of pension to Thaddeus C. Rumbarger—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 24165) granting an increase of pension to Henry M. Bedford—to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 24166) granting an increase of pension to Paul Seifrid—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 24167) granting a pension to Jerry Wildman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24168) for the relief of James Barron—to the Committee on War Claims.

By Mr. CALDER: A bill (H. R. 24169) granting an increase of pension to Matilda Butt—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 24170) granting an increase of pension to James Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24171) granting an increase of pension to Sylvanus Van Hook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24172) granting an increase of pension to William E. Kuykendall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24173) granting an increase of pension to Joseph Chartier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24174) granting an increase of pension to John N. Breezeley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24175) granting a pension to Lidda Rusmisael—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24176) granting a pension to Maggie Crane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24177) granting a pension to Nannie Bush—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 24178) granting an increase of pension to Edward R. Bigham—to the Committee on Pensions.

Also, a bill (H. R. 24179) granting an increase of pension to William H. R. Snyder—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 24180) granting an increase of pension to R. H. Maricle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24181) granting an increase of pension to William A. Dew—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 24182) granting an increase of pension to Andrew J. Surface—to the Committee on Invalid Pensions.

By Mr. COUDREY: A bill (H. R. 24183) for the relief of George W. Murray—to the Committee on Claims.

Also, a bill (H. R. 24184) for the relief of Camille Noel Dry—to the Committee on Military Affairs.

Also, a bill (H. R. 24185) for the relief of Thomas S. McKee—to the Committee on Military Affairs.

Also, a bill (H. R. 24186) for the relief of John H. Drosselmeier—to the Committee on Military Affairs.

Also, a bill (H. R. 24187) granting an increase of pension to Thomas Bayley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24188) granting an increase of pension to Andrew Houlihan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24189) granting an increase of pension to Harvey S. Page—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 24190) granting a pension to Mable Hullinger—to the Committee on Pensions.

Also, a bill (H. R. 24191) granting a pension to Hoyt Hayden—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 24192) granting an increase of pension to Martin V. Hardesty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24193) granting an increase of pension to George W. Rains—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24194) granting an increase of pension to Joel A. H. Buckalew—to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 24195) granting an increase of pension to Morgan Tedrick—to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 24196) granting an increase of pension to John E. Taggart—to the Committee on Pensions.

Also, a bill (H. R. 24197) granting a pension to Frank L. Kennedy—to the Committee on Pensions.

Also, a bill (H. R. 24198) granting an increase of pension to Fannie A. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24199) granting an increase of pension to Thomas Whitaker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24200) granting an increase of pension to William Woodson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24201) granting an increase of pension to Newton C. Spurgeon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24202) granting an increase of pension to Gilbert W. Boyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24203) granting an increase of pension to Manlabert C. Rawlison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24204) granting an increase of pension to Oscar Trigg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24205) granting an increase of pension to Henry H. Murray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24206) granting an increase of pension to Harvey Deputy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24207) granting an increase of pension to Lewis Justis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24208) granting an increase of pension to Samuel Roddey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24209) granting an increase of pension to John M. Battin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24210) granting an increase of pension to Thomas N. Floyd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24211) granting a pension to Charles A. Means—to the Committee on Invalid Pensions.

By Mr. DUREY: A bill (H. R. 24212) granting a pension to Mary S. Houghtaling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24213) granting an increase of pension to Jacob Brazie—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 24214) to correct the military record of William R. Hammond—to the Committee on Military Affairs.

By Mr. ELLIS of Missouri: A bill (H. R. 24215) granting a pension to William V. Malenburg—to the Committee on Pensions.

Also, a bill (H. R. 24216) granting an increase of pension to William M. McCrary—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 24217) granting a pension to John Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24218) granting a pension to Eva B. Lynch—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 24219) granting a pension to Joseph W. Shirey—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 24220) granting an increase of pension to Frederick C. Thruelsen—to the Committee on Pensions.

By Mr. FULLER: A bill (H. R. 24221) granting an increase of pension to Lewis F. Morgan—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 24222) granting an increase of pension to Hovey D. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24223) granting an increase of pension to George W. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24224) granting an increase of pension to Andrew J. Hanna—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24225) granting an increase of pension to John J. Holmes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24226) granting an increase of pension to C. H. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24227) granting an increase of pension to Charles F. Sumner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24228) granting an increase of pension to Benjamin F. Davenport—to the Committee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 24229) granting an increase of pension to Patrick McKew—to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 24230) for the relief of the estate of Richard W. Meade—to the Committee on War Claims.

By Mr. GOULDEN: A bill (H. R. 24231) granting a pension to Hattie E. Waterbury—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 24232) granting an increase of pension to John Rawley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24233) granting an increase of pension to Nicholas C. Bushwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24234) granting an increase of pension to George W. Brush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24235) granting an increase of pension to Franklin W. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24236) granting an increase of pension to Jesse Sawyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24237) granting an increase of pension to John S. Forbes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24238) granting an increase of pension to James Ballard—to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 24239) granting an increase of pension to A. H. Moore—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 24240) granting a pension to Zack Amis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24241) granting an increase of pension to James A. Hickman—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 24242) granting an increase of pension to Asahel P. Mott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24243) granting an increase of pension to Benjamin Weldin—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 24244) granting an increase of pension to Joseph W. Gale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24245) granting an increase of pension to James A. Sutton—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 24246) granting an increase of pension to Paul Schools—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 24247) granting an increase of pension to Frederick Christofel—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 24248) granting an increase of pension to Winslow Hart Reaves—to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 24249) granting an increase of pension to Mark Smock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24250) granting an increase of pension to John M. Hall—to the Committee on Pensions.

By Mr. KALANIANAOLE: A bill (H. R. 24251) granting a special pension to Samuel McKeague—to the Committee on Invalid Pensions.

By Mr. LANDIS: A bill (H. R. 24252) granting an increase of pension to John T. Eason—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24253) granting an increase of pension to Pliney A. Bailey—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 24254) for the relief of the heirs of George Winfrey, deceased—to the Committee on War Claims.

By Mr. LENAHAN: A bill (H. R. 24255) granting an increase of pension to Joseph Williams—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 24256) granting an increase of pension to George W. Hissong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24257) granting an increase of pension to Mahlon Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24258) granting an increase of pension to Charles T. Rogers—to the Committee on Invalid Pensions.

By Mr. LOWDEN: A bill (H. R. 24259) granting an increase of pension to George H. V. Kelly—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 24260) granting an increase of pension to John C. Lloyd—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 24261) granting an increase of pension to Joel T. Booz—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 24262) granting an increase of pension to James F. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24263) for the relief of Joseph Richardson, administrator, etc.—to the Committee on War Claims.

By Mr. NYE: A bill (H. R. 24264) granting an increase of pension to Sarah P. Tyrer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24265) granting an increase of pension to Darius T. Ludwig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24266) granting an increase of pension to Samuel B. McGuire—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24267) granting an increase of pension to Theophile Rainville—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24268) granting an increase of pension to Benjamin F. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24269) granting a pension to Richard D. Colbreath—to the Committee on Pensions.

By Mr. PARSONS: A bill (H. R. 24270) granting a pension to Julia B. Coghlan—to the Committee on Pensions.

By Mr. POLLARD: A bill (H. R. 24271) granting an increase of pension to William Barnhart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24272) granting an increase of pension to James H. Shackelford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24273) granting an increase of pension to Peter Carey—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 24274) granting an increase of pension to Julius A. Pherson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24275) granting an increase of pension to Walter McDaniel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24276) granting a pension to Peter M. Clause—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24277) granting a pension to Emily Crooks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24278) granting a pension to Thornton Bailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24279) granting a pension to Elizabeth Hardeman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24280) granting a pension to Florence Meader—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24281) granting a pension to Anna K. Harris—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 24282) granting an increase of pension to James H. Hypes—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 24283) granting a pension to Mary N. Greene—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24284) granting an increase of pension to John Dougherty—to the Committee on Invalid Pensions.

By Mr. SMITH of Arizona: A bill (H. R. 24285) for the relief of Warren E. Day—to the Committee on Claims.

By Mr. SMITH of Michigan: A bill (H. R. 24286) granting a pension to Albert L. Gregory—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24287) granting a pension to Lyman A. Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24288) granting a pension to Emory Denton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24289) granting a pension to William L. Coryell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24290) to correct the military record of Henry Berry—to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 24291) granting a pension to Martin J. Boatwright—to the Committee on Pensions.

By Mr. STANLEY: A bill (H. R. 24292) granting an increase of pension to Nathaniel S. Green—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 24293) granting a pension to Mahala C. Wilcox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24294) granting an increase of pension to Ambrose Goodboo, alias Goodbreau—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 24295) granting an increase of pension to John A. Cairnes—to the Committee on Pensions.

Also, a bill (H. R. 24296) granting an increase of pension to Sameul A. Hays—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24297) to correct the military record of George M. Watson and grant him an honorable discharge—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 24298) granting an increase of pension to William D. Hogan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24299) granting an increase of pension to B. H. Randall—to the Committee on Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 24300) granting an increase of pension to Henry J. Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24301) to remove the charge of desertion and grant an honorable discharge to David R. Bohannon—to the Committee on Military Affairs.

By Mr. WASHBURN: A bill (H. R. 24302) granting an increase of pension to Henry F. Hobart—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 24303) for the relief of the estate of Charles Fitzgerald—to the Committee on Claims.

By Mr. AIKEN: A bill (H. R. 24304) granting a pension to Thomas Callaghan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24305) granting an increase of pension to Harret Powe Lynch—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 24306) granting an increase of pension to George W. Kremer—to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 24307) granting an increase of pension to Thaxter Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24308) granting an increase of pension to Isaac W. Sanborn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24309) granting an increase of pension to William K. Nason—to the Committee on Invalid Pensions.

By Mr. HAMMOND: A bill (H. R. 24310) granting an increase of pension to William Ballard—to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 24311) granting an honorable discharge from the United States Navy to John W. Briggs—to the Committee on Naval Affairs.

By Mr. REYNOLDS: A bill (H. R. 24312) granting an increase of pension to Jacob Berkhamer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24313) granting an increase of pension to Joseph A. Olewine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24314) granting an increase of pension to Jacob B. Stalb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24315) granting an increase of pension to Alban G. Knode—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24316) granting an increase of pension to William B. Blake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24317) granting an increase of pension to Josiah Prosser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24318) granting an increase of pension to John Gore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24319) granting an increase of pension to Henry Brant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24320) granting an increase of pension to Henry Eash—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24321) granting an increase of pension to Annie Beyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24322) granting an increase of pension to John W. Gummo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24323) granting an increase of pension to William Rays—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 24324) granting an increase of pension to James T. White—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 24325) granting an increase of pension to William L. Mechling—to the Committee on Invalid Pensions.

By Mr. PRAY: Joint resolution (H. J. Res. 205) for the relief of certain settlers in the Lake Basin of the Billings (Mont.) land district—to the Committee on the Public Lands.

By Mr. LOUDENSLAGER: Joint resolution (H. J. Res. 206) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1908, on the 19th day of said month—to the Committee on Accounts.

By Mr. NYE: Joint resolution (H. J. Res. 207) directing payment of money to widow of Hon. James Hinds, deceased, according to terms of resolution passed in the Fortieth Congress, third session—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN: Papers to accompany bills for relief of R. Smith Bailey, estate of Catherine Norris, and W. F. Parker—to the Committee on War Claims.

By Mr. ALEXANDER of New York: Petition of the bar association of Erie County, N. Y., favoring increase of salaries for United States judges—to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of Buffalo, N. Y., for a nonpartisan tariff commission—to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of Buffalo, N. Y., for removal of duty on barley—to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of Buffalo, N. Y., for increase of judges' salaries—to the Committee on the Judiciary.

By Mr. AMES: Paper to accompany bill for relief of Martin Gardner (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. BATES: Petition of Pomona Grange, No. 26, Patrons of Husbandry, favoring removal of tariff on farm tools and implements—to the Committee on Ways and Means.

By Mr. BOYD: Petition of Dodge County Bar Association, for increasing salaries of district court judges—to the Committee on the Judiciary.

Also, petition of Omaha Bar Association, favoring $10,000 salary for circuit judges and $9,000 salary for district judges of the United States—to the Committee on the Judiciary.

By Mr. BROWNLOW: Petition of Mahoney, Jones & Co. and citizens of Bristol, Tenn., against enactment of parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. BURKE: Papers to accompany bills for relief of James Bond and Paul Seifrid—to the Committee on Invalid Pensions.

By Mr. BURNETT: Petition for legislation enacting more stringent immigration laws against Asiatics—to the Committee on Immigration and Naturalization.

By Mr. CALDER: Paper to accompany bill for relief of Alonzo D. Brown (H. R. 19482)—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John H. Styles (H. R. 23503)—to the Committee on Invalid Pensions.

By Mr. CAULFIELD: Paper to accompany bill for relief of Herman J. Wacker (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. CHANEY: Petition of A. L. Miller and others, Seymour, Ind., against Senate bill 3940, entitled "An act for proper observance of Sunday as day of rest in the District of Columbia"—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of Edward R. Bigham—to the Committee on Pensions.

By Mr. COUDREY: Paper to accompany bill for relief of John H. Rheinlander—to the Committee on Claims.

By Mr. DE ARMOND: Petition of residents of Milford and other towns in Missouri, against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. DUREY: Papers to accompany bills for relief of Jacob Brazie and Mary S. Houghtaling—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Kentucky: Paper to accompany bill for relief of William Pace (H. R. 23322) (previously referred

to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. ELLIS of Oregon: Petition of Oregon Bar Association, asking for a court of patent appeals (H. R. 21455)—to the Committee on the Judiciary.

Also, petition of Oregon Bar Association, asking for an additional United States circuit court judge for the district of Oregon—to the Committee on the Judiciary.

By Mr. ENGLEBRIGHT: Petition of International Brotherhood of Woodsmen and Saw Mill Workers, against Asiatic immigration—to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of citizens of Tomah, Wis., for prompt enactment of the Davis bill (H. R. 18204), for national cooperation in technical education—to the Committee on Agriculture.

By Mr. FOCHT: Paper to accompany bill for relief of Alex Everhart—to the Committee on Military Affairs.

By Mr. FULLER: Petition of Federal Mines and Milling Company, of Chicago, favoring a tariff on zinc ore—to the Committee on Mines and Mining.

Also, paper to accompany bill for relief of Lewis F. Morgan—to the Committee on Invalid Pensions.

Also, petition of Edward P. Thomas, of Rockford, Ill., favoring the Fuller bill (H. R. 19250), creating a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. GARNER: Paper to accompany bill for relief of Patrick McKew—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of Allegheny (Pa.) Medical Society, favoring a department of public health—to the Committee on Interstate and Foreign Commerce.

Also, petition of G. W. Weller, for Tirrell bill (H. R. 12405), Bacon bill (S. 5151), and other measures against the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the International Supply Company, favoring a duty on zinc ore—to the Committee on Ways and Means.

Also, petition of River Improvement and Drainage Association, for improvement of the Sacramento and San Joaquin rivers—to the Committee on Rivers and Harbors.

By Mr. HAMMOND: Petition of Rosemberger & Currier, of Mankato, Minn., favoring removal of duty from raw and refined sugars—to the Committee on Ways and Means.

By Mr. HAUGEN: Petition of H. C. Finch, favoring declaration by the United States for a permanent international congress for arbitration—to the Committee on Foreign Affairs.

By Mr. HAY: Petition of Baker & Co., wholesale grocers, of Riverton, Va., for the removal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. HAYES: Petition of C. A. Guman and 47 other citizens of Seattle, for the exclusion of Asiatics other than certain special classes—to the Committee on Immigration and Naturalization.

By Mr. HENRY of Connecticut: Petition of citizens of Windsor Locks, Conn., against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HEPBURN: Petition of citizens of Thayer, Iowa, against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. HIGGINS: Petition of residents of New London, Conn., against S. 3940 (religious observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. HOUSTON: Paper to accompany bill for relief of Lee Lefevor—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William Bradshaw—to the Committee on War Claims.

By Mr. HOWELL of Utah: Petition of Utah Bar Association, favoring increase of salaries of judges—to the Committee on the Judiciary.

By Mr. JONES of Washington: Petition of citizens of Washington, favoring the pensioning of members of the Military Telegraphers' Corps in civil war—to the Committee on Invalid Pensions.

By Mr. KAHN: Petition of E. Henrick and 35 other residents of Alameda, Cal., favoring an effective Asiatic-exclusion law against all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. KNAPP: Petition of residents of Chaumont, N. Y., against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LENAHAN: Petition of National Hardware Association, against any parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. McMORRAN: Petition of citizens of the seventh district of Michigan, against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. MANN: Petition of Philadelphia Board of Trade, favoring Senate joint resolution No. 40, relative to transportation of material for the Panama Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: Papers to accompany bills for relief of Nancy Walden and S. Y. B. Williams—to the Committee of War Claims.

Also, paper to accompany bill for relief of Joseph G. Richardson—to the Committee on War Claims.

By Mr. MOORE of Pennsylvania: Petition of Philadelphia Board of Trade, favoring Senate joint resolution No. 40, relative to transportation of material for the Panama Canal—to the Committee on Interstate and Foreign Commerce.

Also, petition of John Scoth & Co., favoring removal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of citizens of Philadelphia and New York, for legislation to pension members of the Telegraph Corps of the civil war—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: Papers to accompany bills for relief of Annie Beyer, John Hudson, John Gore, Josiah Prosser, William B. Blake, Henry Eash, William Rays, Joseph A. Olewine, Henry Brant, Alban G. Knode, and Henry C. Weaver—to the Committee on Invalid Pensions.

By Mr. ROBINSON: Paper to accompany bill for relief of Stephen Konicka (H. R. 13625)—to the Committee on Pensions.

Also, paper to accompany bill for relief of G. J. Palmer—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of John J. Johnson and Eliza Ann Ashcraft (H. R. 23936)—to the Committee on War Claims.

Also, petition of J. W. Dancer and others, against the Johnston bill (S. 3940), providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RYAN: Petition of Asiatic Exclusion League, favoring an effective Asiatic exclusion law against all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of L. Doleman Company, of Buffalo, N. Y., for removal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. SMITH of Missouri: Petition of Frederickton (Mo.) M. S. Local Union No. 202, for legislation to protect and pay underground miners for death and injury—to the Committee on Mines and Mining.

By Mr. SPARKMAN: Petition of citizens of Labelle, Lee County, Fla., against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. STAFFORD: Petition of Wisconsin glass makers, favoring free hides—to the Committee on Ways and Means.

By Mr. TAWNEY: Petition of citizens of the first district of Minnesota, against S. 3940 (religious legislation in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. WALLACE: Paper to accompany bill for relief of heirs of Peter Pape—to the Committee on War Claims.

By Mr. WANGER: Petition of Wilmer Atkinson and 14 other citizens of Pennsylvania and New Jersey, for a system of parcels delivery on rural mail routes and for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. WASHBURN: Paper to accompany bill for relief of Henry F. Hobart—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *December 16, 1908.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Journal of yesterday's proceedings was read and approved.

NAVAL CLERICAL FORCE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, pursuant to law, a statement relative to the specific amounts under various lump appropriations to cover the pay of clerical, drafting, inspection, and other classified employees at navy-yards and naval stations, with a complete list of these positions as of date December 1, 1908, showing the appropriation from which they are now paid, and so forth, which, with the accompanying papers, was referred to the Committee on Naval Affairs and ordered to be printed.

EXPENDITURES OF THE DEPARTMENT OF AGRICULTURE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant

to law, classified and detailed estimates of every subject of expenditure intended for the Department of Agriculture for the fiscal year ending June 30, 1910, and also detailed reports of all expenditures under any appropriation for such service during the fiscal year ended June 30, 1908, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

STATE OF MISSOURI V. UNITED STATES.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the opinion of the court in the cause of the State of Missouri *v.* United States, dismissing the case, which case was referred to the court by the resolution of the Senate under the act of March 3, 1887, known as the "Tucker Act," which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

EXECUTOR OF CHARLES BACKMAN, DECEASED, V. UNITED STATES.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Dean Sage, executor of Charles Backman, deceased, *v.* United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 2999. An act to amend an act entitled "An act to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes," approved February 27, 1907;

S. 4308. An act to change the name of V street, from Florida avenue to Nineteenth street NW., to California street; and

S. 4814. An act to amend section 491 n of the Code of Law for the District of Columbia.

The message also announced that the House had passed a bill (H. R. 22274) to authorize the St. Paul Bridge and Terminal Railway Company to construct a bridge across the Mississippi River at or near St. Paul, Minn., in which it requested the concurrence of the Senate.

The message further announced that the House had passed a joint resolution (H. J. Res. 206) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1908, on the 19th day of said month, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6155) to provide for an enlarged homestead; further insists upon its amendments, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MONDELL, Mr. VOLSTEAD, and Mr. ROBINSON managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. FRYE presented a petition of Buxton Grange, Patrons of Husbandry, of Buxton, Me., praying for the passage of the so-called "rural parcels-post" and the "postal savings-bank" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CLAY presented the petition of J. W. McCullough, of Walker County, Ga., and the petition of Juliet A. McCutchen, of Flintstone, Ga., praying for the enactment of legislation referring their claims to the Court of Claims under the provisions of the Tucker Act, which were referred to the Committee on Claims.

Mr. CUMMINS presented a petition of sundry citizens of Davenport, Iowa, praying for the enactment of legislation granting pensions to the surviving members of the United States Military Telegraph Corps who served in the civil war, which was referred to the Committee on Pensions.

Mr. du PONT presented a petition of Capital Grange, No. 18, Patrons of Husbandry, of Dover, Del., praying for the passage of the so-called "rural parcels post and postal savings bank bills," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BROWN presented an affidavit to accompany the bill (S. 7702) granting an increase of pension to William McClary, which was referred to the Committee on Pensions.

Mr. ELKINS presented a petition of the commissioners of the county court of Marshall County, W. Va., praying for the enactment of legislation providing for the purchase of the old Grave Creek Mound property at Moundsville, in that State, and the erection of a post-office building thereon, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Lodge No. 599, Brotherhood of Railroad Trainmen, of Macdonald, W. Va., praying for the passage of the so-called "Rodenberg anti-injunction bill," which was referred to the Committee on the Judiciary.

He also presented a petition of the Retail Merchants' Association of Grafton, W. Va., praying for the repeal of the present national bankruptcy law and the enactment of such legislation as will meet the legitimate requirements of trade, which was referred to the Committee on the Judiciary.

INDIAN INSTITUTE IN OKLAHOMA.

Mr. OWEN. I present the petition of Richard C. Adams, on behalf of the Delaware Indians and all other Indians residing in the State of Oklahoma, praying for the establishment of an institution distinctively Indian in character. I move that the petition be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (S. 7721) for payment to Robert B. Whitacre and Frederick T. Hildred the sum of $944.97 for blasting powder used by the United States Government to complete the Bellefourche irrigation project, reported it without amendment and submitted a report (No. 698) thereon.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (S. 556) to amend an act entitled "An act to amend an act entitled 'An act to amend section 2455 of the Revised Statutes of the United States,' approved February 26, 1895," approved June 27, 1906, reported it without amendment and submitted a report (No. 699) thereon.

Mr. HEYBURN, from the Committee on Public Lands, to whom was referred the bill (S. 1197) setting apart a tract of land to be used as a cemetery by the Independent Order of Odd Fellows of Central City, Colo., reported it without amendment and submitted a report (No. 700) thereon.

Mr. SMOOT, from the Committee on Patents, to whom was referred the bill (S. 6104) to compensate the commissioners to revise the statutes relating to patents, trade and other marks, and trade and commercial names for services rendered, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

THE CONGRESSIONAL RECORD.

Mr. CULLOM. I am directed by the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 105) for the purpose of more fully carrying into effect the convention concluded at Brussels March 15, 1886, in reference to the exchange of official journals, and so forth, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Public Printer to supply to the Library of Congress such number as may be required, not exceeding 100 copies, of the daily issue of the CONGRESSIONAL RECORD for distribution, through the Smithsonian Institution, to the legislative chambers of such foreign governments as may agree to send to the United States current copies of their parliamentary record or like publication, such documents, when received, to be deposited in the Library of Congress.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EMPLOYMENT OF MESSENGER.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Sergeant-at-Arms be, and he is hereby, authorized and directed to employ for the remainder of the Sixtieth Congress an additional messenger, to be paid from the contingent fund of the Senate at the rate of $1,440 per annum.

EMPLOYMENT OF STENOGRAPHER.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. LONG, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on the Census be, and it is hereby, authorized to employ a stenographer to report such hearings as may be held by it during the second session of the Sixtieth Congress, the expense thereof to be paid from the contingent fund of the Senate.

JESSIE E. LINNEKIN.

Mr. FULTON. From the Committee on Claims I report a resolution, and ask for its present consideration.

The resolution was read, as follows:

Resolved, That in compliance with a request of the chief justice of the United States Court of Claims, contained in Senate Document No. 562, Sixtieth Congress, second session, the Secretary of the Senate be, and he is hereby, directed to return to the Court of Claims the following congressional case, namely, of Jessie E. Linnekin, heir at law of Thomas J. Linnekin, deceased, against The United States, Congressional, No. 10942, C. & F. No. 41, and the said court is hereby authorized to proceed in said case as if no return therein had been made to the Senate.

Mr. FULTON. Perhaps I should give a word of explanation of the resolution, as it is somewhat exceptional.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. TELLER. I should like to hear the explanation of the chairman of the committee before consent is given to the consideration of the resolution.

Mr. FULTON. The chief justice of the Court of Claims has requested the return of the case described in the resolution. It stands on the findings of the Court of Claims, and the Committee on Claims has heretofore reported it among the amendments proposed to the omnibus claims bill. But it seems that since the report was made by the Court of Claims a question has arisen as to the proper distribution of the money involved. So they have asked to have it sent back, and although it was reported here I see no objection to its return.

Mr. TELLER. I do not object to the resolution.

Mr. FRAZIER. My attention was diverted. I ask that the resolution may be read again.

The VICE-PRESIDENT. The Secretary will again read the resolution at the request of the Senator from Tennessee.

The resolution was again read.

Mr. FULTON. I will add to what I said, that it is simply one of the cases involving the difference between sea and shore pay in the navy.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution just read?

The resolution was considered by unanimous consent and agreed to.

INDIAN LANDS IN OKLAHOMA.

Mr. CLAPP. On behalf of the Committee on Indian Affairs, to whom was referred the message of the House of Representatives returning to the Senate, in compliance with its request, the bill (H. R. 16743) for the removal of the restriction on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes, I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. CLAPP. I move that the bill be recommitted to the Committee on Indian Affairs.

The motion was agreed to.

BILLS INTRODUCED.

Mr. du PONT introduced a bill (S. 7863) granting a pension to Mary B. Hall, which was read twice by its title and referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 7864) for the relief of John H. Howlett, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 7865) granting an increase of pension to Edwin B. Brewster, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DICK introduced a bill (S. 7866) granting a pension to Ann Eliza Dumble, which was read twice by its title and, with an accompanying paper, referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 7867) for preventing the manufacture, sale, or transportation of adulterated, misbranded, or falsely graded naval stores, and for other purposes, which was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. FRAZIER introduced a bill (S. 7868) to create a new division in the middle judicial district of the State of Tennessee, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. RAYNER introduced a bill (S. 7869) granting an increase of pension to Rachel J. Windsor, which was read twice by its title and, with an accompanying paper, referred to the Committee on Pensions.

Mr. JOHNSTON introduced a bill (S. 7870) for the relief of the heirs of Edwin De Leon, which was read twice by its title and referred to the Committee on Claims.

Mr. FOSTER introduced a bill (S. 7871) for the relief of owners of outstanding and unsatisfied military bounty land warrants heretofore issued by the United States, and all outstanding and unsatisfied certificates of location heretofore issued by the United States under the closing part of section 3 of the act of June 2, 1858 (11 Stats., 294), which was read twice by its title and referred to the Committee on Public Lands.

Mr. PERKINS introduced a bill (S. 7872) to promote the administration of justice in the navy, which was read twice by its title and referred to the Committee on Naval Affairs.

Mr. HEYBURN introduced a bill (S. 7873) granting the Panhandle Electric Railway and Power Company right of way for a railroad through the Priest River National Forest, in northern Idaho, which was read twice by its title and referred to the Committee on Public Lands.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7874) granting an increase of pension to Eri C. Tuller; and

A bill (S. 7875) granting an increase of pension to John Hays.

Mr. FLINT introduced a bill (S. 7876) to withdraw from settlement and entry certain lands in the State of California, which was read twice by its title and referred to the Committee on Public Lands.

Mr. McCREARY introduced a bill (S. 7877) for the relief of the estate of Paris Peter, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. OVERMAN introduced a bill (S. 7878) to amend section 15 of the act of February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 7879) to correct the military record of Pomeroy Parker, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CLAPP introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7880) granting a pension to John Dillon; and

A bill (S. 7881) granting an increase of pension to George W. Fertig.

Mr. CLAPP introduced the following bills, which were severally read twice by their titles and referred to the Committee on Indian Affairs:

A bill (S. 7882) to authorize the Secretary of the Interior to construct a road and two bridges on the Warm Springs Reservation, Oreg.; and

A bill (S. 7883) to authorize the Secretary of the Interior to construct a bridge across the Little Colorado River abutting on the Navajo Indian Reservation, in the Territory of Arizona, and for other purposes.

Mr. PILES introduced a bill (S. 7884) for the relief of the estate of William O'Donnell, deceased, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 7885) to authorize the Secretary of War to appoint Woodbury Blocksom, alias Ralph D. Wood, late a hospital steward in the United States Army, and place him on the retired list as a hospital steward, United States Army, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. DAVIS introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7886) for the relief of the estate of William P. Campbell, deceased;

A bill (S. 7887) for the relief of the heirs of William W. Davis, deceased;

A bill (S. 7888) for the relief of the heirs of Simon Rockwell, deceased;

A bill (S. 7889) for the relief of the estate of John Diehl, deceased; and

A bill (S. 7890) for the relief of the heirs of Peter Pope, deceased.

He also introduced a bill (S. 7891) for the relief of Lillie L. Penrod, which was read twice by its title and referred to the Committee on Claims.

Mr. ELKINS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 7892) for the relief of J. B. Johnson; and

A bill (S. 7893) for the relief of the estate of George W. Strailman, deceased (with an accompanying paper).

Mr. ELKINS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7894) granting an increase of pension to Andrew Pemberton;

A bill (S. 7895) granting an increase of pension to Samuel S. Price;

A bill (S. 7896) granting an increase of pension to Thomas H. B. Dawson; and

A bill (S. 7897) granting a pension to Perry H. Johnson.

Mr. BACON introduced a bill (S. 7898) for the relief of the heirs of Lawrence Smith, deceased, which was read twice by its title and, with an accompanying paper, referred to the Committee on Claims.

Mr. CLAY introduced a bill (S. 7899) for the relief of the congregation of the First Presbyterian Church, of Roswell, Ga., which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. WARREN introduced a bill (S. 7900) for the relief of the heirs of Richard W. Meade, deceased, which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. NIXON introduced a bill (S. 7901) authorizing an appropriation which will enable the Secretary of the Treasury to credit the postal account of Ralph Stevens, former postmaster at Manhattan, Nev., which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

Mr. BAILEY (by request) introduced a bill (S. 7902) for the relief of the heirs of Nash L. Cox, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

AMENDMENT TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. NELSON submitted an amendment proposing to increase the salary of the register of copyrights, Library of Congress, from $3,000 to $4,000, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Patents and ordered to be printed.

WITHDRAWAL OF PAPERS—ELISHA PAINTER.

On motion of Mr. PILES, it was

Ordered, That the papers accompanying the bill (S. 2904) granting a pension to Elisha Painter be withdrawn from the files of the Senate, there having been no adverse report thereon.

THE SECRET SERVICE—PRESIDENT'S ANNUAL MESSAGE.

Mr. ALDRICH. I offer a resolution which I ask may be read and referred under the rules to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution was read, as follows:

Resolved, That that portion of the annual message of the President relating to the Secret Service is hereby referred to the Committee on Appropriations, who are instructed to inquire whether the legislation referred to in the message has impaired the efficiency or sufficiency of the force employed in the Secret Service; and such committee are further directed to ascertain what persons other than those included in the Secret Service were paid from the Public Treasury during the fiscal year ended June 30, 1908, for services in connection with the enforcement of the laws or for work in the detection or investigation of possible crimes or criminal acts or violations of law, including all special attorneys, special agents, inspectors, or other employees of any department of the Government, or any branch of the public service, and also same information as to all persons whose employment was authorized by indefinite or general appropriations, the information to contain the names of all persons so employed or paid, their previous occupation, the nature of the work in which they were engaged, by whom they were appointed, and upon whose suggestion or recommendation; the inquiry, however, not to include officers appointed by the President and confirmed by the Senate, or officers specifically provided for by law, or laborers appointed as such and actually engaged in employment as laborers.

For the purpose of carrying out the instructions of the Senate the Committee on Appropriations are hereby authorized, by subcommittee or otherwise, to sit during the sessions or recess of the Senate, to send for persons and papers, to subpœna witnesses, to administer oaths, to examine witnesses under oath, and to employ such clerical and other assistance as shall enable the committee to report fully and promptly upon the matters contained in this inquiry, the expenses of the investigation to be paid from the contingent fund of the Senate, upon vouchers approved by the acting chairman of the Committee on Appropriations; and said committee are further directed to report as soon as practicable, from time to time, the results of their inquiry, and to make such recommendations as they may see fit with reference thereto, and also their recommendation with reference to that portion of the message referred to them.

Mr. CULBERSON. Mr. President, I have no objection, of course, to the reference of the resolution. It has to go to the committee under the rule. Personally, I have no objection to the first part of it, which I read hurriedly a few moments ago, and which I have heard read at the desk. I do not think, however, that the latter part of the resolution is couched in sufficiently appropriate and emphatic terms, and consequently I offer a resolution which I ask shall be referred to the same committee as expressive of my views at least with reference to this portion of the President's message.

The VICE-PRESIDENT. The resolution just read will be printed and referred to the Committee to Audit and Control the Contingent Expenses of the Senate. The Senator from Texas submits a resolution which will be read by the Secretary.

The Secretary read as follows:

Whereas the President in his general message, which was communicated to the Congress on the 8th instant, said:

"Last year an amendment was incorporated in the measure providing for the Secret Service, which provided that there should be no detail from the Secret Service and no transfer therefrom. It is not too much to say that this amendment has been of benefit only, and could be of benefit only, to the criminal classes. If deliberately introduced for the purpose of diminishing the effectiveness of war against crime, it could not have been better devised to this end. It forbade the practices that had been followed to a greater or less extent by the executive heads of various departments for twenty years. To these practices we owe the securing of the evidence which enabled us to drive great lotteries out of business and secure a quarter of a million of dollars in fines from their promoters. These practices have enabled us to discover some of the most outrageous frauds in connection with the theft of government land and government timber by great corporations and by individuals. These practices have enabled us to get some of the evidence indispensable in order to secure the conviction of the wealthiest and most formidable criminals with whom the Government has to deal, both those operating in violation of the antitrust law and others. The amendment in question was of benefit to no one excepting to these criminals, and it seriously hampers the Government in the detection of crime and the securing of justice. Moreover, it not only affects departments outside of the Treasury, but it tends to hamper the Secretary of the Treasury himself in the effort to utilize the employees of his department so as to best meet the requirements of the public service. It forbids him from preventing frauds upon the customs service, from investigating irregularities in branch mints and assay offices, and has seriously crippled him. It prevents the promotion of employees in the Secret Service, and this further discourages good effort. In its present form the restriction operates only to the advantage of the criminal, of the wrongdoer. The chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by Secret Service men. Very little of such investigation has been done in the past; but it is true that the work of the Secret Service agents was partly responsible for the indictment and conviction of a Senator and a Congressman for land frauds in Oregon. I do not believe that it is in the public interest to protect criminals in any branch of the public service, and exactly as we have again and again during the past seven years prosecuted and convicted such criminals who were in the executive branch of the Government, so in my belief we should be given ample means to prosecute them if found in the legislative branch. But if this is not considered desirable a special exception could be made in the law prohibiting the use of the secret service force in investigating Members of Congress. It would be far better to do this than to do what actually was done, and strive to prevent or at least to hamper effective action against criminals by the executive branch of the Government;" and

Whereas it is incumbent upon the Senate to take special notice thereof: It is therefore

Resolved, That the portion of said message above recited be, and it is hereby, referred to the Committee on Appropriations, which shall fully consider the same and report as early as practicable what action, if any, in the judgment of the committee, the Senate shall take with reference to the matter.

Mr. ALDRICH. Mr. President, I think, in substance, the resolution I offered covers precisely the same points that are covered by the resolution of the Senator from Texas. I think he will find that to be the case upon an examination of the papers.

The VICE-PRESIDENT. The resolution submitted by the Senator from Texas will be printed and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. KEAN. From the Committee to Audit and Control the Contingent Expenses of the Senate I ask leave to report the following resolution.

Mr. CULBERSON. I am informed that the Chair misapprehended what I desired to have done with the resolution I offered. I desire it to go to the Committee to Audit and Control the Contingent Expenses of the Senate, with the resolution of the Senator from Rhode Island.

The VICE-PRESIDENT. The Chair made such an order at the Senator's request.

Mr. CULBERSON. I was misinformed, then.

The VICE-PRESIDENT. The Senator from New Jersey reports from the Committee to Audit and Control the Contingent Expenses of the Senate a resolution, which will be read.

The Secretary read the resolution submitted by Mr. ALDRICH.

Mr. KEAN. I ask unanimous consent for the present consideration of the resolution just read, and I also ask that the committee be discharged from the consideration of the resolution offered by the Senator from Texas, and that it be referred to the Committee on Appropriations.

Mr. CULBERSON. I do not think that the Committee to Audit and Control the Contingent Expenses of the Senate have had a meeting since the resolution was introduced. A member of that committee sits on this side of the Chamber. I do not think his attention has even been invited to it.

In order that there may be a fair consideration of the resolution and of the one offered by myself in the nature of a substitute for the last paragraph of the resolution submitted by the Senator from Rhode Island, I object to the present consideration of the resolution.

Mr. KEAN. Mr. President, I withdraw the report for the present.

The VICE-PRESIDENT. The report is withdrawn.

THE NAVAJO INDIANS.

Mr. TELLER submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish for the information of the Senate all of the correspondence and testimony taken by Col. H. L. Scott, U. S. Army, or other official, in and during the investigation of charges preferred by Rev. H. R. Antes, Aneth, Utah, regarding the conduct of, together with the killing, wounding, and imprisonment of Navajo Indians by United States troops during the year 1907, within or in the vicinity of the Navajo Indian Reservation, New Mexico and Arizona.

MANUFACTURED PRODUCTS IN FOREIGN MARKETS.

Mr. DANIEL submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of Commerce and Labor be, and he is hereby, directed to have prepared for the use of the Senate a statement of all manufactured products of the United States which are sold or exported to be sold in foreign markets at lower rates than in American markets, with all such pertinent information on the subject as he may deem fitting, including the domestic and foreign prices of sale.

PANAMA CANAL PURCHASE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, ordered to lie on the table and be printed:

To the Senate:

I forward the accompanying letter of the Secretary of War transmitting a memorandum prepared by Mr. Charlton, the law officer of the Bureau of Insular Affairs, in connection with Mr. Rogers, the general counsel of the Isthmian Canal Commission, received by me since my message of December 15, because it contains a statement as to the so-called archives transferred by the Panama Canal Company, which are now in the possession of the United States Government, these including the extremely voluminous and very numerous technical engineering and mechanical studies made on behalf of the French Panama Canal companies, and various French and Spanish notarial instruments showing the title to various plots and pieces of land upon the Isthmus of Panama, within what is now the Canal Zone, and in the cities of Panama and Colon.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 16, 1908.*

AFFAIRS IN THE TERRITORIES.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 21957) relating to affairs in the Territories and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NELSON. I move that the bill and amendments be referred to the Committee on Territories.

The motion was agreed to.

POSTAL SAVINGS BANKS.

Mr. BURKETT. Mr. President, I give notice that to-morrow, after the routine morning business, I shall ask the Senate to indulge me for a few moments in making an address upon the subject of postal savings banks. I had intended to make some remarks to-day, but owing to the special order, by which probably the time will be consumed, I shall ask the Senate to give me an opportunity to speak to-morrow.

HERBERT J. BROWNE AND W. G. BALDWIN.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over under the rule, which will be read.

The Secretary read the resolution submitted yesterday by Mr. FORAKER, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to report to the Senate when Herbert J. Browne and W. G. Baldwin, mentioned in the President's message of December 14, 1908, relating to the Brownsville shooting affray, were employed by the War Department to investigate what happened at Brownsville on the 13th and 14th of August, 1906, the terms of that employment, and whether any others, and if so, who, were, or at any time have been, employed to assist them or to render a like service, and whether white or colored, with full names and residence of same; and whether the said Herbert J. Browne and W. G. Baldwin and any others who may have been so employed are still in such employment, and under what instructions they have been acting; and if such instructions are in writing, to send to the Senate a copy of the same; and what has been paid said parties, or any of them, on such account either as compensation for services rendered or on account of expenses by them incurred in connection with said employment; and also by what authority such persons were employed and by what authority they, or any expenses they may have incurred, were paid, and out of what fund, or funds, giving such account item by item.

Mr. FORAKER. I do not care to address the Senate. I only desire to call the attention of the Senator from Wyoming [Mr. WARREN] to the fact that the resolution, which he yesterday asked might go over, is now before the Senate.

Mr. WARREN. Since seeing the resolution in print, I have no objection to it.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

The VICE-PRESIDENT. The Chair lays before the Senate Senate bill 5729, on which the Senator from Massachusetts [Mr. LODGE] has given notice of his desire to address the Senate. The bill will be read by title.

The SECRETARY. A bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth U. S. Infantry who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

Mr. LODGE. Mr. President, there are two questions before the Senate in connection with what is known as the "Brownsville affair." One is as to the guilt or the innocence of the soldiers; that is, whether some of the soldiers of the Twenty-fifth Infantry were engaged in the shooting on the night of the 13th of August, 1906, or whether they were not. The other is as to the bill presented by the Senator from Ohio compelling the President to restore these soldiers to the army. These two questions are entirely separate, and the question as to the guilt or innocence of the soldiers has no real bearing on the question as to the constitutionality and the expediency of passing such a measure as that proposed by the Senator from Ohio. I propose to treat these two questions separately and in their order.

On the night of the 13th of August, 1906, there was shooting in the streets of Brownsville, Tex. One man was killed, the chief of police was dangerously wounded, many lives were imperiled, houses were fired into, and panic and alarm reigned in the town. In what I have to say I do not propose to detain the Senate by a minute examination of the details of the great mass of testimony which has been presented upon this subject. As a member of the Committee on Military Affairs I have heard or read all the testimony in the case, and I have formed a very decided opinion as a result of my examination of the evidence. I intend, as briefly as possible, to explain to the Senate the reasons for my opinion, and I shall be content to do no more.

There was, I repeat, on the night of the 13th of August, 1906, a very serious shooting affray, in which a large number of shots were fired, in the town of Brownsville, Tex. Those shots were mainly, if not wholly, from rifles of high power, and I think I may say that it is admitted that those rifles were fired by some one. The rifles did not find their way alone into the streets of Brownsville and go off by themselves. The question, and the only question, is, who fired the shots? For that shots were fired, death and wounds inflicted, houses damaged, and lives endangered is denied by no one. This, I am aware, is a sweeping statement, for in the course of our investigations we have had some very large and generous denials of pretty much everything but nevertheless I do not think that it will be controverted. After hearing and examining all the evidence, not only that taken by the Senate committee, of which I am a member, but that taken before the Penrose court-martial and before the citizens' committee, I have come to the clear conclusion that the shooting was done by soldiers of the Twenty-fifth Infantry stationed at Fort Brown.

I am not singular in having reached this decision upon the evidence. My conclusion is that of the citizens' committee who first took testimony upon the case. It is that, also, of the Penrose court-martial, which took a great mass of testimony, and before which witnesses were subjected to a severe cross-examination. It is also the opinion of a decisive majority of the Senate Committee on Military Affairs. That committee rejected the proposition that the testimony wholly failed to identify the particular individuals or any of those who participated in the shooting by a vote of 8 to 5. They rejected the proposition that the testimony wholly failed to show that the discharged soldiers of the Twenty-fifth Infantry, or any of them, entered into any agreement or so-called "conspiracy of silence" by a vote of 8 to 5. They rejected the proposition that the testimony was so contradictory and unreliable that it was not sufficient to sustain the charge that the soldiers of the Twenty-fifth Infantry, or any of them, participated in the shooting affray by a vote of 9 to 4. The proposition declaring that "the weight of the testimony shows that none of the soldiers of the Twenty-fifth U. S. Infantry participated in the shooting affray" was rejected by a vote of 11 to 2, and the proposition that, in the opinion of the committee, the shooting was done by some soldiers belonging to the Twenty-fifth Infantry was adopted by a vote of 8 to 4, one Senator not voting. Thus it will be seen that every official body which has heard the testimony has decided that the shooting at Brownsville on the night of the 13th of August, 1906, was the work of soldiers of the Twenty-fifth Infantry. All human judgment is fallible, and yet I venture to

submit that the decision of the court-martial and of the Senate committee can not be lightly set aside as of no weight with the Senate when it takes action upon this case. The men who have reached this decision in the court-martial and in the committee are just as much entitled to consideration as the minority opposed to them, and they are not any more likely to be wrong, because they happen to constitute a decisive majority of every tribunal which has examined the case. It will also be observed that, although the committee stood 8 to 4 in favor of the proposition that the soldiers were guilty, it stood 11 to 2 against the proposition that they were innocent.

Such, in brief, has been the course of the decisions of those bodies which have been called upon to hear all the testimony in this case, and I venture to think that the opinion of those who have heard and examined all the testimony is entitled to especial weight and authority with those who have given only a partial examination to the evidence. My opinion, as I have said, coincides with that of the court-martial and the Senate committee, and my reasons for it I will set forth briefly.

The shooting must have been done by somebody. There is a great deal of evidence that it was done by the soldiers. There is no evidence whatever that it was done by anybody else. It has been suggested at different stages of the inquiry that the shooting was done by inhabitants of the town, by men from the country, by smugglers, by Mexicans, and all these suggestions were made simultaneously, although they are mutually exclusive. There is no evidence whatever that the shooting was done by citizens of the town, by Mexicans, by smugglers, or by invaders from the surrounding country. Evidence of that sort was from time to time promised or threatened, but it never appeared, and elaborate suggestions and farfetched inferences were all that were ever marshaled in support of the propositions that Mexicans, smugglers, inhabitants, or ranchmen did the shooting. If the shooting was not done by people of these classes, it must have been done by the soldiers, for there was nobody else in the neighborhood capable of doing it. The suggestions of those who wished to clear the soldiers, if contradictory, were comprehensive, and they covered all classes of human beings resident in the neighborhood of Brownsville capable of firing a rifle, except the soldiers. The shooting was done by some one obviously; indeed, it must have been the work of several persons. There is no evidence to connect any of the various classes I have named with it; therefore the only class unaccounted for are the soldiers of the Twenty-fifth Infantry, and we arrive at that point by the simple process of elimination.

There is no physical impossibility of time, distance, or alibi to prevent our attributing the shooting to the soldiers. There was, of course, no attempt to prove an alibi. The soldiers were certainly there in Brownsville on the night of August 13, 1906. As to time and distance, the testimony of Willie C. Miller, a soldier (Vol. I, pp. 860, 861), is conclusive. Miller was out on pass. He had returned from Matamoras about 10 o'clock. He went to a saloon in the town, at a point beyond that reached by those who did the firing, and played monte. He was there in the saloon when the firing began. He remained in the saloon until it ceased. He then went back to the barracks. He did not run; he walked fast, and he reached the barracks in time to join his company when it was just falling in after the general alarm had been given. This shows that there was ample time to have covered the distance from the barracks to the point where the firing ceased and to return in season to answer the call of the company, and, moreover, to return without excessive haste. In fact, it was easier for the soldiers to do the shooting than for anybody else, because they were both armed and organized. Motive was not lacking. Some of the soldiers had had trouble with some of the inhabitants. Justly or unjustly, some of them had been maltreated by some of the inhabitants, and they had felt, in greater or lesser degree, the bitterness of race prejudice. Their freedom of movement had just been curtailed, owing to an affair in which a white woman was involved. They were suffering, therefore, at the moment from the troubles which had arisen between them and some of the people of Brownsville.

Now what, in broad and general outline, are the reasons for believing that the soldiers did the shooting? I will state them, and I will give the references where the testimony is to be found, but I will not weary the Senate by reading the testimony, and will merely ask that it be printed at the proper points in the RECORD. The court-martial and the committee decided that the soldiers did the shooting upon certain evidence presented to them, and this evidence, like all great masses of evidence, is sometimes contradictory in details, but it stands in the main uncontradicted, coherent, and unimpeached. The reasons for thinking the soldiers did the shooting are as follows. They were recognized as soldiers and negroes by the following witnesses before the Senate committee:

Herbert Elkins, Mr. Rendall, J. P. McDonnell, Amanda Martinez, Mrs. Leahy, Dominguez, Ramirez, Preciado, F. A. H. Sanborn, Hale Odin, and L. W. Evans, 11 in all. I give the extracts from the testimony, and ask that they be printed at this point in my remarks.

The VICE-PRESIDENT. Without objection, permission is granted.

The extracts referred to are as follows:

HERBERT ELKINS.

(Senate Hearings, vol. 3, pp. 2313, 2315.)

Q. After these men had fired into the Cowen house, state whether any others came up, and then proceed from there.—A. After these men had passed across Fourteenth street into the alley back of the hotel, I saw a bunch of soldiers—negro soldiers—come running up the alley. They turned around the corner, and directly in front of the Cowen house—

* * * * * * *

Q. Could you at that distance and at that time see the faces of any of the men so as to know whether they were white or black?—A. I could see that part of them were black negroes, and that part of them were lighter colored.

Q. Could you recognize that they were negroes?—A. Yes, sir.

Q. You could tell that?—A. Yes, sir.

GEORGE W. RENDALL.

(Senate Hearings, vol. 3, p. 2035.)

Q. Were those white men or colored men?—A. Those were colored men with the army uniform.

JAMES P. M'DONNEL.

(Senate Hearings, vol. 3, p. 2569.)

Q. Who were those men?—A. They were men of dark color in United States uniform—negroes—negroes—negroes.

AMADA MARTINEZ.

(Senate Hearings, vol. 3, p. 2805.)

Q. Did you see that those were black men?—A. Yes, sir.

MRS. KATIE EMMA LEAHY.

(Senate Hearings, vol. 3, p. 2896.)

Q. You heard those voices. Did you see the faces of the party?—A. Distinctly—of those two men only.

Q. Of those two men. What were they—colored men or white men?—A. They were negroes. One was a black man, the other was a yellow-faced negro with spots on his face and distinctly negro features.

M. YGNACIO DOMINGUEZ.

(Senate Hearings, vol. 3, p. 2114.)

Q. They were colored soldiers?—A. Yes, sir; they had uniform. I saw plainly that they were soldiers. It was a clear, light night—starlight.

Q. And you saw their uniforms and knew they were soldiers?—A. Yes, sir; I saw their uniforms and knew they were soldiers.

MACEDONIO RAMIREZ.

(Senate Hearings, vol. 3, p. 2228.)

Q. Did you recognize whether they were colored soldiers or not; and if so, how?—A. Yes, sir; colored soldiers.

Q. How did you recognize them as colored soldiers?—A. Because I saw them with my eyes.

PAULINO S. PRECIADO.

(Senate Hearings, vol. 3, p. 2303.)

Q. Was the uniform that these men were wearing the soldiers' uniform?—A. Of the soldiers; yes, sir.

Q. Also could you, by the light in the courtyard, tell that they were colored men—negroes?—A. It was possible to distinguish.

Q. Did you distinguish?—A. Yes, sir.

F. A. H. SANBORN.

(Senate Hearings, vol. 3, p. 2086.)

Q. You recognized that party as being a colored man and soldier?—A. Yes, sir.

HALE ODIN.

(Blocksom and Purdy Inquiry, pt. 2, p. 78.)

Q. Did you have any difficulty at the time, Mr. Odin, in seeing the faces of these men?—A. No, sir; for they were at times looking up directly toward the window.

Q. And you state positively that they were negroes?—A. Yes, sir.

Q. And dressed in the uniform of United States soldiers, such as were stationed at Fort Brown at that time?—A. Yes, sir.

L. W. EVANS.

(Court-martial proceedings Maj. Charles W. Penrose, pp. 325–326.)

Q. Describe this man as nearly as you can to the court.—A. He was a man as tall as I am——

Q. Which is how tall?—A. Six foot one. He was dressed in the uniform—soldiers' clothes—coming down—he came the first time—well, my wife saw him first and called my attention to it—she was standing by my side; I was at the front gate of Mr. and Mrs. Eggley's, and he came off of Thirteenth street down Jefferson street by this front gate that I was standing, and as he got to the corner he went right in the middle of the street and straight to the post fence. He was a nigger, black, very dark—carrying a gun in his left hand.

* * * * * * *

Q. Can you describe accurately the dress that this colored man wore?—A. He had, as I stated, I believe they term it a "khaki" uniform; it was a light uniform. I don't think—I really don't know—whether he had on leggings or boots or what; I was looking at his main body and his face.

Mr. LODGE. They were recognized as soldiers by the following witnesses: Genaro Padron, C. B. Chase, J. Bodin, A. Littlefield, and José Martinez, five in all. I ask that the ex-

tracts from the testimony in this connection may be printed in the RECORD.

The VICE-PRESIDENT. Without objection, permission is granted.

The extracts referred to are as follows:

GENARO PADRON.

(Senate Hearings, vol. 3, p. 2140.)

Q. When you speak of soldiers, how do you know that they were soldiers?—A. Because they wore the uniform of soldiers—yellow.

Q. Were you near enough to tell whether they were white men or colored men?—A. I could not tell, in view of my surprise, as they were firing at me.

Q. Are you sure that they had the soldiers' uniform and were soldiers?—A. The uniform was the uniform of soldiers. More than that I can not say whether they were soldiers or not.

Q. Were they armed with guns?—A. They were armed with guns. It was possible to see that.

* * * * * * *

Q. When these men appeared, coming out of the alley between Elizabeth street and Washington street at Fourteenth, did you then recognize them as soldiers?—A. Yes, sir; because by the light which resulted from their firing, I saw all of their uniforms.

CHARLES B. CHASE.

(Senate Hearings, vol. 3, p. 2187.)

Q. Two men; they came out of the alley?—A. (Continuing.) Who I took to be soldiers, as they had soldiers' dress on—clothes.

Q. What do you mean by having soldiers' clothes on?—A. Well, they were dressed like soldiers, the same uniform, leggings, and both dressed alike; wide-rim hats.

JOSEPH BODIN.

(Senate Hearings, vol. 3, pp. 2205–2206.)

Q. Now, how do you say those men were dressed?—A. They were dressed in brown clothing—United States clothing. We would oftentimes sit in the Miller House and see them pass. It was a light brown.

Q. Did you form an opinion then as to whether they were soldiers or not?—A. Yes, sir.

AMBROSE LITTLEFIELD.

(Senate Hearings, vol. 3, p. 2453.)

Q. What did you recognize?—A. I recognized them as United States soldiers, or people in the United States uniforms.

JOSE MARTINEZ.

(Senate Hearings, vol. 3, p. 2073.)

Q. From what you saw there did you recognize them as soldiers?—A. Yes, sir; because there were no other people there that wore that kind of dress or clothing and dark faces.

Mr. LODGE. They were recognized as negroes by their voices by the following witnesses: C. S. Canada, Doctor Thorne, C. E. Hammond, Miss Mayfield, C. C. Madison, and N. S. Alanis, six in all.

I ask that the extracts containing this testimony may be printed at this point.

The VICE-PRESIDENT. In the absence of objection, permission is granted.

The extracts referred to are as follows:

NICOLAS S. ALANIS.

(Messages and Testimony, p. 101, Part II.)

Q. Could you tell whether they were the voices of white or colored men?—A. From the sound of the voices I say that they were negroes.

CHARLES E. HAMMOND.

(Senate Hearings, vol. 3, pp. 2173–2174.)

Q. You say you heard a negro use the expression, the words that you have given, which I do not care to repeat?—A. Yes, sir.

Q. How did you know that?—A. Well, I know it was a nigger, just the same as if it had been a Dutchman I would know it was a Dutchman, and if it had been a Mexican I would have known it was a Mexican.

MISS WILLIE MAYFIELD.

(Senate Hearings, vol. 3, p. 2770.)

Q. Did you form an opinion, or have you formed an opinion, as to that voice, whether it was the voice of a negro or not?—A. It certainly was.

Q. What made you think it was the voice of a negro?—A. Well, I could distinguish the voice very easily. They were right under the window, and you could tell the voice of a negro from another person.

C. C. MADISON.

(Messages and Testimony, p. 84, Pt. I.)

Q. Did you hear the men talk?—A. Yes.

Q. Were they Americans or Mexicans?—A. They were negroes.

CHARLES STAFFORD CANADA.

(Senate Hearings, vol. 3, p. 2275.)

Q. Go on, Mr. Canada.—A. As this policeman and his horse fell I heard voices that I took them to be the voices of negro men.

Q. Did you have any doubt about it then?—A. I did not have the least.

DR. CHARLES H. THORN.

(Senate Hearings, vol. 3, p. 2104.)

Q. What did you hear?—A. I did not pay any particular attention at first. I could tell from their voices that they were negroes talking to themselves.

* * * * * * *

Q. Did you, then, at that time form an opinion in your own mind as to whether they were white men or colored?—A. Oh, I was satisfied, perfectly satisfied, that they were negroes from their voices.

Mr. LODGE. I submit that we have here a mass of direct evidence sufficient to sustain any affirmative proposition in court and not to be done away with by suggestions about the darkness of the night and inferences that all these witnesses were lying because the artificial lights were few and there was no moon. The identification of the persons who did the shooting as soldiers and negroes by no less than 22 witnesses certainly furnishes, so far as human testimony goes, ample reason for attributing the acts complained of to members of the Twenty-fifth Infantry.

The testimony is overwhelming—so overwhelming that it is not worth while discussing the details—that the shooting began in the neighborhood of the barracks and proceeded thence through the town about 300 yards, and then gradually ceased and died away. All the shots were fired in the town. All the marks of bullets were upon houses in the town; there were no marks of bullets on the barracks. The evidence on that point is direct and conclusive, and I will ask to have it printed in the RECORD at this point.

The VICE-PRESIDENT. In the absence of objection, permission is granted.

The extracts referred to are as follows:

LOUIS A. JAGOU.

(Blocksom and Purdy Inquiry, p. 135, Pt. II.)

Q. Mr. Jagou, do you know whether or not any of the buildings inside of the garrison wall were shot into on the night of August 13?—A. Afterwards, for the sake of my own curiosity, I looked at the different buildings, and I did not find any evidence of any shots.

MAJ. CHARLES W. PENROSE.

(Court-Martial Proceedings, Maj. Charles W. Penrose, p. 1167.)

Q. * * * —A. The lack of any scars of bullets on the barracks and Captain Macklin's finding shells and clips at the mouth of the alley, and I may add, too, that Doctor Combe told me they had picked up quite a number of them in the streets of Brownsville.

A. W. F. DENNETT.

(Court-Martial Proceedings, Maj. Charles W. Penrose, pp. 305–306.)

A. * * * (I said) "Major, have you had the side of the barracks next Brownsville examined to see if there are any bullet holes in them or any signs of any firing having been done against the garrison by the town?" And he replied that he had had them examined—that side of the barracks—and had found no bullet holes nor any sign of an attack. The only thing they found was one broken pane of glass, and that looked like it had been broken by a piece of brick.

DR. FREDERICK J. COMBE.

(Senate Hearings, vol. 3, p. 2395.)

A. * * * One member of the committee asked Major Penrose: "Major, you say that it was reported to you that the citizens shot up your post, and if it is so, are there any physical signs? Are there any bullet marks anywhere?" Major Penrose said no, that there were none; that there was one windowpane broken, but that was evidently not done by a projectile of any kind—that is, a firearm projectile.

Mr. LODGE. Mr. President, the shots were fired from rifles of high power. The shells of cartridges were found in the streets. A number of bullets were extracted from houses into which they had been fired. The bullets might have been used in one other type of rifle from that in the hands of the negro soldiers, but the bullets in the houses and the shells in the streets taken together could have been used in only one rifle, and that was the Springfield—new model; and there were no new model Springfields in the possession of anyone except the troops of the United States. The testimony as to bullets, cartridges, grooving, and lands was elaborate, technical, and in some respects confusing, but the salient facts which I have stated come out, in my mind, clearly and beyond all question. The combination of bullets and shells, which could be used only in the new model Springfield, is circumstantial evidence of the most decisive kind. Much has been made of the microscopic examination and the fact that it indicated bullets from the rifle of a soldier which was locked up in an arms chest. As to the certainty of the microscopic examinations, I confess to feeling considerable doubt; but accepting them as true, they show, so far as they go, that the shots were fired from new model Springfields, and there is no impossibility created by the evidence in regard to the rifle in the arms chest. It was not impossible that that rifle should have been taken out. It was not impossible that another had been substituted for it. In any event, it does not shake, in the least, the main proposition that those cartridges and shells found in Brownsville, taken in combination, must have come from Springfield new model rifles.

In this connection must also be considered the composition of the bullets. It was thought at first that the analysis showed that the bullets found in Brownsville were of a different composition from those in use in the Army of the United States, but further examination disclosed the fact that a large number of bullets, furnished by contractors to the Government, and from which this regiment was supplied, presented, in their component parts, the exact combination of the bullets brought from Brownsville and analyzed by government chemists. This evidence, which will be found at pages 3333 to 3409, in volume 1 of the hearings of the committee, proves conclusively that there was nothing in the composition of the bullets which conflicted in any way with the evidence showing that they were fired from the Springfield new model rifle.

I am not going any further into the evidence. That which I have stated, and the testimony in support of what I have stated, can all be read in the report of the committee, and appears to me conclusive. Nor am I going to undertake to meet all the presumptions, inferences, and suggestions which have been raised to throw doubt upon the testimony, which, in my opinion, convicts the soldiers of the shooting. My sole purpose has been to state the broad and, as they seem to me, conclusive reasons for the opinion which I firmly hold. There is only one point on the other side upon which I desire to say anything, and that is the testimony of the soldiers. That testimony constituted a uniform denial. I am willing to admit that there were probably many soldiers who knew nothing of the attack beforehand, and that there were some, perhaps, who knew nothing about it after the event; but this does not materially affect the proposition that the soldiers uniformly denied any participation in or knowledge of the shooting affray. That which renders all this testimony, to me, of doubtful value and deprives it of the weight which it would otherwise have is its extraordinary uniformity. It is possible for 150 or 200 men to tell, without exception, a story agreed upon beforehand, and in the same way, but no two witnesses can tell the truth, as they understand it, in precisely the same way about the same event. This is a familiar fact not merely to lawyers, but to those who for any reason have been called upon to weigh and examine historical evidence. Two honest witnesses giving their testimony in good faith about something which they both saw are certain to differ more or less in details, but a whole group of men who have agreed to deny or assert a specified and limited proposition, which may or may not have any relation to the truth, can rise, one after the other, and tell precisely the same story. The soldiers, moreover, had the strongest possible motives for denying participation in or knowledge of the shooting. There could not have been any strong personal motive to induce the witnesses on the other side to testify otherwise than truthfully.

Believing then, as I do, that this shooting was unquestionably done by soldiers of the Twenty-fifth Infantry, it remains only to consider the treatment they received at the hands of the proper authorities. It was found impossible to identify the individuals who did the shooting. No soldier would give testimony on that point, and the department was confronted with the question whether, being convinced that the soldiers were guilty, it should allow the guilty men to go unwhipped of justice, or whether, following military precedent, it would hold to account the organization responsible for the criminals. The case was like that at Walla Walla, but at that time there was nothing that the department could do. In the Brownsville case they were able to take advantage of the regulation which permitted the discharge without honor; and they decided that, under the circumstances, discipline and good government alike demanded that the members of the organization responsible for the perpetrators of this outrage should be dismissed from the service of the United States. Their action was made the subject of a widespread agitation, and a measurably successful effort followed to give it a racial significance. I was bred up with a profound sympathy for and interest in the negroes of the United States, brought to this country by force and by force condemned to slavery. I have always tried to aid and serve them, and a bill which I reported, and which passed the House of Representatives eighteen years ago represented the last attempt which has been made to secure to them their political rights in the South. I have encountered criticism, odium, and political attack in their behalf, which can not be said of many of those who, outside this Chamber, have for one reason or another busied themselves with this affair and sought to make capital out of it. I speak, therefore, as their friend when I say that no greater misfortune has happened to them in late years than this effort to make a race issue out of a case of military discipline.

The one thing which all their true friends desire is that they should have entire equality before the law and that, in the eye of the law and in their treatment as citizens, there should be no difference made on account of the color of their skins. Those who endeavored outside this Chamber to make a race issue of this case, and demanded for the negro, because he was a negro, treatment which would not have been accorded to a white man, because he was a white man, took the very ground which the enemies of the negro take and desire to have taken by everybody else. These self-selected champions in various parts of the country sought, in other words, not for equality before the law, but for special treatment for the Brownsville soldiers on the ground of race. As a friend of the negro race I deplore the agitation which had this end in view. These soldiers are entitled to the same treatment as soldiers and citizens that white men would be entitled to, neither more nor less. It would be an outrage to treat them worse because they are negroes, and it would be equally wrong to treat them better than white men under similar conditions because they are not white.

Apart from the race question, there was a strong appeal made to general sympathy, which is always dangerous in questions of this kind, and which may easily distort public opinion and turn awry the course of justice. Sympathy for criminals of all races and of all classes has become the fashion of the time; and although it springs from the better and gentler impulses of our nature, it is capable, when unrestricted and misdirected, of doing incalculable injury to society.

In all the changes of the last two hundred years none has been more marked than the alteration, both in practice and opinion, in relation to crime and criminals, and to their trial and punishment. In the eighteenth century, when more was done than in any other period to advance political liberty, to set free the human mind, and break the shackles which had fettered the thought of mankind, criminal codes and the punishment of criminals, both in England and on the continent of Europe, were Draconian in their severity and ferocious in their execution. The tortures of the Middle Ages and the atrocities of the wars of religion, if they still persisted in certain parts of Europe, had become less common, and in England and her American colonies had been abandoned, but the treatment of prisoners and the ordinary punishments of criminals were barbarous to the last degree. Even in this country, where traditions were less powerful, the punishment of criminals was extreme in its severity, and as late as 1740 many wretched beings were burned at the stake in New York for real or supposed complicity in what was known as the "negro plot." Toward these punishments public opinion was not only indifferent, but the execution of noted criminals was a recognized "sight" which all the world rushed to witness. Going to see men hanged, to observe their demeanor, to listen to their last speech and confession was one of the amusements and excitements of daily life. Fine gentlemen, like Horace Walpole and his friends, made this grim work of the hangman one of the regular diversions of their life. George Selwyn, member of Parliament and one of the great wits and men of fashion of his time, made such a specialty of it that his interest became one of the jests and bywords of the day. He traveled to Paris to witness the hideous tortures and execution of Damien, who was finally torn limb from limb by horses attached to his legs and arms, and the story goes that he showed so much interest in the proceedings that the executioner asked him if he was of the profession. To which Selwyn replied that unfortunately he was only an amateur.

"The judge of the great assize,
Samuel Sewall, the good and wise,

describes in his diary the crowds which gathered on the northern slope of Beacon Hill, in Boston, to witness the execution of certain notorious pirates. The bodies, hung in chains, were left swinging on the gallows, another cheerful custom of the time. In England, as here, the bodies of criminals were often left on the gibbets until they became mere wrecks of bones and rags, tainting the air, hideous objects from which the belated wayfarer fled shuddering with averted face when night had fallen.

The great movement for a larger political liberty, which began with our Revolution and culminated in that of France, brought many reforms in its train, and among others that of the criminal law. In England, under the lead of Romilly, the criminal code which inflicted the penalty of death for, as I remember, some 150 offenses—great and small—was radically altered and made more humane. At a somewhat later time the revolting publicity of executions was denounced by Dickens and Thackeray in prose, and by Barham in the Ingoldsby Legends in verse, and this demoralizing spectacle was finally removed both here and in England from the gaze of the crowd. England and the United States were only the leaders in a movement which went on throughout western civilization in the promotion of humanity, of better manners, and of purer laws. The history of the nineteenth century is filled with the reforms which were directed, not merely to the improvement of criminal codes and the mitigation of punishments for crime, but to the better care of the insane, of paupers, and of prisoners who had been treated in the eighteenth century far worse than animals. Governed by the growth of altruism, the revulsion has gone far. In some of our States and in many countries of Europe the death penalty has been abolished, even in cases of murder. But the change in public sentiment and in its manifestations has been even more marked. The pendulum has swung to the other extreme. Before the era of reform there was little or no public sympathy with the criminal. To-day we seem almost to have reached the

point where the sympathy is so strictly confined to the criminal that there is none left for the victim of the crime. The abolition of capital punishment does not appear to have brought about the condition postulated by Talleyrand, who, when he was urged to support the abolition of the death penalty, said he certainly would do so if murderers would begin by giving up murder.

To-day not only are every resource and device of the law, generated at a time when death was the penalty for trivial offenses, exhausted to save the criminal from punishment, even when his guilt is flagrant, but public opinion and prurient curiosity follow the malefactor from the cell to the dock, and great newspapers devote columns to his sayings and doings, thus making him a hero in the eyes of the weak and vicious, who are in this way incited to follow the evil example which is forced upon their attention with all the power of wide and ingenious advertisement. Not long ago a young man in northern New York murdered in a most brutal manner a girl whom he had seduced. His trial was protracted; letters of sympathy poured in upon him; his cell was filled with flowers; it was reported that silly women offered to marry him; a tremendous pressure was exerted to induce the governor to intervene. But the governor was a strong and fearless man. He allowed the law to take its course, and the wretched murderer, when all hope was lost, confessed his guilt. In my own State I have seen a similar case, where sympathy for a convicted murderer was dragged into politics in order to injure a conscientious and high-minded governor who had refused to interfere. These, unhappily, are typical cases, and this misdirected, misplaced, and often maudlin sympathy not only does great harm in individual cases but produces the worst possible general results. Organized society takes upon itself the repression of crime and the punishment of criminals, because the experience of ages has shown that if every man is left to protect himself and his family against wrong and to punish aggressions upon himself, he indulges in that "wild justice" which Bacon calls "revenge," and the result is private war and bloody anarchy. But when society takes from the individual the power to protect himself and avenge his own injuries, it contracts to protect him and to punish the wrongdoers by the due process of law. If society fails to do its duty, if its laws result in delays and miscarriage of justice, if the criminal becomes the object of public sympathy and escapes punishment, human nature asserts itself, the ancient individual right is again invoked, and mobs and lynching, Corsican vendettas and private vengeance, take the place of legal process, while law and order and justice are disregarded and cast aside.

The origin, meaning, and purpose of criminal laws and of the punishment of crime are forgotten. We always hear it said that we have criminal laws to prevent crime and to reform the criminal. Excellent as these objects are, neither is the source or cause of criminal codes or police regulations. The reason for the punishment of crime lies much deeper, and is one of the foundations of society and of the law and order upon which civilization and the hope of progress rests. If this duty of society is overlooked or disregarded there comes inevitably a reversion to the anarchical condition from which man has slowly raised himself in the course of ages by the organization of an ordered and coherent society, upon which all civilization depends. Society can not fail in its duty and then expect the wronged and the injured to persist in theirs.

Therefore it is well not to be swayed by a misguided and confused sympathy in cases where the commission of a crime involves not only the wrong to the victims, but the general interests of society at large. In this very case, if our action is to be determined by sympathy, I confess that mine would go out first, not to the men who did the shooting, but to the harmless boy who was killed, to the lieutenant of police dangerously wounded and injured for life while in the performance of his duty, and to the women and children cowering on the floor while bullets crashed through the thin walls of their dwellings. But this is not a case to be decided by sympathy in any direction. What we should seek must be exact justice, so far as we are able to attain to it. The men, whoever they were, who wantonly inflicted wounds and death upon innocent people, and who, in the night, fired into the houses of a peaceful and unsuspecting town, deserve exemplary punishment. Much more do they deserve it if they wore the uniform of the United States. The army of the United States exists for the protection of the people of the United States. If soldiers of the army, armed, drilled, organized men, attack citizens of the United States, the army is a menace to the country and not a protection. The sheep dog that tears, maims, and kills the flock he is set to guard and guide has but short shrift at the hands of the shepherd, and the crime which is forgiven, perhaps, to his kindred of another breed is never overlooked in him. That which would be a crime in the case of any citizen becomes much worse if perpetrated by those who are the chosen and paid guardians of the public peace and safety. Quis custodiet ipsos custodes? We can not have soldiers in whose loyalty to the public service we can not trust. There is involved here not only a crime against the peace of the country, but the discipline and good name of the army of the United States. If innocent men have, of necessity, been mingled with the guilty in the removal of all the members of the companies responsible, as I believe, for this crime, let us pass a bill which will enable the President to restore the innocent to the army whenever he is satisfied that any of them were blameless. But let us not undertake or attempt to force back into the army not only innocent men, but men who were guilty of a serious crime, for to do this would be not only a perversion of justice, but a wrong to the army and to every honest and loyal soldier in it.

I come now to the second question, that which is involved in the two bills before the Senate. One of these bills, presented by the Senator from Missouri and reported by him with the concurrence of the chairman, the Senator from Delaware, and myself, gives the President power to reenlist members of the companies discharged without honor. It is an enabling act made necessary by the expiration of the ninety-day period established by law which would prevent the reenlistment of these men unless some such act was passed. The other bill is that of the Senator from Ohio, and this bill obliges the President to reenlist these men under certain conditions, easily fulfilled by them, whether the President thinks they ought to be reenlisted or not; the proposed amendment does the same thing through the medium of a court. The difference between the two bills is vital and fundamental. One is permissive, the other compulsory. One permits the President to perform a certain act, the other undertakes to compel him to perform it. It is to this latter bill that I desire to address myself.

No one can recognize the importance of the question as to the guilt or the innocence of the Brownsville soldiers more fully than I, yet the importance of this question, great as it is, sinks into insignificance, in my opinion, compared to the issues involved in the bill which is urged upon us by the Senator from Ohio. This bill to compel the President to the performance of a certain act is, in my judgment, not only unconstitutional, but in principle ruinous to the discipline and government of the army. It seems to me to be an invasion of the executive department and a usurpation of power by the legislative. It disregards that principle of the independence of the three great branches of government which is one of the corner stones of the Constitution, and if it should pass the Executive would cease to be, in one important respect, a coordinate branch of the Government of the United States. I now desire to give my reasons for holding these opinions in regard to this bill.

By the Constitution Congress has power to make rules for the government and regulation of the army. The Constitution also makes the President Commander in Chief of the Army. He holds that high place and authority in his own right, not by statute or by grace of Congress; and it can not be impaired or taken from him by any law which we can pass. I shall not enter upon any discussion as to what the framers of the Constitution meant when they invested the President with the office of Commander in Chief, or what power and authority they intended to convey in accordance with the interpretations of their own time, because it is wholly needless to do so, nor is it necessary to enter upon the wide field of discussion so often traversed in regard to the respective powers of the President and Congress in relation to the army. The only thing that is necessary in determining the nature of this bill and what action we should take upon it is to decide whether the President in issuing the order to discharge the Brownsville soldiers without honor was acting within his rights and powers, duly possessed by him at that time. The fourth article of war provides that "No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment to which he belongs or by the commanding officer when no field officer is present. And no discharge shall be given to any enlisted man before his term of service has expired, except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial." Nothing could be plainer than the language of this article, and that the article has the force of law has not, I think, been disputed. It gives express authority to the President to discharge an enlisted man before his term of service has expired. This article does not classify or formulate discharges. It simply uses the word in a general sense and under that article the word "discharge" covered honorable and dishonorable discharges alike, and indeed discharges in any form before the expiration of the term.

In 1891 occurred what is known as "the Walla Walla affair," in which the Fourth Cavalry were involved. There, as at

Brownsville, it was impossible to identify the perpetrators of the crime, but there was no doubt that they were members of the troop of the Fourth Cavalry stationed at that point. A board of general officers recommended that the troop should be disbanded. Military punishments which involve innocent and guilty alike where they can not be distinguished are no new thing. They are certainly as old as the decimation of the Romans and have been used in armies from that time to this. Those general officers, therefore, in their recommendation for the disbandment of that troop of the Fourth Cavalry adopted no novel method of maintaining discipline. The judge-advocate, however, advised the Secretary that it was not within the power of the Executive to disband the troop, and the Executive, therefore, was left only with his power to discharge these men individually under article 4. He could have discharged them all honorably and thus put the guilty on a level with the innocent but he was advised that this would allow the guilty men to reenlist and thus put a premium on crime. Out of the difficulty which had thus arisen came the provision for the discharge without honor which occurs in paragraph 148 of the regulations. This gives the various forms of discharges, and the additional form is in these words: "When discharge without honor is specially ordered by the Secretary for any other reason." This regulation was made by the Executive, and by the acquiescence of Congress acquires the force of law. I can not state this point better than it was stated by the Senator from Ohio on the 15th of January, 1907:

> The regulations made by the President are authorized by act of Congress, and when the President and the Secretary of War make new regulations and Congress acquiesces, the courts have held that that is the approval of Congress.

Therefore the discharge without honor created by the regulations seventeen years ago has acquired the force of law and becomes one of the discharges covered by article 4. Therefore the President, under that article, which in substance is more than a century old, had the undoubted right, expressly given, to discharge honorably or to discharge without honor before the expiration of the term. I do not see how it can be possible to question his right to make the order which was issued in relation to the Brownsville soldiers.

But the authority of the President to issue the order rests with equal security upon broader and more general grounds. Without discussing what the powers of a commander in chief may be in all directions, it is certain that in that capacity the President has the right to exercise all the authority inherent in that office and connected with it by custom and usage wherever Congress has not acted or made rules which would set limits upon it. In other words, where the Constitution and the laws are silent, the President, in his capacity as commander in chief has entire discretion to exercise all the powers ordinarily and obviously inherent in the position of highest military command. In doing so he is clearly within his right as established both by law and custom. The general rule is stated by the Supreme Court in the case of Martin *v.* Mott (12 Wheaton, 19), as follows:

> Whenever a statute gives a discretionary power to any person, to be exercised by him upon his own opinion of certain facts, it is a sound rule of construction that the statute constitutes him the sole and exclusive judge of the existence of those facts.
>
> It is no answer that such a power may be abused, for there is no power which is not susceptible of abuse. The remedy for this, as well as for all other official misconduct, if it should occur, is to be found in the Constitution itself. In a free government the danger must be remote, since in addition to the high qualities which the Executive must be presumed to possess of public virtue and honest devotion to the public interests, the frequency of elections, and the watchfulness of the representatives of the Nation carry with them all the checks which can be useful to guard against usurpation or wanton tyranny.

In Ex parte Milligan (4 Wallace, 2) the court said:

> Congress has the power not only to raise and support and govern armies, but to declare war. It has, therefore, the power to provide for carrying on war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and the conduct of campaigns. That power and duty belong to the President as commander in chief. Both these powers are derived from the Constitution, but neither is defined by that instrument. Their extent must be determined by their nature and by the principles of our institutions.
>
> The power to make the necessary laws is in Congress; the power to execute in the President. Both powers imply many subordinate and auxiliary powers. Each includes all authorities essential to its due exercise. But neither can the President, in war more than in peace, intrude upon the proper authority of Congress, nor Congress upon the proper authority of the President. Both are the servants of the people, whose will is expressed in the fundamental law.

We are not left, however, to analogies. This precise case has been decided by a judge of the United States—Judge Hough, of the southern district of New York. It is a case in which a soldier brought an action to recover his pay. I am going to have the whole opinion printed, because I do not think it has been generally read. He says, in speaking of the fourth article of war:

> I am quite unable to perceive how the President's right to terminate a soldier's engagement could be more explicitly recognized, and indeed conferred, if recognition seems to imply some antecedent right.

He says, further:

> Even if, therefore, there be no inherent power of control over the military forces of the nation vested in its constitutional Commander in Chief, and even if, also, there be no grant of power contained in that title in the absence of congressional gift thereof (concerning which no opinion is expressed only because I do not find the discussion necessary for this case), the statutory grant contained in the fourth article of war must be interpreted in the light of military practices, customs, and procedure well known and judicially recognized long before the date of the Revised Statutes, and, indeed, long before the adoption of our earliest Articles of War, in 1806; and by those customs so recognized and approved by Congress, the soldier's engagement was but at the will of the Government which he served, and that Government by authority of Congress speaks through (for the purposes of this case) the President of the United States.
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> * * * * * * *
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> The demurrer is overruled; and as that portion of the answer demurred to presents, in my judgment, a complete defense to the petition, final judgment is directed in favor of the Government and against the petitioner.

I ask that the whole opinion of Judge Hough be printed.

The VICE-PRESIDENT. Without objection, permission is granted.

The opinion referred to is as follows:

Hough, district judge (after stating the facts as above). Several matters discussed at bar must be laid aside as immaterial to the disposition of this cause. Whether Reid or his comrades, or any of them, were guilty of the riotous disturbance in question, or whether Reid personally committed an infraction of good order or military discipline, or whether he is, in fact, a desirable soldier, or whether he knew or withheld anything tending toward the discovery of the perpetrators of the Brownsville riot, or whether, so far as Reid or others are concerned, the President's action was unnecessarily severe, cruel, or unjust, are questions beyond this judicial investigation.

The material inquiries seem to me very few. The nature of a soldier's contract of enlistment has been sufficiently treated in re Grimley. (137 U. S., 147; 11 Sup. Ct., 54; 34 L Ed., 636.) By his contract Reid assumed the burden of military service, not for a definite time, but for three years, "unless sooner discharged by proper authority." Nothing is expressed in the enlistment papers as to what reasons shall be sufficient for early discharge, and if the engagement be treated merely as a civil contract of hire, the Government would be entitled to dispense with Reid's services under it at any time, provided the authority—i. e., the officer directing discharge or dismissal—be "proper." In other words, if enlistment be no more than a hiring by civil contract, under this particular contract the corporate master may discharge the servant whenever he pleases and for or without cause, provided only the officer directing discharge be "proper authority."

I do not give assent to the assertion that a soldier's engagement is or bears much resemblance to a civil contract of hire, but, on the assumption (most favorable to petitioner) that it is such a contract, it is, on the part of the Government, a general contract terminable at will, if that will be expressed through a proper officer. (Martin *v.* New York Life Insurance Co., 148 N. Y., 118; 42 N. E., 416.) This petitioner was, so far as formalities attending his severance from the service are concerned, properly discharged; that is, his discharge paper was correct in form and signature, and so much is not denied. But the "authority" causing and directing his discharge was the President of the United States, who personally gave the order therefor, so that the final question, upon assumptions very favorable to petitioner, is whether the President, as commander in chief of the army, is "proper authority" to terminate in invitum a soldier's enlistment. This question must be answered affirmatively, if either (1) there be inherent constitutional authority in the President, as commander in chief, so to do; or (2) there be such authority in the absence of congressional statutory action limiting the finding or regulating the commander's power, or if (3) in this case the President acted in accordance with the various acts of Congress regulating the army and discharges therefrom.

As to the first and second of these last queries, no opinion is expressed, because the last question must, in my judgment, be answered unfavorably to the petitioner.

The Articles of War constitute the only statutory declaration concerning discharges from the military service. (Rev. Stat., sec. 1342 [U. S. Comp. St., 1901, p. 945].) Article 4 provides:

"* * * No discharge shall be given to any enlisted man before his term of service has expired except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial."

And this language has remained unchanged in the statutes since 1806.

I am quite unable to perceive how the President's right to terminate a soldier's engagement could be more explicitly recognized, and indeed conferred, if recognition seems to imply some antecedent right. This fourth article of war clearly assumes that discharges may be granted before expiration of service; the power to grant them implies the power to impose them, unless a soldier have some rights inherent in his contract or inferable from the nature of his occupation. This petitioner's contract is civilly but a hiring at the will of the employer, while the nature of his occupation, so far from varying that status, has been frequently so judicially defined as to leave no doubt of congressional intent. "The recruit is bound to serve during the full term of his enlistment, but * * * the Government is not bound to continue him in service for a single day, but may dismiss him at the very first moment or at any subsequent period, whether with or without cause for so doing." (United States *v.* Cottingham, 1 Rob. (Va.), p. 629, 40 Am. Dec., 710.)

The civil compact usually requires for its dissolution the mutual consent of the parties, but "the military compact may be dissolved at any moment by the supreme authority of the Government." (U. S. *v.* Blakeney, 3 Grat. (Va.), 405, cited In re Morrissey, 137 U. S., p. 159, 11 Sup. Ct., 57; 34 L. Ed., 644.) And this historical view of the soldier's relation to the Government or the Crown antedates the founding of this nation and is the accepted doctrine of the British

military establishment, upon which ours was modeled. (In re Tuffnell, L. R., 3 Ch., Div. 173.)

Even if, therefore, there be no inherent power of control over the military forces of the Nation vested in its constitutional Commander in Chief, and even if, also, there be no grant of power contained in that title in the absence of congressional gift thereof (concerning which no opinion is expressed only because I do not find the discussion necessary for this case), the statutory grant contained in the fourth article of war must be interpreted in the light of military practices, customs, and procedure well known and judicially recognized long before the date of the Revised Statutes, and, indeed, long before the adoption of our earliest Articles of War—in 1806—and by those customs so recognized and approved by Congress, the soldier's engagement was but at the will of the Government which he served, and that Government, by authority of Congress, speaks through (for the purposes of this case) the President of the United States.

It is, however, further asserted that some infraction of law was wrought by forcing upon Reid a "discharge without honor." The phrase is not known to the statutes. It is found only in the Army Regulations which are from time to time promulgated by the Secretary of War, but do not bind the Secretary that makes them, and much less the Commander in Chief. (Smith v. U. S., 24 Ct. Cl., 209.) The exact method of this soldier's discharge and the quantum or kind of character that should be given him not being regulated by statute, must necessarily be left in the discretion of the executive officer having power to grant some kind of discharge. That it is beyond the power of the judicial branch to coerce or review the discretion of the Executive is familiar doctrine, while that a discharge with a very bad character is not a punishment to the man discharged within the meaning of any federal statute is settled by U. S. *v.* Kingsley. (138 U. S., 87; 11 Sup. Ct., 286; 34 L. Ed., 896.)

The demurrer is overruled, and as that portion of the answer demurred to presents, in my judgment, a complete defense to the petition, final judgment is directed in favor of the Government and against the petitioner.

Mr. LODGE. It is therefore clear, not only by the rules of common sense, but by the decisions of the Supreme Court and of a district court, that where Congress has not legislated the President has a large discretionary power in the exercise of his authority as Commander in Chief; that he was specifically right in this particular case, and that his authority, to borrow the language of the Supreme Court, necessarily implies "many subordinate and auxiliary powers." The discharge of a soldier is a recognized function of a commanding officer everywhere, and under our laws is expressly given to the commanding officer of a department. It is indeed difficult to conceive of military command without such a power. Has Congress, by rule of regulation, undertaken to set a limit upon that power? On the contrary, it has not contented itself with silence, thus leaving the matter to the discretion of the President, but it has expressly vested him with the power to discharge a soldier before the expiration of his term, and by acquiescence, has given its approval to the addition of a discharge without honor to other forms of discharges. Therefore, both on general principles, and by the provisions of the laws and regulations the President had an undoubted right to discharge the Brownsville soldiers without honor.

Having exercised this undoubted right, is it within the power of Congress to rescind his action and compel him to reenlist certain individuals in the army? I think this is clearly beyond the power of Congress, and that to undertake it would be, as I have said at the outset, a mere usurpation. I will now try to give my reasons for the opinions which I have just expressed upon this second point.

In determining the powers of Congress it is important to note the exact language employed in the Constitution. The words are, "make rules for the government and regulation of the army." To make rules for the government of the army and to govern and regulate it are two totally different things, and the phrase of the Constitution is so formed as to make them mutually exclusive, especially when we take it in connection with the clause which makes the President Commander in Chief. There is nothing fanciful or strained in giving great weight to the wording of the constitutional provisions. The men who made the Constitution wrote nothing down without full consideration and an exact knowledge of what meaning they intended to convey. Not only was the convention as a whole extremely careful in its enunciation of principles, but the committee on style, headed by Gouverneur Morris, one of the most eminent and also one of the most accomplished men of the period, used no language without a full sense of its import. When they said that Congress was "to make rules for the government of the army," they meant that it was to make rules or laws and was not to govern or regulate the army itself. It would, I am sure, have been impossible in that convention to have placed the government and regulation and by implication the command of the army in the hands of Congress, because the man who presided over that illustrious body was a great soldier and one of the greatest commanders of the century. We may rest assured that George Washington would never have consented to place the command of the army or its government and regulation in the hands of Congress. Such a proposition would have been repugnant to any man of military training, but to Washington peculiarly objectionable, for he had had a bitter experience of the vices inherent in a legislative body when it undertakes executive functions. The first two Congresses were led by great men and did a great work, better perhaps than work of a similar character has ever been done by any like body. They set forth the principles of resistance to England, they organized revolution and declared independence, but when we passed from this stage to that of actual war the problems altered and Congress for various reasons, chiefly the employment of the leaders in other fields, sank rapidly in ability. The decline of ability was not accompanied by any corresponding diminution in the greed for power, in fact, it may be said that the smaller the men the greater the jealousy of real leaders and the stronger the desire of the legislators to keep power in their own hands.

The result could have been easily foreseen, and anyone who has studied the correspondence of Washington during the Revolution realizes that he found greater obstacles to success in his own Congress than in the enemy he was called upon to combat in the field. With an infinite patience, equaled only by his fortitude, firmness, and determination, Washington throughout the Revolution was contending in Congress with inefficiency, improvidence, narrow views, local jealousies, and even baser faction and intrigue. If ever there was a spectacle presented of a great man struggling for order and light against the forces of chaos and darkness, it was exhibited by George Washington in his dealings with Congress during the years of the war. Yet, in justice it must be said that the faults were not primarily in the men, but in the system, for the system gave to the legislative body executive functions, and the result was universal incompetence in government and administration. With such an experience fresh in his mind, Washington would never have assented to any constitution which would have placed the executive powers in regard to the army in the hands of Congress. I think that we probably owe to him the provision of the Constitution that the President shall be Commander in Chief. I think that I know what he and the convention meant by those words, but it is not necessary to enter upon that subject, for this case, as it stands, is complete without it. To do so would merely give opportunity for eloquent remarks about effete monarchies and the superiority of our ideas to those held in Europe and England in regard to military command, but it would throw no useful light upon the question now under discussion. The sole point I want to make in this connection is that the convention knew precisely what it was doing when it used the words of the Constitution in regard to the army, and that in those words it drew a broad distinction between the power to make rules for the government and regulation of the army and the power to govern, regulate, and command it.

This distinction has been clearly drawn by recent authorities. Judge Nott, cited by Senator Spooner in debate about two years ago, put the proposition most admirably in the case of Swaim *v.* United States (28 C. Cls., 173):

But nevertheless there remains the significant fact in our military system that the President is always the Commander in Chief. Congress may increase the army, or reduce the army, or abolish it altogether; but so long as we have a military force, Congress can not take away from the President the supreme command. It is true that the Constitution has conferred upon Congress the exclusive power to "make rules for the government and regulation of the land and naval forces;" but the two powers are distinct. Neither can trench upon the other. The President can not, under the disguise of military orders, evade the legislative regulations by which he, in common with the army, must be governed; and Congress can not, in the disguise of "rules for the government" of the army, impair the authority of the President as Commander in Chief.

Pomeroy, a writer of the first authority, in his Constitutional Law, page 295, says—and I call attention to this, for it is really a complete statement:

Congress may make rules for the government and regulation of the land and naval forces. It is to be noticed that this power is entirely independent of the ordinary judicial department of the General Government. It is applicable only to a special class of men—those in the land or naval forces. The fifth amendment of the Constitution shows conclusively that the rules to be made under this clause were to be outside of ordinary civil judicial proceedings for it excepts persons in the land or naval forces and those in the militia, when in actual service in time of war or public danger, from the safeguard of an indictment.

The language of this clause should be carefully observed. Congress may make rules the object of which shall be regulation and government. It can not utter exceptional or transitory mandates which affect the management and disposition of the army and the navy. This particular grant of power confers no authority upon the Legislature to usurp the functions of the Commander in Chief. The rules framed by Congress for the regulation and government of the land and naval forces form together the military law of the land; they are a part of the general statutory legislation of Congress applicable to a special and designated class of persons—soldiers and sailors. They stand on exactly the same footing, are just as binding, and the decisions of courts thereunder are just as effective as any other laws or any other judgments.

I do not think that it is possible for me to add to, still less to improve, this strong and admirable statement, which covers completely the point I wish to make. It is perfectly clear that

Congress can make any general rule it pleases in regard to the government of the army, but it must be a general rule. It can not, to borrow Pomeroy's language, "Utter exceptional or transitory mandates." It can not take upon itself functions of the commanding officer, directly or indirectly. It can make laws to limit, define, or extend the powers of the Commander in Chief, but it can not exercise those powers.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside.

Mr. LODGE. I am much obliged to the Senator. I shall take only a few minutes further.

The VICE-PRESIDENT. Without objection it is so ordered.

Mr. FULTON. Would it disturb the Senator if I should ask him a question?

Mr. LODGE. I will be through in five minutes, and then I will hear the Senator.

The VICE-PRESIDENT. The Senator from Massachusetts will proceed.

Mr. LODGE. Congress could pass a law that there should be no discharges without honor, but it can not take upon itself to discharge individual men without honor, or to revoke such discharges when lawfully issued by the Commander in Chief in the exercise of powers which, at the time of the issuance of the orders, were undoubtedly his. Congress, under the Constitution, has the power to regulate interstate commerce, which has been defined as the power to prescribe the rules by which interstate commerce shall be governed, but it would be preposterous to assert that Congress could exempt individuals from the operation of the law governing rebates which had been enforced by the President in his executive capacity. The President, in his executive capacity and in the exercise of a power which he then unquestionably possessed, discharged certain soldiers from the army without honor. Congress has no power to rescind that action which was purely executive. It can make a rule which will render such action impossible in the future, if it is foolish enough to do so, but it can not undertake to deal with those particular men or usurp the power of the Commander in Chief to govern the army, subject only to the Constitution and the laws. Congress can, of course, permit the President to reenlist those men by removing the barrier which the ninety-day law establishes, but it can not take upon itself the executive functions which have been already fulfilled and compel him to reenlist certain individuals. Congress can give the President permission to appoint a certain individual to the army or navy, but that it can not compel him to do so was settled in the Fitz-John Porter case. It was argued two years ago that in this matter of appointment there was no parallel, because the power of appointment was not here involved, but I think there is a parallel, in illustration of the difference between Congress permitting the President to take certain action and attempting to compel him to an action which in its nature is wholly executive. The enlistment and discharge of soldiers, under the rules prescribed by Congress, is an executive function, inherent in the Commander in Chief, and the President is Commander in Chief under the Constitution. Congress having established the rules governing enlistment and discharge can not then proceed to enlist and discharge men itself, for that is taking to itself an executive function.

I do not think, Mr. President, that I need dwell longer upon the distinction which I have drawn between the power to make rules and the power to carry those rules into execution. I am sustained in that opinion by the highest authorities, and I am content to rest my case upon them, but I wish to point out, in closing, the mischief which would arise from such action as is proposed by the bill of the Senator from Ohio. Such a measure would be destructive of army discipline; I am speaking now without any reference to the legal aspects of the question. Every officer punished or discharged or sent to a post which he did not like, would come to Congress with a bill for redress, and if this bill becomes a law he would have a right to do so. If you impair the proper authority of a commanding officer and make his subordinates and his men believe that Congress stands ready to review his action it will be impossible to have any effective command, and an army without effective command is worse than useless. By this bill you would go far to convert your soldiers from an army to a mob, stimulated by agitators and ruled by popular meetings. You would make the Commander in Chief the adjutant-general of Congress and render him absolutely helpless to perform the duties which the Constitution imposes upon him. I need not go into further details. The ruinous effects upon army discipline, to which this bill would give rise are only too apparent.

But more important than its practical effects would be its constitutional results. The Senate is justly jealous of its constitutional powers. It resents any attempt to invade those powers, and it does well to maintain all the rights conferred upon it by the Constitution. But we can not protect our own rights if we trench upon those of others. We can not stand on the principle of the three great, coordinate and independent departments of the Government unless we are as careful to avoid invading the rights of others as we are in maintaining our own. In war an attack is often the best means of defense, but the reverse is true when the delicate checks and balances of a constitution are concerned. The safety and independence of one great, coordinate branch of the Government is dependent upon the safety and independence of the others. Each must be scrupulously guarded and maintained in all its rights and privileges, within the limits prescribed by the Constitution. The defense of our own rights, to be valid, must equally be a defense and a jealous observance of the rights and powers of all. If Congress undertakes to usurp executive functions, retaliation is certain to follow, and history shows that in contests of that sort it is always the one man, clothed with executive authority, who profits, and not the legislative body. For the maintenance of the authority of Congress it is important to uphold the independence of each department. For the legislative to attempt for any reason, to seize upon executive functions is not only a flagrant disregard of the principles of the Constitution, but it is a blow aimed at our own lawful authority.

THE SECRET SERVICE—PRESIDENT'S ANNUAL MESSAGE.

Mr. KEAN. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back the following resolution, with an amendment. The objection made this morning has been withdrawn.

The VICE-PRESIDENT. The Senator from New Jersey reports from the Committee to Audit and Control the Contingent Expenses of the Senate a resolution which will be read.

The Secretary read the resolution submitted this day by Mr. ALDRICH, as follows:

Resolved, That that portion of the annual message of the President relating to the Secret Service is hereby referred to the Committee on Appropriations, who are instructed to inquire whether the legislation referred to in the message has impaired the efficiency or sufficiency of the force employed in the Secret Service; and such committee are further directed to ascertain what persons other than those included in the Secret Service were paid from the Public Treasury during the fiscal year ended June 30, 1908, for services in connection with the enforcement of the laws or for work in the detection or investigation of possible crimes or criminal acts or violations of law, including all special attorneys, special agents, inspectors, or other employees of any department of the Government, or any branch of the public service, and also same information as to all persons whose employment was authorized by indefinite or general appropriations; the information to contain the names of all persons so employed or paid, their previous occupation, the nature of the work in which they were engaged, by whom they were appointed, and upon whose suggestion or recommendation; the inquiry, however, not to include officers appointed by the President and confirmed by the Senate, or officers specifically provided for by law, or laborers appointed as such and actually engaged in employment as laborers.

For the purpose of carrying out the instructions of the Senate the Committee on Appropriations are hereby authorized, by subcommittee or otherwise, to sit during the sessions or recess of the Senate, to send for persons and papers, to subpœna witnesses, to administer oaths, to examine witnesses under oath, and to employ such clerical and other assistance as shall enable the committee to report fully and promptly upon the matters contained in this inquiry, the expenses of the investigation to be paid from the contingent fund of the Senate, upon vouchers approved by the acting chairman of the Committee on Appropriations; and said committee are further directed to report as soon as practicable from time to time the results of their inquiry, and to make such recommendations as they may see fit with reference thereto, and also their recommendation with reference to that portion of the message referred to them.

Mr. KEAN. Now let the amendment be read.

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. It is proposed to strike out from the end of the resolution the following words:

Also their recommendation with reference to that portion of the message referred to them.

And to insert:

Further to report what action, if any, in the judgment of the committee, the Senate should take with reference to that portion of the message.

Mr. KEAN. I ask for the present consideration of the resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. BAILEY. Mr. President, as I caught the reading of the resolution, it does not direct the Committee on Appropriations to give any attention to that very part of the message which most vitally concerns the honor of Congress. The Committee on Appropriations is not directed to inquire into the very gross and wanton insult which that message offered to each House of Congress; and, so far as I am concerned, I think no action at all should be taken unless some action is contemplated with respect to that. Either Congress is the most pusillanimous body that ever assembled in this country or it will take some notice of the grossest insult ever contained in a message to any body in the history of the world.

I protest against any action respecting the message that pretermits what I consider the vital part of it.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. BAILEY. I do.

Mr. ALDRICH. I think the Senator could not have observed the concluding part of the resolution. There is a direction to the Committee on Appropriations to report to the Senate what action, if any, they should take upon this message.

Mr. BAILEY. Upon the employment of secret-service agents.

Mr. ALDRICH. The portion of the message the Senator refers to.

Mr. BAILEY. Mr. President, the President of the United States was not careful of the feelings of Congress, and I can not comprehend the delicacy that moves Senators and Representatives to be very careful about what they say in respect of him. He charges, in effect, that the Congress of the United States withheld an appropriation which the Government needed to enforce its laws, and then says the argument which was used to induce Congress to withhold that appropriation was that if the appropriation was granted and used it would be employed against some dishonest members of the Congress.

I am totally at a loss to understand how this body or the other body can receive a message of that kind and make no protest. I do not think that the terms of the resolution broad enough to authorize the Committee on Appropriations to take particular notice of that offensive declaration. I understand it simply directs the committee to inquire about the number of secret-service men employed. It is immaterial to me how many or how few are employed. That is a matter which does not deeply concern us. That only goes to the wisdom of the action of Congress in limiting this appropriation. But the thing that deeply concerns this body is whether or not they were induced to withhold the appropriation by the arguments which the President alleges governed us. I think that is the part of the message to which the particular attention of the committee ought to be addressed.

Mr. President, I do not want to give this matter any possible partisan tinge, and I have not expressed my opinion on it heretofore because I had hoped that some action would be taken by a practically unanimous vote of the Senate; and as it has doubtless been thoroughly considered on the other side, and as Senators over there know what is to be the future course, probably I ought to content myself to wait until the committee reports; but, at least, I have had the satisfaction of expressing my opinion about what I consider the most extraordinary message ever sent to any body. I doubt, if in the history of this Republic, any mayor ever sent such a message to a corrupt city council.

Mr. HALE. I am, Mr. President, in a way very deeply interested in this resolution and its scope and effect. The whole subject-matter, which has given rise to great, I will not say excitement, but to very strong expressions of sentiment as to the message, is to be referred to the committee of which at present I am the acting chairman by virtue of the rule of seniority in the Senate. What that committee shall do, what powers are given to it by the Senate, what range it has under the resolution, are very grave questions for the committee. Nobody can be more interested in that than the members of the committee.

I thought as the resolution was read after empowering and directing the committee to consider the original resolution, the original enactment, the statute in reference to the Secret Service, its abuses, if any exist, its ramifications in different departments of the Government, that in addition to that, in the closing language of the resolution, it committed to the committee the whole subject-matter in which the Senator from Texas is so much interested—the message of the President, the allusion to Congress, and everything pertaining to it. I do not say that it would not have made the task of the committee easier if this had not been committed to it, but I ask the Secretary to read the last portion of the resolution.

Mr. ALDRICH. I have the original resolution here in my hands, and I will read it if the Senator desires.

Mr. HALE. Certainly; I shall be very much obliged to the Senator.

Mr. ALDRICH. The resolution reads:

And further to report——

Mr. HALE (to Mr. ALDRICH). Read what precedes that.

Mr. ALDRICH. The whole matter is referred to the committee with instructions to report upon certain portions of the inquiry, but the committee is further directed—

To report what action, if any, in the judgment of the committee, the Senate should take with reference to that portion of the message.

I do not see how it could be possible to commit the whole question more clearly and positively to the Committee on Appropriations than by the language used.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. The Senator from Maine is entitled to the floor. Does he yield to the Senator from Texas?

Mr. HALE. Certainly.

Mr. BAILEY. Mr. President, I only heard the resolution read from the desk. I followed it as closely as I could. It seemed to me then, and it seems to me now, that the vice of the resolution consists in the fact that it calls for information respecting the secret service of the Government, calls for the number, the names, and the employment, and then directs the committee to report what action ought to be taken. Now, clearly, that direction to the committee must be read in connection with what precedes, and it all appears simply to be an effort to discover whether or not Congress was wise in withholding or limiting this appropriation. In my mind, that is not the question. Certainly that is a question that addresses itself to the judgment and even to the conscience of Congress; but the question which addresses itself to the self-respect of Congress is the imputation of the President that it was governed in limiting this appropriation by a desire to shield its guilty members. That is a matter which the resolution ought to deal with in so many words.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Rhode Island?

Mr. HALE. Certainly.

Mr. ALDRICH. I did not read the whole of the resolution's directions to the committee, because it did not seem to be necessary. If the Senator from Texas had been observing it when it was read—probably he had better read it——

Mr. BAILEY. The Senator from Texas may be a little dull, but the Senator from Texas was very attentive while that resolution was being read.

Mr. ALDRICH. The directions to the committee are embraced in that portion of the resolution. The directions consist of two classes; first, that—

The committee are further directed to report as soon as practicable, from time to time, the results of their inquiry, and to make such recommendations as they may see fit with reference thereto.

That is the inquiry, as I understand the Senator from Texas.

Mr. BAILEY. Yes, sir.

Mr. ALDRICH. And they are further directed to report what action, if any, should be taken by the Senate.

Mr. BAILEY. Report what action should be taken about the employment of these special agents.

Mr. ALDRICH. I beg the Senator's pardon.

Mr. BAILEY. Well, then, Mr. President, if that is not the purpose, the Senator from Rhode Island has been altogether too careful of somebody's feelings. I believe in reciprocity of certain kinds. I believe in respecting the feelings of those who respect our feelings, and I believe in talking bluntly to people who talk bluntly to us.

I think the Senator ought to agree to specifically instruct the committee to inquire whether the President was justified in that imputation; and, if he was not, then that message ought to be sent back to him. No self-respecting body ought to receive a message which impeaches its honor.

Mr. HALE. Mr. President, I think the resolution has been drawn in a broad way. I do not think, if there has been any infringement on the part of the Executive on the prerogatives of Congress, that the Senate can properly consider that subject unless it goes to the foundation of the original statute, the constitution of the secret-service force, and what its mission has been under the administration. Following that, I can not see that any language could state more explicitly the duties of the Committee on Appropriations under this resolution. After going fundamentally into the whole question of the statute, whether it has been abused, whether the Secret Service has been extended too far, the resolution in addition to that directs that the committee shall also report to the Senate what action shall be taken

upon the passages which have given rise to so much comment and criticism in the President's message. I would be entirely willing that all that should be struck out if any Senator so desired. I may say for the Committee on Appropriations that it is not a leisurely committee; it is not a committee that has no business and no meetings. It is an overburdened committee. There is no anxiety on the part of the committee to take up this work, but if it does take up this work and the Senate instructs it to take up this work I can not conceive that any member of that committee would object to consider the very things that labor in the mind of the Senator from Texas. It is a part of the instructions of the Senate, and I do not see how any language could make it more plain than that.

As I have said, I do not, and the committee does not, covet the duty. I wish the Senate would send it somewhere else, to some other committee or to a special committee; but if it does send it to the Committee on Appropriations, the committee will take the mandate of the Senate.

Mr. TILLMAN. Mr. President, before the Senator from Maine takes his seat, I should like to inquire whether or not, in his opinion, the Senate has been insulted?

Mr. HALE. Mr. President, there are a good many Senators here who have just as pointed views upon all subjects as I have. I should not want to speak for other members of this body as to whether they consider that the Senate itself, of which they are component members, has been insulted. My friend from South Carolina uses, as he sometimes does, a very strong word.

Mr. TILLMAN. If we are accused of dishonesty, of shirking the appropriation of money which is necessary for the public service because we are afraid our own shortcomings will be found out by this very same instrumentality, it looks to me as though we shall rest under the accusation of being a lot of rascals and scoundrels who belong in the penitentiary, unless we assert our manhood and self-respect and say it is not true.

Mr. HALE. I would not go, Mr. President, quite so far as the Senator does. I think there has been a great deal of restive and indignant feeling in the Senate about this matter.

Mr. TILLMAN. There is no restlessness at the White House. They are calm and serene up there. [Laughter.]

Mr. HALE. I am talking about the Senate. There has been here naturally such a feeling as I have described. I think everybody in the Senate is pervaded by that sentiment. We ought, however, to proceed in a careful manner and a dignified way to take up this question as a great body of careful and conservative men. I can not conceive of any better way of merging this situation into the realm of action than the Senator from Rhode Island [Mr. ALDRICH] has resorted to in this resolution. It seems to me that it covers the whole ground. As I have said, the committee will take the direction of the Senate.

Mr. BAILEY. Mr. President, in view of the statement of the Senator from Maine [Mr. HALE], the acting chairman of the committee to which this matter will be referred, I shall not insist upon any amendment to the resolution, because he construes it, in the presence of the Senate, to include the power to inquire into the very questions which I have and which every other Senator here has in mind. But I will venture to say that I think it regrettable that the question of whether or not the honor of the Congress has been impeached should be in anywise connected with the question of the Secret Service, except so far as the Secret Service has heretofore been employed to investigate members of the two Houses. If it be found upon inquiry that they have been thus employed and that there were reasons for that employment, each House should take such action with respect to its own members as it may deem that its honor requires. If it were found that Congress unwisely limited the use of this money and yet was not moved thus to limit it by considerations affecting its own members, then the duty of Congress is plain, to answer this impeachment, not only of its patriotism, but of its honesty. I hardly think that, upon reflection, it will be considered a proper course for the Senate at one and the same time to consider whether it was wise and whether it was honest.

It seems to me that all other questions must stand aside until this one question is settled, whether or not the Congress was influenced by a corrupt motive to take the action which was taken with practical unanimity in both bodies.

But that is merely my individual view, and for the purpose and in the hope of relieving this question of every possible political aspect I yield to the judgment of those who are in the majority, and who are to control the course of this proceeding at last.

Mr. CULBERSON. Mr. President, I do not believe any Senator in this body feels more keenly than I do upon this subject. It is true I did not hear the message read, being out of the Senate part of the time and my attention being distracted at other times, but this paragraph was soon afterwards called to my notice and that of another Senator on this side of the Chamber. I expressed then the opinion, which I have repeated in private conversation often, and which I will repeat in public now, that it was a deliberate, a studied, and a gratuitous insult to the Congress of the United States by the President.

There are considerations, however, which induced Senators on this side of the Chamber, and which are obvious to all, to await action by the majority here. We have no doubt that Senators on the other side of the Chamber feel this insult to the Senate and to the Congress as deeply as Senators on this side of the Chamber feel it. The Senate will bear witness that this morning, when the resolution presented by the Senator from Rhode Island [Mr. ALDRICH] was read, I suggested from my place in this Chamber that it was not sufficiently explicit and emphatic upon the question which most concerned us, which was the self-respect and integrity of this body. I then presented—hurriedly, it is true, but sufficiently clear, I trust—a resolution which I intended to accompany the resolution offered by the Senator from Rhode Island, expressive of the opinion that it was incumbent upon this body not only to take notice, Mr. President, but to take special notice, of this paragraph of the message; and, in order that the insult might be understood and kept in the public mind as well as in the mind of the Senate, I saw proper to incorporate the entire paragraph of the message in my resolution. No man on reading that resolution, Mr. President, could fail to see where the insult was and the language in which it was couched.

When the resolution of the Senator from Rhode Island was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and at once reported back in order to force a consideration in that committee of this very question of the integrity of the Senate, I objected to unanimous consent for its immediate consideration, as the Senate knows and as the RECORD will disclose.

There is not all in the resolution as reported that I should like to see there, but, in my judgment, there is enough, in view of the assurances which we had, to call attention to and have considered what is uppermost in the mind of the Senate, namely, as well expressed by my colleague [Mr. BAILEY], the honor and integrity of this body. After the recitation in the resolution of all these matters about the Secret Service and instructions to the committee to report with reference to them, the committee is also instructed to consider and report not only about the Secret Service, but as to the message. I trust it is not inappropriate for me to say that when my opinion was asked, while the resolution was being considered in committee, I insisted that there should be explicit and further instructions to report, not only about the Secret Service, not only about the various matters as to appropriations and the uses of the Secret Service, but that the committee should be further directed to report what action, in its judgment, the Senate should take with reference to that portion of the message itself. That is the point.

I say again that this resolution does not suit me entirely—I would recite that the self-respect and the sense of integrity of this body demands that it should take special and immediate notice of the paragraph. I regret, Mr. President, that the notice which we have taken of the matter has been so long postponed; but I do believe—and I trust Senators, my colleague and others, upon consideration will conclude—that this resolution, as it has been amended when examined carefully, covers not alone the question of the use of the Secret Service and appropriations, but it provides that the committee shall consider and report to us what, in its judgment, should be done with the message or the portion of it of which complaint is made.

Of course the Committee on Appropriations is a great committee, composed of experienced and able men. The Senator from Maine [Mr. HALE], who is the acting chairman of that committee, has well expressed the general situation and the general condition of affairs. I do not think we ought to have suggested to them in the resolution the question whether or not, in their judgment, the paragraph ought to be expunged, or whether, in their judgment, it ought to be returned to the President or laid on the table; but we properly instructed them broadly to report to us what, in their judgment, should be done with the objectionable portion of the message.

Mr. KEAN. Mr. President, I inquire if the amendment has been agreed to?

The VICE-PRESIDENT. It has not yet been agreed to. The question is on agreeing to the amendment reported by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. NEWLANDS. Mr. President, I am not informed as to the character of the Secret Service of the Government, but I should like to ask a question of the Senator from Texas [Mr.

CULBERSON] whether each department of the Government has a secret service or whether there is only one Secret Service—that employed by the Treasury Department?

Mr. CULBERSON. Mr. President, I do not claim to be particularly advised, but I will say that my information is that the Secret Service Bureau, or whatever it may be termed, is attached exclusively to the Treasury Department.

Mr. NEWLANDS. Mr. President, I assume that it must be taken for granted that we require a secret service somewhere in this Nation, employed by the National Government, for the purpose of inquiring into violations and evasions of law, and I assume that it is not the purpose of Congress to confine the Secret Service to operations regarding violations of law or evasions of law which pertain only to the administration of the Treasury Department.

I am not familiar with the legislation which has thus far been enacted upon this subject. I am not familiar with the character of the amendment which was adopted at the last session of Congress upon this subject, except so far as the President's message discloses it. I assume that the legislative department of the Government might well resent any inquiry, secret service or otherwise, instituted by the executive department of the Government regarding the discharge of the legislative functions of the Congress of the United States.

But I can not understand that Congress should resent the inquiry by the executive department of the United States into any violation or evasion of law, whether perpetrated by people outside of Congress or by people inside of Congress. I do not believe that the Congress of the United States intends to exempt its members from punishment for the violation or the evasion of law or that it intends to exempt them from any inquiry made by the Secret Service of the Government regarding an alleged violation or evasion of law.

Now, I do not believe in proceeding in heat in this matter. If the President of the United States intends to imply that it ought to be a part of the executive function of the Government to inquire into the manner in which members of Congress shall discharge their legislative functions, then I say he insults a coordinate branch of the Government. But when he simply insists that members of Congress, equally with all other citizens of the United States, shall be subject to inquiry regarding violations and evasions of the laws which have passed Congress and been approved by the President of the United States, then I say that he is not insulting Congress.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Texas?

Mr. NEWLANDS. Certainly; I yield to him.

Mr. BAILEY. I venture to suggest that the Senator from Nevada has not read that part of the President's message. It is not any ground of complaint here or elsewhere that the President insists that members of Congress shall be amenable to all laws. In fact, I think the men who make the law are under the highest obligation to obey it when it is made. But the objection here is that the President stated in his message that the argument in favor of limiting this appropriation for the Secret Service was that if it were granted it would be used in discovering the misdeeds and crimes of members of Congress, thus not merely implying, but, I may say, expressly alleging that Congress was influenced in withholding the appropriation by a desire to protect men in the two Houses who under the use of the appropriation would have been discovered to have been criminals; and if anything were needed to strengthen that inference it is the suggestion that Congress might exempt itself from being pursued by the secret-service agents.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from South Carolina?

Mr. NEWLANDS. Certainly.

Mr. TILLMAN. With the consent of the Senator from Texas I call attention to the fact that the President alleges, or at least he indicates, that the land frauds in the West perpetrated by a certain Senator, who was convicted, were of a part with the investigation which he had been following; not that we have been breaking the revenue laws and thereby laying ourselves open to the charge of disobeying our own laws, but that he is investigating us generally—that we are a lot of rascals who need investigation. Now, there may be men here who feel that way, but God knows I do not. [Laughter.]

Mr. NEWLANDS. Mr. President, I do not intend to establish myself, or to attempt to establish myself, as the defender of the President of the United States. I do stand here in defense of the honor and dignity of this body, and I am anxious that no action shall be taken by this body that shall in any way countenance the charge that its purpose in any of its actions was to exempt its members from the inquiry to which every other citizen of the United States is subjected regarding the violation and the evasion of law.

Now, does the President make a charge to that effect? I am not familiar with this portion of the message. I have read it only since I have been standing here. I have seen something of the discussion in the papers. I simply rise now because the Senate is about to take action upon the subject, and because it is imperative for me to speak now if I would speak at all.

I favor the resolution offered by the Senator from Texas, but in offering that resolution I would abstain from any insinuation or any indication that it is the sense of the Congress that it is exempt from inquiry—not the Congress, but each individual member—as to his violation or evasion of law.

We start off with the proposition, then, that it is essential to have the Secret Service in the Government. We start off with the admission that there is but one Secret Service in the Government, and that is the Secret Service of the Treasury Department. Are we, then, to declare that the operations of the Secret Service of the Treasury Department shall be directed only to evasions or violations of law affecting the Treasury Department? I understand the President charged that Congress, perhaps inadvertently, by its action at the last session practically confined the operations of the Secret Service to inquiries into evasions and violations of law relating to the Treasury and matters within its jurisdiction.

Now the President states:

> The chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret-service men.

I do not know whether or not that argument was advanced at the last session of Congress. I have seen in the newspapers that incidental mention of the fact was made that some members of Congress had been under investigation; and if we took that action in connection with that argument, the inference might be justified that Congress was disposed to exempt its members from inquiry and investigation relating to such matters.

I have not read the amendment that was passed at the last session, but I think it would be well for this committee to inquire into the question whether the amendment was not too sweeping in its operation, and that in our endeavor to reach after and correct abuses regarding the Secret Service we so restricted the operation of that Secret Service as to bring our action under deserved reproach. If it is subject to deserved reproach and if legislation is necessary upon the subject, it is the right and the duty of the President of the United States to call attention to it.

Under the Constitution the President of the United States is a part of legislative action. He has the power of recommendation. He can recommend the passage of laws. He can recommend the amendment of laws. He finally has the right either to approve or reject the acts which we pass; and if the action of Congress was such as unnecessarily and wrongly to restrict the right of inquiry of the Government through its Secret Service as to violations and evasions of law, then it was the duty and the right of the President to make his recommendation to Congress. He may have been unfortunate in his language; his language may deserve the condemnation of this body; and if it deserves it, it should receive it; but I trust that the Congress of the United States will not permit it to go out to the country, through any misunderstanding as to what we are doing, that Congress favored the restriction of the inquiry through the Secret Service into all evasions and violations of law by whomsoever perpetrated.

Mr. McLAURIN. Mr. President, when this resolution was read I did not intend to say anything in reference to it, and I shall say but a few words now.

I do not think we are so much interested in the extent of the appropriation that was made at the last session of Congress as we are in two questions, and I think they are the most important for the consideration of the committee: First, the committee ought to inquire whether or not the language of the President reflects upon the integrity of the Congress or of any member of Congress, because each House is the judge of the qualifications of its members, and if any member has been reflected upon it is a reflection upon the entire body to which that member belongs, for it is the duty of the Senate, if there is any member of the body who is a dishonest man, whose motives and conduct are corrupt, to expel him. So a reflection upon any one of the members of the Senate or of the House of Representatives is a reflection upon the entire body to which that member belongs.

If the committee shall come to the conclusion that the language of the President is a reflection upon the Congress of the

United States, or upon any member of the Congress, then it ought to direct itself to a further inquiry as to whether the President of the United States intended that by his message. If it is a reflection, without any intention by the President to be a reflection, upon the integrity of the Congress of the United States or of its members, then the message, in my judgment, ought to be returned to the President with the respectful request to him to expunge the objectionable matter from the message. If the committee comes to the conclusion that the President intended to reflect upon the integrity of the Congress of the United States or its members, or any one of its members, then it is my judgment that the Senate ought to return the message to the President of the United States without any suggestion at all.

There ought to be, in the interest of the whole people of the country, the utmost harmony between all of the departments of the Government—the executive, the legislative, and the judicial. There can not be harmony between these three departments if there is a discourtesy shown by any one department to any other department. If the President has been impolite or discourteous to this body it does not justify this body to breach the rules of propriety, politeness, or decency in its dealing with the President.

The Senate can not afford to follow such a vicious example. It can only treat it with silent contempt, which it should do in the manner I have suggested, if the President intentionally reflected upon the integrity of this body or of its members.

These remarks I believe about cover the ideas I have in reference to this matter, Mr. President, and I yield the floor.

Mr. BACON. Mr. President, in common with Senators on this side of the Chamber, I have been animated by a wish that whatever was done in regard to this matter should have no appearance of partisanship; that it should not be considered in any way or in any wise prompted by any party consideration. For that reason, in common with other Senators on this side of the Chamber, while laboring under very great feeling in consequence of this message, I have said nothing, and others on this side of the Chamber have said nothing, waiting for the initiative of Senators on the other side of the Chamber.

I want to say that whatever apprehension we might have had that what should be said upon this occasion might have the appearance of being influenced by partisan consideration, has been entirely removed by what has been said to-day by the Senator from Nevada [Mr. NEWLANDS], from the fact that the only Senator who has raised his voice in defense of the President has been a Democratic Senator. Therefore nothing which can be said by any of us can be attributed to any other motive than the motive prompted by a desire on our part as Senators to uphold the dignity and the honor of the Senate.

Mr. President, there is much, of course, that we could say. I am unable myself to see how any Senator can doubt the character of this message, unless it be in the case of one like the Senator from Nevada, who has not read the message. I have myself read the message, and to my mind, Mr. President (the matter now having been taken entirely out of the domain of partisanship by the speech of the Senator from Nevada), it was the most deliberate, the most carefully designed, and the most skillfully worded insult that was ever sent to any parliamentary body by an executive officer, either in this country or in any other country. I would not have undertaken to say that if the Senator from Nevada had not, by his speech, shielded me from the possible construction that I was acting from a partisan motive in the matter.

Mr. President, it is my deliberate judgment that if the King of England were to send such a message to the Parliament of Great Britain there would be but one thing which would shield him from the loss of his crown. That would be the appointment of a regent.

Mr. President, I am content with the resolution under the construction put upon it by its author and by the Senator from Maine. I say I am content; the only thing with which I am not entirely content is this consideration. When a man of sensitive honor has an insult put upon him he does not stop to argue or reason with the man who puts the indignity upon him. At the same time there is this further consideration, that that which might properly influence an individual is not a proper thing to influence a body like this; and I am content, Mr. President, that there shall be in the action of this body, in its dignity and in its conservatism, as strong a contrast as possible with the intemperance of that which calls for the proposed action of this body.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. KEAN. I move that the resolution of the Senator from Texas [Mr. CULBERSON] be indefinitely postponed.

The VICE-PRESIDENT. The Senator from New Jersey reports from the Committee to Audit and Control the Contingent Expenses of the Senate the resolution submitted by the Senator from Texas, and moves that it be indefinitely postponed.

The motion was agreed to.

PAY OF EMPLOYEES.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. J. Res. 206) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1908, on the 19th day of said month, which was read twice by its title.

Mr. HALE. I ask that the joint resolution be put upon its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. FORAKER. Mr. President, I do not care at this time to address the Senate in answer to the Senator from Massachusetts [Mr. LODGE]. At another time I shall want to make answer to the argument he has presented this morning. But I do not wish to address the Senate at any length until the Senate gets an answer from the Secretary of War to the resolution adopted this morning calling upon him to furnish us with information as to the employment of detectives in connection with this matter.

I rise therefore more to inquire whether there is any other Senator who desires to speak on this bill. It is now, I believe, the special order before the Senate.

Mr. WARREN. Replying to the inquiry of my colleague on the committee, I will say that I think no Senator is ready to proceed at this time. There are others who will debate the question.

Mr. FORAKER. May I inquire whether they will be ready to-morrow?

Mr. WARREN. I shall be unable to say that until to-morrow.

Mr. FRAZIER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. FORAKER. Certainly.

Mr. FRAZIER. In answer to the inquiry of the Senator from Ohio, I will say it is my purpose to address the Senate upon this question at a later date. I do not desire to do so to-morrow, however, especially in view of the fact that the Senator from Nebraska [Mr. BURKETT] has given notice that he will address the Senate to-morrow on the subject of postal savings banks.

Mr. FORAKER. I take it from what has been stated by Senators that it will be impossible for me to get a vote before we adjourn for the holidays.

Mr. WARREN. I think the Senator from Ohio has already given a good reason for that, in that he has called for information——

Mr. FORAKER. Yes.

Mr. WARREN. In addition to that which we have now, information which we did not have at the last session when we made the bill the special order for this time.

I will say, if the Senator wishes my views, that there can be no vote on the bill until after the recess.

Mr. FORAKER. I understand so from the responses made. Now, I desire to inquire what becomes of this measure. It is the special order, and I do not want to have to come back here to-morrow——

Mr. WARREN rose.

Mr. FORAKER. If the Senator will allow me——

Mr. WARREN. The Chair will state as to that, but, as I understand, after to-day it will simply be a measure upon the Calendar, to be passed upon at some other time.

Mr. FORAKER. At any rate, I will have to yield for the present. However, before doing so, I give notice that I shall call up the bill and insist upon its further consideration as soon as I return after the holidays.

Mr. CULBERSON. We on this side of the Chamber were unable to hear what was done with reference to the Brownsville bill. What disposition was made of the special order?

Mr. LODGE. It goes over.

Mr. FORAKER. It simply goes over, I suppose, and goes back on the Calendar, and I have given notice that I will call up the bill for further consideration as soon as I return after the holidays, it appearing to be impossible to get a vote before that time.

FOREST CONSERVATION.

Mr. SUTHERLAND. Mr. President, at the recent meeting of the national conservation commission held in this city my colleague [Mr. SMOOT] delivered a very able and admirable address on the subject of forest conservation, which, I think, contains a good deal of valuable information. I ask the unanimous consent of the Senate that it may be printed as a document.

The VICE-PRESIDENT. The Senator from Utah asks unanimous consent that the address submitted by him be printed as a document. In the absence of objection it will be so ordered.

Mr. BACON. Mr. President, we could not hear distinctly what was being done. What is the paper which the Senator from Utah desires to have printed?

The VICE-PRESIDENT. The Senator from Utah asks that the address of his colleague [Mr. SMOOT], chairman of the section of forests, before the governors, state and national conservation commissions, Washington, D. C., December 10, 1908, be printed as a public document.

Mr. BACON. As I understand, that is not a commission appointed by law. I have no objection to any paper being printed which will be of information to the Senate.

Mr. SUTHERLAND. I will state for the information of the Senator from Georgia what I already stated, and which he did not hear, that the address contains a great deal of very excellent and interesting information upon the subject of forest conservation, which I regard as a very important subject. It is not a long address. It will not occupy more than seven or eight pages at the outside. I think it will be of real interest and real benefit to have it published.

Mr. BACON. The Senator from Utah did not understand the suggestion made by me. I understand the request is that the paper be printed as a document.

Mr. SUTHERLAND. A Senate document.

Mr. BACON. A Senate document. To the printing of the address as such I would have no objection if it contains such information as the Senator from Utah indicates, but if I caught correctly the announcement, it speaks of that address as having been delivered before a certain commission, in language which appeared to me to be a recognition of it as an official commission.

Mr. SUTHERLAND. Oh, I had no such intention, Mr. President. It is an unofficial body, of course.

Mr. BACON. Of course we know that it is not a commission authorized by law, and I simply wish that the order to print shall not be stated in language which would indicate a recognition of it by the Senate as an official body.

Mr. SUTHERLAND. I entirely agree with the Senator, and I have no such desire.

Mr. TILLMAN. I suggest to the Senator from Utah that he might have it printed in the RECORD.

Mr. BACON. Oh, no!

Mr. TILLMAN. If it is printed as a document, it will have very little circulation. If it is worth printing at all, it should be given the widest possible circulation.

Mr. BACON. I am opposed, not to this particular paper being printed in the RECORD, but I am opposed to outside addresses being printed in the RECORD. I shall make no opposition to having them printed as a document, but I shall certainly object to having them printed in the RECORD. I do not say this because of the nature of this particular paper. I made the same objection when the Senator from Nebraska [Mr. BURKETT], a few days since, asked that a certain address should be published in the RECORD. If we begin to load down the RECORD with every address, there will be no end of them.

Mr. TILLMAN. We are already loading it down with a great deal of worthless matter.

Mr. BACON. Therefore I shall object to the suggestion to print the paper in the RECORD.

The VICE-PRESIDENT. Without objection, it will be printed as a document.

ST. PAUL BRIDGE AND TERMINAL RAILWAY COMPANY.

The VICE-PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 22274) to authorize the St. Paul Bridge and Terminal Railway Company to construct a bridge across the Mississippi River at or near St. Paul, Minn., was read the first time by its title.

Mr. FRYE. Yesterday the Senate passed a bill identical with the House bill, and I ask that this bill may be considered now without reference to the committee.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The bill was read the second time at length, as follows:

Be it enacted, etc., That the St. Paul Bridge and Terminal Railway Company, a corporation organized under the laws of the State of Minnesota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Mississippi River at or near the southerly limits of the city of St. Paul, from a point on the east side of said river in the southeast quarter of the southeast quarter of section 9, township 28 north, range 22, in Ramsey County, to a point in lot 5, section 16, township 28, range 22, in Dakota County, all in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FRYE. I move that the House be requested to return to the Senate the bill (S. 7777) to authorize the St. Paul Bridge and Terminal Railway Company to construct a bridge across the Mississippi River at or near St. Paul, Minn.

The motion was agreed to.

Mr. FRYE. I enter a motion to reconsider the votes by which the Senate bill was ordered to a third reading and passed.

The VICE-PRESIDENT. The motion to reconsider will be entered.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 3 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 17, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 16, 1908.

THIRD ASSISTANT SECRETARY OF STATE.

William Phillips, of Massachusetts, lately Chief of the Division of Far Eastern Affairs in the Department of State, to be Third Assistant Secretary of State of the United States, vice Huntington Wilson, nominated to be envoy extraordinary and minister plenipotentiary to Roumania and Servia and diplomatic agent in Bulgaria.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Huntington Wilson, of Illinois, lately Third Assistant Secretary of State of the United States, to be envoy extraordinary and minister plenipotentiary of the United States to Roumania and Servia and diplomatic agent in Bulgaria, vice Horace G. Knowles, resigned.

PURCHASING AGENT FOR THE POST-OFFICE DEPARTMENT.

John A. Holmes, of the District of Columbia, to be purchasing agent for the Post-Office Department, vice William E. Cochran, whose commission expired December 12, 1908.

REGISTER OF THE LAND OFFICE.

Bryson P. Blair, of Colorado, whose term will expire January 17, 1909, to be register of the land office at Montrose, Colo. (Reappointment.)

RECEIVER OF PUBLIC MONEYS.

Julius H. Weiss, of Colorado, to be receiver of public moneys at Del Norte, Colo. (Reappointment.)

GOVERNOR OF ARIZONA.

Joseph H. Kibbey, of Phoenix, Ariz., whose term will expire February 27, 1909, to be governor of Arizona. (Reappointment.)

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Lieut. Col. Daniel M. Appel, Medical Corps, to be colonel from December 12, 1908, vice Harvey, retired from active service.

Maj. John L. Phillips, Medical Corps, to be lieutenant-colonel from December 12, 1908, vice Appel, promoted.

Capt. Francis M. C. Usher, Medical Corps, to be major from December 12, 1908, vice Phillips, promoted.

APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

Frederick Clifford Rogers, of Minnesota, to be second lieutenant from December 14, 1908, vice Ecker, Ninth Infantry, retired from active service.

COAST ARTILLERY CORPS.

Sergt. Frederick Colwell Phelps, Sixth Company, Coast Artillery Corps, to be second lieutenant, with rank from August 29, 1908.

PROMOTIONS IN THE NAVY.

Capt. Arthur P. Nazro to be a rear-admiral in the navy from the 15th day of December, 1908, vice Rear-Admiral John E. Pillsbury, retired.

Passed Asst. Surg. Robert E. Ledbetter to be a surgeon in the navy from the 11th day of October, 1908, vice Surg. Oliver Diehl, promoted.

The following-named assistant surgeons in the navy to be passed assistant surgeons in the navy, from the dates set opposite their names, upon the completion of three years' service in present grade:

Frank E. Sellers, from August 1, 1908.

Edward H. H. Old, from September 21, 1908.

Edward C. White, from September 21, 1908.

Chaplain Charles M. Charlton to be a chaplain in the navy with the rank of commander from the 6th day of December, 1908, vice Chaplain William T. Helms, resigned.

Chaplain George L. Bayard to be a chaplain in the navy with the rank of lieutenant-commander from the 6th day of December, 1908, vice Chaplain Charles M. Charlton, promoted.

POSTMASTERS.

CALIFORNIA.

Josiah R. Baker to be postmaster at Antioch, Cal., in place of Josiah R. Baker. Incumbent's commission expires December 16, 1908.

DELAWARE.

Frank F. Davis to be postmaster at Laurel, Del., in place of David C. Moore, resigned.

ILLINOIS.

Isaac W. Arnold to be postmaster at St. Elmo, Ill., in place of Isaac W. Arnold. Incumbent's commission expired December 12, 1908.

INDIANA.

Frank D. Walters to be postmaster at Monroeville, Ind., in place of Frank D. Walters. Incumbent's commission expires January 30, 1909.

IOWA.

John Buchanan to be postmaster at Eagle Grove, Iowa, in place of John Buchanan. Incumbent's commission expired December 12, 1908.

William A. Gibbs to be postmaster at Armstrong, Iowa, in place of Matthew Richmond, resigned.

KENTUCKY.

George W. Hutcheson to be postmaster at Lawrenceburg, Ky., in place of George W. Hutcheson. Incumbent's commission expired December 17, 1907.

MAINE.

Montrose E. Hill to be postmaster at Old Orchard, Me., in place of Montrose E. Hill. Incumbent's commission expired December 8, 1908.

MASSACHUSETTS.

Susan F. Twiss to be postmaster at Three Rivers, Mass., in place of Susan F. Twiss. Incumbent's commission expired December 8, 1908.

MICHIGAN.

William T. Hosner to be postmaster at Romeo, Mich., in place of William T. Hosner. Incumbent's commission expired December 12, 1908.

Richard E. MacLean to be postmaster at Wells, Mich., in place of Richard E. MacLean. Incumbent's commission expired December 12, 1908.

MINNESOTA.

Frank R. Coughran to be postmaster at Worthington, Minn., in place of Frank R. Coughran. Incumbent's commission expired December 12, 1908.

MISSOURI.

Albert T. McAdow to be postmaster at Lamar, Mo., in place of Albert T. McAdow. Incumbent's commission expired December 14, 1908.

NEW HAMPSHIRE.

Harry M. Cheney to be postmaster at Lebanon, N. H., in place of Mary V. Cheney. Incumbent's commission expired December 7, 1908.

NEW JERSEY.

Ada B. Nafew to be postmaster at Eatonton, N. J. Office became presidential October 1, 1908.

NEW YORK.

John M. Gilmour to be postmaster at Morristown, N. Y., in place of John M. Gilmour. Incumbent's commission expires January 14, 1909.

J. Johnson Ray to be postmaster at Norwich, N. Y., in place of J. Johnson Ray. Incumbent's commission expires January 14, 1909.

James W. Welch to be postmaster at Hamilton, N. Y., in place of James W. Welch. Incumbent's commission expired December 13, 1908.

NORTH CAROLINA.

J. Walter Jones to be postmaster at North Wilkesboro, N. C., in place of J. Walter Jones. Incumbent's commission expired March 3, 1907.

OHIO.

Walter Elliott to be postmaster at Ada, Ohio, in place of Walter Elliott. Incumbent's commission expired December 13, 1908.

George W. C. Perry to be postmaster at Chillicothe, Ohio, in place of George W. C. Perry. Incumbent's commission expired January 11, 1908.

Theodore Totten to be postmaster at Findlay, Ohio, in place of Theodore Totten. Incumbent's commission expired December 13, 1908.

OKLAHOMA.

Robert A. Diggs to be postmaster at Lindsay, Okla., in place of Robert A. Diggs. Incumbent's commission expires January 9, 1909.

Ransom H. Drewry to be postmaster at Marlow, Okla., in place of Georgia Keeton. Incumbent's commission expires March 1, 1909.

Olin W. Meacham to be postmaster at Henryetta, Okla., in place of Olin W. Meacham. Incumbent's commission expired December 12, 1908.

Frank Victor to be postmaster at Afton, Okla., in place of Oliver F. Mason, removed.

OREGON.

Jesse N. Baskett to be postmaster at Freewater, Oreg. Office became presidential October 1, 1908.

Nathan E. Chambless to be postmaster at Arleta, Oreg. Office became presidential October 1, 1908.

Edgar Hostetler to be postmaster at The Dalles, Oreg., in place of Edgar Hostetler. Incumbent's commission expired December 13, 1908.

Charles W. Merrill to be postmaster at Bend, Oreg. Office became presidential October 1, 1908.

George M. Richey to be postmaster at Lagrande, Oreg., in place of George M. Richey. Incumbent's commission expires January 16, 1909.

PENNSYLVANIA.

Joseph B. Colcord to be postmaster at Port Allegany, Pa., in place of Joseph B. Colcord. Incumbent's commission expired December 13, 1908.

TEXAS.

J. W. Boynton to be postmaster at Anson, Tex., in place of Harry C. Butler, removed.

Arthur E. Foster to be postmaster at Venus, Tex. Office became presidential January 1, 1908.

Evert Johnson to be postmaster at Jacksboro, Tex., in place of Jeannette D. McConnell. Incumbent's commission expired January 23, 1904.

Thomas A. Pope to be postmaster at Cameron, Tex., in place of Otto C. Zavisch. Incumbent's commission expired December 12, 1908.

VIRGINIA.

Charles H. Jones to be postmaster at Dry Fork, Va. Office became presidential January 1, 1908.

Albert L. Taylor to be postmaster at Parksley, Va. Office became presidential October 1, 1907.

VERMONT.

Arthur F. Stone to be postmaster at St. Johnsbury, Vt., in place of L. Downer Hazen, resigned.

WASHINGTON.

Walter G. Lynn to be postmaster at Starbuck, Wash. Office became presidential October 1, 1908.

Samuel F. Street to be postmaster at Edmunds, Wash. Office became presidential October 1, 1908.

WISCONSIN.

Herman M. Blumenthal to be postmaster at Columbus, Wis., in place of Herman M. Blumenthal. Incumbent's commission expired December 12, 1908.

Frank B. Goodhue to be postmaster at Whitewater, Wis., in place of Frank B. Goodhue. Incumbent's commission expired April 27, 1908.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 16, 1908.

CONSUL-GENERAL.

Horace Lee Washington, of the District of Columbia, to be consul-general of the United States of class 4 at Marseilles, France.

CONSULS.

George B. Anderson, of the District of Columbia, to be consul of the United States of class 8 at Martinique, West Indies.

Orlando H. Baker, of Iowa, to be consul of the United States of class 7 at Sandakan, British North Borneo.

Arthur J. Clare, of the District of Columbia, to be consul of the United States of class 6 at Georgetown, Guiana.

Frederick D. Cloud, of Iowa, to be consul of the United States of class 8 at Antung, China.

Percival Gassett, of the District of Columbia, to be consul of the United States of class 8 at Jeres de la Frontera, Spain.

C. Ludlow Livingston, of Pennsylvania, to be consul of the United States of class 9 at Salina Cruz, Mexico.

John E. Rowen, of Iowa, to be consul of the United States of class 7 at Punta Arenas, Chile.

Augustus G. Seyfert, of Pennsylvania, to be consul of the United States of class 8 at Owen Sound, Ontario, Canada.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Third Lieut. of Engineers Joseph Edward Sheedy to be second lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from April 16, 1908.

CHIEF EXAMINER OF THE CIVIL SERVICE COMMISSION.

George R. Wales, of Vermont, to be chief examiner of the Civil Service Commission.

SECRETARIES OF LEGATION.

Irwin B. Laughlin, of Pennsylvania, to be secretary of the legation to Greece and Montenegro.

U. Grant Smith, of Pennsylvania, to be secretary of the legation of the United States at Santiago, Chile.

SECRETARY OF LEGATION AND CONSUL-GENERAL.

Arthur Hugh Frazier, of Pennsylvania, to be secretary of the legation and consul-general of the United States at San Salvador, Salvador.

JUDGE OF THE UNITED STATES COURT FOR CHINA.

Rufus H. Thayer, of the District of Columbia, to be judge of the United States court for China, vice Lebbeus R. Wilfley, resigned.

UNITED STATES ATTORNEY.

Curg H. Lingenfelter, of Idaho, to be United States attorney for the district of Idaho.

UNITED STATES MARSHAL.

Shadrach L. Hodgin, of Idaho, to be United States marshal for the district of Idaho.

EXAMINER IN CHIEF IN THE PATENT OFFICE.

Frank C. Skinner, of Missouri, to be an examiner in chief in the Patent Office.

REGISTERS OF THE LAND OFFICE.

Matthew R. Wilson, of Livingston, Mont., to be register of the land office at Bozeman, Mont.

Charles L. Harris, of Billings, Mont., to be register of the land office at Billings, Mont.

Thomas B. Hiskey, of Kansas, to be register of the land office at Colby, Kans.

PROMOTION IN THE ARMY.

Sergt. Frederick Colwell Phelps to be a second lieutenant in the infantry arm of the army.

POSTMASTERS.

ALABAMA.

James A. Chambliss to be postmaster at Enterprise, Ala.
William B. Dale to be postmaster at Camden, Ala.
Daniel A. Ewing to be postmaster at Florala, Ala.
May T. Fowler to be postmaster at Uniontown, Ala.
A. W. Hawke to be postmaster at Samson, Ala.
Henry L. Marsh to be postmaster at Abbeville, Ala.
James W. Pilgreen to be postmaster at Calera, Ala.
Thomas H. Stephens to be postmaster at Gadsden, Ala.
Charley N. Thompson to be postmaster at Piedmont, Ala.
Byron Trammell to be postmaster at Dothan, Ala.
Robert H. Trammell to be postmaster at Lockhart, Ala.
William Wagner to be postmaster at Atmore, Ala.
Newton L. Wilson to be postmaster at Blocton, Ala.
Lea Woodruff to be postmaster at Demopolis, Ala.

COLORADO.

Francis M. Carman to be postmaster at Limon, Colo.
Henry W. Lance to be postmaster at Rocky Ford, Colo.
Griffith R. Lewis to be postmaster at Cripple Creek, Colo.
Robert S. Lewis to be postmaster at Canon City, Colo.

DELAWARE.

Frank F. Davis to be postmaster at Laurel, Del.

HAWAII.

M. T. Lyons to be postmaster at Wailuku, Hawaii.

MAINE.

George D. Libby to be postmaster at Gardiner, Me.

MISSISSIPPI.

Dozier Anderson to be postmaster at Tupelo, Miss.

NEW HAMPSHIRE.

Harry M. Cheney to be postmaster at Lebanon, N. H.

NEW JERSEY.

Frederick W. Bohlen to be postmaster at Maurer, N. J.
Albert M. Bradshaw to be postmaster at Lakewood, N. J.
Charles F. Burney to be postmaster at Bradley Beach, N. J.
Charles S. Day to be postmaster at New Market, N. J.
Thomas Graham to be postmaster at Point Pleasant, N. J.
Arthur F. Stecher to be postmaster at Riverside, N. J.

NEW YORK.

Arthur C. Agan to be postmaster at Fayetteville, N. Y.
N. Austin Baker to be postmaster at Salem, N. Y.
Flora E. Bassett to be postmaster at Walton, N. Y.
Thomas A. Braniff to be postmaster at New Brighton, N. Y.
Robert P. Brown to be postmaster at West New Brighton, N. Y.
Thomas A. Chisholm to be postmaster at Fort Covington, N. Y.
William H. Clark to be postmaster at Nichols, N. Y.
Orley W. Closson to be postmaster at Schuylerville, N. Y.
Henry E. Corwin to be postmaster at Bellport, N. Y.
William Cowie to be postmaster at Syracuse, N. Y.
Fred A. Davis to be postmaster at Fort Edward, N. Y.
Timothy Dinneen to be postmaster at St. Johnsville, N. Y.
Charles W. Fletcher to be postmaster at Montour Falls, N. Y.
Lee V. Gardner to be postmaster at Centerville Station, N. Y.
John F. Heim to be postmaster at Lancaster, N. Y.
J. Johnson Ray to be postmaster at Norwich, N. Y.
Durward B. Kelly to be postmaster at Griffin Corners, N. Y.
Annie Larrabee to be postmaster at Oyster Bay, N. Y.
Henry Morgan to be postmaster at Aurora, N. Y.
Jonathan B. Morey to be postmaster at Dansville, N. Y.
George Mumford to be postmaster at Milford, N. Y.
Frederick B. Powell to be postmaster at Amityville, N. Y.
William Purcell to be postmaster at Scottsville, N. Y.
Frank Stumpf to be postmaster at Stillwater, N. Y.
Alexander S. Taylor to be postmaster at Westbury, N. Y.
Mortimer R. Tefft to be postmaster at Greenwich, N. Y.
Frederick Torns to be postmaster at Lindenhurst, N. Y.
Charles K. Williams to be postmaster at Phoenix, N. Y.

PENNSYLVANIA.

Henry O. Garber to be postmaster at Berwyn, Pa.
Royal A. Stratton to be postmaster at Conneaut Lake, Pa.
Albert H. Swing to be postmaster at Coatesville, Pa.

SOUTH CAROLINA.

W. Clarence Clinkscales to be postmaster at Belton, S. C.
Allen T. Collins to be postmaster at Conway, S. C.
Alonzo M. Folger to be postmaster at Easley, S. C.
Arthur R. Garner to be postmaster at Timmonsville, S. C.
Leila Jackson Huntley to be postmaster at Cheraw, S. C.
Louis Jacobs to be postmaster at Kingstree, S. C.

TENNESSEE.

William A. Anderson to be postmaster at Bellbuckle, Tenn.
James L. Cotham to be postmaster at Hohenwald, Tenn.
William T. Smythe to the postmaster at Mountain City, Tenn.

TEXAS.

John D. Anderson to be postmaster at Miles, Tex.
George W. Andruss to be postmaster at Rotan, Tex.
W. L. Brown to be postmaster at Hamlin, Tex.
John Edwin Clarke to be postmaster at Knox City, Tex.
Harry H. Cooper to be postmaster at Nacogdoches, Tex.
C. A. Cox to be postmaster at Lott, Tex.
David C. Dodge to be postmaster at Claude, Tex.

Christian Doss to be postmaster at Palacios, Tex.
George C. Hopkins to be postmaster at Winnsboro, Tex.
J. S. House to be postmaster at Kingsville, Tex., in place of R. G. Flats, resigned.
Albert S. Jones to be postmaster at Kosse, Tex.
Evert Johnson to be postmaster at Jacksboro, Tex.
Thomas A. Pope to be postmaster at Cameron, Tex.
Joseph Stanley to be postmaster at Schulenburg, Tex.
Elisa Palacias Stockwell to be postmaster at San Diego, Tex.
Ernest R. Williams to be postmaster at Hamilton, Tex.

WASHINGTON.

John W. Conn to be postmaster at Camas, Wash.
George W. Edgerton to be postmaster at Puyallup, Wash.
Theo Hall to be postmaster at Medical Lake, Wash.
A. C. Johansen to be postmaster at Enumclaw, Wash.

WITHDRAWAL.

Executive nomination withdrawn from the Senate Wednesday, December 16, 1908.

Sergt. Frederick Caldwell Phelps, Sixth Company, Coast Artillery Corps, for appointment as second lieutenant of infantry, United States Army, with rank from August 29, 1908, which was submitted to the Senate on December 8, 1908.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 16, 1908.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

ALASKA-YUKON-PACIFIC EXPOSITION.

The SPEAKER. Without objection, the Chair lays before the House the following communication.

There was no objection.

The Clerk read as follows:

SEATTLE, WASH., *December 15, 1908.*

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives, Washington, D. C.

DEAR SIR: The honor of the presence of the Speaker and of the House of Representatives of the United States is requested at the formal opening of the Alaska-Yukon-Pacific Exposition, in the city of Seattle, on the 1st day of June, 1909.

The acceptance of this invitation and the attendance of the Speaker and the House of Representatives upon this occasion will be most gratifying to the president and the directors of the exposition and to all through whose assistance this celebration has been made worthy of the cause it represents.

Sincerely, yours,

J. E. CHILBERG,
President of the Alaska-Yukon-Pacific Exposition.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent to present the following resolution.

The SPEAKER. The gentleman from Washington asks unanimous consent to present a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the invitation extended to the Congress of the United States by the Alaska-Yukon-Pacific Exposition to attend the opening ceremony of said exposition to be held at Seattle, Wash., June 1, 1909, be and it is hereby, accepted; that the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, authorized and directed to appoint a committee, to consist of 15 Representatives and 10 Senators of the Sixtieth Congress, to attend the formal opening referred to, and to represent the Congress of the United States on that occasion.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask that the resolution and communication be referred to the Committee on Industrial Arts and Expositions.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

BRIDGE ACROSS MISSISSIPPI RIVER NEAR ST. PAUL, MINN.

Mr. STEVENS of Minnesota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 22274) to authorize the St. Paul Bridge and Terminal Railroad Company to construct a bridge across the Mississippi River near St. Paul, Minn.

The SPEAKER. The Clerk will report the bill.

The bill was read at length.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if this is in the form in which all of these bills are drawn?

Mr. STEVENS of Minnesota. Yes, sir; exactly.

Mr. CLARK of Missouri. And reported from the committee favorably?

Mr. STEVENS of Minnesota. Yes, sir; and approved by the department.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

J. J. SPEIGHT.

Mr. HUGHES of West Virginia. Mr. Speaker, I desire to offer a privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from West Virginia offers a resolution, which the Clerk will report.

The Clerk read as follows:

Resolution 453.

Resolved, That the Clerk of the House of Representatives is hereby authorized and directed to pay, out of the contingent fund of the House, to J. J. Speight the sum of $70.83, being the amount due him as clerk-hire allowance for services rendered the late Hon. Ariosto A. Wiley, a Representative from Alabama, from June 1 to June 17, 1908, inclusive.

The SPEAKER. Without objection, the resolution will be agreed to.

There was no objection.

N. J. FIELD.

Mr. HUGHES of West Virginia. Mr. Speaker, I also offer the following resolution:

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolution 450.

Resolved, That the Clerk of the House is hereby authorized to pay, out of the contingent fund of the House, to Selina Field, widow of N. J. Field, late a private, Capitol police force, a sum equal to six months of his salary as such employee and an additional amount, not exceeding $250, for the funeral expenses of said N. J. Field.

The SPEAKER. Without objection, the resolution will be agreed to.

There was no objection.

FRANK C. MERRITT.

Mr. HUGHES of West Virginia. I also offer the following resolution.

The SPEAKER. The gentleman from West Virginia offers a resolution which the Clerk will report.

The Clerk read as follows:

Resolution 441.

Resolved, That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House, to Frank C. Merritt the sum of $112.84, being the amount due him as clerk-hire allowance for services rendered the late Hon. LLEWELLYN POWERS, a Representative from Maine, from July 1 to July 28, 1908, inclusive.

The SPEAKER. Without objection, the resolution will be agreed to.

There was no objection.

CLERKS TO COMMITTEES.

Mr. HUGHES of West Virginia. Mr. Speaker, I also offer the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from West Virginia offers a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That there shall be paid out of the contingent fund of the House, for the services of a clerk to each of the following committees, at the rate of $6 per day each, from the beginning of the present session of Congress and until the adjournment thereof, to wit:

Expenditures in the Department of Agriculture;
Expenditures in the Department of Commerce and Labor;
Expenditures in the Department of Justice;
Expenditures in the Interior Department;
Expenditures in the Navy Department;
Expenditures in the Post-Office Department;
Expenditures in the State Department;
Expenditures in the Treasury Department;
Expenditures in the War Department;
Expenditures on Public Buildings; and
Select Committee on Disposition of Useless Executive Papers.

Mr. FITZGERALD. Mr. Speaker, what are these clerks to do?

Mr. HUGHES of West Virginia. To perform the duties of those different committees to which they are assigned.

Mr. FITZGERALD. Have any of these committees ever met?

Mr. HUGHES of West Virginia. Yes, sir; they have had several meetings.

Mr. FITZGERALD. Which ones?

Mr. HUGHES of West Virginia. A majority of them.

Mr. FITZGERALD. Which of them?

Mr. HUGHES of West Virginia. Well, the Committee on Expenditures in the Department of Agriculture, the Committee on Expenditures in the Department of Commerce and Labor, the Committee on Expenditures in the Department of Justice, and the Committee on Expenditures in the Navy Department, and, in fact, I think all of them.

Mr. FITZGERALD. Has anybody ever seen any report of any work that these committees have done that has been of any benefit to either the House or anybody else?

Mr. HUGHES of West Virginia. Yes, sir.

Mr. FITZGERALD. Who?

Mr. HUGHES of West Virginia. The members of the Committee on Accounts. That exhibit was made to them, and that is their reason for making this favorable report allowing these clerks. They were allowed in the first session of the present Congress.

Mr. FITZGERALD. These clerks were allowed in the first session of this Congress in the hope that they would perform some of the duties which devolved upon them under the rules of the House—that is, to inquire into the expenditures of the various departments?

Mr. HUGHES of West Virginia. Yes, sir.

Mr. FITZGERALD. I have some knowledge of two of these committees having done some work. I hardly would know that the others were in existence if it were not for reading the rules and seeing them enumerated.

Mr. HUGHES of West Virginia. The gentleman perhaps did not make the same inquiry about the others as about the two that he knows of. They have all done some work. This is the unanimous report of the Committee on Accounts.

Mr. FITZGERALD. It does not affect me. I am not reflecting on the committee at all, but reflecting on my judgment as to the necessity and propriety of giving these committees these clerks.

Mr. BARTLETT of Georgia. Will the gentleman yield for a moment? Mr. Speaker, I agreed to this resolution after hearing the various chairmen of these communities and after investigating what work they had done under the resolution granting these clerks at the last session of Congress. These gentleman insisted that they ought to have these clerks made annual clerks. The committee declined to grant that request. If the gentleman will examine the report of these committees filed in the House, the committee of which the gentleman from Illinois [Mr. BOUTELL] is chairman, the committee of which the gentleman from Iowa [Mr. HAUGEN] is chairman, the committee of which my friend the gentleman from Vermont [Mr. FOSTER] is chairman, and the committee of which the gentleman from Pennsylvania [Mr. WANGER] is chairman, they will find that these committees have, in the short time in which they have had these clerks, undertaken to carry out the statement they made in the House, that they would do work in these committees.

It is true all of them have not done so; but quite a number of them have. I can not recollect the names of the committees that have reported bills containing valuable information to the House and country. I myself did not at first think that the clerks for these committees were necessary, and can not think that all of them are necessary; but it is very difficult to discriminate between these committees, and therefore we have agreed to the resolution granting the appointment of clerks for this session. After investigation, after inquiry, after hearing these various gentlemen who are chairmen of these committees, we have agreed to this resolution, that they shall have the same clerical assistance as was given them last session for the next session. It will not amount to much. They insist that they shall have it, and that the work has been done, and has been well done. If the gentleman from New York will investigate, he will find that very valuable information has been given to the House and country by these committees.

Mr. FITZGERALD. Mr. Speaker, I have made some investigation, and with the exception of two of these committees, I do not know of any information of any value to anybody that has been obtained by these committees.

Mr. BARTLETT of Georgia. What two are those?

Mr. FITZGERALD. One is the Committee on Expenditures in the Agricultural Department, which did conduct some investigation, endeavoring to ascertain how the money was expended in connection with that department. The other committee was the Committee on Expenditures in the Navy Department, which did some work.

Mr. BARTLETT of Georgia. And the Committee on Expenditures in the Interior Department has made a very valuable report here on investigation.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. The gentleman from West Virginia has the floor.

Mr. MANN. Will the gentleman yield?

Mr. HUGHES of West Virginia. I do not think this case needs any extended argument, but I will yield to the gentleman for a while.

Mr. MANN. The gentleman from New York stated that only two of these committees that he had heard of had done any work. There is on the Calendar, in addition to the two committees which he mentioned, a report from the Committee on Expenditures in the Interior Department.

Mr. FITZGERALD. That is three.

Mr. MANN. I was just with the chairman of the Committee on Expenditures in the Department of Commerce and Labor in a committee where we desired to have hearings set, and the gentleman from Vermont [Mr. FOSTER] stated that every Monday he was engaged all the morning in the work of this expenditures committee, and although the other committee was all present he would not be able to attend the meeting on Monday; and he informed us as a matter of curiosity to me that they were doing a considerable amount of work, looking over the expenditures of that department. If these committees are beginning to do this work, I think they ought to be encouraged to continue, if it costs a little. Last year I remember——

Mr. FITZGERALD. I spoke about the gentleman's committee—the Committee on Expenditures in the Agricultural Department.

Mr. MANN. I know; but the gentleman from Pennsylvania [Mr. WANGER], chairman of the Committee on Expenditures in the Post-Office Department, last year when the post-office appropriation bill was under consideration, gave to the House very valuable information which he derived from the investigation on that subject; and I know that last year the House committee on the distribution of rooms gave him a room, in which he conducted hearings for a long time, and he conducted an investigation which I think has obtained a great deal of information.

Mr. FITZGERALD. I had the gentleman in mind, but overlooked him in stating the committees.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

ADDITIONAL MESSENGER FOR HOUSE POST-OFFICE.

Mr. HUGHES of West Virginia. I also offer the following resolution, Mr. Speaker.

The Clerk read as follows:

Resolved, That there shall be paid out of the contingent fund of the House compensation at the rate of $100 per month during the present session to one additional messenger, to be employed under the direction of the Postmaster of the House, for duty in the branch post-office in the House wing of the Capitol.

The question was taken, and the resolution was agreed to.

EMPLOYEES' SALARIES FOR THE MONTH OF DECEMBER.

Mr. HUGHES of West Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution:

The Clerk read as follows:

Joint resolution (H. J. Res. 206) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1908, on the 19th day of said month.

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of December, 1908, on the 19th day of said month.

Mr. HUGHES of West Virginia. Mr. Speaker, I just want to say, for the information of the House, that this is the usual resolution, and it is necessary to have it passed to-day, so that the disbursing clerk can get up his accounts in time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ENLARGED HOMESTEAD.

Mr. MONDELL. Mr. Speaker, I call up the conference report on the bill S. 6155, and move that the House further insist upon its amendments to the Senate bill and ask for a conference. On that I move the previous question.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 6155) to provide for an enlarged homestead.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6155) "An act to provide for an enlarged homestead," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to House amendments numbered 2, 3, 4, 5, 6, 7, and 8, and agree to the same.

That the Senate recede from its disagreement to amendment numbered nine, and agree to the same with an amendment as follows:

In lieu of the matter stricken out by said amendment insert:

"SEC. 6. That whenever the Secretary of the Interior shall find that any tracts of land subject to entry under this act do not have upon them a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may in his discretion designate such tracts of land, and thereafter they shall be subject to entry under this act without the necessity of residence: *Provided*, That in such event the entryman on any such entry shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry, and that after entry and until final proof the entryman shall reside within such distance of said land as will enable him successfully to farm the same as required by this act."

And that the House agree to the same.

F. W. MONDELL,
A. J. VOLSTEAD,
JNO. W. GAINES,
Managers on the part of the House.

REED SMOOT,
C. D. CLARK,
A. J. MCLAURIN,
Managers on the part of the Senate.

The SPEAKER. The gentleman from Wyoming moves that the House do further insist on its amendments to the Senate bill.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman a question or two as to this bill.

Mr. MONDELL. It is the enlarged homestead bill. It is a Senate bill, was amended by the House, and went to conference. The conference report came to the House, and there was an objection to the conference report.

Mr. CLARK of Missouri. What is the difference between the Senate and the House?

Mr. MONDELL. The principal difference between the Senate and the House is an amendment on which the Senate insisted that we provide for a certain class of homestead in this bill in territory to be designated by the Secretary of the Interior.

The House objected to that amendment, and I will say to the gentleman that the conferees on the part of the House were not favorable to that amendment; but the Senate having agreed to all of the other amendments of the House, we felt that it was necessary to come to the House upon their insistence and present that amendment. We now ask to go into conference and further insist upon the bill as the House passed it.

Mr. CLARK of Missouri. When the Senate put that amendment on the bill did the House agree to it?

Mr. MONDELL. The House refused to agree to the conference report.

Mr. CLARK of Missouri. Refused on your motion?

Mr. MONDELL. It did.

Mr. CLARK of Missouri. What reason did the Senate give for wanting to tack an amendment onto your bill?

Mr. MONDELL. I will say to the gentleman that it was a Senate bill, and the House committee amended the Senate bill by striking out this particular provision, as well as a number of others; but in conference the Senate conferees insisted upon this particular provision.

Mr. CLARK of Missouri. Now, after you get into conference are you going to agree to the Senate proposition?

Mr. MONDELL. As one of the conferees, if appointed, it is my intention that we shall not come back unless we have the bill as the House passed it. We intend to stand by the decision of the House.

Mr. KEIFER. Is this the homestead bill to increase the quantity of land of each homesteader in certain of the States and Territories?

Mr. MONDELL. It is.

Mr. KEIFER. From 160 acres to 320 acres?

Mr. MONDELL. Yes.

Mr. GAINES of Tennessee. Mr. Speaker, the House, after debate, voted to pass this bill, over my protest, and later the House refused to agree to the conference report, and there it stands. The bill proposes to increase the size of homesteads from 160 to 320 acres, and do other things. I am opposed to the bill and report. I have been one of the conferees, I believe, twice. As a conferee, of course I had to sign the conference report, but I am not going to do it any more, opposing the bill and report as I do. I do not think as it stands it should become law. The House has passed on it deliberately, refused to approve the report, and it and the bill are now on the Speaker's table. There are other land matters that ought to be considered this session. There is business other than land matters that ought to be considered, and I do not think we should take so much time going back into conference on a matter that the House has deliberately refused to agree to, when I do not believe the House will ever agree to the proposition.

The SPEAKER. The gentleman from Wyoming will please give attention to the Chair.

Mr. GAINES of Tennessee. I have been in conference with the gentleman from Wyoming——

The SPEAKER. Will the gentleman from Tennessee please suspend for a moment? The Chair asks the attention of the gentleman from Wyoming. The Clerk will read the following indorsement.

The Clerk read as follows:

On Saturday, May 23, Mr. MONDELL moved to suspend the rules and agree to the conference report on the bill S. 6155. After debate, a second being ordered, the House refused to agree to the conference report by a vote of 150 to 100.

The SPEAKER. Now, it seems that the Senate agreed to the conference report. The House refused to suspend the rules and agree to the conference report. Now, that is not equivalent to a rejection of the conference report.

The House merely refused to suspend the rules and agree to it; so that it seems that the conference report is still pending and awaiting action of the House. The Chair would suggest to the gentleman from Wyoming that he withdraw the motion already made and dispose of the conference report. The question would be on agreeing to the conference report.

Mr. MONDELL. Mr. Speaker, a parliamentary inquiry. The House has refused to agree to the conference report.

The SPEAKER. The House refused to suspend the rules and agree to the conference report.

Mr. MONDELL. That vote, however, Mr. Speaker, very clearly indicated the views of the House on the subject, and I was of the opinion that the motion I made was in order, to wit, to go into conference on the bill.

The SPEAKER. But the House has not as yet disposed of the conference report. The House can do it, as far as that is concerned.

Mr. MONDELL. The House refused to agree to the conference report.

The SPEAKER. But the motion at the last session was to suspend the rules. Now, the House refused to suspend the rules, and the conference report is still before the House.

Mr. MONDELL. Mr. Speaker, if it is in order, I move that the House disagree to the conference report.

The SPEAKER. If there is no objection, it is in order. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. I now move that the House further insist on its amendments to the Senate bill, and ask for a conference.

The SPEAKER. The gentleman from Wyoming moves that the House further insist on its amendments and ask for a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. MONDELL, Mr. VOLSTEAD, and Mr. ROBINSON.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT ST. LOUIS.

Mr. WANGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 22879) to amend an act entitled "An act to amend an act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved January 23, 1908.

The Clerk read the bill, as follows:

Be it enacted, etc., That the city of St. Louis shall have authority to construct the bridge mentioned in the act entitled "An act to amend an act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved January 23, 1908, under and subject to the limitations and restrictions mentioned in the act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved June 25, 1906, if the actual construction of the bridge therein authorized shall be commenced within one year from the approval of this act and completed within three years from same date.

With the following committee amendment:

On page 1, in line 8, strike out the word "eighteen" and insert the word "nineteen."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

PENAL CODE.

Mr. MOON of Pennsylvania. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11701, the codification of the penal code.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CURRIER in the chair.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, in the discussion of the amendment offered by the gentleman from Tennessee [Mr. GARRETT] it occurs to me that those who are opposed to it have misinterpreted its scope and purpose and have wandered a good ways from the real merits of the amendment. It is insisted that in the exchanges, so called—misnamed, in my opinion—there are many transactions in cotton futures that are entirely legitimate. It is urged that the spinners go upon the floor of the cotton exchange in New York, or through the members of that exchange, buy future contracts against cotton which they have actually contracted for, and that such transactions are entirely legitimate and are advantageous and should not be prevented. I call attention, Mr. Chairman, to the language of the amendment, which does not in any way attempt to hamper any legitimate transaction upon this so-called "cotton exchange."

The amendment is not what I would have it, and it does not go as far, in my opinion, as it should go. I would greatly prefer the bill which was introduced by the gentleman from Texas [Mr. BURLESON], but this will at any rate forecast the opinion of Congress on the subject. Like the old fellow who entered his horse in the race, and, when reminded that he had no chance to win, said:

I know I ain't, but I want them durn fellows to understand that I'm agin 'em.

That, at least, will be the effect of this amendment. It is a mistake to say that this amendment will interfere with legitimate investment in cotton.

Listen to it—

That no letter, etc., containing any advertisement, etc., of any contract which is made for future delivery of any product or products of the soil, etc., *without agreeing and intending that the* article, etc., shall be actually delivered or received in kind, etc., shall be carried in the mails.

Mr. FITZGERALD. Now, what does that language refer to, the letter, account, or newspaper? Read it and tell us to what it refers.

Mr. HUMPHREYS of Mississippi. It refers to any letter, postal card, or any printed matter that can be sent through the mail that relates to the sale or contract for the purchase of futures in cotton—to those contracts where there is no intention on the part of the parties to deliver the cotton sold.

Mr. FITZGERALD. How would it be possible for the Postmaster-General to determine whether a letter containing a record of the sale of a future delivery was intended by the parties to that contract to be delivered?

Mr. HUMPHREYS of Mississippi. There are a great many crimes provided for on the statute book the essence of which is the intent of the party. It is a question of administration of the law; a question of proof. The facts in the case will be submitted to the proper authorities and they will render their judgment on those facts.

[The time of Mr. HUMPHREYS of Mississippi having expired, by unanimous consent he was granted five minutes more.]

Mr. MOON of Pennsylvania. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. I will.

Mr. MOON of Pennsylvania. Suppose this amendment should become a law and on the following day the New York Sun was to publish in its record a stock transaction of the sale of 500 bales of cotton for future delivery, as a part of its news item. Would it not be guilty, under this section, unless it went to the party and ascertained whether it was the intention of the party to deliver and the intent of the other party to accept the goods?

Mr. HUMPHREYS of Mississippi. I do not know whether it would or not.

Mr. MOON of Pennsylvania. If the gentleman will read the bill, he will see that it would be.

Mr. GARRETT. Then, that will not hurt any legitimate business.

Mr. MOON of Pennsylvania. The effect of it will be to close the newspapers absolutely to publishing any of the records of stock transactions on the Stock Exchange of New York. It is perfectly apparent, I think, without any argument, that no newspaper is going to take the risk of being haled into the criminal court because it may publish a transaction that it does not know anything about.

Mr. GARRETT. How far would that go toward stopping the dealings in futures?

Mr. MOON of Pennsylvania. I want to know whether the gentleman intends that all publications of stock reports are to be excluded because this does it at once?

Mr. HUMPHREYS of Mississippi. Mr. Chairman, let me proceed with the argument that I was making. This colloquy between my friends is interesting, but it is coming out of my time. There is no objection on the part of those who produce cotton—and I refer to no other kind of futures, because I understand nothing about them—to having a man invest in that cotton, because we all understand perfectly well that investment tends to buoy the price of any article, but transactions upon the New York Cotton Exchange are not investments in cotton; they are investments in future contracts; they are investments in fluctuations. Investment in cotton tends to the betterment of the cotton trade, to buoy the prices. Investments in fluctuations tend to increase fluctuations. For instance, about three years ago, in the month of February, as I remember, the fluctuations on the New York Cotton Exchange in July cotton varied more than $20 a bale in one month's time.

I have many constituents who produce 1,000 bales of cotton annually. Here is a fluctuation of $20,000 in the value of the product of their farms on the New York Cotton Exchange in one month. Does anybody believe that makes for the orderly conduct of a great business? Does anybody believe that that promotes the cotton industry? Does anybody believe that it has any effect except to either depress abnormally or to advance abnormally the price of a product in which the producer and the consumer and the spinner are equally interested, and whether it goes up or down injures one or the other? The president of the New England Cotton Manufacturers' Association, Mr. MacColl, in his testimony before a committee of this House, has said that there are thousands and thousands—I quote his language—of spinners in New England who never go on the cotton exchange, who never purchase these future contracts, and that in his opinion this future dealing has resulted in tremendous evil—and I again quote his language—to the cotton industry of this country. That is the testimony of President MacColl, of the New England Cotton Manufacturers' Association, and it is the opinion of all the associations of cotton producers in the South.

Mr. MOON of Pennsylvania. My inquiry was, will this amendment accomplish the gentleman's purpose, and is it not very much broader in its terms than the accomplishment of that purpose?

Mr. HUMPHREYS of Mississippi. This amendment, as I stated before, does not go as far as I wish it did go. I would very much prefer the bill introduced by the gentleman from Texas [Mr. BURLESON], but this amendment is a long step in the right direction, and I hope it will be agreed to.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I would like to have five minutes more.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that he may proceed for five minutes. Is there objection? The Chair hears none.

Mr. HUMPHREYS of Mississippi. Let me finish my reference to Mr. MACCOLL's statement. Every man who defends this so-called cotton exchange tells of the necessity it is to the spinners. The case is stated in this way: A cotton spinner having some goods to be delivered in October buys 1,000 bales of October futures. When October comes he calls for the cotton, and if it is not forthcoming he sells his futures and buys the cotton from some one who can deliver it. Is that not a perfectly legitimate transaction? So much for the theory, Mr. Chairman, but what of the facts? If a spinner in England wants to buy cotton he can purchase it on the Liverpool Cotton Exchange, because that is, in fact, what it purports to be—a cotton exchange. But New York has no cotton exchange which in the remotest degree deserves to be so called. It is not operated for the purpose or in the expectation that it will in any way facilitate or promote the exchange of cotton. No man who desires to invest in cotton would think of going to the New York Cotton Exchange. Buy cotton for future delivery as you may, but if you should ever do the unexpected and freakish thing of demanding the delivery of the cotton so contracted for the rules of this exchange, in relation to which

your contract must be construed, are purposely drawn so as to make your demand ridiculous. They keep on hand for the purpose some hundred and fifty thousand bales of dog-tail, unmerchantable cotton which they tender to you and which under their rules you must accept. You buy 1,000 bales at 10 cents. You want the cotton. For that reason you went to a cotton exchange. Instead you are offered the cash. You do not want cash, you want cotton. You are thereupon advised that under the rules of the exchange they will deliver you 1,000 bales of their worthless dog tails and pay you 3 or 4 cents differential in cash. Now, why should a spinner or anybody else who wanted cotton—not contracts, not margins, not fluctuations, but cotton—either for consumption or for investment, why should he go to the New York Cotton Exchange, where he knows in advance that he can not get cotton? Here is what Mr. MacColl says about this future business, speaking for the New England Cotton Manufacturers' Association, of which he is president. He was before the Committee on Agriculture, and the gentleman from Tennessee [Mr. SIMS] was interrogating him—

Mr. SIMS. I would like to have you define what you mean by the term "speculation."

Mr. MACCOLL. I think that it is very well understood that there is a large number of people connected with the speculation in cotton, raising and depressing the price.

Mr. SIMS. Professional operators?

Mr. MACCOLL. Yes.

Again, he says:

Mr. MCCOLL. My opinion is that *the spinners of this country have used the future market to a very small extent.* Lately they have been forced to use it more, but they have not used it to any large extent in years gone by.

Now, listen to this:

There are thousands and thousands of manufacturers who have never bought a bale of futures.

Mr. SIMS. Is it not a fact that the speculators are divided into bulls and bears and that the effect of their operations is nil?

Mr. MACCOLL. If there is no evil in it, it is not worth while for us to waste time about it. *We think it has been a tremendous evil in the last three or four years.*

And so, Mr. Chairman, we have the manufacturers, who consume the cotton, and the planters, who produce it, both denouncing the business of this sham exchange; both believing, as they may well believe, that its operations are inimical to the real legitimate cotton business of the country.

We produce about twelve or thirteen million bales of cotton annually, and they sell about 100,000,000 bales on this so-called "cotton exchange." There is a saloon in my town called the "Cotton Exchange," and that name indicates with as much accuracy the character of the business there conducted as it does in the great metropolitan city above the door of this cotton humbug. Cotton is one of the great staple products of this country. The business prosperity of one-fourth of the States of this Union is predicated upon it. Our planters produce some twelve or thirteen million bales annually, and they would be the last to do anything to hamper or to discourage investment in it.

The more who enter the market to buy cotton the better for the planter—but buying cotton and buying futures are two very different things. One is the product of the soil, the reward of labor and of honest enterprise. The other is the product of the imagination, and no man can profit in it except his neighbor suffer equal loss. If you purchase futures and win a thousand dollars, it follows of course that the man who sold you must lose a thousand dollars. That is not enterprise; it is not industry; it adds nothing to the sum total of the country's wealth; it is, Mr. Chairman, without intending to be offensive, and with perfect respect for these gentlemen who engage in it—it is gambling—and gambling in that which does not belong to them.

On the other hand, the planter may sell his crop to the spinner at a price that yields him a fair return for his labor, and still the spinner's investment may be an entirely satisfactory one to him. It is never contemplated in any legitimate trade that neither party can profit unless the other lose. On the contrary, both should and usually do gain by the transaction.

The planter produces a thousand bales of cotton, and of course desires to secure the highest possible price for it. The spinner desires to purchase that cotton at as low a price as possible. It is entirely proper, entirely praiseworthy if another party who is in no way connected with the manufacture of cotton buys this thousand bales from the planter, hoping that he may subsequently sell it to the spinner at a profit. That is investment in cotton, and, to my mind, it is immaterial whether he pays part cash or all cash or no cash. Now, note the difference: Two gentlemen on the New York Cotton Exchange who never saw a bale of cotton observe these negotiations and one bets that the price of cotton will go up and the other that it will go down, and both set about to organize their forces to turn the market. To this end false reports are circulated, combinations are entered into, and all the machinery known to intrigue and cunning is set in motion to force the price of cotton either up or down—to the confusion, to the dismay, and sometimes to the ruin of the men engaged in the real cotton business. This is investment in fluctuations—and how that business flourishes! In February, 1904, July cotton on the New York Cotton Exchange fluctuated from 17.55 to 13.02—$20 a bale in a single month—and when July came cotton sold at 10.18, a difference of $37.50 a bale.

How much cotton passes through this cotton exchange? I have no figures before me for the year just ended, but I find in a speech delivered on this floor last spring by the gentleman from Tennessee [Mr. SIMS] the figures for some previous years which will answer my purpose just as well. I quote the figures furnished by the gentleman from Tennessee with very much confidence, Mr. Chairman. I always follow his lead with satisfaction and with assurance, because I know he is always informed, always accurate, always honest, and therefore always right. New Orleans received 2,296,971 bales last year, and had 31,964 remaining on hand at the close of the season; Galveston received 3,891,695 bales, and had 30,820 on hand; Savannah received 1,668,633, and had 8,593 on hand; while New York, whose cotton exchange sold 90,000,000 bales, received 23,108 bales, and had left over 169,975.

Phantom cotton, spook cotton, cotton that never was and never will be! An inexhaustible supply against an inexhaustible demand—as long as Mr. Sully can stand on his feet and say, "I buy," and Mr. Brown can muster the strength to say, "I sell." One million, ten million, fifty million bales! In the meantime the planter who has cotton to sell, and the manufacturer who desires to purchase it must stand by in confusion until one of these worthies is "forced to the wall." The amendment of the gentleman from Tennessee simply says to these "investors," "You shall not use the mails of the United States to carry on any such business," and I believe that ought to be the law.

Mr. WATKINS. Mr. Chairman, the object of the amendment offered is to prevent the transmission through the mails of all communications relating to the gambling in futures where the object is to make a fictitious sale. It is true that the amendment does not go far enough; but as we are now dealing with the question as to what class of matter shall go through the United States mails, it is for us to decide the question at issue as presented. This is both a moral and economic question. The Congress of the United States has rarely decided a great moral question wrong. Congress passed a law forbidding lottery matter from being transmitted through the mails, and the lottery business in this country was killed.

Allusion was made on the floor of this House yesterday to the Louisiana State Lottery. After four years of bloody strife between the two sections of this country, when business was demoralized in the South, a horde of adventurers flocked like vultures to our beautiful Southland. All kinds of pillage and plunder were engaged in. During the reconstruction period laws were enacted which were abhorred by the moral element of our people.

During this period the Louisiana State Lottery flourished. It was the most demoralizing institution ever protected by the laws of any country. The clerk in the store would rifle the cash drawer of the merchant, the servant would abstract from the cash which was to purchase provisions from the market, the confidential secretary and cashier would pilfer from his employer to get funds to purchase lottery tickets, in the hope of drawing a capital prize. At last the virtue and intelligence of the people became aroused. The question as to whether the charter of the lottery company should be renewed was submitted to the people of the State of Louisiana. The lottery company offered to pay $1,000,000 a year for the renewal of its charter; but the proposition was rejected and was voted down by the people by an overwhelming majority.

Within the five minutes' time allotted to me under the rules of this discussion it is not possible to properly present the question before the House; but I wish to state that beside the Louisiana State Lottery and this question, the lottery pales into insignificance.

The gambling in futures is just as seductive to the adventurous and reckless as the lottery was; but with the lottery, when the money was put in it was spent, there was only a financial loss. Each one buying a ticket lost $1 if it was a monthly drawing and $10 if an annual drawing, and had one chance in a hundred to draw a prize. But in stock gambling the rights and interests of the great toiling masses are involved and hazarded without their volition and positively against their consent.

Dog-tail cotton is put up as a standard of value in the New York Cotton Exchange, and the speculators bet whether it will go

high or low at a certain period. Twelve million bales of cotton are raised and 100,000,000 bales are sold annually. Cotton is worth ordinarily $50 a bale, and it only requires $1 a bale to buy cotton on the future market.

Any unreliable, impecunious person who can raise $100 can buy $5,000 worth of cotton, with the only risk of losing the $100 if the price of cotton falls.

If a man should buy real estate worth $50 an acre and put up $1 an acre on his purchase, the man who sold him the real estate could take it back, if it was not paid for, by repaying back the $1 per acre. The buyer and the seller would be made whole. But in cotton-future dealing the most that could be required would be to produce the dogtail cotton, if it was a New York contract, and even this is not required.

This cotton-future buying is gambling pure and simple and does give and is intended to give a fictitious value to one of our staple agricultural products.

What is said with reference to cotton applies to other commodities which are usually manipulated by the bucket shops.

During the session of the last Congress, when the lamented General Meyer, from New Orleans, La., rose upon this floor and stated that the New Orleans Cotton Exchange courted the investigation which was then demanded, we were met with objections from New York, just as we are now. It is to be regretted that the investigation which was provided for did not result in more substantial good. It was to be hoped that, after the facts as set forth in the report were made public, the fraud order would be issued preventing the use of the mails, as was requested; but it was not done, and it now devolves upon this House to determine whether this tardy act of justice shall be longer delayed.

The situation has become so intolerable that even the governor of the State of New York on the 14th instant appointed a committee of nine—

To inquire into the facts surrounding the business of exchanges in New York and to suggest what changes, if any, are advisable in the laws of the State bearing upon speculation in securities and commodities; or relating to the protection of investors; or with regard to the instrumentalities and organizations used in dealing in securities and commodities which are the subject of speculation.

They will find that some of the New York railroads are capitalized at $200,000 per mile and that the average capitalization of all the railroads of the country is about $70,000 per mile, while many of them are not worth one-fifth of that amount. But when the stocks and bonds are sold at the exchanges they are sold on the basis of their capitalization. They will find a similar condition of affairs in oil stock, steel, coal, copper, and other commodities controlled by the speculators. But when it comes to agricultural commodities we find them using dog-tail cotton as a standard of values.

This stock jobbery is gambling in its most pernicious form, as it corners the market of the commodity of the producer who earns his living by the sweat of his brow and forces him to pay tribute to the sharper and the manipulator, who, instead of being a boon, is an incubus upon society.

I have noted with sorrow the fortunes bankrupted and the homes made desolate by the machinations of these wily schemers, and while I do not speak from experience, as I have never taken part in a game of chance, I know that if this amendment is adopted it will bring happiness to many a saddened household.

Mr. FITZGERALD. Will the gentleman yield?

Mr. WATKINS. Certainly.

Mr. FITZGERALD. I wish to call the gentleman's attention to the fact that I stated that I believed the cotton exchange of New York was willing and anxious to be investigated at the time the Burleson resolution was before the House.

Mr. WATKINS. I remember the gentleman from New York just at that time in the discussion made the remark that the organization of which Harvey Jordan was chairman was as much a gambling concern as the New York Cotton Exchange was.

Mr. FITZGERALD. Not at all. I said that organization, like one somewhat similar, was engaged in a movement to restrict the crop to be planted in cotton in order to bull the price, and should be investigated just the same as exchanges against which the producers were making complaints.

Mr. WATKINS. Now, Mr. Chairman, the governor of the State of New York day before yesterday made an appointment of nine members of a committee for the purpose——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WATKINS. Mr. Chairman, as we are pressed for time, I ask for the privilege of extending my remarks in the RECORD and desire to include in my remarks the object and purpose of this appointment made by the governor of New York day before yesterday—the governor of the State which the gentleman has the honor of representing.

Mr. HEFLIN. Mr. Chairman, I ask the indulgence of the House for a short time while I undertake to reply to the remarks of the gentleman from New York [Mr. FITZGERALD]. In his defense of the New York Cotton Exchange, an exchange that is sucking the very lifeblood of the cotton producers of the United States, he said the sale of 100,000,000 bales of cotton in one season was easily explained; that it was like the sale of real estate—that one lot would be sold many times on the same day. Mr. Chairman, let me show you the fallacy of his argument. It is admitted that the New York Cotton Exchange in one season sells a hundred million bales of fictitious stuff that it pleases to call "cotton;" this, too, when the entire cotton crop of the United States is only about 12,000,000 bales.

When a lot of land is sold, it may change hands 1,000 times in a week, but it is the same lot, and you are not selling a thousand lots when you have only one. A perfect chain of title operates from the man who first bought to the man who last owned the piece of land, and the delivery of the title is a delivery of property. How different is this speculation in cotton futures! We grow about 12,000,000 bales, and yet the New York Exchange puts into competition with this real cotton 100,000,000 bales in a season, with never more than 100,000 bales in the city of New York, and I dare say that there is not a hundred thousand bales there to-day. These gamblers are selling something that is not in existence, and they are bringing this fictitious stuff into competition with real cotton and are thereby working great injury to the honest toiler who produces the cotton. [Applause.]

Mr. PARSONS. May I ask the gentleman a question?

Mr. HEFLIN. Certainly.

Mr. PARSONS. I wish the gentleman would explain how it is that the transactions of the New York Cotton Exchange affect the price of cotton. I have been endeavoring to get some explanation of that and I have been unable to do so.

Mr. HEFLIN. I will reply briefly to the gentleman. It affects it in this way: The members of the exchange offer for sale and sell something that they call cotton; no delivery is made, their sales do not in any way aid the producer, because no demand is made on him for real cotton, and real cotton does not figure in the exchange transactions. One gang will bet that the price of cotton will go up and the other gang will bet that the price will go down, and the price that they fix upon the fictitious stuff becomes the price of the real cotton, and the producer is robbed annually of millions of dollars. It is simply gambling, and the men who want cheap cotton join forces with the bears, and these forces united constitute a greater power than their competitors, the bulls, and the price of cotton goes down and down without regard to the law of supply and demand. And yet, Mr. Chairman, some of the gentlemen tell us that the gamblers' exchange is necessary to the cotton business and is the friend of the producer. Is the lion the friend of the lamb, and does his existence promote the happiness and well-being of the lamb? If so, the gambling exchange is necessary to the happiness and well-being of the cotton producer. The exchange, as conducted to-day, is a stupendous vampire sucking the industrial lifeblood of the cotton producer. I have seen the gamblers, in their effort to reduce the price of cotton, quote the price at 9 cents when spot cotton was actually selling for 10 cents, and I have seen the bears whip the bulls and reduce the price of cotton 1½ cents per pound in a single day. Let me read to the gentleman from New York what the Atlanta Journal has to say about the fluctuations in the price of cotton, caused by the present conduct of the cotton exchange. It says:

The fluctuations in the market come without apparent cause; it is not a question of increase or decrease in the crop or in the world's call for the raw or manufactured product; it is purely a question of strength between two sets of gamblers lined up in opposition each to the other; it is an out and out subversion of the law of supply and demand.

And another has said:

All the producer asks is the elimination of this artificial element on the trade and the restoration of the natural law of supply and demand. It is not an unreasonable demand; its fulfillment will affect no legitimate interest. It is purely a question of justice to the producer of the greatest of American crops. That justice may be tardy, but it is decreed and its coming is inevitable.

And another has truly said:

But the opportunities that have been given to men who neither grow nor spin cotton, nor are legitimately interested in its distribution, to bring about ruinous fluctuations in the price of raw materials is an evil more prejudicial to the cotton business than any other which now exists.

Again he says:

The great cotton industry does not exist for the cotton exchange. The cotton exchanges should only be allowed to exist in so far as they

contribute to the welfare of the legitimate business of growing and manufacturing cotton.

Mr. PARSONS. Will the gentleman yield for another question?

Mr. HEFLIN. In a moment. I would ask the gentleman from New York, Suppose some man on the stock exchange, who had no right to do so, should rise in his place and offer to sell Pennsylvania Railroad stock. Immediately those holding the stock would cry out against it. They would say that to put it on the market would seriously affect the stock, and it is not for sale at this time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HEFLIN. What would be the situation then?

Mr. PARSONS. If the gentleman please, that is just what is done. He is perfectly free to do that if he can; but if he tries to get the stock at a lower price than he should pay, the people who have it will not sell. There are always two conflicting forces—those who want the stock to go higher and those who want it to go lower.

Mr. HEFLIN. The gentleman is mistaken in a part of his contention; but suppose it is done as he says it is, and that is, if the railroad stock is sought at a lower price than the owners think it should bring, they will not sell. The gentleman has made clear the point that I was trying to make, and that is that the real owners of the railroad stock will not sell unless they desire to do so. But how is the owner of cotton treated? He is not consulted at all about the hundred million bales of fictitious stuff sold in the New York Exchange annually. He is forced, under the law, to stand and see ruinous prices produced by the gamblers in the exchange, who never tilled the soil or saw a cotton field. [Applause.]

Mr. ADAIR. Will the gentleman yield to a question?

Mr. HEFLIN. Certainly.

Mr. ADAIR. Is it not a fact that the Pennsylvania Railroad stock is sold on these exchanges by men who do not hold a dollar's worth of stock, the same as cotton?

Mr. HEFLIN. No, sir; except through some broker or member authorized to sell.

Mr. FITZGERALD. Now, does the gentleman believe that Mr. McCarra is anxious to have the price of cotton go up to have spot cotton increased?

Mr. HEFLIN. I do not think he would like to see it go up.

Mr. FITZGERALD. He wants to see it depressed, does he not?

Mr. HEFLIN. As a rule the spinner wants to buy the raw material as cheaply as he can, and the producer wants to buy the finished product as cheaply as he can; but he has no gambling exchange to help him in this matter.

We want a fair price for our cotton, but on account of the conduct of the exchanges we are not receiving it now.

Mr. Chairman, the producer must be relieved of the outrageous and destructive competition to which he is now subjected by the speculator who offers upon the exchange a fictitious product which he can not and does not intend to deliver. These gambling exchanges buy and sell a fictitious product, and the price they fix determines the price of the entire cotton crop. This obnoxious method deprives the farmer of his right to a voice in fixing the price of this important product—a right which is accorded other producers.

The South wants an honest market and such prices as will follow the unhampered operation of the law of supply and demand. We want to return to the principle which is as old as commercial intercourse itself, and that is this: That the seller shall be compelled in good faith to deliver the commodities sold at the time and place specified in the contract. [Applause.]

Mr. GARRETT. I should like to have five minutes, Mr. Chairman, in which to close debate in favor of the amendment.

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOON of Pennsylvania. Mr. Chairman, I move that all debate upon this question close within fifteen minutes. I want to reserve ten minutes of that time to myself.

Mr. CLARK of Missouri. Make it twenty minutes and give these gentlemen five minutes apiece.

Mr. MOON of Pennsylvania. Then, I move that the debate close in twenty minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOON] moves that the debate close within twenty minutes.

Mr. MOON of Pennsylvania. Mr. Chairman, I move that all debate on this amendment close with twenty minutes' debate on a side.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania that debate be closed in forty minutes.

The question was taken, and the motion was agreed to.

[Mr. FERRIS addressed the committee. See Appendix.]

Mr. MOON of Pennsylvania. I now yield to the gentleman from Wisconsin [Mr. KÜSTERMANN].

Mr. KÜSTERMANN. Mr. Chairman, very much has been spoken here about stock gambling. I believe we are all against stock gambling, but the great question is, What effect will this amendment have, if it passes, in doing away with it?

I think it is one of the most crude, unfinished bills that has ever been before this House, and no lawyer or judge will be able to say what it really means. Simmer it right down as far as newspapers are concerned, and you will find that it reads, in substance, that no newspaper shall be carried in the mails containing any notice or advertisement of any contract made for future delivery of anything whatsoever, without agreeing and intending that the article shall be actually delivered. Now, do you want the newspapers to be mind readers and find out whether the goods that are offered for future delivery are really intended for delivery, or do you want them to receive a sworn agreement that those articles shall be delivered? I think, as the amendment now reads, it certainly ought not to pass.

Mr. OLLIE M. JAMES. Will the gentleman yield for a question?

Mr. KÜSTERMANN. Yes.

Mr. OLLIE M. JAMES. If the gentleman will read a little further along, he will see that the amendment provides that if any newspaper "knowingly" publishes, and so forth. The word "knowingly" means willfully. Evidently the gentleman did not read it all.

Mr. KÜSTERMANN. It is such a complicated amendment that it is almost impossible to determine what it does mean.

Mr. OLLIE M. JAMES. The gentleman ought to read the amendment before he tries to criticise it.

[Mr. CRAIG addressed the committee. See Appendix.]

Mr. MOON of Pennsylvania. Mr. Chairman, how much time is there remaining?

The CHAIRMAN. There are seventeen minutes on one side and ten on the other.

Mr. COCKRAN. Mr. Chairman, I desire to state at the outset that with much of what has been said in behalf of this amendment, or at least of the principle that it embodies, I am in hearty accord. I do not question the statement, made by practically all the gentlemen who support it, that the business of these exchanges is largely gambling. I believe that is true. More than that, I believe it is gambling with loaded dice. [Applause.] But while I concede all that, nevertheless I venture to hope that this committee before adopting a proposal so serious will consider very carefully the magnitude of the interests affected by it. For my part I can not help feeling that an attempt to deal with this evil by such a procedure as is contemplated in the amendment now before us can result in nothing but failure, confusion, and a worse condition than that which we are all anxious to remedy.

First of all let me answer the suggestion of the gentleman who has just taken his seat, that a proposal to codify the penal laws is a proper occasion for the adoption of such a measure as this. Gentlemen must realize that measures for the codification of laws have been peculiar to the history of no one country. They are inseparable from the experience of every civilized people. The necessities of civilized existence require the adoption of laws at one time which subsequent conditions render inexpedient or insupportable. Frequently it happens that the same subject-matter will cause the passage of laws differing radically from each other owing to varying phases of popular feeling. Still more frequently it happens that laws passed to meet certain conditions become obsolete as these conditions themselves become modified or wholly changed. Finally, these contradictory, obsolete, or superfluous statutes become so numerous that the whole body of the law is rendered unwieldy if not entirely inoperative. To meet such a state of affairs every civilized society is driven sometime or other to codification, that provisions enacted under different conditions and found by subsequent experience to be wholly inconsistent with each other may be harmonized, and that there may be expunged altogether from the written law provisions no longer applicable to actual conditions. But codification never contem-

plates the adoption of an entirely new measure radically changing the existing law and incorporating into a political system an entirely new method of industrial or commercial procedure.

Mr. GARRETT. Will the gentleman from New York yield?

Mr. COCKRAN. I have but very little time.

Mr. GARRETT. Has the gentleman offered no amendment to this bill embodying new law?

Mr. COCKRAN. No, sir; not one. I was very careful in every amendment that I offered and in every suggestion that I made while this bill was under discussion a year ago to explain that I was governed by the same conception of what is proper to be done or attempted in a codification of laws that I have just endeavored to describe and define. Codifications are not new elements in the experience of civilized nations, and therefore I think everyone here realizes precisely what a codification is intended to accomplish.

Mr. GAINES of Tennessee. Will the gentleman yield for a question?

Mr. COCKRAN. I can not. I have very little time, and I want to go at once to the substance of the measure.

Mr. GAINES of Tennessee. I only wanted to ask the gentleman if he had introduced any bill on this subject.

Mr. COCKRAN. No, sir; I have not, and I will tell the gentleman why. I am glad the gentleman has put the question. I have not introduced a bill to deal with this subject because I do not believe myself capable of framing a measure that would deal with it effectively. I am as eager as he is to stop gambling on stock exchanges or cotton exchanges or any other exchange, but I have grave doubt as to how that evil can be prevented without working greater evil to the body politic. Every gentleman that has spoken on this subject has conceded that we must differentiate between speculation, which is not only legitimate but is laudable, and gambling, which is vicious and ought to be prevented. We are all agreed on that. Will any gentleman undertake to say that he is competent now to define the difference between gambling and speculation, and define it so clearly that every person who reads the statute embodying his views will be able to differentiate between one and the other?

No one would venture to suggest that speculation be prohibited. To arrest speculation would be to suspend industry. Every step in productive energy is speculative.

Speculation is the motive power of all commercial enterprise. It underlies every form of productive activity. Every revolution of the wheels in a factory, every order placed with a merchant, is prompted by some conception of the future demand for some particular commodity. The farmer, when he decides what seed he will plant in a field, is speculating on the future demand for the crop it will yield.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask unanimous consent that the gentleman's time be extended.

The CHAIRMAN. The Chair understands that debate is limited to forty minutes.

Mr. FITZGERALD. That does not prevent the committee from extending the gentleman's time by unanimous consent. I ask that the request be submitted, Mr. Chairman.

Mr. MOON of Pennsylvania. I ask unanimous consent that the gentleman may continue, without taking it out of the time allotted, for five minutes.

Mr. FITZGERALD. I ask that the gentleman's time be extended for five minutes.

Mr. OLLIE M. JAMES. Mr. Chairman, I merely wish to suggest that when we wanted to give an hour's time to the debate the gentleman from Pennsylvania opposed it.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of his colleague from New York may be extended for five minutes more. Is there objection?

There was no objection.

Mr. COCKRAN. Mr. Chairman, many transactions in the stock exchanges, we all know, are pure bets upon the future course of prices. In many instances these ventures are practically nothing more than bets upon the course which some individual intends to pursue with reference to a corporation that he controls. Under the stimulus of such betting the prices of many stocks fluctuate widely. For instance, let us take one, the stock of the Union Pacific Railway. The price of that stock soared wonderfully on the stock exchange little more than a year ago owing to heavy speculations as to what Mr. Harriman intended to do with respect to dividends. If he concluded to increase the rate of dividends, the price of the stock would in all human probability increase. If he decided to let the rate of dividends stand, the price of stock would inevitably decline. Now, Mr. Harriman all along knew perfectly what he intended to do. Mr. Harriman, therefore, could bet upon the course of that stock with an absolute certainty of success, just as the gambler with loaded dice can bet with certainty of winning. In the ultimate analysis there is no difference between the speculator betting on inside information and the gambler betting with loaded dice, yet one is protected by the law, the other condemned by the law. Why do men load dice? They do not load them merely to effect a combination between lead and ivory. They load dice so as to be certain before every throw whether a three or a four or a five will turn up, and then bet on an outcome which is never doubtful. Mr. Harriman, or any other man, in exclusive possession of knowledge that must affect the price of any stock and who speculates in that stock is gambling with loaded dice. Whether he distributes this peculiar knowledge among his friends or keeps it to himself is simply a question whether the gambling with loaded dice is done by a coterie or by a single individual. The character of the transaction is the same. And whether it be carried on by one man or a group of men, it remains a vicious thing.

More than that, it is prosecuted on such an extended scale that not merely does it affect the morals of a community, it seriously affects the business life of the country. Stock transactions form the basis of many, perhaps most, bank loans. Gambling is never a satisfactory basis for business enterprise—least of all is it a safe basis for the operation of banking institutions, around whose solvency our whole industrial life revolves.

But how are we going to deal with this evil—an evil which I admit, is of the most portentous character, one that imperatively demands treatment immediate and effective, but treatment, remember, that touches a most delicate subject. Gentlemen must realize that this evil, grave though it be, is the product of a movement entirely wholesome—decisively beneficent. Stock gambling is, so to speak, a by-product of legitimate speculation. The problem before this House and before this country is to end stock gambling without arresting legitimate speculation. For if in prohibiting this occasional gambling by a few you arrest the great tide of speculation, you do what? Why, you restrain, embarrass, perhaps prohibit, that general cooperation in production which is the very essence of civilization. You prevent my money and yours from seeking legitimate investment in all the various fields of industry, where while earning for you and for me a profit higher than we could earn ourselves at the same time it operates to stimulate the activities of labor and to increase the volume of production on every side. The Representative who would risk disturbing seriously this delicate, complex machinery of production by a sweeping amendment to existing law, thrown into a proceeding looking merely to codification, and who in an attempt to stop gambling, which everyone holds vicious, would imperil all speculation, which everyone holds healthful, is exactly in the attitude of a man who, anxious to protect the friends of a bank, would blow up the bank building because he feared that the money drawer might possibly be pilfered by some individual employee.

The magnitude of this evil I do not seek in the least to belittle. Gentlemen, I think, will bear me witness that I have endeavored to describe it in terms of absolute candor. But while realizing the importance—the pressing importance—of dealing with it, I believe it would be better ten thousand times that we submit for a while to occasional violations of right by a few men who abuse their control of great corporations and great financial resources to engage in speculations which are in no way less reprehensible than gambling with loaded dice, rather than attempt to correct this wrong by hasty and ill-considered legislation, which must almost inevitably arrest the entire progress of our industrial life, impair our capacity for production, make it doubtful whether any newspaper can safely circulate the slightest information concerning transactions on these exchanges, where the values of all products of human industry are fixed and determined. I believe firmly that with proper consideration in this body a law may be framed which can effect these two results, without which legislation on this subject would be of doubtful value and, I believe, in the last degree dangerous. First, define accurately the distinction between speculation and gambling, and then while leaving legitimate speculation the widest field, prohibit gambling by penalties that will be effective. Let the law officer know just what is gambling that should be prevented and what is speculation that should be encouraged. Let the citizen be apprised of what constitutes an offense that the law condemns and what is a legitimate enterprise that the law sanctions. Let the newspaper know what transactions they can report as wholesome features of our productive life, and what they must suppress as mere encouragements to gambling. When that is done, when these distinctions are made clear so that everyone can ascertain them, then nobody will vote more cheerfully than I in favor of legislation that will prevent gambling, just as I am

protesting now against legislation that may interfere with industry. [Applause.]

Mr. MOON of Pennsylvania. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Chairman, I am as heartily in sympathy with the motives behind this amendment as any gentleman upon this floor. If we could by our vote in this House enact a law to prevent the purchase of stocks, cotton, corn, or wheat, or the sale by any person of property which he does not own for purely gambling purposes upon the market, I should vote in favor of it. The question with me is whether this bill accomplishes the purpose for which it was offered, or whether it would not do things directly opposite to the wishes of those who favor it. For instance, it would be impossible under the plain terms of this proposed amendment for any newspaper to publish any account of any stock transaction or give the daily quotations and transactions of the stock, cotton, or grain exchanges, because, while if all that has been stated here is true, many, perhaps most, of those transactions do not involve actual transfers of ownership or possession, it would not be possible for that newspaper to know which of those transactions were genuine, or whether, in any case, the parties intended that there should be an actual delivery of the stocks, bonds, grain, or cotton purporting to have been the subject of the contract.

Mr. GARRETT. Will the gentleman yield?

Mr. OLMSTED. I have only three minutes.

Mr. GARRETT. Then the newspaper would not be guilty.

Mr. OLMSTED. Then nobody would be guilty, for if anybody is included here by name it is the newspapers. They dare not even publish an account, they dare not under the terms of this proposed amendment even refer to stock gambling. That is under the very terms of this amendment—

Or publication of any kind or character referring or relating to what is commonly called "dealing in futures, stock gambling," etc.

Under the very terms of the amendment a newspaper could not lawfully go through the mails if it contained the usual reports of the transactions of the exchanges which are considered among the most important items of news. When two people make a contract which on its face contemplates an actual purchase, sale, and delivery of an article of legitimate commerce, how can a newspaper or any third party determine that the real intention was something else? The entire amendment reads thus:

That no letter, postal card, circular, book, newspaper, pamphlet, writing, or other publication containing any advertisement, notice, account, or record of any contract which is made for future delivery of any product or products of the soil, minerals, meats, stocks, bonds, or anything whatsoever, tangible or intangible, without agreeing and intending that the article or stock or asset which is the subject of such contract shall be actually delivered or received in kind, or relating to any contract wherein any party thereto in whose behalf such contract is made acquires the right or privilege to demand in the future the acceptance or delivery of such article or asset without being thereby obligated to deliver or accept same; and no check, draft, bill, money, postal note, money order, or other instrument of payment or obligation for any such contract or transaction hereinabove defined; and no notice, letter, writing, or publication of any kind or character referring or relating to what is commonly called "dealing in futures," "stock gambling," or other names or terms intended to be understood as relating to such contracts as are herein described, shall be deposited in or carried by the mails of the United States or be delivered by any postmaster or letter carrier.

That whoever shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than $5,000 and imprisoned not more than two years, and for any subsequent offense shall be imprisoned not more than five years. Any person violating any provision of this section may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed.

Now, the question with me is whether the amendment—which I do not believe was drawn by the gentleman who introduced it; he is skilled in the use of language to accomplish his purpose—the question with me is whether this amendment if put upon the statute books would not nullify itself; would not do more of injury to the cotton planter, the sugar grower, the producers of mineral, the owners of stocks and bonds, than it would do of good to anybody.

The very quotations upon which the planter relies to know what his crop is worth or what he can obtain for it, and thus be protected against sharpers, could not be published in safety by any newspaper in the United States if this amendment were enacted into law.

Mr. GAINES of Tennessee. Will the gentleman let me ask a question?

Mr. OLMSTED. Certainly.

Mr. GAINES of Tennessee. Can not we adopt this amendment and then further perfect the amendment here in the House or in conference, instead of having no law upon the subject?

Mr. OLMSTED. I do not believe in legislating or adopting a bad measure or one that does not accomplish what we desire in the hope that it will be amended somewhere else. The better way when we adopt a measure is to have it as nearly right as possible in the first instance.

Mr. GAINES of Tennessee. Could it not be done both ways? Is it not a perfectly legitimate method of doing it and is it not done on a great many bills?

Mr. OLMSTED. It is legitimate to adopt an amendment which does not accomplish your purpose if you choose to legislate in that way, but it is very bad legislation. When we are by legislation creating new statutory offenses affecting a wide range of subjects, very important interests, and many thousands of people who may become liable to its heavy penalties of fine and imprisonment, it is particularly important that we legislate with such care and precision that there can be no doubt of our intention and no doubt that the enactment will effectuate that intention.

Mr. MILLER. Mr. Chairman——

The CHAIRMAN. The Chair desires to state to the committee we are proceeding under the five-minute rule, and the gentleman from Pennsylvania has been yielded time——

Mr. OLMSTED. I will cease at the end of three minutes.

The CHAIRMAN. The gentleman has already consumed four minutes.

Mr. OLMSTED. Then I withdraw one minute of my remarks.

Mr. MOON of Pennsylvania. Mr. Chairman, what time is there at the disposal of those who favor the amendment?

The CHAIRMAN. Ten minutes for those who favor the amendment and eight minutes for those opposed.

Mr. MILLER. Mr. Chairman, I desire to say a word in favor of this amendment, but I do not want to take up the time which legitimately belongs to the gentleman from Tennessee, the author of the amendment. I can not express what I desire to say in less than three or four minutes.

Mr. GARRETT and others. Go ahead.

Mr. MILLER. Mr. Chairman, I want to express my gratitude to the gentleman from Tennessee in permitting me to speak in his time. I have listened with a great deal of pleasure to the distinguished gentleman from New York [Mr. COCKRAN], and I agree very heartily with him on the subject of gambling in stocks and grain, and I think with him that it is a great evil. The facts are, I know of no greater evil in America than the evil of gambling in stocks and grain, and I believe that some time Congress will legislate so as to destroy that evil or in a large degree minimize the effect of the evil, and I think that is a legitimate work for us to do at this time.

It is argued by gentlemen here that this matter ought to be referred to a committee and carefully considered by a committee of this House. That means no legislation of any kind. It means that the evil shall continue to exist.

The matter was called to the attention of the House of Representatives some months ago by the gentleman from Tennessee [Mr. GARRETT] when he first gave notice of his amendment, and he even gave notice of the language of the amendment, so that this Committee on Revision of the Laws and every Member of this House has had full opportunity to examine this amendment for the purpose of determining whether it would accomplish the purpose sought to be accomplished by the gentleman from Tennessee. And it is a remarkable thing, it seems to me, that able lawyers on the floor of this House, the distinguished gentleman from Pennsylvania [Mr. OLMSTED], if you please, who is an able lawyer, and the distinguished chairman of the Committee on Revision of the Laws [Mr. MOON of Pennsylvania], that they did not give to this amendment the careful consideration it ought to have had and at this time be ready to present to the House an amendment to that amendment that would accomplish the purpose intended by the gentleman from Tennessee. [Applause.] And if that had been done, we could have legislated without doing any injustice to any legitimate enterprise whatever.

I do not believe the amendment offered by the gentleman from Tennessee will accomplish all that he hopes for, but I think it is an amendment in the right direction, and when adopted by this House it goes to a conference committee, and that conference committee, consisting of able lawyers, as it will, one of them being the chairman of this Committee on Revision, and in whose legal ability I have the greatest confidence, will re-

port back to this body and the body at the other end of the Capitol a law that, in my judgment, will do away with gambling in stocks and grain, and in that way we will get the legislation the country demands and that it is entitled to at this time. [Applause.]

Mr. PARSONS. Mr. Chairman, I hope the committee will not hastily adopt this amendment. In the State of New York we raise $5,000,000 of our state taxes by tax of transfers of stock. Most of that comes from the transfers that take place on the stock exchanges. Our governor has appointed a commission to find out what the evils are and recommend legislation necessary to weed them out. I do not understand that Governor Hughes regards the mass of transactions from which the State raises such a large revenue as illegitimate. All he aims at are the evils. He insists, as in so many matters he has wisely and courageously insisted, that before legislation there shall be deliberate study. That is what we should have here. There is disagreement on the most elemental facts. Germany legislated on the subject twelve years ago, but has changed its legislation recently. Its experience should be studied. I mention these matters in order to call to the attention of the committee how important it is to go slowly and how important it is that this matter should first be thoroughly investigated.

Mr. Chairman, I ask permission to extend my remarks in the RECORD, so that I may have printed in the RECORD an article from yesterday's New York Times, giving Governor Hughes's letter appointing the New York commission, and also three articles by Professor Emery, of Yale, two of them dealing with the German law attempting to regulate speculation on exchanges and the other dealing with the general question of regulating such speculation.

Mr. OLLIE M. JAMES. I would like to ask the gentleman a question. Is stock gambling tolerated in New York because the State gets $5,000,000 out of it yearly?

Mr. PARSONS. No; it is not; but there are kinds of stock speculation in New York that are considered legitimate.

The CHAIRMAN. The gentleman from New York [Mr. PARSONS] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. PARSONS. I desire to print the following from the New York Times of December 15, 1908:

HUGHES INQUIRY INTO WALL STREET—COMMITTEE OF NINE BANKERS, LAWYERS, ECONOMISTS TO INVESTIGATE EXCHANGES—WELL-KNOWN NEW YORKERS—EX-MAYOR SCHIEREN, PROFESSOR CLARK, S. H. ORDWAY, HORACE WHITE AMONG THOSE ON THE COMMISSION.

ALBANY, *December 14, 1908.*

Governor Hughes to-night announced the appointment of a committee of the State bearing upon speculation in securities and commodities, or quire into the facts surrounding the business of exchanges in New York and to suggest "what changes, if any, are advisable in the laws of the State bearing upon speculation in securities and commodities, or relating to the protection of investors, or with regard to the instrumentalities and organizations used in dealing in securities and commodities which are the subject of speculation."

The committee named includes Horace White, author and editor; Charles A. Schieren, merchant, formerly mayor of Brooklyn; David Leventritt, former justice of the supreme court; Clark Williams, state superintendent of banking; John R. Clark, professor of political economy in Columbia University; Willard V. King, banker, president Columbia Trust Company; Samuel H. Ordway, lawyer, New York; Edward D. Page, of New York, member of the firm of Faulkner, Page & Co.; and Charles Sprague Smith, director of the People's Institute, all of New York City.

The commission is to serve without compensation, and it is understood that all have signified their willingness to act. The commission has been asked by the governor to report as early as practicable.

THE GOVERNOR'S LETTER.

To each member the governor to-night sent the following letter:

"GENTLEMEN: At the last session of the legislature I recommended that provision should be made for suitable inquiry into the facts relating to speculation in securities and commodities, with the view of ascertaining the manner in which illegitimate transactions might be prevented and legitimate business safeguarded.

"As I stated in accepting renomination, I had in mind in making this recommendation such an expert inquiry as was made into banking conditions, the result of which was the passage of highly beneficial measures. In this Commonwealth, the vast commercial and financial transactions of which represent the activities of the entire country, it is of the utmost importance that legislation affecting business and exchange should be the result of deliberate study and that we should neither threaten business stability by ill-considered measures nor, on the other hand, invite agitation or impair confidence by ignoring abuses and by failing to provide suitable correction.

"It is with this view that I request you to act as a committee for the purpose of collating facts, receiving suggestions, and making such recommendations as may seem to you fitting with regard to the following question:

"What changes, if any, are advisable in the laws of the State bearing upon speculation in securities and commodities or relating to the protection of investors, or with regard to the instrumentalities and organizations used in dealing in securities and commodities which are the subject of speculation?

"WITHOUT COMPENSATION.

"It is not my intention to limit you in the consideration of any phase of the matters submitted, and I am confident that your carefully formed opinions, being those of men known for their interest in public questions and their acquaintance with affairs, and accredited to the community by high reputation, will be of the greatest value.

"I must ask this public service without offer of compensation or indemnity for expense, as I have no authority to subject the State to any obligation in connection with your appointment. But I know that your generous action in serving the community will be highly appreciated and will afford another and most welcome illustration of the public spirit of our citizens.

"I shall be glad to receive your report at as early a date as you may find practicable. I have the honor to remain,

"Very respectfully, yours,

"CHARLES E. HUGHES."

Governor Hughes recommended to the extraordinary session of the legislature this year that a similar commission be appointed, but the legislative committee to which the recommendation was referred failed to report it.

In his speech of acceptance, to which he refers in his letter, Governor Hughes said, in part:

"I have no sympathy with fanciful schemes for the regulation of business with arbitrary legislation. But it is important to the maintenance of business stability and to the prosperity of honest enterprise that suitable opportunity should be afforded for the proper dealing with all questions that are presented, to the end that such remedies may be provided as, after competent consideration, may be found advisable."

APPENDIX A.

THE RESULTS OF THE GERMAN EXCHANGE ACT OF 1896.

The German exchange act has now been in operation for more than a year. It is the most elaborate attempt ever made to regulate speculative markets, and as such is worthy of careful attention, especially in view of the demand for similar legislation in other countries. In the United States the "antioption" movement has temporarily subsided, but its reappearance is probably only a matter of time. In France a similar agitation is making itself felt, and the ministry has already promised a commission of inquiry; while it is not improbable that a similar course will be followed in England. In these countries the agitation seems chiefly confined to speculation in food products. In Germany, however, the movement has been more far-reaching. The new act is not a single experiment, but a group of series of experiments which include at one point or another pretty much all the methods that have been suggested for the control of speculation. In considering the results of the act, I shall not attempt a systematic treatment of its main provisions,[a] but shall deal chiefly with the later developments in its operation, with special reference to the difference between German and American conditions.

1. GENERAL CHARACTER OF THE EXCHANGE ACT.

The immediate events that led to the enactment of the law were certain disastrous banking failures in Berlin in 1891, which involved excessive speculation and fraudulent treatment of clients. In 1892 a commission of inquiry was appointed by the Imperial Government, and was intrusted with a consideration of the whole subject of the Bourse. Despite objections that might be urged regarding the make-up of the commission and its methods of procedure, its report is an authoritative and impartial utterance, and the accompanying evidence constitutes the most valuable collection of information to be found regarding exchange business in Germany. The printed evidence covers 3,600 folio columns, and includes the testimony of bankers, brokers, merchants, millers, manufacturers, lawyers, economists, and journalists. Besides this mass of material, there is a considerable body of special reports and statistical collections.

The report of the commission appeared in 1893 and at once aroused great interest. Having been intrusted with the duty of making practical suggestions, to serve as a basis of legislation, the commission did not hesitate to recommend decided reforms. In its report the German readiness to provide government regulation and control was evident. Its suggestions were greeted by the opponents of the exchange as half-hearted and by its friends as useless interference. The attitude of the commission was, however, one of comparative moderation. Its recommendations aimed at a better organization and control of the exchanges, a diminution of speculation on the part of outsiders, and a greater protection to the investor against the issuing of worthless securities. The commission recognized, however, that the development of a large body of dealings for future delivery is a normal incident of commercial evolution, that such dealings are necessary in modern commerce and that it is impossible to distinguish the desirable from the undesirable trading by any outward forms.

The relation of the act, as passed, to the proposals of the commission shows what tendencies furnished the real strength of the movement toward "reform." The bill as it came from the Bundesrat was more radical than that prepared by the commission, and made clear that the Government was prepared to take steps toward meeting the demands of the agrarians. Even these concessions, however, were useless to put off the war of extermination that was demanded by this party. In the Reichstag the agrarians made an onslaught on the speculative system, and forced the Government to accept proposals far more radical than it had been prepared to advocate. The chief of these was the prohibition of future trading in grain and in "industrial" securities. For the time being these radical clauses overshadowed in importance the rest of the act, which in many respects embodied the ideas of the commission. In fact, the original measure, which was chiefly devoted to the conditions of the stock exchange and was the result of an agitation caused by stock speculation, became in process of enactment more especially an attack on the produce exchange. The agrarians cared much less about the stock exchange than about speculation in food products. It was this form of speculation which they believed to be especially injurious to their own interests. Their arguments were identical in thought and language with those of the antioptionists in this country.

The act was passed June 22, 1896, but, with the exception of a few clauses, was not to go into effect until January 1, 1897. The act, however, was not complete in itself, but was to be supplemented by orders and rules issued by the different bodies which, under the act, were to exercise control over the exchanges. It is necessary, then, in

[a] This has already been done for American readers in the admirable article by Dr. Ernst Loeb in the Quarterly Journal of Economics for July, 1897, to which reference may be made for details of the act not considered in this place.

the first place, to consider the manner in which the new act divided this authority.[a]

The primary authority over the exchanges was placed in the hands of the state governments. These might, however, transfer the immediate supervision and control of each exchange to the chamber of commerce [b] of the municipality where the exchange is situated. In any State where a minister of trade existed it was he who was to exercise the authority of the state government under the act, and this authority was to be in no way diminished on account of the part played by the local chambers of commerce.

The state government, among other things, was required to issue or approve an ordinance for each exchange, and to appoint a commissioner for each exchange, who, as the representative of the government on the spot, was to be charged with the general duty of seeing that the law was enforced. By the side of this general power given to the state governments reserve powers of importance were vested in the Bundesrat, which was empowered to exempt any exchange from the provisions regarding a state commissioner and from those regarding price quotations, and to regulate "future" dealings in particular commodities and the admission of securities to trading. To represent the Bundesrat in these matters an exchange commission was provided, to consist of at least 30 members, elected in part from nominations by the chambers of commerce and in part representing agricultural and industrial interests. There was furthermore required for each exchange a commission charged solely with the question of admission of securities to trading. The organization of this commission was left by the act to be determined by the different exchange ordinances, and in Berlin the exchange ordinance turned the matter over to the Aeltesten-Kollegium.[c]

With this system it might be supposed that the exchanges would be left to elect their own officials without interference. But under the act the state governments have the right to provide for the representation of agricultural interests in the governing boards of produce exchanges. The Prussian Government saw fit to exercise this right, and the ordinance for Berlin required that 5 representatives of agriculture and 2 representatives of the milling business should be appointed by the ministers of agriculture and of trade and industry, respectively. As will be explained later, the secession of the produce dealers from the Berlin Exchange interrupted the carrying out of the project, but it may be well to illustrate the system of control by considering the situation in Berlin as it would have been if acquiescence had been complete.

The Berlin Exchange is a single exchange with two departments, one for stocks and one for produce, and its governing board is a single body. Under the provisions of the act this body would have consisted of 39 members—15 elected by the members of the exchange who deal in securities, 9 by those who deal in produce, and 8 by the Aeltesten-Kollegium, with 5 appointed by the minister of agriculture and 2 by the minister of trade. The exchange is, by its ancient organization, under the supervision of Aeltesten-Kollegium; by the late act it comes also under the supervision of the government commissioner, and is subject to the orders issued by the minister of trade. It is at the same time under the eye of the exchange commission representing the Bundesrat, while the Bundesrat may at any time issue orders affecting its most vital interests. Furthermore, all questions as to the admission of securities are subject to the judgment of still another separate commission. This extraordinary multiplication of authorities has been carried even further by an order issued by the Prussian minister giving certain functions to still other officials—for Berlin to the president of the province of Brandenburg and the city of Berlin, and for other exchanges to the presidents of the provinces in which they are situated.

In accordance with the division of control, certain ordinances supplementary to the original act have been issued by the different authorities. The Bundesrat isued two in 1896, regarding the quotation of prices and the listing of securities; and the state governments have at various times issued both general orders and special regulations for individual exchanges.[d] Thus, the minister of trade and industry issued an order for Prussia November 14, 1896, and one for Berlin December 4; while very substantial changes were made by him in the regular rules of the Berlin Exchange, approved December 23, 1896. In this connection may be mentioned the enactment of a new law (the so-called Depotgesetz) in July, 1896, concerning the deposit of securities with brokers or bankers. This was passed as supplementary to the exchange act.

II. THE EFFECT OF THE ACT ON THE PRODUCE EXCHANGE.

The drastic measures against the produce exchange naturally absorbed public attention at the time when the law went into force, and it will be well to trace first the course of events that followed the prohibition of futures in grain.

Section 48 of the law defines "exchange dealings for future delivery" (Börsentermingeschäfte) in the case of securities or commodities as purchases for delivery at a certain fixed time or within a fixed period of time, when made according to trade rules adopted by the governing board of the exchange for future trading, and when for such transactions on the exchange in question there is an official determination of prices. And section 50 prohibits exchange dealings for future delivery in securities of mining and manufacturing companies and in grain and mill products. It also empowers the Bundesrat to forbid such dealings in any other commodity. What the outcome of this prohibition would be was a matter of much discussion and anxious anticipation. That the grain dealers would at once give up future trading was not to be expected, and the feeling was general that a new organization for informal trading would be formed.

Before the act went into effect a new question came into prominence. As already said, the Prussian Government, acting under authority given in the act, decided to appoint representatives of agriculture and of the milling business to serve on the governing boards of the exchanges of Prussia. About the same time charges were publicly made by some of the Agrarians that false quotations for grain had been deliberately put out by certain exchanges, notably that of Halle. Such attacks on their honesty, combined with the determination of the Government to force outsiders into the governing boards, roused the produce dealers to a high pitch of anger. They felt that the Government was taking an attitude of hostile suspicion and was appointing spies to insure honesty on the part of their elected officials. Up to this time the smaller exchanges had not looked with entire disfavor on the prohibition of futures, which it was hoped would drive some business from Berlin to the local "spot markets." These events, however, brought them into line in opposition to the Government, and in the last days of December two or three of the smaller exchanges (Halle, Mannheim, and others), rather than comply with the law, gave up their organization. In Berlin the action of the dealers was somewhat dramatic. Elections of the members of the governing board were to come off in December. The Aeltesten-Kollegium and the stock exchange each duly elected its quota to the board, but the produce dealers refused to elect. This left the produce exchange without organization. On the 1st day of January the grain dealers left the exchange building in a body, giving up all membership and privileges in the exchange, and proceeded to take up their quarters on the opposite corner in a variety theater known as the "Fairy Palace." This exodus was ostensibly a protest against the attempt to force the representatives of agricultural interests upon their board. On the following day the stock exchange adjourned to pay their seceding brethren a visit and to cheer heartily their course of action. Thus the appointees of the ministers were left without any presiding board to belong to and without anybody to preside over.

The new body organized in the Fairy Palace as the "Free Association of the Produce Exchange," which was an already existing body widened to meet the new exigencies. A reorganization soon took place, and the name "Free Association of Produce and Grain Dealers of Berlin" was adopted in order to avoid altogether the word "exchange." A vigorous press discussion followed these events. The exchange party talked much of injured honor and the maintenance of their independence.

The agrarian press held up the refusal of the grain dealers to admit agriculturists to their board as proof that they were afraid to have their true methods brought to light. In this discussion the main point, the question of future dealings, was temporarily obscured. Could such dealings be legally continued or not? It is not unfair to say that the agitation over the appointments to the boards was to some extent a mere pretext of the grain dealers for their secession, which was really carried out to enable them to continue their future dealings. The grain dealers maintained that their new dealings did not fall under the prohibition of the act. That prohibition was only of "exchange dealing for future delivery;" while their trading, it was argued, did not constitute "exchange dealing." They were not organized as an exchange, there was no official determination of prices, and no use was made of the trade rules of the produce exchange. In fact, the printed contract forms adopted by the new organization contained the express declaration that the established usages of the grain trade were not there in force. All business was done under the general commercial law governing delivery on contracts. The established methods of settlement and clearing and other similar conveniences were given up, and the business reverted to the methods employed before a long period of speculation had perfected the market machinery. The object of this action was, of course, to avoid the prohibition as it was worded in the act.

Under these conditions business went merrily on. There had been stagnation and uncertainty at the close of the year, but, the Rubicon once crossed, courage somewhat revived. The press reporters were present to secure the (nonofficial) quotations for publication, and for some months business was carried on much as before. Grain was still bought and sold for future delivery, and the short sale was as common as ever. Yet some influence of the act was felt. In the first place, the cruder methods of business were naturally a check to expansion, while the uncertain nature of the whole proceeding kept outsiders from coming into the market as freely as before. The falling off in the amount of trade, however, was not greater than might occur through other causes during dull times.

In the meantime the first excitement quieted down, and a more moderate discussion was carried on in the press and by pamphlets as to the legality of the business of the fairy palace. There was apparently ample ground for difference of opinion. The question turned upon the definition of an "exchange." If the association of the fairy palace was not an exchange, its business did not fall within the prohibiting clause. Any definition of the word exchange was purposely omitted from the act, a fact that was at once recognized as furnishing plentiful material for a legal contest.[a] In any case the question was a purely legal one That from the standpoint of economics the association constituted a grain exchange, was beyond question. But under German law an exchange had been supposed to exist under the approval and the control of the Government, to have a semipublic nature and to perform a public function in providing an official determination and quotation of prices.

Under these uncertain conditions the Government remained inactive. The agrarian press grew increasingly bitter in its criticism of the Government's unwillingness to enforce the law, and the opposition press delighted in goading them. In the Prussian Landtag the matter came to discussion several times, and the minister of trade was attacked equally by the two factions—by the Liberals for the surrender of the Government to the agrarians in the first instance and by the agrarians for the minister's failure to "enforce the law" and suppress the new organization. It was roundly asserted by the agrarians that, if the new organization were continued, the law would prove a farce. In March the government commissioner on the Berlin exchange advised the Government that the Fairy Palace Association was an exchange,

[a] The principle of external control of exchanges was well established before the passage of this act. There was, however, no uniformity in the application of the principle; and outside of Prussia the control was indeed slight, resting, as a rule, in the hands of a semipublic organization of the merchant body in each locality. In Prussia, in addition to local control, the exchanges were all under the authority of the minister of trade. One of the good features of the act was the establishment of a uniform rule for the whole Empire regarding the organization of the exchanges, though this uniformity may be partly counteracted by varying action on the part of local authorities.

[b] In every German city of any importance the merchant class is organized in a formal body, which receives special recognition from the Government. The nature of these organizations is fixed by a general statute, which grants them certain privileges and imposes upon them certain duties of control in mercantile matters. They are thus at once organs of trade interests, and to some degree organs of public administration. These organizations are usually known as "chambers of commerce." (Handelskammern). The Berlin body is called the "Merchant Corporation," and its authority is exercised through its Aeltesten-Kollegium, or College of Elders, to which frequent reference is made below.

[c] Supra, p. 286, note.

[d] In general, it may be said that the Prussian Government has gone beyond the governments of the other States in the severity of its regulations.

[a] For reasons not very easy to understand, the definition of "exchange trading," given in section 48, was not regarded as of importance in deciding the question at issue.

but it was not till May that the Government moved. In reply to an interpellation by the agrarians, the minister of trade (von Brefeld) had expressed the uncertainty of the Government on the point involved, and had finally announced his intention of taking such steps as would bring it into the courts for decision. Accordingly, May 11 the grain dealers were notified that, as the Government deemed their organization an exchange, they were required by the act of 1896 to send in a set of regulations for the approval of the minister. This the grain dealers of course refused to do. Accordingly, June 11 the police authorities called upon them to give up at once their meetings in the Fairy Palace, on penalty of being put out by force. This at once put a stop to all trading. At last the full force of the law seemed about to be felt.[a] All speculation in grain for the moment ceased. What was to be the outcome?

The immediate results were probably not so startling as had been anticipated. In the first place, the agrarians quickly found a new bugbear. It would be interesting to know what were the feelings of the minister of trade toward these gentlemen when, only two weeks after the closing of the Fairy Palace, he was again interpellated (June 25) regarding his failure to carry out the provisions of the act. The complaint this time was regarding the so-called "Early Exchange" (Frühbörse). This organization consisted of numerous small dealers who met regularly before the opening of the exchange, in a special room of the exchange building, for cash transactions in many kinds of produce. Being chiefly devoted to small dealings on a cash basis, it offered no parallel to the "curb trading" in Chicago, which takes place before exchange hours. It was claimed, however, that the grain dealers had now come into this market and were using it for speculation. The minister explained the real nature of the market and declined to satisfy the agrarian demands by suppressing it as an exchange. The incident is of importance only as showing the temper of the agrarians, and because they have since repeatedly held up the Frühbörse as a proof of the half-hearted way in which the law has been enforced. As to the facts in the case, though some speculative trading may now take place in this market, it is of a "professional" nature and of little economic importance. The organization fulfills none of the functions of an exchange.

With the cessation of speculation the grain business did not cease. Crops are grown and are consumed, whatever the particular machinery of the market. But the grain business entered upon a new phase, owing to the lack of a central quotation of prices. The exchange had furnished a market in which prices for all periods of delivery were fixed, and the local markets throughout Germany had naturally followed the central market in complete dependence. The exchange traders had loudly maintained that the abolishment of the central market would disorganize trade and make all grain business uncertain, because of diverse and fluctuating prices. The agrarians had replied that they wished to make the local markets independent of Berlin speculation and so to fix prices according to "actual" conditions of supply and demand. They certainly accomplished their purpose, so far as destroying the predominance of the Berlin market was concerned. With the closing of the Fairy Palace the grain trade was deprived of all daily quotations that were of value for the whole country. The inconvenience of such a condition to the trading class is evident. The farmers themselves, moreover, soon felt the inconvenience. As the new crops began to come into the market they were left to their own judgment regarding prices. There was no longer a daily exchange price by which to check all offers.

The local higgling of producer and trader had full play. The course of events since then has been largely a series of efforts to replace the quotations of the speculative market by central quotations of another sort. In some cases local trade bodies, in other cases the local governments, have taken the initiative. Several flour exchanges (Mehlbörsen) have been organized in order to secure the publication of regular quotations. Similar action has been taken by two or three bakers' associations. The most important local price lists published have been those of the local boards of agriculture (landwirthschaftskammern) in different districts of Prussia.[b] The crying need, however, has been that of a central price list to serve as a guide to the whole country. It has even been advocated in all seriousness that the Government should establish a bureau to collect local quotations from all quarters, and, on the basis of these, periodically to fix arbitrary central prices. The uselessness of such a policy is apparent.

A central bureau of the boards of agriculture was, however, finally established during the autumn of 1897—not, to be sure, to fix prices arbitrarily, but to collect and publish uniformly the prices registered in actual transactions at many points. The bureau issues, accordingly, a price list of three parts. First are given numberless quotations of local "spot" transactions over the whole Kingdom. This formidable array of figures is of little value. The prices in each place are determined by local conditions, fluctuate in arbitrary fashion, and indicate nothing to outsiders. They vary according to differences in quality (which are many) and according to the special terms of delivery in each contract. The second set of figures consists of prices at a few important markets—Berlin, Stettin, Danzig, and others. These are quotations of actual sales and of definitely fixed qualities, and are meant in some way to supply the place of the earlier exchange quotations. For this purpose they are utterly inadequate. Prices, to be of more than local importance, must represent more than local conditions. In the prices of the speculative market all the changing conditions of demand and supply throughout the world are registered. It is the mistake of the agrarians, and apparently also of the Government, to imagine that they can abolish the exchange and yet maintain such quotations. A demand has been made by the agrarian press and by boards of agriculture for the establishment of a large "spot" market in Berlin, and the Government has declared its intention[c] to do all in its power to secure such an organization. But markets are not made by governmental decrees, nor can a mere traders' market have the influence of an exchange. Without speculation Berlin prices depend primarily on the conditions at that point alone and furnish no such guidance for other places as do prices determined by world conditions. Berlin prices now are only prices at which transactions have been made. They were formerly prices at which sales might be made. That is, the farmer or trader in the country was formerly sure of a market at the quoted price. He had only to telegraph his broker and the thing was done. The difference between these two kinds of prices can scarcely be exaggerated.

The third set of prices published by the central bureau consists of foreign prices. This list can be of only slight importance to the average producer. It is significant, however, of an important effect of the prohibition of future trading, namely, the increased importance to the grain trade of the foreign markets. Formerly the foreign influence acted directly on the Berlin Exchange, which set the price for the whole country. Besides the more careful observation of foreign prices, much German trade has now gone directly to foreign exchanges. In the first place, professional speculators, shut out at Berlin, transferred their operations, to a considerable extent, to Amsterdam and Budapest, and even, it is asserted, to Chicago. These dealings can be carried on by telegraph from Berlin; the foreign brokers, however, get the commissions.

In the next place, the large "hedging" transactions of grain dealers are now placed on foreign exchanges. Grain dealers everywhere now insure the greater part of their purchases by counter transactions on a speculative board. It was predicted that the new act would interfere with this process; but it may be said of the prohibition of futures, as it has been shrewdly said of the prohibition of the liquor traffic, that its success in one State is possible only through its nonexistence in some neighboring State. The effect of this prohibition on the German grain trade would be far more disastrous were it not for the exchanges of Holland and Hungary. It is probable, however, that traders insure less regularly than when the Berlin market existed—that is, in many cases they carry their own risks. The margin between the buying price and the market price is, of course, widened to meet this risk. Under these conditions the advantages are all with the big grain houses. The small dealer finds his position precarious. It is asserted, and the statement is a priori reasonable, that the disturbed conditions make both dealers and millers more cautious in buying, and that this caution reacts to the disadvantage of the producer.

A very interesting question is that as to the general effect of a suppression of short selling on prices. The cry of the antioptionist in all countries is that short selling is the chief cause of low prices. It was thought in some quarters that the German act would furnish a test of this theory, but unfortunately little light has been shed on the question. The prohibition of futures came at a time of rising prices throughout the world, but, in view of the activity of all exchanges outside of Germany, this rise can in no way be attributed to German legislation. The Liberal press in Berlin repeatedly declares that German prices have lagged far behind prices in foreign markets, and attributes this to the absence of the speculative demand at home. The agrarians, however, maintain that German prices are always lower than foreign prices, but that the difference is less now than under the old system. In view of the great differences in grades of grain in the different markets, a difference exaggerated by the present conditions in Germany, any comparison of home and foreign prices is likely to prove misleading. It would be unwise to draw any general conclusions as to the relation between short selling and prices.

The existing conditions are satisfactory to neither side in the dispute. Several efforts have, therefore, been made toward a reconciliation. On July 10 there was a conference of representatives of the grain dealers, of the Merchant Corporation of Berlin and of the Brandenburg Board of Agriculture. Neither side was willing to make any concession. Again in November the minister of trade called a conference, in which, however, the grain dealers refused to participate. At this conference none of the Agrarians expressed a desire to have the act repealed, though there was criticism enough of the existing situation. As beneficial results of the act they claim that grain gambling by outsiders has diminished, that increased importance has been given to local "spot" markets and that prices are determined by local supply and demand, rather than by speculation. Their approval of the last feature, however, seems largely theoretical; for every attempt is being made to secure quotations of a more general value than those of the local markets. The Agrarians, in fact, while not satisfied, are not able (or willing) to trace any of their trouble to the provisions of the law. Their ire, then, is directed to what they deem the half-hearted action of the Government.

In the first place, they complain that a more reliable determination of prices has not been introduced, and demand a compulsory declaration to some authorized body of every sale of grain, stating in each case the quality, conditions of transfer, and price. One can hardly believe that the Government will listen to a demand so antagonistic to private rights and so impossible of enforcement. Compulsory declaration (Declarationszwang) is, however, the slogan of the Agrarians in the press and in parliament; and one of their leaders, von Ploetz, has confidently predicted (in the Landtag, February 25, 1898) a majority for such a measure in the Reichstag.

Their other chief demand is the suppression of such speculation as still continues. Reference has already been made to the charges against the Early Exchange in this regard, but a word should be said of a new development in the same direction. At the time of the closing of the Fairy Palace it was declared that, if the dealers were not to be permitted to meet for their trading, they would still carry it on "from office to office" by the use of the telephone or otherwise. Under such a method anything approaching the free speculation of the open board would be impossible. But an ingenious scheme was devised. An unoccupied hospital was secured, and there the dealers established offices in the adjoining booths. In this close proximity, and with a constant running about in the corridors, they are able to carry on a considerable trade, and yet claim to be dealing, not on any board, but in their private offices. This seems to add the only element necessary to give to the whole proceeding the air of opera bouffe. This establishment arose in the early fall (1897), before the decision of the court was given regarding the closing of the Fairy Palace. If that decision is sustained on the appeal, this trading "from office to office" will be unnecessary. In the meantime it serves as a convenient point

[a] The later history of the police order closing the Fairy Palace is interesting. The Free Association entered complaint against the police authorities and the matter came before the administrative court (Bezirksausschuss) for adjudication. The arguments were such as suggested above. On November 20, 1897, the court gave its decision, to the effect that the Free Association did not constitute an exchange, and revoked the police order of May. The decision was based partly on technicalities of administrative law, partly on economic considerations. *It is sufficient to note* that great weight was given to the fact that no official quotation of prices had occurred under the Free Association and that the published prices had not been absolutely trustworthy. Thus again the official price list was emphasized as an important element in the legal conception of an exchange. The court further decided that, even if the Free Association had been an exchange, the police had no authority to close it. An appeal has been taken to the higher court (Oberverwaltungsgericht), and its decision is awaited with great interest. The grain dealers, however, have not yet seen fit to reestablish their former market.

[b] The Polizei-Praesidium of Brandenburg also issues a price list.

[c] Von Brefeld, in the Landtag, January 25, 1898.

of attack for the disappointed agrarians. The Government, however, declines to take any action in the matter till the final decision of the court fixes the legal position of such bodies. As a matter of fact, the establishment in question affords opportunity for the professional speculators to continue their business only on a small scale. It is far from supplying the place of an exchange or of the former assembly at the Fairy Palace. It has no controlling influence over prices and is of little importance in the real grain trade of the country. If, however, the appellate court decides in favor of the grain dealers, it may prove the starting point for the reestablishment of the speculative market.[a]

III. EFFECT OF THE ACT ON THE STOCK EXCHANGE.

Registration.—Before entering upon a discussion of the provisions of the act relating more specifically to the stock exchange it may be well to consider the fate of the so-called "exchange register." The commission of inquiry, in its report of 1893, advocated the public registration of all persons dealing in futures on the produce exchange. The main object of this provision was to check speculation among the vast body of ill-equipped outsiders, who, for the most part, speculate secretly, and would be very unwilling to have their neighbors and those with whom they have business relations know of their operations. It was thought that publicity would keep a majority of this element out of the market. A small registration fee was recommended, both as an additional deterrent and, at the same time, as a possible source of revenue. The commission, for various reasons, thought such a register should apply only to dealers in produce, but the Reichstag went further and provided a register for both the produce exchange and the stock exchange. Registration was not made obligatory, but it was enacted that a future contract between parties either of whom was not registered should not be valid or enforceable at law. It was further provided that, in the case of contracts between registered parties, neither party in default could plead an agreement of non-delivery in a defense of wager.[b]

At the last moment, after the provisions for registration had been agreed upon, the clause prohibiting all futures in grain was added to the act. Hence, in Berlin, the great grain market, the register for produce dealers was a complete dead letter. No one would register himself as carrying on an unlawful business.

In Hamburg, the center for transactions in coffee and sugar—commodities in which future trading is allowed—the result was slightly different. The Produce Clearing House refused to deal with persons not registered, and accordingly 92 firms, including the leading houses, registered. The advocates of the register, however, had meant to have it reach the large body of outsiders; the registration of commission houses was not regarded as of any importance. But the outside public in Hamburg did not register at all. The Berlin Stock Exchange register proved a like fiasco. In the first year only 60 names were enrolled, and of these 19 were not registered again (in November, 1897) for the second year. Only one name on the list was that of a private individual.[c]

The supporters of the idea of an exchange register—and they were many—were altogether at fault in attaching decisive importance to the legal validity of contracts in such a body as a stock exchange. What they failed to see was that fidelity in meeting engagements there is neither a matter of law nor even, as the brokers claimed, one of honor. It is a question of survival. Business can not continue without it; hence the slightest deviation finds prompt punishment from the exchange itself. In this regard an incident of the Hamburg Exchange is worth noting. In July, 1897, a produce dealer, having lost on a transaction, refused to make good the contract on the ground that he was not registered, and that therefore the contract was not binding. This was an isolated instance of what the framers of the law expected to prove common in case of nonregistration. But the law had also instituted an elaborate court of honor to act in matters of interest to the exchange. That body promptly met and expelled the offending member for dishonorable conduct. The episode has its amusing side, in that one article of the statute created a body which is evidently destined to make another article inoperative.[d]

Membership.—To the American observer the most interesting feature of the exchange organization in Germany is the combination of the elaborate external control described above with a comparatively open membership. The question of the regulation of membership has figured prominently in the discussion over reform. The new act, however, makes few changes in existing conditions. It leaves the regulation of admission to the rules of the particular exchange, specifying, however, certain classes to be excluded from admission in any case. The excluded classes are women, bankrupts, and offenders at law.[e] This restriction can hardly be called onerous. The rules of the Hamburg Exchange grant admission to "every respectable person of the male sex." Any stranger may go to the exchange and make such trades as his cash or credit permits. It is the great meeting place of dealers in all sorts of commodities—of brokers, bankers, shipowners, underwriters, and many others. An exporter receiving an order for a cargo of mixed goods for the Far East can contract for his various goods and for his ship, insure his cargo, and sell his bills, all on the same exchange.[a]

In Berlin admission to the exchange (including the right to transact business) is not entirely unrestricted, as in Hamburg, but still is very free. Not to enter into detail, it may be said that all members of the merchant corporation have a right to entrance cards without any payment and that any other business man of standing can receive a card on complying with certain formalities and paying a nominal fee.[b] Moreover, clerks in the employ of any person entitled to membership receive cards at the request of the employer, but can not trade on their own account.

During the discussion of reform measures before the passage of the act it was proposed in some quarters to elevate the general character of German exchanges by restricting the membership. The proposal, however, met great opposition, as tending to favor the wealthy firms at the expense of the small brokers and to increase the influence of the "money power."

Official quotations.—Much greater attention is paid on the Continent than in the United States to the question of an official quotation of prices. It has already been pointed out that an official determination of prices apparently forms a necessary part in the legal conception of an exchange. That the enormous transactions of the Chicago Board of Trade, for example, should be carried on with no authoritative regulation of the price list seems inexplicable to one accustomed only to the usages of German exchanges. There are, however, some advantages in the German method, and the control of quotations is, perhaps, especially important where the practice of the broker acting as a principal toward his customer is highly developed. This practice will be explained in another place.

It is unnecessary to describe in detail the method of determining and quoting prices.[c] The method formerly differed somewhat on the different exchanges. As a rule, however, the control of prices was in the hands of a special class of brokers. These were the "sworn brokers," a survival of the time when all brokers were public officials under oath. The regulation of prices had been regarded as so distinctly a function of the broker class that when the new class of "free brokers" began to increase in importance this regulation was still reserved to the "sworn brokers." The new act nominally puts an end to the existence of the "sworn broker," but at once reinstates him under a new name as a "quotation broker" (kursmakler). The members of this new class are officially appointed and are under oath.

The official price list is controlled nominally by a committee appointed by the directors of the exchange, but actually by the quotation brokers. In making up the prices these brokers are obliged to consider only the contracts they make themselves. Other transactions may be considered at the discretion of the governing board. The quotation brokers are divided into groups, each concerned with certain specified securities, and no one of them can buy or sell securities outside of his specialties.[d]

Under any conditions it might seem an imperfect method to leave the official price list to be made up from transactions which may represent only a fraction of the total dealings in a given security, for the quotation brokers are not likely to secure a preponderating share of the trade in competition with the private brokers. But to make matters worse, the new act itself, while establishing the class of quotation brokers in such an elaborate fashion, greatly interferes with the fulfillment of their function. This is one of its several similar inconsistencies. The act has increased in decided measure the volume of business done outside the exchanges, transfers being made in the banks themselves, and this has been partly at the expense of the quotation brokers. The more their business dwindles, however, the less adequate it is as a basis for the determination of official prices. This consideration introduces the broader question of the relations of the banks to the exchange and to their customers.

Banks and exchanges.—The great banking institutions in Germany stand in closer relation to the stock exchange than do banks in this country. This is largely due to their composite nature. A Berlin bank of the first rank, besides doing a regular deposit and discount business, deals "on 'change" on commission for a large body of clients, buys and sells great quantities of securities on its own account, underwrites and floats new issues, reorganizes old companies and promotes new ones, and may even buy up a company and carry on its business. It engages in every field of financial activity. A very large part of the commission business in the case of securities is in the hands of institutions of this nature. Consequently, the "stockbrokers," the firms doing merely a commission business "on 'change," play no such important rôle in Berlin as in New York. They are overshadowed by the banks.

According to German law, the broker has in many cases the right to act as principal. Article 376 of the commercial code reads:

"In case of a commission for the purchase or sale of commodities, bills, and securities that have a market or exchange price, the agent is authorized, when the principal has not otherwise ordered, himself to deliver as seller the goods which he was ordered to buy, or himself to take over as purchaser the goods which he was ordered to sell."

This right of entering into the transaction as principal (Selbsteintrittsrecht) in no way alters the agent's claim to commissions and

[a] For lack of space it is impossible to discuss here the effect of the exchange act on the trade in other kinds of produce than grain and flour. The restrictions of the act, though not extending to a prohibition of futures, seem nevertheless to have cut into speculative dealings in coffee, sugar, and cotton, and thus also into trade in the "actual commodity." It is well known that the establishment of future trading in Havre in 1881 greatly increased the coffee business of that port at the expense of Hamburg. The latter city regained its position only by establishing a future trading system also. Now the report of the Hamburg produce clearing house (Waarenliquidationskasse) for 1897 asserts that in the first year of the new act both the real and the speculative coffee trade of Havre have greatly increased in proportion to that of Hamburg. The sugar trade is said to have suffered yet more.

[b] This clause was meant to simplify the legal status of contracts for future delivery in regard to the question of wager; but, if the considerable body of legal discussion over the exact meaning of this clause is any indication, the desired end can hardly be said to have been reached.

[c] Some hard feeling was caused by the decision of the leading banks (those constituting the so-called Stempel-Verein) to register. The great majority of the brokers were strongly opposed to any concession to the vexatious rule and felt bitter at the action of the banks. These, however, argued that the interests of their customers were too important to permit of any risks; a desire was manifested also to convince the Government that the haute banque was in all ways law abiding.

[d] For an account of the court of honor and its functions, see the article by Doctor Loeb cited above, p. 286, note.

[e] To be exact, the third class consists of those who have lost their honorary civil rights (ehrliche Bürgerrechte). This occurs only through one's conviction of some offense punishable by imprisonment, and not even in all such cases. Furthermore, these rights are generally lost only for a specified time, after which the offender may again be eligible for admission to the exchange.

[a] Evidently the Hamburg Exchange is something more than an exchange in the strict sense of the word. This openness to all business, however, has not proved compatible with a large speculative trade, and in recent years various associations have been formed of the dealers especially interested in coffee, or sugar, or cotton, or some other commodity. These associations hold separate meetings, where all dealings in futures take place, and outsiders can trade only through members of the association. Though admission to these associations is comparatively easy, they are a distinct beginning toward special exchanges with limited membership, similar to the American type.

[b] Compare this with the price of a "seat" on the New York Stock Exchange, ranging from $18,000 to $30,000.

[c] In the case of cash dealings on the Berlin Stock Exchange there is an official determination of prices, which is something very different from a mere registration of sales in open market. For this interesting process see Loeb, in the Jahrbücher für Nationalökonomie u. Statistik, 3d ser., Bd. xi; also references in the note at the end of the present article.

[d] It should be said that an official quotation is not obligatory. A security may be dealt in without being admitted to the official list. This, however, occurs rarely in the case of important securities.

costs. As an offset to such privileges, the agent (under the code) had only to show that his price was the market price at the moment of sale. The chances for unfair treatment of the client under these conditions are obvious. In case the bank or broker already held the securities, the highest price for the day could be regularly charged. In case he bought in the open market and the price rose during the day, he could claim that the original purchase was for his own account, and then turn the securities over to his client at the higher price, making the amount of the difference (the so-called "Schnitt") in addition to his commissions. Whatever the exact method adopted, the broker could evidently secure for himself all the advantages of fluctuations within the given time.

The new act attempts to make such action impossible. It does not change much the wording of the code, but adds certain restrictions to it. The clause above quoted remains the same, except that in the case of securities the broker can act as principal only when there is an officially determined price for the security in question. The provision that the price should be the market price at the time of the transaction is supplemented by a clause fixing this time as the moment when the notice of the transaction is sent to the principal. By fixing an exact moment as the time of the transaction, a definite price is established at which the transfer must be made, and a choice from all the prices of the day is no longer allowed the broker. In case of delay in giving notice, no price higher than the closing price may be charged; and, where the order specifies the price of a particular moment (opening price, closing price, etc.) the transfer must be made at that price. A provision of great theoretical importance is that, in case to carry out the order a transaction is entered into with a third party, the client shall be charged no price higher than that of the transaction in question. If, then, the client's securities are purchased in open market, the broker can not take advantage of a later change in price. Furthermore, where formerly, in absence of special notice, the assumption was that the agent was acting as principal, it is now provided that, unless the agent distinctly declares himself as the purchaser or seller, he is assumed by law to have made the transaction with a third party.

Closely connected with these provisions is the act of July 5, 1896, regulating the matter of securities deposited by customers. Formerly securities bought on margin and carried by the broker might be turned into the latter's general holdings and used by him to enlarge his own transactions. The customer had only (in practice) a general demand claim against his broker for a given quantity of the given securities. In this way it was possible for a broker on receiving a purchasing order to pretend to purchase, collect a carrying charge for securities which he did not hold, and use the "margins" of the customer for speculative purposes of his own. Certain cases of gross misuse of deposited securities seemed to make legislation imperative. The act of July 5 requires that securities held in trust shall be kept in distinct parcels, marked with the name of the owner, and used only on the owner's order.

This act and the provisions of the exchange act just considered were apparently wise measures for the control of unquestioned abuses. It is doubtful, however, whether the new legislation will have effects of great importance. In the first place, unscrupulous brokers can defy the law with little fear of detection. The provisions that control the broker in acting as principal will make his operations less easy, by fixing a definite price for his transaction with the customer; and, if there were only one customer to consider, the chances of fraud would be slight. The broker, however, is carrying out numerous orders at the same time, both selling and purchasing orders. To prove that any particular transaction on the exchange was in pursuance of any particular order is impossible; hence the price paid the third party can not control the transaction. In the same way, if notice is sent the customer before the close of business, it is impossible to show just what was the price at the moment of notice, which by law is the price to be charged. With the ceaseless variations of the market, the exact time of any quotation is hard to determine. So in various ways an unscrupulous broker still has opportunity to speculate at the risk of his clients. It is too early to say what the actual result of the new legislation will be. It is stated by some persons well qualified to judge that the restrictions of the law have been sufficient to stop the practice of making a Schnitt. If this is so, there is no certainty that the practice will not be renewed as soon as the first fear of the law wears off.

If we turn, in the next place, to the commission business of the large and honorable institutions, we find little change brought about by the new regulations, save perhaps a vexatious increase in bookkeeping. The regulations were in the main already followed by them in practice. In many cases the securities of customers were kept separately and used only in the owner's transactions. So, too, the banks, when acting as principals toward their clients, completed the transactions at a fair market price, without attempting to make "the turn of the market" at the client's cost. Such action was never regarded as honest by the best institutions. Nevertheless, the provisions of the law are evaded so far as possible, to insure against any possible contests with clients; and thus the fair dealing of the banks depends not at all on the law, but solely on their own integrity. The act regarding deposited securities forbids any waiver of its provisions, except by special agreement in the case of each separate deposit. Consequently, the banks have inserted in all blank forms of contract the printed proviso that the provisions of the act are waived for that contract. By this simple change in the printed blanks the act of July 5 has been made a dead letter. In the same way the clause establishing a presumption that a commission order has been carried out by contract with a third party, unless notice to the contrary is given in advance, is made inoperative. The clause can not, under the law, be directly waived, but the same thing is accomplished by a general statement from the bank to all customers that it in every case fulfills the order by acting as principal. This is made one of the trade rules (Geschäftsbedingungen) that every client must accept. In this way, so far as the legal nature of the transactions is concerned, every "commission order" is nothing but a contract of purchase or sale between the customer and the bank, both acting as principals. At law there is no "commission" about the business at all. There is, then, no longer any force to the provision regarding the price paid in the transaction with a third party, which was to control the price as between broker and client. The counter transactions made by the bank on the exchange are entirely distinct transactions, though of course determined in their amount and nature by their dealings (as principals) with their clients.

The final result is a curious one. The large banks receive large orders for the purchase and sale of securities, carry them out by themselves, selling to and buying from their customers at the market price, and in most cases make counter transactions on the exchange. This puts them into almost the same class as the London jobbers, and enables them to make a distinct jobbing profit. At the same time they pose as commission houses, and charge their customers with regular brokers' commissions and the "usual costs," such as interest and the stamp tax. If a customer puts in a buying order for the next "account," the bank, if it happens to own the securities, may transfer them to the customer, charge him with commission and "costs," charge him further for carrying the securities, and buy back the securities (perhaps at a profit) when he wishes to sell, again charging him with commission.

A very interesting result of these practices is the development of the banks as independent markets for securities. With the great number of their customers in this field, they naturally receive very many buying orders and selling orders that exactly correspond. By acting as principal in every case the bank can offset all such orders without dealing on the exchange at all. Further, the bank is probably an underwriter of several new issues and prepared to furnish these to all buyers. It can also use its own large holdings of securities in temporarily meeting buying orders for which there are no corresponding selling orders, or, in the opposite case, can add to its holdings without inconvenience. In this way an increasing volume of business is being done outside the exchange, and this is greatly stimulated by the restrictions the new legislation puts on exchange trading. The exchange in so far declines in importance, and the large banks, through whom all this business goes, become increasingly influential. The banks still have counter transactions of great extent to make in open market; but these, though determined by the orders received from customers, are also influenced by the operations of the banks themselves. The market becomes increasingly a bankers' market, and the influence of a large part of the outside public is felt only indirectly through them. The meaning of the reference above made to the small transactions that serve as a basis for the official quotations is now clearer. As the banks do not employ brokers to any great extent, their large transactions are perhaps not directly considered in making up the prices. The quotation brokers (and all private brokers, for that matter) complain bitterly of the falling off in their own business due to the large transfers which the banks make in themselves (in sich).

Admission of securities.—Closely connected with the questions involved in the above condition of affairs are the provisions of the new act regarding the admission of securities to exchange trading. These provisions are devised for the better protection of the public against unsound securities, with which the market is being constantly flooded. The first innovation is the provision prescribing for each exchange a commission on listings, one-half of which shall consist of members not entered in the stock-exchange register. The object in view was to have half the members of the commission disconnected with dealings in securities, and hence (presumably) more disinterested. Since the exchange register, however, has proved a farce, this object is not attained under the wording of the statute. It is the duty of this commission to demand from applicants for listing the information necessary to an intelligent opinion on the investment and to see that the facts are put at the disposal of the public. The commission is not supposed in any way to affirm the soundness of an undertaking by granting it a place on the list, but merely to secure an honest statement of conditions from which the investor may form his own judgment. The policy here involved has been the subject of much discussion since it was first taken up by the commission of 1893. Certain extremists advocated a government commission that should pass judgment on the desirability of investments offered to the public. It is not difficult to see the evils that would result from any such official recommendation. The action of even such a commission as is now provided is likely at times to prove misleading to the public.

The act provides for the issue of a prospectus by every applicant for listing, the character of which has been prescribed in minute detail by the Bundesrat in its order of December 11, 1896. A prospectus, as now issued, is a formidable document and fills a large amount of newspaper space. The public has, however, never been accustomed to pay much attention to such statements; and it is to be feared that the formidable dimensions of a prospectus under the new requirements will discourage independent investigation and will merely confirm the natural tendency of the outsiders to "follow their leader."

The protection of the public was further considered in increasing the responsibility of any house putting new securities on the market. Formerly the responsibility fell chiefly on the promoters who framed the prospectus. Now, in case of false statements or a suppression of facts, either purposely or through gross negligence, the underwriters who float the issue are jointly liable with the original promoters. In case of a fall in the price of the security (such fraud or negligence being proved), an action may be maintained against either party to recover the difference between the existing price and the price of the plaintiff's purchase or that at which the issue was first put on the market.

It is too early to tell what the results of these efforts at reform will be, but there is reason to hope that they will prove of real value. Though in some respects they impose vexatious requirements to little purpose, on the whole they constitute a distinct step in the right direction, and have received the support of not a few of those who strongly opposed the act as a whole.[a] The Liberal press is not prone to criticise the Government for undue leniency in enforcing any part of the law; but the action of the Prussian Government in exempting certain mortgage banks from the requirements regarding a prospectus (which under the act it is entitled to do) has called out severe criticism from this quarter.[b]

Another important clause in this part of the act provides that, in case of the transformation of an existing business into a stock company, its securities shall not be admitted to trading until it has been in business one year in its corporate form and has made public a statement for the year. This provision also was framed with a view to the protection of the investor, though it is hard to see why the formation of a stock company to carry on an established business should be more dangerous than the formation of such a company to begin a new business. The first result of this clause was great activity in the formation of new companies before the date at which it was to go into effect, July 1, 1896. In the first half of 1896 a large number of industrial concerns were changed into stock companies and their securities listed. Since then, in view of the new restrictions, the number has been small. It may be difficult for even an honest and solvent company to run its business a year without getting its securities on the market. As the restrictions of the law do not apply to an additional issue of a stock already listed, the tendency is for such concerns to become absorbed in existing companies rather than maintain an independent existence. When an

[a] At a conference of the various committees on listing (zulassungsstellen) held in Berlin in November, 1897, it seemed to be the general opinion that the contents of a prospectus under the new law are too complicated and include too many unimportant details to serve their real purpose.

[b] See the Frankfurter Zeitung, February 18 and March 4, 1898.

established house is changed into a stock company it can turn its securities over to a company already in the field, and these securities may be met through an increased issue by the old company of stock which can be brought into the market at once. These arrangements are made largely through the banks, which more and more are finding a lucrative field in the development of industrial undertakings on a large scale and in the ceaseless amalgamation of such companies. The restrictions of the exchange act have given an added impetus to industrial concentration, and not least in its influence has been the clause requiring a year's delay in the listing of the securities mentioned.

A less important but more striking effect of this clause was the formation, before the act went into effect, of companies especially designed to take over the securities of such concerns as came under its restrictions. In some cases these companies were confined to particular fields of enterprise, as "general electric" companies and the like. A more extreme type is illustrated by a Dresden corporation known as the Stock Company for General Industrial Purposes (Aktiengesellschaft für allgemeine Industrie). These companies increase their own stock in proportion to the securities taken over by them, and put this stock on the market at once. In this respect they have some of the features of a trust. The new issues are not trust certificates, but they represent securities of separate companies, and form an object of speculation in their stead.

Dealing for the account.—Finally, we may consider the workings of the clause prohibiting all exchange dealing "for the account" in certain classes of securities. The results of this clause are none the less interesting for having been confidently anticipated by everyone at all familiar with the nature of exchange transactions. Prior to the act business on the German stock exchanges had been conducted according to London rather than New York methods. The difference is familiar. In New York "futures" are practically unknown on the stock exchange. Almost all transactions are for delivery on the day following the contract. Speculative buyers who are unwilling to take the securities over for cash provide for their being "carried" at a fixed carrying charge. Short sellers, conversely, borrow their stocks for the next day's delivery. In many cases, of course, this amounts to the same thing—that is, those who have bought and are not ready to take over the securities loan them to the short sellers for the deliveries which they are bound to make. Settlements and clearings occur daily, and loan contracts run indefinitely from day to day. In London, on the other hand, transactions are "for the account"—that is, for the fortnightly clearing. In Berlin the methods are the same, except that for most securities the account is at the end of the month. Transactions are said to be pro ultimo. These are distinctly time dealings. The Berlin operator may speculate on the fluctuations of a month and wind up his transaction before the monthly settlement, in the same way in which the New York dealer can speculate on the ups and downs of a single day. Such contracts are like the "futures" of the produce exchange, except that the time of delivery is fixed for a specific day.

Such being the conditions of business, the act forbids all "exchange dealing for the account" in the case of securities of mining and manufacturing undertakings, and in all cases where the total capital stock is less than 20,000,000 marks. The question of the need of speculative dealings in securities of a smaller total than this need not be raised at this point. This attempt to prohibit time dealings in industrial securities is a radical step. It rests upon the belief that speculation in such shares does not serve the same economic purpose as speculation in, say, public funds, and also upon certain experiences in the manipulation of these securities not unlike our own experiences with "industrials." To overcome the prohibition of the clause in question, two ways were open. In the first place, the question as to what constituted exchange dealing for future delivery was as indeterminate as in the case of grain; and, following the lead of the grain dealers, "trading for the account" might have been arranged with a view to avoid its classification as exchange trading. This would have involved giving up the existing rules, the machinery of clearing and the official quotation of prices. But for the stock exchange a much easier way was open. Instead of avoiding exchange trading, it was far more convenient to avoid future trading. This was accordingly done, and a system of cash trading in the specified securities was substituted for the previous transactions "for the account." It was well understood before the act went into effect that a policy of this kind would be adopted. The report of the commission of inquiry some years before had emphasized the fact that speculation in securities does not depend upon the method of dealing for future delivery, and that the New York Exchange furnishes an example of speculation on an enormous scale without time dealings. Hence the commission had declared impracticable the prohibition of time dealings in any class of securities. The Reichstag, however, was blind to such obvious facts.

Before the act went into effect the brokers' companies (Maklerbanken)[a] and the leading banks had arranged a definite policy and had sent to their customers printed regulations regarding the new form of trade in industrial securities. It was announced that customers might place orders for cash purchases or sales, and that the securities would be carried for the purchaser's account or securities provided for him if he had none for delivery. All settlements were to be made at the end of the month. Of course interest charges for carrying have now to be reckoned into the account. It is worth noting that it is provided by many of the banks that, where there is an interest charge against the customers, it shall be 1 per cent above the prevailing bank rate; and where the interest is in the customer's favor, it shall be 1 per cent below the bank rate.

The new arrangement is evidently like the New York method in principle. It works, however, very differently in some respects. Since the banks fill every order by acting as principals, there is no necessity for such active borrowing of stocks and money as follows the close of each day's trading in New York. The customer who sells short, for example, is merely debited with the given amount of stock on the books of the bank. The bank, with its large body of customers, will generally find such a sale offset on its books by a corresponding purchase. Such balances as remain which the bank does not wish to carry itself will determine its counter transactions on the exchange.

[a] The Maklerbanken are stock companies that enter into relation with free brokers and guarantee their contracts. A broker connected with such an organization brings purchaser and seller together only through the medium of the Maklerbank. If he receives an order to buy, he at once fills the order by giving up the Maklerbank as seller, and only then does he secure a selling order, whereupon he gives up the Maklerbank in turn as buyer. The broker has the benefit of improved credit, and the Maklerbank makes its profit from a division of the commissions.

Thus the provisions of the act that aimed at the suppression of speculation in an important class of securities have succeeded only in changing the form of that speculation.[a] Doubtless in some cases the speculation has diminished, since as yet the public is not used to the new procedure. It also works to the disadvantage of the customer. How far any inconvenience will be felt in the future it is too early to say; but it may be confidently asserted that if economic conditions demand an increase in the issues of "industrials," there is nothing in the present arrangement to check an active speculation in such securities. As it is, trust certificates do not come within the limitations of the law. A test case was made of the dynamite trust, which claimed to be not a "manufacturing company," but merely an organization for the ownership of securities of manufacturing companies. This claim was allowed by the governing board of the exchange in Berlin, and trading by the old method continued.

The ultimate results of the exchange act can not yet be determined, but its immediate results are sorry enough. It aimed to stop speculation in grain; and in the effort to do so it has disorganized the grain trade, increased the risks of all dealers, deprived farmers of reliable central quotations, driven business to foreign exchanges, diminished the importance of Germany in the grain markets of the world, and, last, but not least, engendered bitterness and strife between different elements of society that may affect political issues for years to come. All this might have been worth while if it had been accompanied by the suppression of the gambling propensities of any considerable proportion of the population. But of the former outside speculators on the Berlin Exchange some have transferred their dealings to foreign markets, some find an opportunity still open in the new hospital exchange, some have turned their attention to the stock exchange, while others doubtless find consolation in "playing" the state lottery or in other devices for the gratification of the gambling instinct. It would be unfair not to credit the law with some check on gaming transactions, but it would be unwarranted optimism to think that the partial suppression of merely one form of gambling can be very far-reaching in its moral results.

When we turn to the stock exchange we find little reason to believe that the outside public has diminished its operations. Where speculation has been made difficult at one point, it has increased at another. The recently published bank reports for the year 1897 show a material gain over 1896 in the earnings of the large banks from commissions. Against this should be put a probable loss on the part of the smaller brokers.

Looking at other provisions regarding the stock exchange, we find many harmless regulations and some desirable ones. Those, however, from which the most good was expected have shown themselves of little use. The exchange register is a farce, the prohibition of futures in industrial shares is completely evaded, the regulation of the commission business is incapable of enforcement, and so on. The most important net result of it all is the way in which the whole scheme plays into the hands of the large banks. This fact is reiterated in every financial letter and every bank report. The provisions chiefly responsible for this have been described above. They only accentuate a movement already very marked, and one fraught with great advantage as well as with grave dangers. But it is a strange commentary on this class of legislation that such provisions as those regarding the listing of securities, commission dealings, and the trade in industrial shares should have been passed by a legislative majority that was actuated by suspicion and hostility toward the "money power."

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APPENDIX B.

Ten years' regulation of the stock exchange in Germany.

CONTENTS.

The three evils of speculation, page 5; The three methods of regulation, page 7; Provisions of the act of 1896, page 8; Importance of time dealings, page 9; Effect on the produce exchange, page 12; New forms of contract on stock exchange to evade law, page 13; Legal uncertainty, page 15; Decisions of courts against new methods, page 16; Effects of act, page 17; Confessed failure, page 18; Fluctuations and manipulation increased, page 18; Undesirable public not excluded, page 20; The new act of 1908, page 22.

The German Government has just repealed (April 9, 1908) certain stringent provisions of the law of 1896 enacted to control speculation in stocks. This has been the result of a vigorous agitation and lengthy discussions, especially in the last few months. In the same period there has been a widespread demand in favor of restrictive legislation in this country, a demand which has had the rather vague support of the President and of the governor of New York. It is, perhaps, not to be wondered at that these two opposite movements should occur at the same time, but it would certainly be inexcusable for Congress or any legislature to move rashly without a consideration of the failure of the German experiment; for it must be admitted that the German law has proved a double failure. It has been a fiasco so far as accomplishing its purpose is concerned, and it has produced evil results that were not intended. A brief examination of the workings of the act of 1896 is not only timely, but teaches also a permanent lesson as to the dangers which lurk in legislative regulation of financial methods, even after the careful consideration which was given to some parts, at least, of the German act.

The real and supposed evils of speculation may be summed up under three heads:

(1) The manipulation of prices (in the case of commodities) to the detriment of the consumer or producer. Sometimes it is the dread of corners and the extortion practiced against the consumer which calls out the criticism. More often, however, the criticism comes from the producing interests, who claim that the prices received for their com-

[a] It seems to be the general opinion in Germany that the substitution of cash dealings for time dealings will always bring about an increase in the width of price fluctuations. It is said that this has resulted in the present case. Loeb (in the Quarterly Journal of Economics, 1897, p. 423) gives as two reasons for this the smaller amount of the transactions and the absence of a strong, short interest to maintain prices on a fall. This doubtless applies in the case of a cash business that is unfamiliar to the public and unperfected in its workings, as is the case in Berlin, but it is not inherent in the form of cash trading. The dealings of this nature in New York are enormous, and the shorts have the same steadying influence there as under a system of time dealings.

modities are reduced by the supposedly nefarious practices of the short sellers.

(2) A similar manipulation is charged in the case of stock speculation. This may affect the innocent investor unfairly, or it may have the result of making a given industry too dependent on stock-market influences in its management. This was the feeling which led to an important section of the German act. It was thought that certain industrial enterprises were being run altogether too much with an eye to stock fluctuations and too little with an eye to technical efficiency. The same feeling has found frequent expression in this country, especially as to certain railroads and "industrials" in recent years.

(3) The third evil is the demoralization which extends over a wide public from their indulgence in speculation beyond their means and in a purely gambling spirit.

What shall be said of these three classes of evils? The evils of manipulation are enormously exaggerated. It would be idle to deny that there is any such thing as "rigging the market," but it very seldom lasts long enough to injure the farmer or the consumer. The speculators may be hurt by the tricks of their rivals, and the millers or spinners sometimes growl because of the tactics of the dealers in the wheat or cotton markets, but these are interests which know pretty well how to protect themselves. Certainly no reasonable argument can be made for the claim that speculation reduces prices to the producer. On the contrary, the exact opposite is the case, since it reduces greatly the margin between the farm price and the price of the central market. This, however, is not the place for a discussion of the beneficial effects of speculation. It is only necessary to indicate in passing that the first class of evils is largely imaginary and calls for no interference to protect an innocent public.

The evils of the second class are somewhat harder to estimate, but are also doubtless exaggerated. It is true that in individual cases corporations have been managed with a view to making money out of the fluctuations of the stock, rather than by increasing their earning capacity. It is true that sometimes the influence of "the stock-exchange end" has seemed to absorb too much the energy and attention of directors, but it is very hard to draw any sharp line of distinction. The two things can not be separated, and it should be remembered that, barring absolute fraud, the fluctuations are but the inevitable reflection of the effects of management. In most cases it is not the speculative activity of stocks which affects the character of the management, but the character of the management which affects the speculative activity.

The evils of the third class it would be difficult to exaggerate. Important as the benefits of speculation are, they are purchased at this fearful cost. Everyone must wish that the evils could be abolished. Only the ignorant person, however, supposes that this can be done easily or that it necessarily calls for legislative action. Two questions arise: First, whether or not the evils of "outside" speculation are a necessary cost of the benefits of speculation, i. e., whether the elimination of outside speculators would interfere with the performance of the natural economic function of speculation; and if not, whether, secondly, any measures may be devised which will really remove the evils or check them without interfering disastrously with the course of legitimate business. The experience of Germany throws important light on both of these problems.

As there are three classes of evils, so there are three possible methods of regulation:

(1) To distinguish between the different kinds of transactions, permitting some and prohibiting others.

(2) To distinguish between different kinds of securities or commodities, permitting exchange transactions in some and forbidding them in others.

(3) To distinguish between different classes of speculators, allowing the practice to some, but not to others.

The German exchange act of 1896 aimed to reach all the above evils and adopted all three methods of regulation. It is not proposed here to go into a history of that act or to refer to any but its most important provisions.[a] It should be said, however, that the original bill was the result of a very remarkable inquiry made by a special commission, whose report constitutes the most important body of material on the whole subject of speculation. The proposals of the commission, recognizing as they did the necessary and legitimate function of speculation in modern business, were relatively moderate. In the Reichstag, however, the agrarian party had the upper hand and much more radical provisions were included in the act as finally passed. Without considering the regulations providing for a closer government supervision of exchange dealings, we may note at once the three most important provisions:

(1) All "exchange dealings for future delivery" (Börsentermingeschäfte) in grain and flour were forbidden.

(2) All "exchange dealings for the account" (Börsentermingeschäfte) in the shares of mining and industrial companies were forbidden.

(3) An "exchange register" was established in which was to be entered the name of every person who wished to engage in exchange transactions for future delivery. Contracts made by two persons entered in the register were declared binding and exempt from the defense of wager. Where either party was an unregistered person the contract was void.

The object of this last provision is obvious, namely to exclude undesirable persons from the field of speculation. At first sight it seems a simple and at the same time ingenious device, the assumption being that clerks, cashiers, professional men, in fact most of the so-called "outside public," would be unwilling to publicly announce themselves as indulging in speculative transactions, by entry in the register, while dealers or brokers would not dare to do business with unregistered persons because of the danger that such parties would fail to settle in case of loss. Thus at a stroke the undesirable element would be eliminated and speculation confined to the professionals of adequate knowledge and capital. The complete failure of the experiment will be explained below.

The two former provisions, it will be seen, turned on the distinction between different commodities or securities. The prohibition of futures in grain aimed to do away with the first supposed evil, the depression of prices from short selling, while the prohibition of futures in mining and industrial shares was intended to remove the second danger mentioned above, undue speculative influence in company management. Before considering either of these let us note the way in which the first method of regulation—that is, discrimination between different kinds of transactions—came to be introduced. This requires a brief explanation of certain peculiarities of German methods of dealing on the exchange and of certain German legal conceptions.

[a] For a fuller account see references at the close of this article.

In the first place it should be noticed that on the German exchanges, as on practically all exchanges in Europe, stocks are dealt in by time dealings similar to the "futures" in our grain markets. On the New York Stock Exchange practically all contracts are made "regular way," i. e., for delivery the next morning. If the purchaser wishes not to pay for his stocks at once, he must borrow money on the stocks in order to carry them. If the seller is trading on the short side, he must borrow the stocks (putting up the money) in order to make delivery. On the Berlin Exchange the custom had always been to buy or sell per ultimo, or "for the monthly account," as it is called in London. This means that delivery and payment were postponed till the settlement day at the end of the month. Under this method there is no "option" of a month in which to make delivery as in the case of wheat futures, but the transaction is a future contract with a fixed time for delivery. In case the trader wishes to operate for a longer period he can easily shift his contracts ahead at the end of the month by means of "contango" transactions (Prolongationsgeschäfte).

As a result of this fact, speculation in stocks as well as in produce had come to be associated in Germany with the idea of time contracts. To be sure it had been pointed out, before the commission and elsewhere, that the two are not essentially connected and that very active speculation takes place in New York by means of cash or "spot" dealings. Despite this, however, it was assumed by the lawmakers that a prohibition of time contracts meant a prohibition of speculative transactions.

In the next place there are certain formalities connected with dealings on the Berlin exchange unfamiliar in American usage. Chief among these is the official quotation of prices by the official brokers (Kursmakler). These points have to be kept in mind if one is to understand the legal problems which arose and the various methods of overcoming the provisions of the act to which resort was made. What the law actually made unlawful were "exchange dealings for future delivery" (Börsentermingeschäfte) (a) for all persons in case of grain and in the case of mining and industrial stocks, (b) for unregistered persons in the case of all other securities. The question then arises, "What are exchange dealings for future delivery?" The famous section 48 of the act attempted to give a formal definition by statute. Such contracts were to be understood to be contracts which (a) provided for delivery on a fixed day or within a fixed option, (b) were made according to the regular rules of the exchange, (c) for which there was an official quotation of prices.

To anyone familiar with the various forms of future dealings on different exchanges, it is evident that the two latter characteristics are by no means essential to such dealings. If the intention was to stop all speculative transactions in the given articles, it was a fatal blunder to specifically prohibit only certain highly technical forms of contract. It was a perfectly simple thing to substitute other forms which would avoid the limited definition of the act. How far judicial interpretation might be extended to cover such substitute forms was, of course, a matter to be determined only by experience. The situation, it will be seen, was this: "Exchange dealings for future delivery" were prohibited altogether for certain classes of articles, and unlawful in any case for unregistered persons. Since, as a matter of fact, the outside public did not register at all, the problem was to devise new forms which would be lawful both for the prohibited articles and for the excluded (unregistered) parties. This might be done by (a) substituting cash dealings for time contracts, or (b) substituting other forms of time contracts for "exchange futures" as technically defined. Both methods were adopted according to the circumstances.

A large part of the discussion over the act of 1906 has centered about the technical legal problem as to how far the new methods were lawful. It is not possible to give in this article any full account either of the new forms or of the legal problems to which they gave rise. A brief summary will be sufficient. In the first place, a word must be said about the prohibition of grain futures, though this article is intended to deal primarily with the problems of the stock exchange.[a]

So far as speculation in grain is concerned, the use of the "spot-delivery" contract alone is evidently impossible on account of the seasonal variations in the supply. Some form of future contract is necessary. But it is evident that contracts for future delivery are made everywhere in the business world entirely independent of speculation. Every manufacturer has occasion both to buy his raw material and to sell his goods for delivery at some future date. Such contracts in general must of course be lawful according to commercial law, and were so in Germany. The grain dealers accordingly resorted to "futures according to the commercial code" (handelsrechtliche Lieferungsgeschäfte). These were distinguished from "exchange transactions" by the fact that the special regulations of any exchange did not apply to them; they were not to be settled through any clearing house or other organization of the produce exchange; no official quotation of prices was made, and the legal provisions as to default by either party differed from those in force in the case of exchange dealings. It is not necessary to discuss these distinctions in detail. Important as they may be for legal purposes, they are not of great importance from the economic point of view, except in so far as they meant a return to old-fashioned methods and a giving up of the conveniences of an up-to-date settlement and clearing process. This is exactly what was at first involved. The problem was to reestablish these conveniences in such a way that it could still be claimed that these transactions were not of an "exchange" character (börsenmässig).

The subsequent events partook of the nature of opera bouffe. In the first place the produce exchange was dissolved by the action of its own members, who left in a body the day the law went into force. They proceeded to do business in a variety theater on the other side of the street. After some months of a restricted and uncertain business, they received notice that their dealings were considered contrary to law and resort was made to a hospital, where by occupying separate rooms the claim might be set up that they were dealing from office to office according to ordinary commercial methods and so under the general commercial law. Besides this, it was necessary to avoid all semblance of having anything like the old exchange rules to govern the transactions, such as rules fixing the units of quantity for sales, establishing "contract grades" as to quality, or fixed periods or "options" of delivery, or finally, an official clearing house for settling contracts and differences. The old provisions as to quantity, quality, and time of delivery could be maintained informally by the tacit agreement of custom. On the other

[a] The evil results of this legislation in the case of the grain trade were discussed somewhat fully by the present writer in an article written ten years ago and referred to below. It was based on the operations for the first year of the act only, but as the events of the last ten years have merely reenforced the opinion there expressed, it is not necessary to repeat the argument.

hand, for a dealer to settle every contract by separate delivery in each case was impossibly burdensome, and even the transfer of a delivery notice subject to indorsement from office to office was inconvenient and cumbersome. Consequently a private agency arose, offering to carry through settlements for those who chose to patronize it. This was a practical reestablishment of the clearing house.

Thus it will be seen that the new methods of dealing were simply the old "futures" in a new and yet somewhat old-fashioned dress. The law had not stopped such dealings. It had merely made them more crude in form, forcing the commercial world to give up the conveniences which experience had shown serviceable. In doing so, however, it hampered the performance of the legitimate function of speculation. This fact the authorities quickly discovered, and even the agrarians, while still denouncing the continued activities of the traders, realized that the complete abolition of the produce exchange had its disadvantages. Trade was disorganized, and the old barometer of market conditions, i. e., the quotation of prices on the central exchange, had disappeared. Strenuous efforts were made to substitute official figures collected and tabulated by an official board, but proved confessed failures. Finally in 1900, after much negotiation, the traders returned to the exchange, still forced, however, to keep to the cruder devices in order to avoid the law, and even then in great uncertainty as to the legal status of their contracts.

In the case of the stock exchange various new methods were adopted. These depended in the first place on the necessity of avoiding the provisions as to mining and industrial stocks, and secondly on the difficulties involved in the requirement for registration. Further, the character of the contracts between brokers or bankers themselves differed from the contracts between these and their customers.

So far as mining and industrial securities were concerned three kinds of contract appeared in the case of business on the exchange.

1. Some attempt was made to substitute the contracts for delivery according to the commercial code similar to those described above for grain. These, however, did not become important for two reasons: First, the absence of public quotation of prices made them nearly useless; and secondly, in view of their doubtful legality (later so declared by the court in the case of such securities) it was easier to resort to cash dealings, since these were not prohibited and were more available for stocks than for produce.

2. The large banking houses resorted primarily to regular cash dealings, with, however, some differences both from the customary cash transactions of the Berlin exchange and also from the well-known New York method. According to the regular methods for cash dealings contracts were settled not according to the prices fixed in each case, but according to an official price which would most nearly equalize the supply and demand. This method was not deemed available for transactions on a large scale, and contracts were made according to the fluctuating prices of the moment as had been the case in dealings for the account. The problem of settlement was not met, as in New York, by borrowing of stocks, but by the maintenance of large deposits of securities in the Bank der Berliner Kassenverein, against which "red checks" were drawn and the final balance struck daily, as in the case of cash deposits in a bank. There was thus a balancing of orders to deliver and orders to receive, as in the case of a depositor's ordinary bank balance. This worked very well for the great banks which could hold large blocks of stock on deposit. The ordinary brokerage concerns, however, were forced to resort to a different method, since they could not afford such holdings of securities and had no such working capital.

3. This method was a somewhat devious device. It might have been expected that the New York method would be adopted, but that method involves difficulties which the German financial world considers very dangerous and which they wished to avoid. The practice of daily borrowing stocks for delivery and money for carrying which prevails in New York necessitates an immense loan fund and leads to enormous fluctuations in the rate on call loans, with frequent money stringencies. This strain the Berlin market could not, or at least would not, stand. Consequently contracts were made which nominally were cash transactions requiring delivery and payment the next day, but under which it was understood that settlement would not be really enforced on time. Still more to avoid the danger of call loans, it was understood that settlement should be regularly postponed to the end of the month.

These contracts differed from the old-time dealings in the important fact that interest had to be paid during the intervening period before settlement; also in the fact that the ordinary machinery of the exchange for settlement and clearing could not be used. Thus they were at once more costly and more cumbersome. But it is evident that they were really time dealings in essence and that the appearance of cash dealings was simply a somewhat flimsy cloak to screen them from the law.

The above methods were adopted for contracts on the exchange, where the main object was to avoid the appearance of time dealings. The contracts between the banks or brokerage houses and their customers were made in the form of "dealings for future delivery under the commercial code." This was due to the fact that the German law regarding agent and principal is much more lenient than American law.

The right of the broker to act as principal (Selbsteintrittsrecht) is well recognized in the case of stock transactions. The exchange commission of 1896 recommended a restriction of this right, but the new law, making no provision against it, really forced an increase of the practice. As shown above, the old-fashioned time dealings were not available for the forbidden securities on the exchange, while cash dealings were too burdensome for the customers. Consequently the transactions of the outside public did not appear in large measure directly on the exchange, but were settled in the brokerage offices themselves. This further drove business to the large banks (who do a regular commission business) because of the greater facilities afforded by their large funds of cash and securities. An additional change was that, since there was no dealing for the account on the exchange floor, cash prices had to be used as a basis for these contracts, and the customer was charged interest till the time of settlement.

In the case of securities in which future dealings were permitted, the only problem was to evade the provision as to entry in the exchange register, since for unregistered persons exchange dealings for future delivery were void. This was done by adopting the general principle of the dealings "under the commercial code." It is not necessary to describe the variations in detail.

The above accounts will indicate the somewhat chaotic nature to which business had been reduced in its effort to clothe itself in lawful forms. The courts had in the main held that such transactions were not wagering contracts, and hence void, unless it was agreed by both parties that delivery was not contemplated and a mere payment of differences was the only obligation incurred. As a matter of fact, no such contracts occur on any reputable exchange in the world, though judges frequently fail to see it. The German civil code went further and made such contracts void where one party intended only to wager "on differences," provided that the other party should have known it. To this was now added the prohibitions of dealings in particular classes of securities and commodities and the provision requiring registration. This latter provision aimed to make the legal question perfectly clear; transactions by registered persons to be lawful, by unregistered persons unlawful. As a matter of fact, as shown by the above account, it made "confusion worse confounded."

Numerous decisions of the highest court were naturally necessitated by cases arising in which the defense of wager was set up by the loser. The first important decision was that of the first division of the Reichsgericht (October 12, 1898). This was a Hamburg case, where shares had been purchased for an unregistered customer "under the commercial code," all resort to the rules of the exchange being excluded in the contract. The court held that the character of a "future" was not to be determined according to the definition in section 48, but rather according to its economic characteristics. The contract was held void. A later decision (October 28, 1899) upheld this decision in the case of a somewhat similar contract under the rules of the Darmstädter Bank. A decision of June 27, 1899, turned on the attempt of the fiscal authorities to tax twice the current account transactions (Kassakontokorrent), described above, on the ground that there were really two sales. The court held that the transaction was a single one, being really a time contract. The question of legality was not directly raised, but as the sole reason for that form of contract was to give it the appearance of a cash transaction, the inference was that it would have been held void.

Under these decisions it will be seen that the dealings with outside customers had no standing in law. The leading banks made strenuous efforts to require registration and to refuse all dealings with unregistered persons, except in the way of pure cash transactions. These attempts failed completely. Not only the general public, but also the smaller brokers and the provincial banks, refused to put their names in what they called the "gambling register." Cash dealings could not be enforced as long as there were those who would take their chances of having customers refuse to meet losses. For twelve years a large part of all business in stocks and grain in Germany has been carried on either without the protection of law, or at least under the burden of legal uncertainty.

We may now briefly consider what the good and evil results of this state of affairs may have been, and what lessons are to be drawn from Germany's experience.

The first evident conclusion is that it is extremely difficult to stop speculative transactions by legislation. It ought to be evident without an appeal to experience. As long as men have the right to own and exchange property, and as long as the value of such property fluctuates, the effort will be made to gain an advantage from such fluctuations. If the attempt is made to prescribe certain forms as illegal, new and evasive forms will be discovered. If the lawmaker is resolved to reach transactions under every form, he is obliged to prohibit contracts which are essential to legitimate trade. In that case such contracts will be made in defiance of law, and merchants will be reduced to the sole protection which the gambler has, the ordinary good faith of the party with whom he deals. It is a fact that speculation can be carried on by means of ordinary commercial contracts. No special devices are necessary, though the ordinary methods of commerce as to settlements and clearings may be more fully developed. To attempt to discriminate between the form of contract in the cases of trade and speculation is simply to irritate and not to cure.

But if legislation can not stop speculation, it can seriously hamper it. The German market was greatly restricted under the operation of this act. This was due to two causes, (1) the necessity of resorting to cruder methods, and (2) the legal uncertainty of many transactions. It is hardly necessary to show this reaction by statistics. Something is indicated by the receipts from the tax on stock transfers, which fell from twenty million marks in 1895–6 to thirteen million in 1902–3. Telegrams received at the offices of the exchanges fell 18 per cent from 1893 to 1902, and in other offices increased 43 per cent. The main question is, Was this diminution of business and consequent narrowing of the market desirable or undesirable? To those who believe that all speculation is bad, any legislation which restricts business of this kind may seem in so far good, even if it has evil effects in other ways. To form an opinion on this point we must consider the supposed evils and the desired improvements. These were given at the beginning of the article under three heads, the prevention of manipulation to the injury of producer or consumer, the prevention of undue speculative influence on industrial management, and the exclusion of the weaker element of the public from the speculative market. Of the demoralizing effects of this legislative experiment on the grain market enough has been said elsewhere. We may turn to the question of speculation in "industrials." It will be recalled that of the possible methods of regulation two were combined in this case, viz: (*a*) a discrimination between forms of contract, since time dealings were excluded and cash dealings allowed, and (*b*) a discrimination between different stocks, since this prohibition applied only to industrial and mining shares. The experiment offers a good test of the two methods. In briefly stating the results, statistical proof will not be given, because to be of any value it would have to be more extensive than space here will allow. The factors, other than legislation, affecting relative prices, degrees of fluctuation, and expansion and contraction of business are too manifold to make partial statistics really significant. It may be said, however, that the views expressed are not determined by the claims of interested parties alone. They go no further, for instance, than the statements of the Government itself in the explanation of reasons for repeal attached to the amendatory bills of 1904, 1906, and 1907.[a] The German Government certainly can not be accused of overfriendliness to the exchanges, and its frank confession of error is all the more significant for that reason. "The prohibition of trading for the account in mining and industrial shares," says the report of 1907, "has proved injurious to the public, without accomplishing its original purpose." Whatever evils of speculation there were, it declares, have been increased by forcing a resort to new methods of dealing. Two factors have combined to make the change, the substitution of cash dealings for time dealings, and the narrowing of the market. The results may be summarized as follows:

(1) Fluctuations in prices have been increased rather than diminished. The corrective influence of the bear side of the market having been restricted, the tendency to an inflated bull movement was increased in times of prosperity. This in turn made the danger of radi-

[a] See references in bibliographical note.

cal collapse all the greater in proportion, as the bull movement was abnormal. The greater funds needed to carry stocks on a cash basis further increased the danger when collapse was threatened. The result was an increased incentive to reckless speculation and manipulation. Says the report in 1907: "The dangers of speculation have been increased, the power of the market to resist one-sided movements has been weakened, and the possibilities of misusing inside information have been enlarged."

(2) The money market has been increasingly demoralized through the greater fluctuations in demand for funds to carry speculative cash accounts. The New York method is held in abhorrence by German financiers, who attribute to it, in large part, the wild fluctuations in New York call rates, the frequent "money panics," and the tendency to reckless "jobbery." In proportion as the new Berlin methods approached the cash-delivery system of New York these evils have appeared there.

(3) The business of the great banks has been increased at the expense of their smaller rivals. The prohibition of trading for the account made it difficult for the latter to carry out customers' orders because the new methods required large supplies of both cash and securities. Furthermore, an increasing share of the business of the large banks came to be settled by offsets among their customers, and the actual exchange transactions became a proportionally small part of the total transfers.

(4) This had a twofold effect. Business within the banks is done on the basis of exchange prices, but these became more fluctuating and subject to manipulation as the quantity of exchange dealings were diminished and were concentrated in a few hands. The advantages of a broad, open market were lost. The object of the act had been to lessen the speculative influence over industrial undertakings. Its effect was to increase it.

(5) Finally the effect of interference, increased cost, and legal uncertainty was to drive business to foreign exchanges and diminish the power of the Berlin Exchange in the field of international finance. The number of agencies of foreign houses increased four or five fold, and much German capital flowed to other centers, especially London, for investment or speculation. This in turn weakened the power of the Berlin money market, so that even the Reichsbank has at times felt its serious effects.

If we turn now to the second great object of the act, the elimination of the undesirable public element from the field of speculation, the confession of failure is even more complete. In one sense the fate of the famous exchange register is laughable, but in a deeper sense it is genuinely sad, for the object was a worthy one and the new scheme was adopted with high hopes. Its failure was inevitable, since it did not remove the temptation to speculate. The men who felt this temptation most, and whose position least warranted their yielding to it, were of course the very last men to have themselves registered. In fact, the whole public revolted. The number of registrations never reached 400, which number would not begin to cover the banking and brokerage concerns. The number of "outsiders" registered never reached 40. Even the conservative banks had to choose between giving up all such business and dealing with nonregistered parties.

Now, as we have seen, speculation in the German market was checked in considerable measure. Was at least this object of exclusion being accomplished; and if so, was it desirable? There is every reason to believe that it worked rather the other way.

(1) The uncertainties of the new situation were most likely to exclude the cautious and well to do from participation in the market. The man of adequate means, accustomed to occasional and reasonable speculative ventures, was more willing to await developments and avoid chances. The reckless gambler of small means was less likely to be disturbed in his practices.

(2) The act aimed to establish legal certainty by means of registration. It proved a direct incentive to fraud. The customer was not legally liable on his contracts; therefore every reckless and dishonest little plunger who could get a broker to trust him could take a "flyer," with everything to gain and nothing to lose. This was made all the more an inducement because the law went further than the law of *wager and* allowed the customer to recover margins from his broker. Cases increased rapidly in the courts and the worst element of the public was active to the relative exclusion of the better. Instances even occurred where a man would play both sides of the market at once through two different brokers and simply refuse to settle on the losing contract.

To make matters worse this germ of fraud infected a superior class as well. It was not only the little gamblers, but too frequently the dealer of repute, the well-to-do merchant, or even the banker, who appeared as defendant in such cases. Business honor, the boasted Glaub und Treue, suffered a severe shock. The law by increasing uncertainties and removing legal protection defeated its own ends and demoralized business until the situation became intolerable.

(3) As affecting this phase of the question reference should be made again to the transfer of business to foreign exchanges. Morally and socially it is as bad for the German public to speculate in cheap mining stocks on the London Exchange as to do so at home. The flow of German funds into the market for South African securities would indicate a further way in which the purposes of the act were defeated.

(4) Finally the question must be faced of the effect of eliminating the public from the speculative market even if it could be accomplished. It is sometimes supposed that such a result would be all benefit with no injury. On the contrary, the real and important function of speculation in the field of business can only be performed by a broad and open market. Though no one would defend individual cases of recklessness or fail to lament the disaster and crime sometimes engendered, the fact remains that a "purely professional market" is not the kind of market which best fulfills the service of speculation. A broad market with the participation of an intelligent and responsible market public is necessary. The writer ventured this opinion some years ago at the cost of considerable criticism. The German experience would, however, seem to bear it out. A narrow professional market is less serviceable to legitimate investment and trade and much more susceptible of manipulation.

After much agitation and continued opposition by extreme agrarian enemies of the exchanges, German business has at last been relieved of these burdens, so far as the stock exchanges are concerned. This article goes to press before a copy of the act of April 9 could be secured, but the act follows in the main the government bill presented last November. It is in a sense a compromise measure. The agrarians yielded no jot on the matter of grain futures. The prohibition remains intact and is backed up by even severer measures. The grain brokers have now threatened to close the produce exchange altogether. They found some comfort, however, in the assurance of the authorities that "hedging" operations would not be considered under the ban of the law, rather cold comfort, however, since "hedging" transactions can not be made, or at least can not be much protection to the merchant without a broad market.

On the other hand, industrial and mining stocks are now readmitted to trading for the account, and, what is more important, the stock exchange register is abolished. For this is to be substituted practically the so-called commercial register (Handelsregister), which includes practically the whole mercantile class, and in which, of course, registration signifies nothing as to participation in speculation. Some attempt at exclusion is, however, maintained. The law still excludes "hand workers," and all such whose occupation does not reach beyond what is called "small business" (Kleingewerb), even if they are included in the commercial register. On the other hand, certain evidently fit persons are admitted even when not registered.

Whether any attempt to make distinctions of this kind between persons will be of any practical value remains to be seen. The courts in this country have sometimes taken the means or occupation of a person as evidence of whether his dealings with a broker were legitimate or gambling. It seems a somewhat dubious method which, logically extended, would lead to much confusion. And yet if the stock exchange world will not assume a responsibility itself, it must expect attempts at interference. When brokers give up trying to entice unfit persons into speculation, when they establish a standard under which no man will act knowingly as agent for a customer who is plunging beyond his means, and when stricter customs as, for example, requiring higher margins are enforced, they will have a better right to protest against the criticisms directed against them. The worst evils of the stock speculation can certainly be better done away with by reform from within than by legislation from without.

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The three amendatory bills are accompanied by the government arguments in favor of reform, and also (especially that of 1904) contain valuable appendices, giving statistics, judicial decisions, and the like. Entwurf eines Gesetzes betreffend die Aenderung des Abschnitts IVdes Börsengesetzes, February 19, 1904. Same title, November 28, 1906. Entwurf eines Gesetzes betreffend Aenderung des Börsengesetzes, November 22, 1907 (Verlag Carl Heymanns, Berlin).

APPENDIX C.

SHOULD SPECULATION BE REGULATED BY LAW?—LESSONS FROM GERMAN EXPERIENCE.

[By Henry Crosby Emery, professor of political economy, Yale University; author of "Speculation on the stock and produce exchanges of the United States."]

President Roosevelt's tentative suggestion in his recent message showed unwillingness on his part to express any opinion as to how speculation might be regulated, but indicated an opinion that has become increasingly widespread in the last few months, that some kind of legislation in restriction of speculation is desirable. It was about time to expect some such general wave of feeling, since history proves that these movements recur at pretty regular intervals. It is a striking fact, however, that the agitation in this regard should become prominent in this country at exactly the time when the German Government has taken steps toward a modification and partial repeal of the famous stock-exchange act of 1896. It shows how little attention is paid to experience in matters of legislation, that many reformers in this country should be so confident in this matter without realizing that the ten-year experiment which has been made in Germany has clearly demonstrated itself a failure.

It is, of course, natural enough that agitation of this kind should arise. The evils of speculation are great and are perfectly apparent. The extent to which outsiders of small means are tempted into speculation beyond their capital, with frequent cases of embezzlement as a result, is something that may give even the most careless a deep concern. The mistake, however, on the part of the public lies in an indiscriminate criticism of all speculation regardless of whether it is beneficial to legitimate business or not, and in the complete failure to distinguish between cause and effect. In most cases speculation is held responsible for conditions which it has in no wise engendered, but which are on the contrary the very causes which have brought speculation into being.

In the first place, it is well to recognize what we mean by speculation. The simplest definition is that speculation consists in buying and selling commodities or securities with an idea of making profits out of fluctuating values. As distinguished from ordinary trade, speculation is concerned with taking advantage of fluctuations over a period of time in the same market, while trade is concerned with the purchase of commodities in one market and their sale in another. This does not mean, of course, that the two markets must be geographically separated. The word "market" here is used as meaning a group of buyers and sellers. The trader may buy of the manufacturer and sell to the wholesaler, or buy of a jobber and sell to a retailer, or as a retail merchant he may buy of the wholesaler and sell to the consumer. All of these different parties may, of course, be situated in the same locality, and yet are distinct groups which constitute markets. Speculation does not deal with permanent differences of price which exist between different markets, but deals with the fluctuations from time to time which take place in the same market. Why do such fluctuations occur? Simply because the conditions of supply and demand are always changing. It is the exception rather than the rule for any article of com-

merce or any piece of property to maintain a perfectly stable value. Since the demand of society is constantly changing, values must constantly fluctuate, and as long as values fluctuate speculation must take place. It is not conceivable that, in a system of buying and selling such as we have, values could go up and down without somebody being benefited or injured, or without men consciously attempting to secure the benefit or avoid the injury by their purchases and sales. Speculation has always existed wherever buying and selling has existed—ever since the days when Joseph cornered the grain supply of Egypt as reported in the book of Genesis. As long as private ownership of property is allowed and the value of property varies, speculation will continue.

There is only one way in which speculation can be stopped altogether, and that is by giving up the system of private property and adopting the socialist state. One of the best books ever written on the subject of speculation was written by the Frenchman Proudhon, sometimes called the "Father of Anarchism." He described accurately and brilliantly the operations of a speculator on the exchange and showed clearly the function of speculation in the modern system. He, of course, was opposed to the whole business because he was opposed to the whole system of property rights, but he recognized much more clearly than many more conservative writers that one is the inevitable outcome of the other.

It will be seen, then, that speculation is not a product of stock and produce exchanges. Speculation existed long before them, and it was only when speculation from natural causes became more and more important that men engaged chiefly in speculative trade formed organizations in order to adopt a general system of rules for the conduct of such business. The real cause, then, of the modern exchange is modern speculation; and the real cause of modern speculation is to be found, so far as commodities are concerned, in the marvelous improvements in the method of transportation and communication which have made the market for staple commodities a world market, in which prices are determined by the conditions of supply and demand of many different sections separated by thousands of miles. Under such conditions fluctuations are inevitably much more dangerous and much less easy of prediction than under the old conditions where each neighborhood was the market for itself. So far as speculation in stocks is concerned, this has been the inevitable result of the enormous multiplication of securities, due to the extension of corporate methods of business, which in itself is the result of huge modern enterprises demanding contributions of capital from a large number of small investors. The material progress of the last half century would have been impossible without such investment. Such investment would have been impossible without the multiplication of such securities of varying values, and the multiplication of such securities inevitably brings about speculation.

Now, since these commodities and securities inevitably fluctuate in price, somebody must take the risk of these fluctuations. The purchase of any piece of property involves risk. The property may fall in value after the purchase has been made. Some forms of property are more uncertain in their value than others, and some particular articles of consumption are of such a peculiar nature that they lend themselves particularly to speculation, but in any case, whether or not we have speculation organized on the exchanges, there are genuine risks here which must be carried. Some people speak as if all dealing in securities should be of a pure investment nature. They fail to realize, however, that investments themselves become speculative in proportion as speculation pure and simple is abolished. Investment means primarily the purchase of income-yielding property in order to get an annual income, rather than to make profits from the fluctuations in capital value; but since capital value does fluctuate, investment involves the risk of loss, and, as will be pointed out more fully below, this risk of loss to the conservative investor is made very much less when he has an active speculative market for the disposal of his property.

Still another distinction that must be made is that between speculation and gambling. In the broadest sense, of course, there is a gambling elements, not only in all bets but in all our activities. If gambling means simply the taking of unreasonable risks, almost every act of our lives might be accused of having a gambling element by those whose opinions as to what risks are worth while differed from ours. To build a factory in the hope of making money, to purchase a yacht in the hope of having pleasure, to go on a summer vacation, to go to a new play at the theater, to take time to listen to a sermon by a new clergyman, each of these may in a sense be said to be "a gamble." We can, however, make a sharp distinction between risks which directly involve money profit or loss and those which do not. All business risks are of the former kind. There are, however, other risks which may be taken, such as betting on cards or on horse racing, where money risk is involved. The peculiarity of such forms of gambling, however, is that the money risk is artificially created and is not a necessary part of the original action. This is not true in the case of buying and selling property. Every transaction of buying and selling necessarily involves a risk. Betting on merely incidental results of particular contests is the assumption of a risk which did not exist before the bet was made. It would seem as if a fair distinction of this kind might be made, speculation being defined as the assumption of inevitable business risks of fluctuating values; gambling as the assumption of purely artificial risks in connection with some fortuitous event. It is true that on the part of a great many people speculation and betting are undertaken from the same gambling motive, and yet the results are so different in both cases that it is needlessly confusing to speak of the two as if they were one and the same thing.

The distinction appears more clearly when we realize that all kinds of artificial games may be devised for betting purposes. On the other hand speculation never arises artificially. Wherever it has vitality it is always the result of natural causes. Men can not speculate in any kind of commodity. They can only speculate in certain commodities in the case of which the natural conditions of supply and demand are such as to demand it. Speculation on a large scale in commodities began in this country in cotton at the time of the civil war. In the case of wheat it began when the market for wheat became a world market and therefore an extremely uncertain one. That speculation can not arise artificially is proved from the fact that it does not occur in commodities where these conditions do not prevail. There is considerable speculation in coffee but no speculation in sugar, the reason being that the conditions of supply in the case of sugar in this country are determined by a single corporation which fixes the price. On the other hand, on the Continent, where the conditions of supply are different, speculation in sugar is important. A learned German scholar who made a careful investigation of the history of the rise of speculation in all its forms stated as his final conclusion that speculation arose everywhere in response to natural causes and to supply an actual need.

Given then these genuine risks which result from our modern economic system, it at once appears that a certain portion of the population are inevitably attracted by the possibilities of profit which inhere in the existence of such risks. Those who are naturally speculative in temperament gravitate inevitably toward speculative ventures. They wish to take big chances in order, if successful, to make big gains. Here arises a serious evil. The speculative temperament does not always go with good judgment or ample means for carrying out transactions of this kind. On the contrary the opposite is very likely to be the case. Hence arise all these evils referred to above in the way of a large amount of so-called "stock gambling" on the part of those who have no business to run such risks. But besides men of this type there are also men of large resources, with knowledge and experience and great shrewdness, whose temperament leads them into transactions on a large scale in the way of assuming risks of this kind. There are some people who would have us believe that, no matter what the character of the person concerned, all such speculative dealings are undesirable. Let us look, however, at the other side of the picture.

Just as those of a speculative temperament are willing to assume risks of this kind, those of the conservative temperament, on the other hand, are able to avoid them. The speculators have appeared as a separate class for the assumption of risks which otherwise would have to be borne by the ordinary business man himself. No better illustration of this can be given than the so-called practice of "hedging" in the wheat market. What some ignorant people like to refer to as the "old-fashioned, conservative method" of wheat dealing consisted of the merchant buying wheat of a farmer, shipping it to a distant market and selling it at such a price as he could get. This, instead of being a conservative kind of business, was an extremely risky kind of business. In the same way the miller in the old days bought his wheat, made his flour, and then sold it at such a profit as he might secure. This again was a very risky business since the price of wheat might rise or fall by a large amount between the time of its purchase and the sale of the flour. To-day practically all regular wheat merchants and millers hedge against any such risks by making countersales or purchases in the speculative market. When a miller buys wheat to turn into flour he promptly sells short on the exchange to a speculator, and when he sells his flour he covers his short line. As a result he is unaffected by the price fluctuations in the world market. Whether the price in the world market goes up or down, what he makes on one transaction he loses on the other, and he is thereby enabled to do a genuinely conservative business and secure the ordinary profits of the manufacturer. This is true, in lesser measure, wherever there is a speculative market for any article of commerce. Wherever there are men who are always willing to take the chance of buying the article or selling the article, the position of those who do not wish to take chances is made just so much easier. They can at any moment shift the risk.

That this has been a great advantage to the farmer no person who knows anything about the facts can possibly doubt. In the old days a dealer would not think of buying wheat from the farmer at anything like the price at which he could sell it, less the cost of transportation. He had to allow a large margin for the risk of falling prices, and ordinarily would offer the farmer from 5 cents to 10 cents a bushel under the ruling price in the central markets. At the present time since he can at once make a hedging sale by telegraph on the Chicago Board of Trade, the dealer will buy the farmer's wheat on a margin of 1 cent a bushel or less. The difference between these two margins redounds to the benefit of the farmer.

The same thing holds true of the stock market. The small investor, whose money is absolutely needed for the carrying out of many of our great enterprise, is entirely at a loss as to where to invest his money unless he has the guidance of some expert market opinion. If there were no organized market for securities in which men were constantly buying and selling in the effort to take every advantage of the fluctuations, many men would have to make a large part of their investments in complete ignorance of the nature of the enterprise in which they were investing. It may be said that they do this to-day, which is true enough in the sense that the average small investor in railroad or industrial securities knows nothing about the business or the possibilities of dividends from any knowledge of his own. What he does know, however, is that a large body of shrewd and capable men on the lookout for any change in industrial conditions have, by their purchases and sales, registered a price which represents the market opinion as to the value of that security. He therefore can buy it with a fair degree of confidence. Furthermore, the slightest change in the conditions of the company in question will be reflected by a change in the price of the security. If the market is continuous, and no market for securities can be continuous except a speculative market, he has the opportunity to change his investment at any moment and always at the market price, which reflects the opinion of the moment.

It is evident, then, that this division of society into the speculative and the conservative elements, although it may bring havoc to certain persons in the speculative group, has very important advantages in the opportunities for careful and intelligent action on the part of the conservative group. In so far as we do away with business which is purely speculative, we make all business, whether in the purchase of commodities or investment of capital, more speculative than it otherwise would be.

There are those who fail to see altogether the natural function played by speculation in meeting these inevitable price fluctuations, because they are convinced that speculation is itself the cause of price fluctuation. Nothing could be more misleading than this latter statement. It is true that when speculation is active it has its effect on prices, which sometimes rise or fall because of purely speculative elements, but primarily the speculation is the result and not the cause of fluctuating prices. This again is proved by the fact that speculation only arises in the case of certain articles or securities. It is impossible to artificially start speculation in a security the value of which is naturally stable. It would be possible to do this if it were true that speculation is the cause of the unstability of prices. Of the many securities dealt in on the New York Stock Exchange relatively few are what is known as "active stocks." The majority of them are dealt in to a much smaller extent and are subject to much smaller fluctuations. The reason for this is that the character of these securities is better known, their likelihood of yielding dividends much more certain. Many securities which are now inactive were once the most popular for speculative purposes. The reason of the change is not that the whim of the speculator has changed, but simply that they have passed through the ordeal and have proved themselves of stable value.

Many securities which are now active will doubtless go through the same career.

It is perhaps a debatable question whether or not speculation tends, on the whole, to lessen the extent of fluctuations. It doubtless increases their frequency, but theoretically the effect should be to lessen the extremes. In an active speculative market there are always those who, when stocks are soaring, keep a cool head and look forward to the time when the reaction must come. These men are the much maligned short sellers, who, by selling short, keep the price from going as high as it otherwise would. On the other hand, when the slump does come, stocks do not go as low as they otherwise would, because the covering sales of the short sellers come in as a supporting factor in the market. The claim is made, on the other hand, that the excitement of speculation, and sometimes the manipulation of big speculators, will lead to extreme prices in one direction or the other which would not arise under much more normal conditions. It is very hard to prove statistically how far speculation acts in the way of moderating fluctuations, because of the many other factors that affect values at any particular time.

On the whole, the argument is in favor of those who believe that speculation tends to lessen the extremes of variation. Certainly the worst cases of highly inflated values, as also of complete collapses, have come in the case of securities not dealt in on the stock exchange. In this connection valuable testimony comes from Germany. The act of 1896 forbade all sales for future delivery in the matter of mining and industrial securities. This did not stop speculation in such securities by any means, but it changed the method by which such speculation was carried on; it hampered the normal trading in such securities in the speculative market, and, whether or not solely on account of this hindrance, the succeeding years show much greater fluctuations in prices than had occurred before. That this hindrance was in large measure the cause of the wider fluctuations may be pretty readily accepted when we recognize that the Government itself, in its explanation of the bill introduced last November to repeal this prohibition, stated as its reason for doing so the fact that the prohibition had entirely failed in its purpose and had led to even more speculative fluctuations than had occurred before. Certainly the German Government, in view of all that it has done in the way of restriction, can hardly be accused of being a mere advocate of the stock exchange. What is more noteworthy in this regard is the effect of changing from a broad and continuous market to a restricted market. Not only in the case of those securities in which such dealings were forbidden, but in the case of many other securities as well, it was shown in time of crisis that the fluctuations in Berlin were much more severe than in London or Paris. In the absence of evidence to the contrary it may be assumed that the restricted character of the German stock market, brought about by repressive legislation, was the reason for this condition.

The real problem, then, regarding the regulation of speculation is whether or not it is possible to take such action as will secure the benefits of speculation and exclude its evils. This involves two separate problems—first, as to how far certain kinds of speculative business may be set off as undesirable; secondly, how far certain classes of speculators may be excluded.

If we attempt to discriminate between different speculative transactions, we at once meet a difficulty, namely, that so far as the form of the transaction is concerned there is absolutely no difference between the form adopted in desirable and undesirable transactions, or, as is sometimes said, "legitimate" and "illegitimate" speculation. Criticism is commonly made in reference to three points: The delivery of the article, short selling, and buying and selling on margin.

A. It is commonly supposed that delivery is not made in the case of a large proportion of transactions of the stock and produce exchanges. This is a decided error. Anyone who buys or sells on the regular exchange enters into definite property obligations. If he buys wheat for future delivery, he is absolutely obliged to receive the wheat when the delivery of it comes round, unless he exercises the privilege, which prevails everywhere in the business world, of transferring his contract to another party. He may of course sell the same quantity of wheat before the delivery time, in which case the person from whom he buys may deliver direct to the person to whom he has sold. In the same way, if he has sold wheat, he is absolutely obliged to make delivery and must purchase an equivalent amount for the same delivery in order to make good on his contract. In the case of stocks immediate delivery is required on the New York Exchange, and, whatever the outsider may think he is doing, as a matter of fact his broker is obliged to receive the stocks and make payment in case of a purchase, or to borrow the stocks and make delivery in case of a sale. There is no such thing known on any of the reputable exchanges as a contract under which delivery is waived.

Furthermore, exactly the same form of contract is employed by those who are buying for investment as by those who are buying for speculative purposes. It is impossible to put the finger upon any single transaction within the business series and say this is legitimate and this is illegitimate. One obstacle to an understanding of this lies in the way in which transactions are cleared through the clearing house; but an attempt to prove the legitimacy of the method of clearing would be useless to one who does not understand the way in which bank transactions, for instance, are cleared. It is as ridiculous to say that the clearing of many contracts for delivery on the stock exchange, and the settlement of these transactions by a payment of balances, both of stocks and cash, indicates that such transactions are not of a perfectly genuine nature as it is to assert that because the clearing house for the New York banks arranges for an offset of checks and the payment of only a small balance of cash, therefore the banking business in New York is not concerned with legitimate business. It is sometimes pointed out that the total sales of wheat, for instance, are greatly in excess of the annual crop, and therefore that a large quantity of this must be mere "wind."

The same thing can of course be proved regarding any other commodity. The number of overcoats sold, by multiplying the sales of manufacturers to jobbers, jobbers to wholesalers, wholesalers to retailers, and retailers to consumers, may be shown to be several times the number of overcoats produced in the country, and it would be as sensible to say that a large part of the transactions in overcoats represents simply "wind." Speculation could continue without a clearing house, and, in fact, the New York Stock Exchange was very late in adopting this device. Nothing as to the legitimacy or illegitimacy of transactions can be determined from the mere adoption of an up-to-date business method.

B. It should hardly be necessary to prove that short selling is an entirely honorable and absolutely necessary practice. It is strange, however, that even in fairly intelligent publications we should so frequently see the statement that "it is wrong to sell something which the seller does not own." As a matter of fact, this is a most common practice in all lines of business. The manufacturer sells goods before he has produced them, the builder contracts to deliver a house at a certain date which he not only does not possess, but for which he has not even bought the raw materials or hired the labor. The clergyman contracts to deliver the sermon for a price, although the sermon has not been written. If contracts for future delivery were to be limited in all cases to delivery of things already in possession of the contracting party, business would be hampered in a thousand different ways. There is absolutely no reason why a wheat dealer or a flour dealer should not make a contract for the delivery of his commodity three months from date knowing perfectly well that he can fulfill the contract by securing the necessary article. To call this ethically wrong is simply ridiculous.

Furthermore, the very advantages of a speculative market which have been enumerated above require active short selling as an essential part of the machinery of a continuous market If there was no bear element in the market to offset the bull element, none of the beneficial effects of speculation on prices could be secured. Contrast, for instance, real-estate speculation with speculation in securities or commodities. In the case of land speculation there can be no short selling, because each piece of real estate has a separate character. Consequently, we see again and again the evils which result from an entirely uncontrolled land boom sending prices to an absurd point, followed by a sudden and immediate collapse, at the end of which prices go down without limit. In the case of organized speculation with short selling, however, this is impossible. Before boom prices get too high the short seller is active in making sales which check the advance, and when a slump comes these same men support the market by their covering transactions. The short seller is not only a justifiable figure in the speculative market, but an absolute essential one.

C. Margin speculation has unquestionably many evils. Men with gambling instincts can use margin speculation to play for higher stakes than if they were limited to the amount of their capital, and unquestionably this practice has become dangerously widespread On the other hand, it is useless and undesirable to attempt to make a distinction between transactions according as to whether they are carried out on a deposit of margin or not. This again is a perfectly legitimate practice in other fields. Many a poor man buys his house by a payment of a margin and giving a mortgage for the balance. Our whole system of transactions on credit would have to be given up if we were to lay down as a general principle the rule that no man should buy anything which he is not able to pay cash for on the spot. Perfectly legitimate transactions can be made either in real estate or potatoes or wheat or securities by the payment of only a portion of the purchase price at the time the contract is made. What actually takes place is that the balance of the purchase price has to be borrowed. The broker carries the stocks for the customer and charges him interest, and he in turn probably has to borrow on the collateral of these stocks in order to get the funds himself. Speculation on margin is nothing more than speculation on borrowed means, and, even if the practice of buying on margin were not allowed, the same thing could be accomplished by borrowing money and purchasing outright. The present method, to be sure, facilitates the practice, but there is no essential distinction between the two.

Nothing that has been said above is intended in any way to justify bucket-shop trading. Bucket shops are betting establishments pure and simple, with no actual delivery and no restriction on the character of dealings. By allowing "customers" to deal in 5 or 10 share lots on a 1 per cent or 2 per cent margin they enormously increase those evils, which are bad enough already in the case of the stock exchanges. This evil of speculating on margin is largely a matter of degree. To put up 1 per cent in cash and borrow 99 per cent is, on the face of it, an irresponsible practice. It may well be questioned if the 10 per cent margin of the stock exchange is not lower than should be allowed. Probably if the members of that institution could bring themselves to change their rules to the extent of requiring 25 per cent in all cases, they would remove a good deal of the evil without seriously hampering legitimate business.

Great then as the evils are which result from the facility with which men of small means can borrow through this practice of using the purchased securities as collateral, there is no way whatever of distinguishing the desirable from the undesirable transactions on this basis. No general legal regulation could be made which would not severely hamper many kinds of perfectly legitimate business on the stock exchange and in commercial markets everywhere.

It will be seen then that since the form of transaction is in all cases the same, any attempt to discriminate between them would be fraught with very grave danger. Furthermore, it should not be forgotten that there is very close connection between speculation and what some people would call "real commerce" in distinction to speculation. No one can properly understand the real meaning of the speculative market who can not grasp the idea that it is commerce which makes speculation and that speculation can not exist apart from genuine business. On the contrary, speculation and the machinery of the speculative market have arisen as devices for facilitating real commerce. Consequently a restriction of the speculative market almost always involves a curtailment of trade in real commodities. The illustrations of this, historically, are numberless. Back in the fourteenth century it is reported that the town authorities of Yarmouth attempted to stop speculative jobbing in herring, with the result that the whole herring business—that is, the commerce in real herring, left the town of Yarmouth and went to neighboring towns where methods of business were unrestricted. From that time to the present similar instances all point in the same direction. The coffee business was at one time centered in the city of Havre. Interference there with the freedom of speculative transactions drove the business to Hamburg, and the interference with speculation in Germany in the last ten years has tended to reduce the importance of Hamburg as a center for the real coffee trade, and to increase the importance of London. Ten years ago Hamburg did twice the business of London. To-day London does more business than Hamburg.

In the same way the speculation in securities is bound up in the closest way with the whole matter of the investment of capital and the accumulation of the necessary means for carrying out great industrial enterprises. Just in so far as the stock market has a speculative clientele, it becomes an open and broad market; and just in proportion as it becomes an open and broad market, it facilitates the disposal of great issues of stocks and bonds which are necessary for the carrying out of the industrial undertakings of the present age. The limitation of this broad market must inevitably prove a hindrance in the financing of the most legitimate enterprises, and any interference with the freedom of speculation must inevitably lessen openness of the market.

The conclusion from the above is that if we attempt to secure the benefits, while restricting the evils, of speculation, through discriminating against certain kinds of transactions, we find it impossible to really discriminate in any way according to the form of the transaction, while inevitably, by restricting the forms of commerce and of commercial methods, we put a severe handicap on entirely legitimate enterprise.

If we turn now to the second problem under this head, namely, the question of excluding a certain type of speculators, we can not fail to realize that if this can possibly be done it would be from many points of view a very desirable action to take. The question, however, is an extremely difficult one. What rules can we lay down as to the fact that John Doe shall be allowed to speculate and Richard Roe shall not? One of the most interesting facts of the German act was the serious effort which was made to accomplish this result. No more genuine effort in this regard was ever made, and yet the act has proved a confessed failure in this regard. The scheme adopted was that all people wishing to deal in the speculative markets should have their names registered in an exchange register. It was then provided that all transactions carried out for unregistered persons should not be binding, and the customer could escape the obligation by advancing the defense of wager. It was supposed that this would have the result that the outsider would not dare to publicly announce himself as a speculator through registration, and the broker would not dare to deal with an unregistered party for fear of loss.

It must be admitted that this feature, among others of the act, seriously reduced the amount of business done, but there is every reason to suppose that it checked legitimate business fully as much, if not more, than the kind that the reformer wished to exclude. In the first place, it was certainly a high price to pay for the desired result, even if accomplished. It had the effect of stimulating fraudulent speculation in the place of honest speculation. As a matter of fact, the outsider did not stay away from the speculative market, but found that the brokers inevitably were obliged to take their chances in order to carry on business. Hence, it simply had the effect of stimulating the whole dishonest element to enter into speculative transactions, since, in case of gain, they could claim the profits and, in case of loss, could throw the defense of wager in the broker's face. In fact, under this act of course it would be possible for a man to play both sides of the market and take his profits in the one case and refuse to meet his losses in the other. It is very questionable whether the best way of stopping gambling is to publicly inculcate the principle of "welshing" on gambling bets. Certainly the effect on both trade and morals seems to have been undesirable.

In the next place one effect of this provision was to lead to great loss of trade on the German exchanges in favor of foreign exchanges. Statistics show that the securities held abroad by leading banking and brokerage houses for their customers increased in a few years all the way from threefold to fivefold, according to the individual case. Enormous sums were put into speculative mining shares abroad by the German speculating public who were hampered in their enterprises at home. In the same way the number of agents of foreign brokerage houses on the German exchanges increased rapidly, showing that that section of the public whom the law desired to exclude were simply finding methods of carrying out their intentions in other ways.

Again, a result of this restriction of business was to make the extremes of speculation even greater. In the boom of 1900 the prices of mining and industrial shares in which speculation had been prohibited went soaring as the outside public bought recklessly by roundabout methods. The prices were doubtless higher than they would have been had there been an unrestricted bear element in the market to oppose this bull movement. On the other hand, when the collapse came in 1901, the resulting fall and the consequent losses were all the greater. This, again, I believe, was due to the fact that the market was restricted and there was no sufficient force to withstand the panic.

Considerations like this indicate a fact which is sometimes forgotten even by those who fully appreciate the necessity of the speculative market. This fact is that speculation, even on the part of the public, with all its evils, has a very important beneficial effect. Unless the public speculates to some extent the market will be not only very restricted, but will be in consequence much more open to manipulation. The bigger and broader the market the less chances there are for rigging prices. It may seem a very high price to pay for the open market that the speculative spirit should continue on the part of the public, but it would be a mistake to suppose that speculation can be confined to a few great operators and still offer the benefits which the present market gives. This again has been a noticeable feature in the case of the German market. The small brokers and bankers have been more and more crowded to the wall, and business had been centered increasingly in the great banks. There are doubtless other reasons for this, but the difficulties of carrying out transactions on the exchange stimulated the dealings with the large banks who carry great masses of securities and can make their offsets directly in the bank, so that the control of a few institutions over the prices of the stock market is much greater there than would be the case if a wide public was included.

The conclusion then in this regard is that, first, any method of discriminating between individual speculators is extremely difficult and on the whole contrary to all our American ideas. We have never yet gone so far as to restrict individuals by law from buying any kind of property, whether expensive cigars for consumption, or houses to live in, or stocks for speculation, on the ground that they were not able to afford such indulgences. To make it unlawful for one man to buy because he has only $5,000 a year and lawful for another man to do exactly the same thing because he has $10,000 a year would be a degree of paternalism which, if effectual, would be extremely exasperating. Secondly, as shown by German experience, any measures that could be devised are almost certain to prove unsuccessful in accomplishing their ends. The chances are that restriction will much more seriously lessen the amount of legitimate transactions than that it will keep out the incorrigible and undesirable element.

It may seem that what has been said above shows a sad lack of appreciation of the harm which comes from irresponsible speculation by the outside public. It is not, however, in proportion to our feelings on this subject that intelligent men will advocate legislation, but in proportion as they feel that such legislation will be successful. From a study of the effects of speculation and the effects of all suggested methods of controlling it, the conclusion is almost irresistible that legitimate and illegitimate transactions are so closely bound together and the whole business of speculation is so closely connected with the interests of actual commerce that any interference with the delicate machinery by the blundering fingers of the law will diminish the beneficial elements of speculation without effectually diminishing its evils. The recent suggestion of Governor Hughes, that we should "ascertain the manner in which illegitimate transactions may be prevented and legitimate business safeguarded," is not so simple as it sounds.

Improvements of this kind must come by means of a very different movement, and this movement must be in the nature of increased intelligence and a higher moral standard on the part of both the speculating public and on the part of the brokers themselves. It is perhaps too much to hope that the speculating public, which is recruited year by year by the growth of new generations, will ever become more conservative. It may at least be hoped, however, that a more public-spirited standard may be gradually adopted by the fraternity of brokers and that those who consciously allow customers to plunge beyond their means and to run the dreadful risks of bankruptcy and embezzlement will be so ostracized by their fellows that the practice will be restricted from the inability to find men to carry out transactions of this kind. As to how this is to be brought about, whether possibly by the adoption of new rules by the exchanges or by gradual increase of the better and more conservative element in those bodies, it is impossible to discuss here. A hint was given above as to a possible change in rules regarding margins. The plain fact remains, however, that the solution lies in the reformation from within rather than from without.

Mr. OLMSTED. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER. Mr. Chairman, I would like to make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WALDO. Mr. Chairman, I would ask that the gentleman from Massachusetts be given five minutes.

Mr. MOON of Pennsylvania. Mr. Chairman, if those favoring the amendment have more time, I want to close the argument.

The CHAIRMAN. Those who favor the amendment have seven minutes.

Mr. GARRETT. Mr. Chairman, in so far as the question of revenues raised by States might be affected by this bill, I suppose one State would be entitled to as much consideration as another, and in Tennessee we do not raise as much as $5,000,000 taxation on the transfer of stocks, but our taxes there are raised in the main from the men who till the soil and raise the things the price of which is affected by the practice which this bill is designed to try to prevent. [Applause.]

Now, amid all the wit, wisdom, and worth of the arguments that have been presented here, it seems to me, Mr. Chairman, that there remains nothing but one simple question, and that is, Does Congress favor or is it opposed to stock gambling and dealing in futures? I am aware of the fact that learned gentlemen, gentlemen as honest as I am, honest as are my colleagues who favor this amendment here, defend the practice and the policy of future dealing for reasons which they express with much force as well as with much earnestness.

I take a different view. The people whose toil and whose sweat produce the things that are dealt with in this measure take a different view. They may be wrong about it. It may be that it is good philosophy and good economic wisdom that, in order to produce a stable market, a man shall sell that which he has not and never expects to have to a man that does not want it and never expects to take it, in order to enable the man who really has something to sell it to the man who really wants it; but to that economic law I can not subscribe. I do not care to discuss that question further, however.

There is running through the RECORDS of the Congress of the United States for almost twenty years much of learning (more than I could give if I had a long time on the question) on both sides. But the thing to which I venture to call the attention of Members now is that this amendment can not in any way affect an innocent man or an innocent transaction. Every doubt that there is as to the effect of the amendment, it is in favor of the illegitimate transaction, and no legitimate transaction can come within its scope or reach. Gentlemen have suggested that we are moving hastily.

I again challenge the attention of Members to the fact that they can not go home and say to their constituents that they voted against this for fear they might act hastily. Why, on the 22d of January, 1908, almost eleven months ago, two weeks before this section would have been reached in the common order of procedure, I gave notice that this amendment would be offered, stating that it would be offered in good faith and that it was offered in order that gentlemen might familiarize themselves with it and be ready to consider it. When we had reached one paragraph, before the point at which the amendment would come, the bill was withdrawn from the consideration of the House, and was just revived on yesterday. So that for almost eleven months—during all the vacation—this amendment, in the exact verbiage in which it exists now, has been before the House for their consideration, in order that gentlemen might advocate it upon its merits and oppose it upon its demerits.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT. I believe five minutes extra were allowed to those against the amendment. I ask, therefore, for three minutes more for those of us who favor it.

Mr. COCKRAN. I hope it will be granted.

There was no objection.

Mr. GARRETT. Mr. Chairman, that amendment was then printed in the RECORD as it is now offered. It was then stated it would be offered as it was offered on yesterday. Therefore let no gentleman say that there has not been an opportunity to study the verbiage of this amendment.

Now, I have no pride of authorship in this matter. All that I wish, all that I desire, is to have legislation upon this subject-matter. I have not gone into the delicate questions of the powers of the Federal Government over interstate commerce. All that this amendment is leveled at is the use of the mails, and over the mails the Federal Government unquestionably has supreme and exclusive power.

There is not in this amendment a single paragraph, there is not a construction possible, which a gentleman can say will hurt any legitimate interests, and the question is between those who favor illegitimate speculation and those who are against illegitimate speculation.

Mr. BARTHOLDT. Will the gentleman yield to me for a question?

Mr. GARRETT. Certainly.

Mr. BARTHOLDT. To which committee has the gentleman's bill been referred?

Mr. GARRETT. To the Committee of the Whole House on the state of the Union eleven months ago. [Applause.]

Mr. BARTHOLDT. Has it been reported from a committee?

Mr. GARRETT. I am seeking to have this committee report it, and I hope the gentleman will assist me in having it done.

Mr. BARTHOLDT. What I am asking is whether any committee has reported upon this amendment?

Mr. GARRETT. No committee has reported on it.

Mr. BARTHOLDT. In this eleven months the gentleman has spoken of, has the gentleman had an opportunity to have it taken up before the proper committee?

Mr. GARRETT. The amendment, introduced as a bill, has been before the Committee on the Post-Office and Post-Roads, but there has been no hearing upon it.

Mr. BARTHOLDT. And the Committee on Agriculture has not taken it up, either?

Mr. GARRETT. There are bills before the Committee on Agriculture.

Mr. BARTHOLDT. Was there any action taken upon them?

Mr. GARRETT. The question has been before the House and before the Committee on Revision of the Laws for the last eleven months.

Mr. BARTHOLDT. What is the reason these committees did not take up this important subject?

Mr. GARRETT. Perhaps the gentleman knows; I do not.

Mr. BARTHOLDT. I do not, and I am asking the gentleman for information in good faith.

Mr. GARRETT. Is the gentleman a member of the Committee on Revision of the Laws?

Mr. BARTHOLDT. No, sir.

Mr. GARRETT. Well, I do not know why the bill has not been reported.

I think, Mr. Chairman, that is all I care to say.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I ask unanimous consent that the gentleman from Indiana [Mr. ADAIR] be permitted to extend his remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT. I make the request that I may be permitted to extend my remarks.

The CHAIRMAN. The gentleman from Tennessee makes a similar request. Is there objection? [After a pause.] The Chair hears none.

The Chair would like to say to the gentleman from Tennessee that the friends of the proposition have still about two minutes' time.

Mr. HITCHCOCK. Mr. Chairman, if there is time, I should like to ask the gentleman from Tennessee a question.

Mr. GARRETT. Certainly.

Mr. HITCHCOCK. How is it possible for the publisher of a newspaper receiving stock reports through the Associated Press or otherwise to know whether a transaction named in the stock report comes within this provision or not?

Mr. GARRETT. He would not, of course, be guilty under those circumstances if he did not know. The word "knowingly" is in the amendment.

Mr. HITCHCOCK. I understand that the amendment not only prohibits the mailing of a newspaper containing such an item, but imposes a penalty upon anyone who deposits such a newspaper in the mails.

Mr. OLLIE M. JAMES. The amendment provides that whoever shall "knowingly" deposit or cause to be deposited, or "knowingly" send or cause to be sent, and so forth. Knowingly means willfully. Of course if they innocently and unintentionally publish something, that would not violate the law.

Mr. HITCHCOCK. Let me call the attention of the gentleman from Tennessee to the fact that of the thousands of newspapers published, the publisher or the editor has no knowledge whether these market quotations of stock or produce are actual transactions or future transactions. Yet a very large portion of the circulation of papers published in towns of moderate size throughout the country is to readers in the surrounding country through the mails. I can not see how it would be possible to protect a newspaper under those circumstances. The postmaster, acting as censor, may hold up the whole outside circulation of a paper because a market quotation does not represent an actual transaction.

Mr. GARRETT. If there be any doubt on that question at all, I am willing to accept any change in the verbiage, in so far as I can. I will say to the gentleman that I do not think there is any danger in the matter he suggests.

Mr. GAINES of Tennessee. It will be open to amendment, and can go to conference and be changed there.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the Senate by Mr. Crockett, its reading clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7777. An act to authorize the St. Paul Bridge and Terminal Railway Company to construct a bridge across the Mississippi River at or near St. Paul, Minn.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Senate expresses its sorrow on account of the death of Hon. GEORGE W. SMITH, late a Member of the House of Representatives from the State of Illinois.

Resolved, That the business of the Senate be suspended in order that fitting tribute be paid to his memory.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the widow and family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

CODIFICATION OF THE PENAL LAWS OF THE UNITED STATES.

The committee resumed its session.

Mr. MOON of Pennsylvania. I trust that this new section, presented under the guise of an amendment, to be known as section 215a, will be rejected by the House without any consideration of the question upon its merits, upon the principle tacitly assented to by the House when this bill was under consideration before that every amendment to bring within the purview of the criminal law an entirely different class of persons was not proper legislation on this bill for the revision and codification of the laws; that any attempt to create a new statutory offense was beyond the power of this committee to report, and ought to be rejected by the House when presented as an amendment.

Now, it has been said here that this bill has been amended. It has been said that this bill will be amended. It has been said that this bill is before the House for amendment. That is true. There have been amendments added to this bill, and there will be other amendments added to it for the purpose of making the meaning clearer or of adding something that was clearly within the intention of Congress in passing the section.

To give an illustration, when we had before us a section punishing counterfeiting, and that section enumerated certain securities of the United States, the counterfeiting of which was made a crime, we added gold and silver certificates, because at the time of the passage of the original act such certificates were not issued by the United States, and their counterfeiting was therefore unprovided for; but they have since become a part of our national currency. To the section prohibiting the destruction of telegraph lines we have added telephone lines. Indeed, whenever any provision could be added to a section that made it clearer or one that extended its provisions to matters clearly within the purpose of the section, and sometimes where it limited or changed the punishment, those things have been regarded by the revision committee and by this House sitting as a Committee of the Whole House, as subject-matters fully and fairly before the House for consideration and action. I want to say that there has not been a single new substantive offense created by the Committee on the Revision of the Laws

in this bill or one adopted by this House that had not previously been submitted to a committee and reported upon favorably by that committee. The only new section that has been added creating a new statutory offense was the section introduced by the gentleman from Texas [Mr. BURLESON], respecting the giving out of information from the Agricultural Department in Washington respecting crops.

I explained to the House at that time that the bill had been reported on once favorably by the Judiciary Committee of the House; that it had passed this House and had gone to the Senate; and that it had been reported favorably by the Commission for the Revision of the Laws; and that it was incorporated originally in the bill submitted to this committee for consideration; and was stricken out by this committee because the House had afterwards rescinded its action in approving the bill. Under those conditions it was appropriately and properly a subject to be brought before the House by an amendment. With that exception, no new legislation of any kind of the character proposed here—and by that I mean the creation of any new statutory offense—has been attempted by this committee or permitted by this House.

Now, when this bill was before the House last winter it was tacitly agreed upon by the House, sitting as a Committee of the Whole, that no matter how desirable the proposed new section might be, it ought not to be put upon this bill under the guise of an amendment. We have had submitted to us to-day, Mr. Chairman, two new suggestions respecting methods of legislation. The gentleman from Tennessee [Mr. GARRETT], who introduced this amendment, said that while he did not get a report from any committee he published the proposed section in the RECORD, and thereby gave notice to the House of its provisions. Other gentlemen say that while they do not believe that this bill will accomplish the purpose desired; that they do not understand it; that it is imperfect; but that they are willing that it should pass the House in this imperfect form and be afterwards perfected in the conference committee.

I say, Mr. Chairman, that these are two methods of legislation that have never before been adopted by this House, and I hope will not be adopted now.

[The time of Mr. MOON of Pennsylvania having expired, by unanimous consent his time was extended five minutes.]

Now, Mr. Chairman, this bill—and in speaking about the bill itself I call the attention of the House to the provisions of the bill solely on the ground that I desire to emphasize the objections that I now make to this method of legislation—this bill has been introduced by the gentleman from Tennessee; and when asked in regard to its provisions he frankly told us that he did not know very much about it.

Mr. GARRETT. I beg the gentleman's pardon. I certainly have not stated that.

Mr. MOON of Pennsylvania. The gentleman was interrogated only a few moments ago respecting the provisions of the bill as to what would be the effect on a newspaper publishing the stock reports, and the gentleman frankly admitted that he did not know. He said that if it did prohibit it he would accept an amendment that would cure it.

Mr. GARRETT. On the contrary, I gave it as my opinion that it would not, but that if there was doubt about it—I did not assume to know all about the question.

Mr. MOON of Pennsylvania. Well, I do not mean any more than that. The gentleman said that he was not clear in regard to it.

Mr. GARRETT. Does the gentleman from Pennsylvania mean to say that there should be no legislation in the House except where a man who offers it is possessed of absolute wisdom?

Mr. MOON of Pennsylvania. No; but I say that there should be no legislation until there had been a full understanding of the power conferred upon the courts by the bill and after it has been carefully and exhaustively considered.

Mr. GAINES of Tennessee. Has not this been well considered in the lottery cases and other cases where the matter was excluded from the mails?

Mr. MOON of Pennsylvania. If I had time I would show that there was no analogy between the lottery cases and the case attempted to be provided for in this bill. That is one difficulty with this bill, that it is drawn on the plan of the lottery legislation. A lottery is an iniquitous thing; it is in itself clearly and wholly illegal. It is not associated with or intermingled or identified with any important industry of the country which it requires careful consideration to separate, such as is the conduct of a so-called "bucket shop."

Mr. GAINES of Tennessee. This provides against sending gambling contracts through the mail.

Mr. MOON of Pennsylvania. Yes; but there is no possible analogy between that and the practice that this bill seeks to correct.

Now, many gentlemen favoring the bill differ respecting its provisions; some gentlemen do not understand it, others think it goes too far; other gentlemen have said that the bill does not go far enough, and the utmost confusion of opinion exists respecting it, and the fact alone establishes absolutely my contention that we are not able to perfect it in the House, and that it should be considered only after a report thereon by an appropriate committee. President Roosevelt's message on this subject has been introduced. I want to call your attention to the fact that the President especially urged upon Congress careful consideration of the subject in order that a clear distinction might be drawn between the legitimate and illegitimate contracts, and that this bill utterly fails to comprehend or define this distinction.

Reference has also been made to the action of Governor Hughes, of New York, to show the importance of congressional action upon this subject. I would that I had time to call attention to that message or that letter appointing a commission, comprised of the ablest men in civic life in New York, for the purpose of doing exactly what we ought to do here before we attempt any legislation—to draw a clear line of demarcation between legitimate and illegitimate transactions on the stock exchanges. Without that knowledge, without that information, with the grave doubts that exist in the minds of those who favor the bill as to what it will do, we are asked precipitately to create a new offense that will subject all the newspapers of the United States, the bankers and the brokers of the United States to the operation of a criminal law, the force, intent, effect, and purpose of which is not appreciated at this time.

Upon the necessity for deliberate action and careful consideration, I desire to read an editorial in the Public Ledger, of Philadelphia, of this morning upon the subject of the Hughes commission, which language is, I think, absolutely appropriate to our duty respecting this new section of law proposed:

INQUIRY BEFORE ACTION.

Governor Hughes, of New York, gives another example of his characteristic sanity in his appointment of an expert commission to inquire into "the facts in relation to speculation in securities and commodities," with a view to suggesting any means by which "illegitimate business may be prevented and legitimate business safeguarded." As he has heretofore said, Governor Hughes has "no sympathy with fanciful schemes for the regulation of business with arbitrary legislation." In the vast commercial transactions of New York, which represent the activities of the whole country, it is most important that any legislation affecting business should be the result of serious study and that "we should neither threaten business stability by ill-considered measures nor, on the other hand, invite agitation or impair confidence by ignoring abuses and by failing to provide suitable correction."

This expresses well the principle so generally neglected in all the impulsive and violent legislation of the past few years. No man has set a higher standard of business integrity than Governor Hughes, and he is one of the few men in responsible position who has had the courage to stand firmly against ignorant attempts at "regulation" whose effect could be only destructive. That the methods in vogue in Wall street are susceptible of reformatory regulation is generally conceded, but Governor Hughes does not propose to go at them with an ax. The men whom he has invited to consider this whole field, to set forth the facts and recommend the remedies, are men of the very highest standing and of recognized integrity of judgment. There is probably no man in the country whose impartial grasp upon this whole subject is wider and firmer than that of Horace White, who heads the list, and with him are associated the former mayor of Brooklyn, a former justice of the supreme court, the state superintendent of banking, the professor of political economy at Columbia, two bankers, two lawyers, and the director of the People's Institute—a commission whose conclusions will command attention and respect, not only in New York but in every financial center.

Governor Hughes has thus reversed the practice which has recently been usual of legislating first and inquiring afterwards. The subject is too complex and important to be treated on that plan. Legislation affecting business, to be effective or otherwise than harmful, must be based, not upon prejudice and passion or the mere desire for "righteousness," but upon the deliberate judgment that can proceed only from exact knowledge.

I ask the committee to report the proposed amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

The question was taken; and on a division (demanded by Mr. GARRETT) there were—ayes 73, noes 85.

Mr. GARRETT. Mr. Chairman, I demand tellers.

Tellers were ordered. Mr. MOON of Pennsylvania and Mr. GARRETT were appointed tellers.

The House again divided; and the tellers reported—ayes 89, noes 103.

So the amendment was rejected.

The Clerk read as follows:

SEC. 218. [All kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, and reptiles, and explosives of all kinds, and inflammable materials, and infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all disease germs or scabs, and all other natural or artificial articles, compositions, or materials of whatever kind which may kill, or in any wise hurt, harm, or injure another, or

damage, deface, or otherwise injure the mails or other property, whether sealed as first-class matter or not, are hereby declared to be nonmailable matter, and shall not be conveyed in the mails or delivered from any post-office or station thereof, nor by any letter carrier: but the Postmaster-General shall permit the transmission in the mails, under such rules and regulations as he shall prescribe as to preparation and packing, of any articles hereinbefore described which are not outwardly or of their own force dangerous or injurious to life, health, or property. Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, unless in accordance with the rules and regulations hereby authorized to be prescribed by the Postmaster-General, shall be fined not more than $1,000, or imprisoned not more than two years, or both; and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, whether transmitted in accordance with the rules and regulations authorized to be prescribed by the Postmaster-General or not, with the design, intent, or purpose to kill, or in any wise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, shall be fined not more than $5,000 or imprisoned not more than ten years, or both.]

Mr. HOUSTON. Mr. Chairman, I offer the following amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

Section 218, on page 116, in line 8, strike out the word "shall" and insert the word "may."

In line 12 substitute a colon for the period and add the following:

"*Provided*, That all spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind are hereby declared to be nonmailable and shall not be deposited in or carried through the mails."

Mr. HOUSTON. Mr. Chairman, this is an amendment that was offered by myself to the Committee on Revision when we were considering this section. It was not adopted by the committee, and I stated on a former occasion, when I discussed the subject at some length, that I would offer this amendment on the floor of the House. The first amendment which was read is a substitution of the word "may" for the word "shall." That was the original law, and I take it there will be no objection to that. The real essence of the amendment is in the proviso that is embodied in the second amendment.

Mr. Chairman, this covers a defect in the postal laws of the United States that is very much needed. The department, by rule and regulation, has refused to ship liquor through the mail. However, there is no statute on the statute books making it positively unlawful or making it a crime to do so. This proviso gives them the authority of law to prohibit carrying liquors in the mails and makes it a penal offense for that to be done. I think there should be no objection to it. I hope there will be none.

Mr. MOON of Pennsylvania. Mr. Chairman, I want to say that under existing postal regulations intoxicating liquors are not permitted to be sent through the mail, and in view of the fact that this is a new section in this case, that it attempts to prohibit by penalties the attempts to mail nonmailable matter, which is made nonmailable by law, plus postal regulations, I see no objection to that amendment, and in view of the further fact that this House on the last postal appropriation bill appended practically that condition.

The CHAIRMAN. The proposition offered by the gentleman from Tennessee contains two distinct amendments, but, if there is no objection, the Chair will put the question on both. The question is on the amendments offered by the gentleman from Tennessee.

Mr. CAMPBELL. Mr. Chairman, I would like to have the amendments read again for the benefit of the House.

The Clerk again read the amendments.

Mr. BARTHOLDT. Mr. Chairman, I merely wish to ask a question. As I understand it, the mailing of spirituous liquors is now prohibited by regulation of the department.

Mr. HOUSTON. Yes.

Mr. BARTHOLDT. And it is now proposed to make it a law, a penal offense?

Mr. HOUSTON. Yes; this amendment if adopted will make it a penal offense by statute, and provide by law that this matter shall be nonmailable and shall not be carried through the mails.

Mr. BARTHOLDT. The practice of the department is now to exclude that?

Mr. HOUSTON. Yes; and this gives authority of law to do what they are doing now without authority of law.

Mr. MOON of Pennsylvania. The existing regulation is that intoxicating liquors, ardent, vinous, spirituous or malt, poisonous, explosive or inflammable articles, and so forth, shall not be permitted in the mail. Therefore this law is only enacting existing postal regulations.

Mr. GAINES of Tennessee. Does the gentleman say that is a regulation that is now enforced, and to-morrow it may be abrogated?

Mr. MOON of Pennsylvania. Yes; and that is the reason we want to make it a law.

Mr. GAINES of Tennessee. In addition to that, it is put in the post-office bill, and it may be left out at the next session. Let us make it a statute so that no Postmaster-General, whether Democrat or Republican, will be able to put it out.

Mr. MOON of Pennsylvania. That is what we all want to do.

The CHAIRMAN. The question is on agreeing to the amendments offered by the gentleman from Tennessee.

The question was taken, and the amendments were agreed to.

Mr. DRISCOLL rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. DRISCOLL. Mr. Chairman, I move to strike out the last word. I wish to ask a question of the chairman of the committee in relation to this matter. I wish to ask if this section 218 is all new matter.

Mr. MOON of Pennsylvania. No; I want to explain; it is not new matter, although it is published in italics. It is existing law, plus existing postal regulations; but in the Fifty-sixth Congress there was a bill introduced and referred to the Committee on Post-Offices and Post-Roads, unanimously favorably reported, containing this provision. It is new law in the sense that we have not had any penal clause of that kind before, but it is not new law in the sense that it is new matter that has not been favorably reported by a committee of this House.

Mr. DRISCOLL. Has it ever been passed by the House?

Mr. MOON of Pennsylvania. No; it was not reached.

Mr. DRISCOLL. Is it not a regulation?

Mr. MOON of Pennsylvania. It is an existing regulation, and is in this exact language.

Mr. DRISCOLL. It is not printed in the book here in any form.

Mr. MOON of Pennsylvania. No. Let me explain, and I am glad of having the opportunity to explain the matter. That print of existing law that appears on the opposite side of the report is a mistake and very misleading. What is printed on the opposite side is the postal law of 1872. The law of 1872 provided for three classes of mail matter; the first class consisted of letters, the second class consisted of regular periodical publications from established offices, and the third class consisted of what appears on the opposite page of the report. In 1879 that law was entirely superseded by a new division of mailable matter, and by that act Congress created four classes of mail matter. The first class consisted of letters and what is now known as "first-class postage;" the second class consisted of matters such as newpapers and periodicals issued from regularly established offices; the third class included circulars, pamphlets, proof sheets, and irregular publications; and the fourth class included what is printed on the opposite side, in section 20, viz:

Mailable matter of the fourth class shall embrace all matters not embraced in the first, second, or third class, which is not in its form or nature liable to destroy, deface, or otherwise damage the contents of a mail bag or harm the person of anyone engaged in the postal service, and is not above the weight provided by law.

This law superseded and repealed the classification of 1872, and it will be seen that existing law prohibits from the mail bags nothing excepting that which in its form is liable to injure the mail bags or harm persons handling the mails, but the act of 1879 was immediately supplemented by a postal regulation adopted by the department. Under these regulations intoxicating liquors were excluded from the mails and have never been permitted to pass through the mails, and therefore the section proposed takes existing law plus the regulations of the postal department, declares matter included therein shall be nonmailable, and attaches a penalty for its violation.

Mr. DRISCOLL. It is a postal regulation.

Mr. MOON of Pennsylvania. Yes, and I want to call the gentleman's attention to the fact that this section was submitted to the House and had a unanimously favorable report from a committee of the same.

Mr. DRISCOLL. What committee?

Mr. MOON of Pennsylvania. The Committee on Post-Office and Post-Roads.

Mr. PARSONS. Mr. Chairman, may I make the further suggestion to the gentleman, my colleague from New York? If he will look in the large print at the second sentence after the first period in that section 3878, he will see that in the act of 1872 it was provided as follows:

All liquids, poisons, explosive materials, and obscene books shall be excluded from the mails.

Now, when they created the fourth class of matter they divided up those things. What they did with that particular clause I have never been able to find out, and I am not satisfied it was repealed, but the department settled the matter by in-

corporating it substantially into its regulations, and now the amendment offered by the gentleman from Tennessee puts it back into the law.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

There was no objection.

The Clerk read as follows:

Sec. 225. Whoever shall make, allege, or present, or cause to be made, alleged, or presented, or assist, aid, or abet in making, alleging, or presenting any claim or application for indemnity for the loss of any registered letter, parcel, package, or other article or matter, or the contents thereof, knowing such claim or application to be false, fictitious, or fraudulent; or whoever for the purpose of obtaining or aiding to obtain the payment or approval of any such claim or application, shall make or use, or cause to be made or used, any false statement, certificate, affidavit, or deposition; or whoever shall knowingly and willfully misrepresent, misstate, or conceal any material fact or circumstance in respect of any such claim or application for indemnity, shall be fined not more than $500 or imprisoned not more than one year, or both.

Mr. DRISCOLL. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee where he gets this section. Is this regulation or law?

Mr. MOON of Pennsylvania. There is an existing law that allows the man who mails a registered letter to collect a hundred dollars for the loss of that letter. He is obliged to make affidavit to the fact as to its value.

Mr. DRISCOLL. Is it a codification or new law?

Mr. MOON of Pennsylvania. No; it is not new law in this sense. This also is a provision of law which was embodied in a bill which was introduced into this House and referred to the Committee on the Post-Office and Post-Roads and reported favorably upon in the Fifty-sixth Congress, but which never received action.

Mr. DRISCOLL. We have been standing by the committee in the thought that this is a codification or revision, and not for the purpose of making law and putting it in the books.

Mr. MOON of Pennsylvania. There is nothing in this section which has not been introduced regularly, referred to a committee, and had a favorable report from the committee.

Mr. DRISCOLL. It strikes me that they should have shown where they take these sections from.

Mr. MOON of Pennsylvania. It is the act of March 3, 1903, which authorizes a payment not to exceed $100 as indemnity for the loss of a registered letter. Now, there is no law, and never has been one enacted by Congress, punishing the man who makes false affidavit respecting the value. The existence of this defect was recognized by the Post-Office Department, and a bill was introduced in the Sixtieth Congress embodying this provision. That bill was referred to the Committee on the Post-Office and Post-Roads, and they made a unanimously favorable report recommending this section, among other sections. It never was acted upon, but it meets the requirement that this committee imposed, that it had received the favorable report of a committee of this House.

Mr. DRISCOLL. Then, that is as far as it has gone? This section, as it is now, did receive a favorable report from a committee?

Mr. MOON of Pennsylvania. Yes.

Mr. DRISCOLL. What committee?

Mr. MOON of Pennsylvania. The Committee on the Post-Office and Post-Roads of the Fifty-sixth Congress.

Mr. DRISCOLL. It seems to me that they ought to put the information in here as to where they get it from. Generally they do.

Mr. MOON of Pennsylvania. I do not want to mislead the gentleman. There really is no criminal law now on the subject. The one that would have been put on the opposite page would be the existing statute, section 1174, which authorizes the payment of not to exceed $100 for the loss of a registered letter. The Postmaster-General reported to the Fifty-sixth Congress that there existed a need for a law of this kind, that people were making claims and false affidavits as to the value of the material that was inclosed in the lost registered letters, and the department had no power whatever to punish them. Therefore this bill was introduced, sent to the Committee on Post-Offices and Post-Roads, and favorably reported.

Mr. PARSONS. May I make a suggestion to my colleague? Ordinarily the supposition would be that the statute in regard to perjury would cover such a case as this. But in going over the laws you will find that in some cases there is no statute that makes an offense of that which you would suppose had been made an offense. In those cases we have completed legislation by making them offenses.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I move to strike out the last word in order to ask for information. I would like to know what the meaning of this section is, "or whoever shall knowingly or willfully mislead, misstate, or conceal any material fact or circumstance in respect to such claim," and so forth.

Mr. MOON of Pennsylvania. Now, in the first place, the claim that may be made is for the loss of a registered letter which, under the existing law of the United States, the United States is bound to make good. Now, the regulation, as I understand it, provides that before a man can receive that sum of $100 for a letter he must make an affidavit in which he sets forth the fact that the material in that letter was worth $100. Now, this provision is that if he makes any misstatement in that affidavit, or conceals any fact material to the determination of the real value by the department, he shall be liable under this section.

Mr. HUMPHREYS of Mississippi. Well, that is all right. This does not state that, and I wondered if it applied to a third person.

Mr. MOON of Pennsylvania. Oh, no; it is only in the affidavit made by claimant.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 228. Whoever shall make use of any official envelope, *label, or indorsement authorized by law* to avoid the payment of postage *or registry fee* on his private letter, packet, package, or other matter in the mail, shall be *fined not more than* $300.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I move to strike out the last word. I did not get a chance to ask a question about that section No. 228. I notice you have inserted here "or indorsement authorized by law." What does that mean?

Mr. MOON of Pennsylvania. In addition to a Congressman's letter-franking privilege he has the privilege of a label or indorsement, whereby he can send documents and seeds and other things. This is intended to broaden existing law to include the abuse of these privileges.

Mr. HUMPHREYS of Mississippi. Suppose there is something sent under a frank; this would reach that, would it?

Mr. MOON of Pennsylvania. How is that?

Mr. HUMPHREYS of Mississippi. Suppose a member of Congress uses a frank to send a box of clothes?

Mr. MACON. Or send a cow.

Mr. MOON of Pennsylvania. The existing law on that point we did not dare change.

Mr. HUMPHREYS of Mississippi. Is the purpose of this to prevent the use of the official franks by members of Congress on matters that are not frankable and subject them to this penalty?

Mr. MOON of Pennsylvania. Yes; that is the existing law; we did not make it.

Mr. HUMPHREYS of Mississippi. But is it the existing law?

Mr. MOON of Pennsylvania. Oh, yes; we have only enlarged it.

Mr. HUMPHREYS of Mississippi. You say "label or indorsement authorized by law." It is not authorized by law. A Member of the House is not subject to any penalty for putting his frank on unfrankable matter.

Mr. MOON of Pennsylvania. I think he is.

Mr. HUMPHREYS of Mississippi. I think the gentleman is mistaken.

Mr. MOON of Pennsylvania. Read on the other page the existing law:

And if any person shall make use of any such official envelope to avoid the payment of postage on his private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor, and subject to a fine of $300, to be prosecuted in any court of competent jurisdiction.

Mr. HUMPHREYS of Mississippi. That is the penalty envelope. Anybody using it not having the right to do so would be subject to the punishment under that law. If a member of Congress franks matter that is not frankable, do you say that provision applies to him? As I understand, it does not.

Mr. MOON of Pennsylvania. Oh, yes.

Mr. HUMPHREYS of Mississippi. The reason I asked this question is because I have been informed that the Attorney-General of the Post-Office Department has decided otherwise, and that this does not extend to the improper use of the frank by members of Congress, either the House or Senate, but only the use of the penalty envelope. I want to be informed on this, and to know whether the gentleman thinks he is entirely clear on the matter.

Mr. MOON of Pennsylvania. Well, I supposed I was until the gentleman raised the question. I know we have not changed existing law at all, except to include "label or indorsement authorized by law." The language of the existing law is as clear as language can be in my mind, that any person who without authority uses an official envelope for the purpose of avoid-

ing postage is liable to a penalty, and I supposed that "any person" would even include a Congressman who used the official envelope for the purpose of abusing the privilege, and would be liable to this penalty.

Mr. DRISCOLL. I would like to ask the gentleman who told him that a member of Congress could use his official frank without coming within that penalty?

Mr. HUMPHREYS of Mississippi. That information is privileged.

Mr. DRISCOLL. I would like to ask the gentleman if it was any official of the Post-Office Department?

Mr. HUMPHREYS of Mississippi. I will say very frankly to the gentleman that a member of Congress told me. The question was whether or not certain documents could be sent out under the frank of a Congressman. There was a discussion among several of us on the subject. Some took one side and some took the other. The following evening this gentleman, a member of Congress, said he had submitted the question to the Attorney-General of the Post-Office Department and got his opinion on it, and in that conversation with this official he voluntarily made the statement that there was no penalty provided against a member of Congress using his frank for unfrankable matter. I was surprised to know that was the law, and when we came to this I asked the question so as to be fully advised.

Mr. MOON of Pennsylvania. It is not the law. There is a penalty; and if the opinion of the Attorney-General for the Post-Office Department applied to the existing law it will apply to the amended law. We did not change it in this respect.

Mr. HUMPHREYS of Mississippi. I am not so sure about it. I think this section, as you have reported it, will change the law. I am perfectly willing it shall be. I simply wanted to call attention to the fact that you were changing existing law.

Mr. MOON of Pennsylvania. We are not.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

The Clerk read section 231.

Mr. MOON of Pennsylvania. Mr. Chairman, there are two sections here with reference to the transportation of explosives which have been superseded by a later law. I rise to move to strike out the first two sections, because on May 20, 1908, an entirely new law was passed upon the subject. I therefore ask to strike out sections 233 and 234 and insert in their place the sections that I send to the desk to have read, which sections embrace the provisions of the new act.

Mr. DRISCOLL. I raise the point of order that that can not be done until the sections have been read.

The CHAIRMAN. That can not be done without unanimous consent.

Mr. MOON of Pennsylvania. I ask unanimous consent to strike out the two sections and insert the sections which I have sent to the desk to have read.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to strike out the two sections which have not been read. Is there objection? [After a pause.] The Chair hears none. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out sections 233 and 234 and in lieu thereof insert the following:

"SEC. 233. It shall be unlawful to transport, carry, or convey any dynamite, gunpowder, or other explosive between a place in a foreign country and a place within *or subject to the jurisdiction of* the United States, or between a place in any State, Territory, or District *of the United States, or place noncontiguous to but subject to the jurisdiction thereof,* and a place in any other State, Territory, or District *of the United States, or place noncontiguous to but subject to the jurisdiction thereof,* on any vessel or vehicle of any description operated by a common carrier, which vessel or vehicle is carrying passengers for hire: *Provided,* That it shall be lawful to transport on any such vessel or vehicle small-arms ammunition in any quantity, and such fuses, torpedoes, rockets, or other signal devices as may be essential to promote safety in operation, and properly packed and marked samples of explosives for laboratory examination, not exceeding a net weight of one-half pound each, and not exceeding 20 samples at one time in a single vessel or vehicle; but such samples shall not be carried in that part of a vessel or vehicle which is intended for the transportation of passengers for hire: *Provided further,* That nothing in this section shall be construed to prevent the transportation of military or naval forces with their accompanying munitions of war on passenger-equipment vessels or vehicles.

"SEC. 234. The Interstate Commerce Commission shall formulate regulations for the safe transportation of explosives, *which* shall be binding upon *all* common carriers engaged in interstate *or foreign* commerce which transport explosives by land. *Said* commission, of its own motion, or upon application made by any interested party, may make changes or modifications in *such* regulations, made desirable by new information or altered conditions. *Such* regulations shall be in accord with the best known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport. *Such* regulations, *as well as all changes or modifications thereof,* shall take effect *ninety days* after their formation and publication by *said* commission, and shall be in effect until reversed, set aside, or modified.

"SEC. 234*a*. It shall be unlawful to transport, carry, or convey, liquid nitroglycerine, fulminate in bulk in dry condition, or other like explosive, between a place in a foreign country and a place within *or subject to the jurisdiction of* the United States, or *between* a place in one State, Territory, or District of the United States *or place noncontiguous to but subject to the jurisdiction thereof,* and a place in any other State, Territory, or District *of the United States or place noncontiguous to but subject to the jurisdiction thereof,* on any vessel or vehicle of any description operated by a common carrier in the transportation of passengers or articles of commerce by land or water.

"SEC. 234*b*. Every package containing explosives or other dangerous articles when presented to a common carrier for shipment shall have plainly marked on the outside thereof the contents thereof; and it shall be unlawful for any person to deliver or cause to be delivered, to any common carrier engaged in interstate or foreign commerce by land or water, for interstate or foreign transportation, or to carry *upon any vessel or vehicle engaged in interstate or foreign transportation,* any explosive, or other dangerous article, under any false or deceptive marking, description, invoice, shipping order, or other declaration, or without informing the agent of such carrier of the true character thereof, at or before the time such delivery or carriage is made. Whoever shall knowingly violate or cause to be violated any provision of this section or of the three sections last preceding, or any regulation made by the Interstate Commerce Commission in pursuance thereof, shall be fined not more than $2,000, or imprisoned not more than eighteen months, or both."

The CHAIRMAN. If there be no objection, the vote will be taken upon all the amendments together.

Mr. MANN. Mr. Chairman, I wish to ask the gentleman from Pennsylvania [Mr. MOON] whether this is a literal copy of the law that we passed at the last session?

Mr. MOON of Pennsylvania. I will say in reply to that, yes and no, both. It is not a literal, verbal copy. In revising the law we struck out, for instance, the words "Interstate Commerce Commission" where they were repeated, and used the word "commission." We took the penalty out from each provision and put it at the end. Before offering it as an amendment I submitted it to the gentleman from New York [Mr. SHERMAN], who introduced the bill. He took it under very careful consideration, and reported to me this morning that he was entirely satisfied that this rearrangement did not in any sense change the law, and that there could be no possible objection to the arrangement we have made.

Mr. MANN. The arrangement you have made is, of course, intended simply to comply with the arrangement in the rest of the codification?

Mr. MOON of Pennsylvania. That is all. There is not a single word of change with regard to the prohibition or with regard to the regulation of packing or with regard to the punishment.

Mr. DRISCOLL. I wish to ask a question before this is put to a vote. As I understand this motion, it is to strike out the proposed section 233 and section 234 in the code and to insert in the place thereof these four sections which have been read.

Mr. MOON of Pennsylvania. If the gentleman will permit me for one moment, I feel that I ought to say to the gentleman from Illinois [Mr. MANN] that I have misled him. The law passed by Congress did not provide a complete jurisdictional clause for a case where the article passed from one territory to a noncontiguous territory, and was thereby obliged to go through a foreign country. Of course the Supreme Court of the United States held that that is interstate commerce, and there has been a failure of justice in some cases because the law did not extend that jurisdiction. That was the matter to which I called the attention of the gentleman from New York [Mr. SHERMAN] particularly, and he said it ought to go in the law.

Mr. MANN. Let us understand it. You meant to affect the Grand Trunk Railway?

Mr. MOON of Pennsylvania. That is a concrete illustration of what I mean. If the gentleman will read it——

Mr. MANN. I can tell a good deal better by having the gentleman state it than by reading it. I have no doubt he gets at what he wants to in the proper language. That is the purpose of it, where the Grand Trunk starts with explosives in Maine, for instance, and lands them in Chicago.

Mr. MOON of Pennsylvania. It covers that case, and it covers also transportation to our noncontiguous territory, such as Panama and Porto Rico, which the original bill did not.

Mr. MANN. Which we purposely did not put in the original bill.

Mr. MOON of Pennsylvania. We have put it in this bill, and if he moves to strike it out it will be in order.

Mr. MANN. Oh, certainly; yes. But was it in order for the Committee on Revision of the Laws, under the regulations which the gentleman's committee established, and in which I have always supported him, to make those changes?

Mr. MOON of Pennsylvania. Oh, there is no doubt of that. That comes within the province of the committee, I think.

Mr. MANN. Then, on any future amendment that is offered, I shall feel at liberty to vote on the merits of an amendment, and not follow the lead of the gentleman who insists that the merits shall not be considered.

Mr. MOON of Pennsylvania. I do not think the gentleman's conclusion is warranted by any statement that I make at all.

Mr. MANN. Then I withdraw it.

Mr. MOON of Pennsylvania. It was the purpose of the committee to supply what they felt to be an omission in that bill, and I want to say to the gentleman what I, as the chairman of the committee, did respecting this change, because I do not want the impression to get abroad here that this committee has attempted to interfere with any expression of Congress, particularly one coming from the gentleman's committee so recently as this act. We knew that at the time the bill was on the floor for consideration the gentleman from Kentucky [Mr. SHERLEY] proposed this amendment.

The consideration of the bill was suspended, however, before the amendment had time to be perfected. I first had an interview with a member of the committee, who had given careful consideration to the bill. He said, "I think we have unintentionally omitted that," and said that it ought to go in; that the committee evidently intended to extend it to these noncontiguous Territories. Then the gentleman from Illinois will remember that I came to him and stated that we would not make any change in this unless it met with the consent of the committee. The gentleman told me that if I would see Mr. SHERMAN, who introduced the bill and had charge of its preparation and passage through the House, that whatever he said would be satisfactory.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MANN. I ask unanimous consent that the gentleman from New York may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DRISCOLL. I will yield to the gentleman from Pennsylvania.

Mr. MOON of Pennsylvania. Continuing my statement, acting under the suggestion of my friend from Illinois, I went to Mr. SHERMAN and took this draft of the bill and called his attention to the law and the changes. Mr. SHERMAN took it up and gave it careful consideration and a very careful comparison. His attention was called to this particular jurisdictional language. He said to me that he thought it was a matter that ought to go in, and after careful comparison and a full understanding of the little changes that had been made in the arrangement he reported that it was entirely satisfactory, and upon that basis I made the statement I did.

Mr. MANN. Well, Mr. Chairman, in the time of the gentleman from New York, I will say that it may be all right. I do not say that it is not. I am in the same position of the gentleman from Pennsylvania as to the amendment offered by some one here this morning on the floor of the House—I do not know, and I am quite sure that the gentleman himself has not been able to give the consideration to it that it deserves. This very matter was discussed on a number of occasions in the Committee on Interstate and Foreign Commerce as to whether this should apply to explosives being transported to Panama. The gentleman's proposition which he has now put in may result in a very great increase in the cost of getting explosives to Panama without in the slightest degree insuring the safety of any individual.

Mr. MOON of Pennsylvania. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. MOON of Pennsylvania. This provision, as the gentleman knows, is to prevent the shipment of any high explosives on vessels carrying passengers.

Mr. MANN. I understand.

Mr. MOON of Pennsylvania. In the second clause it permits the shipping of all explosives under regulations adopted by the Interstate Commerce Commission. I can not see how it would interfere or increase the cost of shipping explosives to Panama.

Mr. MANN. It may be that my recollection is wrong, but I think the authority of the Interstate Commerce Commission does not go to the transportation by vessel.

Mr. MOON of Pennsylvania. Oh, yes, yes.

Mr. MANN. I do not remember how that is, but the bill was considered by the Committee on Interstate and Foreign Commerce at least on a dozen different occasions since I have been a member of the committee; it has been discussed up hill and down dale, fore and aft, and every way that any member of the committee could suggest. I know of no subject that has ever received as much consideration at the hands of that committee, as many times at least as that bill has, unless it was some subject like railroad rate transportation or matters of that sort. I do not now know why the provision was left out, but I have no doubt it was done advisedly, probably upon the report of some government official that in this particular case it would interfere with the transportation of explosives to Panama.

Mr. DRISCOLL. Mr. Chairman, I think I will ask a question in my own time and then these gentlemen can return to the debate afterwards. As I understand, the proposed amendment is to strike out sections 233 and 234 and insert the sections read from the desk?

Mr. MOON of Pennsylvania. That is correct.

Mr. DRISCOLL. Now, what is to be done with the sections of which 233 and 234 are the substantial copies?

Mr. MOON of Pennsylvania. They will be repealed in the repealing clause at the end of the bill. That clause repeals all of these sections.

Mr. DRISCOLL. Does not the gentleman think an amendment proposed here ought to provide specially for the repeal of those sections?

Mr. MOON of Pennsylvania. We have a special section in the bill that provides for it.

Mr. DRISCOLL. You deliberately substitute these sections read from the desk for sections 5353 and 5355.

Mr. MOON of Pennsylvania. We shall before the bill is through repeal those two sections in a repealing clause.

Mr. DRISCOLL. Are they provided for now?

Mr. MOON of Pennsylvania. Yes, they are provided for now.

Mr. PARSONS. I would like to ask a question. What language is there in the amendment that covers the case where the explosives might be shipped from one point in a State to another point in the same State where the shipment goes through some other State? I will, however, ask that later on, when we come to another section.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 235. [When the death *or bodily injury* of any person is caused by the explosion of any article named in the *two* sections *last* preceding, while the same is being placed upon any vessel or vehicle to be transported in violation *thereof*, or while the same is being so transported, or while the same is being removed from such vessel or vehicle, *the* person knowingly placing or aiding or permitting the placing of such articles upon *any* such vessel or vehicle, to be so transported, shall *be imprisoned* not *more* than *ten* years.]

Mr. MOON of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Page 126, line 9, strike out "two" and insert "four," so that it will read "named in the four sections last preceding."

Mr. HARDY. Mr. Chairman, I will ask the gentleman from Pennsylvania if it is not necessary also to change the numbering of this section?

Mr. MOON of Pennsylvania. Yes; it will be. That change we are going to ask liberty to make when we finish the bill—power to make changes to accommodate the new sections.

The CHAIRMAN (Mr. BURKE). The question is on the amendment of the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 236. [Whoever shall *bring or* cause to be brought into the United States, *or any place subject to the jurisdiction thereof*, from *any foreign country*, for the purpose of disposing of the same, any paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift *enterprise*, or similar *scheme*, offering prizes dependent *in whole or in part* upon lot or chance, or any advertisement of, *or list of the prizes drawn or awarded by means of*, any such lottery, gift *enterprise*, or similar *scheme, or shall therein knowingly deposit or cause to be deposited with any express company or other common carrier for carriage, or shall carry*, from one State, *Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, to any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any place in or subject to the jurisdiction of the United States through a foreign country to any place in or subject to the jurisdiction thereof, or from any place in or subject to the jurisdiction of the United States to a foreign country*, any paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of any such lottery, gift *enterprise*, or similar *scheme*, or any advertisement of, *or list of the prizes drawn or awarded by means of*, any such lottery, gift *enterprise*, or similar *scheme, or shall knowingly take or receive, or cause to be taken or received, any such paper, certificate, instrument, advertisement, or list so brought, deposited, or transported*, shall, *for* the first offense, be *fined* not more than $1,000, or *imprisoned* not more than two years, or both;

and *for any subsequent* offense *shall be imprisoned* not more than two years.]

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read. It is in the form of a new section.

The Clerk read as follows:

Insert as a new section the following:

"SEC. 236a. That every common carrier engaged in interstate commerce shall keep a record of all vinous, spirituous, malt, and intoxicating beverages transported by it from one State into another, which record shall show the names of the consignor and consignee, the kind and quantity of liquor contained in each package, the name of the party to whom delivered, and the date of delivery, and such record shall be open to inspection by the peace officers of the county in which the office of delivery is situated."

That it shall be unlawful for any common carrier engaged in interstate commerce to transport or accept for transportation from one State into another any package containing vinous, spirituous, malt, or intoxicating beverages unless there shall be plainly marked thereon in large, clear letters the name of the consignee and the kind and quantity of liquor contained therein.

That it shall be unlawful for any common carrier engaged in interstate commerce to deliver to any person in one State any vinous, spirituous, malt, or intoxicating beverage transported by it from another State unless the package containing it shall be marked or labeled as required by this section, and no such package shall be delivered to any person except the consignee whose name appears thereon as such or upon his written order.

That whoever, for the purpose of having delivery made to him or his agent, shall falsely pretend to any agent or employee of any common carrier that he is the consignee of any vinous, spiritous, malt, or intoxicating beverage transported from another State or shall, under any assumed or fictitious name, or any name not his own, make or utter any order for such beverage, or receipt for or accept delivery thereof, shall upon conviction be punished by imprisonment for not more than six months.

That whoever shall deliver to any common carrier for transportation into another State any package containing any vinous, spiritous, malt, or intoxicating beverage without having plainly marked thereon the name of the consignee and the kind and quantity of beverage it contains shall upon conviction be imprisoned for not more than six months.

That any common carrier convicted of any violation of any of the provisions of this section shall be fined not more than $5,000.

Mr. STAFFORD. Mr. Chairman, I make a point of order against that amendment that it is new legislation, and, further, because it is not germane to any matter in this bill.

The CHAIRMAN. The Chair will be very glad to hear the gentleman from Wisconsin on the point of order.

Mr. STAFFORD. As I understand the bill, Mr. Chairman, it is a codification and revision of existing laws, but it does not consider or contemplate the enactment of new law, particularly on any matter that is not contained in existing law. In the bill that is now before the committee there is nothing that refers to the transportation of malt, vinous, or alcoholic beverages, and this amendment is an innovation entirely, which makes it not germane.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. HUMPHREYS of Mississippi. Not on the point of order.

Mr. MANN. Mr. Chairman, on the point of order I think it is sufficient to call the attention of the Chair to the title of the bill—"A bill to codify, revise, and amend the penal laws of the United States."

Mr. HUMPHREYS of Mississippi. This is an amendment to the laws.

The CHAIRMAN. The Chair will ask the gentleman from Illinois whether or not the committee has not been inserting amendments of new character during the consideration of this bill?

Mr. MANN. That is undoubtedly true; and I thought it was sufficient to call the attention of the present occupant of the chair to the fact that the bill was a bill to codify, revise, and amend the penal laws of the United States, giving authority to insert, as I take it, an amendment relating to the penal laws.

Mr. BARTLETT of Georgia. Mr. Chairman, I call the attention of the Chair also to the fact that this very question was raised at the last session, when this bill was under consideration. I do not know who was in the chair, but the question has been decided against the position of the gentleman from Wisconsin. The very point he makes was made—that the bill could not be amended—and the point of order, as I recollect it, was not sustained.

Mr. GAINES of Tennessee. I would suggest to the chairman of the committee that if it was simply to codify the penal laws, the point of order might lie; but it is a bill to revise and amend, and that certainly means to change, and then it rests in the discretion of the House as to how far that change will go, whether it will change the old provision or put in a new one.

The CHAIRMAN (Mr. BURKE). The question in the mind of the Chair is whether or not the bill contains legislation affecting articles of interstate commerce, in which event the Chair regards the amendment as in order. The Chair, from a scrutiny of the bill under consideration by the committee, finds that other articles of interstate commerce are referred to and provided for, and their transportation regulated therein. For that reason the Chair holds that the amendment is in order.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed without amendment bill and joint resolution of the following titles:

H. R. 22274. An act to authorize the St. Paul Bridge and Terminal Railway Company to construct a bridge across the Mississippi River at or near St. Paul, Minn.

H. J. Res. 206. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1908, on the 19th day of said month.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. R. 105. Joint resolution for the purpose of more fully carrying into effect the convention concluded at Brussels on March 15, 1886, in reference to the exchange of official journals, etc.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 7777) to authorize the St. Paul Bridge and Terminal Railway Company to construct a bridge across the Mississippi River at or near St. Paul, Minn.

CODIFICATION OF THE PENAL LAWS OF THE UNITED STATES.

The committee resumed its session.

Mr. BARTHOLDT. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again reported.

Mr. MANN. Mr. Chairman, I call the attention of the Chair to sections 238 and 239 of the bill, one in regard to the transportation of foreign animals or birds, and so forth, and the other in regard to carrying packages by common carriers of those articles which are transported in interstate commerce.

Mr. OLMSTED. I would ask the gentleman whether they have not been stricken out of the bill. They seem in the copy I have to be marked with brackets as omitted.

Mr. MOON of Pennsylvania. No, not omitted; those marked in brackets show they are condensed.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, do I understand the point of order was overruled?

The CHAIRMAN. The point of order has been disposed of.

Mr. MANN. I did not understand the point of order had been disposed of, and I beg the Chair's pardon.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I would like to address myself to the amendment. There have been quite a number of bills introduced in the past several years in the Congress and discussed more or less on this floor to regulate, in one way or the other, interstate shipments of intoxicating liquors. I have taken occasion myself to say something on that subject. I take it, Mr. Chairman, that every Member of this House desires to proceed in this matter as far as he may proceed in order and clearly within the limits which the Constitution has prescribed for us. There are quite a number of bills that have been introduced in this House and which have had column after column in the newspapers of this country devoted to their advocacy by those who are in favor of temperance, but which do not commend themselves to the judgment of many Members of this House, myself among the number, as being within the limitations which the Constitution sets. I believe it is the duty of the States to enforce their police regulations. I do not believe it is the province of the Federal Government to say whether or not intoxicating liquors shall be sold in the State of Mississippi.

I do not believe that under the Constitution this Congress can—and if it could I do not think it should—delegate to the State of Mississippi, or to any other State in this Union, the right to regulate interstate commerce in intoxicating liquors. This amendment does not attempt to do anything of the sort, Mr. Chairman. It provides for the exercise of the function, of the power that is ours—the duty to regulate interstate commerce by a law of Congress. This amendment simply provides that all packages which contain such liquors shall be labeled, as we provided in the pure-food law, so that it may be known at a given place in any State where the package is received that the consignee has received a consignment of intoxicating liquors, together with a statement of the kind and quantity of liquors which the package contains. That is all, except it provides the

package shall not be delivered to any fictitious person; that it shall not bear any fictitious name, but must, in fact, be delivered to the man who in good faith ordered it.

Mr. MANN. Will the gentleman yield for a question?

Mr. HUMPHREYS of Mississippi. With pleasure.

Mr. MANN. The point that I can not quite understand is this. You provide in sections 2 and 3, reading from section 2:

It shall be unlawful for any common carrier engaged in interstate commerce to transport or accept for transportation from one State to another, etc.

How will the carrier know unless the article is billed to the carrier as liquor? You make a penalty against the carrier, although it may be a small jug incased in a very large case and marked "dry goods."

Mr. HUMPHREYS of Mississippi. The amendment provides that it shall be unlawful for any person to present to any common carrier for transportation any such liquors which are not properly labeled so that the common carrier may ascertain——

Mr. MANN. Therefore you punish the common carrier because it is made unlawful for a person to present anything except in a particular way——

Mr. HUMPHREYS of Mississippi. Mr. Chairman, no man can be convicted unless the essence of all offenses under the criminal law—the intent—is proven.

Mr. MANN. But the gentleman would not claim, surely, that if a common carrier transported liquor which was not marked the way he says it shall be marked, if this was the law, that the common carrier could not be punished regardless of whether some agent knew it or not.

Mr. HUMPHREYS of Mississippi. The common carrier is put upon his notice by this bill that he must not transport intoxicating liquors from one State to another unless they are properly labeled. He has the right to make inquiry of the consignor to ascertain the fact, and if he does all the things that in reason he ought to be required to do he will not be punished.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUMPHREYS of Mississippi. Would the gentleman object to the amendment if it should be made to read "any common carrier shall knowingly transport," etc.?

Mr. MANN. No; I would not.

Mr. HUMPHREYS of Mississippi. I am perfectly willing——

Mr. MANN. That is a different proposition. We have had the same proposition presented a dozen times before the committee.

Mr. HUMPHREYS of Mississippi. I ask that it be so amended as to read, "the common carrier shall knowingly transport," etc.

Mr. Chairman, it is unnecessary for me to state to this House the purpose of the amendment. Throughout this country the people, in the exercise of the police power so wisely reserved to the States, have in their wisdom declared against the sale in their communities of intoxicating liquors. The States have forbidden the sale, and yet we know that the express companies—the common carriers—do as a matter of fact materially aid the men who are engaged in this unlawful business to evade and violate these state laws. But a few years ago the Commissioner of Internal Revenue declined to testify in the state courts, and declined to permit any of his deputies to testify in these courts, that a man had paid the revenue tax to the United States Government required of retail liquor dealers, when, under state laws, the collection and payment of that tax was admissible as evidence against the defendant. Congress has at last, after much discussion, declared that the internal-revenue collectors shall give that information.

Now, it is proposed further in this bill—and I believe it is as far as we ought to go—that the Federal Government shall say to the state authorities, "This man has paid the tax required of those who engage in the retail liquor business, and he is receiving weekly 10, 15, or 20 gallons of whisky." I say, I think when the Government of the United States has done that, it has gone as far as the State can in reason ask, and we will then put the burden where it ought to be, not upon our shoulders, but upon the shoulders of those in the State who are charged with the execution of these police regulations and by whom we are most usually and most severely criticised.

Mr. STAFFORD. Will the gentleman yield for a question?

Mr. HUMPHREYS of Mississippi. With pleasure.

Mr. STAFFORD. Has the amendment which you have proposed, which is virtually a bill you have introduced, and known as "H. R. 16985," ever been considered by any committee of this House?

Mr. HUMPHREYS of Mississippi. There has been no report. The committee to which it was referred has considered it, along with other measures of similar import, and the Senate committee has considered a bill along the same lines.

The idea was suggested first, I think, by the gentleman from Georgia [Mr. BRANTLEY]. He and I had discussed the matter much together, and I suggested that he introduce his bill first, which he did, and I introduced mine on the next day. We presented those bills to the Senate committee, and the Senate reported favorably a bill which is very similar to this amendment.

Mr. STAFFORD. I think it is very far from what this bill proposes, if the gentleman will compare the bill reported to the Senate by Senator KNOX and the bill he has introduced in Congress, because from bare inspection it shows that this measure has several unconstitutional clauses.

Mr. HUMPHREYS of Mississippi. There is no danger, Mr. Chairman, to come to anybody from a bill that has several unconstitutional clauses in it.

Mr. CAULFIELD. Would not the gentleman state that this amendment is intended to provide federal aid to the State in the enforcement of state laws?

Mr. HUMPHREYS of Mississippi. That is practically true.

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. HUMPHREYS] has again expired.

Mr. HUMPHREYS of Mississippi. Just a minute, Mr. Chairman.

Mr. STAFFORD. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent for one minute more. Is there objection?

There was no objection.

Mr. HUMPHREYS of Mississippi. In answer to the suggestion, I will state that Chief Justice Marshall declared, in a case which he decided many years ago (Gibbons *v.* Ogden), in substance, that it was the duty of the Federal Government to assist the States in enforcing their criminal laws, rather than to throw obstructions in their way. Let me read that opinion:

The acts of Congress, passed in 1796 and 1799 (1. U. S. Stat., 474, 619), empowering and directing the officers of the General Government to conform to and assist in the execution of the quarantine and health laws of a State, proceed, it is said, upon the idea that these laws are constitutional. It is undoubtedly true that they do proceed upon that idea; and the constitutionality of such laws has never, so far as we are informed, been denied. But they do not imply an acknowledgment that a State may rightfully regulate commerce with foreign nations or among the States; for they do not imply that such laws are an exercise of that power, or enacted with a view to it. On the contrary, they are treated as quarantine and health laws, are so denominated in the acts of Congress, and are considered as flowing from the acknowledged power of a State, to provide for the health of its citizens. But as it was apparent that some of the provisions made for this purpose, and in virture of this power, might interfere with and be affected by the laws of the United States made for the regulation of commerce, Congress—

Now, listen to this—

in that spirit of harmony and conciliation which ought always to characterize the conduct of governments standing in relation which that of the Union and those of the States bear to each other, has directed its officers to aid in the execution of these laws, and has in some measure adapted its own legislation to this object by making provisions in aid of those of the States.

Mr. BURKE. Will the gentleman answer one question?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BARTHOLDT. Mr. Chairman, as I understand this proposition, it does not aim to prevent or prohibit the transportation of liquor from one State into another. It merely prescribes certain regulations. The Supreme Court decisions on this question, Mr. Chairman, vary very much, but they all agree on one point, namely, that the right of a citizen of any State in the Union to purchase or import from another State whatever he wants, whether it is liquor or any other article, and that that article be delivered to his hands is a right not based upon a statute, but is based upon the Constitution of the United States itself. Consequently, any bill or act of this House interfering with that right would be naturally unconstitutional. That is the first objection I have.

Mr. HUMPHREYS of Mississippi. Will the gentleman permit an interruption?

Mr. BARTHOLDT. Certainly.

Mr. HUMPHREYS of Mississippi. Does the gentleman think that, under the Constitution, Congress can require cotton-seed oil which enters interstate commerce, to be labeled cotton seed, and prevent it from being labeled olive oil?

Mr. BARTHOLDT. There is no question about the right to prescribe the labeling.

Mr. HUMPHREYS of Mississippi. If it can in the case of cotton-seed oil, why should it not have the right to label whisky?

Mr. BARTHOLDT. I am coming to that.

The second objection, Mr. Chairman, is this: That I believe the States which have prohibitory laws have the right to seize any liquor which may be transported to their territory. All that is necessary for the peace officer to do is to watch those to whom liquor is consigned, and the very moment the citizen who purchases it, either for his own use or for the purpose of disposing of it by sale, attempts to so dispose of it the goods become subject to the state law, and can therefore be seized by the state officials. Consequently, legislation of this kind is wholly unnecessary, unless it is intended to introduce in this country a sort of Russian spy system which would subject the importer of a bottle of wine or beer to the supervision of the peace officers of the county or State.

Mr. HUMPHREYS of Mississippi. In view of the gentleman's last remark, my statement would perhaps not be pertinent. But I want to suggest that there is no proposition in this bill against the shipment of liquor.

Mr. BARTHOLDT. I understand that.

Mr. HUMPHREYS of Mississippi. You have a perfect right to ship liquors under the interstate-commerce law. It simply requires that the package containing the liquor shall be labeled so as to truthfully state what its contents are.

Mr. BARTHOLDT. I understand, Mr. Chairman; but it is certain that if liquor is shipped to a certain citizen in a town in which the gentleman resides and these shipments are repeated very often, the peace officer would thereby be notified that the importer is disposing of the goods by sale.

Mr. HUMPHREYS of Mississippi. If he did that, he did not want it.

Mr. BARTHOLDT. In other words, the Government of the United States would aid the cause of prohibition in those States; and I say as long as those States have not exhausted the powers, which they now have, to seize such shipments under their laws, just so long the power of the Government of the United States ought not to be invoked.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTHOLDT. I request that I may have five minutes more.

There was no objection.

Mr. BARTHOLDT. Mr. Chairman, of course, if this question is to be considered on its merits, I shall have to ask for more time; but for the present I merely wish to call attention of gentlemen to this one fact: Wherever the legislatures have declared against the manufacture and sale of liquors—and there are a number of States in this Union which have done that—the people have certainly not voted against the importation from outside for their own family tables.

They have simply voted for prohibition for the purpose of closing saloons, and did not vote to exclude intoxicating liquors for their own use coming from other States, and I am quite certain that those States that have gone on record in favor of prohibition would never have voted for a proposition of this kind, a system which might deprive them and their guests of the possibility of taking a social glass of beer or wine. That is another reason why I object to this bill.

I want also to call the attention of the committee to the fact that this is one of the subjects which has received the most careful consideration at the hands of two different committees of this House—the Judiciary Committee and the Committee on Interstate and Foreign Commerce. For two years the first-named committee has taken testimony on this subject, and yet they have not yet seen fit to bring in a report on any one of the bills presented to them on this subject. And why not? Because there were very grave doubts in the minds of the members, the distinguished lawyers who compose that committee, as to the constitutionality of measures of this kind.

I remember that at one time a similar proposition was up here in the House, when it was reported with 11 or 12 other bills by the committee, and it was slipped through this House without discussion. I understand that is being cited by the friends of this legislation as proof that this House has gone on record as approving the principle of this bill. But it was not discussed on this floor, and more than that, Mr. Chairman, the committee at that time had not granted a hearing to any single individual. In other words, no hearing was had on the bill—and I believe the members of the committee will bear me out in the statement—and the bill was not generally understood.

Mr. HUMPHREYS of Mississippi. Just a word. This bill is not the Littlefield bill.

Mr. BARTHOLDT. I understand that.

Mr. HUMPHREYS of Mississippi. It is not along the line of any principle involved in that bill at all, nor is there any section in it or any attempt in this bill to prevent the interstate shipment of liquors. Any gentleman can send out of his State and import as many intoxicating liquors as he desires. This simply requires, just as the pure-food law does, that when the liquor comes in under interstate commerce it shall be labeled truthfully and accurately.

Mr. BARTHOLDT. Mr. Chairman, that does not break the force of my argument that this bill has not been considered by any committee. Speaking for myself, this is the first time I have seen its provisions. I do not know what they may mean. I do not know whether there may not be a "nigger in the wood pile." The gentleman himself has already consented to one amendment. There may be other amendments necessary, and, in my judgment, it is certainly a matter of sufficient importance to warrant discussion and consideration by one of the regular committees of the House before we act upon it.

Mr. LANGLEY. Mr. Chairman, I have consistently voted all along, while this bill has been under consideration, against radical amendments to it, upon the idea that it is not the occasion, when we are engaged in codification, to enact new legislation, especially when it involves important questions that ought to be first considered by a committee of the House.

I intend to vote for this amendment, however, and I want to explain why I intend to do so. If I felt sure that we could get a vote on this question, brought up as a separate and independent proposition, I do not think I would vote for this amendment, but I doubt if we can get it in view of my experience at the last session.

At that session I introduced a bill similar to the one which the gentleman from Mississippi [Mr. HUMPHREYS] offers as an amendment to this bill, and the Judiciary Committee did not act on it. The people of this country are earnestly engaged in an effort to lessen the evils of intemperance by stopping the shipping of whisky from one State into another where the people of the locality have declared by their votes and their laws that they do not want it there, and they believe that legislation of the character proposed by the gentleman from Mississippi will tend to curtail, to some extent at least, this evil. The gentleman from Mississippi [Mr. HUMPHREYS] says that he does not believe in the Federal Government undertaking to exercise the police powers of a State.

I would vote for a proposition involving the exercise by the Federal Government of the police powers of a State if the State fails or refuses to do so, especially when, as in this case, a great public moral question, which so vitally affects the welfare of the people, is involved. I shall vote for the amendment offered by the gentleman from Mississippi, believing that it is a step toward the elimination of the great evil which now exists and which is greater by reason of the lax provisions of our present federal laws.

Mr. JENKINS. Will the gentleman yield for a question?

Mr. LANGLEY. Certainly.

Mr. JENKINS. I understood the gentleman from Kentucky to say that at the last session he introduced a bill to smother and prevent this vice. I want to ask him if he went to the committee to which that bill was referred and had a hearing on this important measure to smother vice?

Mr. LANGLEY. The gentleman from Wisconsin, chairman of that committee, will remember that I attended a great many of those hearings, and that I also had several conversations with him and with other members of that committee regarding the status of these various bills; and I will say further that I doubt very much whether the gentleman from Missouri [Mr. BARTHOLDT] was correct when he said that the only reason that some bill along this line was not reported by the committee was because of grave doubts as to the constitutional questions involved.

Mr. JENKINS. The gentleman refuses to answer my question. I asked him if he ever appeared before the committee to which his bill was referred and asked for a hearing.

Mr. LANGLEY. I did not mean to refuse to answer the gentleman's question. What I meant to say was that while I had no formal hearing myself, I appeared, along with others, before the committee; and the gentleman knows that while I did not make an address before the committee upon this question it was because I knew that the matter had already been fully presented; and if I am not mistaken the gentleman himself informed me that none of the bills would be reported, and therefore I did not want to waste my time in making a useless argument.

Mr. JENKINS. I want to say to the gentleman from Kentucky that he is very much mistaken when he says the gentleman from Wisconsin, the chairman of that committee, told him the bill would never be reported. I want to say to this House now and to the country, in response to this agitation, that the

gentleman from Kentucky [Mr. LANGLEY] never appeared before the Committee on the Judiciary and asked to be heard on this important question.

Mr. LANGLEY. That is correct, Mr. Chairman; I did not, for the reasons that I have stated, but I was in constant touch with those who did appear, and——

Mr. JENKINS. That is what I want to get out here before this country. Gentlemen are telling what efforts they have made to smother vice. They introduce bills and then throw the responsibility upon the Committee on the Judiciary.

Mr. LANGLEY. By no means, so far as I am concerned. On the contrary, I introduced my bill in good faith, and I want to show the House and the country by my vote, as I think I have already shown by what I have said, that I am not indulging in buncombe, but that I want some measure of this kind enacted; and I intend to vote for it. This is a very important question to my people, and I wish I had time to go more fully into the merits of the whole subject. The shipping of intoxicating liquors into localities in open defiance of the will of the people is an iniquity that the Federal Government should not tolerate, much less sanction.

Mr. ALEXANDER of New York. Mr. Chairman, referring to the remarks of the gentleman from Missouri [Mr. BARTHOLDT], I beg to say that this bill presented as an amendment never has been considered by the Judiciary Committee, nor has it been presented to the Judiciary Committee for its consideration. The bill which occupied so much of the time of the Judiciary Committee in the last session, popularly known as the "Littlefield liquor bill," did not contain the provisions of the bill of the gentleman from Mississippi [Mr. HUMPHREYS]. The time of the Judiciary Committee was largely taken up in the consideration of the Littlefield bill, and the only reason, so far as I know, why a report was not made was for the want of time after the hearings closed. There were at one time or another in the Judiciary Committee room more than 20 Members of this House waiting their turn to be heard.

Mr. ALEXANDER of Missouri. Will the gentleman from New York yield for a question?

Mr. ALEXANDER of New York. Yes.

Mr. ALEXANDER of Missouri. I would like to ask the gentleman from New York if the Judiciary Committee will have time at the present session to make a report on the Littlefield bill?

Mr. ALEXANDER of New York. The bill is not before the subcommittee of which I am chairman, but I presume some report will be made. It was reported out in the Fifty-eighth or Fifty-ninth Congress. It has been intimated that the Judiciary Committee is a "morgue," but that committee has done its full share of work, reporting as many bills, perhaps, as other great committees of the House save the Committee on Invalid Pensions.

Mr. MANN. And the Committee on Interstate and Foreign Commerce.

Mr. ALEXANDER of New York. I do not make such an exception. Among the bills reported were some very important ones. The employers' liability bill, for illustration. It also reported the bill in relation to government liability to its employees. The bill proposed as an amendment to the bill before the House is out of place here. It has been referred to the Judiciary Committee, but it has had no consideration. It has never been presented by the subcommittee or, so far as I know, been considered by any member of that committee. I shall not go into its merits. The question is: Shall we, in Committee of the Whole, pass upon important measures as amendments to the bill now before us without first having them passed upon by the committee to which they have been regularly referred?

There is one constitutional question presented in this bill. I do not know that it is vital. I do not now say that it would be unconstitutional, but certainly it ought to be carefully examined. It has never had such examination. Is it constitutional to clothe a State with power to compel the production of the books of an interstate transportation company? It may be. I am not now prepared to say that it is not.

Mr. MANN. The gentleman refers to that clause in relation to the inspection by police officers?

Mr. ALEXANDER of New York. That is it.

Mr. MANN. Does the gentleman doubt the authority of Congress to require the record by the Interstate Commerce Commission to be kept open to the inspection of everybody?

Mr. ALEXANDER of New York. I am simply raising the question if Congress can clothe a State with that power. I do not now pass upon it. What I am insisting upon is that this House ought not to vote on a question of this kind until it has been carefully considered by the proper committee and a report made for or against it.

If an adverse report is made, it is in the power of this House to bring it before the House to consider. But let us respect the committees of this House. The Judiciary Committee has shown no hesitation in reporting bills that have been referred to it.

Mr. KAHN. Will the gentleman yield for a question?

Mr. ALEXANDER of New York. Yes.

Mr. KAHN. I have just looked at this amendment, but in the judgment of the gentleman would it not apply solely to goods of American manufacture? It would not apply, would it, to wines, for instance, produced in France, Germany, or Italy, and which would be thrown into direct competition with American products?

Mr. ALEXANDER of New York. I do not answer that question, because I do not propose now to discuss the merits of this bill. Let it be considered by the committee to which it has been referred, and then if the report is unfavorable let gentlemen demand that the committee be discharged from its further consideration and that it be brought here for consideration.

The CHAIRMAN. The time of the gentleman has expired. The Chair understands that the gentleman from Mississippi [Mr. HUMPHREYS] desires to ask unanimous consent to modify his amendment.

Mr. HUMPHREYS of Mississippi. Yes.

The CHAIRMAN. Will the gentleman indicate in what particular?

Mr. HUMPHREYS of Mississippi. By the insertion of the word "knowingly" on page 1, in line 14. I have given the Clerk the modification I desire to state.

The Clerk read as follows:

Line 14, page 1, after "another," insert the word "knowingly," so as to read, "from one State into another knowingly any package," etc.

Mr. OLMSTED. I should think, if the gentleman would permit, that it would be better to put that word in in line 13, before the word "transport."

Mr. MANN. No.

Mr. OLMSTED. Oh, the gentleman from Illinois says no; but I still think it would.

Mr. HUMPHREYS of Mississippi. I think "knowingly" is in the right place.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to modify his amendment as indicated. Is there objection?

Mr. KAHN. I object.

The CHAIRMAN. Objection is heard.

Mr. ALEXANDER of New York. Mr. Chairman, I want to advert once more to the so-called "Littlefield liquor bill." As I said before, that measure was reported in the Fifty-eighth or Fifty-ninth Congress, and it passed upon the Calendar of the House. The same bill was introduced in the first session of the Sixtieth Congress. Many of the same people asked again to be heard for and against the bill. The gentleman from Missouri [Mr. BARTHOLDT] insisted—not once, not twice, but half a dozen times—that he had a right to be heard, and that as a Member of the House he insisted upon having something to say as to the time when he should be heard.

Business called him to Missouri. Business also took him into his own important committee, the Committee on Public Buildings and Grounds, where he was framing a bill for public buildings. That took most of his time.

Mr. SABATH. Did I not appear myself several times against the Littlefield bill?

Mr. ALEXANDER of New York. Yes; and finally we had to cut you out.

Mr. SABATH. And I have not succeeded in getting the time yet.

Mr. ALEXANDER of New York. It would have been grossly unfair for the Judiciary Committee to have said to the chairman of the Committee on Public Buildings and Grounds [Mr. BARTHOLDT], "You shall fix your time to conform to ours."

Mr. MANN. Especially while he was making up the public buildings bill. [Laughter.]

Mr. ALEXANDER of New York. I have no doubt that was largely the basis of the reason for giving him further time.

He was heard on May 1. That was the first opportunity he had of addressing the committee, and his remarks were well worth listening to, being filled with statistics that required weeks, perhaps months, to prepare. We ought to have heard him, and after the hearings closed there was little time left to make such a report as should be made upon a bill of so much importance. I have said this much, Mr. Chairman, because the Judiciary Committee is not derelict in performing its duty.

Mr. GARRETT. Mr. Chairman, I trust this will not come out of the time for the discussion of this question——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GARRETT (continuing). Because I merely want to make this statement: It has been suggested to me that in the colloquy——

The CHAIRMAN. The gentleman has unanimous consent to make a statement.

Mr. GARRETT. That in the colloquy between the gentleman from Missouri [Mr. BARTHOLDT] and myself, when the amendment as to dealing in futures was up, that my mannerism was such as was calculated to be somewhat offensive. The gentleman from Missouri has not suggested that, nor have I heard it as coming from him, but some gentleman has suggested to me that this might be true. Nothing of the sort was intended, I know, and I simply wanted to make that statement. I would not willingly offend any gentleman, and certainly not the gentleman from Missouri, for whom I entertain feelings of kindest regard and respect.

Mr. BARTHOLDT. I did not take it so.

Mr. ALEXANDER of Missouri. Mr. Chairman, the discussion of the attitude of the Committee on the Judiciary toward the Littlefield bill seems to me is not germane to the question under discussion here. I have often wondered, however, why the Committee on the Judiciary did not make a report to the House, knowing that that is a question of vital moment in many States, and through the campaign it was often under discussion in the public prints. Now, if I understand the gentleman from New York [Mr. ALEXANDER], the Committee on the Judiciary did make a favorable report on that bill in the Fifty-ninth Congress after very extended hearings, and I assume they thought the bill was constitutional. The bill was reintroduced in the Sixtieth Congress and was under consideration for six months, or nearly so, and it does seem to me, as the committee was constituted substantially as it was in the Fifty-ninth Congress, that they might then have come to some conclusion thereon and reported it to the House, either favorably or adversely.

Mr. ALEXANDER of New York. Will the gentleman yield?

Mr. ALEXANDER of Missouri. Yes, sir.

Mr. ALEXANDER of New York. I desire to say to the gentleman from Missouri that there were several new members on the Judiciary Committee in the first session of the Sixtieth Congress who were not there in the Fifty-ninth Congress. It was for those gentlemen, and those gentlemen alone, that the hearings were continued. If it had been the old committee, we would have begged them to not ask us for further hearings on that bill, of which we had all become tired.

Mr. ALEXANDER of Missouri. How many new members were there?

Mr. ALEXANDER of New York. The chairman, who sits there, can probably tell better, but I think there were two or three.

Mr. ALEXANDER of Missouri. One from Missouri [Mr. CAULFIELD].

Mr. ALEXANDER of New York. And one from New York [Mr. MALBY].

Mr. ALEXANDER of Missouri. And one from Kentucky, I believe [Mr. SHERLEY].

Mr. ALEXANDER of New York. That is three, and I think one from Pennsylvania [Mr. MOON]. That is four. Then, there was Mr. DIEKEMA, of Michigan, which makes five, so there are five new members on a committee of eighteen, and to them certainly was due the courtesy of a hearing. There is also Mr. WEBB, of North Carolina, which makes six.

Mr. ALEXANDER of Missouri. Were they in attendance at these hearings during these five months?

Mr. ALEXANDER of New York. Every time, and there has not been a laggard on the Judiciary Committee since I have been a member of it, and I have been a member for twelve years. [Applause.]

Mr. ALEXANDER of Missouri. Did they have access to the former hearings?

Mr. ALEXANDER of New York. They had access to the former hearings, but there were many who addressed us in the Sixtieth Congress who did not in the Fifty-ninth. I am not sure whether the gentleman from Missouri——

Mr. HUMPHREYS of Mississippi. Mr. Chairman, what is the subject under discussion?

The CHAIRMAN. The gentleman from New York has yielded to the gentleman from Missouri to ask a question.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, a parliamentary inquiry. I want to ask what the subject of the discussion now before the House is, and what it must be limited to?

Mr. ALEXANDER of New York. Let me say, Mr. Chairman, to the gentleman from Mississippi [Mr. HUMPHREYS] that the remarks just now are quite as germane to the subject as his amendment is.

Mr. BARTHOLDT. Will the gentleman permit an interruption?

Mr. ALEXANDER of Missouri. Yes, sir.

Mr. BARTHOLDT. In the interest of a correct report, I should like to state that there was no report in the Fifty-ninth Congress on this bill. The report was made in the Fifty-eighth Congress, and no hearing was had in the Fifty-eighth Congress whatsoever. After the bill had been acted upon in this House, in about ten minutes' time and passed without discussion, the country became aroused as to its importance, and in the Fifty-ninth Congress there were very extended hearings on the bill.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. ALEXANDER] has expired.

Mr. ALEXANDER of Missouri. Mr. Chairman, I ask unanimous consent that my time be extended.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUMPHREYS of Mississippi. Will the gentleman from Missouri [Mr. BARTHOLDT] yield for just a question?

Mr. BARTHOLDT. Yes, sir.

Mr. HUMPHREYS of Mississippi. His colleague is referring to this bill. What bill?

Mr. ALEXANDER of Missouri. The Littlefield bill.

Mr. HUMPHREYS of Mississippi. That is a very different matter from this bill.

Mr. ALEXANDER of Missouri. We understand that. Now, as I stated at the outset, it was not for the purpose of criticising any committee. Since the gentleman from New York [Mr. ALEXANDER] has mentioned the Littlefield bill, I do hope that we shall have a report from that committee on that bill during the present session of Congress in time to vote on it.

Now, I know there are some new members on that committee, and I expect they are fully informed as to the constitutional question involved and the policy of legislation. Now, that bill, as suggested by the gentleman from Mississippi [Mr. HUMPHREYS], is quite a different one from the one under consideration here. My colleague from Missouri [Mr. BARTHOLDT] fears this bill may trench on the rights of the citizens. Now, Missouri has about 75 or 80 counties under local option. Every county in my congressional district is under local option, and every town save one. It is notorious that there is abuse by dealers in intoxicants in shipping intoxicating liquors from other States into Missouri, into counties under local option, in that they are concealed in packages, the contents of which are not known, and consigned, it is alleged, to fictitious persons.

There is no grave constitutional question involved here. I assume that if Congress has any right under the interstate-commerce clause of the Constitution to regulate interstate traffic, they certainly can in a reasonable exercise of that power provide that a package containing a certain commodity shall be plainly marked indicating its contents, and that it shall not be consigned to a fictitious person. And I assume, too, that there could be no question that this Congress may provide that the books of the carriers shall be open to inspection at the place of delivery by the officers of the law, so that this provision will not be violated. That is all there is in it, simply that the package shall be plainly marked, not consigned to a fictitious person, and shall be delivered in good faith to the consignee or his agent. I do not think that would deprive my colleague's friends of their liquor, their Anheuser-Busch beer, if they want it, or of any other beverage. It is not curtailing the right of any citizen at all. It is simply to prevent an abuse which is prevalent now in those States under prohibition or under local option. I do not think the carriers want to violate the law. They do not want to be the instrument for the violation of law, but when this traffic is carried on in a covert way it is liable to occur, and this is a simple, plain, common-sense way to prevent it. Although this amendment has not been considered by the Committee on the Judiciary, although it has been before that committee for months past, its provisions are so plain and so in harmony with common sense, and there is so little doubt of its constitutionality I do not think we take any chances in adopting it.

Mr. ALEXANDER of New York rose.

The CHAIRMAN. Does the gentleman from Missouri [Mr. ALEXANDER] yield to the gentleman from New York [Mr. ALEXANDER]?

Mr. ALEXANDER of Missouri. Yes, sir.

Mr. ALEXANDER of New York. May I suggest that this bill has not been under consideration in the Judiciary Committee?

Mr. ALEXANDER of Missouri. With all due respect to the gentleman, I do not think it is necessary.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ALEXANDER of New York. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri [Mr. ALEXANDER] have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ALEXANDER of New York. The Littlefield bill did not contain the provision that the gentleman from Mississippi [Mr. HUMPHREYS] has in his bill.

No gentleman on the committee was subject to the slightest criticism, nor was the gentleman from Mississippi subject to any criticism because this bill was not presented.

Mr. ALEXANDER of Missouri. I do not understand that we are finding fault with the committee nor the gentleman from Mississippi.

Mr. ALEXANDER of New York. I desired simply to state that it was never before the committee.

Mr. ALEXANDER of Missouri. I never intimated that it ever had been, nor do I think it necessary that it should be.

Mr. ALEXANDER of New York. I beg the gentleman's pardon. I understood him to say that it had been.

Mr. ALEXANDER of Missouri. Oh, no; I was talking about the Littlefield bill.

Mr. ALEXANDER of New York. Then I misunderstood the gentleman.

Mr. JENKINS. Mr. Chairman, I hardly know just exactly how to address the committee at this time on account of the wide range the discussion has taken. In the first place, I wanted to address myself to this amendment; but as I sat here anxious to be recognized, my friend from Missouri undertook to criticise the Committee on the Judiciary, and asked my friend from New York, a member of that committee, if he would guarantee that this bill would be reported out of committee. Mr. Chairman, I want to say in all candor that when my friend shall have had as long judicial experience in this House as I have he will appreciate that one member of any committee can not speak for the committee. I want to say that when any gentleman running for Congress in the last campaign was in some doubt as to whether he would be elected or not, he laid all the sin on the Committee on the Judiciary. [Laughter.] I want to say also to this House, and my people insist that I shall soon retire from this body, that I never sat with a better, more loyal, more intellectual lot of legal gentlemen in my life than I have met in the Committee on the Judiciary, both Democrats and Republicans. [Applause.]

We have never had a single party division in the twelve years I have been serving there. Every Democrat and every Republican came prepared to discharge his duty.

Now, so far as these temperance bills are concerned, I do not violate the confidence of the committee when I say that out of 18 members 16 members were thoroughly committed by their vote against the constitutionality of those measures; and yet my friend from Missouri says, as a gentleman said to me on yesterday, "Gentlemen, do not bother about the Constitution; it will take care of itself." [Laughter and applause.]

Mr. ALEXANDER of Missouri. Do you think I used any such language as would justify your statement?

Mr. JENKINS. I do so.

Mr. ALEXANDER of Missouri. I would like you to quote it.

Mr. JENKINS. Now, Mr. Chairman, I want to dispose of some of these questions. The Committee on the Judiciary does not determine any question of policy. The Committee on the Judiciary sit to determine the constitutionality of measures; and then gentlemen ask why this bill should not be reported by this committee when 16 gentlemen of that committee are registered by their vote against the constitutionality of the measure. I am one of those antiquated men who believe, Mr. Chairman, that when we desert constitutional principles anarchy will take place, and we must be bound by the Constitution, and we must be bound by the laws of this country if we want to preserve this nation and we want to preserve the States. [Loud applause.] The question reported in the bill that was before the House some years ago was entirely dissimilar to the question that is now before the committee. That committee has been engaged more than it ought to be.

I think I can safely say to my colleagues on the floor here to-day that we have spent at least three hours to-day with reputable gentlemen from different parts of this country trying to arrange for hearings and that we have got all the time engaged up to the middle of January. On some of these questions we have had at least 65 of the greatest men of this Nation come to be heard. My friend brings to my mind a gentleman that I heard addressing a legislature a little while ago when I was visiting. When some gentleman referred to the Committee on the Judiciary, this man got up and said:

Until I got to be a member of this body I thought lawyers were smart men.

He said:

There has not been a question up since I have been here but I was ready to vote on it, and yet these men who pretend to be so learned want to take it home and read it over before they vote upon it.

Now, Mr. Chairman, so far as this bill is concerned, I want to ask my good-natured friend from Mississippi if he ever appeared before the Committee on the Judiciary in advocacy of this bill?

Mr. HUMPHREYS of Mississippi. I did not. Now, will the gentleman——

Mr. JENKINS. That answers my question.

Mr. HUMPHREYS of Mississippi. I should like to say further, I am put on the witness stand and I want to tell all the truth.

Mr. JENKINS. That is all the truth.

Mr. HUMPHREYS of Mississippi. No——

The CHAIRMAN. Does the gentleman yield?

Mr. JENKINS. I can not yield any further. Now, Mr. Chairman, the Committee on the Judiciary have been anxious to settle all these questions, in the interest of honesty and good government, and in the interest of sobriety, as it is possible to do. But as far as this question is concerned, it is a very important one. This proposition was introduced into this House by the gentleman from Mississippi. It was referred to the Committee on the Judiciary and immediately referred to a subcommittee, who had power to hear arguments with reference to it. We have similar bills. We have been trying to arrange for some line of legislation that would satisfy the growing demands in this country, but it has been utterly impossible for us to do it.

Let me invite the attention of this House to the fact that in the Fifty-third Congress, without a dissenting vote on the floor of this House, an amendment was passed transferring from congressional jurisdiction to the States every element of legislative power over interstate commerce. Where would we be, Mr. Speaker, if we were operating to-day under the laws prior to the adoption of the Constitution? The Committee on the Judiciary have been trying their very best to preserve the autonomy of the Federal Government and the autonomy of the States. They have appreciated the great importance of the constitutional question involved, and they have fully appreciated the great demand on the part of the people for temperance legislation. We have simply asked them: "Why do you not go back to your States?" Every gentleman knows to-day that it is within the power of every State to prevent the manufacture and sale of liquor. Let us take Iowa as an illustration, as just suggested to me by a gentleman who appears to be familiar with it.

Under the law of Iowa you can manufacture wines out of grapes grown in the State of Iowa. Now, what is the difference between a man in Iowa drinking domestic wines and some foreign introduction? I want to know why the rights of the man in Minnesota are not as sacred as the rights of the shipper in the State of Kentucky? A man in Minnesota says to-day, "I want to send down to Kentucky and have some wine shipped to me." They say, "You can not ship it unless it is so marked on the box as to show exactly what is in it." That is depriving the citizen of Minnesota of his constitutional rights, while the man in Iowa can drink his wine unmarked. I do not know why a man in Minnesota can not have his product shipped to him, as long as the State of Minnesota does not prohibit the use of it. That is one great question that seems to be overlooked here. No State in the Union has gone so far as to say by its legislation that a citizen of a State shall not drink anything he sees fit, if he can buy it. He may not sell, he may not give it away, and he may not manufacture it. We are depriving him of his constitutional right when we say that he shall not buy that product unless it is marked.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. STAFFORD. I ask unanimous consent that my colleague have ten minutes more.

There was no objection.

Mr. JENKINS. Now, Mr. Chairman, I want to say the country is greatly indebted to some of the gentlemen on the floor of this House, who have pointed out some of the iniquities of this amendment. If it should be adopted, a gentleman could go to a dry goods store in the State of Kentucky and have a box prepared for shipment to any other State in the Union—a box apparently containing dry goods—and in it there might be a bottle or a jug of liquor; and yet the Congress of the United States is invited to say that a common carrier shall be punished if it carry that package without knowing what is contained in it. It is due to the gentlemen upon the floor of this House that the gentleman from Mississippi [Mr. HUMPHREYS] has accepted this amendment; but it is not broad enough to

meet the question. Under the law of the State of Mississippi to-day, if a person takes his product to a common carrier in that State and asks to have it shipped to the State of Wisconsin, the common carrier must take it and ship it; and if it does not, it is liable, and you are placing the common carrier between two fires. I invite your attention to it, because a matter of this importance certainly ought to be carefully considered by the committee.

Six Democrats on the Committee on the Judiciary, every one of them from the South, and every gentleman professing to be temperate in his views. I can certainly say that if any one of them drinks, it is not to my knowledge.

Mr. FITZGERALD. The gentleman from Wisconsin does not mean to intimate that they are not temperate in their habits?

Mr. JENKINS. They are temperate in their habits. It seems to me that our colleagues on the floor of this House ought to be content to leave this question with the Committee on the Judiciary.

I got a letter to-day—and I wish I had it here now; I would read it—from a gentleman in New Orleans, and I trust that some gentleman from Louisiana is on the floor to hear the statement. In that letter he asked me why a bill in which he is vitally interested has not been passed by this Congress. He addresses me as chairman of the Judiciary Committee, and wants me to explain why the bill in which he is interested has not been passed by the House, and that bill is before the Interstate and Foreign Commerce Committee.

He says that the bill has been there for over a year and that he can not get any sort of recognition. I do not want to say that the Committee on Interstate and Foreign Commerce is a morgue, but while I am here let me say that while that committee has gone a long ways toward stating that the Committee on the Judiciary is a morgue, they have had a companion bill to the so-called "Littlefield bill" as long as the Committee on the Judiciary has had its bill, and they have not had the nerve or the time to report it.

I do not know why the Committee on the Judiciary should be discriminated against. I am willing to say that, as far as the Committee on the Judiciary is concerned, when this Congress closes there will be a large number of bills, some of them of considerable importance, that it will be impossible for that committee to report for the want of time. I simply want to say to my friends, as I am going to retire, that I never saw a harder-working body of gentlemen in my life. I never saw men more willing to devote all their time to these great questions, and I can say that I never have met one member of that committee but would devote what I think was all of his time to the services of that committee and to the services of this House. [Applause.]

You all know when eighteen gentlemen, each one thinking for himself that he knows what is best, sit down around a table considering these great questions how difficult it is to reach conclusions. When you get through, figure it up and you will find no more bills in the morgue of the Judiciary Committee than you will find in the Interstate and Foreign Commerce Committee or any other one of the great committees of this House. A majority of that committee and a majority of any committee can report any bill out at their will. If a bill has not been reported out, the indication is that there is a majority against it, and I can not say that the majority is wrong. [Applause.]

Mr. MANN. Mr. Chairman, I do not propose to engage in any unseemly squabble with the distinguished gentleman from Wisconsin as to the relative merits of the Judiciary Committee and the Committee on Interstate and Foreign Commerce. While it is very difficult to recall any constitutional measure of importance which has passed through the Judiciary Committee and sustained contest in the courts, the files of this House are replete with bills that have passed through the Committee on Interstate and Foreign Commerce involving the greatest questions relating to the welfare of the country, not one of which has been declared unconstitutional by the Supreme Court of the United States.

Mr. ALEXANDER of New York. Will the gentleman yield?

Mr. MANN. I will.

Mr. ALEXANDER of New York. Does the gentleman from Illinois recall any bill in the last decade that has been favorably reported by the Judiciary Committee and become an act that has been overruled by the United States courts, except the employees' liability act?

Mr. MANN. If I were the gentleman from New York I would not have called such fresh attention to that. The chances are that the last one that came from the committee and was passed will be declared unconstitutional.

Mr. ALEXANDER of New York. Will the gentleman from Illinois answer my question?

Mr. MANN. As I stated before, I did not rise to engage in any unseemly squabble with the members of the Judiciary Committee, but to address myself to the proposition before the committee.

Mr. ALEXANDER of New York. I asked the gentleman for an answer to my question, for if he has information I would like it.

Mr. MANN. A similar law to the one they are now seeking to pass went through the Judiciary Committee and was declared by the Supreme Court of the United States to be unconstitutional.

Mr. Chairman, I am as much a stickler in this House as any Member of the House for all bills to be first considered in committee, and I yield to no one in my admiration for the ability and the nerve of the Committee on the Judiciary, which has often deserved, in my opinion, the thanks of the House not only as to the liquor legislation, but as to much other legislation. This bill, however, or the amendment now presented to the committee, is so plain in its language that it does not require long consideration or learned argument to understand it. We have heard discussed in many ways the question as to the rights of the Government over interstate traffic and liquor, and as to what the Government ought to do. I would be perfectly willing to still wait, as I think we ought, upon the opinion of the Judiciary Committee before enacting such legislation as they have been considering but for the fact that this proposition is so plain and such a simple one, simply requiring that liquor, which everybody admits to stand upon a different footing from ordinary articles, shall be so marked.

It will be precisely along the lines of much legislation already enacted requiring certain articles to be marked. We have required or attempted to require that every medicine containing opium or morphine shall be so marked in interstate commerce. Here is a proposition merely to require that liquor shall be so marked, without in any way whatever affecting the transportation of the liquor, and it seems to me that it would be wise to adopt such a measure and await the result of such legislation in actual transactions, and I therefore favor the amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ALEXANDER of New York. I ask unanimous consent that the gentleman be given five minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Illinois be extended for five minutes. Is there objection?

There was no objection.

Mr. MANN. I am prepared to vote.

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman from New York [Mr. ALEXANDER] seems to doubt the constitutionality of this amendment. Well, this House is a great court. Let us pass on it here now and adopt it and then mend its weak places. We can do that. It seems that this species of legislation stands about 16 to 2 in the Judiciary Committee. How can you expect any favorable report from that committee?

Mr. ALEXANDER of New York. Will the gentleman yield?

Mr. GAINES of Tennessee. Yes. I want to show the gentleman a statute which I think he helped to make similar to this, and I feel satisfied he will agree to this proposition.

Mr. ALEXANDER of New York. I want only to correct one statement. I entirely disavow any sentiment, any knowledge, and made no statement in regard to its constitutionality or unconstitutionality.

Mr. GAINES of Tennessee. I thought the gentleman spoke about it and said it might be unconstitutional some time ago. However, if he did not, it is all right and I stand corrected and accept the gentleman's disavowal. Now, the gentleman from Wisconsin [Mr. JENKINS], the distinguished chairman of the committee and a great lawyer and a great legislator, has stated that that committee stands 16 to 2 against any "dry" legislation coming out of that committee.

Does not that serve notice on us that we may expect adverse action on this legislation? I call to the attention of the distinguished chairman and to the attention of the gentleman from New York [Mr. ALEXANDER] the fact that Congress passed the "Lacey bird law," which is very similar to this in its main points and requires certain "marks" to be placed around the shipped game before it can be lawfully sent from one State to another, and so forth. The Supreme Court of the United States, I think, has upheld that law. Several States of the United States have passed similar laws, and the Supreme Court has

upheld them. That is my recollection. I have here a copy in my hand of one of those decisions. Now, to help this great committee of lawyers, which I hope does not stand 16 to 2 against this class of legislation, let me read a couple of paragraphs from the "Lacey bird law," and I do it because it clearly sheds light upon this subject:

SEC. 3. That it shall be unlawful for any person or persons to deliver to any common carrier—

Read the pending amendment and you will see about that language in it—

or for any common carrier to transport from one State or Territory to another State or Territory, or from the District of Columbia or Alaska to any State or Territory, or from any State or Territory to the District of Columbia or Alaska, any foreign animals or birds the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds where such animals or birds have been killed in violation of the laws of the State, Territory, or District in which the same was killed: *Provided*, That nothing herein shall prevent the transportation of any dead birds or animals killed during the season when the same may be lawfully captured and the export of which is not prohibited by law in the State, Territory, or District in which the same are killed.

Mr. KAHN. What is the gentleman reading from?

Mr. GAINES of Tennessee. I am reading from volume 31, United States Statutes at Large, chapter 553, page 187, the act of the Fifty-sixth Congress, known as the "Lacey bird law," an act entitled "An act to enlarge the powers of the Department of Agriculture to prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes." I have just read section 3 of that law. I will read section 4, and I wish gentlemen to note the similarity of language in this amendment and this law:

SEC. 4. That all packages containing such dead animals, birds, or parts thereof, when shipped by interstate commerce, as provided in section 1 of this act, shall be plainly and clearly marked.

Now, those are almost the very words of the amendment of the gentleman from Mississippi that we are discussing—"shall be clearly marked." Now, I think the Supreme Court has upheld that law, and yet gentlemen get up here and talk about this law being unconstitutional.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask for five minutes more. I am trying to discuss the law of this matter——

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. I am trying to discuss the law of this matter and to shed some light where possibly some light is wanted or not wanted. It says:

SEC. 4. That all packages containing such dead animals, etc., when shipped by interstate commerce, as provided in section 1 of this act, shall be plainly and clearly marked—

Then it says—

so that the name and address of the shipper and the nature of the contents may be readily ascertained on inspection of the outside of such packages. For each evasion or violation of this act the shipper shall, upon conviction, pay a fine of not exceeding $200.

Now, gentlemen, I will not take up your time nor try your patience. [Applause.] Well, Mr. Chairman, those who do not want to have what brains they have left enlightened on this subject can take up their hats and go on out. As far as I am concerned, it is immaterial to me whether anybody listens or not. [Applause.]

Mr. SIMS. I would like to remark to my colleague that his quotation there is absolutely in point, and strikes——

Mr. GAINES of Tennessee. It is absolutely in point, and more than that, I think the Supreme Court has upheld it. The gentleman from Mississippi has with great care drafted this bill—and in clean-cut English, at that—showing he is not only a lawyer but a scholar as well. Now, gentlemen, here is this committee that has had this bill before it—whether any hearing has been given to it or not—since last February. That committee is crowded with work. The chairman, Mr. JENKINS, says the committee's time is taken up down to the middle of January—time all allotted that far ahead. Why can not the House now take up this matter and settle it. It is a very simple measure, gentlemen, and will aid local dry places.

I know myself—before a certain county in Kentucky had gone dry, and an adjoining county seat and county in Tennessee had gone dry—of a town into which jug after jug of whisky was shipped from Kentucky, untagged and unmarked, right in defiance of the police laws of the little town and of the State; and they were unable to stop it until the adjoining Kentucky county, as I say, voted local option and went dry. This amendment-made law will aid the State officers to enforce the local laws.

Mr. BARTHOLDT and Mr. SABATH rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. GAINES of Tennessee. To either. I yield first to the gentleman from Missouri.

Mr. BARTHOLDT. Mr. Chairman, I would ask the question, In the judgment of my friend, if beer were introduced into that dry county in Tennessee to take the place of whisky, whether the cause of sobriety would not be promoted thereby?

Mr. GAINES of Tennessee. I want to say since they voted whisky out of that little town splendid mercantile houses have taken the place of the saloons, and that large concerns have gone into old wholesale whisky houses, and the town has prospered as it never had before in its great history. Now, these are facts. I desire to say further that the whole State of Tennessee is more or less in the same fix.

Mr. CAULFIELD. Does the gentleman understand this bill would prohibit the shipment of jugs?

Mr. GAINES of Tennessee. It would help to stop sneaking shipping to these fictitious consignees. If we tag these shipments, as the bill provides, if we put the name of the consignee and the consignee is a living individual, we stop these sneaking shipments, and you help the State of Tennessee enforce her laws; you help these little dry counties, and you help these little dry towns. I say that it is an absolutely fair bill; it is a clean bill, and it helps the little towns and the little counties in the States to enforce their local-option laws.

It is not complicated, like the Dolliver-Hepburn bill or the Littlefield-Carmack bill or the Littlefield bill. I know that there is a contrariety of opinion about these measures—their validity—but there can not be any doubt as to the constitutionality of this amendment. It simply tags the whisky so that there can be no fraudulent consignees. It tags it so that you know who is to get it, and that the consignee is not a "dummy," and that it is whisky and not something else. If that is not a good police law, I do not know what is a good police law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ALEXANDER of New York. Mr. Chairman, I move that the gentleman from Tennessee [Mr. GAINES] have five minutes longer. We have taken up his time.

Mr. GAINES of Tennessee. I thank the committee for its courtesy. I think I have shown that this measure is entirely constitutional, entirely just, and much needed, and I hope it will become a law.

Mr. KAHN. I will yield to the gentleman from Tennessee for the purpose of answering a question.

Mr. JENKINS. I wanted to ask my friend from Tennessee if he had heard any gentleman on the floor of this House question the constitutionality of this bill?

Mr. GAINES of Tennessee. I think I did, if the gentleman please.

Mr. JENKINS. I want to suggest to my friend from Tennessee that he has set up a man of straw and has banged away at it as ably as any man I ever heard in my life.

Mr. GAINES of Tennessee. I am striking at a thing in connection with which we use straws, and I would just as soon strike at a straw man, if he is against this bill, as to strike at one that has as good a head on him as my friend from Wisconsin [Mr. JENKINS] and against it.

Mr. KAHN. The argument of the gentleman from Tennessee is the best indication that this bill should be referred to a proper committee and considered by a proper committee. Let me read the language of the first section of the bill. It is as follows:

That every common carrier engaged in interstate commerce shall keep a record of all vinous, spirituous, malt, and intoxicating beverages transported by it from one State into another, which record shall show the names of the consignor and consignee—

And so forth.

Now, the Lacey bird law, which was fully considered by a committee of the House to which the gentleman has referred, says, "from one State or Territory into another State or Territory." There is no provision whatever in this bill as to shipments from Territories into States or from States into Territories. This shows that the bill is loosely drawn.

Mr. GAINES of Tennessee. Well, we will tighten it where it is loose. We can do that right here. I know you are a good lawyer, and I will help you.

Mr. KAHN. The gentleman must admit that, in pointing out this little defect, the bill is shown to be imperfect, and I submit it ought to be considered by a committee. I dare say that there are many other defects in the bill which a proper committee of this House, in its consideration of it, would probably discover and would probably remedy. The gentleman, my friend from Ohio [Mr. KEIFER], suggests further that there is no provision in the bill about shipments from the District of Columbia or

into the District of Columbia, which is another defect, or, as has also been suggested, from noncontiguous territory. These instances are sufficient to show that the bill is full of defects, and therefore it should be considered by a proper committee of this House. So much for the form of the bill.

But taking the bill on its merits, what does it do? In my State, in the great State of California, the wine industry has over a hundred millions of dollars invested. There are 250,000 acres of land under cultivation in the grape. A case of wine or a barrel of wine shipped from that State into another State under this bill would have to be marked.

But what could compel a man who has manufactured a case of wine or a barrel of wine in France or Germany or Italy or Spain, and who desires to ship it into the State of New York or the State of Massachusetts, to mark his wine? What could compel a maker of whisky in England or Scotland or in Ireland or Canada to mark his liquor when it is shipped into one of the seaboard States of the United States? Now, I contend that this bill, before it shall be voted upon in the fashion proposed, should be fully considered by a proper committee. The Committee on the Judiciary, in its consideration of the bill, would look into all these questions, and when it would be finally reported to this House it would be as nearly perfect as any Member of this House might desire.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I ask unanimous consent that the gentleman be given five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. He has a good legal mind, and he can pick out another fault in this bill in five minutes if there is any. I would like to ask the gentleman if he can not consider this bill here and suggest such amendment as ought to be had.

Mr. KAHN. I think it can be considered to very much better advantage in the committee.

Mr. GAINES of Tennessee. And you could not get it considered there, when they stand 16 to 2 on any kind of "dry" legislation.

Mr. KAHN. I understand the gentleman from Tennessee is mistaken about that.

Mr. GAINES of Tennessee (continuing). We could not get it out of the committee, and we can consider it here.

Mr. KAHN. The gentleman is misinformed as to how the committee stands on this question. But, aside from that, I understand that the gentleman from Mississippi, who has introduced the bill, has never presented the matter to the Committee on the Judiciary, to which it was referred.

Mr. GAINES of Tennessee. What is the use, with that ratio against him? I do not say this disrespectfully of that committee; but we could not get dry legislation from them when they stand 16 to 2 "wet."

Mr. KAHN. But the gentleman from Tennessee does not want to pass this legislation offhand and hurriedly, only to find afterwards that it is unconstitutional. It is better, in my judgment, to follow the regular practice of having measures considered by the committees. The matter should be presented to the proper committee of the House having jurisdiction of the subject, in order that any mistakes may be eliminated or corrected, and then when the bill is reported to the House it is practically perfect. To my mind that is a much better practice than voting upon it in this way.

Mr. GAINES of Tennessee. That is one of the good ways, and this is a good way, too; and then when the bill is passed here it can go into conference and be reexamined, and after it is made law the Supreme Court passes upon that before anybody is hurt, and I am willing to trust to these channels to make a good law.

Mr. KAHN. I believe that the old plan of the House to consider these bills in committee is much the better practice—one which ought not to be departed from. I certainly hope, Mr. Chairman, in view of the defects in the bill that I have pointed out, that the committee will vote it down.

Mr. MOON of Pennsylvania. Mr. Chairman, I move that the committee do now rise.

Mr. LANGLEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. JENKINS. I hope the gentleman from Pennsylvania will withhold his motion until I can ask the gentleman from Tennessee to answer a question.

The CHAIRMAN. Does the gentleman from Pennsylvania withhold his motion?

Mr. MOON of Pennsylvania. I will.

Mr. JENKINS. Mr. Chairman, I understood the gentleman from Tennessee to say two or three times that the "gentleman from Wisconsin," meaning myself, had said that the Committee on the Judiciary stood 16 to 2 against every dry proposition.

Mr. GAINES of Tennessee. I understood the gentleman to say that 16 to 2 were against every "dry" proposition. If I am mistaken, the gentleman can correct me.

Mr. JENKINS. The gentleman certainly misstated my remarks, and I know the gentleman from Tennessee does not intend to do that.

Mr. GAINES of Tennessee. Of course I do not. I understood the gentleman to say that the committee stood 16 to 2 against all these bills.

Mr. JENKINS. That was on the constitutionality.

Mr. GAINES of Tennessee. That is where I misunderstood the gentleman. I am glad to be corrected.

Mr. JENKINS. I know the gentleman from Tennessee is fair; and not only fair, but able.

Mr. MOON of Pennsylvania. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 1101, the penal code bill, and had come to no resolution thereon.

STRIKING BILLS FROM THE CALENDAR.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that the following bills, of which I will give the numbers, be stricken from the Calendar, because the same were all passed in the so-called "Omnibus bill" (H. R. 21896). The bills that I ask to be stricken from the Calendar are numbered as follows: H. R. 7701, H. R. 17050, H. R. 17993, H. R. 18988, H. R. 21591, and H. R. 21632.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to strike from the Calendar the bills the numbers of which he has just read, the bills having been enacted. Is there objection? [After a pause.] The Chair hears none.

LACEY BIRD LAW.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent to print in the RECORD a copy of the Lacey bird law that we passed some years ago. I read a portion of it, and I desire that the whole law may be printed in the RECORD, so that Members may see it to-morrow.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The law is as follows:

CHAP. 553. An act to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes.

Be it enacted, etc., That the duties and powers of the Department of Agriculture are hereby enlarged so as to include the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Secretary of Agriculture is hereby authorized to adopt such measures as may be necessary to carry out the purposes of this act and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

The Secretary of Agriculture shall from time to time collect and publish useful information as to the propagation, uses, and preservation of such birds.

And the Secretary of Agriculture shall make and publish all needful rules and regulations for carrying out the purposes of this act, and shall expend for said purposes such sums as Congress may appropriate therefor.

SEC. 2. That it shall be unlawful for any person or persons to import into the United States any foreign wild animal or bird except under special permit from the United States Department of Agriculture: *Provided*, That nothing in this section shall restrict the importation of natural history specimens for museums or scientific collections, or the importation of certain cage birds, such as domesticated canaries, parrots, or such other species as the Secretary of Agriculture may designate.

The importation of the mongoose, the so-called "flying foxes" or fruit bats, the English sparrow, the starling, or such other birds or animals as the Secretary of Agriculture may from time to time declare injurious to the interest of agriculture or horticulture is hereby prohibited, and such species upon arrival at any of the ports of the United States shall be destroyed or returned at the expense of the owner. The Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this section.

SEC. 3. That it shall be unlawful for any person or persons to deliver to any common carrier, or for any common carrier to transport from one State or Territory to another State or Territory, or from the District of Columbia or Alaska to any State or Territory, or from any State or Territory to the District of Columbia or Alaska, any foreign animals or birds the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds where such animals or birds have been killed in violation of the laws of the State, Territory, or District in which the same were killed: *Provided*, That nothing herein shall prevent the transportation of any dead birds or animals killed during the season when the same may be lawfully cap-

tured, and the export of which is not prohibited by law in the State, Territory, or District in which the same are killed.

SEC. 4. That all packages containing such dead animals, birds, or parts thereof, when shipped by interstate commerce, as provided in section 1 of this act, shall be plainly and clearly marked, so that the name and address of the shipper and the nature of the contents may be readily ascertained on inspection of the outside of such packages. For each evasion or violation of this act the shipper shall, upon conviction, pay a fine of not exceeding $200; and the consignee knowingly receiving such articles so shipped and transported in violation of this act shall, upon conviction, pay a fine of not exceeding $200; and the carrier knowingly carrying or transporting the same shall, upon conviction, pay a fine of not exceeding $200.

SEC. 5. That all dead bodies, or parts thereof, of any foreign game animals, or game or song birds, the importation of which is prohibited, or the dead bodies, or parts thereof, of any wild game animals, or game or song birds transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such animals or birds had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. This act shall not prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowl.

Approved, May 25, 1900.

CHANGE OF REFERENCE.

By unanimous consent, reference of the bill (H. R. 23473) extending the time for final entry of mineral claims within the Shoshone or Wind River Reservation in Wyoming was changed from the Committee on the Public Lands to the Committee on Indian Affairs.

RETURN OF BILL TO THE SENATE.

The Speaker laid before the House the following request of the Senate, which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES,
December 16, 1908.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 7777) to authorize the St. Paul Bridge and Terminal Railway Company to construct a bridge across the Mississippi River at or near St. Paul, Minn.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 22274. An act to authorize the St. Paul Bridge and Terminal Railway Company to construct a bridge across the Mississippi River at or near St. Paul, Minn.

H. J. Res. 206. Joint resolution to pay the officers and employees of the House of Representatives their respective salaries for the month of December, 1908, on the 19th day of said month.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2999. An act to amend an act entitled "An act to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes," approved February 27, 1907.

S. 4814. An act to amend section 491 n of the Code of Law for the District of Columbia.

S. 4308. An act to change the name of V street, from Florida avenue to Nineteenth street NW., to California street.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, joint resolution of the followiug title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. R. 105. Joint resolution for the purpose of more fully carrying into effect the convention concluded at Brussels on March 15, 1886, in reference to the exchange of official journals, etc.—to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. FLOOD for one week, on account of sickness.

ADJOURNMENT.

Mr. MOON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 57 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Navy, transmitting a detailed statement as to the employment of classified civil-service employees under lump appropriations—to the Committee on Expenditures in the Navy Department and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Charles A. Doak and John R. Doak, heirs of Alfred W. Doak, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Andrew J. Tranghber against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the law relating to issue of patents to competent Indian allottees—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of War, submitting a repeal of leases of land within the Canal Zone—to the Committee on Interstate and Foreign Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24344) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1803), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 23196) granting an increase of pension to Bessie P. August—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21719) granting an increase of pension to John V. Frisby—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 22610) granting an increase of pension to Joseph Stamps—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 23788) granting an increase of pension to Solomon Winningham—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 23787) granting a pension to George Stephens, sr.—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23871) granting an increase of pension to Florence A. Scott—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HAWLEY: A bill (H. R. 24329) providing for a survey and new project for improving the Tillamook River, Oregon, bar and bay, and Hoquarton Slough to Tillamook City—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 24330) providing for repair of dikes and maintenance work on Tillamook Bay and Hoquarton Slough, in Oregon—to the Committee on Rivers and Harbors.

By Mr. GARNER: A bill (H. R. 24331) providing for the establishment of a Weather Bureau station at Laredo, Tex.—to the Committee on Agriculture.

By Mr. MARSHALL: A bill (H. R. 24332) relative to patents on coal deposits, lands, etc.—to the Committee on the Public Lands.

Also, a bill (H. R. 24333) to give the Court of Claims jurisdiction of certain Indian claims—to the Committee on Indian Affairs.

By Mr. SIMS: A bill (H. R. 24334) to authorize the construction of a railroad siding to the United States navy-yard, and for other purposes—to the Committee on the District of Columbia.

By Mr. MAYNARD: A bill (H. R. 24335) granting permission to the Lynnhaven Terminal Corporation to improve the lower Chesapeake and Lynnhaven Bay by the construction of a breakwater—to the Committee on Rivers and Harbors.

By Mr. JENKINS: A bill (H. R. 24336) to amend section 3613 of the Revised Statutes of the United States—to the Committee on the Judiciary.

Also, a bill (H. R. 24337) to amend section 2625 of the Revised Statutes of the United States—to the Committee on the Judiciary.

Also, a bill (H. R. 24338) to amend section 2619 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. SABATH: A bill (H. R. 24339) to provide compensation for injuries to employees while solely engaged in interstate and foreign commerce, the handling, dispatching, or sorting of the mail or postal matter on cars or vessels, to which the regulative power of Congress extends under the Constitution of the United States, and to create a commission of injury awards, and granting powers and an appropriation to said commission—to the Committee on the Judiciary.

By Mr. SMITH of Michigan: A bill (H. R. 24340) to amend an act entitled "An act to distinctly designate parcels of land in the District of Columbia for the purposes of assessment and taxation, and for other purposes," approved March 3, 1899—to the Committee on the District of Columbia.

By Mr. SMITH of California: A bill (H. R. 24341) to divide the southern judicial district of California into three divisions and to provide for the holding of terms of court at the cities of Fresno, Los Angeles, and San Diego—to the Committee on the Judiciary.

By Mr. ANTHONY: A bill (H. R. 24342) to increase the efficiency of the army—to the Committee on Military Affairs.

By Mr. WILEY: A bill (H. R. 24343) authorizing that agents be sent into China and other eastern countries for the purpose of inquiring into and stimulating our trade relations with those countries, removing the boycott, and urging the use of American cotton goods—to the Committee on Interstate and Foreign Commerce.

By Mr. OLCOTT: A bill (H. R. 24345) to amend an act entitled "An act to amend an act to authorize the Baltimore and Washington Transit Company of Maryland to enter the District of Columbia," approved May 29, 1908—to the Committee on the District of Columbia.

By Mr. WILEY: A bill (H. R. 24471) for the relief of certain homestead settlers in Alabama—to the Committee on the Public Lands.

Also, a bill (H. R. 24472) to appropriate $50,000 to deepen the channel and remove obstructions in the Conecuh River, in the State of Alabama—to the Committee on Rivers and Harbors.

By Mr. HUMPHREY of Washington: Concurrent resolution (H. C. Res. 47) for the appointment of a committee to attend the formal opening exercises of the Alaska-Yukon-Pacific Exposition at Seattle, Wash., June 1, 1909—to the Committee on Industrial Arts and Expositions.

By Mr. MAYNARD: Concurrent resolution (H. C. Res. 48) providing for an examination and survey to be made of the channel from the sea to the Norfolk Navy-Yard—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. LOUDENSLAGER, from the Committee on Pensions: A bill (H. R. 24344) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. ADAIR: A bill (H. R. 24346) granting a pension to William H. Stephenson—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of Missouri: A bill (H. R. 24347) granting a pension to Rebecca Schofield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24348) granting an increase of pension to John G. Hearn—to the Committee on Invalid Pensions.

By Mr. AIKEN: A bill (H. R. 24349) for the relief of R. Q. Merrick—to the Committee on Claims.

Also, a bill (H. R. 24350) for the relief of Mary Norris Keith—to the Committee on War Claims.

Also, a bill (H. R. 24351) for the relief of J. M. Ellison—to the Committee on War Claims.

Also, a bill (H. R. 24352) granting a pension to Charles J. Tribble—to the Committee on Pensions.

Also, a bill (H. R. 24353) granting an increase of pension to Harry Horton—to the Committee on Pensions.

By Mr. BARTLETT of Georgia: A bill (H. R. 24354) for the relief of the heirs of Thomas J. Holmes and Richard R. Holmes, deceased—to the Committee on War Claims.

By Mr. BOUTELL: A bill (H. R. 24355) granting an increase of pension to Michael P. Roehrig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24356) granting an increase of pension to Arthur J. Calder—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 24357) granting a pension to George T. Keith—to the Committee on Pensions.

By Mr. CANDLER: A bill (H. R. 24358) for the relief of the heirs of Nancy Whitfield, deceased—to the Committee on War Claims.

Also, a bill (H. R. 24359) for the relief of the heirs of Sarah R. Farmer, deceased—to the Committee on War Claims.

By Mr. CANNON: A bill (H. R. 24360) granting an increase of pension to William B. Estes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24361) granting an increase of pension to William O'Neill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24362) granting an increase of pension to James A. Hedges—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24363) to correct the military record of Clark W. Cottrell—to the Committee on Military Affairs.

By Mr. COOPER of Texas: A bill (H. R. 24364) granting an increase of pension to Philip A. Work—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 24365) granting an increase of pension to George E. Wood—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 24366) granting an increase of pension to Thomas Bradley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24367) granting an increase of pension to Robert T. Burton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24368) granting an increase of pension to John G. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24369) granting an increase of pension to Joseph M. Nichols—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24370) granting an increase of pension to Patrick H. Overman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24371) granting an increase of pension to Andrew J. Goodman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24372) granting a pension to Ellis T. Padgett—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 24373) to reimburse Royal L. Sweany, late deputy collector of internal revenue at Tacoma, Wash.—to the Committee on Claims.

By Mr. DIXON: A bill (H. R. 24374) granting an increase of pension to John W. Roberts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24375) granting an increase of pension to William N. Barnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24376) granting an increase of pension to Harold I. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24377) granting an increase of pension to Joseph Wayman—to the Committee on Invalid Pensions.

By Mr. DUREY: A bill (H. R. 24378) granting a pension to Corinne E. Hall—to the Committee on Pensions.

By Mr. FLOYD: A bill (H. R. 24379) granting an increase of pension to Benjamin M. Ammons—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 24380) granting a pension to Annie Groves—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24381) granting an increase of pension to William L. V. Kite—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24382) to remove the charge of desertion from the record of W. B. Chamness—to the Committee on Military Affairs.

By Mr. FULTON: A bill (H. R. 24383) granting a pension to Henry H. Brunsteter—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 24384) granting an increase of pension to James Looney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24385) granting a pension to Herman H. Richter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24386) granting a pension to William S. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24387) granting a pension to Ella Mansell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24388) granting a pension to M. C. Bixby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24389) granting a pension to Louisa K. Holbert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24390) to correct the military record of William Eller—to the Committee on Military Affairs.

By Mr. HASKINS: A bill (H. R. 24391) granting an increase of pension to Charles C. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24392) granting an increase of pension to Nathaniel L. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24393) granting an increase of pension to Benjamin F. Bugbee—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 24394) granting an increase of pension to Nicholas Biever—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24395) granting an increase of pension to Elias M. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24396) granting a pension to John Alexander—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 24397) granting an increase of pension to John McMahon—to the Committee on Pensions.

Also, a bill (H. R. 24398) granting an increase of pension to Thomas J. Jordan—to the Committee on Pensions.

Also, a bill (H. R. 24399) granting an increase of pension to William T. Hughes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24400) granting an increase of pension to David W. Travis—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 24401) granting an increase of pension to Simon P. Lash—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24402) granting an increase of pension to Alfred B. Ebner—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 24403) granting an increase of pension to Constantine G. Muil—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24404) granting an increase of pension to Frank Waters—to the Committee on Pensions.

Also, a bill (H. R. 24405) granting an increase of pension to William M. Biggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24406) granting an increase of pension to James Knight—to the Committee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 24407) granting a pension to Bayard Fern—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 24408) granting a pension to Margaret Wardrope—to the Committee on Pensions.

Also, a bill (H. R. 24409) granting a pension to Hans Hansen—to the Committee on Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 24410) granting an increase of pension to John T. Whetzel—to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 24411) granting a pension to Hester Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24412) granting a pension to Rachel Allex—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24413) granting a pension to Mary Ann Farnley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24414) granting a pension to Sweeting Miles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24415) to remove the charge of desertion now existing on the records of the War Department against Charles Sansome—to the Committee on Military Affairs.

Also, a bill (H. R. 24416) to remove the charge of desertion now existing on the records of the Navy Department against Charles Berry—to the Committee on Naval Affairs.

By Mr. HUGHES of West Virginia: A bill (H. R. 24417) granting an increase of pension to Hezekiah Scott—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 24418) granting an increase of pension to John L. Brennon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24419) granting an increase of pension to William H. Canaday—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 24420) for the relief of the heirs of John L. Doxey, deceased—to the Committee on War Claims.

By Mr. HUMPHREY of Washington: A bill (H. R. 24421) for the relief of the estate of William O'Donnell, deceased—to the Committee on Claims.

By Mr. KIMBALL: A bill (H. R. 24422) granting an increase of pension to James W. Jesse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24423) granting an increase of pension to Francis M. Green—to the Committee on Pensions.

By Mr. CLAUDE KITCHIN: A bill (H. R. 24424) for the relief of S. H. Loftin—to the Committee on Claims.

By Mr. KNAPP: A bill (H. R. 24425) granting a pension to Joanna J. Franklin—to the Committee on Pensions.

Also, a bill (H. R. 24426) granting an increase of pension to Franklin A. Collins—to the Committee on Invalid Pensions.

By Mr. KÜSTERMANN: A bill (H. R. 24427) granting an increase of pension to John H. Lentz—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 24428) granting a pension to Hannah M. Rising—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 24429) for the relief of the estate of John McCullough, deceased—to the Committee on War Claims.

Also, a bill (H. R. 24430) for the relief of the estate of Ira W. McCutchen—to the Committee on War Claims.

Also, a bill (H. R. 24431) for the relief of the heirs of John Lyday, deceased—to the Committee on War Claims.

By Mr. LOVERING: A bill (H. R. 24432) granting an increase of pension to Frank E. Moore—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 24433) granting an increase of pension to Christopher Sigmund—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 24434) granting an increase of pension to John E. Robeson—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 24435) granting an increase of pension to Daniel H. Dunbar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24436) granting a pension to Helen M. House—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24437) granting a pension to Mary E. King—to the Committee on Invalid Pensions.

By Mr. MARSHALL: A bill (H. R. 24438) for the relief of C. C. Schuyler—to the Committee on Claims.

Also, a bill (H. R. 24439) for the relief of Marshall H. Jewell—to the Committee on Claims.

Also, a bill (H. R. 24440) for the relief of C. N. Valentine—to the Committee on Claims.

By Mr. MAYNARD: A bill (H. R. 24441) granting a pension to Anna P. Smith—to the Committee on Invalid Pensions.

By Mr. MORSE: A bill (H. R. 24442) granting an increase of pension to Eveline E. Hedges—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 24443) granting an increase of pension to Joseph Smith—to the Committee on Invalid Pensions.

By Mr. OLCOTT: A bill (H. R. 24444) granting a pension to Julia B. Coghlan—to the Committee on Pensions.

By Mr. OVERSTREET: A bill (H. R. 24445) granting an increase of pension to Thomas Brunker—to the Committee on Invalid Pensions.

By Mr. POLLARD: A bill (H. R. 24446) granting an increase of pension to Samuel Parker—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 24447) granting an increase of pension to Joseph H. Stonebraker—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 24448) granting an increase of pension to Joseph Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24449) granting an increase of pension to Norval L. Bennett—to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 24450) granting an increase of pension to William McMorrow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24451) granting an increase of pension to William McMorrow—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 24452) granting a pension to Thomas F. Marcus—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 24453) for the relief of Louis L. Coleman—to the Committee on War Claims.

By Mr. SMITH of Michigan: A bill (H. R. 24454) granting an increase of pension to Elizabeth E. Ten Eyck—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 24455) granting an increase of pension to C. F. Hausdorf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24456) granting an increase of pension to Charles F. Stark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24457) granting an increase of pension to Harriet A. Kelliher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24458) granting a pension to T. B. Maloney—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 24459) granting an increase of pension to Pary McNair—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24460) granting an increase of pension to James E. Murdock—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 24461) granting a pension to Louisa Lane Benedict—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24462) granting an increase of pension to Rollin A. Waters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24463) granting an increase of pension to Joel A. Proctor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24464) granting an increase of pension to Oswald E. Gravell—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 24465) granting an increase of pension to George W. Clark—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 24466) granting a pension to Emil Schuett—to the Committee on Pensions.

By Mr. WILEY: A bill (H. R. 24467) granting an increase of pension to Annie L. Benton—to the Committee on Pensions.

Also, a bill (H. R. 24468) granting an increase of pension to Valentine Cook—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 24469) for the relief of the owners of lighter No. 128—to the Committee on Claims.

Also, a bill (H. R. 24470) granting an increase of pension to John Knowlson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN: Papers to accompany bills for relief of Mary Norris Keith and J. M. Ellison—to the Committee on War Claims.

Also, paper to accompany bill for relief of R. Q. Merrick—to the Committee on Claims.

By Mr. ALEXANDER of New York: Petition of L. O. Williams and others, of Buffalo, N. Y., for general reduction of the tariff—to the Committee on Ways and Means.

By Mr. ASHBROOK: Paper to accompany bill for relief of Mary Quillen—to the Committee on Invalid Pentions.

Also, petition of C. D. Kaser and others, of Young Mountain, against S. 3940 (religious legislation in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. BELL of Georgia: Paper to accompany bill for relief of Mary Whelchel—to the Committee on Pensions.

By Mr. BENNET of New York: Paper to accompany bill for relief of John Knowlson—to the Committee on Invalid Pensions.

Also, petition of Andrew Davey, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. BRADLEY: Petition of Chester Grange, Patrons of Husbandry, of Orange County, N. Y., favoring extension of the parcels-post system on rural routes—to the Committee on the the Post-Office and Post-Roads.

By Mr. BURNETT: Paper to accompany bill for relief of James Barron (H. R. 24168)—to the Committee on War Claims.

Also, petition of citizens of Alabama, against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. CALDER: Petition of Rear-Admiral H. F. Pickering Naval Garrison, No. 4, of Erie, Pa., favoring retirement of petty officers and enlisted men of the navy after twenty-five years of actual service—to the Committee on Naval Affairs.

Also petition of Asiatic Exclusion League, for legislation enacting more stringent immigration laws against Asiatics—to the Committee on Foreign Affairs.

Also, paper to accompany bill for relief of Michael J. Daley—to the Committee on Invalid Pensions.

Also, petition of Veteran Army of the Philippines, for legislation making August 13 a legal holiday, to be known as "Occupation Day"—to the Committee on the Judiciary.

Also, petition of citizens of New York, against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

Also, petition of Edward A. Rollins and others, of Brooklyn, against duty on Philippine products—to the Committee on Ways and Means.

Also, petitions of J. H. Ketcham and W. G. Rohrberg, of Brooklyn, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of J. G. Harbard, of Veteran Army of Philippines, for legislation making August 13 a legal holiday, to be known as "Occupation Day"—to the Committee on the Judiciary.

By Mr. CANDLER: Papers to accompany bills for relief of Sarah R. Farmer and heirs of Nancy Whitefield—to the Committee on War Claims.

By Mr. DUREY: Paper to accompany bill for relief of residents of St. Johnsville, N. Y.—to the Committee on the District of Columbia.

By Mr. DWIGHT: Petition of Bean & Co., wholesale grocers, of Binghamton, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. FLOYD: Paper to accompany bill for relief of Benjamin M. Ammons—to the Committee on Invalid Pensions.

By Mr. FOWLER: Petition of Thomas F. Kershner and others, against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

Also, petitions of Eliot C. Moody, of Westfield; A. W. Beebe, of Millburn; and William R. Lynde, of Westfield, all of the State of New Jersey, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. FULLER: Petition of retail shoe merchants of Chicago, Ill., for removal of duty on hides—to the Committee on Ways and Means.

Also, petition of Jennie E. Parr and others, of Streator, Ill., favoring amendment to the Sherman antitrust law—to the Committee on the Judiciary.

By Mr. GRAHAM: Petition for appropriate legislation enhancing provisions of the thirteenth and fourteenth amendments to the Constitution—to the Committee on the Judiciary.

Also, petition of Asiatic Exclusion League, favoring a more stringent law relative to immigration of Asiatics—to the Committee on Foreign Affairs.

Also, petition of H. W. Letton, of insurance company of Stettin, Germany, favoring S. 279, relative to reimbursing fire insurance companies—to the Committee on Claims.

By Mr. HAYES: Petition of Fred C. Mack and Charles W. Meyer, of Lodge No. 68, International Association of Machinists, favoring a more effective Asiatic-exclusion act—to the Commitee on Foreign Affairs.

Also, petition of Sacramento Drainage Commission and the River Improvement and Drainage Association of California, favoring H. R. 3892, for improvement of the Sacramento and San Joaquin rivers—to the Committee on Rivers and Harbors.

Also, papers to accompany bills for relief of W. T. Hughes and David W. Travis—to the Committee on Invalid Pensions.

By Mr. HIGGINS: Petition of B. P. Bishop, of Norwich, Conn., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. HINSHAW: Paper to accompany bill for relief of Sallie J. Latham (H. R. 3204)—to the Committee on Invalid Pensions.

By Mr. HOUSTON: Paper to accompany bill for relief of James B. Prosser (H. R. 23919)—to the Committee on Pensions.

By Mr. HULL of Tennessee: Paper to accompany bill for relief of John L. Doxey—to the Committee on War Claims.

By Mr. KAHN: Petitions of San Francisco Lodge, No. 68, International Association of Machinists; Frank Stockton and 48 other residents of Stockton; and A. V. Hoffman and 48 other residents of Stockton, all of the State of California, for the exclusion of Asiatics other than certain special classes, as merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. KNAPP: Paper to accompany bill for relief of Franklin A. Collins—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Joanna J. Franklin—to the Committee on Pensions.

Also, petition of residents of Jefferson County, N. Y., against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. LANDIS: Petition of citizens of Russianville, Ind., against S. 3940 (religious observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. LEE: Papers to accompany bills for relief of Juliet A. McCutchen; P. B. Lyday, heir of John Lyday; and J. W. McCullough—to the Committee on War Claims.

By Mr. MALBY: Paper to accompany bill for relief of Alonzo Williams—to the Committee on Invalid Pensions.

By Mr. OLCOTT: Petition of Emma M. Donning and others, for a clause, in bill opening the Fort Peck Reservation in Montana, prohibiting liquor traffic on the reservation—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Union League Club of New York, favoring passage of bill H. R. 220, by Mr. Goulden, against desecration of the flag by advertisements and in other ways—to the Committee on Military Affairs.

By Mr. OVERSTREET: Paper to accompany bill for relief of Thomas Brunker—to the Committee on Invalid Pensions.

By Mr. PUJO: Petition of citizens of St. Landry Parish, La., against construction of a dam across Bayou Courtableau—to the Committee on Rivers and Harbors.

By Mr. REYNOLDS: Paper to accompany bill for relief of Blair W. Peck—to the Committee on Pensions.

Also, papers to accompany bills for relief of John Davis and Joseph H. Stonebraker—to the Committee on Invalid Pensions.

By Mr. SABATH: Petition of Asiatic Exclusion League of North America, favoring a more effective Asiatic exclusion law—to the Committee on Foreign Affairs.

By Mr. SLAYDEN: Paper to accompany bill for relief of Mary A. and Clarence E. Haney—to the Committee on War Claims.

By Mr. STEENERSON: Petition of residents of Becker County, Minn., against the Johnston bill (S. 3940), providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. STURGISS: Paper to accompany bill for relief of Pary McNair—to the Committee on Invalid Pensions.

By Mr. TIRRELL: Paper to accompany bill for relief of George W. Clark—to the Committee on Invalid Pensions.

By Mr. WOOD: Paper to accompany bill for relief of Charles M. Goodfellow—to the Committee on Invalid Pensions.

By Mr. YOUNG: Petition of William S. Piper and others, of Michigan, favoring the pensioning of members of the Military Telegraphers' Corps in civil war—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *December 17, 1908.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Edward Everett Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. ALDRICH, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

DISMISSAL OF CASES BY COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a list of congressional cases dismissed on motion of the defendants May 13, 1907, for want of jurisdiction, which, with the accompanying papers, was referred to the Committee on Claims and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, certifying, pursuant to the order of the court, that the cases of Charles Choteau, No. 9990 (dismissed April 6, 1908), William Birdsong, No. 11907 A (dismissed January 6, 1908), and Andrew J. Musselman, No. 11908 C (dismissed January 6, 1908), were severally dismissed upon motions of the defendants, and were ordered by the court to be certified to the President of the Senate, etc., which was referred to the Committee on Claims and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of the Trustees of the First Presbyterian Church of Paris, Ky., *v.* United States;

In the cause of St. Augustine's Roman Catholic Church, of Lebanon, Ky., *v.* United States; and

In the cause of the Shiloh Presbyterian Church, of Calhoun, Tenn., *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

THE PARLIAMENT OF TURKEY.

Mr. CULLOM. Mr. President, I ask leave out of order to present a resolution for consideration at this time.

There being no objection, the resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Department of State be requested to communicate to the newly convened parliament of Turkey the congratulations and good wishes of the Senate of the United States.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 7777) to authorize the St. Paul Bridge and Terminal Railway Company to construct a bridge across the Mississippi River at or near St. Paul, Minn.

The message also announced that the House had passed a bill (H. R. 22879) to amend an act entitled "An act to amend an act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved January 23, 1908, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

S. 2999. An act to amend an act entitled "An act to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes," approved February 27, 1907;

S. 4308. An act to change the name of V street, from Florida avenue to Nineteenth street NW., to California street;

S. 4814. An act to amend section 491 n of the Code of Law for the District of Columbia;

H. R. 22274. An act to authorize the St. Paul Bridge and Terminal Railway Company to construct a bridge across the Mississippi River at or near St. Paul, Minn.; and

H. J. Res. 206. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1908, on the 19th day of said month.

ADJOURNMENT TO SATURDAY.

Mr. ALDRICH. I move that when the Senate adjourns to-day it adjourn to meet on Saturday next.

The motion was agreed to.

BUSINESS ON SATURDAY.

Mr. ALDRICH. I make the request that there be an understanding that no business shall be transacted by the Senate at its session on Saturday.

The VICE-PRESIDENT. The Senator from Rhode Island requests that it be understood that no business shall be transacted at its session on Saturday next.

Mr. HALE. I have just been present at a meeting of the Committee on the Census, and the chairman of the committee would like a reservation of the right to report the census bill on Saturday.

Mr. ALDRICH. Yes; that is excepted, as routine business.

Mr. BURKETT. The Senator from Montana [Mr. CARTER] is not here. I know that he is very anxious to push along the consideration of the postal savings bank bill. I think, perhaps, it may not be his intention to take up the bill for action before the holidays, but as I understand the request of the Senator from Rhode Island, it would not preclude the continuation of debate this week on that bill.

Mr. ALDRICH. A large number of Senators are about to leave the city; in fact, quite a number have already left, and I think the discussion of any question of general importance ought not to take place in the absence of a majority of the Senate.

Mr. BURKETT. I think we should not make the agreement in the absence of the Senator from Montana.

Mr. ALDRICH. I have no objection to let the question remain unacted upon until the Senator from Montana is present.

Mr. BURKETT. I think that would be perhaps the better way.

The VICE-PRESIDENT. The Senator from Rhode Island withdraws his request?

Mr. ALDRICH. I withdraw the request for the present.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented the petition of Joseph L. Atkins, of Washington, D. C., praying for the enactment of legislation to establish a United States court of patent appeals, which was referred to the Committee on Patents.

He also presented a memorial of the Brightwood Citizens' Association, of the District of Columbia, remonstrating against the violation of section 16 of the act governing the operation of street railways by the street railway companies of the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Board of Trade of Washington, D. C., and the petition of W. H. Rapley, of Washington, D. C., praying for the enactment of legislation providing for a high-pressure water system in the District of Columbia, which were referred to the Committee on Appropriations.

Mr. PERKINS presented a petition of the committee on harbor of the Chamber of Commerce of Honolulu, Territory of Hawaii, praying that the present coastwise shipping law be continued in force, and also for the upbuilding of the American

merchant marine by subsidy, which was referred to the Committee on Commerce.

Mr. WARNER presented a petition of sundry citizens of the State of Missouri, praying for the adoption of a certain amendment to the present widows' pension law, which was referred to the Committee on Pensions.

Mr. WARREN presented a memorial of the Associated Banks of Sheridan, Wyo., remonstrating against the passage of the so-called "postal savings bank bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TAYLOR presented petitions of the Commercial Club of Johnson City, of the Business Men's Club of Memphis, and of the Board of Trade of Pulaski, all in the State of Tennessee, praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Cleveland, Tenn., praying for the enactment of legislation granting pensions to the surviving members of the United States Military Telegraph Corps who served in the civil war, which was referred to the Committee on Pensions.

Mr. DEPEW presented petitions of sundry citizens of New York City, Brooklyn, Mount Vernon, and Yonkers, all in the State of New York, praying for the enactment of legislation granting pensions to the surviving members of the United States Military Telegraph Corps who served in the civil war, which were referred to the Committee on Pensions.

He also presented a petition of Local Grange No. 984, Patrons of Husbandry, of Chester, N. Y., praying for the passage of the so-called "rural parcels-post and postal savings bank bills," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SUTHERLAND presented petitions of Local Unions Nos. 67, 199, 201, 237, and 249, of Bingham, Mercur, Castle Gate, and West Jordan, all of the United Mine Workers of America, in the State of Utah, praying that an investigation be made into the conditions of mines operated by the Treadwell Mining Company on Douglas Island, Alaska, which were referred to the Committee on Mines and Mining.

Mr. HOPKINS presented a petition of Local Lodge, International Brotherhood of Blacksmiths and Helpers, of Chicago, Ill., praying for the enactment of legislation to prohibit the immigration of Asiatics into the United States, excepting merchants, students, and travelers, and remonstrating against extending the right of naturalization to Asiatics, which was referred to the Committee on Immigration.

Mr. CARTER presented a petition of sundry citizens of the State of Montana, praying for the enactment of legislation to create an additional land district in that State, to be known as the "Harlowton land district," which was referred to the Committee on Public Lands.

Mr. BROWN presented sundry affidavits to accompany the bill (S. 7055) granting an increase of pension to James M. Thomas, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 2706) granting an increase of pension to Alva L. Fitch, which were referred to the Committee on Pensions.

Mr. HEYBURN presented a petition of Local Union No. 9, United Mine Workers of America, of Coeur d'Alene, Idaho, and a petition of Local Union No. 10, United Mine Workers of America, of Burke, Idaho, praying that an investigation be made into the conditions of mines operated by the Treadwell Mining Company on Douglas Island, Alaska, which were referred to the Committee on Mines and Mining.

He also presented sundry affidavits to accompany the bill (S. 7874) granting an increase of pension to Eri C. Tuller, which were referred to the Committee on Pensions.

He also presented sundry affidavits to accompany the bill (S. 7323) granting an increase of pension to James Kirby, which were referred to the Committee on Pensions.

ESTATE OF ISABELLA ANN FLUKER, DECEASED.

Mr. FULTON, from the Committee on Claims, reported the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That Senate bill 7331 for the relief of the estate of Isabella Ann Fluker, deceased, together with all accompanying papers, be, and the same is hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and commonly known as the "Tucker Act."

BILLS INTRODUCED.

Mr. KNOX (by request) introduced a bill (S. 7903) to change the date of commission of Col. John L. Chamberlain, Inspector-General, U. S. Army, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. BOURNE introduced a bill (S. 7904) to increase the salaries of the President and Vice-President of the United States, respectively, to $100,000 and $25,000 per annum, which was read twice by its title and referred to the Committee on Finance.

Mr. DEPEW introduced a bill (S. 7905) granting an increase of pension to Wesley Trafford, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 7906) granting a pension to Charles N. Phelps, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 7907) granting an increase of pension to Milo S. Goldthwait, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7908) for the relief of Patrick McCormick, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 7909) to amend an act entitled "An act to distinctively designate parcels of land in the District of Columbia for the purposes of assessment and taxation, and for other purposes," approved March 3, 1899, which was read twice by its title and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. CLARK of Wyoming introduced a bill (S. 7910) for the relief of J. Blair Shoenfelt, former United States Indian agent, Union Agency, Okla., which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. du PONT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7911) granting a pension to William Miles; and

A bill (S. 7912) granting a pension to Hannah Traynor.

Mr. SUTHERLAND introduced a bill (S. 7913) granting an increase of pension to Edward D. Le Compte, which was read twice by its title and referred to the Committee on Pensions.

Mr. PILES (for Mr. CLAPP) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Indian Affairs:

A bill (S. 7914) to amend sections 7 and 8 of the act of May 29, 1908 (35 Stat. L., p. 460), entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect;"

A bill (S. 7915) to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi, and making appropriation for the same;

A bill (S. 7916) to amend an act approved May 8, 1906, entitled "An act to amend section 6 of an act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes;'" and

A bill (S. 7917) for the enrollment in the Five Civilized Tribes of certain persons inadvertently omitted from the rolls (with the accompanying paper).

Mr. PILES introduced a bill (S. 7918) for the relief of Bernard W. Murray, which was read twice by its title and referred to the Committee on Claims.

Mr. PERKINS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Territories:

A bill (S. 7919) for the protection of wild animals and birds in the interior of Alaska and setting aside a refuge and breeding place therefor; and

A bill (S. 7920) for the protection of wild animals and birds in Alaska and setting aside a refuge and breeding place therefor.

Mr. OVERMAN introduced a bill (S. 7921) granting a pension to Wiley S. Roberts, which was read twice by its title and referred to the Committee on Pensions.

Mr. OVERMAN (for Mr. SIMMONS) introduced a bill (S. 7922) for the relief of the heirs of Mary Everitt, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. CULBERSON (for Mr. GORE) introduced a bill (S. 7923) granting a pension to Jeremiah Dotter, which was read twice by its title and referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 7924) granting an increase of pension to George W. Rollman, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 7925) to create an additional land district in the State of Montana, to be known as the

"Harlowton land district," which was read twice by its title and referred to the Committee on Public Lands.

Mr. HALE introduced a bill (S. 7926) granting a pension to Julia B. Coghlan, which was read twice by its title and referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 7927) for the relief of the heirs of Sarah R. Farmer, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 7928) for the relief of the estate of Ann M. Meehan, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. FRYE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7929) granting a pension to Maria E. Tilton; and

A bill (S. 7930) granting a pension to Aaron O. Houghton.

Mr. BORAH introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7931) granting an increase of pension to Samuel L. Shannon;

A bill (S. 7932) granting an increase of pension to Charles Hobart;

A bill (S. 7933) granting an increase of pension to George W. Curl; and

A bill (S. 7934) granting an increase of pension to Amasa Smith.

Mr. BOURNE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7935) granting an increase of pension to Charles G. Fink; and

A bill (S. 7936) granting an increase of pension to Boyd Cannady.

Mr. WARNER introduced a bill (S. 7937) for the relief of W. D. McLean, alias Donald McLean, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 7938) for the relief of John H. Cole, which was read twice by its title and referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 7939) granting a pension to Ellen T. Cowen, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM. On behalf of the Senator from Wisconsin [Mr. STEPHENSON], who was called away on account of a death in his family, I introduce sundry bills, with accompanying papers, and ask that they be referred to the Committee on the Judiciary.

The bills were severally read twice by their titles and, with the accompanying papers, referred to the Committee on the Judiciary:

A bill (S. 7940) to amend an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes;"

A bill (S. 7941) to amend section 3613 of the Revised Statutes of the United States;

A bill (S. 7942) to amend section 2619 of the Revised Statutes of the United States; and

A bill (S. 7943) to amend section 2625 of the Revised Statutes of the United States.

Mr. BACON introduced a bill (S. 7944) granting an increase of pension to Gertrude S. Walker, which was read twice by its title and referred to the Committee on Pensions.

AMENDMENTS TO DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. LODGE submitted an amendment proposing to appropriate $400,000 for the purchase of a building and grounds, or of a site and the erection of a building thereon, in the city of Paris, France, for the use of the embassy at that city, etc., intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

He also submitted an amendment proposing to increase the salary of the envoy extraordinary and minister plenipotentiary to China from $12,000 to $17,500, intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

PANAMA CANAL PURCHASE.

On motion of Mr. WARREN, it was

Ordered, That the Secretary be directed to return to the Departments of State, War, and Justice all the documents and papers transmitted by the President of the United States to the Senate in his message of December 15, 1908, which were formerly a part of the files of these departments and were not printed by an order of the Senate.

THE MARINE CORPS.

Mr. RAYNER. I ask that the following resolution be read and referred to the proper committee.

The resolution was read, as follows:

Whereas the President of the United States has lately promulgated a series of orders in connection with the Marine Corps, detaching them from battle ships and requiring them to perform certain tests, as are fully set forth in said orders: Now be it

Resolved, That the Committee on Military Affairs is hereby instructed to inquire and report, first, whether the President, under existing statutes, has the authority to issue these orders.

Second. Whether, if he has such authority, the execution of these orders would not impair the efficiency of the marine service instead of advancing it, and whether the service would not thereby be diverted from the purpose for which it was intended by law.

Third. Whether Congress has not the right to prescribe a set of rules and regulations for the government of the Marine Corps which will bind the President, as Commander in Chief of the Army and Navy of the United States; and, if so, to report a set of rules for the government of the Marine Corps to effect the purpose for which said corps was organized and to promote its usefulness.

Mr. HALE. I call the attention of the Senator from Wyoming [Mr. WARREN] to the resolution. Perhaps he may not have listened to the reading of it.

Mr. WARREN. I did not.

Mr. HALE. It provides that action relating to the Marine Corps, the President's order fixing the duties of members of that corps, shall be considered and reported upon by the Committee on Military Affairs. The Senator will remember that the Marine Corps is a part not of the army establishment, but of the navy. I should like to have his view as to whether this subject should go to the Military Committee or the Naval Committee.

Mr. WARREN. Mr. President, I confess to having been engaged in reading a paper, and I did not hear the resolution. I wish it might be read again.

The VICE-PRESIDENT. The Secretary will again read the resolution, at the request of the Senator from Wyoming.

The Secretary again read the resolution.

Mr. WARREN. If the Military Committee should be charged with the responsibility of that resolution, I think they would expect to have the views of the Committee on Naval Affairs. I see the reasons why the chairman of the Committee on Naval Affairs called my attention to it. I see no reason why the resolution should not go to the Committee on Naval Affairs.

Mr. HALE. I move that the resolution be referred to the Committee on Naval Affairs.

Mr. RAYNER. Mr. President, I have no objection at all to the resolution going to the Committee on Naval Affairs. The President of the United States, I understand, by an order issued some weeks ago, detached the Marine Corps from the battle ships, to be turned into policemen or patrolmen or janitors or whatever else they may be called, and yesterday he promulgated another series of orders. I infer that the President intended to take them away entirely from the jurisdiction of the navy. It looks to me that way. For that reason I simply proposed to send the resolution to the Committee on Military Affairs, but I want to say that I have not the slightest objection in the world to sending it to the Committee on Naval Affairs. I submit to any change the chairman of the committee wants to make in the resolution.

Mr. HALE. I have moved that it be referred to the Committee on Naval Affairs.

The motion was agreed to.

SUPPRESSION OF TRUSTS, ETC.

Mr. DAVIS. The bill (S. 7371) to suppress pools, trusts, and combinations in trade, and to provide penalties for violations of its provisions, and for other purposes, is on the Table Calendar. I desire to call up the bill for the purpose of moving that it be referred to the Committee on the Judiciary.

The VICE-PRESIDENT. The Chair lays the bill before the Senate.

The Secretary read the bill by title.

The VICE-PRESIDENT. The Senator from Arkansas asks that the bill be referred to the Committee on the Judiciary. Without objection, it is so ordered.

GAMBLING IN FARM PRODUCTS.

Mr. DAVIS. I desire to give notice that on January 26, after the morning business, I shall desire to address the Senate on the bill (S. 7370) to prohibit any person or corporation, for themselves or for or in the interest of any other person or corporation, directly or indirectly, from delivering, receiving, or transmitting, and from being interested in, or aiding in any manner, the receiving, delivering, or transmitting by mail, telegraph, telephone, or other means whatever, in any State, district, country, Territory, or place over which the sovereignty of the United States of America now exists, any message, information, intelligence, letter, writing, card, device, sign, sym-

bol, cipher, or other thing whatsoever, the subject of the senses, or any of them, whereby intelligence or information may be conveyed or understood, relating to or in any manner or form concerning any transaction or proposed or suggested transaction, scheme, or plan to speculate or gamble, or gain or lose sums of money called "margins," which gains or losses, respectively, are made to depend upon the future increase or decrease of the market price of any product of the soil, provided that at the time of such transaction, proposed transaction, scheme, or plan for so speculating or gambling and such product of the soil be the subject of interstate commerce, or the subject of commerce from, or by and between, the people of the United States of America and the people of any foreign country.

HOUSE BILL REFERRED.

H. R. 22879. An act to amend an act entitled "An act to amend an act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved January 23, 1908, was read twice by its title and referred to the Committee on Commerce.

COLLECTION DISTRICTS IN OREGON.

Mr. BOURNE. I ask that Senate bill 6788 be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the bill (S. 6788) to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890, returned from the House of Representatives in compliance with the request of the Senate.

Mr. BOURNE. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. BOURNE. I offer an amendment to the bill.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, beginning with line 16, strike out the following words:

North of the forty-fifth degree of north latitude to the north bank of the Columbia River and east to the one hundred and twenty-third degree of west longitude—

And in lieu thereof insert the following:

within the territory described as follows:

"Beginning at the summit of the Coast Mountains on the forty-fifth degree of north latitude, running thence west to the Pacific Ocean, thence north to where the north bank of the Columbia River intersects the Pacific Ocean, thence easterly and southerly along and including the north bank of the Columbia River to where 122° 46′ 55″ west longitude intersects 45° 51′ north latitude, thence westerly to the summit of the Coast Mountains, thence southerly along the summit of said Coast Mountains to the place of beginning."

So as to read:

Third. The district of Astoria, to comprise all the waters and shores lying within the territory described as follows:

Beginning at the summit of the Coast Mountains on the forty-fifth degree, north latitude, running thence west to the Pacific Ocean, thence north to where the north bank of the Columbia River intersects the Pacific Ocean, thence easterly and southerly along and including the north bank of the Columbia River to where 122° 46′ 55″ west longitude intersects 45° 51′ north latitude, thence westerly to the summit of the Coast Mountains, thence southerly along the summit of said Coast Mountains to the place of beginning, in which Astoria shall be the port of entry.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ST. PAUL BRIDGE AND TERMINAL RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the bill (S. 7777) to authorize the St. Paul Bridge and Terminal Railway Company to construct a bridge across the Mississippi River at or near St. Paul, Minn., returned from the House of Representatives in compliance with the request of the Senate.

Mr. CLAPP. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. CLAPP. I move that the bill be indefinitely postponed.

The motion was agreed to.

BUSINESS METHOD OF POST-OFFICE DEPARTMENT.

Mr. CARTER. I submit the final report of the Joint Commission on the Business Method of the Post-Office Department and the Postal Service, under the act of Congress approved March 2, 1907, accompanied by a draft of a proposed bill to codify, revise, and amend the postal laws of the United States recommended by the joint commission. I move that the report and draft of the proposed bill be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

The bill (S. 7945) to codify, revise, and amend the postal laws of the United States was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

Mr. CARTER. In this connection I ask that 2,000 additional copies of the report and draft of the proposed bill be printed for the use of the Committee on Post-Offices and Post-Roads.

The VICE-PRESIDENT. Without objection, it is so ordered.

The order was reduced to writing and agreed to, as follows:

Resolved, That there be printed 2,000 additional copies of the bill (S. 7945) to codify, revise, and amend the postal laws of the United States, and report thereon, for the use of the Senate Committee on Post-Offices and Post-Roads.

BUSINESS ON SATURDAY.

Mr. ALDRICH. I now renew the request I made a moment since, that there be an understanding that no business, aside from routine morning business, shall be transacted at the session of the Senate on Saturday.

The VICE-PRESIDENT. The Senator from Rhode Island requests that no business be transacted at the session of the Senate on Saturday next, excepting routine morning business. Is there objection?

Mr. FULTON. I understand that will not preclude the making of committee reports.

Mr. ALDRICH. Oh, no.

Mr. FULTON. I am especially careful to have that reservation made, and I understand it has been made. I exercise this care because I am confident that the chairman of the Committee on Interstate Commerce is very industriously at work preparing a report on Senate bill No. 423, which was referred to his committee in the early part of the last session. During the late hours of the last session he very earnestly expressed his desire and affirmed his intention to report the bill before the adjournment this session for the holidays.

I am in deep sympathy with the Senator, because I know he has been laboring very earnestly to get up a report, and has found some difficulty in framing it just as he wants it. I have no doubt he will shortly solve the difficulties and will be here Saturday early asking leave to submit the report. It would be a bitter disappointment to him were he prevented from so doing by an oversight in the order now proposed.

Mr. LODGE. Saturday will be the last opportunity before the holidays.

Mr. FULTON. Saturday will be the last opportunity before the holidays, and, of course, it can not possibly be assumed or presumed that the Senator will fail to make the report at that time.

The VICE-PRESIDENT. Without objection, the request of the Senator from Rhode Island is agreed to.

POSTAL SAVINGS BANKS.

Mr. CARTER. I ask that the unfinished business be laid before the Senate.

The VICE-PRESIDENT. The Senator from Montana moves that the Senate proceed to the consideration of the bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. BURKETT. Mr. President, it had not been my intention, I will say to the Senate, to occupy any time in a general discussion of this postal savings bank subject. I had rather expected to confine my remarks to some special provisions in the bill when it came up for final hearing. I will say I had also hoped that this bill might have passed to final consideration and passage before the holidays. But it seems from circumstances that we will not be able to get a final consideration before our adjournment for the holidays, and I desire therefore to speak this morning generally upon the subject.

I want to say in the beginning that I am not a recent convert, and that I speak as one long since persuaded of the advisability of such legislation, and as one who has already taken interest enough in the subject to prepare and introduce a bill at the last session of Congress, and also as one who took some part in securing a day certain for its consideration.

I also want to remind the Republicans of this body that we are each of us pledged to the American people by our last national platform, as well as by every speaker who went upon the stump in the recent campaign, to enact this legislation.

I had the honor, as did a good many Senators on the Republican side, to be a delegate to that convention and of helping to adopt that platform, and upon a hundred occasions I assured my hearers that this Republican pledge would be fulfilled.

Therefore I am true to my own convictions, I am true to my party's pledges, and I am true to the confidence which the American people reposed in us when I speak this morning in support of the pending bill.

In my opinion, Mr. President, we ought to enact this legislation without much of delay. We ought not to juggle with the

confidence of the American people, so recently and so universally reposed in us as a party. We ought not, by procrastination, to exasperate the American people with the idea already too prevalent, let me say, that there are influences more potent and more controlling in legislation than the interests of the great mass of the people.

Whatever may be Senators' idea as to the effect of this legislation upon those within their own small circle of friends, no Senator can be blind to the efficacy of it and the desirability of it to the untold thousands of Americans without the domain of legislative influence other than the ballot of American citizenship.

I speak thus because we are all creatures of environment, more or less, and our personal contact with men may restrict our views to the interests of the few we know or the few who write to us upon the subject. But Senators should remember that beyond the few they know are the many they do not know, and beyond the comparatively few in number, and even more limited in the diversification of interests, who have written to them upon the subject, are the untold millions of Americans who have never written, who would not know how to write, and who would not have the courage, perhaps, to write to a United States Senator upon this or any other subject.

Those are the people that this legislation is for, and those people, I say, have never been heard from. Those people may have thought of this subject and they may have not. They may have thought favorably of it and they may have never thought of it at all. But there is not a Senator here who has followed the course of the history of savings banks in this country and of postal savings banks in other countries but must be persuaded of the value of the one and of the greater value of the other.

I am going to speak plainly here this morning. I understand—although I know no good reason for it—that there is a determination about the Senate Chamber to delay, with the possible hope of ultimately defeating, the consideration of this bill. I say I do not understand why, because it is legislation so long considered, so universally desired, and yet so long delayed, that, in my opinion, there can be no reasonable excuse for dilatory tactics to prevent its coming to a vote. The American people want it and, in my opinion, the emergencies of these times demand its enactment. So I can say that it is both popular in esteem and it is potential for good.

Of course sometimes we hear that the subject has not had consideration. Each of us within the last few days has had handed to us a very strong speech made against the postal savings proposition.

One of the criticisms in that speech is that it has never been considered, that it has been foisted onto the American Congress at this time by theorists, and that it is an untried venture. In fact, a member of this body said to me the other day, "Nobody has even considered this subject at all," and when I made the reply to him that we had already had some Senate reports heretofore he questioned the statement that it had ever been considered and was very certain that no report had ever been made before. And yet there have been two favorable Senate reports and none unfavorable. The House of Representatives has considered the subject, and their committee reported favorably upon it in times past. I find that three or four or half a dozen Presidents have recommended it in their messages. Every Postmaster-General has recommended it for almost twenty years. In addition to that, let me say that in 1897 the United States Senate itself took action in the matter and passed a resolution asking the Secretary of State to call upon our consular officers in foreign countries to report upon the result of postal savings banks operations there. Those investigations were made, and I have the Secretary's report this morning—over 300 pages. It was printed as a Senate document in 1898 and is a history of the working of the postal savings system in other countries up to that time.

Not only that, but away back in Blaine's time the Senate passed a similar resolution, and Mr. Blaine, as Secretary of State, sent to all of our consular officers abroad and got reports upon the operation of the postal savings system in other countries.

There have been 73 bills introduced in the Senate and the House. I find on looking up the matter 15 consular reports, separate from those that I refer to, contain articles upon the operation of the postal savings system in other countries. I also find 57 separate and distinct articles in the current magazines in the last half dozen years.

So I say it is not a new subject that has not been considered, and that the people are not concerned in, because I undertake to say that there has not been any matter of legislation that has received more universal attention than has the subject of the postal savings system.

I have observed in my short career as a member of this body that when any new legislation is contemplated it is met first with the doubt and fear as to its constitutionality, and second with the criticism that it is visionary in its inception and socialistic in its tendency.

I realize, of course, that any legislation which undertakes to have the Government do anything for the people is both visionary and revolutionary in the minds of some people, but I am glad to say that those people have never been able to control the Republican party for any great length of time, nor to handicap the American Congress in its course of progressive legislation. We all recall that the meat-inspection bill of a year or two ago was both revolutionary and unconstitutional in the minds of some people, but it is doing very successful and very satisfactory business, notwithstanding the somewhat of a handicap it labored under at the beginning, as beyond the pale of legitimate and honest legislation. The child-labor question has had to run that same gantlet.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. BURKETT. I do.

Mr. BORAH. As the Senator from Nebraska is suggesting something about the constitutional feature of this bill, I should like to ask the Senator if he thinks it is within the power of Congress to enter within the domain of a State and control the domestic relations of the State with reference to the exemptions which should prevail, and with reference to the taxation of property and the exemption from payment of debts and of garnishee, as this bill purports to do? Can not that be better left to the States?

Mr. BURKETT. I will say, Mr. President, in response to that that I have not myself any doubt upon that proposition. I will also say to the Senator, as I said in the beginning, that it is not my intention to-day to go into any details as to the sections which I understand are to be the disputed sections. Section 10 provides as to exemptions from taxation and from garnishment and attachment. Perhaps that matter ought to receive consideration at the time when it is up especially for consideration.

I want to say, however, Mr. President, that the Senator's question only illustrates what we always have to contend with when we undertake to enact any legislation of this sort.

Senators can remember that it took almost a decade of time and almost a new generation of men to determine in this country that it was not unconstitutional for the American people to have pure food and pure drugs. For a hundred years the wise men of the past, statesmen and philosophers, respected more their vague and technical interpretation of the Constitution and their worm-eaten and antiquated ideas of governmental functions than their own health and happiness. I suspect when they partook of their frugal repast—as Senators' repasts always are, of rye bread and filled cheese, with oleomargarine for butter and clover seed and gelatin for strawberry jam—they comforted themselves with the hallucination that they were martyrs to the perpetuity of the Republic and the eternal luster of "Old Glory." For all these years this legislation has met with the same contention, the same doubt, the same fear somewhere that we might perhaps overstep the boundaries of our legitimate functions or of our powers and prerogatives.

It took fifteen years of patient and persistent endeavor to make some men believe that it would neither wreck the Republic nor ruin the railroads for Uncle Sam to take a hand in the legitimate control of our great transportation companies; and yet one objection after another has melted away, until to-day everybody wonders who it was that objected. Within a week we have seen in the public press the address of one of the great railway magnates in this country complimenting the Congress upon the legislation that it has enacted. When the resumption of specie payment——

Mr. RAYNER. Will the Senator from Nebraska allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. BURKETT. Certainly.

Mr. RAYNER. Mr. President, I do not know whether I am in favor of this bill or opposed to it. The trouble I have about it is this: You will admit that we must put this bill under some clause of the Constitution—I believe that is admitted—and that if we can incorporate postal savings banks they must come under some clause of the Constitution. Now, what clause of the Constitution is it under which this legislation is proposed?

Mr. BURKETT. I will say, in response to the Senator's inquiry, that I expect to refer briefly to that a little later on, but I think the general-welfare clause would cover it.

Mr. RAYNER. Oh, the general-welfare clause would cover everything on earth. I am aware of that.

Mr. BURKETT. Well, it has covered a good many things, I will say to the Senator.

Mr. RAYNER. Is that the proposition? You do not put it under the clause to establish post-offices and post-roads, for it is hardly possible that we could turn a post-office into a bank; you do not put it under the clause giving the power to coin money and to regulate the value thereof; but this bill is put under the general-welfare clause of the Constitution. Some of us want to understand that, because we do not believe—I certainly do not believe—that the general-welfare clause means anything in the world, and I do not think the Supreme Court of the United States has ever said that it does.

Mr. BURKETT. Well, Mr. President, I will say that we may have some apprehension as to our power to start a bank under the Post-Office Department, but I think we have stretched our power to that extent. We are even to-day selling money orders and charging exchange for them. We have carried freight; we have done a messenger business, and are doing a messenger business. We have subsidized railroads and steamship lines; we are developing commerce; we have opened up the frontier under the little section of the Constitution providing that "Congress shall have power to establish post-offices and post-roads." Let me say, if we can not stretch that clause, there is that other clause that we shall be able to rely upon; under the general-welfare clause the Government by eminent domain acquired the battlefield of Gettysburg for park purposes. If it can be used there, I think we can safely rely upon it now, even though we may not have the power under the limitations of the clause with reference to establishing post-offices and post-roads.

I have seen Congress, or a part of it, apprehensive before, and that is why I have called attention to the meat-inspection bill and the rate bill in this connection. I have spoken as I have for the consolation of those really honest but timid souls who would rather offend the interests of all the people and the common sense of all the world than to offend their own theoretical and shelf-worn interpretation of governmental function. I have an optimistic notion that the world will finally become so practical that most men will be able to see that ideas expand as the years go by, and that our most profound convictions under to-day's environments may become our own jest on the morrow. But more particularly I have spoken of the development of governmental function for the sake of that other class of people always attendant at times like these, and who, less disturbed by conviction, are none the less persistent in projecting their ideas of function and power into every discussion of this sort.

Now, so far as the Constitution is concerned, I revere it, as every American citizen ought to revere it, as an instrument essentially for the protection of the people's rights, rather than for the curtailment of their opportunities and their possibilities. A written constitution was an experiment, we know, and there are strong men in the land to-day who believe that it must be enlarged very rapidly by interpretation or abandoned altogether under the strain of industrial development and the progress of human ingenuity. Within a month I have heard a judge of a United States court express the belief that it would have been better, as in England, never to have had a written Constitution, that we might never have been handicapped by the uncertain and the outgrown interpretation of written words, rather than directed by the necessities of the age, in the spirit of formula and precedent.

But however that may be, let me say that I am not disturbed by any fear of lack of power that we may have to enact this legislation. As I replied to the Senator from Maryland [Mr. RAYNER], the general-welfare clause has been too liberally interpreted and too often relied upon to sustain necessary legislation for the good of the people to halt us at this particular time and in this particular legislation. When I recall, as I said, that that clause gave the Government the power to acquire the battlefield of Gettysburg by eminent domain, a thing perhaps furthermost removed from the contemplation of those who framed the Constitution, and that perhaps it has been relied upon for the relief that we have extended to peoples beyond our own boundaries, I have no fear but what it will justify us in enacting this legislation at this particular time for the welfare of our own people.

Surely it is no further from the authority of the written word of the Constitution to pay interest on deposits of the people's money than it is to pay interest on bonded indebtedness if both dollars perform the same function for the Government. It is no further from governmental function to receive deposits than it is to pay exchange. The Post-Office Department to-day is doing a score of things beyond the strictly legitimate function of a post-office, to establish which only is Congress given authority in the words of the Constitution. Congress was given power under the Constitution to establish post-offices and post-roads, but to-day the post-office is doing a money-order business and charging exchange in competition with individual enterprise.

As I said a moment ago also, it is not only doing that, but under that single line of the Constitution the Post-Office Department to-day is carrying freight and doing a messenger business. It has subsidized railroads and steamship lines, and thus has developed commerce and opened up the frontier.

Let me say also that I am not dismayed by the uncertainty of the undertaking nor alarmed by its impracticability.

This is not a new venture, whose untrod paths should appall us, for practically every important nation on earth except the United States and one other has a postal savings system now in operation. Old England pioneered the way, and in 1861 brushed aside the obstacles and overcame many, I think I may say all, of the arguments that have been made against this legislation here and throughout the country.

I have been interested in reading recently a little musty old volume entitled "Lewins's History of Savings Banks" to find that more than half a century ago there was arrayed against postal savings banks in England identically the same interests—notice it—identically the same interests, and fighting with identically the same weapons and the same arguments that we have had to meet here in America in the progress of this legislation. Some people at the time that legislation was enacted there opposed it because they thought the people employed in the post-office department would not be competent for the work. Others opposed it for fear that it would raise up an institution of so gigantic proportions that it would have very important and very deleterious results upon the commerce and industries of the country. Others were afraid that it would not only absorb all the future deposits, but that it would absorb all the deposits in existing banks.

I remember another member of the House of Lords opposed it because he said it never could take root in the smaller places. There is an anomaly—one man opposing it for fear it would absorb all the deposits, another man opposing it for fear that it would never take root at all. Some opposed it on the ground of expense. Others opposed it because they wanted to keep the banking of the people separate from the National Treasury. Some objected to it for fear that the people would not be satisfied with the interest allowed and that in response to a popular demand the rates would be raised until it would interfere with existing establishments and entail a large expense on the people. Some had misgivings that it would put the Government to operating on the stock market. Some thought it unwise to establish new banks on the deficiencies of the old banks, and that it would be better to improve the old system than to create a new system, and referred to the old system of banks as the glory of England that all Europe had emulated.

Others opposed it, just as some are opposing it in this country, on the theory that it would be too centralizing in its effects and that it would tend to drain all the money out of certain localities. One member of the House of Lords, after it was found that the bill would certainly pass, offered an amendment that would restrict the new postal savings banks only to those localities where a bank did not already exist.

In it all there was apparently but one motive, and running through all the pages and volumes of speeches that were made against that legislation of England fifty years ago, one can not help but observe that there was but one real objection. William E. Gladstone, as was said by the Senator from Montana [Mr. CARTER] the other day, was leading that discussion, and he was master of the situation. Great mind that he had, he separated the kernel from the chaff, and tersely and effectively he drove home the argument that obliterated every objection and quieted for all time, so far as old England was concerned, every objector. After days of debate, of fear and frenzy, of misgivings and apprehension, Gladstone replied. He said he did not know whether the new banks would be injurious to the old banks or not; but if they should be, it would be only because the new banks would be the safest and the best. I am not so much concerned, said Mr. Gladstone, about supplying competition for the old banks as I am about supplying facilities that do not now exist.

So again I say this is not a new venture, uncertain in results and unvouched for by experiment. We are not embarrassed by possible or threatened industrial and financial revolution, for other nations have tried it. As was said here yesterday by some one, twenty-six nations have adopted a system of postal savings banks. England and Wales and Austria and Belgium, France and Hungary and Ireland and Italy and India, the Netherlands, New Zealand, Scotland, Sweden, and

Russia and Japan have all adopted a postal savings bank system, and the United States and Germany only are without it, and, as was explained yesterday by the Senator from Montana, if I recollect aright, Germany, under her system, meets practically the same needs that this system is intended to meet.

Mr HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. BURKETT. I do.

Mr. HEYBURN. I take it that the Senator will not object to a question intended to develop the idea which he has just presented in his remarks. Is there any country in the world where the government hires money for the purpose of rehiring it out?

Mr. BURKETT. There is not, Mr. President.

Mr. HEYBURN. Where it takes in money under a contract to pay for the use of it in order that it may loan it at interest to some person?

Mr. BURKETT. I understand, Mr. President, that is an objection that may be raised. Now, if the Congress does not want to dispose of this money in the way provided by the bill, let somebody suggest a better way to dispose of it. Other countries carry their floating indebtedness with the people's money. Their indebtedness represents not only what our federal indebtedness represents, but also what our state indebtedness represents. I imagine that it is not a violation of the proprieties in the matter for us to take up the state bonds and, in addition, whatever national bonds we may want to take up, with this deposit of the people, to carry state indebtedness; and instead of the States in the future paying 4 and 5 per cent interest for their money they might use the people's money, if we chose to take up the state bonds and the state indebtedness, instead of loaning this to the banks at 2½ per cent; and the people would then furnish the money for the state indebtedness, just as the people in foreign countries are furnishing it for their national indebtedness.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield further to the Senator from Idaho?

Mr. BURKETT. I do.

Mr. HEYBURN. I will ask the Senator whether or not, in his judgment, it is the function of the Government at all to borrow the money of the people and loan it to the States or municipal corporations? I should like to say, in connection with that, that I do not make the suggestion as one opposed to legislation upon this subject, but merely for the purpose of testing the measure under consideration.

Mr. BURKETT. Well, Mr. President, some States—not every State, but some States—are to-day raising money by taxes and loaning it to other States in this Union without any specific provision in their constitutions one way or the other on that point, and they are doing that in the State where I live. The State in which I live has money loaned to half a dozen of the other States of this Union to-day that has been collected from the people of our State. Now, sir, if it is a proper governmental function to receive the people's deposits and use them to carry the national debt in 26 other nations of this world, it is not going any further in this country, organized, as we are, with a dual system, to use the money of the people deposited in postal savings banks to carry the indebtedness of the several States of this Union.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. BURKETT. I do.

Mr. HOPKINS. The statement the Senator from Nebraska has just made strikes me as a little remarkable—that is, that the State of Nebraska collects money by taxation from the citizens of that State for the purpose of loaning it out to the people of other States or to other States. I want to ask the Senator on that point for information——

Mr. BURKETT. Did the Senator understand me to say that?

Mr. HOPKINS. That is the way I understood the Senator.

Mr. BURKETT. Then I will withdraw that. The State of Nebraska does not tax the people for the purpose of loaning the money to other States.

Mr. HOPKINS. What is the character of the loan, I would ask?

Mr. BURKETT. We buy the bonds of other States with the money in our treasury——

Mr. HOPKINS. Oh, yes.

Mr. BURKETT. With our surplus in the treasury that is put there for school purposes.

Mr. HOPKINS. Then the assessment and collection of money is not for the purpose of making these loans?

Mr. BURKETT. Certainly not.

Mr. HOPKINS. Where you have money in the state treasury, in order to keep that money active and increasing in value you buy the bonds of other States?

Mr. BURKETT. Yes. The object is to keep our schools going. The object of this bill is to furnish a safe depository for the people and to do something with the money. I simply stated that it was no further a stretch of governmental function or governmental power to loan that money to the Federal Government or to the States to carry their bonds than it was for one State with the money that it collected from the taxation of its people to loan it to another State. But I did not intend to say that Nebraska assessed her people for the sake of loaning money to the people of other States. That was not my intention.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from California?

Mr. BURKETT. I do.

Mr. FLINT. I will simply state that to-day the Government is collecting money by taxation, depositing it in banks, and receiving interest for it just as is provided for under this bill.

Mr. HEYBURN. Mr. President, with the permission of the Senator from Nebraska——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. BURKETT. I do.

Mr. HEYBURN. Is there now, or has there been, any instance where the Government borrowed money and loaned it out at interest?

Mr. FLINT. If the Senator from Nebraska will permit me——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from California?

Mr. BURKETT. Yes; certainly.

Mr. FLINT. The Government, as a matter of fact, as the Senator well knows, has not borrowed money to loan it out, but has collected money by taxation that is now in the Treasury and deposited in national banks, and receives interest for that money, just as provided by this bill.

Mr. HEYBURN. But it pays no interest on the money for its use. The money came through the ordinary channels of revenue. What I was seeking to have illustrated by the remarks of the Senator from Nebraska was the manner of handling this money after it had been borrowed under a contract to pay interest to the people. That is rather an embarrassing question in the consideration of the bill now before the Senate, because, in answer to my first inquiry, the Senator admitted that no country in the world had undertaken to do such a thing. I had not brought it down to our own country, but because of the remarks of the Senator from California I was enabled to ask a question, which I deemed pertinent, as to whether this country had ever borrowed money under a contract to pay for its use and then loaned it out under a contract to receive interest.

Mr. BURKETT. Does the Senator put that to me as a question, or was his statement in reply to the Senator from California [Mr. FLINT]?

Mr. HEYBURN. The Senator from Nebraska may answer it or not, but the Senator from California did answer it. He admitted that within his knowledge the Government had not done so. The question, of course, is submitted to the Senator from Nebraska for the consideration that he sees fit to give it.

Mr. BURKETT. I know of no occasion when the Government has borrowed money for the purpose of loaning it out to somebody else. It may have loaned some money that it had borrowed for other purposes, but I do not know of any such case.

Mr. HEYBURN. Mr. President, if the Senator will permit me, I will ask whether or not there is any provision in this bill, as he reads it and interprets it, that would suggest that the Government receive this money for any other purpose than for the purpose of reloaning it? Is there any provision in this bill that contemplates that the Government may for its own purposes use a cent of the money received from depositors in proposed postal savings banks?

Mr. BURKETT. I think there is in this bill a section that provides for the Postmaster-General buying bonds and taking up part of the national indebtedness, if he chooses to do so, but there was in a bill which I introduced——

Mr. HEYBURN. That is an alternative proposition.

Mr. BURKETT. Yes.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. BURKETT. Certainly.

Mr. CARTER. Mr. President, the bill as reported does not contain the provision to which the Senator from Nebraska refers. The investment in securities of the United States is not contemplated. The funds are to be deposited, as the Senator has just stated, in the neighborhood where received, in the national banks. The provision referred to by the Senator from Nebraska is, as aptly suggested, a mere alternative proposition. In the event of the banks refusing to accept the deposits at the rate of interest provided by law, the Postmaster-General, upon the advice of the Secretary of the Treasury and the Attorney-General, may invest not in United States bonds, but in the bonds of States, municipalities, counties, and so forth.

Mr. HEYBURN. Loan money to States and municipalities?

Mr. CARTER. I doubt if that is the loaning of money in the sense which the Senator puts the statement. It is the buying of securities in the open market for temporary investment in order to obtain interest equivalent to that paid the depositor, plus the cost of administration. The bonds would be disposed of in order to get the money with which to pay the depositor, and would be a temporary investment.

Mr. BURKETT. Mr. President, there was in the bill which I introduced a provision authorizing the Postmaster-General, if the banks failed to take these deposits, to buy national, state, and municipal bonds; but I will say to the Senator that there never was any supposition from the beginning that there was any field of investment of sufficient extent to be worthy of the consideration of national bonds.

Mr. CARTER. I will suggest that the committee, in considering the advisability of authorizing the investment in United States bonds, met with a proposition that had been early urged, to the effect that the postal savings system would tend to cripple the banking institutions of the country. It never was the intention to so frame a bill as to do aught else than provide facilities to enable the people to save small sums. The widely extended arm of the Postal Service seemed to furnish the machinery to accomplish this purpose. If United States bonds should become the investment for the funds, it can readily be perceived that all the bonds needed for the basis of circulation of national banks might soon become absorbed as investments for the Post-Office Department funds, and thus, by indirection, the national banking currency would be practically retired. We avoided any provision looking to investment in United States bonds for the reasons stated.

Then, of course, another reason, obvious on the face of the market quotations, is that the amount of interest drawn by United States bonds, considering the premiums paid, would not suffice to pay the rate of interest which we allow to the depositor.

Mr. BURKETT. Mr. President, I shall get back to the Senator's original question, as to whether or not any other country has done this thing. I will say that his question was properly put, because I had referred to the fact and enumerated the other nations that have this system of postal savings banks. But, Mr. President, when I recited the number of nations that have postal savings systems in operation, I did not want to be understood as basing the advisability of our action upon the apparent success alone of similar experiments in other countries. My ten years of public service and somewhat of study, I will say to the Senator, of comparative conditions in this and other lands has made me fully to appreciate that things which are traditional in some countries would be revolutionary here. Because England or Switzerland or New Zealand has done some things with apparent success and with beneficial results I realize full well is no absolute certainty that we can do them here with equal success or even with equal propriety. I am mindful of the great extent of our territory, of the unequal distribution of our population and wealth, and of the great diversity of our industries. Neither am I unmindful, I will say, of the consideration that we owe to private enterprise and private capital which, responding to American ideals and American institutions and traditions, is already invested along similar lines.

I realize, too—and some Senators have called attention to the fact—that this legislation is not of the same importance to some sections of the country that it is to other sections of the country. I am also fully cognizant of the hesitancy of the American people of all parties and all creeds to enter the Government as a competitor with its individuals in industrial and commercial pursuits; in fact, I am one of those persons who believe that the less the Government does directly in trade and commerce the better it is for our development, both as individuals and as a nation. Theoretically the doctrine of the old school of statesmen was correct, "that nothing should be done by the General Government that the local governments could do, and nothing by any government that individuals could do for themselves."

But, practically speaking, we have long since outlived that doctrine, and at most we have only adhered to it in each instance within the limitations of a very loose interpretation of governmental functions after the interpolation of the words "as well." And a reasonably strict constructionist of governmental function and governmental prerogative to-day finds himself restricting the Government from doing those things only that state governments can do "as well" and eliminating all governments only when individuals can do them "as well." And between that strict constructionist's "as well" and the most liberal constructionist's extreme interpretation that all things are proper governmental functions unless individuals can do them better, the shuttlecock of legislation has traveled for lo these hundred years.

So, whatever misgivings other Senators may have as to the propriety of this legislation, I have brushed them all aside with a consciousness of public duty; and whatever objections there may be as to expediency is overcome, it seems to me, by the facts of necessity that present themselves.

Mr. HEYBURN. If it will not embarrass the Senator from Nebraska——

Mr. BURKETT. It does not embarrass me. I was going to explain what I meant.

Mr. HEYBURN. It was to what the Senator had said that I desired to direct my remarks and to make a suggestion. What objection is there to receiving this money by the Government without the Government assuming any obligation to pay interest. If the purpose is to promote frugality and business thrift, why would it not be better promoted by making as slight as possible the inducement to allow these deposits to remain with the Government, the Government receiving the money at the post-offices under no contract to pay interest, and letting the money go back into the hands of the individual as soon as the individual can find use for it? What necessity is there in the spirit of this legislation that the Government should contract to pay interest on the money?

Mr. BURKETT. That is a matter of detail. Congress can pay 2 or 2½ per cent, or whatever rate it pleases, or nothing at all. I think we ought to pay about 2 or 2½ per cent. I would not quarrel if it was 1 per cent. I would not vote against the bill if the Government decided to pay no interest.

Mr. HEYBURN. Why should the Government, under any circumstances, borrow money for somebody else and pay interest on it?

Mr. BURKETT. I will say we are not borrowing money. That is not the object of the bill.

Mr. HEYBURN. It is the result.

Mr. BURKETT. It is to help the frugal, industrious man, the man who has insufficient means to undertake a business proposition.

To-day from one end of the country to the other there is an agitation for safer banking. The deposits are unsteady and the loans are uncertain. We know it. The banker is nervous, and the borrower is without that assurance that makes for a stable business. When discounts are most needed, then the deposits are most liable to be reduced. When the banker least wishes to see his depositors, they loom up before the paying teller in greatest numbers.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. BURKETT. Certainly.

Mr. BORAH. I should like to ask the Senator from Nebraska a question. It is proposed that the Government shall accept this money from the citizen and pay him 2 per cent, and turn about and loan it to the banks at 2¼ per cent. What is the difference in principle between that and the guaranty of bank deposits of which we heard a good deal in the last campaign?

Mr. BURKETT. I will get to the guaranty of bank deposits in about two minutes, if the Senator will wait that long. I will say that the speech which some Senators like to quote to us in favor of this proposition comes from a man who advocated the guaranty of bank deposits a year or so ago.

Mr. BORAH rose.

Mr. BURKETT. I will not insinuate that all Senators who are questioning me here to-day advocate the guaranty of bank deposits.

Mr. BORAH. I am very frank to say that I have advocated the guaranty of bank deposits, and I am very glad that a majority of those who have opposed it are now coming around to that view, as presented in the proposition in this bill.

Mr. BURKETT. When the Senator interrupted, he asked me to make a later part of my speech first. I want to try to make it as I have it outlined on this paper, if I can. I have my topics arranged, and I should like to present them in the order in which I have them if the Senator does not seriously object, and if he will wait until I can get to that point I shall state my views upon it.

I have heard it said that it was the ignorance of bank depositors representing small deposits which has precipitated most of the bank runs. Perhaps every Senator has heard that statement. But I have thought, as I have heard it stated, that if they are ignorant, it is, perhaps, because their interests are so small in comparison with the great institutions with which they are dealing that it is never given them to know the real condition of the institution, and if they are nervous it is because their deposit, though small, is their all. It represents their toil and their sacrifice and their industry and their frugality. It means for them fuel for the coming winter, medicine when sick, and necessaries of life when temporarily out of employment.

It is for that class of people, let me say, that this legislation is intended. Yea, it is for the many more who might be in their class if they were only provided with better opportunities and better inducements to practice frugality. It is this class of people—who can not know about the bank's assets and who could not judge of them if they did—that make the enormous crowds and clamor loudest at the bank run. They start the whirlpool into which has gone to destruction many a bank that otherwise might have withstood the storm and stress of the times. Upon them demagogues flourish and into their ears the money quack pours most successfully his vicious nostrums for all banking and currency troubles. They are easy picking, because unlearned in the science they are more sensitive of their risk.

If this legislation has no other merit, it would at least relieve the commercial banks from the dangers of their nervousness.

Mr. BORAH. Do I understand the Senator from Nebraska to say that the greater nervousness is upon the part of the small depositors, rather than the large depositors?

Mr. BURKETT. I do not know what the Senator understood me to say. I undertook to quote the statements of a banker, that most bank runs have been precipitated by the nervousness of the smaller depositors.

Mr. BORAH. I should like to see proof in support of that statement. I do not believe it is true. So far as the large runs have been concerned, they have been started by the class of men that you speak of as the educated business men. The small depositor has only become excited after the start has been made by those who have large deposits.

Mr. BURKETT. I will not leave it that way, because it would not be fair to them nor true to fact, I will say to the Senator, to leave the impression that they are all who are clamoring for safer banking. Business men everywhere want safer banking. The bankers themselves want safer banking. They call it steadier banking, or more elastic banking perhaps, but from one end of the country to the other they are clamoring for a change in our banking and currency system to-day. The remedies which have been suggested have varied all the way from government guaranty of all deposits of the man who deposits only to the central bank of issue of the man who only uses money.

Mr. CARTER. I am aware of the desire of the Senator from Idaho to be exact at all times, and therefore I rise to request him to ascertain, on reflection, whether he would not like to change the statement he has just made. The question is somewhat academic and speculative, I understand.

The discussion was proceeding with a view to determining, if possible, the cause of runs on or panics in connection with banks. The Senator from Idaho suggested that the runs were generally started by large depositors. I rather think he meant to say the runs were started by the failure to pay sums of money due. It is the failure of the individual who has an obligation to find the deposit to meet it. Runs, of course, are precipitated, not by large deposits, but by failure on the part of the institution in which deposits are made to meet demands upon it.

Mr. BORAH. I am under great obligation to the Senator from Montana for suggesting a more precise use of language, but I do not care to change the fact. I maintain still that it was the steadiness and the stability of judgment of the small depositors in this country which saved the financial panic of 1907 from becoming much larger than it was. It was the disturbance created by the large depositors which started the panic, and it was the patriotism, as you may say, of the small depositors in leaving their money there still that helped to stop the run.

I am aware of the fact that the real crisis is reached at the time when payment can not be made; but the start of the run is before the payment is asked for, because they do not refuse to pay until somebody appears there and asks for payment; and when they refuse to pay, then the crisis begins. But the run has begun before that.

Mr. CARTER. Mr. President, the panic of 1907 was quite unique. It was essentially a bankers' panic. It originated in the midst of the greatest financial career of the Western Hemisphere, and it was regarded throughout as a bankers' panic. Its fear and apprehensions never reached the remote sections of the country or the average depositor. It is unhappily true that all the money of the country—for the time being deposited in the depositories of great financial centers—was suddenly impounded, payments refused, the national banking law disregarded, and a situation existed which might well have brought calamity to the entire country. But, as the Senator well says, the panic was not of the disastrous kind so far as the body of the people was concerned, because it did not start with them. The most disastrous panic is that which originates in the steady, continuous withdrawal of money by the small depositor of the country, where the fever is widespread or universal.

Mr. BORAH. I agree with the Senator. It was a bankers' panic. That is the only kind we have during a Republican administration. But I want to say further that the panic was not precipitated by the people, and it stopped only when it got to them.

Mr. BURKETT. Whoever may have been responsible for that panic, whether it was the small depositor or the large depositor, we all agree as a result that from it there has been a flood of proposed legislation presented to Congress. I think I would not be overstating the fact if I said that within the last two years there have been more than twenty separate and distinct propositions for new banking systems in the United States presented, and, in addition to that, there are blends and combinations too numerous to mention. In my opinion most of them will fail to completely satisfy, because they entirely eliminate the great classes of depositors that this bill is intended to provide for. These depositors are not worrying about distributing money, but about saving it. The controlling thought of most of these proposed banking systems is the purposes of business.

The idea that dominates in them is to provide money in abundance when needed and to reduce it when not needed, so that it will answer the call of the West when the golden grain of the autumn time is ready for market, as well as the alluring song of the East when interest rates go up. That is the call of commerce, and is commercial banking; but I submit that it entirely overlooks the struggling toiler of hand and head, the frugal, industrious, and self-sacrificing depositor, whose only anxiety is that the dollar he saves is safe and that what he deposits shall be returned unto him even in the days of iniquity, when the shadows of adversity encompass him about. That is the great proposition.

On the other hand, the guaranty of bank deposits will not meet this proposition entirely as I see it, for the reason that it fails to recognize any difference among depositors.

The guaranty of bank deposits plan puts side by side the man who deposits money and the man who deposits his promissory note; the man who deposits for safety and the man who deposits for commercial purposes, impressed with all the risk and assured of all the profits that come from it. So I insist that as legislators we must recognize a difference between the savings account of "Willing Worker" and "Industrious Frugality" and the commercial account of the drivers of industry whose deposits are limited only by their credit and whose business relation with their bank forms only a part of the great speculation of life in which they are engaged.

If I have made my point clear as to the distinction between the two deposits, then I insist that the governmental function is different as between the savings depositor and the commercial depositor. A savings bank is not for the purpose of helping men to make money, but to encourage them to save it, and safety is the sine qua non. The commercial bank is for the purposes of trade, and must respond quickly to business needs and can not be hedged about by the slow and rigid rules of absolute certainty.

In its use there is possibility and risk, and the man who deals with it must do it always in the knowledge that he does it for his own aggrandizement and therefore at his own peril. The very nature of a savings bank makes it a legitimate field for governmental interference. It is a helping hand for the man without means, unacquainted with the business, profligate, and timorous, until he has acquired a sufficient sum to make an investment. His deposit is small, but the total possessions of the depositor. It is small in amount, but represents real toil and

sacrifices. Its loss means more to him than the larger amount of the larger depositor. Its loss means to him financial ruin, mental anguish, perpetual discouragement, everlasting poverty, and public charity in declining years.

The great struggle of the ages has been to stimulate thrift among men. Nations have been strongest as their people have been thrifty. A government can afford always to stretch a little its effort to help the people to become self-sustaining, for that is far better than that they should be publicly sustained. To my mind, no nobler object ever appealed to any nation for consideration, and no more appropriate function of government ever called for legislation.

The whole world, as has been stated repeatedly, has responded, and the generations of men and the annals of nations testify to its wisdom. The question is, Shall we in America delay longer? Shall we in this proud Republic, where liberty reigns and where the people "do rule," longer deny to ourselves this great benefice to men vouchsafed to the peoples of every other land?

I understand the objections to this bill, and they are not unlike those made in every country where legislation of this kind has been contemplated and where they have all been answered. I understand the fear that the banker may have of the competition that the postal savings system may make for him. In my opinion, those fears are not well grounded. It will do in America, as it has in every other country—very largely take care of itself. It will build up its own clientele and, from entirely new sources, make up its own depositors. I do not mean to say that some money will not be diverted from its present channels, but history shows that the percentage is very small, and what may be diverted is more than made up by additional depositors, for the habit of deposit will be inculcated by the postal savings system, and this will add unto the commercial bank depositors.

I have here two or three brief extracts which I want to read. I will not go into the subject extensively. I had intended to call attention to them a little sooner, but I have been diverted from the line of the argument somewhat that I had intended to make to-day.

The Postmaster-General, in 1892—and he has done it once or twice before and since, I think—asked the postmasters-general of other countries the result of the postal savings-bank system, and these are the statements of those postmasters-general. I find those statements in the report which the Senator from Montana [Mr. CARTER] has made in support of this bill. There are reports from Sweden and Hungary and Italy and Belgium and the Netherlands and Austria and France, and perhaps some other countries. The question our Postmaster-General asked was, "Has the postal savings bank of your country, in its beginning or since, met with any opposition from private savings banks?"

Sweden says:

As far as known, no opposition has been manifested at any time.

The Hungarian postmaster-general says:

The private savings banks can never see a competitor in the postal savings banks, because their organization is different and because they serve a different class of people. The postal savings banks have not exercised any injurious influence on the development of private savings banks, which is shown by the circumstance that since the establishment of postal savings banks the deposits in the private savings banks have not decreased, but increased very considerably, as has also the number of private savings banks.

In Italy the postmaster-general replied:

There has never been any serious opposition to the establishment of the postal savings bank. In the beginning some apprehension was felt that the postal savings bank might injure the private institution of similar character, but this apprehension soon vanished, as it soon became apparent that each of the two kinds of institutions had its own circle of customers and did not interfere with each other. At present there are not a few localities where postal savings banks are in operation and flourish side by side with private savings banks.

Other countries report the same. The French report says:

The postal savings bank and the private savings banks do not exactly serve the same class of customers. The first mentioned offers especial advantages to economical persons who move about a good deal and who therefore appreciate the facility of making a deposit in one post-office and drawing it in some other office; the second, by reason of the higher rate of interest paid by them, are more advantageous to persons who always reside in one and the same place where they make their deposits and draw their money.

I shall not take time to read more of them, but what I do want to call attention to is a little book which I brought with me—Lewins's History of Savings Banks. At page 318, in discussing the question whether postal savings banks interfere with commercial banks, he says:

It is a somewhat remarkable fact that—

I will say this little book was written five years after the postal savings bank system went into operation in England, and he writes of the result in England—

It is a somewhat remarkable fact that of the total amount which had up to the end of last year been deposited in post-office banks not much more than a million and a half * * * had been withdrawn from the old savings banks.

From these facts it seems quite clear that the business acquired by the post-office banks, at any rate up to this time, is almost entirely newly created business, and that the older savings banks have only been interfered with to a trifling extent. * * * Other sums might undoubtedly have been placed with the older institutions, had there been no competition; but by far the greatest proportion is plainly derived from sources hitherto unreached, and consists of money which no amount of persuasion could divert from the hundred forms of indulgence to the older channels of economic hoarding.

Further along he says:

The post-office banks, further, seem not only to have attracted a public of their own, but to have created, as it were, a fresh race of provident people.

In my opinion the experience there would be repeated here, and from the cellars and the garrets, from the old stockings and chimney corners, from hollow logs and the cold, damp earth, from everywhere would come flowing into the channels of trade and commerce the hidden and hoarded money of the realm. I have the information here that 49 per cent of the circulating medium can not be accounted for to-day or at any particular time. Commerce is deprived of its use, because there has as yet been provided no means to attract it from its hiding place. It is hidden by those who fear and distrust their fellow-citizens in the private institutions, and is carried in the pockets of others for whom we have provided no adequate facilities for putting it back into circulation other than as it is expended.

Mr. President, it will not answer the demand nor meet the situation for us to glorify our present banking system. They did even that much in England fifty years ago. I received a letter yesterday from a constituent of mine, a very important man in my State, a very strong banker. He writes a very good letter. He said to me that in his opinion Congress ought to leave this matter to the judgment of the bankers, whose years of experience in financial matters made them more competent to judge of what legislation ought to be along this line. But it will not do to take the opinion of bankers, because their judgments have been overturned in every land. As I said in the beginning, if we had allowed our legislation to go until the men who are most particularly interested in it said so, we would never have had a meat-inspection bill, or a railroad regulation bill, or a child-labor bill for the District of Columbia, nor any of the magnificent legislation that we have had in this country in the last few years.

I am not one of those given to a wholesale and indiscriminate criticism of our present banking system, for my experience in the ordinary affairs of life is that that is one of the surest signs of a man's own incompetency, and woe to a man's reputation among his fellows who can see no good in the men and measures with which he comes in contact. I say frankly, after listening to the discussion of financial experts in Congress for ten years, I have about come to the conclusion that we have probably outlived our present financial system. But with my restricted vision and qualifying better as a historian than as a financial expert, I am bound to say that I find more specific things to applaud our banking system for than to criticise it for.

I recall the dark days of the Republic in which it was established, and the proud eminence of financial achievement into which it has brought us. I recall the stability with which it has sailed the tempestuous seas of industrial panic, and the dogged resistance it has maintained against the visionary and fanciful fads and hobbies that have assailed it from every quarter. I recall, as no small tribute to its success, that it is more responsive to industry and commerce, to progress and development, than any other banking system upon the face of the earth.

It is the realization of the fondest dream for the uses of trade; and I undertake to say that American ingenuity does not appear to better advantage anywhere than in comparing our banking facilities with those of other lands. Nowhere has a greater amount of business been done with less machinery, nowhere with greater convenience and greater dispatch. The American banker well deserves a large share of the credit for our industrial and commercial advance. But I am bound to say that with all his demonstrated ingenuity for distributing money he has not been successful in rendezvousing money. He has gathered together the large sums of a few depositors; he has put them to the very best practical use; but he has failed to reach the enormous amounts of the millions of Americans and put them to proper use.

The public function of a bank is to collect together the funds of the people who do not have any present use for them and put them into the hands of people who do have present use for them.

A system is successful only in the measure that it accomplishes what it is intended to do. If this system of ours does not reach all of the people, it is not wholly successful. If it

does not reach all of the money, it is not wholly successful. If it is economical to gather together a part of the idle money for the uses of others, then certainly it would be more economical to gather together the largest amount possible.

Great Britain, with 45,000,000 people, has 11,000,000 bank depositors. America, with over 90,000,000 people, has less than 9,000,000 bank depositors. In Sweden 40 per cent of their people are bank depositors. In America less than 10 per cent of our people are bank depositors. No one contends that our people are less prosperous than the people of England and Sweden. No one doubts that the average American has more money about him than the average individual in any country in the world.

The trouble with us is that we have reached 10 per cent of our people, with an average deposit of $423, while Sweden has reached 40 per cent of her people, with an average deposit of $30.

So, without any reflections upon the banking system as it is and for what it was intended, I am only insisting that there is a limit beyond which it will not go, and that the experience of other nations teaches us that the postal savings banks are both stimulating to individuals and economical to the public.

Now, we have had a speech here, laid on the table of every Senator, stating that all the commercial banks of the country practically received savings-bank deposits. Yet we know that commercial banks do not invite small deposits—a dollar deposit, a 10-cent deposit. They do not want anything to do with such small deposits. In most places in this country there is a minimum limit of acceptable bank deposits. In three-fourths of the country there are no savings banks. One-fourth of the States of the Union have over 90 per cent of such institutions. In large sections of the country there is not enough reward offered to warrant private capital in investing in savings institutions.

In those portions of the country the man working for wages is driven to carrying his savings from month to month until he spends it or until he has acquired and saved up a sufficient amount to make him bold enough to lean against a commercial bank counter to make a deposit.

All that is a handicap to the commerce of this country. It is at the expense of our machinery of trade and commerce and helps to diminish our circulating medium. But, most unfortunate of all, when crises come and panics shake the confidence of men, when more money is needed more money is hoarded. So I say the emergency of our times demands the enactment of this legislation. It will put more money into circulation; steady deposits reassure borrowers, relieve nervous bankers; and it will turn thousands of profligate spendthrifts into frugal and self-sustaining citizens.

I have talked longer to-day than I intended when I started. I did not intend to-day to go into any of the details of this bill, although necessarily I have been called into a discussion of some of them. When the bill comes up for final action—and I hoped that it might be before the holidays—some of these sections will deserve and ought to have some further consideration.

I will say that I introduced a bill which, in my opinion, is better than the one reported, in some particulars. But I am not going to quarrel about the merits of the bill to-day. It will be voted upon when the question comes up. This bill that we have before us does provide, as a general proposition, for the things that it seems to me a savings-bank system ought to do. It provides for a government savings depository for small deposits. The rate of interest is small, as it ought to be, for otherwise it would attract all the money. The amount of deposits is limited. Possibly it ought to be smaller. If the amount is too large, the man with enormous sums could deposit them, even with small interest, and without any effort on his part be sustained by the Government. It provides that the deposits shall be redeposited in the nearest national depository to where they are collected, so as to preserve to each locality its own money. It also confines it to the post-offices of a presidential grade, and thus relieves the Postmaster-General of the necessity of placing them where they would not be needed or where there is no possibility of compensation equaling the expense.

Before I sit down I wish to call the attention of Senators to this magnificent report that the Senator from Montana [Mr. CARTER] has made, because it covers the twenty years of work that has been done on this legislation in this country and the fifty years of practical experience in other countries. The Senator from Montana deserves great credit for it. It is one of the most complete reports that has ever been made on this subject. He has shown his industry by going back through the last twenty years of investigation of this subject in this country, and he has collected the wisdom and the work of all the Postmasters-General and of former Senate and House committees that have reported on this question.

As I said in the beginning, I understand there is a disposition here to prevent this legislation from coming to a vote. I had hoped there would be more of those Senators present who oppose it that I might urge them not to take advantage of our rules or lack of rules to defeat this legislation. I understand that with our rules or lack of rules a few Senators can prevent a majority from doing business. But, I submit, the success of these rules and their longevity may be diminished by continued and repeated abuse. Freedom of debate in the Senate is traditional now, and if honestly and legitimately used is the greatest possible boon to good legislation, but if that freedom shall be abused, even unto the defeat of legislation, it then becomes a positive evil, and one that in time will be corrected.

I hope there will not be a determination to delay for the purpose of defeating this bill. If the older Senators, those I had expected to oppose it, had been here, I intended to urge upon them not to use the very prerogatives that mean so much for them in the seats of honor and power that they so splendidly grace in defeating this legislation. Every Senator ought to vote against the bill, if it is wrong, and if a majority of the Senate votes the bill down I have such an abiding faith in the wisdom and honesty of the Senate that I shall bow very respectfully to the superior wisdom of the Senate. But if we are to be deprived of the opportunity to vote upon it by stealth or strategy or legerdemain, then I shall bend to the adroitness of man.

GOVERNMENT OF THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on the District of Columbia and ordered to be printed:

To the Senate and House of Representatives:

The rapid increase of population in the National Capital within recent years has greatly altered social conditions, necessitating changes in the machinery of its administration. Greater efficiency and a better provision for the protection of both the industrial and dependent classes are required.

Recognizing these needs, I have had a special report made to me on the affairs of the District of Columbia which I transmit herewith. I cordially approve the recommendations in the report for: the substitution of a single head or Governor in place of three Commissioners; the establishment of District or Municipal Departments in place of the existing Bureaus; and the creation of a new department to be known as that of Housing and Labor. I ask your careful consideration of the entire report; Mr. Reynolds has rendered a great and disinterested service for which our heartiest thanks are due him.

A single executive head would increase efficiency, determine responsibility and eliminate delays and uncertainties inevitable under the present system; Municipal Departments headed by Commissioners to be appointed by the Governor would yield the same advantage.

In the proposed scheme of reorganization, the Department of Education should be coordinated with other City Departments.

I especially urge that the proposed Department of Housing and Labor be established. Poverty, disease and crime are largely due to defects of social conditions and surroundings. The need of improved sanitary inspection of dwellings, rear alleys and small shacks (such as unhappily still exist in Washington) and of stores, work shops and factories should not be left to subordinate Bureau Chiefs, but should be brought under the direct control of a competent head of the above named Department.

An equally important public responsibility is the protection of the independent industrial class which neither desires nor accepts charity, but whose members have often been led to misfortune and even crime through agencies licensed by the state, but defectively and inadequately supervised. Notable among these are pawn-shops, loan and industrial insurance companies and employment agencies. The supervision of these agencies is at present limited to the police. They should be under the direction of officials qualified to advance their efficiency and economic service to the public.

The above named changes would vastly improve the efficiency of the District Government, and would afford protection to its industrial and dependent classes which is imperatively needed.

I also transmit for the consideration of the Congress reports of the Committee on Building of Model Houses which was appointed in accordance with the recommendation of Mr. Reynolds.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 17, 1908.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKinney, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 5083) to amend section 1 of the passenger act of 1882.

ACCOMMODATIONS FOR STEERAGE PASSENGERS.

Mr. LODGE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 5083) entitled "An act to amend section one of the passenger act of eighteen hundred and eighty-two," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered two, thirteen, and fourteen.

That the Senate recede from its disagreement to the amendments of the House numbered one, three, four, five, ten, and eleven, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered six, and agree to the same with an amendment as follows: Page 4, line 3, after "thereof," insert the following: "subject to the allowance for measurement of public rooms, lavatories, and bathrooms, if any, provided for by paragraph ten;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same with an amendment as follows: Page 4, line 7, after the word "use," insert the following: "subject to the allowance for measurement of public rooms, lavatories, and bathrooms, if any, provided for by paragraph 10;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 8, and agree to the same with an amendment as follows: Page 4, line 12, insert after "thereof" the following: "subject to the allowance for measurement of public rooms, lavatories, and bathrooms, if any, provided for by paragraph 10;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 9, and agree to the same with an amendment as follows: Page 5, line 2, after "included" insert "and also, on whatever deck located" and strike out therefrom the following: "shall be provided for the exclusive use of steerage passengers, and the space so occupied shall also be included;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 12, and agree to the same with an amendment as follows: Strike out the word "apartments" and insert in lieu thereof the word "compartment;" and the House agree to the same.

W. P. DILLINGHAM,
H. C. LODGE,
A. J. MCLAURIN,
Managers on the part of the Senate.

BENJ. F. HOWELL,
WILLIAM S. BENNET,
JOHN L. BURNETT,
Managers on the part of the House.

The report was agreed to.

POSTAL SAVINGS BANKS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

INLAND WATERWAYS COMMISSION.

Mr. NEWLANDS. Mr. President, I ask unanimous consent for the consideration of the bill (H. R. 21899) providing for the appointment of an inland waterways commission, with the view to the improvement and development of the inland waterways of the United States.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nevada?

Mr. ALDRICH. That is an important bill, and I suggest to the Senator from Nevada that it ought not to be taken up when manifestly there is no quorum of the Senate present. I suggest to the Senator not to make that request now. I shall feel obliged to object to it if it is made, with manifestly no quorum of the Senate present.

Mr. NEWLANDS. Of course I will have to yield to the suggestion of the Senator from Rhode Island if he pushes it, but I apprehend that the Senator is under the impression that the bill which I have asked to bring up for consideration is the one that was originally introduced providing a comprehensive plan for the development of our waterways through the action of a commission, which was authorized to coordinate the various services of the Government through an active cooperation which would take in municipalities. This bill is a short substitute for that bill, giving the President power to appoint a commission, not exceeding nine, simply for the purposes of investigation, and giving the commission a small appropriation of $20,000.

I wish to say that there was no river and harbor bill at the last session, and there probably will not be one at the present session. Pretty nearly two years ago the President appointed a commission to inquire into these matters simply under his power of recommendation. This is intended to make a statutory commission in the place of the voluntary commission which has thus far acted.

Mr. CULLOM. Mr. President——

Mr. NEWLANDS. I will ask the Senator from Rhode Island whether, in view of that statement, he still objects to the present consideration of the bill?

Mr. ALDRICH. I must confess that I have no clear idea about the present position of this question. We have had so many conventions and so many commissions that I am not sure whether Congress has any jurisdiction or power over any of these questions.

Mr. NEWLANDS. In view of the objection of the Senator from Rhode Island, I would therefore suggest as a substitute, that it be agreed by unanimous consent that the bill (H. R. 21899) providing for the appointment of an inland waterways commission with the view to the improvement and development of the inland waterways of the United States be taken up for consideration on Wednesday, January 20, immediately after the conclusion of the routine morning business, such consideration to be continued until the bill is disposed of.

Mr. BURKETT. Mr. President, I submit that the Senator from Rhode Island called attention to the fact that obviously there is no quorum present, and it seems to me that it would not be proper to do any business one way or the other until the presence of a quorum is developed.

Mr. CULLOM. I hope that we may have a brief executive session.

The VICE-PRESIDENT. The Chair did not hear the statement of the Senator from Nebraska.

Mr. BURKETT. I submit that it would not be proper to go on with business after the statement made, and not contradicted in the record, that there is no quorum present. As I understand the rule, when a Senator calls attention to the absence of a quorum it is the duty of the presiding officer to direct the roll to be called.

The VICE-PRESIDENT. The Senator from Rhode Island did not raise the point that there is no quorum present. The Chair does not understand that that question was raised by the Senator within the rule.

Mr. NEWLANDS. Mr. President, I think I have the floor.

The VICE-PRESIDENT. The Senator from Nevada has the floor.

Mr. NEWLANDS. I will submit a motion that a certain date be set for the bill. My motion is that House bill 21899 be taken up on Wednesday, January 20, for consideration immediately after the conclusion of the routine morning business, such consideration to be continued until the bill is disposed of. It is a motion.

The VICE-PRESIDENT. The Senator from Nevada moves that House bill 21899 be set for consideration immediately after the close of the routine morning business on Wednesday, January 20 next, and that the consideration of the bill be proceeded with until the bill is disposed of.

Mr. SCOTT. What is the nature of the bill?

The VICE-PRESIDENT. It is an act providing for the appointment of an inland waterways commission with the view to the improvement and development of the inland waterways of the United States. The question is on agreeing to the motion.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

Mr. NEWLANDS. I do not yield for that motion.

Mr. HALE. I do not ask the Senator to yield. Pending his motion, I move that the Senate proceed to the consideration of executive business.

Mr. NEWLANDS. Mr. President, I rise to a point of order.

The VICE-PRESIDENT. The Senator from Nevada will state his point of order.

Mr. NEWLANDS. The point of order is that I have the floor.

The VICE-PRESIDENT. No; the Senator is not entitled to the floor. The Senator from Nevada submitted a motion to the Senate and his motion was before the Senate. The Senator from Maine rose and moved that, pending that motion, the Senate should proceed to the consideration of executive business. The motion of the Senator from Maine is entitled to precedence under the rule.

Mr. HALE. Upon that I call for the regular order, and that is the putting of the motion.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine that the Senate shall proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eighteen minutes spent in executive session the doors were reopened, and (at 2 o'clock and 30 minutes p. m.) the Senate adjourned until Saturday, December 19, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate Thursday, December 17, 1908.

COLLECTOR OF CUSTOMS.

Rentfro B. Creager, of Texas, to be collector of customs for the district of Brazos de Santiago, in the State of Texas, in place of John W. Vann, removed.

COLLECTOR OF INTERNAL REVENUE.

George E. Work, of West Virginia, to be collector of internal revenue for the district of West Virginia, in place of William E. Glasscock, resigned.

REGISTER OF THE LAND OFFICE.

John L. Lockhart, of Pierre, S. Dak., to be register of the land office at Pierre, S. Dak., vice Albert Wheelon, whose term will expire January 23, 1909.

PROMOTIONS IN THE NAVY.

The following-named midshipmen to be ensigns in the navy from the 13th day of September, 1908, to fill vacancies existing in that grade on that date:

Gardner L. Caskey,
John B. Rhodes,
Philip G. Lauman,
Arthur W. Frank,
Albert C. Read,
George H. Bowdey,
Ralph T. Hanson,
Robert A. Theobald,
Richard Hill,
Fletcher C. Starr,
William L. Beck,
Alfred W. Brown, jr.,
Frank Russell,
Guy E. Baker,
John A. Monroe,
William F. Newton,
David A. Scott,
Willis W. Bradley, jr.,
David G. Copeland,
Raymond A. Spruance,
Calvin P. Page,
Earle F. Johnson,
Henry K. Hewitt,
Felix X. Gygax,
Guy E. Davis,
Weyman P. Beehler,
Lemuel M. Stevens,
Warren C. Nixon,
John W. W. Cumming,
Charles R. Clark,
Chester H. J. Keppler,
Charles A. Dunn,
Frederick W. Milner,
Charles G. Davy,
Horace T. Dyer,
Charles C. Gill,
Augustin T. Beauregard,
Damon E. Cummings,
Russell S. Crenshaw,
Robert A. Burford, jr.,
Warren G. Child,
Herbert S. Babbitt,
William H. Lee,
Bryson Bruce,
William P. Williamson,
Randall Jacobs,
Vaughn V. Woodward,
Richard S. Edwards,
Robert T. S. Lowell,
Clyde R. Robinson,
Richard T. Keiran,
Ralph C. Needham,
James B. Howell,
Charles C. Slayton,
John H. Hoover,
Louis H. Maxfield,
Raymond F. Frellsen,
William H. Walsh,
Alfred W. Atkins,
Claude A. Jones,
Harry Campbell,
George W. Kenyon,
Allan S. Farquhar,
Lucien F. Kimball,
Harold M. Bemis,
John M. Schelling, and
Bert B. Taylor.

Capt. William W. Kimball to be a rear-admiral in the navy from the 17th day of December, 1908, vice Rear-Admiral William H. Emory, retired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 17, 1908.

CONSUL-GENERAL.

John P. Bray to be consul-general of the United States of class 4 at Sydney, New South Wales, Australia.

CONSULS.

Joseph M. Authier to be consul of the United States of class 9 at Guadeloupe, West Indies.

Frank C. Denison to be consul of the United States of class 9 at Fernie, British Columbia, Canada.

Edward A. Creevey to be consul of the United States of class 7 at St. Michaels, Azores.

George H. Jackson to be consul of the United States of class 8 at Cognac, France.

Frederick M. Ryder to be consul of the United States of class 6 at Rimouski, Quebec, Canada.

COMMISSIONER OF LABOR.

Charles P. Neill to be Commissioner of Labor, Department of Commerce and Labor.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Huntington Wilson to be envoy extraordinary and minister plenipotentiary of the United States to Roumania and Servia and diplomatic agent in Bulgaria.

ASSISTANT TO THE ATTORNEY-GENERAL.

Wade H. Ellis to be assistant to the Attorney-General.

PHILIPPINE COMMISSION.

W. Cameron Forbes to be vice-governor of the Philippine Islands.

Gregorio Araneta to be a member of the Philippine Commission and secretary of finance and justice in the government of the Philippine Islands.

Newton W. Gilbert to be a member of the Philippine Commission.

Rafael Palma to be a member of the Philippine Commission.

REGISTER OF LAND OFFICE.

Thomas C. Tillotson to be register of the land office at Roswell, N. Mex.

RECEIVER OF PUBLIC MONEYS.

Andrew P. Adolphson to be receiver of public moneys at Leadville, Colo.

SURVEYOR-GENERAL OF ALASKA.

William L. Distin to be surveyor-general of Alaska.

PROMOTIONS IN THE NAVY.

Lieut. Commander Patrick W. Hourigan to be a commander in the navy from the 11th day of July, 1908, vice Commander Henry C. Gearing, promoted.

Lieut. Commander William G. Miller to be a commander in the navy from the 20th day of July, 1908, vice Commander Burns T. Walling, promoted.

Ensign William D. Greetham to be a lieutenant (junior grade) in the navy from the 30th day of July, 1908, upon the completion of three years' service in present grade.

Lieut. Commander George W. Kline to be a commander in the navy from the 1st day of August, 1908, vice Commander Clifford J. Boush, promoted.

Commander James H. Sears to be a captain in the navy from the 3d day of September, 1908, vice Capt. Greenleaf A. Merriam, deceased.

Capt. William P. Potter, an additional number in grade, to be a rear-admiral in the navy from the 30th day of October, 1908, with Capt. Gottfried Blocklinger, promoted.

Commander Charles C. Rogers to be a captain in the navy from the 30th day of October, 1908, vice Capt. Gottfried Blocklinger, promoted.

Capt. Nathan E. Niles to be a rear-admiral in the navy from the 12th day of November, 1908, vice Rear-Admiral James M. Miller, deceased.

Capt. Newton E. Mason, an additional number in grade, to be a rear-admiral in the navy from the 12th day of November, 1908, with Capt. Giles B. Harber, promoted.

Commander John T. Newton to be a captain in the navy from the 12th day of November, 1908, vice Capt. Nathan E. Niles, promoted.

Commander Benjamin Tappan, an additional number in grade, to be a captain in the navy from the 12th day of November, 1908, with Commander John T. Newton, promoted.

Lieut. Commander George R. Evans to be a commander in the navy from the 12th day of November, 1908, vice Commander John T. Newton, promoted.

Lieut. Walter S. Turpin to be a lieutenant-commander in the navy from the 28th day of January, 1908, vice Lieut. Commander William L. Howard, promoted, to correct the date from which Lieut. Commander Turpin takes rank as confirmed on January 30, 1908.

Lieut. William S. Whitted to be a lieutenant-commander in the navy from the 30th day of January, 1908, vice Lieut. Commander Robert B. Higgins, promoted.

Lieut. Walter J. Manion to be a lieutenant-commander in the navy from the 25th day of February, 1908, vice Lieut. Commander Isaac K. Seymour, deceased, to correct the date from which Lieutenant-Commander Manion takes rank as confirmed on April 23, 1908.

Lieut. George E. Gelm to be a lieutenant-commander in the navy from the 17th day of April, 1908, vice Lieut. Commander Charles S. Bookwalter, resigned.

Lieut. Frank H. Brumby to be a lieutenant-commander in the navy from the 23d day of April, 1908, vice Lieut. Commander John C. Leonard, promoted.

Lieut. James P. Morton, an additional number in grade, to be a lieutenant-commander in the navy from the 23d day of April, 1908, with Lieut. Frank H. Brumby, promoted.

Lieut. Frank P. Baldwin to be a lieutenant-commander in the navy from the 24th day of April, 1908, vice Lieut. Commander John M. Ellicott, promoted.

Lieut. George L. P. Stone to be a lieutenant-commander in the navy from the 15th day of May, 1908, vice Lieut. Commander Charles W. Dyson, promoted.

Lieut. Harris Laning to be a lieutenant-commander in the navy from the 1st day of July, 1908, vice Lieut. Commander Harry George, promoted.

Lieut. Franklin D. Karns to be a lieutenant-commander in the navy from the 1st day of July, 1908, vice Lieut. Commander Frederick L. Chapin, promoted.

Lieut. David W. Todd to be a lieutenant-commander in the navy from the 1st day of July, 1908, vice Lieut. Commander William C. Herbert, promoted.

Lieut. John V. Klemann to be a lieutenant-commander in the navy from the 1st day of July, 1908, vice Lieut. Commander Alexander S. Halstead, promoted.

Lieut. Henry V. Butler to be a lieutenant-commander in the navy from the 1st day of July, 1908, vice Lieut. Commander Harry A. Field, promoted.

Lieut. Walter R. Gherardi to be a lieutenant-commander in the navy from the 1st day of July, 1908, vice Lieut. Commander Chester M. Knepper, promoted.

Lieut. James J. Raby to be a lieutenant-commander in the navy from the 1st day of July, 1908, vice Lieut. Commander Clarence S. Williams, promoted.

Lieut. Frederic N. Freeman to be a lieutenant-commander in the navy from the 1st day of July, 1908, vice Lieut. Commander Frank K. Hill, promoted.

Lieut. William H. Standley to be a lieutenant-commander in the navy from the 1st day of July, 1908, vice Lieut. Commander Roger Welles, promoted.

Lieut. Kenneth M. Bennett to be a lieutenant-commander in the navy from the 1st day of July, 1908, vice Lieut. Commander John D. McDonald, promoted.

Lieut. Edward H. Watson to be a lieutenant-commander in the navy from the 1st day of July, 1908, vice Lieut. Commander Hilary P. Jones, promoted.

Lieut. James E. Walker to be a lieutenant-commander in the navy from the 1st day of July, 1908, vice Lieut. Commander William R. Shoemaker, promoted.

Lieut. Rufus Z. Johnston to be a lieutenant-commander in the navy from the 1st day of July, 1908, vice Lieut. Commander Charles P. Plunkett, promoted.

Lieut. Thomas D. Parker to be a lieutenant-commander in the navy from the 4th day of July, 1908, vice Lieut. Commander Volney O. Chase, promoted.

Lieut. Thomas T. Craven to be a lieutenant-commander in the navy from the 19th day of July, 1908, vice Lieut. Commander George R. Slocum, promoted.

Lieut. Daniel W. Wurtzbaugh, an additional number in grade, to be a lieutenant-commander in the navy from the 19th day of July, 1908, with Lieut. Thomas T. Craven, promoted.

Lieut. Ralph Earle to be a lieutenant-commander in the navy from the 20th day of July, 1908, vice Lieut. Commander William G. Miller, promoted.

Lieut. Gatewood S. Lincoln to be a lieutenant-commander in the navy from the 1st day of August, 1908, vice Lieut. Commander George W. Kline, promoted.

Lieut. Wat T. Cluverius to be a lieutenant-commander in the navy from the 25th day of October, 1908, vice Lieut. Commander Harrison A. Bispham, promoted.

First Lieut. Frank C. Lander to be a captain in the Marine Corps from the 13th day of May, 1908, vice Capt. Newt H. Hall, promoted.

First Lieut. Eli T. Fryer to be a captain in the Marine Corps from the 13th day of May, 1908, vice Capt. Charles S. Hill, promoted.

First Lieut. Earl H. Ellis to be a captain in the Marine Corps from the 14th day of May, 1908, vice Capt. David D. Porter, appointed assistant adjutant and inspector.

Second Lieut. Samuel W. Bogan to be a first lieutenant in the Marine Corps from the 13th day of May, 1908, vice First Lieut. Robert Y. Rhea, promoted.

Second Lieut. Albert E. Randall to be a first lieutenant in the Marine Corps from the 13th day of May, 1908, vice First Lieut. Thomas Holcomb, jr., promoted.

Lieut. Jonas H. Holden to be a lieutenant-commander in the navy from the 11th day of July, 1908, vice Lieut. Commander Patrick W. Hourigan, promoted.

Asst. Paymaster Horace B. Worden to be a passed assistant paymaster in the navy from the 23d day of October, 1907, upon the completion of three years' service in present grade.

Mate William G. Smith, U. S. Navy, retired (died June 9, 1907), to be a mate on the retired list, with the rank and retired pay of the next higher grade, viz, the lowest grade of warrant officers, from the 29th day of June, 1906, to the date of his death, June 9, 1907, in accordance with the provisions of an act of Congress approved June 29, 1906.

POSTMASTERS.

ALABAMA.

George R. Lewis to be postmaster at Bessemer, Ala

ARKANSAS.

James F. Burrus to be postmaster at Atkins, Ark.

DELAWARE.

John R. Black to be postmaster at Milton, Del.

FLORIDA.

Charles E. Barnes to be postmaster at Plant City, Fla.
Newell B. Hull to be postmaster at Starke, Fla.
Charles H. Jones to be postmaster at Quincy, Fla.

IDAHO.

Nettie B. Carpenter to be postmaster at Grangeville, Idaho.
Charles C. Moore to be postmaster at St. Anthony, Idaho.

A. T. Shane to be postmaster at Idaho Falls, Idaho.
Thomas C. White to be postmaster at St. Maries, Idaho.

INDIANA.

Charles E. Hillstrom to be postmaster at Chesterton, Ind.
Phineas O. Small to be postmaster at Laporte, Ind.
Moses Specter to be postmaster at East Chicago, Ind.

KANSAS.

Eli A. Baum to be postmaster at Burden, Kans.
Orlando A. Cheney to be postmaster at Fort Scott, Kans.
Frank S. McKelvey to be postmaster at Gas, Kans.
Lewis Pickrell to be postmaster at Minneapolis, Kans.

MICHIGAN.

Herman A. Wyckoff to be postmaster at Pontiac, Mich.

MISSOURI.

William Bostian to be postmaster at Independence, Mo.
Solomon R. McKay to be postmaster at Troy, Mo.

MONTANA.

Richard W. Garland to be postmaster at Malta, Mont.

NEBRASKA.

George H. Borden to be postmaster at Beaver Crossing, Nebr.
Augustine A. Hyers to be postmaster at Havelock, Nebr.
Charles F. Leetham to be postmaster at St. Paul, Nebr.
Charles W. Meeker to be postmaster at Imperial, Nebr.
Frederick W. Richardson to be postmaster at Battle Creek, Nebr.
Isaac Roush to be postmaster at Kimball, Nebr.
Clifton F. Stockwell to be postmaster at Bassett, Nebr.
Fay Whitfield to be postmaster at Peru, Nebr.

NEW MEXICO.

Edward Pennington to be postmaster at Deming, N. Mex.

NORTH CAROLINA.

Daniel E. Forrest to be postmaster at Efland, N. C.
Augusta Meares to be postmaster at Clarkton, N. C.
Benjamin O. Morris to be postmaster at Mocksville, N. C.

OHIO.

George C. Braden to be postmaster at Warren, Ohio.
E. C. Gething to be postmaster at Hubbard, Ohio.
William C. Newell to be postmaster at Bainbridge, Ohio.
George W. C. Perry to be postmaster at Chillicothe, Ohio.

OKLAHOMA.

Henry Amey to be postmaster at Fort Cobb, Okla.
Alfred M. Clark to be postmaster at Gage, Okla.
Horace Gray to be postmaster at Tahlequah, Okla.
Ira A. Hill to be postmaster at Cherokee, Okla.
Alexander B. Holliday to be postmaster at Crescent, Okla.
Will Huston to be postmaster at Thomas, Okla.
Walter F. McCague to be postmaster at Ralston, Okla.
Erastus G. McRee to be postmaster at Granite, Okla.
Downey Milburne to be postmaster at Coweta, Okla.
George Ruddell to be postmaster at Weatherford, Okla.
A. J. Thompson to be postmaster at Okarche, Okla.
Merrel L. Thompson to be postmaster at Hartshorne, Okla.
Benjamin F. Williams to be postmaster at Sayre, Okla.

PENNSYLVANIA.

Samuel C. Graham to be postmaster at Starjunction, Pa.
John Nelson to be postmaster at Leetsdale, Pa.

SOUTH DAKOTA.

Marion H. Moore to be postmaster at Bellefourche, S. Dak.
Thomas T. Smith to be postmaster at Canton, S. Dak.

UTAH.

Jonathan S. Page, jr., to be postmaster at Payson, Utah.

WYOMING.

Frederick E. Davis to be postmaster at Wheatland, Wyo.

WITHDRAWALS.

Executive nominations withdrawn from the Senate Thursday, December 17, 1908.

COLLECTOR OF CUSTOMS.

Charles A. Judson, of Ohio, to be collector of customs for the district of Sandusky, in the State of Ohio, sent to the Senate December 8, 1908.

POSTMASTER.

WYOMING.

William O'Connell to be postmaster at Kemmerer, in the State of Wyoming.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 17, 1908.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

THE SECRET SERVICE—PRESIDENT'S ANNUAL MESSAGE.

Mr. PERKINS. Mr. Speaker, in behalf of the special committee appointed to report upon certain portions of the President's message, I offer the following resolution and ask that it be reported by the Clerk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Whereas there was contained in the sundry civil appropriation bill which passed Congress at its last session and became a law a provision in reference to the employment of the Secret Service in the Treasury Department; and

Whereas in the last annual message of the President of the United States to the two Houses of Congress it was stated in reference to that provision, "It is not too much to say that this amendment has been of benefit only, and could be of benefit only, to the criminal classes," and it was further stated, "The chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret-service men," and it was further stated, "But if this is not considered desirable, a special exception could be made in the law, prohibiting the use of the secret-service force in investigating members of Congress. It would be far better to do this than to do what actually was done, and strive to prevent, or at least to hamper, effective action against criminals by the executive branch of the Government;" and

Whereas the plain meaning of the above words is that the majority of the Congressmen were in fear of being investigated by secret-service men, and that Congress as a whole was actuated by that motive in enacting the provision in question; and

Whereas your committee appointed to consider these statements of the President and to report to the House can not find in the hearings before committees nor in the records of the House or Senate any justification of this impeachment of the honor and integrity of the Congress; and

Whereas your committee would prefer, in order to make an intelligent and comprehensive report, just to the President as well as to the Congress, to have all the information which the President may have to communicate: Now, therefore be it

Resolved, That the President be requested to transmit to the House any evidence upon which he based his statements that the "chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret-service men," and also to transmit to the House any evidence connecting any Member of the House of Representatives of the Sixtieth Congress with corrupt action in his official capacity, and to inform the House whether he has instituted proceedings for the punishment of any such individual by the courts or has reported any such alleged delinquencies to the House of Representatives.

Mr. PERKINS. Mr. Speaker, this resolution is recommended unanimously by the special committee. It calls for information to be furnished upon which the committee may make its final report. Upon the receipt of the evidence that may be supplied by the President the matter will be further considered, and a report then made for the consideration of the House.

I yield two minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I hope that this resolution will pass the House unanimously, and substantially without debate. The object of the resolution is to give to the President of the United States an opportunity to show upon what grounds he made his late seemingly unprovoked and unjustified attack upon the honor, the honesty, and the reputation of the legislative branch of the Government. So far as this committee has been able to discover, there is not a scintilla of evidence to support those statements; but the committee has thought that it is just and fair to the President to give him further opportunity to produce testimony, if he has any.

The American people have the right to know, if the American Congress be corrupt, that it is corrupt; and the President having made the statement to the effect that the entire body of the National Legislature has been actuated by the corrupt motive of shielding criminal Congressmen, we have thought it was right, before we brought in the final resolution, to give him all opportunity to establish the fact that he had some reason for making that statement. If he does not furnish any evidence, or furnishes insufficient evidence, to support his statement, then the country, which is the master of both of us, will come to its own judgment of his conduct. Meanwhile, this committee will remain in session—it does not become functus officio—and it will be ready to receive, to consider, and to weigh whatsoever competent and relevant evidence the President can furnish, and to act toward him and toward the House with absolute justice and impartiality, and to advise this House on a full analysis of the facts.

I hope the resolution will pass the House unanimously as an expression of its opinion.

Mr. PERKINS. Mr. Speaker——

Mr. BENNET of New York. Will my colleague yield two minutes to me?

Mr. PERKINS. I will when I have first said a word. I wish to state to the House that the committee, instead of passing upon the message without further remark except the examination of the statements in the message itself, in order that any report that it may make shall be entirely just both to the President of the United States and to the Congress of the United States, presents a resolution that any further information which may bear upon our judgment may be furnished by the Chief Executive.

Such a resolution I think, Mr. Speaker, must surely commend itself to the entire body of the House, regardless of any difference of individual views; and therefore it seems to me it does not require debate; and I join in the wish expressed by my colleague from Mississippi [Mr. WILLIAMS], that this resolution may be adopted without debate. When this committee makes its final report upon the question submitted to it, then there will be an opportunity for any man in this House who concurs or disagrees to the report to state his views to the House and to the country. Now I will yield with pleasure to my colleague from New York for any question he may see fit to ask.

Mr. BENNET of New York. My question, with the kind permission of my colleague, is this: As I understand the reading of the resolution, the recital simply indicates the present state of mind of the committee, and is not binding on the House any further than that?

Mr. PERKINS. Oh, no; the gentleman is entirely right. The resolution indicates the present view of the committee on the evidence that is before them. When further evidence is received the committee will impartially pass upon all the evidence before it, and upon that make a report which may be approved by the judgment of the House.

Mr. KEIFER. Will the gentleman from New York allow a question?

Mr. PERKINS. I will yield for a question.

Mr. KEIFER. I understand, from the way the resolution reads, that it is an imperative call on the President and omits the usual language in resolutions of inquiry—the words "if not incompatible with the public service."

Mr. WILLIAMS. We purposely omitted that.

Mr. PERKINS. It is not an imperative command. The House could not issue any imperative command on the Chief Executive. We request him to furnish us with any evidence that he may have bearing upon the character of the Members of the House.

Mr. KEIFER. I understand the gentleman from Mississippi to say that the committee purposely omitted the usual language?

Mr. PERKINS. My friend from Mississippi speaks for himself.

Mr. WILLIAMS. If the gentleman from New York will permit me, since the gentleman has used my name, I can not conceive of any public policy which could overrule or be superior to the question of the honor and integrity of the legislative branch of the Federal Government. Therefore it never struck me that the usual language ought to be contained in this particular resolution.

Mr. PERKINS. Mr. Speaker, I now ask for a vote.

Mr. PARSONS. Mr. Speaker, may we have the resolution again reported?

The SPEAKER. Without objection, the Clerk will again report the resolution.

There was no objection, and the Clerk again reported the resolution.

Mr. BENNET of New York. Mr. Speaker, I would like to ask my colleague a question.

The SPEAKER. Does the gentleman yield?

Mr. PERKINS. I yield to the gentleman from New York for a question.

Mr. BENNET of New York. Is there any objection on the part of the committee, so far as its chairman can express the view of the committee, to inserting in that particular recital which attempts to state the plain meaning of the words of the President the words "in the present opinion of your committee," so as to make it the opinion of the committee and not of the House.

Mr. PERKINS. Mr. Speaker, that would necessarily follow. This resolution is reported by the committee. We say that we, the committee, have not been able to find any evidence upon which the charge is sustained. We say that our interpretation of the statement contained is as we state it. I should object to any amendments. The committee would object to any amendments to the resolution which we have brought in.

Mr. BENNET of New York. Would my colleague yield to me for the purpose of offering that amendment?

Mr. PERKINS. No; I can not.

Mr. HENRY of Texas. Mr. Speaker, will the gentleman yield for a question?

Mr. PERKINS. Surely, for a question.

Mr. HENRY of Texas. Does the adoption of this resolution this morning contemplate that there shall not be any further report from the gentleman's committee?

Mr. PERKINS. Entirely the reverse.

Mr. HENRY of Texas. I wanted that fairly understood.

Mr. PERKINS. Why, surely. The committee requests——

Mr. HENRY of Texas. Now, when the entire report does come from the gentleman's committee, are we to understand that there shall be ample opportunity for full debate and amendment of the resolution in case of some of us do not agree to it?

Mr. PERKINS. Why, surely, Mr. Speaker; and the gentleman need not ask for any consent of the committee under the rules of the House.

Mr. HENRY of Texas. I am not asking for consent, but only for assurance; that is all.

Mr. PERKINS. Why, certainly. Under the rules of the House the gentleman has a right to be heard, and he has a right to offer any amendment which the House will act upon.

Mr. HENRY of Texas. I desire to say that I am very glad the resolution comes in in the form in which it does. I think it is entirely right, and I want to see it adopted.

Mr. PERKINS. Mr. Speaker, I ask for a vote.

Mr. POLLARD. Mr. Speaker, will the gentleman yield? I would like to have the resolution reread. [Cries of "I object."]

Mr. COCKRAN. Will the gentleman yield?

Mr. PERKINS. I yield for a question.

Mr. COCKRAN. Does this resolution undertake to speak on behalf of this House or of Congress? The President's reference was to the Congress, and not to one Chamber of it. The purpose of my question is to inquire if the committee has considered the propriety of endeavoring to make this a subject of joint action by both Houses, so that the request for information might be preferred by Congress as distinguished from a request for information by the House, to which no express reference was made in the President's message.

Mr. PERKINS. I can only say, Mr. Speaker, that the committee was appointed by this House to report to this House, and we are not authorized to recommend any joint action by the two Houses. Mr. Speaker, I now ask for a vote or move the previous question.

Mr. HEPBURN. Mr. Speaker, I will ask the gentleman to yield to me for a moment.

Mr. PERKINS. I can not yield, Mr. Speaker. I move the previous question.

The SPEAKER. On the resolution and the preamble?

Mr. PERKINS. On the resolution and the preamble to a vote.

The SPEAKER. The question is on ordering the previous question on the resolution and preamble.

The question was taken, and the previous question was ordered.

The SPEAKER. Is a separate vote demanded on the preamble and the resolution?

Mr. BENNET of New York. Mr. Speaker, I ask for a separate vote.

The SPEAKER. The gentleman demands a separate vote. The question is on agreeing to the resolution.

Mr. COCKRAN. Mr. Speaker, would it be in order to ask that the preamble be read separately now?

The SPEAKER. Without objection, it could be read separately. However, the vote is first on the resolution.

Mr. COCKRAN. I thought a demand was made for a separate vote.

The SPEAKER. A demand has been made. The vote first will be taken on the resolution, and then would come the vote on the preamble. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

The SPEAKER. The question now is on agreeing to the preamble.

Mr. BENNET of New York. Mr. Speaker, is it in order to have a separate vote on each "whereas," on each recital?

Mr. COCKRAN. Let us have it read first.

The SPEAKER. Does the gentleman demand a separate vote upon each "whereas?"

Mr. BENNET of New York. I demand a separate vote upon the recital which contains the words "the plain meaning," which puts the House——

The SPEAKER. That is in which preamble?

Mr. BENNET of New York. I think it is in the third preamble.

The SPEAKER. A separate vote is demanded by the gentleman from New York upon the third preamble.

Mr. BENNET of New York. I think that is the one.

The SPEAKER. Is there a separate vote demanded on the other four; if not, the vote on the other four will be taken together.

Mr. PARSONS. Let them be read first, Mr. Speaker, so we will know just what we are voting on. I ask that they be reported again.

The SPEAKER. Without objection, the preambles upon which a vote is to be taken together will be read. The Chair hears no objection.

The Clerk read as follows:

Whereas there was contained in the sundry civil appropriation bill which passed Congress at its last session and became a law a provision in reference to the employment of the Secret Service in the Treasury Department; and

Whereas in the last annual message of the President of the United States to the two Houses of Congress it was stated in reference to that provision, "It is not too much to say that this amendment has been of benefit only, and could be of benefit only, to the criminal classes;" and it was further stated, "The chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret service men;" and it was further stated, "But if this is not considered desirable, a special exception could be made in the law prohibiting the use of the secret-service force in investigating members of Congress. It would be far better to do this than to do what actually was done, and strive to prevent, or at least to hamper, effective action against criminals by the executive branch of the Government;" and

Whereas your committee appointed to consider these statements of the President and to report to the House can not find in the hearings before committees nor in the records of the House or Senate any justification of this impeachment of the honor and integrity of the Congress; and

Whereas your committee would prefer, in order to make an intelligent and comprehensive report, just to the President as well as to the Congress, to have all the information which the President may have to communicate; now therefore

The SPEAKER. If there be no objection, the vote will be taken upon the four "whereases" in the preamble together. [After a pause.] The Chair hears no objection.

The question was taken, and the four "whereases" were agreed to.

The SPEAKER. If there be no objection, the remaining "whereas" will be read. [After a pause.] The Chair hears none.

The Clerk read as follows:

Whereas the plain meaning of the above words is that the majority of the Congressmen were in fear of being investigated by secret service men and that Congress as a whole was actuated by that motive in enacting the provision in question; and

Mr. BENNET of New York. Mr. Speaker, on that I demand a separate vote.

The SPEAKER. A separate vote is demanded, and the previous question has been ordered.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. BENNET of New York. I call for a division, Mr. Speaker.

The SPEAKER. The gentleman from New York demands a division.

The House proceeded to divide.

Mr. BENNET of New York. Mr. Speaker, I withdraw the demand. [Laughter and applause.]

The SPEAKER. The ayes have it, and the remaining preamble——

Mr. WILLIAMS. Mr. Speaker, I do not think the Speaker called for the other side. The Speaker has not called for those opposed to stand up.

The SPEAKER. The gentleman from New York withdrew the demand.

Mr. MACON. Mr. Speaker, I will renew the demand for a division.

Mr. WILLIAMS. The gentleman from New York called for a division and he can not withdraw that call without unanimous consent, and I object to the withdrawal.

Mr. MACON. I renew the demand.

The House divided; and there were—ayes 270, noes 14.

So the remaining preamble was agreed to.

CONGRATULATIONS TO NEWLY CONVENED PARLIAMENT OF TURKEY.

Mr. PERKINS. Mr. Speaker, I offer the resolution which I ask the Clerk to report, and I ask unanimous consent for the present consideration of the resolution.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That the House of Representatives respectfully requests the Secretary of State to communicate to the newly convened Parliament of Turkey the congratulations and best wishes of the House of Representatives of the American Congress.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken on the resolution and it was agreed to. [Applause.]

CHANGE OF REFERENCE.

Mr. SIMS. Mr. Speaker, I want to ask for a change of reference.

The SPEAKER. The gentleman from Tennessee asks a change of reference, which he will state.

Mr. SIMS. Mr. Speaker, I wish to ask unanimous consent for a change of reference of House joint resolution 202. The resolution provides for the holding of the inaugural ball, and it deals with departments of the Government—the Interior and War departments—and provides for a direct appropriation of money from the Treasury of the United States. I think this resolution, instead of being referred to the Committee on the District of Columbia, ought to be referred to the Committee on Appropriations.

The SPEAKER. The gentleman from Tennessee [Mr. SIMS] asks unanimous consent to change the reference of the bill, of which the Clerk will read the title, from the Committee on the District of Columbia to the Committee on Appropriations.

The Clerk read as follows:

House joint resolution (No. 202) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1909—

And so forth.

Mr. FOSTER of Indiana. Mr. Speaker, I object.

Mr. SIMS. I would like the gentleman to withhold his objection until I can be heard. This resolution, Mr. Speaker, provides for the use of the Pension building for the holding of the inaugural ball, provides for the use of public spaces under the jurisdiction of the War Department, and makes a direct appropriation of $23,000, payable one-half from the Treasury of the United States and one-half from the funds of the District of Columbia. The portion of the resolution that deals directly with District affairs is of minor importance compared with the main body of the resolution, and calls for a direct appropriation.

I think it ought to go to the Committee on Appropriations, because if this resolution reported by the Committee on the District of Columbia is amended so as to make an authorization of the expenditure, then the Committee on Appropriations will have to appropriate the money; and as the resolution deals with questions that are very largely not local or pertaining to the District government, I think it would be in the interest of good procedure for this resolution to go to the Committee on Appropriations. That is the reason I have made the request.

Mr. Speaker, if it is in order and the request is not granted by unanimous consent, I will ask to move a change of reference.

The SPEAKER. Is there objection?

Mr. FOSTER of Indiana. Mr. Speaker, I object.

Mr. SIMS. Now, Mr. Speaker, if it is in order, I move that the change of reference be made.

The SPEAKER. Is that made on behalf of the committee?

Mr. SIMS. Not by direction of the committee; no. The committee has not directed it. I said, "if in order."

Mr. TAWNEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAWNEY. Is it competent for any member of the committee to move a change of reference of this bill from the Committee on the District of Columbia to the Committee on Appropriations after the reading of the Journal?

The SPEAKER. This motion would be in order on behalf of either committee immediately after the reading of the Journal, but it is not in order unless it voices the committee action.

The Chair recognizes the gentleman from New York [Mr. BENNET].

PASSENGER ACT OF 1882.

Mr. BENNET of New York. Mr. Speaker, I desire to call up the conference report on the bill S. 5083, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from New York [Mr. BENNET] asks unanimous consent that the statement may be read in lieu of the conference report. Is there objection?

Mr. SHERLEY. Mr. Speaker, I think the report ought to be read.

The SPEAKER. The objection is heard, and the report will be read.

The conference report and statement of the House conferees were read as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 5083) entitled "An act to amend section one of the passenger act of eighteen hundred and eighty-two," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered two, thirteen, and fourteen.

That the Senate recede from its disagreement to the amendments of the House numbered one, three, four, five, ten, and eleven, and agree to the same.

Amendment numbered 6: That the Senate recede from its disagreement to the amendment of the House numbered six, and agree to the same with an amendment as follows: Page 4, line 3, after "thereof," insert the following: "subject to the allowance for measurement of public rooms, lavatories, and bathrooms, if any, provided for by paragraph ten;" and the House agree to the same.

Amendment numbered 7: That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same with an amendment as follows: Page 4, line 7, after the word "use," insert the following: "subject to the allowance for measurement of public rooms, lavatories, and bathrooms, if any, provided for by paragraph 10;" and the House agree to the same.

Amendment numbered 8: That the Senate recede from its disagreement to the amendment of the House numbered 8, and agree to the same with an amendment as follows: Page 4, line 12, insert after "thereof" the following: "subject to the allowance for measurement of public rooms, lavatories, and bathrooms, if any, provided for by paragraph 10;" and the House agree to the same.

Amendment numbered 9. That the Senate recede from its disagreement to the amendment of the House numbered 9, and agree to the same with an amendment as follows: Page 5, line 2, after "included" insert "and also, on whatever deck located" and strike out therefrom the following: "shall be provided for the exclusive use of steerage passengers, and the space so occupied shall be included;" and the House agree to the same.

Amendment numbered 12. That the Senate recede from its disagreement to the amendment of the House numbered 12, and agree to the same with an amendment as follows: Strike out the word "apartments" and insert in lieu thereof the word "compartment;" and the House agree to the same.

BENJ. F. HOWELL,
WILLIAM S. BENNET,
JOHN L. BURNETT,
Managers on the part of the House.
W. P. DILLINGHAM,
H. C. LODGE,
A. J. MCLAURIN,
Managers on the part of the Senate.

STATEMENT.

The principal matters in difference between the two Houses were:

First. The amount of air space accorded to each immigrant.

Second. The question whether certain public rooms on the steamers should be made mandatory.

As to the first proposition, the Senate adopts the views of the House, which give the larger amount of air space.

As to the second proposition, the mandatory provision is not adopted, but the description of the House defining the public rooms is adopted, the net result being that the bill as agreed to gives the immigrant the largest amount of air space ever accorded to him.

In detail the effect of the amendments is as follows:

First. Those on which the Senate recedes:

One. Makes the provisions of the law apply to outgoing as well as to incoming steamers.

Three and four. Substitutes the word "shall" for "may."

Five, ten, and eleven. Increases, respectively, the amount of air space given to each immigrant.

Second. Those on which the Senate recedes and agrees with an amendment:

Six, seven, eight, and nine. These Senate amendments permit public rooms to be located on decks other than those on which the immigrants sleep.

Twelve. Simply a verbal correction.

Third. Those on which the House recedes:

Two. Leaves the word "section" as safer legislation than the word "act."

Thirteen and fourteen. Necessarily receded from on the assumption that the bill is to become a law before January 1, 1909.

BENJ. F. HOWELL.
WILLIAM S. BENNET.
JOHN L. BURNETT.

Mr. BENNET of New York. Mr. Speaker, the explanation of this bill will be brief. It brings the legislation with respect to steerage passengers up to date by adapting it to ships which now have from six to ten decks. The principal thing that it does outside of that is to increase the amount of air space which every immigrant is entitled to by law from a hundred cubic feet to an average of 184 cubic feet. There is a complete agreement between the two Houses, after some discussion in committee and in the conference. I have nothing more that I desire to say.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. BENNET of New York, a motion to reconsider the motion by which the conference report was agreed to was laid on the table.

ORDER OF BUSINESS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that bills on the Private Calendar in order to-day may be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from New Hampshire [Mr. SULLOWAY] asks unanimous consent that the pension bills on the Private Calendar in order to-day may be considered in the House as in the Committee of the Whole. Is there objection?

There was no objection.

PENSIONS TO CERTAIN SOLDIERS AND SAILORS OF CIVIL WAR.

The SPEAKER pro tempore [Mr. CAPRON]. The Clerk will report the first bill.

The first pension business was the bill (H. R. 23849) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Christopher C. H. Mace, late of Company F, Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Gray, late of Company H, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James G. Proctor, late of U. S. S. Ohio and Onward, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oliver H. Gilbert, late of Company B, One hundred and eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas C. Blevens, late of Companies F and G, Eighth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Wilson, late of Company A, Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Derby, late of Company F, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John R. Meredith, late of Company F, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Iden, late of Company D, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Harrison Howard, late of Company F, Ninth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph W. Daniels, late of Company G, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George D. Crane, late of Company B, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry J. Lyda, late of U. S. S. Essex, U. S. Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ephraim K. Pond, late of Company E, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac Crocker, late of Company E, Fortieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gustavus A. Springer, late of Company C, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Jones, late of Batteries H and K, Second Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James F. Shepard, late of Company I, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of McLin P. Wilson, late of Company K, First Regiment Mississippi Marine Brigade Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Harvey, late of Company F, Fifty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Goodner, late of Company E, Seventieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Dean, late of U. S. S. Nahant, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert O. Crawford, late first lieutenant Company B, Eighty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hartford Matherly, late of Company I, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph B. Nichols, late of Company I, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay hims a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Austin Daugherty, late of Company A, Tenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John G. Gilmer, late assistant surgeon, Thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph S. Davis, late of Company H, Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ada Richards, widow of Isaiah Richards, late of Company C, Fourth Regiment U. S. Infantry, and general service, United States Army, and pay her a pension at the rate of $12 per month.

The name of Wesley B. Brown, late of Company B, One hundred and forty-seventh Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George H. Bryner, late of Company I, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nathan D. Gorton, late of Company C, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary J. Stone, widow of James Stone, alias James Thompson, late of Company C, Thirty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of said soldier until such child shall arrive at the age of 16 years.

The name of James Yoder, late of Company D, Eighty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William J. Davidson, late of First Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Walker, late of Company G, One hundred and tenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph H. Blackburn, late captain Company A, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hattie W. Lord, widow of Henry T. Lord, late of Tenth Unattached Company, Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William Baughart, late of Company D, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sherman Hurd, late of Company G, First Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Tester, late of Company C, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albertus Bowen, late of Company B, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Augustus D. Sanborn, late captain Company G, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles E. Thurber, late captain Company I, Eleventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William M. Clark, late of Company E, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John T. Mercer, late of Company C, Ninety-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis N. Gibson, late of Company C, Fifth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah E. Hathaway, widow of John F. Hathaway, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $12 per month.

The name of James R. Allen, late of Company D, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Blevins, late of Company A, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah A. Turner, former widow of George Anderson, late of Company I, Twenty-seventh Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of David Lackman, late of Company H, Twentieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Calvin Elam, late of Company M, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Buchanan, late of Company A, One hundredth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David C. Clouse, late of Company B, First Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles H. Milk, late of Company B, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alpheus F. Vanniman, late of Company A, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Malinda Jane Odell, widow of Jeremiah Odell, late of Company G, Fourth Regiment Iowa Volunteer Cavalry and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Albert S. Scroggins, alias Allen S. Craig, late of Battery H, West Virginia Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Ellis, late of Company H, Nineteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel H. Davis, late of Company K, Fifth Regiment Iowa Volunteer Infantry, and first lieutenant Company F, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George F. Morgan, late captain Company G, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George B. Matthews, late of Company D, Twenty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James T. Myers, late of Company C, Seventh Regiment, and Company B, Fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Trahey, late of Company H, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Levi Howe, late of Company B, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William S. Landis, late of Company H, Sixth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Law, late of Company A, Seventieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. McKenzie, late of Company B, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Thomas J. Tupper, late of Company K, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas W. Tattershall, late of Fourth Battery Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Reeser, late of Company E, One hundred and twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Sheedy, late of Company B, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jefferson Good, late first lieutenant Company H, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Allen T. Blank, late of Company D, One hundred and twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Meagher, late of Companies K and B, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Lindsey, late of Company D, Second Regiment U. S. Volunteer Sharpshooters, and Company H, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Russian B. Moody, late of Company E, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary West, former widow of James West, late of Company K, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William T. Collins, late of Company B, Ninth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Ezra Tait, alias Ezra Davison, late of Company E, One hundred and fifty-fourth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Pixley, late of Second Battery Vermont Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William McClister, late of Company B, Tenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter S. Burke, late of Company B, Eleventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward L. Burke, late of Company G, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Haney, late of Company I, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Fred Augustus Chandler, late of Company H, First Regiment District of Columbia Volunteer Cavalry, and Company K, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse S. Camac, late of Company C, Sixty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lena Osborn, widow of Charles H. Osborn, late of Company A, Seventy-second Regiment, and Company A, Thirty-third Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Homer W. Ayers, late captain Company B, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William B. Tingley, late of Company G, Sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Oldham, late of Company A, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. H. Stout, late of Company F, First Regiment Alabama Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Paris Nordyke, late of Company K, Twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Robert A. Herron, late of Company C, Ninety-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William F. Mullin, late of Company A, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David W. Bogard, late of Company H, Sixteenth Regiment U. S. Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emilia Goerisch, helpless and dependent child of Christian Goerisch, late captain Company H, Second Regiment U. S. Reserve Corps Missouri Volunteer Infantry, and captain Company B, First Battalion U. S. Reserve Corps Missouri Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of James R. Atkins, late of Company C, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Philip Jenkins, late first lieutenant Company C, Seventy-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William R. Coe, late of Company I, Fourth Regiment West Virginia Volunteer Cavalry, and Company A, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Halleck Siverson, late of Company H, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Culby, late of Company E, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martha A. Adams, widow of George F. Adams, late surgeon Sixty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Maria E. Ackert, widow of Lord M. Ackert, late of Company H, Second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elizabeth G. Hall, dependent mother of Samuel D. Hall, late of Company F, First Battalion Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Charles Claflin, late of Company C, Fourth Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James B. Morgan, late of Company A, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jennie Bennett, widow of Charles H. Bennett, late of Company C, Fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Waterman Griggs, late of Companies I and A, Eleventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Haley, late of Company E, Fourteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Fowler, late of Company K, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin Andrews, late of Companies I and C, Third Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wesley Ellison, late of Fourth Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Johnson, late of Company C, Seventh Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John M. Hurtt, late of Company A, Eighteenth Regiment U. S. Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Emrick, late of Company I, Eleventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alonzo T. Morriston, late of Company C, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Georgianna Fanning, widow of George M. Fanning, late of Company C, Eleventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Lewis F. Fanning, helpless and dependent son of said George M. Fanning, this pension shall be reduced to $12 per month from and after the date of death of said Lewis F. Fanning: *And provided further*, That in the event of the death of Georgianna Fanning, the name of said Lewis F. Fanning shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Georgianna Fanning.

The name of James P. Emmons, late of Company H, One hundred and thirty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George Slagle, late of Company E, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles B. Griffin, late of Company H, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mathew Jellison, late of Company F, Sixty-ninth Regiment Indiana Volunteer Infantry, and Company G, Seventeenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Morgan, late of Company I, One hundred and forty-seventh Regiment New York Volunteer Infantry, and Company B, Tenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew Smith, late of Company A, One hundred and second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John N. Fox, late of Company D, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Rittenhouse, late of Company B, Sixty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Levi Bolton, late of Company A, and commissary-sergeant Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William E. Hobson, late colonel Thirteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Abraham C. Newcomer, late of Company A, independent cavalry attached to the Fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Marvine E. Payne, late of Company K, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Boals, late of Company K, One hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry W. Barnard, late of Company B, Ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ewing W. Davis, late of Company K, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $24 a month in lieu of that he is now receiving.

The name of Harley S. Hobbs, late of Company A, One hundred and fifty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Enoch F. Blackwell, late of Company E, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Best, late of Company A, Third Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of James W. Hamilton, late of Company G, Thirteenth Regiment Indiana Volunteer Infantry, and Company E, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Clark Guinn, late of Company H, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Margaretha Loether, widow of Ernst C. W. Loether, late of Company F, One hundred and third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry Stocks, late captain Company A, Ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis M. Burnett, late of Company D, Thirtieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William F. Blanchard, late of Company B, Thirteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John West, late of U. S. S. Ohio, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel F. Duff, late of Company B, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abraham Bennett, late of Company B, One hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Jones, late of Company C, Ninety-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George W. Graham, late of Company C, Sixty-third Regiment Pennsylvania Volunteer Infantry, and Eighteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Judson Graves, late of Company B, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas J. Roberts, late of Company B, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elias Dedmore, late of Company F, Tenth Regiment Iowa Volunteer Infantry, and Company D, Fourth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James A. Hicks, late of Company B, Eleventh Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel S. Conklin, late of U. S. S. Bienville, Sweet Briar, and North Carolina, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis Flick, late of Company K, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Stephen P. Chase, late of Company H, Eighty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rosanna A. Fitzpatrick, widow of John Fitzpatrick, late of Company F, Nineteenth Regiment New York State Militia Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Benjamin A. Anderton, late of Company H, Thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Steel, late of Company A, Fifth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Mathis, late of Company H, Eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George T. Gibbs, late of Company K, Fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Ropp, late of Company F, Twenty-fourth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James F. Ellis, late of Company G, One hundred and eighty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Snoke, late of Company H, Third Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elias C. Minium, late of Company I, Fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James B. Lyon, late of Company D, Seventeenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Sheaffer, late of Company D, Seventh-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Catharine Roach, widow of John Roach, late of United States Marine Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jacob Weaver, late of Company F, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and Company A, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John A. J. Snyder, late of Company G, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Konigstein, late of Company M, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph T. Lokey, late second and first lieutenant Company E, Tenth Regiment Kentucky Volunteer Cavalry, and late of Company H, Eleventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Christopher Staffen, late of Company F, Ninetieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter Jagers, late of Company D, First Regiment Pennsylvania Volunteer Rifles, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Condon, late of Company I, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Valentine, late of Company A, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Conrad G. Boehme, late of Company D, Twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram Cornell, late of Companies B and M, Sixty-first Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $12 per month.

The name of John Coppee, late of U. S. S. Princeton, Wyalusing, and Vermont, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Henke, late of Troop D, First Regiment U. S. Dragoons, and Battery A, Third Regiment U. S. Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John M. Stocking, late of Company H, Ninth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David A. Nations, late of Company G, Fifty-sixth Regiment, and Company K, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth A. Blades, widow of Charles S. Blades, late of Company A, First Regiment Eastern Shore Maryland Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of George W. Williams, late of Company H, Twenty-second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Amos Kiehl, late of Company B, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Scott, late of Company F, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Theodore Clark, late of Company A, Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David J. Bishop, late of Company D, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram E. Hubbard, late of Company E, First Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Abiel H. L. Giffin, late of Company D, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter Dix, late of Company I, Forty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Arthur G. McNeill, late of Company D, Fourth Independent Battalion Ohio Volunteer Cavalry, and Company C, One hundred and forty-ninth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob T. Martin, late of Company A, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Patrick Gillin, late of Company C, Third Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ebenezer N. White, late of Company K, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis M. Browning, late of Company I, Sixtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Hall, late of Company E, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Miner E. Fish, late of Company C, and second lieutenant Company D, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse Heaton, late of Company H, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Birdsong, late of Company E, First Battalion Mississippi Volunteer Mounted Rifles, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Matilda Nicholson, now Mixon, former widow of Jeremiah Nicholson, late of Company F, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Samuel South, late of Company B, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry T. Hatch, late of Company F, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Philander G. West, late of Company G, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Solon Hyde, late hospital steward, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James B. Dutch, late of Companies B and A, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rufus H. Brittell, late of U. S. S. Brooklyn, U. S. Navy, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Daniel R. Cone, late paymaster's steward, U. S. S. St. Louis, Western Gunboat Flotilla, and pay him a pension at the rate of $12 per month.

The name of John Thomas, late of Company E, Fourteenth Regiment Ohio Volunteer Infantry, and Company D, Second Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Perry Knickerbocker, late of Company H, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard H. Williams, alias Richard Lawson, late of Company G, Thirty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Sizelove, late of Company K, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of Adolphe R. Candy, late of Company D, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Frederick Winter, late first lieutenant Company L, Third Regiment Pennsylvania Volunteer Heavy Artillery, and Company B, One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Bischoff, late of Company C, Twentieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Smith, late of U. S. S. Ino, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram Prusia, late of Company H, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac Shoemaker, late of Company K, Forty-eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hamilton C. Ingles, late of Company F, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel B. Piper, late first lieutenant and adjutant, Third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Basil D. Prather, late of Company F, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Fidelis W. Sweetman, late of Company E, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cephas F. Mosher, late of Company B, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary E. Fisk, widow of Henry C. Fisk, late colonel Sixty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Ousley, late of Company K, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Bedford Randolph, late of SCompany A, Tenth Regiment, and Company M, Second Regiment, Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nancy Mitchell, widow of John Mitchell, late lieutenant Company I, Forty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry K. Price, late of Company C, One hundred and thirty-first Regiment Pennsylvania Volunteer Infantry, and pay him a

pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oscar Davis, late of Company D, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Gross, late of Company C, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Carey W. Howe, late assistant surgeon, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joshua F. Bishop, late second lieutenant and captain Company H, Fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elias Gerberich, late second and first lieutenant Company F, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James G. Rumbolz, late of Company D, First Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rebecca B. Baker, widow of Gen. T. Baker, late of Company E, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Francisco Lucero, late of Company A, First Regiment New Mexico Militia Infantry, and pay him a pension at the rate of $12 per month.

The name of Francis M. Hunting, late of Company G, Seventy-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter Boyer, late of Company I, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Arthur P. Gilman, late of Company B, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hugh McLaughlin, late of Company A, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John K. Pickens, late of Company A, Thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Chauncey F. Mitchell, late captain Company A, Tenth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samuel Tilley, late of Company C, Thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milton Edwards, late of Company G, Twenty-ninth Regiment Illinois Volunteer Infantry, and second lieutenant Company H, Sixth Regiment U. S. Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Grim, late of Company I, One hundred and fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Barney H. Mayfield, late of Company A, Eighteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew B. Shattuck, late of Tenth Independent Battery Massachusetts Volunteer Light Artillery, and Company C, Eleventh Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Clara P. Swift, widow of Ebenezer Swift, late captain and assistant surgeon, United States Army, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Joseph Freeman, late of Company G, Seventy-first Regiment New York Volunteer Infantry, and U. S. S. Brooklyn and Fort Jackson, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary P. Glynn, widow of James G. Glynn, late second lieutenant Company A, One hundred and seventy-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ross Rush, late of First Independent Battery, Iowa Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Daniel H. Kettering, late of Company E, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and Signal Corps, U. S. Army, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin P. Bussom, late of Company D, Twenty-third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Thomas J. Bennett, late of Company B, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles S. Breese, late of Company L, Sixteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah E. Murray, helpless and dependent child of Ivory Murray, late of Company I, Twelfth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of James Knox, late of Company B, Sixtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Catherine Green, widow of Daniel Green, alias David Green, late of Company A, Seventh Regiment Massachusetts Volunteer Infantry, and Company K, Third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Lizzie S. Alty, widow of Josiah S. Alty, late of Company G, Thirty-third Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Isaac D. Pease, late acting ensign, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Wildes, late of Company H, First Regiment Kansas Volunteer Infantry, and Company B, First Regiment Kansas Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. SULLOWAY. Mr. Speaker, on page 9, I move to amend by striking out lines 11, 12, 13, and 14. The beneficiary is dead.

The Clerk read as follows:

Amend by striking out on page 9 lines 11, 12, 13, and 14.

The question was taken, and the amendment was agreed to.

Mr. SULLOWAY. Also, on page 20, Mr. Speaker, I move to strike out lines 17, 18, 19, and 20. The beneficiary is dead.

The Clerk read as follows:

Amend by striking out on page 20 lines 17, 18, 19, and 20.

The question was taken, and the amendment was agreed to.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PENSIONS TO CERTAIN SOLDIERS AND SAILORS OF CIVIL WAR.

The next business on the Private Calendar was the bill (H. R. 23850) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Alcot Stover, late of Company E, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of W. H. Twiford, late surgeon, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John A. Wilcox, late of Company K, Seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis C. Queen, late of Captain Damron's independent company, Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martha E. Gilbreath, widow of Josiah R. Gilbreath, late of Captain Gilbreath's company, Alabama Scouts and Guides, and pay her a pension at the rate of $12 per month.

The name of James Cupps, late of Company E, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Hendershot, late of Company M, Second Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William F. McCutchon, late of Company B, One hundred and fifteenth Regiment, and Company G, One hundred and thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Mehringer, late of Company K, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William A. Dobbins, late of Company B, One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John F. Moyer, late of Company B, One hundred and fifteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Timothy Johnson, late of Company G, Tenth Regiment Kentucky Volunteer Cavalry, and Company C, Fifty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles May, late of Company I, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Melissa W. Pitcher, former widow of Francis Wheeler, late of Company H, First Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Chauncey H. Graves, late of Company A, Sixty-eighth Regiment Illinois Volunteer Infantry, and first lieutenant Company K, One hundred and fifty-fourth Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Tripp, late of Company H, Fourth Regiment Maine Volunteer Infantry, and second lieutenant Company H, Nineteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Parker Green, late of Company G, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Clutts, late of Company E, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Lewis, late of Company C, Sixteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Ashmore, late of Company G, Eleventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob E. Dreibelbies, late of Company D, Sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Sappenfield, late of Company K, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George B. Cock, late of Company F, Fourth Regiment Ohio Volunteer Infantry, and captain Company G, Fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of Austin P. Maguire, late adjutant, Tenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James E. Scott, late of Company F, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Gooly, late of Company F, Sixteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth A. Gold, widow of Peter H. Gold, late of Company F, Third Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alexander Guyon, late of Company A, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John M. McKee, late of Company M, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alice B. Moore, widow of Pliny Moore, late captain Company C, Sixteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Henry C. Edmiston, late of Company E, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Storey, late of Company F, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Quackenbush, late of Company E, First Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Barney O. Flinn, late of Company I, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rufus M. Liggett, late of Company D, First Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Drummond, late of Company B, One hundred and seventeenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard Welch, late of Company E, One hundred and fifty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Catherine Sasse, former widow of George Imwalle, late of Company D, Fourth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Henry B. Arnold, late hospital steward, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Florence H. Porter, widow of John B. Porter, late quartermaster-sergeant, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of David Leadbetter, late of Company L, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of Charles W. Mann, late of independent company, Dennison Guards, Ohio Volunteer Infantry, and Company M, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joshua J. Brown, late of Company L, Eleventh Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Selden M. French, late of Company F, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Christian Kaiser, late of Company E, Third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George F. Wattson, late of Company K, Fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Dulieu, late of Company A, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Smith, late of Company C, Ninety-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Klinesmith, late of Company H, Twenty-ninth Regiment Pennsylvania Volunteer Infantry, and first lieutenant Battery H, First Regiment West Virginia Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Adolphe Legout, late of Company D, Thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry S. Briggs, late of Company A, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George F. Hood, late of Company E, Eleventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Susan C. Crary, widow of Arthur B. Crary, late of Company E, One hundred and thirty-eighth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Arthur B. Crary, helpless and dependent son of said Arthur B. Crary, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Susan C. Crary the name of said Arthur B. Crary shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Susan C. Crary.

The name of John Akerman, late first lieutenant Company I, Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward B. Wright, late of Company B, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas B. Rogers, late of Company I, Forty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Pleasant A. Cashon, late assistant surgeon, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hugh H. B. McMaster, late sergeant-major, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas L. McDonald, late of Company B, Forty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Herman Lerner, late of Company C, One hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hyrcanus Highley, late of Company C, Fifteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John A. Flint, late of U. S. S. Ohio, Gemsbok, and North Carolina, U. S. Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Pike, late of Company D, First Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin M. Redlon, late captain Company B, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis Grant, late of Company H, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Almira Goetchins, widow of Newton Goetchins, late of Company A, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Nelson S. Bowdish, late first lieutenant, Battery M, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jesse F. Camp, late of Company H, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and One hundred and tenth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Finney, late of Company K, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Franklin Weidler, late of Company A, Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Martin, late of Company K, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John McCausland, late of Company C, Sixth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Ormsby, late of Company B, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Hecock, late of Company A, Thirty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob F. Bradt, late of Company K, Eightieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry F. Carr, late of ordnance detachment, Watervliet Arsenal, United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Saunders, late of Company A, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. Thayer, late of Company D, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wellington Harder, late of Company B, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Wood, late of Company B, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Agnew, late of Battery D, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Buchanan, late of Company F, Thirty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edwin H. Atwood, late of Company I, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac A. Pearce, late first lieutenant Company E, and chaplain, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew S. Johnston, late of Company L, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William R. Ingalls, late of Company B, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eveline Aiken, widow of Dwight A. Aiken, late captain and commissary of subsistence, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Richard Vaughn, late of Company E, Ninth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William E. Oldham, late first lieutenant Company A, Twenty-first Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nicholas J. Snyder, late of Company D, Fourth Regiment U. S. Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Henley, late of Company B, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ward Haines, late of Company A, Eighth Regiment U. S. Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Perry Kipp, late of Company L, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Pulaski Fraker, late of Company I, Third Regiment Wisconsin Volunteer Cavalry, and Company G, Twenty-second Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Mefford, late of Company C, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sylvester C. Smith, late of Battery D, First Regiment Michigan Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Kate C. Simkins, former widow of Thomas G. MacNeill, alias Thomas G. Connor, late of U. S. S. Agawan, United States Navy, and pay her a pension at the rate of $12 per month.

The name of Enos W. Ruland, late first lieutenant Company B, One hundred and second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of John M. Lukens, late of Company C, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Merrit Tompkins, late of Company M, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William S. Lessig, late of Company K, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Conner, late of Company F, Eighty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Issac N. Coakley, late of Company D, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Fay, late unassigned, Second Regiment Massachusetts Volunteer Heavy Artillery, and Company D, Seventeenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ephraim Plumpton, late of Company C, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The name of John Bracey, late of Company I, Sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Horatio W. Longa, late of Company M, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The name of Elam T. Heatherly, late of Company E, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram H. Fisher, late of Company C, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Berger, late of Company E, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oliver D. Bemis, late of Company K, Fifth Regiment Vermont Volunteer Infantry, and Company H, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. H. Tilghman, late of Company F, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Spencer C. Williams, late of Company I, First Regiment Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael B. Van Buskirk, late of Company H, One hundred and seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Darnell, late of Company D, Thirty-sixth Regiment Iowa Volunteer Infantry, and Company H, Twenty-first Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Linenkugel, alias Lincogen, late of Company D, Second Battalion, Eighteenth Regiment U. S. Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Romosier, late of Company H, One hundred and thirteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse S. Clum, late of Company C, and first lieutenant Company D, One hundred and eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cyrus D. McCaskey, late of Company B, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cephas C. Miller, late of Company G, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Laban A. Timmons, late of Company A, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George S. Connor, late captain Company A, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Levis T. Houk, late of Company H, Ninth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Arthur Gorman, late of Company I, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles J. Nelson, late of Company A, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin S. Waggener, late of Company A, Third Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. SULLOWAY. Mr. Speaker, I move to amend, on page 4, line 5, by changing the spelling from "Graves" to "Groves."

The Clerk read as follows:

Page 4, line 5, change the spelling of the name from "Graves" to "Groves."

The question was taken, and the amendment was agreed to.

Mr. SULLOWAY. Mr. Speaker, I also move, on page 13, lines 5 and 6, to change the spelling of the name from "Goetchins" to "Goetchius."

The Clerk read as follows:

Page 13, lines 5 and 6, change the spelling of the name from "Goetchins" to "Goetchius."

The question was taken, and the amendment was agreed to.

Mr. SULLOWAY. Mr. Speaker, I also move, on page 15, line 3, to strike the letter "u" out of the name "Saunders," so as to make it read "Sanders."

The Clerk read as follows:

Page 15, line 3, strike the letter "u" out of the word "Saunders."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

PENSIONS TO SOLDIERS AND SAILORS OF THE REGULAR ARMY AND NAVY.

The next business was the bill (H. R. 24344) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Samuel H. Thacker, late of Company A, Second Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Robert Fitzgerald, late of Captain Pickett's company, Florida Mounted Volunteers, Florida Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Norman Statham, late of Captain Pickett's company, Florida Mounted Volunteers, Florida Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of James A. Woodward, late of band, Twentieth United States Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Shadrach Hudson, late of Capt. W. W. Chapman's company (I), Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Daniel A. Brown, late of Company F, Sixth Regiment U. S. Infantry, and pay him a pension at the rate of $12 per month.

The name of Harriet H. Hardwick, widow of Pleasant F., who served as B. F. Hardwick, late of Captain Lucas's company, Georgia Volunteers, Creek Indian war, and pay her a pension at the rate of $12 per month.

The name of Sebe N. Scott, late of Company G, Thirty-eighth Regiment U. S. Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of James H. McMillen, late of Captain Lee's company, First Regiment Oregon Riflemen, Cayuse Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Allen Philpot, who served as William Philpot, late of Capt. John Witcher's company, Georgia Mounted Volunteers, Cherokee Indian disturbances, and pay him a pension at the rate of $8 per month.

The name of George W. F. Reeve, late of Company D, Twelfth Regiment U. S. Infantry, war with Mexico, and pay him a pension at the rate of $20 per month.

The name of Archibald McN. Harrison, late of Capts. H. Wilber's and T. R. Cornelius's company (D), First Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Allen Kirk, late of Capt. J. K. Kelly's company (C), First Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of William Willingham, late of Captain McNeil's independent company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Isaac A. Redd, late of Lieutenant Addison's company, Florida Mounted Volunteers, Florida Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Allen D. Douglass, late of Captain Smith's company, Florida Volunteers, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is receiving.

The name of Charles Calvin Eaton, late of U. S. S. John Hancock, United States Navy, Oregon and Washington Territory Indian wars, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Isaac V. Mossman, late of Captains Hayden's and Burch's companies, Oregon Volunteers, Yakima Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of James Orr, late of field and staff band, Fourth Regiment U. S. Infantry, Oregon and Washington Territory Indian wars, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of William Lane, late of Capt. W. H. Wallace's company (D), First Regiment Washington Territory Volunteers, Oregon and Washington Territory Indian wars, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of James T. Phillips, late of Company C, Second Regiment Washington Territory Volunteers, Oregon and Washington Territory Indian wars, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Samuel Fox, late of Capt. W. A. Wilkinson's company (F), Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian wars, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

Mr. LOUDENSLAGER. Mr. Speaker, I move to amend, on page 2, line 8, by inserting, after the word "Twentieth," the word "Regiment."

The Clerk read as follows:

Page 2, line 8, after the word "Twentieth," insert the word "Regiment."

The question was taken, and the amendment was agreed to.

Mr. LOUDENSLAGER. On the same page, Mr. Speaker, line 20, after the word "Company," amend by adding the words "Second Regiment."

The Clerk read as follows:

Page 2, line 20, after the word "Company," amend by inserting the words "Second Regiment."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

On motion of Mr. LOUDENSLAGER, the several votes by which the bills were passed were laid on the table.

ORDER OF BUSINESS.

Mr. PRINCE. Mr. Speaker, is it in order for the House to go into Committee of the Whole House for the consideration of bills on the Private Calendar?

The SPEAKER. While this is Thursday in the week, it is Friday under the rule adopted by unanimous consent, just the same as it would be on any other Friday, when private bills are in order. Therefore the motion would be in order.

Mr. PRINCE. Mr. Speaker, I make that motion—that the House resolve itself into Committee of the Whole House to consider business on the Private Calendar.

Mr. MANN. Of course the motion would have to be to consider bills on the Private Calendar, under the rule.

The SPEAKER. It would have to be under the rule.

Mr. MANN. The motion was not put that way, and it might not be construed that way.

The SPEAKER. Of course, all the rules are in force and all business must be considered under the rules, unless by unanimous consent.

Mr. MANN. I take it that if the House went into Committee of the Whole now it would be on any bill on the Private Calendar?

The SPEAKER. The motion is to go into Committee of the Whole for consideration of bills on the Private Calendar.

Mr. PRINCE. Following the language of the rule itself.

Mr. MANN. But the motion is not made "under the rule."

The SPEAKER. Well, the Chair does not see that it would hurt to add to the motion the words "under the rule."

Mr. FITZGERALD. But on one Friday a certain class of business is in order, and on another Friday another class is in order, but only the class of bills which would be in order on pension day.

The SPEAKER. The gentleman from New York will recollect that the rule has been, and as the Chair recollects the practice of the House has been, that after all pension bills on the Private Calendar to-day are disposed of the House can go ahead in the Committee of the Whole House to consider other bills, it being still Friday.

Mr. DAWSON. Mr. Speaker, without reference to the motion of the gentleman from Illinois, would it not be in order to call up for consideration desertion cases that are on the Private Calendar?

Mr. FITZGERALD. They have the preference.

The SPEAKER. The Chair's recollection of the rule is that, this being pension day, and the business of pensions having been concluded by the House, it would first be in order on to-day to take up desertion cases which are passed with pension bills, and then it would be in order, if they should be finished, to consider the Private Calendar generally.

Mr. MANN. A parliamentary inquiry, Mr. Speaker. The reason I called attention to the form of the motion a while ago was as to whether a motion to go into Committee of the Whole on the Private Calendar would give to the committee the authority to take up such bills on the calendar as the committee pleases, or whether they are limited to taking up first bills from the committees other than claims and war claims, two days being especially set apart for claims and war claims. Heretofore it has been the custom——

The SPEAKER. The gentleman is in error. This is pension day. Now, that business having been concluded, it would be in order, as the Chair understands, for the House to go into Committee of the Whole for the consideration of bills upon the Private Calendar; and under the rules of the House, this being pension day, the desertion bills would have first right of way, pension bills having been concluded; and if that right of way is not claimed, or if that order of business should be finished, then any other bills on the Private Calendar would be in order, as the Chair understands.

Mr. MANN. But if the Chair will permit, my recollection is that on pension day it has been the custom and practice to take up bills on the Private Calendar reported from committees other than claims and war claims. I may be mistaken about that.

The SPEAKER. Under the rule pension bills formerly took up all day. Latterly they have not taken up all day, and the House has not seen proper to go into the committee to consider other bills in order; but under the rule it is quite within the power of the House, in the opinion of the Chair, to go now into the Committee of the Whole House for private business, or to do anything else that it desires to do.

Mr. MANN. In order that we may have a distinct proposition before the House, I beg leave to call the attention of the Chair to the fact that originally the rule provided that Friday in every week shall be set apart for consideration of private bills, unless otherwise determined by the House.

The SPEAKER. Yes.

Mr. MANN. Then the House adopted a rule setting apart the second and fourth Fridays:

The second and fourth Fridays shall be set apart for the consideration of private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion.

Thereafter the House provided by resolution that the second and fourth Friday of each month it shall be in order to proceed to the consideration of private business according to the old rule, giving preference one week to war claims and the other week to claims. Now, it seems to me that when the House specifically provided that certain days should be set apart for claims and war claims, it intended to and did abrogate the original rule setting apart every Friday for the Private Calendar.

The SPEAKER. The Chair thinks that all the rules should be considered, so as to let each one operate, if practicable.

Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by the House.

Subsequently the two Fridays spoken of were dedicated for pensions. Now, if pension business is completed, under the rule which the Chair has just read it seems to the Chair, and it has been so held, as the Chair recollects, that it is in order for the House, under the rule just read, to take up any business on the Private Calendar in order, as provided by the rule.

Mr. MANN. A further parliamentary inquiry. Last week—I think preceding Friday—the gentleman from New Hampshire [Mr. SULLOWAY], as I recollect, asked unanimous consent that Thursday of this week might be set apart for the consideration of pension bills on the Private Calendar.

Mr. WALDO. Mr. Speaker, that is a mistake.

The SPEAKER. The Chair will answer that suggestion. It was dedicated the same as a Friday, when pensions are in order, and for that purpose it is Friday, by unanimous consent. The gentleman from Illinois [Mr. PRINCE] moves that the House resolve itself into the Committee of the Whole House for the consideration of business on the Private Calendar under the rule.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the Private Calendar, with Mr. CAPRON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. PRINCE. Mr. Chairman, in order to have the matter settled properly before the House, I ask for the present consideration of the bill H. R. 12760.

Mr. MANN. Let us have the bills in the regular order.

The CHAIRMAN. The Chair will state that the regular order will first be bills removing charges of desertion.

Mr. PRINCE. That is exactly the motion I have made, if gentlemen will not be too previous, as they sometimes are.

The CHAIRMAN. The regular order, further, will be to take up such bills in their regular order as are on the calendar, unless it be by a vote of the committee to take up some special bill.

Mr. PRINCE. I am willing to take them in the regular order.

Mr. DAWSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DAWSON. Is the bill the gentleman from Illinois proposes to call up the first case of desertion on the calendar?

Mr. PRINCE. I do not know. I know it is the first bill on the calendar where a Member who has the bill in charge of that character is present.

Mr. MANN. What is the number?

Mr. PRINCE. H. R. 12760, Calendar No. 985.

Mr. DAWSON. Calendar No. 934 is the first desertion case on the calendar—H. R. 14343—and I make the motion that that be laid before the House.

The CHAIRMAN. If there is no earlier bill, the Clerk will read the bill (H. R. 14343) to correct the naval record of Randolph W. Campbell.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to remove the charge of desertion from the naval record of Randolph W. Campbell and issue to said Randolph W. Campbell, or his heirs, an honorable discharge from said service as of April 16, 1863, in recognition of his three years' subsequent faithful service in the United States Army.

With the following committee amendment:

In line 6 of the bill strike out the words "an honorable" and insert in lieu thereof the word "a."

Mr. DAWSON. Mr. Chairman, if no one desires to ask any question, I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. MANN. I think we ought to have an explanation. The report does not speak very favorably of the case.

The CHAIRMAN. The question is on the committee amendment.

Mr. MANN. The first question is if the committee wants general debate as to whether the bill ought to be favorably considered. The report in this case does not indicate a very favorable case, and I wish the gentleman in charge of the bill would give some explanation of it.

Mr. DAWSON. Mr. Chairman, if the gentleman from Illinois really desires an explanation of the case, I should be glad to give it.

Mr. MANN. I will yield to the gentleman for the purpose. I have no desire to take up unnecessarily the time of the House.

Mr. DAWSON. Mr. Chairman, this is a case which comes clearly within the rule adopted by the Military and the Naval committees in considering cases of this kind. This boy, 16 or 17 years old, enlisted in the navy in October, 1862, and served faithfully until April, 1863, at which time he came ashore at New York. It should be remembered all along that he was only a boy of 16 or 17 years of age. On coming ashore he fell in with a lot of boarding-house runners and others and was shanghaied. When he regained consciousness he found himself on a merchant ship bound for China. Of course there was no way for him to return to his country and complete his enlistment in the navy. When he did return to this country, however, his enlistment in the navy had expired. He had been at home only a few days—and this shows his good intention—when he reenlisted in the army and served until after the close of the war and was honorably discharged September 22, 1865.

Now, it seems to the Naval Committee that it is only an act of simple justice that he should be given a discharge from the service in the navy.

Mr. MANN. Mr. Chairman, the gentleman's explanation seems to be very satisfactory, and it would seem to me that if the case is such that it ought to be acted on favorably at all, it ought to be acted on more favorably. This proposition now before the committee will not do the gentleman a particle of good. What is it? It is to give him a discharge, not an honorable discharge. If he is entitled to any action from Congress, he is entitled to an honorable discharge. He now has a dishonorable discharge, and that is all this committee proposes to give him.

Mr. DAWSON. If the gentleman will permit me—under the regulations of the Navy Department, the word "honorable" preceding discharge gives a man additional privileges and pay in case of reenlistment in the navy. The members of our committee would be very glad indeed to allow the word "honorable" to remain in; but as I say, under the regulations of the Navy Department where a man is granted an honorable discharge the years he has served prior to that discharge are counted in reckoning his pay.

Mr. MANN. If the man reenlists. Does the gentleman from Iowa think there is any danger of a civil war veteran now reenlisting in the navy and being accepted?

Mr. DAWSON. I do not.

Mr. MANN. Is not the real purpose of this bill, first, to give the man an honorable status among his neighbors, and, second, to permit him to apply for a pension, neither one of which will he obtain if the recommendation of the committee be adopted? If the gentleman will permit me, at the last session of Congress, in every case that came up from the Committee on Naval Affairs, where we struck out the word "honorable" and the bill was passed at all, the committee retained the word "honorable," believing that if anything was to be done in behalf of the man justice ought to be done, and justice does not go half way.

Mr. DAWSON. Mr. Chairman, I shall be very glad to accept the amendment intended to be proposed by the gentleman from Illinois.

Mr. MANN. All that is needed is to vote down the amendment offered by the gentleman's committee. That is the reason I call attention to the case.

Mr. DAWSON. I will say for the benefit of the House that the word "honorable" in all the bills reported from the Naval Committee has been stricken out at the request of the Secretary of the Navy, in accord with the policy of that department, and I will say further that I think the bill in terms as it is before the House will carry the benefits which the claimant expects.

Mr. MANN. Oh, no; the statute requires before you can get a pension that you must have an honorable discharge.

Mr. DAWSON. But, Mr. Chairman, this claimant has an honorable discharge from the military service. This bill would straighten out his naval service.

Mr. MANN. But the rule is that he must have an honorable discharge for each service in which he enlisted. One honorable discharge does not do a man any good unless he has an honorable discharge each time.

Mr. DAWSON. For my part I should be very glad to see the word "honorable" in there, although I do not desire to jeopardize the success of this bill after it has passed both Houses of Congress.

Mr. MANN. I do not believe in presenting a gold brick to a man and calling it gold.

Mr. GRONNA. Mr. Chairman, I want to ask the gentleman from Iowa [Mr. DAWSON] whether, if this bill was passed, this man would be entitled to a pension.

Mr. DAWSON. I think so, in its present form, although I should prefer to grant this man an honorable discharge.

Mr. MANN. Vote down the committee amendment. That is easy.

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is, Shall the bill be laid aside with a favorable recommendation?

The question was taken, and the bill was ordered to be laid aside with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. FOSTER of Vermont having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had further insisted upon its disagreement to the amendments of the House of Representatives to the bill (S. 6155) to provide for an enlarged homestead, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMOOT, Mr. CLARK of Wyoming, and Mr. MCLAURIN as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 52.

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect of the United States on the 4th day of March next.

ROBERT S. DAME.

The committee resumed its session.

Mr. BATES. Mr. Chairman, I desire to call up the bill (H. R. 10606) for the relief of Robert S. Dame, Calendar No. 946. The gentleman from New Jersey [Mr. PARKER], of the Military Committee, reported the bill and has charge of it. I see now that the gentleman from New Jersey [Mr. PARKER] is in the Chamber. I did not know that he was here when I called up the bill.

Mr. PRINCE. For that reason I question whether any other Member not authorized by the Military Committee to do so can call up a bill when the bill has been authorized to be called up by a member of the Military Committee.

Mr. BATES. Oh, it is my bill.

Mr. PRINCE. That does not make any difference. The gentleman has no authority to call up the bill.

The CHAIRMAN. The Chair thinks that any Member can call up a bill that is properly on the Calendar which is in order under the rules.

Mr. PARKER. Mr. Chairman, I ask for the reading of the bill.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

That Robert S. Dame shall be held and considered to have been honorably discharged from the military service of the United States as a second lieutenant, Company D, First U. S. Veteran Volunteers, and that the Secretary of War be, and he is hereby, authorized to issue him a certificate of honorable discharge: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

Mr. PERKINS. Mr. Chairman, I rise to a parliamentary inquiry. I would like to know by what rule of procedure the bills that are being taken up are called?

The CHAIRMAN. By their position upon the Calendar.

Mr. MANN. Mr. Chairman, I make the point of order on this bill. This is not a bill for the removal of the charge of desertion. This man was court-martialed and dismissed from the army.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that the Chair will recognize that this bill is properly before the House.

Mr. MANN. I call the attention of the Chair to page 3 of the report of the committee under the heading "Charge 2," wherein he was found guilty of both charges and specifications and was sentenced to be dishonorably discharged from the service of the United States, with loss of all pay and allowances.

Mr. ROBERTS. With what was he charged?

Mr. MANN. He was court-martialed.

Mr. ROBERTS. They charged him with desertion.

Mr. PARKER. Mr. Chairman, I will state the case in a few words. It is for an honorable discharge. This lieutenant served over four years, and he had gone up to his home while his company was being mustered out, and they sent word to him to come back, and he sent in his resignation as they were being mustered out in 1866, and then they took him back and court-martialed him at that time and dismissed him from the army.

Mr. ROBERTS. On what charge?

Mr. PARKER. On the charge of absence without leave.

Mr. ROBERTS. That is practically desertion.

Mr. PARKER. Well, he resigned while on a week's leave.

Mr. MANN. This is not to remove the charge of desertion. The man was court-martialed——

Mr. PARKER. It is very hard to get a chance to be heard in the confusion. I trust the gentleman will not make any objection to this very deserving case.

Mr. MANN. I have no objection to this case being considered in its proper place.

Mr. PARKER. Well, we are all ready to consider it now, and it takes less time to consider it at this time and conclude the matter, and I ask the gentleman to withdraw his objection and let it go through by unanimous consent.

Mr. MANN. If the gentleman desires to pass it by unanimous consent I will withdraw the point of order.

Mr. PARKER. I ask unanimous consent that this bill be passed.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that this bill be laid aside with a favorable recommendation. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ISAAC N. FORDYCE.

Mr. PRINCE. Mr. Chairman, I call up the bill (H. R. 12760) to correct the military record of Isaac N. Fordyce.

The Clerk read as follows:

Be it enacted, etc., That Isaac N. Fordyce shall hereafter be held and considered to have been honorably discharged from Captain Gilmore's company, First Regiment West Virginia Volunteer Cavalry, as of date of November 19, A. D. 1862.

The committee amendment was read, as follows:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

Mr. PRINCE. Mr. Chairman, I ask unanimous consent that this bill be laid aside with a favorable recommendation.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that this bill as amended be laid aside with a favorable recommendation. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

LAFAYETTE L. M'KNIGHT.

Mr. PRINCE. Mr. Chairman, I call up the bill (H. R. 16015) for the relief of Lafayette L. McKnight.

The Clerk read the bill, as follows:

Be it enacted, etc., That Lafayette L. McKnight, also borne as Lafayette McNight, be held and considered to have served as a private in Captain Brooks's company, Mechanic Fusileers, later designated as the Fifty-sixth Illinois Infantry, from October 20, 1861, to January 28, 1862, and to have been honorably discharged therefrom.

Mr. PRINCE. Mr. Chairman, I ask unanimous consent that this bill be laid aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, may I ask my colleague to make a statement? It would appear, of course, this man was not mustered into the service, and even the term that he purports to have been in the service would not reach the term under which a man can obtain a pension—ninety days.

Mr. PRINCE. All I can say to my colleague is this: That this person was on the pension roll and drew a pension for a great number of years. Under the searching examination made by our former colleague, the present Commissioner of Pensions, a number of persons like this pensioner or applicant were dropped from the rolls. The Commissioner of Pensions appeared before our committee and urged in person that this one be placed back upon the rolls, as under the evidence before the Pension Bureau, as well as affidavits on file with the committee, he ought to be mustered in and given a place upon the pension rolls, for he was disabled while in the line of duty before he could be mustered into service. Largely upon the recommendation of the Commissioner of Pensions himself, who appeared before the committee, the committee made this favorable report, and I trust the House will lay the bill aside with a favorable recommendation.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that this bill be laid aside with a favorable recommendation. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk will report the next bill on the calendar.

Mr. ROBERTS. Mr. Chairman, if there are no more bills dealing with desertion cases, I call for the regular order.

The CHAIRMAN. The Chair will state to the gentleman that there are other bills dealing with desertion.

Mr. ROBERTS. Then bring them up; the last bill was not a desertion case.

The CHAIRMAN. It was considered by unanimous consent.

Mr. ROBERTS. The gentleman got the floor and brought the bill up before we realized what the bill was. I shall object to any more bills which do not deal with desertion if taken up out of their order.

The CHAIRMAN. The Clerk will report the next bill which deals with the matter of desertion.

THEODORE F. NORTHROP.

The next business on the Private Calendar was the bill (S. 2253) for the relief of Theodore F. Northrop.

The Clerk read the bill, as follows:

Be it enacted, etc., That Theodore F. Northrop, late first lieutenant, Second Regiment New York Cavalry Volunteers, shall be held and considered to have been a captain of cavalry, in command of scouts in the army of General Sherman, from September 10, 1864, to May 22, 1865; and the Secretary of War is authorized to issue to said Northrop a certificate of such service and of honorable discharge in accordance with this act: *Provided*, That no pay, bounty, or other allowance shall become due and payable by reason of this act.

The substitute committee amendment was read, as follows:

That Theodore F. Northrop, late first lieutenant, Second Regiment New York Cavalry Volunteers, and who commanded a body of mounted military scouts in the army of General Sherman from January 3, 1865, to March 31, 1865, shall be held and considered to have been an officer of the Volunteer Army during that time, for the purpose of an application for a medal of honor: *Provided*, That no pay, bounty, or other allowance shall become due or payable by virtue of this act.

Mr. ROBERTS. I object, Mr. Chairman.

Mr. PARKER. Mr. Chairman, I wrote that bill myself, and I do not think it is a desertion case.

Mr. ROBERTS. Mr. Chairman, I call for the regular order if there are any Members desiring to bring up desertion cases.

The CHAIRMAN. It was an error. The Clerk will report the next bill.

GEORGE W. HEDRICK.

The next business on the Private Calendar was the bill (H. R. 7006) to correct the military record of George W. Hedrick.

The Clerk read as follows:

Be it enacted, etc., That George W. Hedrick, late of Company B, Seventh West Virginia Volunteers, shall be held and considered to have been honorably discharged from the service of the United States as of April 2, 1864.

The committee amendment was read as follows:

Add at end of the bill:

"*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. ROBERTS. Does this bill relate to desertion? There is nothing stated so far.

Mr. MANN. It is a clear desertion case.

Mr. KAHN. This is a case of a soldier who served three or four years.

Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. This bill clearly relates to the charge of desertion.

The amendment was agreed to.

The CHAIRMAN. Without objection, the bill as amended will be laid aside with a favorable recommendation.

There was no objection.

DE WITT EASTMAN.

The next business on the Private Calendar was the bill (S. 4749) for the relief of De Witt Eastman.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the name of Dewitt Eastman, late of Company B, Second Minnesota Volunteers, and of the Fourth U. S. Artillery: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

Mr. STEENERSON. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. Without objection, the bill will be laid aside with a favorable recommendation.

There was no objection.

WILLIAM H. HOUCK.

Mr. CRUMPACKER. Mr. Chairman, I desire to call up the bill (H. R. 11460) to remove the charge of desertion from the military record of William H. Houck.

The CHAIRMAN. The Chair is endeavoring to ascertain the calendar order of the bills relating to the removal of the charge of desertion.

Mr. CRUMPACKER. It is a desertion case—Calendar No. 1060, H. R. 11460. I have a copy if the Clerk has not.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of William H. Houck, late of Company K, Seventeenth Regiment Indiana Volunteer Infantry, and to issue to said William H. Houck an honorable discharge, to be dated July 20, 1864

The committee amendment was read as follows:

Add at the end of the bill the following:

"*Provided*, That said William H. Houck shall receive no pay or other emoluments by reason of the passage of this act."

Mr. CRUMPACKER. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, just to illustrate what we are doing in removing charges of desertion, in this case the soldier testified that he became intoxicated and was ordered, as the result of that, to be confined in the guardhouse, and as he did not approve of the order, he deliberately deserted, and there is no other explanation in regard to it.

Mr. CRUMPACKER. Let me say this, Mr. Chairman, that this soldier enlisted in April, 1861, and he deserted April 21, 1865.

Mr. MANN. But he knew better.

Mr. CRUMPACKER. After the war was over. He went into the army for the purpose of fighting, and the ordinary volunteer soldier in the civil war gave but little consideration to red tape or military conventionalities. This man lacked just eleven days of having served four years. He did not get intoxicated until the war was over [laughter], until the fighting had all been finished. He deserted after the surrender of Lee, after the capitulation at Appomattox. I think a man who served his country faithfully for four years without any shirking or evasion of duty may be excused now if he got intoxicated once after the war was over.

Mr. MANN. The gentleman seems to think that the charge of desertion is a charge of intoxication, but that is not the case. We are not removing the charge of intoxication, but we are removing the charge of desertion—not deserting when he was drunk, but deserting when he was sober.

Mr. CRUMPACKER. The facts in this case are that the soldier deserted on the 21st day of April, 1865, and was away about two or three weeks. After the amnesty proclamation, issued by Mr. Lincoln, he went back and joined his command, expecting to be mustered out, and they took him down into Georgia. He was there five or six weeks, and he wanted to go home and do some work. They did not allow him to, and he did not have anything to do but loaf around the camp. He got somewhat intoxicated and was put in the guardhouse, and he thought it a little humiliating for a union volunteer soldier to be treated in that way for so small an offense after the close of the war.

Mr. MANN. He deserted twice.

Mr. CRUMPACKER. He got out of the guardhouse and went home.

Mr. MANN. He deserted twice.

Mr. CRUMPACKER. He deserted twice, but after the war was over.

Mr. MANN. That is a very good plea; but he deserted twice.

Mr. CRUMPACKER. That does not make any material difference. He was with the army as long as there was fighting to do, and he deserted when the fighting was all over. Many Union soldiers quit the service after the war was over without the formality of being mustered out, and Congress made a law authorizing the Secretary of War to issue discharges to those who had served faithfully for six months or more and deserted after May 20, 1865. This soldier had served faithfully for nearly four years, but he deserted April 21, 1865, returned to his command about May 10, 1865, and then quit the service June 18, 1865. The Secretary of War holds that he did not serve faithfully for six months prior to May 20, 1865, because of his absenting himself from the service in April. He is given no credit under the law for his four years of honorable and faithful service during the actual conflict.

The amendment of the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM A. HINSCH.

The next business on the Private Calendar was the bill (S. 3388) to correct the military record of William A. Hinsch.

Mr. PARKER. Mr. Chairman——

The CHAIRMAN. The gentleman from New Jersey addressed the Chair.

Mr. PARKER. I wanted to call up that bill. Let me state the facts in regard to it.

Mr. MANN. I raise the point of order on the bill.

Mr. PARKER. Let me state the facts in relation to it.

Mr. MANN. You can state the facts on the point of order.

Mr. PARKER. It is practically a desertion case.

Mr. ROBERTS. I object.

Mr. PARKER. May I have order for a moment? I would like to say what this is. This man enlisted——

Mr. MANN. I made a point of order on the bill.

Mr. PARKER. I understand your point of order.

The CHAIRMAN. Gentlemen will suspend.

Mr. MANN. I just wanted the Chair to get the point of order.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

A bill (S. 3388) to correct the military record of William A. Hinsch.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to so amend the records of the War Department as to show that William A. Hinsch was honorably discharged from Company F, Twelfth Regiment Ohio Volunteer Infantry, and was duly and properly mustered out of such service before enlisting for three years' service in the Fifth Regiment Ohio Volunteer Infantry: *Provided*, That no pay, bounty, or other allowances may accrue or become payable by virtue of the passage of this act.

Mr. PARKER. This man served three months. He then enlisted for three years. There is no discharge on record for his three months' service, so that he appears technically on the records as a deserter, although he was not a deserter, and is marked there as such. He went into the three years' service, but there is no muster out and no discharge from the three months' service, and therefore it is the removal of a charge of desertion.

Mr. ROBERTS. I say it is not desertion.

Mr. HULL of Iowa. It is desertion. If he was not held as a deserter, he could get his record corrected at the War Department.

Mr. ROBERTS. I understood the gentleman to say there was nothing on the record.

Mr. HULL of Iowa. He was not mustered out, supposed to be in another regiment; that leaves him here without any record of being mustered out.

Mr. PARKER. So he is marked on the rolls with a record incomplete and virtually as a deserter.

Mr. ROBERTS. I object to that class of cases being taken out of their turn. I have a similar case.

Mr. HULL of Iowa. Then you ought to pass it.

The CHAIRMAN. The Chair will state that it has been the custom of Members introducing bills to avoid the use of the words "removal of the charge of desertion," as far as possible, and put in the words "correcting the military record." Now, the Chair thinks that this bill actually removes the charge of desertion, although it is not so worded.

Mr. PARKER. I move that it be laid aside with a favorable recommendation.

The question was taken, and the bill was ordered to be laid aside with a favorable recommendation.

JAMES M'KENZIE.

The next business on the Private Calendar was the bill (H. R. 7071) for the relief of James McKenzie.

The bill was read, as follows:

A bill (H. R. 7071) for the relief of James McKenzie.

Be it enacted, etc., That the Secretary of War is authorized to remove the charge of desertion standing against James McKenzie, of Company D, First Battalion Eleventh U. S. Infantry, and issue to him an honorable discharge as of date from August 26, 1865: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That James McKenzie be held and considered to have been honorably discharged from Company D, First Battalion, Eleventh U. S. Infantry, as of date of August 26, 1865: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. ROBERTS. Mr. Chairman, I would like to ask if this is a desertion case?

Mr. KAHN. It is; and I move that it be laid aside with a favorable recommendation.

The CHAIRMAN. The Chair believes that this bill also is precisely of the same class as the one previously passed.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

Mr. PARKER. Mr. Chairman, may I ask whether 1039 has been considered?

Mr. PRINCE. Yes; it was passed.

The CHAIRMAN. The Chair will state to the gentleman from New Jersey that the bill he inquires about has been laid aside with a favorable recommendation.

ALFRED BURGESS.

Mr. BUTLER. Mr. Chairman, I desire to call the attention of the Chair to the bill (S. 1162) to correct the naval record of Alfred Burgess. He had a charge of desertion against him.

Mr. ANTHONY. Mr. Chairman, are we proceeding in regular order on these bills?

The CHAIRMAN. So far as the Chair is informed, we are.

Mr. ANTHONY. I have a desertion bill that is ahead of that.

The CHAIRMAN. It is impossible for the Chair to tell until the bills are examined, and when there is no objection bills as they have been called up by Members have been considered; but if it is found that they are not in their calendar order, we will proceed in that order so far as possible.

Mr. ANTHONY. I have a bill ahead of this one in the regular order, but I will wait until after the consideration of this bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to correct the record of Alfred Burgess, late a seaman on board the U. S. S. Sonoma and Juniata, and to remove any charge of desertion now standing against the record of said Alfred Burgess and to issue to him an honorable discharge.

Mr. MANN. Mr. Chairman, if I may, I should like to get a little information from the distinguished Committee on Naval Affairs. I notice that in all the bills that have been brought up from the Committee on Military Affairs to remove charges of desertion, they have invariably recommended this amendment:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

And that in all of the bills brought in from the distinguished Committee on Naval Affairs that provision is carefully omitted. Now, I understand that different committees may have different policies, but the House itself ought to have the same policy on bills coming from both committees and relating to desertions from either the army or the navy. I should like to inquire what that means. If it is proper in cases of military desertion, it certainly is proper in cases of naval desertion.

Mr. BUTLER. I suppose that in each case the report is upon the facts. I have no knowledge whether this sailor desires to ask for a pension or not.

Mr. HULL of Iowa. I will say to the gentleman that it has been construed that that language does not cut a man out of a pension.

Mr. MANN. Oh, no; it does not.

Mr. HULL of Iowa. It cuts him out of any extra pay or bounty, but not out of a pension.

Mr. BUTLER. If the Chair will permit me, I will repeat that I have no knowledge whether this man intends to apply for a pension or not. The bill was passed by the Senate and referred to the House Committee on Naval Affairs. We considered it and concluded unanimously to report it back to the House with the recommendation that it pass. The man may be entitled to a pension. I do not know. The question was not asked.

Mr. MANN. If the gentleman will pardon me, I suppose the purpose of the bill is, partly at least, to enable him to get a pension, and nobody is objecting to that part of it.

Mr. BUTLER. I will state again to the gentleman that I have no knowledge whatever of the intention of the sailor. I do know that it was not the intention of the Naval Affairs Committee to allow him what is commonly known as "back pay."

Mr. MANN. Would the gentleman have any objection to putting in the amendment which is usually put in bills of this character:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act—

With the assurance that that does not affect at all the question of a pension?

Mr. BUTLER. I have no objection whatever. I will state to the gentleman from Illinois that I do not know who introduced this bill. I know that it was reported by the gentleman from Texas [Mr. GREGG], who is absent because of illness, and I concluded that I would call up the bill and ask the committee to consider it. I have no objection to the insertion of that amendment in the bill. I would not like, however, to see the sailor deprived of his right to apply for a pension.

Mr. MANN. That does not deprive him of the right.

Mr. HULL of Iowa. I will say that when similar bills affecting the soldiers were considered by the Military Committee some years ago, it was found that if a bill passed without any limitation it raised the question of considerable pay while the man was absent from his command. It would entitle him to go back and collect any bounties that had been offered for that enlistment and all other emoluments forfeited by desertion.

The Committee on Military Affairs did not believe that any man restored to his rights by having an honorable discharge should be deprived of a pension, and after consultation with the authorities the committee got up this form, and now attached to all bills from the Committee on Military Affairs, that cuts them off from any pay they should not have. It cuts them off from going back and getting a bounty or for any clothing allowance that may have been due at the time of desertion, but leaves them as free before the Pension Commissioner to secure a pension under the law as any man who has never deserted. So that the amendment would not affect his rights to a pension in the slightest degree.

Mr. BUTLER. This man did not desert. He was by accident marked a deserter; he served until 1865. The affidavits of comrades and the Senate report show that he was ordered from his ship while at a point along the Florida coast and carried to New York and put in the navy-yard, where he served as a blacksmith.

The engineer who made the affidavit says that the man did not desert; by mistake his name was not handed to the paymaster, and the paymaster on the ship marked him a deserter. He went to the navy-yard in New York and served until 1865. I submit to the House that whatever this man is entitled to have he ought to have. It may be that he only wants this correction for patriotic purposes, simply to improve his military record. The man served his country and did all the service he was asked to do, and I do not believe that under those circumstances this committee should deprive him of any of his rights.

I do not know what his purpose is, whether it is mercenary or patriotic.

Mr. HULL of Iowa. This is simply to correct his record; it was not a desertion at all, according to the gentleman's statement.

Mr. BUTLER. He is marked a deserter, and therefore we consider it as a case of desertion.

Mr. HULL of Iowa. Therefore it is necessary to pass the bill.

Mr. DAWSON. Will my colleague yield to me? I would like to answer a little more fully the interrogation by the gentleman from Illinois [Mr. MANN] in regard to the policy of the Naval Committee as to such bills as this.

Mr. BUTLER. Let us pass this bill first. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. MANN. Well, Mr. Chairman, I only yielded to the gentleman a short time. I had the floor, I believe.

Mr. BUTLER. I beg the gentleman's pardon, I took the floor and yielded to the gentleman from Iowa, and then asked the gentleman from Iowa to yield back the time to me.

Mr. MANN. I took the floor and was entitled to one hour, and I yielded to the gentleman to ask a question.

Mr. BUTLER. I did not know that by the gentleman rising and asking a question he took me from the floor.

Mr. MANN. But the gentleman from Pennsylvania did not have the floor.

Mr. DAWSON. Mr. Chairman, will either gentleman tell me how they took the floor away from me? [Laughter.]

The CHAIRMAN. This is rather an academic discussion. Does the gentleman from Illinois desire to offer an amendment?

Mr. MANN. I do. I move to amend by adding at the end of the bill the words:

Provided, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

Mr. BUTLER. I hope the House will not adopt that amendment under the circumstances I have stated in this particular case.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add the words "*Provided*, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act."

Mr. DAWSON. Mr. Chairman, I was about to say a moment ago a word or two regarding the policy of the Naval Committee as to these bills. The gentleman from Illinois is in error in assuming that all bills of this character which are reported from the Naval Committee do not carry the provision that he has presented as an amendment to this bill. I will state to the House that the policy of the Naval Committee is to place that limitation on bills where they do carry any back pay or other allowance, and sufficient consideration is given to every bill to determine that fact before the bill is reported. In these bills where back pay or other allowances would accrue to the claimant the provision is included in it.

Mr. HULL of Iowa. I would like to ask my colleague what process the Committee on Naval Affairs goes through to find out all the record of a man, as to whether he would acquire any extra pay without this provision.

Mr. DAWSON. I can not take the time of the House now——

Mr. ROBERTS. We get the reports from the department and examine them.

Mr. DAWSON. It would take too much time of the House to go through in detail every case, but it must be clear to the Members of the House that in this particular bill that rule has been followed; that this man simply appears on the record as a deserter; that he was not at the time a deserter; and if there is any back pay or allowance due to him on account of his service in the navy, then I say the Congress, in fairness and justice, ought to pay it to him.

Mr. MANN. Mr. Chairman, the gentleman from Iowa [Mr. DAWSON] assumed, I think, that the Committee on Naval Affairs ascertained whether there is any back pay due, because certainly no one in the House knows better than he that there is no department of the Government that can tell whether there is back pay due or not until an application is made and audited and all of the papers are gone through. The gentleman can not ascertain now within two weeks' time whether there is back pay due this man from the Auditor for the War Department, because there is no way of telling until the whole matter is investigated, and very often the auditor does not have the facts upon which he can decide the case until additional evidence is presented. Now, as to this case. This case was referred to the Navy Department. They did not report anything in reference to whether there was back pay due, but the Secretary of the Navy said in regard to this matter that the department sees no reason for special legislation in this case. So far from getting the report of the department as to whether there was anything due or not, the committee disregarded the recommendation of the department against the bill. It may be they had sufficient information——

Mr. ROBERTS. Oh, no; it was not a recommendation against the bill.

Mr. MANN. It may be they had sufficient information, but if so, it was not disclosed in the report.

Mr. BUTLER. Let me read the balance of the report.

Mr. MANN. The department says it is a matter for Congress to determine.

Mr. BUTLER. Yes.

Mr. MANN. Oh, well, we do not need the report from the Secretary of the Navy that Congress determines whether special legislation shall be passed, but the department says that the department sees no reason for special legislation.

Mr. ROBERTS. Then why does the gentleman cite the department as against the bill?

Mr. GARRETT. What does the department state?

Mr. MANN. The department states as a fact that the man was a deserter.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois.

Mr. GARRETT. Mr. Chairman, just a moment. Of course, if this man was in fact a deserter, why, this amendment ought to be agreed to.

Mr. BUTLER. I will concede the statement of the gentleman.

Mr. GARRETT. The gentleman from Illinois states that the department reports that he was a deserter.

Mr. BUTLER. It is a fact that the department so reports; as a further fact he was marked on the record as a deserter, when in fact the evidence shows that he did not desert. The evidence of his superior officer shows that he was taken from the ship by authority and ordered to New York, and the mistake is with this officer, because he did not inform the paymaster of the ship, who marked the sailor absent without leave. The sailor was taken, with his comrades, to the navy-yard in New York, and there he served as a blacksmith under the direction of the Navy Department until after the war had terminated.

Mr. GARRETT. It was wholly without his fault?

Mr. BUTLER. Yes. I ask for a vote.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois.

The question was taken; and upon a division (demanded by Mr. MANN) there were—ayes 1, noes 54.

So the amendment was rejected.

The CHAIRMAN. The question now is on laying the bill aside with a favorable recommendation.

The question was taken, and the bill was ordered to be laid aside with a favorable recommendation.

BUSINESS METHODS IN POST-OFFICE DEPARTMENT.

Mr. OVERSTREET. Mr. Chairman, I ask unanimous consent that the committee rise informally to receive a report from the joint commission on the business methods in the Post-Office Department and postal service, to accompany a bill to codify, revise, and amend the postal laws of the United States.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the committee rise informally for the purpose of receiving a report. Is there objection?

There was no objection.

Accordingly the committee rose, and the Speaker pro tempore [Mr. FOSTER, of Vermont], having assumed the chair, Mr. OVERSTREET submitted a report from the joint commission on the business methods in the Post-Office Department and postal service, to accompany a bill to codify, revise, and amend the postal laws of the United States.

The SPEAKER pro tempore. The Clerk will report the title.

The Clerk read as follows:

Final report of the joint commission on the business methods of the Post-Office Department and the postal service.

Mr. MANN. Mr. Speaker, I reserve all points of order.

The SPEAKER pro tempore. The report will be received and referred to the Committee on the Post-Office and Post-Roads and ordered printed. The gentleman from Illinois reserves all points of order. The committee will resume its sittings.

CHARLES A. BESS.

The committee accordingly resumed its sitting.

Mr. ANTHONY. Mr. Chairman, I call up the bill (H. R. 14974) for the relief of Charles A. Bess, calendar No. 1068, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from, correct the military record of, and grant an honorable discharge to Charles A. Bess, who was a private in Company B, First Regiment California Infantry.

Mr. MANN. Mr. Chairman, I make the point of order against this bill. This is a bill to remove the charge of desertion and to correct a military record. The Committee on Invalid Pensions has no jurisdiction over such a bill.

Mr. ANTHONY. It comes from the Military Committee.

Mr. MANN. That may be; I do not say where it comes from. I see it reported from the Committee on Military Affairs and that it was referred to the Committee on Invalid Pensions.

Mr. ANTHONY. You have a copy of the first reference. I think that it was afterwards referred to the Committee on Military Affairs. That was corrected.

The CHAIRMAN. The report is from Mr. ANTHONY from the Committee on Military Affairs, and undoubtedly the heading is a misprint.

Mr. GARRETT. Mr. Chairman, I notice the usual clause is not on that particular bill.

Mr. ANTHONY. I have no objection to that clause.

Mr. MANN. I do not see why it should; the House just voted the other way. It is not nearly as bad a case as the one we just passed.

Mr. HULL of Iowa. I will say it is a mistake of the subcommittee, because in the Committee on Military Affairs we put that on all of them.

Mr. ANTHONY. I move that that clause be put upon that bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add at the end of the bill the following proviso:
"That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JACKSON PRYOR.

Mr. HULL of Tennessee. Mr. Chairman, I call up the bill (H. R. 8545) for the relief of Jackson Pryor.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Jackson Pryor, late of Company D, Twelfth Regiment Kentucky Volunteer Infantry, so as to grant him an honorable discharge as of the date when said company was mustered out of the service of the United States.

The committee amendment was read, as follows:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

Mr. HULL of Tennessee. Mr. Chairman, I move that the bill as amended be laid aside with a favorable recommendation.

The motion was agreed to, and accordingly the bill was laid aside with a favorable recommendation.

EDWARD T. LINCOLN.

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent for the present consideration of the bill (H. R. 8615) to correct the naval record of Edward T. Lincoln.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to correct the record of service of Edward T. Lincoln, late an acting master's mate in the navy during the war of the rebellion, to show that he was discharged the service on January 8, 1865.

Mr. HULL of Iowa. Mr. Chairman——

Mr. ROBERTS. Mr. Chairman, I will yield to the gentleman from Iowa for a question.

Mr. HULL of Iowa. Do the records show he was honorably discharged?

Mr. ROBERTS. The records do not show he was ever discharged; the records show he was dismissed from the service.

Mr. HULL of Iowa. What date?

Mr. ROBERTS. The date of November 28, 1864. As a matter of fact, he served until early in January, in 1865, before the action of the department had ever reached him, and during that year he participated with his ship in two battles. For some reason or other the action of the department was not communicated to this officer at all until several months after they have it recorded on their files.

Mr. HULL of Iowa. Then, undoubtedly, without any limitation, that would give him back pay up to the date provided by this bill.

Mr. ROBERTS. Unquestionably, if he served from the date on which they have that discharge to a time subsequent, and has not received his pay, he could receive it.

Mr. HULL of Iowa. Well, Mr. Chairman, that happens in all branches of the service, that men are not really mustered out until the papers are approved and returned.

Mr. ROBERTS. Oh, that was not the point. This was not a mustering out. This man was dismissed from the service under charges, if the gentleman will listen for a moment, without a hearing and without any knowledge that the charges were even pending. He was dismissed by the Secretary of the Navy when the law at that time contemplated only dismissals by the President, and it was afterwards amended so that these dismissals only continued for a short time, a few years, and that was afterwards repealed. In this case, if the gentleman will pardon me for a moment, there was an ill feeling that arose between this master's mate and a superior officer on his ship, and the superior officer went in to do up this man, and he did him up by stabbing him in the back, by preferring charges of which the officer had no knowledge, and which were acted on by the department notwithstanding that when the knowledge did come to him he asked for a hearing and it was denied him.

He served gallantly and honorably, and it is only fair that this officer should have an honorable discharge from the service.

Mr. HULL of Iowa. Mr. Chairman, we are not challenging the committee on that proposition at all. What I believe, though, to be absolutely right, is that the limitation should be to give this man his discharge and not open up his accounts. This is a discharge after the department said he was separated from the service. You have taken the evidence. I want to say in this connection, Mr. Chairman, if it had not been for the pension act of 1890, by which everyone gets a pension on honorable service, regardless of his disability in the army, there would hardly be a case of this character before Congress. There has been an increase of military cases in a year after the passage of that act of over 2,000 of this character of bills. I sympathize with their wanting to get on the pension rolls, but I do not want Congress to open up the accounts of all these officers that have been separated from the service by their desertion or by the action of their superior officers. And I think if we restore them in such a way that they can all get on the pension roll, and draw the same pensions as though their records were absolutely clear, Congress is acting in a very generous spirit toward them. For that reason I want to see this amendment put on that bill, unless of the character just reported, when a man was continued in the service and was assigned by his superior officer, for the reason that he was there during the pay days and undoubtedly got all his pay.

Mr. ROBERTS. This officer did continue in the service after the date upon which the Navy Department had him separated from it, and he participated in two battles in that period. Now, as I stated a moment ago, I do not know whether his accounts were settled down to the time he actually left, or whether they were settled at the time the department says he left. If they were not settled down to the time of his actually separating himself from the service, then he is entitled to some pay and emoluments for those two or three months, and he ought to have it.

Mr. HULL of Iowa. Oh, Mr. Chairman, we are giving him pay and emoluments as long as he lives by the rights he secures under the pension laws.

Mr. ROBERTS. As a matter of fact, if the gentleman will pardon me, the record of the Navy Department in this man's case does not seem to be very accurate anyway. They have him connected with the service at an entirely different date from the real date. For instance, they say he was appointed September 3, 1863. He brings before the committee his original appointment, dated August 7, 1863. The records of the Navy Department in this case, to say the least, are not very trustworthy.

Mr. HULL of Iowa. When did he first apply to Congress for relief?

Mr. ROBERTS. The gentleman from Massachusetts, my colleague [Mr. McCALL], introduced the bill. I do not know when it was first introduced. I yield to him.

Mr. McCALL. This man drew his pension up to two or three years ago—November, 1905. His record was absolutely unchallenged, and somebody in making an examination with a microscope thought he ought not to have a pension, and he was stricken from the roll. Now, the man has had three services. He had enlisted from Illinois, served out his term very honorably, and immediately reenlisted, served three years, saved a gun with great heroism at Fort Donelson, and was wounded. Then, after that service, he had this service as master's mate, and he served along, as my colleague has said, until 1865, and was then informed he had been separated from the service under charges of which he had no notice and upon which he had no hearing. During that time he fought in two battles. Now, I do not know that he makes any claim. I assume he does not make any claim, because he did not dream that he was not honorably discharged until 1895. I do not know that he makes any claim for back pay.

It does seem to me it is as fair a case as ever came before the House of Representatives. It is as strong as the case just acted upon, and I should prefer to have it go precisely as it has been reported by the committee.

Mr. MANN. Did the gentleman serve three years in one enlistment?

Mr. McCALL. I understand so.

Mr. MANN. The gentleman is evidently mistaken.

Mr. McCALL. I will give the exact record. He enlisted April 23, 1861, for three months. Then it gives his record in detail, which was a very honorable one. Then he reenlisted, and he was mustered out July 31, 1861. That is a little more

than three months. Then he enlisted in the military service on August 5, 1861, for three years, and was discharged at Fort Donelson August 3, 1863, by order of the War Department for promotion in the United States Navy.

Mr. MANN. Discharged.

Mr. McCALL. He only served of that enlistment two years. He enlisted first on August 5, 1861, and was discharged at Fort Donelson August 3, 1863, two years after, by order of the War Department, for promotion in the United States Navy for services rendered on or about August 10, 1861, just as my colleague has made out.

Mr. MANN. Only your colleague was mistaken about the War Department being in error.

Mr. ROBERTS. Oh, no; it is the Navy Department I am speaking of.

Mr. MANN. This man was transferred in August.

Mr. ROBERTS. But the Navy Department says it was in September.

Mr. MANN. I beg the gentleman's pardon. The Navy Department says August.

Mr. ROBERTS. But Mr. Lincoln submitted to the committee his original appointment under date of August 7, 1863. That is in the report, and was the statement I made.

Mr. MANN. I understand.

Mr. McCALL. I do not think it is at all material.

Mr. MANN. Except as a little reflection upon the navy record, which agrees with the army record. [Cries of "Vote!"]

Mr. ROBERTS. I want that little point cleared up, because the record is September at the department. It appears that he was appointed acting master's mate September 3, 1863, and Mr. Lincoln brought before us his original appointment by which he acquired the office, dated August 7, 1863.

Mr. MANN. The two statements do not contradict at all.

Mr. ROBERTS. Why, they simply show that the Navy Department did not record him as an officer on the day appointed. They gave him his commission and recorded it as of a date different from that on which he got it.

Mr. MANN. It only shows that the commission was not issued as soon as he assumed the duties of the office.

Mr. ROBERTS. He had been assigned to the duty, and the Navy Department did not make record of it until a later date.

Mr. MANN. Will the gentleman, with his record, tell us why this man was dismissed from the service?

Mr. ROBERTS. I stated that a moment ago.

Mr. MANN. I did not hear the gentleman state it.

Mr. ROBERTS. I stated that there were charges preferred against him for borrowing money from shipmates of the U. S. S. *Peri*. He had no knowledge of those charges at the time they were made, and when he got his dismissal he first learned why he had been dismissed, and then he sought a hearing. The department denied it to him. He never had heard until he was separated, why he had been separated, and the separation was merely dismissal. He was not discharged, but simply dismissed from the service of the navy, and he did not get a discharge, honorable or dishonorable. He got no discharge whatever.

Mr. MANN. He was dismissed because he was borrowing money from the men on board ship.

Mr. ROBERTS. He was dismissed because somebody alleged he was borrowing money.

Mr. MANN. And there was no denial?

Mr. ROBERTS. And he denied it.

Mr. MANN. There is no denial of the charge in the report. If the gentleman from Massachusetts who introduced the bill knows the facts, I should like him to state them.

Mr. ROBERTS. The gentleman from Illinois is quibbling.

Mr. MANN. The gentleman is not quibbling. The gentleman did not even refer this bill to the Navy Department for a report. Perhaps that is quibbling.

Mr. ROBERTS. I think the gentleman said a little while ago that Congress could act without instructions from the departments, and here in the first case where we propose to so act he says that the bill has not been referred to the department. I think we are able to dispose of this matter without requiring any further explanation from anybody.

Mr. MANN. Nothing is stated here in the report showing what the facts are to support the passage of this bill. Whatever the facts are I am quite sure the gentleman from Massachusetts does not know, or he would have told us. Now, if my other friend from Massachusetts will state the facts——

Mr. McCALL. I have stated all the facts in the case.

Mr. ROBERTS. This bill was referred by the committee to the Navy Department.

Mr. MANN. The report does not show that it was referred. The report says they had the record of this man.

Mr. ROBERTS. What difference does it make whether the report shows that the case was referred or was not referred?

Mr. MANN. I think it makes a good deal of difference.

Mr. ROBERTS. The House has the facts, and we are willing to abide by its decision.

Mr. MANN. Oh, I suppose the House in its present temper, where each Member has a bill on the calendar that he desires to have passed, will vote for any bill.

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside and to be reported to the House with a favorable recommendation.

JOHN B. FORD.

Mr. STERLING. Mr. Chairman, I call up the bill (H. R. 4737) to correct the military record of John B. Ford.

The bill was read, as follows:

Be it enacted, etc., That John B. Ford be held and considered to have been mustered into service as a private of Company A, Seventh Regiment Iowa Cavalry Volunteers, as of date of September 22, 1863, and an honorable discharge be issued in accordance with this act.

Mr. STERLING. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

GEORGE W. HEDRICK.

Mr. HAY. Mr. Chairman, I call up the bill (H. R. 7006) to correct the military record of George W. Hedrick.

Mr. KAHN. That has already been laid aside with a favorable recommendation.

The CHAIRMAN. The Chair is informed that that bill has already been favorably acted upon.

ORDER OF BUSINESS.

Mr. HASKINS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Vermont rise?

Mr. HASKINS. I rise for the purpose of asking——

Mr. MILLER. I desire to call up the bill H. R. 13319, Calendar No. 929. I understand all the desertion cases have been disposed of.

The CHAIRMAN. The Chair will state that there still remains another desertion case on the calendar undisposed of, and the Clerk will report that bill.

CORWIN M. HOLT.

The Clerk read the bill (H. R. 4931) to correct the military record of Corwin M. Holt, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of being absent without authority now standing on the rolls of the army against the name of Corwin M. Holt, late a first lieutenant of Company B, One hundred and third Regiment Ohio Volunteer Infantry, and grant him an honorable discharge.

The following committee amendment was read and agreed to:

At the end of the bill insert the words "as of May 1, 1865."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

PLEASANT THOMAS.

Mr. EDWARDS of Kentucky. Mr. Chairman, I desire to call up the bill (H. R. 1086) to correct the military record of Pleasant Thomas, late of Company B, East Tennessee National Guards.

The CHAIRMAN. Is it a desertion case?

Mr. EDWARDS of Kentucky. It is reported from the Military Committee.

Mr. MILLER. Are not the Committee on Claims entitled to the floor now, for the purpose of calling up bills on the calendar in their regular order?

The CHAIRMAN. The Chair will repeat what was stated by the Speaker of the House before he left the Chair, that bills removing charges of desertion and kindred bills are first in order.

Mr. MILLER. I will yield to the gentleman from Kentucky.

The CHAIRMAN. The Chair will ask the gentleman——

Mr. EDWARDS of Kentucky. My bill is reported by the Military Committee, and I understand the gentleman from Kansas has yielded to me for the purpose of having it considered.

Mr. MANN. He could not yield to him for that purpose.

Mr. EDWARDS of Kentucky. I believe I have the floor.

The CHAIRMAN. The gentleman is recognized in his own right, and the Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the military record of Pleasant Thomas be, and the same is hereby, so corrected as to read: "Enlisted in Company B, East Tennessee National Guards, September 1, 1863," instead of October 1, 1863, "and honorably discharged December 15, 1863."

The following committee amendment was read:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

Mr. EDWARDS of Kentucky. Mr. Chairman, I ask unanimous consent that this bill be laid aside with a favorable recommendation.

Mr. PARKER. Mr. Chairman, that is one of the cases in which the committee were not unanimous. I believe the gentleman from Texas [Mr. SLAYDEN] desires to be heard on that. I do not think unanimous consent ought to be given at this particular time for that bill.

Mr. EDWARDS of Kentucky. I think the gentleman is mistaken about the bill.

Mr. PRINCE. I do not think this is the bill. This is a unanimous report of the committee.

Mr. PARKER. I will tell you why I can not be mistaken: In making up the roll of bills to go into an omnibus bill the committee were called together to see whether there were any members of the committee opposed to those bills. We were only going to put into an omnibus bill at the last session those cases in which there was no opposition on the part of any member of the committee. This is a bill which corrects the date of a man's enlistment and the date of his discharge, changing the rules so as to give him three months' service instead of two months' service, away back in 1863. It is not of very great importance, because his service was good between the two dates, anyhow. I do not want to take the responsibility of objecting.

Mr. EDWARDS of Kentucky. Then do not object.

Mr. PARKER. I will let it go, under the circumstances.

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside, to be reported to the House with a favorable recommendation.

PATRICK CONLIN.

Mr. CAMPBELL. Mr. Chairman, I call up the bill (H. R. 7963) for the relief of Patrick Conlin.

Mr. BUTLER. Is that a charge of desertion?

Mr. CAMPBELL. It is the same as the last three or four that were passed.

Mr. MANN. No; it is not in order.

The Clerk read the bill, as follows:

Be it enacted, etc., That Patrick Conlin shall hereafter be held and considered to be entitled to all of the rights and benefits that he would be entitled to on account of military service, except pay, bounty, and other emoluments, if he had been continuously in the military service of the United States as a private of Company I, Fifty-seventh Regiment Ohio Volunteer Infantry, from the 27th day of January, 1862, to the 8th day of August, 1865, and had been honorably discharged on the date last named herein.

Mr. PARKER. Mr. Chairman, in this case Patrick Conlin said he was in the army three years, but there is not a single bit of record to show his being there. There is no doubt that he was around with the regiment and that he did service part of the time as a soldier. He was a very young boy; he was not enlisted; he was not mustered, but carried his gun. I am inclined to think there is quite enough merit in it to make it go, and I make no objection. I only want to state the fact.

Mr. MANN. I do not agree with the gentleman from New Jersey.

Mr. CAMPBELL. Oh, I hope the gentleman from Illinois will not object. The man was wounded in the service of his country. They would not muster him in on account of his youth, because he was so small, but they gave him clothing and they gave him a gun, placed him in the company, and he served in it for a period of more than three years. This is all gone over in the regimental history. The bill has passed this Congress twice. It once suffered a pocket veto, and on another occasion it was vetoed, not because of its merits but because of the language that is used in the bill. I will state that the language used now in the bill was language prepared by The Military Secretary and agreed to by the War Department.

Mr. MANN. I can readily believe the gentleman that if the bill passed it was vetoed twice. Any President who would take the trouble to read the report from the committee would veto the bill. I object to it.

Mr. PARKER. Mr. Chairman, I have looked over the case, and it is the case where the man did fight valiantly all through the war.

Mr. CAMPBELL. I would like to have the gentleman from Illinois read the report.

Mr. MANN. I have read it more carefully than has the gentleman from Kansas. I can quote things from the report, which I doubt if the gentleman himself can.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with a favorable recommendation?

Mr. MANN. I objected, Mr. Chairman, to the consideration of the bill. I said when the gentleman called the bill up that I objected to the consideration.

Mr. CAMPBELL. O Mr. Chairman, it has been considered, and the bill was read.

The CHAIRMAN. The Chair does not understand the ground on which the gentleman from Illinois objected to the consideration.

Mr. MANN. The gentleman from Kansas asked unanimous consent for the consideration of the bill, and I objected.

The CHAIRMAN. The Chair did not so interpret it.

Mr. CAMPBELL. I asked unanimous consent that the bill be laid aside with a favorable recommendation. The gentleman from Illinois objected to that. Now, I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The CHAIRMAN. The Chair can not see why the consideration of the bill is not in order. If the gentleman from Illinois will state to the Chair the reason, the Chair will keep his mind open.

Mr. MANN. I am inclined to think, Mr. Chairman, that the gentleman from Kansas has the right to make the motion, and that any other person who receives recognition from the Chair has a similar right to take up any bill on the calendar. Of course I do not insist on the point of order, although I do not believe in taking the bills up out of the regular order.

The CHAIRMAN. The gentleman from Kansas moves that the bill be laid aside with a favorable recommendation.

The question was taken, and on a division (demanded by Mr. MANN) there were 53 ayes and 4 noes.

So the bill was laid aside to be reported to the House with a favorable recommendation.

ORDER OF BUSINESS.

Mr. HASKINS. Mr. Chairman, I ask unanimous consent that all war-claim bills on the Private Calendar be passed for this day.

Mr. SIMS. Let me make an inquiry. Does the gentleman ask it because he thinks they will not be reached or considered after the order that we are now on is completed?

Mr. HASKINS. I make that request for the reason that this morning I had an understanding with the Speaker that to-morrow was war-claims day, and upon that I notified several Members who have claims pending that they would not be required to attend to-day.

Mr. BUTLER. A parliamentary inquiry.

The CHAIRMAN. The gentleman from Pennsylvania will state it.

Mr. BUTLER. Under the rule, war claims will not be considered on this calendar anywhere to-day. Is not that right?

The CHAIRMAN. The Chair will state to the gentleman that after the passing of the special bills removing charges of desertion, and of kindred nature, the Speaker of the House decided that bills on the Private Calendar would be in order.

Mr. BUTLER. Including war claims?

The CHAIRMAN. They were neither included nor excluded, and so the Chair recognizes the gentleman's request for unanimous consent that the committee may understand that those bills were not to be taken up at this session to-day. The gentleman from Vermont asks unanimous consent that the bill reported from the Committee on War Claims be not taken up at this session to-day.

Mr. MANN. I object.

The CHAIRMAN. Objection is made by the gentleman from Illinois.

Mr. HASKINS. Very well, Mr. Chairman; I move that all war-claims bills on the Private Calendar be not taken up to-day or be passed.

Mr. OLLIE M. JAMES. I would like to ask the gentleman, if that motion prevails when will the claims come up?

Mr. HASKINS. To-morrow.

Mr. MANN. Oh, they will probably never be reached again if they are not taken up to-day.

Mr. LANGLEY. Mr. Chairman, the gentleman from Vermont [Mr. HASKINS] states that he has notified several gentlemen interested in these war claims that they would come up to-morrow instead of to-day, and for that reason asks that they all be postponed until then. I am interested in one of them—a bill for the relief of the estate of Samuel Beatty, deceased—and I am here to-day, and I would like to have it acted upon to-day, because I might not be here to-morrow; and I am afraid that if I am here these cases may not be taken up, as the gentleman from Illinois [Mr. MANN] has suggested. This claim should have been paid many years ago, and I do not like to see it further postponed.

The CHAIRMAN. The question is on the motion of the gentleman from Vermont that in the consideration of bills on the Private Calendar to-day bills reported from the Committee on War Claims be not considered to-day.

Mr. CLAYTON. Mr. Chairman, do I understand the motion to be to pass them for to-day or to be considered to-morrow?

The CHAIRMAN. The Chair has no authority to say as to to-morrow. That is the understanding.

Mr. CLAYTON. Just passed without——

Mr. ROBERTS. Without prejudice.

The CHAIRMAN. Without prejudice.

Mr. OLLIE M. JAMES. That wants to be understood.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 68, noes none.

So the motion was agreed to.

BENJAMIN C. WELCH.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] called the attention of the Chair to a bill which the Clerk will report.

The Clerk read as follows:

S. 5388. For the relief of Benjamin C. Welch.

Mr. BUTLER. Against that I make the point of order. The next bill is calendar No. 554, a bill reported by the Committee on Naval Affairs.

Mr. MILLER. Mr. Chairman, I desire to inquire of the gentleman from Massachusetts if this bill which he calls up is a bill for removal of the charge of desertion?

Mr. GARDNER of Massachusetts. No; but it is analogous to these others.

Mr. MILLER. Then, Mr. Chairman, the first bill on the calendar is calendar No. 554.

Mr. GARDNER of Massachusetts. Mr. Chairman, I move to proceed to the consideration of the bill (S. 5388) for the relief of Benjamin C. Welch, which the Clerk was reading.

The CHAIRMAN. The Chair understands that a point of order has been made against the consideration of the bill. The point of order is that special bills now being considered, it is clearly in order that we shall begin at the head of the calendar.

Mr. GARDNER of Massachusetts. Mr. Chairman, I move that this committee proceed to the consideration of the bill.

The CHAIRMAN. The gentleman from Massachusetts moves that the committee proceed to the consideration of the bill (S. 5388) for the relief of Benjamin C. Welch.

Mr. WALDO. Mr. Chairman, I would like to inquire whether that is the next calendar number? I think No. 554 on the calendar is the next one.

The CHAIRMAN. The gentleman from Massachusetts clearly has the right to make the motion now before the committee. The question is on the motion of the gentleman from Massachusetts, that the committee proceed to the consideration of the bill S. 5388.

The question was taken, and on a division (demanded by Mr. MANN) there were—ayes 16, noes 46.

So the motion was rejected.

The CHAIRMAN. The Clerk will report the first bill on the calendar.

Mr. MILLER rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MILLER. Mr. Chairman, I desire to move that all bills be taken up in their regular order, with the exception of war claims.

The CHAIRMAN. The Chair will state that motion is not necessary, because that is the rule. The Clerk will report the first bill in order.

THOMAS P. MORGAN, JR.

The Clerk read as follows:

A bill (H. H. 1081) to pay Thomas P. Morgan, jr., amount found due him by Court of Claims.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas P. Morgan, jr., $6,357.82, in satisfaction of the findings of the Court of Claims of the United States in the case of Thomas P. Morgan, No. 692, Congressional, on the dockets of said court, said amount being the sum due said Morgan on a dredging contract in Norfolk Harbor with the Government, and for which the Government got value received.

The committee amendment was read, as follows:

In line 8, after the word "Morgan," insert the word "junior."

Mr. CHANEY. Mr. Chairman, I ask that the bill be laid aside with a favorable recommendation.

Mr. MILLER. Mr. Chairman, this matter has been very carefully considered by the Committee on Claims, and the committee recommend the passage of the bill with an amendment, and that amendment is that in line 8, page 1 of the bill, after the word "Morgan" the word "junior" be added. I move the adoption of the amendment.

Mr. MANN. Mr. Chairman, before the motion for the adoption of the amendment is presented I desire the floor for a moment. I do not desire to consume the time of the House in the reading of the report, but I do wish the gentleman from Indiana would state the merits of the case, about which there has been a great deal of controversy, and I think it is due to the House, if this bill be passed, that there be some statement in the RECORD concerning it.

Mr. MILLER. Mr. Chairman, if the gentleman from Illinois will yield to me, immediately after the adoption of the amendment I intended to yield to the gentleman from Indiana for that very purpose.

Mr. MANN. I understand the gentleman from Indiana will have plenty of time to make a statement, but I would like to have it now——

Mr. MILLER. And I hope the committee will grant him that time. I yield, Mr. Chairman, to the gentleman from Indiana [Mr. CHANEY], who will make a brief statement.

Mr. MANN. Mr. Chairman, I think I have the floor. I yield to the gentleman from Indiana [Mr. CHANEY] out of my time such time as he needs to make a short statement of the case.

Mr. CHANEY. Mr. Chairman, this is the case of Thomas P. Morgan, who had a dredging contract with the Government down here in Norfolk Harbor. Mr. Morgan's contract having been annulled on account of differences in disputes over the rapidity with which the work was done and from the long delay of the case in the War Department, failed to bring an action against the Government under the general jurisdiction of the Court of Claims within the statutory period so that he might have obtained a judgment for the amount due him. The amount that the Court of Claims found to be due him was retained percentages on the contract, for by the terms of the contract 10 per cent of the amount to be paid the dredger for the work was to be retained until after the contract had been executed. At the time the contract was annulled there was also a balance due him on account of the dredging work that had not been audited on the work when the contract was annulled. So the account that was sued for in the Court of Claims consisted of the items of retained percentages and the dredging work which was actually done by the contractor and which had not been stated for payment at the time that the contract ended and for which he was never paid. So these two items were sued for in the United States Court of Claims, and the court found on the evidence adduced that this amount of money—the retained percentages and the balance due on account of dredging work—should be paid, and found in his favor for that amount. Had he brought his suit within the period of the statute of limitations the court would have announced a judgment in his favor in the amount of money for which the court now makes findings merely. Owing to the fact that the court could only state its findings, and not a judgment, under the Tucker Act, the findings of the court are here for our consideration in the sums justly due Mr. Morgan, which he sued for. The United States got the benefit of the work that he did, and the money that is embraced in this finding is justly due to Mr. Morgan, and he ought not to be kept out of it any longer, and therefore I think it is a very just and proper thing to be passed now. The amount which the Committee on Claims has found is the same amount that the Court of Claims found. There is no guesswork about it. It was a judicial determination by the Court of Claims, which in this case makes the same sort of judicial investigation that it makes in a case where it pronounces a judgment.

So that there could be no question about the justice and merits of this case, and I submit that the bill ought to pass.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM PARKER SEDGWICK.

The next business on the Private Calendar was the bill (H. R. 1199) for the relief of William Parker Sedgwick.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint William Parker Sedgwick, late midshipman, an ensign in the United States Navy, and to place him upon the retired list as such, with three-fourths the pay of his grade.

Mr. FASSETT. Mr. Chairman, upon this calendar No. 1020 is identically the same bill, it having been reported back from the Committee on Naval Affairs of the House after favorable

action by the Senate on the same thing. It is identically the same, and I ask unanimous consent to substitute the bill S. 5263 for this bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FASSETT. Now, I move that this bill, unless the gentleman from Illinois [Mr. MANN] wants to hear about it——

Mr. MANN. I know about it.

Mr. FASSETT (continuing). Be laid aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, I did not object to the consideration.

Mr. FASSETT. I yield to the gentleman for a statement.

Mr. MANN. I do not wish the gentleman to yield to me.

Mr. FASSETT. I do not want to give up the floor, then, Mr. Chairman.

Mr. MANN. The gentleman can hold it as long as he pleases, and when he is through I will take it.

Mr. FASSETT. I hope the gentleman from Illinois [Mr. MANN] will not content himself with giving me the floor. Am I not entitled to the floor?

The CHAIRMAN. The gentleman from New York [Mr. FASSETT] has the floor for one hour.

Mr. FASSETT. Mr. Chairman, I will not take the time of this House further than to briefly state, first, that this bill proposes to entitle a midshipman to the benefits of the usual laws of retirement in the navy. This is done on the recommendation of the department. The House approved a similar action in the case of Midshipman Childs a year or two years ago, on the theory that the young man was disabled and met his disabilities in the service of his country and in the line of his duty. This young man graduated, I think, in 1904, completing his course at Annapolis, and standing twenty-fifth in a class of some sixty-odd, and was assigned to duty. In the line of duty he was overtaken by physical misfortune, was denied an examination, and on repeated examination promotion to the rank of ensign, where he would be entitled to retirement. Without this help he is left broken in health in the service of his country, and we ask for him now what the Navy Department has asked shall be provided for in a general bill, namely, that he may be retired on three-quarters pay. It substantially amounts to that, and I hope the House will be generous to this young man.

Mr. BARTLETT. How old is this young man?

Mr. FASSETT. He must be in the neighborhood of 36.

Mr. BARTLETT. And physically unable to perform any service in the navy?

Mr. FASSETT. He is not able to pass the physical examination. He contracted the white plague, tuberculosis, while in the service. If he is promoted to ensign, he can then get the benefit of the national hospital for such unfortunates.

Mr. BARTLETT. Is that the only benefit he will get?

Mr. FASSETT. He will get his retired pay, which will be three-quarters of the regular pay.

Mr. BARTLETT. No back pay?

Mr. FASSETT. No back pay.

Mr. Chairman, I yield to my colleague from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. This is one of three or four similar cases considered by the Committee on Naval Affairs of the House. Two of them are cited in this report. One similar in circumstances and facts passed this House about a year ago. That was the case of a Mr. Childs, who while still a midshipman contracted tuberculosis of the lungs, or consumption, and Congress very generously passed a special law placing him upon the retired list. It was accomplished upon the recommendation of the Navy Department. I repeat what the gentleman from New York [Mr. FASSETT] has said—the department has suggested that a general law be passed providing a general remedy such as is asked for in this case specially. I believe this to be the only branch of the service to which this right or privilege does not apply. This young man, at the expiration of the four years at the academy, went to sea and contracted this disease while performing service for the Government as a midshipman. He asks permission to go on the retired list at three-fourths the pay of an ensign, which is $1,540 a year, and which amounts to eleven or twelve hundred dollars. He asks that this bill may be expedited, that he may be possessed of sufficient funds to enable him to go to a hospital to make an effort to be cured.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. BUTLER. Cheerfully.

Mr. MANN. As I understand, the midshipman, if he becomes disabled during his term as such, does not go on the retired list.

Mr. BUTLER. The gentleman is correct.

Mr. MANN (continuing). And if he gets to be an ensign and becomes ill the next day, he could be put on the retired list.

Mr. BUTLER. The gentleman has stated the situation correctly.

Mr. MANN. As I understand, a midshipman, after actually leaving the academy, is still called a midshipman and can not be put on the retired list.

Mr. BUTLER. He can not be put on the retired list.

Mr. MANN. And after serving at the academy they do not get their appointment at once?

Mr. BUTLER. No.

Mr. MANN. It is still six years.

Mr. BUTLER. He has to serve two years at sea before being commissioned an ensign.

Mr. MANN. Suppose he had taken consumption while at the academy, is there not just as much reason for placing him on the retired list as there would be during the time he was serving two years afloat?

Mr. BUTLER. I do not know how to answer the gentleman's question. We were moved to report this bill favorably because this young man had had two years at sea, and his time for promotion was about reached when, upon physical examination, he was discovered to have consumption of the throat or lungs. Furthermore, it was reported to us that he had contracted this disease while at sea in the performance of his duty, and, having established a precedent not more than a year ago, the feeling of the committee was that we should ask the House to give this unfortunate young man the advantage of it and place him on the retired list.

Mr. MANN. It seems almost queer. This young man had two troubles—one was with his eye and one was with his lungs.

Mr. BUTLER. Yes, sir.

Mr. MANN (continuing). How would he be able to get into the academy with defective vision and defective lungs?

Mr. BUTLER. They both developed after admission. I believe that both of these disqualifications developed after he was admitted. He eventually adjusted the trouble with his eyes with glasses, and later on developed tuberculosis and was removed from the service.

Mr. MANN. Will the gentleman yield to a further question?

Mr. BUTLER. Yes, sir.

Mr. MANN. It is whether there is any effort on the part of the committee to adopt the suggestion made by the Secretary of the Navy, that a general bill be passed covering this kind of cases?

Mr. BUTLER. I have no doubt that such a bill will be reported, but with so many duties pending before the committee this one is not neglected, but is waiting its turn, and has not yet been considered; but I know of no division upon it in the Naval Affairs Committee.

Mr. MANN. There is no bill of that kind now?

Mr. BUTLER. None; but we do expect to report one during the next term of Congress.

The bill was ordered to be laid aside with a favorable recommendation.

The CHAIRMAN. Without objection, the House bill will be reported with the recommendation that it lie on the table.

There was no objection.

H. C. LINN AND SAMUEL POWELL.

Mr. MILLER. Mr. Chairman, I ask unanimous consent that the next bill on the calendar in its regular order be passed without prejudice, for the reason that the author of the bill [Mr. STEPHENS of Texas] is absent, and he has an amendment that he desires to offer.

Mr. MANN. What is the bill?

Mr. MILLER. It is the bill (H. R. 14000) for the relief of H. C. Linn and Samuel Powell, introduced by the gentleman from Texas [Mr. STEPHENS]. He is absent, but I am informed that he has an amendment he desires to offer to the bill, and that is why I ask that it be passed.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas? [After a pause.] The Chair hears none.

JOHN CROWLEY.

The next bill on the Private Calendar was the bill (H. R. 7807) to place John Crowley on the retired list of the United States Navy.

The bill was read, as follows:

A bill (H. R. 7807) to place John Crowley on the retired list of the United States Navy.

Be it enacted, etc., That in consideration of services rendered in the United States Navy during a period of thirty-two years, from April 11, 1865, to June 20, 1897, that the Secretary of the Navy be, and he

is hereby, authorized and directed to place John Crowley on the retired list of the navy with the retired pay of the rating in which he was serving at the time of his last honorable discharge.

Mr. BATES. Mr. Chairman, this bill was introduced by the Delegate from New Mexico [Mr. ANDREWS], and as a member of the subcommittee on private bills of the Naval Committee it was assigned to me to report and bring up in the House.

The report states that John Crowley, after thirty-six years' continuous service in the army and navy, was mustered out, and this bill seeks to give him the benefit of the provision of the retirement act of 1906, he having been retired about a twelvemonth before that legislation. The man had served thirty-six years, practically continuously, in both the army and navy, and he holds eight medals for reenlistment. I ask unanimous consent that the bill be laid aside with a favorable recommendation. The report of the Naval Committee upon it was unanimous.

Mr. MANN. Mr. Chairman, I know it meets with the disapproval of my friend from Massachusetts [Mr. ROBERTS] to ask why the Naval Committee does not get reports from the department on bills, but I am not sure that it would meet with the disapproval of all the Members of the House to have such reports. Whatever may be the authority of Congress, it is the practice to send almost all bills relating to different departments to those departments for reports, and I wish that somebody for the Naval Committee would either tell why they did not do it or else say that it none of our business.

Mr. BUTLER. Why, there is a report here.

Mr. MANN. I beg the gentleman's pardon. There is no report from the Navy Department on this bill.

Mr. BATES. There are set forth in full in this report two letters from the Chief of the Bureau of Navigation of the Navy Department.

Mr. MANN. I have them before me. I have read them.

Mr. BATES. They are certainly department reports, as this Chief of the Bureau of Navigation has more specific and intimate knowledge and intimate relations with this class of cases than the Secretary of the Navy could have.

Mr. MANN. Oh, well, there is not another committee in the House, I dare say, that will insist that a private letter, or any other kind of a letter, addressed to a Member of the House in reference to a proposition, is a report on a bill from the department. The committee of which I have the honor to be a member would not for a moment consider that to be a report of a department, and we would not think for an instant of bringing a bill here in reference to putting a bridge over a stream and submitting a report that contains a letter from the Chief of Engineers to Mr. MANN, or to Mr. JONES, or somebody else in the House. The bills are referred in regular order to the head of the department, who assumes some responsibility in connection with the legislation. This is not the first bill of this sort that has been in here to-day without a report from the department. As far as the letter from the chief of the bureau is concerned, the bill would seem to have some merit; but I think that we are entitled to have the departments pass upon matters of that sort.

Mr. BUTLER. Will the gentleman surrender the floor to me?

Mr. MANN. Certainly; I am through. I have the floor no longer.

Mr. BUTLER. I agree with the gentleman from Illinois that there ought to be department reports in all instances. I call the gentleman's attention, however, to the fact that this is a bill of a character upon which the department gives no special advice. This is a gratuity, if anything, to this old sailor, in view of his thirty-seven years' service. If you pass this bill, you will put him on the retired list with pay of about $28 or $30 a month. He would have been entitled to this retired pay if he had been able to hold out a year or perhaps a year and a half longer, but he reached the statutory age when he had to quit the service too early to receive the benefits of general law. A year after that, or perhaps a year and a half, a general law was passed which would have placed him upon the retired list, but unfortunately for him his service at this time was complete. While we do not desire to establish a precedent, the long and faithful service of this sailor induced us to recommend to the House that he go onto the retired list, where he will find his companions retiring one year later placed under the general law.

Mr. BATES. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

WILLIAM JENNEY.

The next business on the Private Calendar was the bill (H. R. 17059) for the relief of Mate William Jenney, U. S. Navy, retired, and the 8 other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement.

Mr. ELLIS of Oregon. Mr. Chairman, we are informed that by a recent ruling by the Department of Justice they have been given all that they could be given under this bill. I ask to have it passed without prejudice.

Mr. MANN. Then, why do you want to keep it on the calendar?

The CHAIRMAN. The gentleman from Oregon asks unanimous consent that the bill just reported be passed without prejudice.

Mr. MANN. Reserving the right to object, Mr. Chairman, I would like to ask the reason for keeping it on the calendar?

Mr. ELLIS of Oregon. The information came to us only a little while ago, and we would like to verify it.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon? [After a pause.] The Chair hears none.

KENNETH M'ALPINE.

The next business on the Private Calendar was the bill (H. R. 16927) for the relief of Lieut. Commander Kenneth McAlpine.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Lieut. Commander Kenneth McAlpine, U. S. Navy, a commander in the navy on the active list, subject to examination, to take rank next after Gustav Kaemmerling, as originally borne on the Navy Register from 1886 to 1903.

SEC. 2. That the said Kenneth McAlpine shall be considered to have been continuously in the naval service from the date of his appointment on September 13, 1877, but that he shall receive no pay or emolument for the period from July 17, 1903, to March 3, 1905; and that he shall be additional to the number of officers prescribed by law for the grade of commander in the navy, and to any grade to which he may thereafter be promoted.

SEC. 3. That the said Kenneth McAlpine shall perform engineering duty only, on shore only.

Mr. ROBERTS. Mr. Chairman, I move this bill be laid aside with a favorable recommendation.

Mr. MANN. I ask that the Clerk read the report, or a part of it, in my time.

The Clerk read as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 16927) for the relief of Lieut. Commander Kenneth McAlpine, U. S. Navy, having considered the same, report thereon with a recommendation that it do pass.

The committee recommend the enactment into a law of this bill for the relief of Lieut. Commander Kenneth McAlpine, U. S. Navy, restoring to him the rank and numbers, subject to examination, as originally borne on the Navy Register from 1886 to 1903, in the same manner as if he had remained in the service continuously from the date of his appointment on September 13, 1877. The said Kenneth McAlpine was, on July 21, 1903, discharged from the naval service with one year's pay for the alleged reason that he was morally disqualified for promotion, though he was declared to be mentally, professionally, and physically qualified for such promotion. The case was inquired into by the Committee on Naval Affairs during the second session of the Fifty-eighth Congress.

From the evidence adduced it was the opinion of the committee that an injustice had been done this officer, and upon the recommendation of the Secretary of the Navy, the commmittee reported with favorable recommendation a bill restoring Lieut. Kenneth McAlpine to service in the United States Navy. On March 3, 1905, Congress enacted this bill into a law and Lieutenant McAlpine was restored to duty in the United States Navy to rank at the head of the list of lieutenants.

From further investigation under the pending bill (H. R. 12967) it is apparent that the dismissal of this officer from the United States Navy was a punishment grossly in excess of the offense alleged, and that being out of the service between the time of his dismissal and his reinstatement by act of Congress this officer's punishment was in excess of the requirements for the good of the service.

The committee therefore believes that the restoration of the rank and numbers to this officer, which were lost to him by his dismissal from the service, is an act of justice, and is due him, in view of his record previous to the offense for which he was removed and since his restoration by act of Congress.

Mr. MANN (interrupting). That is all I desire to have read. I do not want to detain the committee, in view of the necessary absence from the House of the gentleman who introduced the bill, who is now before the Ways and Means Committee with some of his constituents. This is the second bill proposed in the interest of this gentleman. Congress passed one bill in 1905, giving him probably either all that he asked for or else all that the Naval Committee and Congress were willing to give him. There is one other case that is pending on one of the calendars, I believe, where they are asking for the third bill in behalf of one gentleman or his family. It seems to me, as a rule at least, that where one of these officers gets back into the navy by the aid of Congress, he ought to be willing to modestly wait, and not come in here before the ink is dry on the paper and ask for additional help.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken, and the bill was ordered to be laid aside with a favorable recommendation.

THOMAS J. MILLER.

The next business on the Private Calendar was the bill (H. R. 13319) for the relief of the heirs of Thomas J. Miller.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to examine into and ascertain the loss and damage sustained by Thomas J. Miller by the seizure and sinking of his ferryboat on the Columbia River by the armed forces of the United States, for the purpose of preventing the same being used by the hostile Indians during the late Bannock war in the Territory of Washington, in or about the month of July, 1878; and the sum of $500, or as much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of War to adjust and the accounting officers of the Treasury to pay to the heirs of the said Thomas J. Miller the amount of said loss and damage as allowed under the authority of this act.

With the following amendments recommended by the committee:

After the word "damage," in line 16, insert a comma and the words "not to exceed $500," so as to read: "not to exceed $500, as allowed under the authority of this act."

Mr. MILLER. Mr. Chairman, I move that the amendments to this bill be adopted and it be laid aside with a favorable recommendation.

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

WALTER W. KEEFE.

The next business on the Private Calendar was the bill (H. R. 8733) for the relief of Walter W. Keefe.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $427.75 to Walter W. Keefe, late civil plumber in the Quartermaster's Department at Fort Egbert, Alaska, for property destroyed by fire at Arlington dock, Seattle, Wash., on May 6, 1906.

Mr. MILLER. I move the bill be laid aside with a favorable recommendation.

The question was taken, and the bill was ordered to be laid aside with a favorable recommendation.

HENRY SWIFT.

The next business on the Private Calendar was the bill (H. R. 2952) for the relief of Chaplain Henry Swift, Thirteenth Infantry, U. S. Army.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,231.98, said sum to be a payment in full for all losses of personal property incurred by him by reason of the wreck of the U. S. transport Morgan City in the Inland Sea of Japan on or about September 1, 1899.

The following amendment was recommended by the committee:

At the end of the bill insert the following:

"*Provided*, That the accounting officers of the Treasury shall require a schedule and affidavit from him, such schedule to be approved by the Secretary of War."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

DEPOSIT SAVINGS ASSOCIATION, MOBILE, ALA.

The next business on the Private Calendar was the bill (H. R. 3760) for the relief of the creditors of the Deposit Savings Association, of Mobile, Ala.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Deposit Savings Association, of Mobile, a body corporate under the laws of Alabama, be, and it is hereby, relieved of all liability for the tax of 10 per cent on the amount of its own notes used for circulation and paid out by it previous to the 3d day of March, 1875, under the provisions of section 6, acts of March 3, 1865, and July 13, 1866, and of section 3412 of the Revised Statutes of the United States.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal receiver of the Deposit Savings Association the sum of $7,394.73, this sum being the amount of money heretofore made and collected by the United States of and from the property of said association on account of the liability of said association for said 10 per cent tax.

SEC. 3. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay or refund to the legal receiver of the said Deposit Savings Association the sum of $5,100, that being the purchase money of certain real property situate in the port of Mobile, which was, on August 20, 1874, as the property of said association and on account of its liability to said tax of 10 per cent, sold at public outcry, and afterwards by deed conveyed to the use of the United States, and subsequently, to wit, on the 12th day of September, A. D. 1881, sold by the United States for the said sum of $5,100, and that the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the said legal receiver of said association the sum of $1,857.77, which sum was collected by the United States as rent for said property from 1875 to 1881, inclusive.

Mr. MILLER. Mr. Chairman, this is the unanimous report of the Committee on Claims, and I move it be laid aside with a favorable recommendation.

Mr. MANN. This bill, Mr. Chairman, is without a precedent. There certainly ought to be some one on the Committee on Claims who knows enough about it to explain it.

Mr. MILLER. I will yield to the gentleman from Mississippi [Mr. CANDLER], who made the report.

Mr. CANDLER. Mr. Chairman, this bill was introduced by the gentleman from Alabama [Mr. TAYLOR], and has been favorably reported more than once. It was the unanimous report of the Committee on Claims of the Fifty-ninth Congress, and also the unanimous report of the committee of the Sixtieth Congress. It grew out of the issuance of some certificates of deposit or outstanding vouchers on the part of this institution amounting to about $20,000. Before these certificates were issued and put into circulation the question was submitted to the authorities of the United States Government. The Commissioner of Internal Revenue, in a letter addressed to the assessor at Mobile, decided the association was not subject to the tax. The same question was again submitted to the Commissioner of Internal Revenue and a similar decision rendered. These two letters are appended to this report as Exhibits A and B, and will speak for themselves.

The question was for a third time decided by the Commissioner of Internal Revenue in the same way, which letter is also appended to this report, marked "Exhibit C."

Acting upon these repeated decisions of the Commissioner of Internal Revenue, the association paid out its notes as certificates of deposit, as before stated. But the Attorney-General of the United States, in reply to a question, "Can a state bank pay out its own notes without paying the tax of 10 per cent imposed by section 6, act of March 3, 1865?" submitted to him for his opinion by the Secretary of the Treasury, answered the question on the 14th day of August, 1872, in the negative. Again, on the 23d day of February, 1874, in reply to the question—

Whether the phrase, "state banking associations," used in said section, should be taken to refer exclusively to associations organized under what are known as "state banking laws," or whether it includes an ordinary business partnership formed between two or more individuals for the purpose of doing a banking business, or a railroad company issuing scrip in the form of currency—

submitted to him for his opinion by the Secretary of the Treasury, answered that said section comprehends not only associations organized under state banking laws, but associations or partnerships formed by private agreement for the purpose of carrying on the business of banking. Also, that it may be taken to include a railroad company issuing scrip in the form of currency, where the issue by the company possesses the essential characteristics of a banking operation.

The Treasury Department followed the opinion of the Attorney-General, and in the assessment list of the Commissioner of Internal Revenue for November, 1873, the Deposit Savings Association of Mobile was assessed at $40,000, being an assessment of 10 per cent of the amount of such certificates of said association, which the Commissioner of Internal Revenue assumed had been paid out by said association between the 11th of October, 1873, and the 30th of November, 1873.

The collector of internal revenue at Mobile issued his warrant to seize the assets of said association for the payment of this assessment, and under it seized and sold and conveyed to the United States the bank building of said association in Mobile. He also seized the sum of $7,394.73 in money, the property of the association, which he deposited in the Treasury of the United States. The seizure was made on the 29th day of June, 1874. The deed under which the land was conveyed to the United States is dated August 25, 1875. The said land and buildings were sold afterwards by the United States for the sum of $5,100, and title made thereto on the 12th day of September, 1881.

It was subsequently referred to the commissioner again, and he says, "The case would seem to be one, therefore, in which equitable relief might be given if Congress is so disposed."

So we have the opinion rendered previous to the issuance of the certificates of deposit by the internal-revenue collector in three different instances, in which he held that these certificates were not subject to a tax of any kind, and under the decision of the officers of the United States these certificates of deposit were issued, and but for the decision of the proper authority of the United States Government they would not have been issued. Subsequent to that time, and acting upon the good faith of these decisions, they were issued, and afterwards it was held that they were taxable and the property was sold. They simply asked for the refund of the money of the proceeds of this property taken from them pursuant to these opinions, which were

contrary to what was afterwards thought to be the law. Subsequently, as I say, it was again submitted to the Commissioner of Internal Revenue, and he decided that it was a question for Congress.

Mr. MANN. Will the gentleman yield for a question?

Mr. CANDLER. Yes.

Mr. MANN. Were these deposits something like those clearing-house certificates issued in New York a year ago, that the gentlemen on that side of the House were insisting ought to pay this 10 per cent tax?

Mr. CANDLER. Well, I am not sufficiently familiar with the details of the issuance of the clearing-house certificates of New York to give the gentleman the information he desires, and I do not think that matter is involved here.

Mr. MANN. I would like to get some gentleman over there who is familiar with it. I have heard a number of gentlemen on that side of the House insisting that the administration ought to be condemned in every way because it did not require the 10 per cent tax to be paid on the clearing-house certificates. What is the difference between those and the gentleman's claim?

Mr. CANDLER. There may be none at all, so far as that is concerned, but the Attorney-General of the United States held in an opinion that the clearing-house certificates were not subject to tax.

Mr. MANN. Then I take it that the gentlemen on that side who vote for the claim with the gentleman vote with him for the claim and against him on principle, and that it is a question of dollars and cents and following the flag.

Mr. CANDLER. Which remark is accepted as a matter of pleasantry, in which spirit I am sure the gentleman makes it.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The bill was ordered to be laid aside with a favorable recommendation.

COMPAÑÍA DE LOS FERROCARRILES DE PUERTO RICO.

The next business on the Private Calendar was the bill (H. R. 15681) for the relief of the Compañía de los Ferrocarriles de Puerto Rico.

The Clerk read as follows:

Be it enacted, etc., That jurisdiction be, and is hereby, given to the Court of Claims (notwithstanding any statutory bar of limitations) over the claims of the Compañía de los Ferrocarriles de Puerto Rico, with power to find the facts and to enter judgment against the United States for the reasonable value of the services performed by said company in the island of Porto Rico for transporting the municipal police and guardia civille between the 12th day of August, 1898, and the 31st day of August, 1902, and for the difference between the amount allowed for transporting the troops, munitions of war, supplies, and the like and the reasonable value of said services for the same period, together with the expense of repair and maintenance of telegraph lines of the Signal Corps, all of said services having been performed during the military occupation of said island.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That jurisdiction be, and is hereby, given to the Court of Claims (notwithstanding any statutory bar of limitation) over the claims, legal or equitable, of the Compañía de los Ferrocarriles de Puerto Rico, with power to hear and determine the same, finding the facts, and render judgment against the United States, upon any liability of the United States, if such liability be found, for alleged services performed by said company in the island of Porto Rico in transporting the municipal police and guardia civille between the 12th day of August, 1898, and the 31st day of August, 1902, and in transporting the troops, munitions of war, supplies, and the like, and for alleged expense of repair and maintenance of telegraph lines of the Signal Corps, all of said services having been performed during the military occupation of said island."

Mr. MILLER. Mr. Chairman, I move the adoption of the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

L. H. LEWIS.

The next business on the Private Calendar was the bill (H. R. 10986) for the relief of L. H. Lewis.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to L. H. Lewis, out of any money in the Treasury not otherwise appropriated, the sum of $33.65, amount due him for expenses incurred in excess of his traveling allowance as deputy collecter of internal revenue for the fiscal year ending June 30, 1906.

Mr. MILLER. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to, and the bill was ordered to be laid aside with a favorable recommendation.

A. A. LEWIS.

The next business on the Private Calendar was the bill (H. R. 10987) for the relief of A. A. Lewis.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to A. A. Lewis, out of any money in the Treasury not otherwise appropriated, the sum of $128.02, amount due him for expenses incurred in excess of his traveling allowance as deputy collector of internal revenue for the fiscal year ending June 30, 1906.

The bill was ordered to be laid aside with a favorable recommendation.

FREDERICK DAUBERT.

The next business on the Private Calendar was the bill (H. R. 17344) for the relief of Frederick Daubert.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and empowered to pay to Frederick Daubert $596.31, out of the moneys paid by said Daubert under cash entry No. 195, made at the El Reno (Okla.) land office, and to deposit in the Treasury of the United States on account of sales of public lands the sum of $85.19, being the balance paid by said Daubert under said entry.

Mr. MILLER. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. BEALL of Texas. Mr. Chairman, I would like for the chairman of the committee to give an explanation of this bill.

Mr. FULTON. Mr. Chairman, I can explain. Under the act of Congress of May 2, 1890, settlers upon these lands in Oklahoma were permitted to enter them for town-site purposes upon the payment of $10 per acre. Mr. Daubert, named in this bill, entered a tract of land and paid $10 per acre. They afterwards decided not to use it for a town site, and he went on and improved it as under a homestead entry, for which he would have paid $1.25 per acre, but he had already paid in at the rate of $10 per acre, and he now seeks to get back the difference, and the only way to get it back is by an act of Congress.

The CHAIRMAN. Without objection, the bill will be laid aside with a favorable recommendation.

There was no objection.

WOODWARD CARRIAGE COMPANY, SAN ANTONIO, TEX.

The next business on the Private Calendar was the bill (H. R. 5826) to pay the Woodward Carriage Company, of San Antonio, Tex., for the loss of a horse while being used by the Department of Agriculture.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Woodward Carriage Company, of San Antonio, Tex., the sum of $100 for a horse that died while in use by an employee of the Department of Agriculture.

Mr. MILLER. Mr. Chairman, I move the bill be laid aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, this bill may not be an illustration of the laxity of the committees, but it draws another moral lesson which I desire to call to the attention of the House. I do not remember in my service in the House in any other bill where Congress was called upon to pay for the loss of a horse which had been turned over for the use of an official of any other department of the Government, and it seems to me somewhat peculiar that that branch of the Government especially devoted to the proper care of horses should send in to Congress a request for payment for a horse killed through the inefficiency and lack of knowledge of the man who fed the horse. The report says:

The veterinarian who was immediately called said that the death of the animal was caused by improper feeding while employed by the agent of the Department of Agriculture.

[Laughter.]

The committee, in addition to recommending the payment of the money, ought to require all officials of the Department of Agriculture when they hire a livery horse to carry with them some of the numerous bulletins from the Department of Agriculture telling how to properly feed a horse. [Laughter.]

Mr. MILLER. Mr. Chairman, if the gentleman from Illinois will introduce a bill of that sort we will try to accommodate him by making a favorable report upon it. I now move that this bill be laid aside with a favorable recommendation.

The motion was agreed to.

Accordingly the bill was laid aside with a favorable recommendation.

JABEZ BURCHARD.

The next business on the Private Calendar was the bill (H. R. 7843) for the relief of Jabez Burchard.

Mr. BATES. Mr. Chairman, I move that the bill S. 3125 be substituted for the House bill. I ask unanimous consent to consider the Senate bill, which has already passed the Senate in place of the House bill.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to substitute an identical Senate bill for

the one on the House Calendar. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. And that the House bill be reported back to lie on the table?

Mr. BATES. Yes; I was going to put that motion later, and I may as well make the motion now. I move, Mr. Chairman, that the House bill lie on the table.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to transfer Jabez Burchard, assistant engineer, United States Navy (retired), from the half-pay list to the 75 per cent list of retired officers under section 1588 of the Revised Statutes of the United States, to take effect from the date of his retirement.

Mr. BATES. Mr. Chairman, this is a bill for the relief of Jabez Burchard, introduced by Mr. BINGHAM, of Pennsylvania, recommended by the unanimous report of the Committee on Naval Affairs, and I am designated, as a member of the subcommittee on private bills of the Committee on Naval Affairs, to report the bill. Jabez Burchard was a third assistant engineer in the United States Navy, and this bill seeks to give him the advantages, having been disabled by reason of duty in the service, of three-fourths instead of one-half pay. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

Accordingly the bill was laid aside with a favorable recommendation, and a similar House bill was ordered to lie on the table.

SALARY OF UNITED STATES JUDGE, PORTO RICO.

The next business on the Private Calendar was the bill (S. 2210) to increase the salary of the United States district judge for Porto Rico.

The Clerk read the bill, as follows:

Be it enacted, etc., That the salary of the United States district judge for Porto Rico shall, from and after the 1st day of July, 1908, be $6,000 per annum.

Mr. MANN. I make the point of order that that bill, although on the Private Calendar, belongs on the Union Calendar. It is not a private bill.

The CHAIRMAN (Mr. LAWRENCE in the chair). Does anybody wish to be heard in opposition to the point of order?

Mr. MILLER. Not at all. I am not interested in this matter. The gentleman from Wisconsin [Mr. COOPER] is not here, and he is the author of the bill.

The CHAIRMAN. The Chair sustains the point of order.

GEORGE W. YOUNG.

The next business on the Private Calendar was the bill (S. 534) to reimburse George W. Young, postmaster at Wanship, Utah, for the loss of postage stamps.

The Clerk read as follows:

Be it enacted, etc., That there be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the reimbursement of George W. Young, postmaster at Wanship, in the State of Utah, for postage stamps stolen from a safe without fault on his part, $163.87.

Mr. MILLER. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, I do not know but the bill ought to be passed, but I think the gentleman ought to show very briefly that there are special reasons for this, because the reading of this bill, if the law, would cause postmasters to think, or other people to think, that the Government made no provision for cases of this kind where stamps are stolen. They endeavor to make out, and probably do make out, a case, not without fault on the postmaster's part, as far as the regulations are concerned.

Mr. MILLER. Mr. Chairman, there is not anything in this case that is different from any other of this class of cases. It is a case of a fourth-class postmaster who was taking the same care of the funds of the Government of the United States as he was of his own property, and it would have made no difference whatever where the money had been at this time. It would have been stolen anyhow. He asked to be relieved by the Post-Office Department, and the Post-Office Department declined to relieve him.

The Postmaster-General says he knows no reason why this should become a law. We think where the postmaster of a fourth-class office, without any salary, and no allowance scarcely, where he has taken honest care of the postage stamps of the United States Government and loses them, ought not be required to stand the loss. We have reported a number of bills of this character, and they have become law.

Mr. MANN. I said that I thought probably the bill ought to pass, but it ought not to leave the inference that there is nothing exceptional in the case from the ordinary case, because the Government makes provision without acts of Congress for paying, if the man had complied literally with all of the postal regulations.

Mr. STAFFORD. I noticed, reading from the letter of the then Postmaster-General, Mr. Cortelyou, that the department considered he had been derelict in ordinary care in taking charge of these postage stamps, because the safe from which the stamps had been pilfered by robbers had been previously broken into and had never been repaired. One of the regulations of the department, so far as the care of postage stamps is concerned, requires postmasters to keep postage stamps in their personal custody or else exercise reasonable care for their preservation, and here we find that the postmaster did not take the reasonable care that the department thought should be exercised by postmasters of securities of this high order.

Mr. MILLER. The evidence in this case showed to the committee conclusively that the postmaster had taken proper and ordinary care. He had had the safe repaired. It did not work very well after it was repaired, probably not as well as it had before, but he had taken every precaution he possibly could, and, notwithstanding his repairing of the safe as it was repaired, it had been opened.

Mr. STAFFORD. Then the gentleman takes issue with the then Postmaster-General, who stated that the safe had not been repaired, for in his letter to Senator SMOOT, of date January 16, 1907, he makes the explicit statement that the safe had not been repaired——

Mr. MILLER. I call the attention of the gentleman——

Mr. STAFFORD (continuing). And afforded no protection whatever to its contents.

Mr. MILLER. I call the attention of the gentleman to the statement of the postmaster himself, which follows that statement, which says that it had been repaired.

Mr. STAFFORD. But not under oath, and a statement which postmasters may be willing to make when there is a money claim involved.

Mr. MILLER. Let me suggest to the gentleman that we took the statement of the postmaster, believing it was true, because he was reported to us as a man of the very highest character, not only by the Senator from his State, who was interested in the matter, but also by the Member of the House from that district, the gentleman from Utah [Mr. HOWELL]. We took their statements as to his character and his standing.

Mr. STAFFORD. And the Post-Office Department—if Mr. Cortelyou's statement is to count for anything—made an investigation and ascertained that he had not taken reasonable care, but had negligently left the stamps in a safe that had previously been blown open and which had not been repaired, and therefore in an unsafe place.

Mr. WALDO. The rule in regard to these small post-offices is, if they have a safe, it must be locked; if they have not a safe, but only have a drawer without any lock, they may keep the stamps in the drawer without any lock, if that is where their own money is kept. It is merely technical.

Mr. STAFFORD. I wish to challenge the statement that the regulations will relieve them of the responsibility for the funds of the Post-Office Department if they deposit them in a drawer and leave it unlocked.

Mr. WALDO. It is so; if that is where he keeps his own money.

Mr. STAFFORD. Well, no reasonable man does that with his own money.

Mr. WALDO. Yes; they do.

Mr. STAFFORD. They do not leave it unprotected.

Mr. MURDOCK. Do you contend that the average postmaster has a safe?

Mr. STAFFORD. The postmaster, according to the regulations, has to care for the funds, and generally takes the stamps home and keeps them in his personal possession.

Mr. MILLER. Mr. Chairman, we have already taken enough time to pay this claim.

Mr. MANN. Mr. Chairman, I think the claim ought to be paid. I served once under the Post-Office Department myself. I know what the regulations are and know how ridiculous their enforcement often is. When I was postmaster I often had a thousand to two thousand dollars in my possession as a consequence of international business. There was no national depository in my own town. We had a safe connected with my father's office, in which he put papers, and he said that he did not wish to invite burglars into his safe [laughter] and would not permit me to deposit the funds of the post-office there. So I was compelled to take the money to the bank which was next door and had to go there and get it. After a while the regular inspector would come around. The first thing he would do

would be to count the cash. So he would go to the cash drawer, and I would walk to the bank and bring the money in. In the course of a few weeks I received notice from the Post-Office Department informing me that I was violating the regulations of the department in not carrying the money around in my jeans, and warning me that a continued violation of the regulations would warrant my dismissal. Nothing more ridiculous has ever occurred to me in my life than the measures which the Government requires a postmaster to take for the protection of the money, and which will require him to keep it in a worse and less safe way possibly.

The bill was ordered to be laid aside with a favorable recommendation.

LAWSON M. FULLER.

The next business on the Private Calendar was the bill (H. R. 5461), for the relief of Lawson M. Fuller, major, Ordnance Department, U. S. Army.

The bill was read, as follows:

Be it enacted, etc., That to reimburse Maj. Lawson M. Fuller, Ordnance Department, U. S. Army, for loss incurred by him of his personal effects during their transportation on board the United States chartered transport Morgan City to the Philippine Islands, whither he had been ordered to join his station, there shall be paid to him, out of any money in the Treasury of the United States not otherwise appropriated, a sum equal to the loss so sustained by him: *Provided*, That the accounting officers of the Treasury shall require a schedule and affidavit from him, such schedule to be approved by the Secretary of War.

SEC. 2. That the relief granted by the provisions of this act shall be in full satisfaction of any and all claims whatever against the United States on account of this loss.

The bill was ordered to be laid aside with a favorable recommendation.

ABRAHAM JONES.

The next business on the Private Calendar was the bill (H. R. 8924) for the relief of the heirs of Abraham Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs of Abraham Jones, deceased, late of Union County, Miss., the sum of $54.54, being the balance due said Abraham Jones for carrying the mails under contract with the United States Government on route No. 7480, between Oxford, Miss., and Rockford, Miss., from January 1, 1861, to March 31, 1861.

Mr. MILLER. I move that the bill be laid aside with a favorable recommendation.

Mr. MANN. I would like to ask the gentleman a question, as there are a number of these bills that have been reported in the last few years. How much will the claimant probably get out of it if the claim is allowed, and how much will the Washington attorneys, who worked up the claim, get? Do you suppose the claimant will get any of this $54?

Mr. MILLER. So far as the committee knows, there is no attorney connected with the case whatever. The amount is $54, and I assume it will go to the claimant.

Mr. CANDLER. I can state to the gentleman from Illinois that no attorney represents this claim. My colleague from the second district [Mr. SPIGHT] introduced the bill, presented the affidavits, and is the only representative of the claim.

The bill was ordered to be laid aside with a favorable recommendation.

ALICE M. STAFFORD.

The next business on the Private Calendar was the bill (S. 1729) for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford, of the Fifteenth Infantry, U. S. Army, out of any money not otherwise appropriated, the sum of $749.92, the same being the amount of money necessarily advanced and paid by him out of his own personal funds while first lieutenant and regimental quartermaster, Fifteenth Infantry, post quartermaster and commissary at Fort Wingate, N. Mex., in the years 1879 and 1880, in order that the troops in said command might have fresh beef and necessary food during the fourteen months' drought in which no rain fell in the region of said fort, and during which time the beef presented for issue by the beef contractor was of such poor quality as to be unfit for food for said command.

Mr. MILLER. I move that the bill be laid aside with a favorable recommendation. I desire to make a statement with reference to this case. This is a case that was considered——

Mr. MANN. Is the gentleman talking on his motion? The motion is not in order until we dispose of general debate.

Mr. MILLER. Mr. Chairman, I desire to make a statement in reference to the case.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation, and the gentleman from Kansas has the floor.

Mr. MILLER. This bill was considered very fully in Committee of the Whole House on the state of the Union formerly. The bill was reported to the House. It passed the House and the Senate, and then it went to the President and was by the President of the United States vetoed, for the reason that the amount of the bill was larger than the records of the War Department showed that the man was entitled to.

In other words, the records in the department showed that he was entitled to about $749, as I remember it now, while the bill provided for the payment of about $1,100 or $1,200. The President vetoed it distinctly for the reason, as he stated in his veto message, that the amount was larger than the records showed the officer was entitled to. The bill was reintroduced for the purpose of correcting the error, and it is now reported by the committee for the amount which the records of the War Department show he was entitled to. There was no question whatever about the right of the man to recover in the mind of any member of the committee who carefully considered this matter, and I trust that the Committee of the Whole will lay it aside with a favorable recommendation.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

SAMUEL L. BARNHART.

The next business was the bill (H. R. 17026) for the relief of Samuel L. Barnhart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized to refund to Samuel L. Barnhart, of St. Lawrence County, N. Y., the sum of $639.48, and pay said amount to him out of any money in the Treasury not otherwise appropriated, the same being for duties wrongfully and illegally collected from said Barnhart.

The following committee amendment was read:

In line 8 strike out the words "wrongfully and illegally," and at the end of the bill add the words "on account of an error in billing same from Cornwall, Ontario."

Mr. MILLER. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. MANN. Especially in view of the absence of members of the Committee on Ways and Means, there certainly ought to be an explanation of this bill.

Mr. MILLER. I yield to the gentleman from New York [Mr. MALBY], who introduced the bill.

Mr. MALBY. Mr. Chairman, this bill is for the return by the Treasury Department to Mr. Barnhart of the sum of about $650 for certain duties which he paid under the following circumstances: Mr. Barnhart was the owner of a cheese factory located at Barnharts Island, in the river St. Lawrence, which is contiguous to Canadian territory, but within the limits of the United States. He shipped the cheese from Barnharts Island via Cornwall, which is the port of entry nearest the island, to consignees in Boston. He made application to the United States consul at Cornwall for an invoice which would carry the goods through in bond to Boston, as provided by our laws, but the consul gave him the wrong invoice, which called for the payment of duties at Boston instead of allowing them to go free from one point in the United States to another point in the United States, as they were entitled to. The cheese having arrived at St. Albans, the first American port of entry on its road to Boston, a demand was made for the payment of the customs duties, which were paid unknown to Mr. Barnhart. Clearly this collection by the Government of the United States was wholly illegal and without warrant of any law. Clearly it should be refunded, because it was a payment made where no law required it. This bill is to reimburse Mr. Barnhart for the amount of duty paid.

Mr. KEIFER. Does not the statute give a person who pays duty under such circumstances the right to go into court and determine the matter?

Mr. MALBY. I will say to the gentleman from Ohio that there is no such law. There is a provision that if the shipper makes a claim within ten days after the date of shipment, the Secretary of the Treasury has the right to reimburse him. In this case there was no knowledge on the part of the shipper that anybody had paid the amount until after the ten days expired.

Mr. MILLER. There was no opportunity whatever to give the notice.

Mr. MALBY. There was no opportunity whatever to give the notice, because the duty had been paid more than ten days prior thereto without notice. The consignee paid it at the first American port, St. Albans.

Mr. KEIFER. There certainly is a statute which allows a person who makes an illegal payment of that kind to do it under protest and go into court and have the matter adjusted.

Mr. MALBY. That is just the difficulty. We did not have notice that our cheese was held up for the payment of duties. You have a right to ship goods through in bond from one port

in the United States to another port of the United States, even though they go through foreign territory on the way. That is precisely what we undertook to do, but the difficulty was that when we arrived at the first port of entry, owing to the fact that the consul at Cornwall had given a wrong invoice, being a mistake of the government official, the consignee was obliged to pay the duty or our cheese would have been confiscated. No notice was given to us of the payment until after the ten days elapsed. Hence, we are obliged to come here for relief, because the Secretary of the Treasury holds that he has no warrant of law to make the repayment.

Mr. KEIFER. Was an application made to the Treasury Department to adjust it?

Mr. MALBY. There was, and the Secretary affirmed what I have said.

Mr. MANN. Does not the gentleman a little mislead us by saying that "We paid the duties?" Is it not the fact that the consignee paid the duties without the knowledge of the consignor until after the time for making application had passed?

Mr. MALBY. That is true. I did not intend to mislead you; I mean to say that the consignee paid the duties out of the moneys which he owed us.

Mr. MANN. I did not mean to intimate that the gentleman intentionally misled us.

The bill was ordered to be laid aside with a favorable recommendation.

ANNIE WARD.

The next business on the Private Calendar was the bill (S. 558) to authorize a patent to be issued to Annie Ward, formerly Annie Brown, for certain lands therein described.

The Clerk read the bill.

Mr. MILLER. Mr. Chairman, I desire to call attention to the fact that the author of the bill is not present, and ask that it be passed without prejudice.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

JOHN WAGNER.

The next business on the Private Calendar was the bill (H. R. 4119) to pay John Wagner, of Campbell Hall, N. Y., for carrying the mails.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to John Wagner, of Campbell Hall, N. Y., out of any money in the Treasury not otherwise appropriated, the sum of $152.53, for carrying the United States mails to the Wallkill Valley Railway and to the post-office at Campbell Hall, N. Y., from November 3, 1897, to January 7, 1901.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

HILARY WILLIAMS.

The next business was the bill (H. R. 10416) to correct the naval record of Lieut. Hilary Williams, U. S. Navy.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to amend the naval record of Lieut. Hilary Williams, U. S. Navy, by placing his name on the official Navy Register of the Navy Department next after that of Lieut. Charles T. Owens, U. S. Navy, and to receive rank of lieutenant, United States Navy, from January 1, 1904.

Mr. MANN. Had not this bill better be passed without prejudice?

Mr. BUTLER. Mr. Chairman, unless gentlemen have some questions to ask, I move that it be laid aside with a favorable recommendation. The bill is recommended by the department, and its purpose is to restore the officer to the place he lost on the Register because, at the time he lost it, the Navy Department did not have the regulation that it now has. The officer was on duty and did not have time or opportunity to prepare for examination, and when the examination time was reached he was unprepared, failed, and lost 47 numbers. The Committee on Naval Affairs at first recommended that he should lose but 10 numbers. The Navy Department sent us the second communication. It desired that he should not be demoted at all, but that he should be restored to the place on the Register to which he originally belonged. He has passed a good examination since. If this examination had occurred a little later he would not have lost a single number. He would have had a chance for a second examination and would undoubtedly have passed. This, according to a naval regulation passed shortly after his failure. In view of the recommendation of the department and the extenuating circumstances, we concluded he should have his original place on the Register, and I ask that the bill be laid aside with a favorable recommendation.

Mr. HULL of Iowa. Mr. Chairman, the law in regard to the army and navy officers requires that if they fail in examination they shall have the man promoted over them that passes, and they have a year to come up for another examination for promotion to the grade that is open. If that law means anything, it means that those that give the most attention to their duties, that are best qualified as officers, shall be the ones to receive the promotion.

There is a law passed by Congress this last session that provided in the medical department of the army that a man that failed of examination should never be promoted. In other words, Congress expressed itself that a man to receive promotion must show that he is worthy of it by being able to pass the examination each time. I assume that there are at least 50 men in the army who have been set back by waiting a year for examination. I do not believe they ought to go ahead of the men that passed the examination when they failed, and for that reason I hope that the Committee on Naval Affairs will not set a precedent for Congress to set aside the laws of Congress each time by providing that a man shall lose nothing if he fails to pass an examination. Now, if this bill does not do that, what does it do? If this bill passes, you restore him to what he would have had if he had not failed.

Mr. BUTLER. Yes; but this man did not have an opportunity to prepare himself for the examination. When the opportunity was given, he did prepare himself and passed successfully, and it for that reason that the department asks that an exception be made in his case. He is a splendid officer, and the department has no desire that he should be demoted 47 numbers.

Mr. MURDOCK. Mr. Chairman, I want to know of the gentleman from Pennsylvania [Mr. BUTLER] if this bill, which will be to the benefit of the man named, will be to the detriment of anyone.

Mr. BUTLER. Yes, it will. The gentleman will note that the officer fell back under the naval regulations 47 numbers, because of his failure. When he finally passed his examination he was still back 47 numbers. If he had not been unfortunate he would have been ahead the 47 numbers, but his failure to pass, I state to my friend, was not chargeable to any neglect on his part. It was because he did not have the chance to prepare, and it is for that reason the department asks that he should be restored to the place on the register the department thinks he ought to have. We are not in favor of promoting men who fail in their examinations because of neglect on their part.

Mr. HULL of Iowa. How long a time elapsed between his first and second examinations?

Mr. BUTLER. I can not tell exactly, but my recollection is that it was a short time.

Mr. MANN. May I inquire of the gentleman who reported the bill how many reports he has made of this bill?

Mr. BUTLER. Mr. Chairman, the first report was made in which we recommended that he should be demoted 10 numbers. The department then sent the second letter to the committee and suggested it was not the intention of the department to recommend that he should be demoted a number under the circumstances, and we then made a second report—two reports, I will state to the gentleman, that I remember of.

Mr. MANN. How many numbers does this demote or promote the man?

Mr. BUTLER. If this bill passes he will not be demoted at all.

Mr. MILLER. It restores him.

Mr. MANN. The gentleman says the department recommends the passage of the bill?

Mr. BUTLER. Yes, in answer to my friend; it does in both letters. It says other officers failing were given a second examination; and by Naval Regulations all failing officers are now given a second examination. But this gentleman, Mr. Hilary Williams, was not given a second examination, because at that time there was no rule of the department which would entitle him to it.

Mr. MANN. Is it not a fact that on the other report which the gentleman made, reporting the same bill, he included a letter from the department which he conveniently leaves out of this report——

Mr. BUTLER. Mr. Chairman, I did not leave out any statement or report from the department. Everything the department has sent the committee relating thereto is in this report, and I do not "conveniently" leave anything out, because I am not "conveniently" interested in this bill, except as a Member of this House, and I am not here for the purpose of misleading anybody.

Mr. MANN. If the gentleman takes offense at anything I said, I beg his pardon; it was not intended as an offense. I see that he does not leave the letter out, even. The letter upon which was based the first report distinctly recommended that the man should not be put back in his original position, but should lose 10 numbers. The second letter provides the same thing. The gentleman says that the department recommends the passage of this bill. I say the department is not in favor of the passage of this bill.

Mr. BUTLER. Mr. Chairman——

Mr. MANN. Oh, I am reading the language right before me. The department recommends favorable action on the bill which will put this man back to where he was before, with the loss of 10 numbers.

Mr. BUTLER. Mr. Chairman, if the gentleman will permit me, at the conclusion of the letter sent to the Naval Affairs Committee on March 16, 1908, a month and six weeks subsequent to its former letter, this language appears:

The intention of the department was to recommend the bill as originally introduced to the favorable consideration of the committee, but that it considered it very desirable that the law as it now stands be changed so that an officer who failed to pass an examination for promotion would lose 10 numbers rather than a year's suspension. Other officers who failed about the same time Lieutenant Williams did were given a second examination, and thus did not lose numbers, and it is to put Lieutenant Williams on the same footing as these other officers that the department favors this bill.

Mr. MANN. That is all very true; but what is the bill the department is talking about? It is talking about the bill about which the department uses this language:

The bill has been amended, as the department understands, so as to reduce the loss of numbers suffered by Lieutenant Williams from 47 to 10. The original bill restored him to his original place on the list.

And the bill recommended by the department is not the original bill restoring him to his original place on the list, but reducing him 10 numbers. If the gentlemen would only read more carefully their own reports——

Mr. BUTLER. Mr. Chairman, I state the facts as distinctly as I know how to state them. Furthermore, from a conversation that I had at the department, it is the desire of the department that this man should be put in his proper place, and at the right time I shall move that this bill be laid aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, while I might not agree with the distinguished gentleman from Pennsylvania [Mr. BUTLER] as to what is in the report—I am just as qualified to read that as he is, and I am sure he has not read it as recently as I have—when he makes a statement as to the desire of the department from a conversation with them, knowing him as I do I am willing to accept his statement. [Applause.]

Mr. BUTLER. Thank you.

The bill was ordered to be laid aside with a favorable recommendation.

WARNER BAILEY.

The next business on the Private Calendar was the bill (H. R. 17640) to authorize the issuance of a patent to the assignees of Warner Bailey for land located in Choctaw County, State of Alabama.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of the General Land Office be, and he is hereby, authorized and directed to issue a patent to the assignees of Warner Bailey conveying all the right, title, and interest of the Government of the United States in and to the following-described land: West half northeast quarter and east half northwest quarter, section 36, township 12 north, range 3 west, lying and situated in Choctaw County, State of Alabama.

The committee amendment was read, as follows:

Provided, That the said patent shall be in full satisfaction of and shall extinguish military bounty-land warrant No. 75743.

The bill as amended was ordered to be laid aside with a favorable recommendation.

COLON ELOY ALFARO.

The next business on the Private Calendar was the joint resolution (H. J. Res. 157) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. Colon Eloy Alfaro, of Ecuador.

The Clerk read the bill, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to permit Mr. Colon Eloy Alfaro, of Ecuador, to receive instruction at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that the said Colon Eloy Alfaro shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the courses in the various departments of instruction: *And provided further*, That in the case of the said Colon Eloy Alfaro the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

Mr. HULL of Iowa. Mr. Chairman, I will say this is simply the ordinary resolution that has always been favorably considered by Congress. When any of our sister republics request this the Secretary of State sends it to the War Department and the War Department transmits it to Congress. I therefore move that it be laid aside with a favorable recommendation.

The CHAIRMAN. The gentleman moves that the bill be laid aside with a favorable recommendation. Is there objection? [After a pause.] The Chair hears none.

S. R. HURLEY.

The next business on the Private Calendar was the bill (H. R. 17276) for the relief of S. R. Hurley.

The Clerk began the reading of the bill.

Mr. BUTLER. Mr. Chairman, before that other bill is laid aside I would like to ask one question of the chairman. Mr. Chairman, I stated as loudly as I could that I would like some information. I would like to ask the chairman of the Committee on Military Affairs a question.

Mr. MILLER. Suppose you let this bill be first read; it is too late now.

Mr. BUTLER. It is not too late. I will stand here until I get the attention of the Chair.

The CHAIRMAN. The gentleman from Pennsylvania will wait until the Clerk reports the bill.

Mr. MILLER. I would ask unanimous consent that the gentleman——

Mr. BUTLER. No; I was on my feet asking for recognition.

The Clerk read as follows:

Be it enacted, etc., That there be paid, out of money in the Treasury of the United States not otherwise appropriated, the sum of $615 to S. R. Hurley, of Grundy, Va., for expenses incident to defending an indictment made in Pike County, Ky., and Covington, Ky., against said S. R. Hurley and others for the murder of A. C. Centers while attempting to make an arrest for violation of the internal-revenue laws of the Government.

The committee amendment was read, as follows:

In line 5, after the word "dollars," insert the following: "or so much thereof as in the opinion of the Secretary of the Treasury was properly incurred."

Mr. MILLER. Mr. Chairman, before moving to lay the bill aside with a favorable recommendation I desire to yield to the gentleman from Pennsylvania in order for him to make an inquiry.

Mr. BUTLER. Mr. Chairman, I am obliged to the gentleman from Kansas for according me what I already had the right to have. I was on my feet demanding recognition from the Chair. I want to ask the gentleman from Iowa [Mr. HULL] whether or not we are now admitting at West Point students from other countries to learn our arts of war?

Mr. HULL of Iowa. Does the gentleman from Kansas yield to me to answer?

Mr. MILLER. I do.

Mr. HULL of Iowa. Mr. Chairman, I will say we are, and that the Congress of the United States has never yet refused, especially to the Latin-American republics, these requests, an act of comity that has always been extended to anyone sent from those republics.

Mr. BUTLER. To Japanese and Chinese also?

Mr. HULL of Iowa. Yes; and——

Mr. MILLER. Mr. Chairman, I move that this bill be laid aside with a favorable recommendation.

The CHAIRMAN. Without objection, the amendment will be considered as agreed to, and the bill will be laid aside with a favorable recommendation. [After a pause.] The Chair hears no objection.

Mr. BARTLETT of Georgia. Mr. Chairman——

Mr. MILLER. One moment, please.

Mr. BARTLETT of Georgia. Before the bill is passed——

Mr. MILLER. Does the gentleman from Georgia make an objection?

Mr. BARTLETT of Georgia. No; but I want to make some inquiry about the bill before it is passed.

Mr. MILLER. I will be glad to answer any question that the gentleman desires to ask.

Mr. MANN. If the Chair will pardon me, we can not sometimes hear what the Chair says when he puts the question.

Mr. BARTLETT of Georgia. I was on my feet and coming down the aisle.

The CHAIRMAN. The Chair stated that without objection the bill would be laid aside.

Mr. MANN. We could not hear what the Chair said.

Mr. MILLER. Mr. Chairman, I yield to the gentleman to ask a question.

The CHAIRMAN. The gentleman from Kansas will be understood as withdrawing his motion.

Mr. BARTLETT of Georgia. I did not catch the reading of the bill. Is this a bill to pay for physical injuries incurred by some one or for expenses incurred in attending to some case?

I am interested in knowing what sort of precedent we are setting here, for there have been some requests made of me to introduce similar bills, and I want to know what the case is.

Mr. MILLER. The claimant in this case was a member of a posse that went out to arrest some men who were engaged in illicit distilling, and during the time they were attempting to make the arrest, and after the officers had been fired upon by the men engaged in that business and one of the officers, I think, killed and another seriously wounded, this gentleman, through his bravery and his courage, rescued the posse that was there to make the arrest. Notwithstanding this, he was afterwards indicted and taken to another State for the purposes of trial, and when the case was called for trial he appeared and was ready for trial. But nobody representing the prosecution was there to appear. The case was continued, and the second time the case was called to trial he was there again with his witnesses. Then the case was dismissed. He comes in and asks that he be reimbursed for the amount actually expended in preparing for the trial of the case. Everybody who has had anything to do in connection with the case recommends favorable action.

Mr. MURDOCK. How much does the bill carry?

Mr. MILLER. Six hundred and fifteen dollars, or so much thereof as in the opinion of the Secretary of the Treasury was properly incurred. It leaves the matter with the Secretary of the Treasury to determine whether he is entitled to that.

Mr. BARTLETT of Georgia. As I understand it, he was indicted for some offense, possibly murder, in some state court?

Mr. MILLER. He was indicted, charged with murder.

Mr. BARTLETT of Georgia. In a state court?

Mr. MILLER. In the federal court.

Mr. MANN. He was indicted in a state court. He belonged in Virginia. They had a fight right across the state line.

Mr. MILLER. The fight was on the state line between Virginia and Kentucky.

Mr. BARTLETT of Georgia. I am not opposing the bill. I am simply trying to get some information.

Mr. MANN. He was indicted in Kentucky for murder.

Mr. BARTLETT of Georgia. He was called on by the United States officers to aid them in arresting some one for whom they had a warrant?

Mr. MILLER. That is right. He was summoned by the deputy collector in the matter.

Mr. BARTLETT of Georgia. I want to say to the gentleman from Kansas, and to the author of the bill, my friend from Virginia [Mr. SLEMP], that I did not rise for the purpose of opposing the bill. I got an idea it was something else. I had a case which I recently introduced in a similar bill, which was referred to the Committee on Claims, and very much of the same character, and I wanted to make some inquiry about this.

Mr. MILLER. That will be introduced as soon as possible.

Mr. BARTLETT of Georgia. It has been introduced and referred to the gentleman's committee.

Mr. MILLER. I renew my motion to lay the bill aside with a favorable recommendation.

The motion was agreed to, and the bill was laid aside with a favorable recommendation.

WILLIAM RADCLIFFE.

The next business on the Private Calendar was the bill (H. R. 13586) for the relief of William Radcliffe.

The Clerk read as follows:

Be it enacted, etc., That the sum of $25,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay William Radcliffe, a British subject, for damages caused by destruction of his fish hatchery and property in Delta, Colo., by a mob in 1901.

Mr. WALDO. In that case, the Senate bill is also on the calendar—No. 995—it having passed the Senate. I therefore move that the Senate bill be substituted in place of the House bill, that the House bill be laid on the table, and that the Senate bill be laid aside with a favorable recommendation.

The CHAIRMAN. Will the gentleman from New York give the Chair the number of the Senate bill?

Mr. WALDO. The number of the bill is S. 5207. The calendar number is 995.

The CHAIRMAN. The gentleman from New York [Mr. WALDO] moves the substitution of the bill S. 5207 for the bill H. R. 13586, and that the pending House bill do lie on the table.

The question was taken, and the motion was agreed to.

Mr. MURDOCK. Will the gentleman kindly explain this bill?

Mr. MANN. What is the bill now before the committee?

Mr. WALDO. For the relief of William Radcliffe, Calendar No. 995.

Mr. MURDOCK. You have substituted the Senate bill for the House bill?

Mr. WALDO. Yes.

Mr. MURDOCK. Does the Senate bill carry $25,000? Will the gentleman explain what the destruction of this fish hatchery was?

Mr. WALDO. William Radcliffe was an English citizen who made an arrangement with the State of Colorado to establish a fish hatchery in a town, the name of which I have forgotten, and in which enterprise he had invested nearly a hundred thousand dollars, if I recollect.

He made a claim for $65,000 to our State Department through the British minister. It came from the foreign office of Great Britain. An arrangement was made between Secretary Hay and the British minister, that Mr. Radcliffe be paid $25,000 in full settlement of his claim. To this settlement Mr. Radcliffe agreed. That is the amount this bill proposes shall be paid him. It is recommended by Secretary Hay, Secretary Root, and the President that this claim be paid and settled in full at $25,000, and it ought to have been paid before.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE W. FLEMING.

The next business on the Private Calendar was the bill (H. R. 6032) to pay to the administratrix of the estate of George W. Fleming for services rendered as letter-box inspector from March 29, 1902, to June 13, 1903.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Zora S. Fleming, or to her successor, administratrix of the estate of George W. Fleming, deceased, the sum of $1,073.35, for services rendered by said George W. Fleming as letter-box inspector at Adrian, Mich., from March 29, 1902, to June 13, 1903.

The bill was ordered to be laid aside with a favorable recommendation.

ORDER OF BUSINESS.

Mr. MILLER. Mr. Chairman, I move that the committee rise and report the bills to the House with the recommendation that the amendments be agreed to and that the bills as amended do pass.

The motion was agreed to.

The committee accordingly rose; and Mr. SHERMAN having assumed the chair as Speaker pro tempore, Mr. FOSTER of Vermont, Chairman of the Committee of the Whole House, reported that that committee had had under consideration sundry bills, and had directed him to report the same back, some with amendments, some without amendments, with the recommendation that the amendments be agreed to and that the bills do pass. The committee had also directed him to report the bills H. R. 7843, H. R. 1199, and H. R. 13586 to the House with the recommendation that they do lie on the table; and also that the bill S. 2210 be referred to the Union Calendar.

Mr. PRINCE. A parliamentary inquiry. I think there is also a House joint resolution that has not been reported, as I understand it.

The SPEAKER pro tempore. That was given by the gentleman's report in the various bills reported and is enumerated in the memorandum which the Chairman handed to the Clerk.

Mr. MILLER. Mr. Speaker, I ask unanimous consent that the previous question may be considered as having been ordered upon all bills and amendments thereto to their final passage.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that the previous question be considered as ordered on all the bills and joint resolution to their passage. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

HOUSE BILLS PASSED WITHOUT AMENDMENT.

Bills of the House of the following titles, without amendment, were severally ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time and passed:

A bill (H. R. 14343) to correct the naval record of Randolph W. Campbell;

A bill (H. R. 10606) for the relief of Robert S. Dame;

A bill (H. R. 16015) for the relief of Lafayette L. McKnight;

A bill (H. R. 4737) to correct the military record of John B. Ford;

A bill (H. R. 7963) for the relief of Patrick Conlin;

A bill (H. R. 7807) to place John Crowley on the retired list of the United States Navy;

A bill (H. R. 16927) for the relief of Lieut. Commander Kenneth McAlpine;

A bill (H. R. 3760) for the relief of the creditors of the Deposit Savings Association, of Mobile, Ala.;

A bill (H. R. 10987) for the relief of A. A. Lewis;
A bill (H. R. 5826) to pay the Woodward Carriage Company, of San Antonio, Tex., for the loss of a horse while being used by the Department of Agriculture;
A bill (H. R. 5461) for the relief of Lawson M. Fuller, major, Ordnance Department, U. S. Army;
A bill (H. R. 8924) for the relief of the heirs of Abraham Jones;
A bill (H. R. 4119) to pay John Wagner, of Campbell Hall, N. Y., for carrying the mails;
A bill (H. R. 10416) to correct the naval record of Lieut. Hilary Williams, U. S. Navy;
A bill (H. R. 6032) to pay the administratrix of the estate of George W. Fleming for services rendered as letter-box inspector from March 29, 1902, to June 13, 1903:
A bill (H. R. 8733) for the relief of Walter W. Keefe;
A bill (H. R. 10986) for the relief of L. H. Lewis; and
A bill (H. R. 17344) for the relief of Frederick Daubert.

JOINT RESOLUTION PASSED.

A House joint resolution of the following title, reported from the Committee of the Whole House without amendment, was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed:
Joint resolution (H. J. Res. 157) authorizing the Secretary of war to receive for instruction at the Military Academy at West Point, Mr. Colon Eloy Alfaro, of Ecuador.

HOUSE BILLS PASSED WITH AMENDMENTS.

On the following House bills, reported from the Committee of the Whole House with amendment, the amendments were agreed to, and the bills as amended severally ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time and passed:
A bill (H. R. 12760) to correct the military record of Isaac N. Fordyce;
A bill (H. R. 7006) to correct the military record of George W. Hedrick;
A bill (H. R. 11460) to remove the charge of desertion from the military record of William H. Houck;
A bill (H. R. 7071) for the relief of James McKenzie;
A bill (H. R. 14974) for the relief of Charles A. Bess;
A bill (H. R. 8545) for the relief of Jackson Pryor;
A bill (H. R. 8615) to correct the naval record of Edward T. Lincoln;
A bill (H. R. 4931) to correct the military record of Corwin M. Holt;
A bill (H. R. 1086) to correct military record of Pleasant Thomas, late of Company B, East Tennessee National Guards;
A bill (H. R. 1081) to pay Thomas P. Morgan, jr., amount found due him by Court of Claims;
A bill (H. R. 13319) for the relief of the heirs of Thomas J. Miller;
A bill (H. R. 2952) for the relief of Chaplain Henry Swift, Thirteenth Infantry, U. S. Army;
A bill (H. R. 15681) for the relief of the Compañía de los Ferrocarriles de Puerto Rico;
A bill (H. R. 17026) for the relief of Samuel L. Barnhart;
A bill (H. R. 17640) to authorize the issuance of a patent to the assignees of Warner Bailey for land located in Choctaw County, State of Alabama; and
A bill (H. R. 17276) for the relief of S. R. Hurley.

SENATE BILLS PASSED WITHOUT AMENDMENT.

The following Senate bills reported from the Committee of the Whole House, without amendment, were severally considered, ordered to a third reading, read the third time, and passed:
S. 4749. An act for the relief of Dewitt Eastman;
S. 3388. An act to correct the military record of William A. Hinsch;
S. 1162. An act to correct the naval record of Alfred Burgess;
S. 5263. An act for the relief of William Parker Sedgwick;
S. 3125. An act for the relief of Jabez Burchard:
S. 534. An act to reimburse George W. Young, postmaster at Wanship, Utah, for loss of postage stamps;
S. 1729. An act for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford; and
S. 5207. An act for the relief of William Radcliffe.

BILLS LAID ON THE TABLE.

The following House bills, reported from the Committee of the Whole House with the recommendation that they lay on the table, were ordered to lie on the table:
A bill (H. R. 1199) for the relief of William Parker Sedgwick;
A bill (H. R. 7843) for the relief of Jabez Burchard; and
A bill (H. R. 13586) for the relief of William Radcliffe.

HOUSE OFFICE BUILDING.

Mr. TAWNEY. Mr. Speaker, by the direction of the Committee on Appropriations, I submit the following privileged report and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. SHERMAN). The gentleman from Minnesota, chairman of the Committee on Appropriations, submits the following resolution, which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 208) providing for expenses of the House Office Building.

Resolved, etc., That to supply a deficiency in the appropriation for maintenance, including heating, lighting, and ventilation, miscellaneous items, and for all necessary services for the House of Representatives Office Building for the fiscal year 1909, the sum of $28,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. TAWNEY. Mr. Speaker, I wish to submit and have read a letter from the Superintendent of the Capitol, and approved by the commission, which explains the necessity for the appropriation.

The Clerk read as follows:

HOUSE OFFICE BUILDING—MAINTENANCE.

OFFICE BUILDING HOUSE OF REPRESENTATIVES,
Washington, D. C., December 16, 1908.

The Hons. J. G. CANNON, W. P. HEPBURN, and JOHN J. FITZGERALD,
Commission of the House of Representatives to Supervise the Construction of an Office Building Therefor.

GENTLEMEN: An immediate appropriation will be required for the maintenance of the House Office Building for the present session of Congress, at the rate of $3,650 per month, and including the month of December. I would suggest that this appropriation be made to cover the time between December 1, 1908, and June 30, 1909, seven months, amounting to $25,550. The appropriation should be so worded as to enable us to pay for the services of employees from the 1st of December, this being really in the nature of a deficiency.

I will state to the commission that when this question of maintenance came up last year I stated to the Committee on Appropriations that I would not ask for additional money to the appropriation already made, because I believed that the funds would last until the 1st of December, 1909. This has been the case.

I would further request that an additional sum of $2,500 be added to the above for the purchase of general supplies for the building, such as towels, laundry work, soap, and general cleaning materials. This sum is based upon the general average of running costs of last session.

Very respectfully,

ELLIOTT WOODS,
Superintendent United States Capitol Building and Grounds.

Approved:
J. G. CANNON, *Chairman.*
W. P. HEPBURN.
JOHN J. FITZGERALD.

Estimates for maintenance, House Office Building.

	Per day.	Per month.	Cost per month.
1 custodian	$4.00		$125.00
14 elevator conductors		$100.00	1,400.00
1 housekeeper (30 days)	2.00		60.00
6 laborers	2.00		50.00
1 plumber	3.50		95.00
1 dynamo tender	2.50		75.00
2 office messengers		50.00	100.00
1 carpenter	4.00		104.00
40 charwomen		20.00	800.00
1 laborer in charge of office (30 days)	2.00		60.00
3 firemen (30 days)	2.00		180.00
9 laborers and women for day service	1.50		351.00
Total			3,650.00

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The question was taken, and the joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. TAWNEY, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

AFFAIRS OF THE DISTRICT OF COLUMBIA.

The SPEAKER pro tempore laid before the House the following message from the President of the United States (S. Doc. No. 599), which was read and, with accompanying papers, referred to the Committee on the District of Columbia:

To the Senate and House of Representatives:

The rapid increase of population in the National Capital within recent years has greatly altered social conditions, necessitating changes in the machinery of its administration. Greater efficiency and a better provision for the protection of both the industrial and dependent classes are required.

Recognizing these needs, I have had a special report made to me on the affairs of the District of Columbia which I transmit

herewith. I cordially approve the recommendations in the report for: the substitution of a single head or Governor in place of three Commissioners; the establishment of District or Municipal Departments in place of the existing Bureaus; and the creation of a new department to be known as that of Housing and Labor. I ask your careful consideration of the entire report; Mr. Reynolds has rendered a great and disinterested service for which our heartiest thanks are due him.

A single executive head would increase efficiency, determine responsibility and eliminate delays and uncertainties inevitable under the present system; Municipal Departments headed by Commissioners to be appointed by the Governor would yield the same advantage.

In the proposed scheme of reorganization, the Department of Education should be coordinated with other City Departments.

I especially urge that the proposed Department of Housing and Labor be established. Poverty, disease and crime are largely due to defects of social conditions and surroundings. The need of improved sanitary inspection of dwellings, rear alleys and small shacks (such as unhappily still exist in Washington) and of stores, work shops and factories should not be left to subordinate Bureau Chiefs, but should be brought under the direct control of a competent head of the above named Department.

An equally important public responsibility is the protection of the independent industrial class which neither desires nor accepts charity, but whose members have often been led to misfortune and even crime through agencies licensed by the state, but defectively and inadequately supervised. Notable among these are pawn-shops, loan and industrial insurances companies and employment agencies. The supervision of these agencies is at present limited to the police. They should be under the direction of officials qualified to advance their efficiency and economic service to the public.

The above named changes would vastly improve the efficiency of the District Government, and would afford protection to its industrial and dependent classes which is imperatively needed.

I also transmit for the consideration of the Congress reports of the Committee on Building of Model Houses which was appointed in accordance with the recommendation of Mr. Reynolds.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 17, 1908.*

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution and bill:

H. J. Res. 206. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1908, on the 19th day of said month; and

H. R. 22274. An act to authorize the St. Paul Bridge and Terminal Railway Company to construct a bridge across the Mississippi River at or near St. Paul, Minn.

INAUGURATION OF PRESIDENT-ELECT.

Mr. BURKE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table a concurrent resolution adopted by the Senate on the 8th day of December, 1908, providing for the appointment of an inauguration committee, and to consider the same at this time.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That a joint committee, consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect of the United States on the 4th day of March next.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

ADJOURNMENT.

Then, on motion of Mr. MILLER (at 4 o'clock and 50 minutes p. m.), the House adjourned until to-morrow at 12 o'clock m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the inside water route between Savannah, Ga., and Fernandina, Fla.—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

A letter from the Attorney-General, transmitting, with a copy of a communication from the United States attorney for the middle district of Alabama, certain recommendations relating to the proposed relief of George W. Black, J. R. Wilson, and W. M. Newell—to the Committee on the Judiciary and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to recompense the Indian proprietors for certain lands transferred to the States of North and South Dakota for school purposes—to the Committee on Indian Affairs and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a list of congressional cases dismissed during the term 1907–8 for lack of proof of loyalty to the United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a notice of the dismissal of the case of David R. Cook against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the president of the Board of Commissioners of the District of Columbia submitting an estimate of appropriation for inspectors of child labor—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for new dormitory at Osage Indian School, Oklahoma—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the president of the Board of Commissioners of the District of Columbia submitting an estimate of appropriation for house, site, and furniture for engine company—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of deficiency appropriation for printing and binding—to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 21910) granting an increase of pension to Stephen W. Cummins—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 23986) granting an increase of pension to Alexander M. Rainey—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24063) granting a pension to Howard Farrell—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. OVERSTREET: A bill (H. R. 24473) to codify, revise, and amend the postal laws of the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. CARTER: A bill (H. R. 24474) for the enrollment in the Five Civilized Tribes of certain persons inadvertently omitted from the rolls—to the Committee on Indian Affairs.

By Mr. MOORE of Pennsylvania: A bill (H. R. 24475) to authorize and require the Philadelphia, Baltimore and Washington Railroad Company to maintain and operate a track connection with the United States navy-yard in the city of Washington, D. C.—to the Committee on the District of Columbia.

By Mr. PETERS (by request): A bill (H. R. 24476) to establish a gold dollar of the value of 50 pence sterling and to provide interchangeable postage stamps with Great Britain—to the Committee on Coinage, Weights, and Measures.

By Mr. BANNON: A bill (H. R. 24477) authorizing the President to appoint and commission, by and with the advice and consent of the Senate, certain brigadier-generals to the grade of major-general—to the Committee on Military Affairs.

By Mr. ALEXANDER of Missouri: A bill (H. R. 24478) providing for the improvement of the Missouri River at certain

points, and making appropriation therefor—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 24479) granting pensions to the teamsters who served the Government of the United States in the war with Mexico, and for other purposes—to the Committee on Pensions.

By Mr. BINGHAM: A bill (H. R. 24480) to define the status of certain distilled spirits commonly known as "soakage"—to the Committee on Ways and Means.

By Mr. FOWLER: A bill (H. R. 24481) to amend an act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico—to the Committee on Pensions.

By Mr. SPARKMAN: A bill (H. R. 24482) to provide for a system of inspection of naval stores entering into interstate and foreign commerce and within the jurisdiction of the United States, and to prevent and prohibit fraudulent practices in and the adulterations of such naval stores—to the Committee on Interstate and Foreign Commerce.

By Mr. MALBY: A bill (H. R. 24483) providing for the construction of a revenue cutter for use on the St. Lawrence River and Lake Ontario—to the Committee on Interstate and Foreign Commerce.

By Mr. SPARKMAN: A bill (H. R. 24484) prescribing a punishment for conveying tools or appliances into a jail or prison to aid the escape of prisoners, or rescuing prisoners therefrom—to the Committee on the Judiciary.

By Mr. HOWELL of Utah: A bill (H. R. 24485) directing the Secretary of War to ascertain the amount of money expended by the Territory of Utah from 1865 to 1868, inclusive, and report the same to Congress for its consideration—to the Committee on Claims.

Also, a bill (H. R. 24486) pensioning the surviving officers and enlisted men of the Utah Volunteers employed in the defense of the frontier settlements of the Territory of Utah against Indian depredations during the years from 1865 to 1868, inclusive, and for other purposes—to the Committee on Pensions.

By Mr. SHEPPARD: A bill (H. R. 24487) to amend an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes," approved June 26, 1906 (Public, No. 297), so as to enable local printers to publish return requests, advertising, etc., on stamped envelopes—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 24488) to consolidate the Bureau of Manufactures and the Bureau of Statistics of the Department of Commerce and Labor into one bureau, to be called the "bureau of foreign and domestic commerce"—to the Committee on Expenditures in the Department of Commerce and Labor.

Also, a bill (H. R. 24489) to authorize the investigation and survey of swamp, wet, and overflowed lands in the valleys of the Red, the Sulphur, and the Cypress rivers of Texas, and to devise plans and systems for the drainage of said lands—to the Committee on Agriculture.

By Mr. ADAIR: A bill (H. R. 24490) to increase the limit of cost for the purchase of site and erection of a post-office building at Elwood, Ind.—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of California: A bill (H. R. 24491) to reimburse the city of Coronado and the Coronado Beach Company for protecting property from the encroachment of the Pacific Ocean—to the Committee on Claims.

By Mr. BRADLEY: A bill (H. R. 24492) to authorize the Secretary of War to donate condemned bronze fieldpiece and cannon balls to the county of Orange, State of New York—to the Committee on Military Affairs.

By Mr. FOCHT: A bill (H. R. 24627) authorizing the Secretary of War to furnish two condemned brass or bronze Napoleon guns, carriages, and cannon balls to the Grand Army post at Lewistown, Pa.—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 24493) granting a pension to John Rittenhouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24494) granting a pension to Caleb Trees—to the Committee on Invalid Pensions.

By Mr. AMES: A bill (H. R. 24495) granting an increase of pension to John D. Pederick—to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 24496) granting an increase of pension to Jonathan Hull—to the Committee on Invalid Pensions.

By Mr. BANNON: A bill (H. R. 24497) granting an increase of pension to John Dufour—to the Committee on Invalid Pensions.

By Mr. BRUMM: A bill (H. R. 24498) granting an increase of pension to Eliza L. Cake—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 24499) granting a pension to Annie Abney—to the Committee on Pensions.

Also, a bill (H. R. 24500) granting a pension to Sallie Conn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24501) for the relief of the heirs of Leonard Daniel, deceased—to the Committee on War Claims.

By Mr. CALDER: A bill (H. R. 24502) granting an increase of pension to Matilda Butt—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 24503) for the relief of Charles W. Munn—to the Committee on War Claims.

Also, a bill (H. R. 24504) granting an increase of pension to George M. Zartman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24505) granting an increase of pension to William H. Losh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24506) granting an increase of pension to Allen M. Coville—to the Committee on Pensions.

By Mr. CALE: A bill (H. R. 24507) for the relief of Frank W. Swanton—to the Committee on Claims.

Also, a bill (H. R. 24508) granting an increase of pension to Orsemus Dill—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 24509) granting an increase of pension to Palmer Atkinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24510) granting an increase of pension to Johnson H. Fitzpatrick—to the Committee on Invalid Pensions.

By Mr. COCKRAN: A bill (H. R. 24511) granting an increase of pension to Mary A. Bowe—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 24512) granting an increase of pension to William J. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24513) granting an increase of pension to Henry T. Blair—to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 24514) granting a pension to James W. Murphey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24515) granting an increase of pension to Silas Haynes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24516) removing the charge of desertion from the name of Alexander C. Rogers—to the Committee on Military Affairs.

By Mr. DAWSON: A bill (H. R. 24517) granting an increase of pension to Morques D. Lillie—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 24518) granting a pension to Rhoda A. Rogers—to the Committee on Pensions.

Also, a bill (H. R. 24519) for the relief of Peter J. Van Zandt—to the Committee on Military Affairs.

By Mr. ELLIS of Missouri: A bill (H. R. 24520) granting an increase of pension to Henry Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24521) granting an increase of pension to William Wiedenmann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24522) granting a pension to Charles Sells—to the Committee on Pensions.

By Mr. ESCH: A bill (H. R. 24523) to remuster James E. Brown—to the Committee on Military Affairs.

Also, a bill (H. R. 24524) granting an increase of pension to Catherine E. Fisk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24525) to remove charge of desertion from military record of George W. Moore, alias George W. More—to the Committee on Military Affairs.

By Mr. FLOYD: A bill (H. R. 24526) granting an increase of pension to Joseph Mattocks—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 24527) granting an increase of pension to Gilbert H. Fellows—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24528) granting an increase of pension to Waldron De Clarenze—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24529) granting an increase of pension to George L. Bennett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24530) granting a pension to John Q. Anderson—to the Committee on Pensions.

By Mr. GORDON: A bill (H. R. 24531) granting a pension to Fred M. Jones—to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 24532) granting an increase of pension to Henry H. Archer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24533) granting an increase of pension to George W. Light—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 24534) granting an increase of pension to John S. Heald—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 24535) to authorize the payment of the claim of Morgan Beldon as adjutant of the Twenty-sixth Regiment Illinois Infantry—to the Committee on War Claims.

Also, a bill (H. R. 24536) granting an increase of pension to Francis M. Huston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24537) granting an increase of pension to G. S. Jenkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24538) granting an increase of pension to John J. Heisel—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 24539) granting an increase of pension to Burkett F. Starnes—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 24540) granting a pension to Lydia A. Hankins—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 24541) granting an increase of pension to George W. Barrickman—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 24542) granting a pension to Cora C. Cate—to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 24543) granting an increase of pension to Lewis Carbino—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24544) granting an increase of pension to William Logan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24545) granting an increase of pension to Benjamin B. Goodrich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24546) granting an increase of pension to Henry T. Turner—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 24547) granting an increase of pension to William H. Elder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24548) granting an increase of pension to Ideral Van Fleet—to the Committee on Invalid Pensions.

By Mr. KIMBALL: A bill (H. R. 24549) granting a pension to George W. Holman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24550) granting an increase of pension to W. W. Alcoke—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 24551) granting an increase of pension to Charles E. Flower—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24552) granting an increase of pension to Robert Gallagher—to the Committee on Invalid Pensions.

By Mr. KNOWLAND: A bill (H. R. 24553) granting an increase of pension to George W. Seeber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24554) granting an increase of pension to Joseph Wiederker—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 24555) granting an increase of pension to William Jennings—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 24556) for the relief of the heirs of Alson Jackson, deceased—to the Committee on War Claims.

By Mr. LEVER: A bill (H. R. 24557) for the relief of Mary E. Stelling, sole heir at law of A. S. Frietas, deceased—to the Committee on War Claims.

By Mr. LOUD: A bill (H. R. 24558) granting an increase of pension to Reuben P. Forbes—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 24559) granting a pension to S. Augusta West—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24560) granting a pension to Osmond Ames—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24561) granting a pension to Sarah V. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24562) granting a pension to George B. Gardner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24563) granting an increase of pension to Luther Stephenson, jr.—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 24564) granting an increase of pension to Nathan Goodman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24565) granting an increase of pension to Mary Jane Schreyer—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 24566) granting a pension to Charlotte Meyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24567) granting an increase of pension to James R. Criswell—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 24568) granting an increase of pension to Charles H. Wells—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 24569) for the relief of John H. Jackson—to the Committee on War Claims.

Also, a bill (H. R. 24570) for the relief of James B. Brown—to the Committee on War Claims.

Also, a bill (H. R. 24571) for the relief of the estate of Washington Pryor, deceased—to the Committee on War Claims.

Also, a bill (H. R. 24572) for the relief of the estate of John A. Heard, deceased—to the Committee on War Claims.

Also, a bill (H. R. 24573) for the relief of the estate of Martin Hartman, deceased—to the Committee on War Claims.

Also, a bill (H. R. 24574) for the relief of the estate of George M. Carroll, deceased—to the Committee on War Claims.

By Mr. OLCOTT: A bill (H. R. 24575) granting a pension to Charlotte Velie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24576) providing for the restoration and retirement of Frederick W. Olcott as a passed assistant surgeon in the navy—to the Committee on Naval Affairs.

By Mr. OVERSTREET: A bill (H. R. 24577) granting an increase of pension to Caroline T. Coburn—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 24578) granting an increase of pension to Stephen F. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24579) granting an increase of pension to George W. Murray—to the Committee on Invalid Pensions.

By Mr. POLLARD: A bill (H. R. 24580) granting an increase of pension to Elizabeth Pinney—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 24581) granting a pension to Anna K. Harris—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 24582) granting an increase of pension to Charles H. Bliss—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 24583) granting an increase of pension to William A. Walker—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 24584) granting a pension to Robert McCall—to the Committee on Pensions.

Also, a bill (H. R. 24585) granting a pension to Nathaniel L. Lawrence—to the Committee on Pensions.

Also, a bill (H. R. 24586) granting an increase of pension to James E. Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24587) granting an increase of pension to James W. Carter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24588) granting an increase of pension to La Salle Corbell Pickett—to the Committee on Pensions.

By Mr. SMITH of Missouri: A bill (H. R. 24589) granting an increase of pension to Edward Thompson—to the Committee on Pensions.

Also, a bill (H. R. 24590) granting an increase of pension to Stephen D. Compton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24591) granting an increase of pension to Joseph N. Harned—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24592) granting a pension to William B. Thurman—to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 24593) granting an increase of pension to William H. Mitchell—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 24594) to correct the record of William Henry Beehler, commodore, U. S. Navy, and to place him on the retired list, United States Navy, with the rank of rear-admiral—to the Committee on Naval Affairs.

By Mr. STERLING: A bill (H. R. 24595) granting a pension to Mary T. Cossitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24596) granting a pension to Martha J. Drake—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 24597) granting an increase of pension to James Hamilton—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 24598) granting an increase of pension to James W. Ashton—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 24599) granting an increase of pension to Samuel F. Dennen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24600) granting an increase of pension to Roswell C. Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24601) granting a pension to Olive H. Lincoln—to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 24602) granting a pension to Hannah L. Carson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24603) granting a pension to Paulina L. Klepper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24604) granting an increase of pension to Philip Styers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24605) granting an increase of pension to John A. Crissman—to the Committee on Invalid Pensions.

By Mr. ADAIR: A bill (H. R. 24606) to remove charge of desertion against Thomas G. Welch and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. BURNETT: A bill (H. R. 24607) for the relief of Belson Wiley Owens—to the Committee on War Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 24608) granting a pension to William A. Knipshield—to the Committee on Pensions.

Also, a bill (H. R. 24609) granting an increase of pension to James B. Martin—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 24610) granting a pension to Charles Brock—to the Committee on Pensions.

Also, a bill (H. R. 24611) granting an increase of pension to Joseph Smith—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 24612) granting an increase of pension to John Miller—to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 24613) for the relief of the legal representatives of William H. Miller, deceased—to the Committee on Claims.

Also, a bill (H. R. 24614) to correct the military record of William H. Seward—to the Committee on Military Affairs.

By Mr. GRAFF: A bill (H. R. 24615) granting an increase of pension to Mary E. McDermott—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 24616) granting an increase of pension to John Pulley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24617) granting an increase of pension to F. M. Boso—to the Committee on Invalid Pensions.

By Mr. KIPP: A bill (H. R. 24618) granting an increase of pension to William F. Merrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24619) granting an increase of pension to William Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24620) granting an increase of pension to Lester T. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24621) granting an increase of pension to Eliza A. McKean—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24622) granting an increase of pension to Isaac Babcock—to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 24623) granting an honorable discharge to Daniel W. Overlander—to the Committee on Military Affairs.

By Mr. NYE: A bill (H. R. 24624) granting a pension to Mary S. Byrnes—to the Committee on Pensions.

By Mr. TOU VELLE: A bill (H. R. 24625) granting an increase of pension to Nicholas S. Lovett—to the Committee on Invalid Pensions.

By Mr. WEEMS: A bill (H. R. 24626) granting an increase of pension to James G. Theaker—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of San Francisco (Cal.) Asiatic Exclusion League of North America, praying for the enactment of an exclusion law which will prevent the immigration into the United States of all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of Mrs. F. D. Goodspeed, of Colorado Springs, Colo., and 71 others, protesting against the passage of the so-called "Johnston Sunday bill" (S. 3940), entitled "An act for the proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

Also, petition of A. C. Bird, of East Walpole, Mass., and 36 others, praying for the enactment of legislation to provide for national cooperation in technical education—to the Committee on Agriculture.

Also, memorial of the Siegel-Cooper Company, of New York City, and various other individuals and firms in the United States, praying for the removal of the duty from raw and refined sugars—to the Committee on Ways and Means.

Also, petition of Amos F. Maker and 36 others, praying for legislation for the establishment of a system of parcels post and for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. ALEXANDER of New York: Petition of bar association of Erie County, N. Y., favoring increase of United States judges' salaries—to the Committee on the Judiciary.

By Mr. ASHBROOK: Paper to accompany bill for relief of Gifford H. Ramey—to the Committee on Pensions.

By Mr. BURKE: Petition of colored citizens of the United States, favoring legislation to make effective the provisions of the thirteenth and fourteenth amendments to the Constitution—to the Committee on the Judiciary.

By Mr. BURLEIGH: Petition of Fuller Holway Company, of Augusta, Me., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. CAMPBELL: Paper to accompany bill for relief of Dora E. Atkinson—to the Committee on Invalid Pensions.

Also, petition of hundreds of citizens of the third district of Kansas, against S. 3940 (religious legislation in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. CHANEY: Paper to accompany bill for relief of James B. Freeman—to the Committee on Invalid Pensions.

By Mr. DARRAGH: Petition of William Hursh and 92 other citizens of Gratiot and Montcalm counties, Mich., against enactment of the Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. DAVENPORT: Paper to accompany bill for relief of Silas Haynes—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Alexander C. Rogers—to the Committee on Military Affairs.

By Mr. DAWSON: Petition of citizens of Davenport, Iowa, against the extradition of Christian Rudowitz—to the Committee on Foreign Affairs.

Also, petition of Ferd Haak Company, of Davenport, Iowa, favoring reduction in tobacco schedules—to the Committee on Ways and Means.

By Mr. DWIGHT: Petition of citizens of Binghamton, N. Y., against S. 3940 (religious legislation in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. ESCH: Paper to accompany bill for relief of Catherine E. Fisk—to the Committee on Invalid Pensions.

By Mr. FLOYD: Paper to accompany bill for relief of Joseph Mattocks—to the Committee on Invalid Pensions.

By Mr. FOCHT: Petition of Bayer, Beaner & Co., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Joseph W. Shirey—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Jacob Erb—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the Register-Gazette, of Rockford, Ill., favoring H. R. 22237 (placing wood pulp on the free list)—to the Committee on Ways and Means.

Also, petition of Washington Playground Association, favoring a children's playground—to the Committee on the District of Columbia.

Also, petition of Edward P. Thomas, of Rockford, Ill., favoring the Fuller bill (H. R. 19250), creating a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. GORDON: Paper to accompany bill for relief of Fred M. Jones—to the Committee on Pensions.

Also, papers to accompany bill to correct the military record of William H. Sewood—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of William W. Miller, late assistant surgeon in United States Public Health and Marine-Hospital Service in the District of Columbia—to the Committee on Claims.

By Mr. GOULDEN: Petition of John F. McCarthey, of New York City, favoring the repeal of tariff on sugar—to the Committee on Ways and Means.

By Mr. GRAFF: Petition of citizens of Bureau, Ill., for legislation to pension members of the Telegraph Corps of the civil war—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of River Improvement and Drainage Association of California, for improvement of Sacramento and San Joaquin rivers—to the Committee on Rivers and Harbors.

Also, paper to accompany bill for relief of Samuel L. Jennison (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. GUERNSEY: Petition of Thurston & Kingsbury, of Bangor, Me., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. HAYES: Petitions of H. Tomrose and 142 others, J. C. Arthur and 97 others, Charles McLean and 47 others, George Manchen and 48 others, and Thomas Moore and 47 others, all citizens of the State of California, and E. H. Misner, of 228 Oak street, San Francisco, favoring an effective Asiatic exclu-

sion law against all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HEPBURN: Petition of F. J. Dunn and others, citizens of Sidney, Iowa, against Senate bill 3940 (religious observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. HOWELL of Utah: Petition of Bingham (Wash.) Local Union, Smelters and Miners, No. 201, for investigation and regulation of the Treadwell Mining Company, of Douglas Island, Alaska—to the Committee on Mines and Mining.

By Mr. KAHN: Petitions of Frank E. Rose and 47 other residents of Sonoma County, Cal.; Peter J. Smith and 26 others, and M. W. McDonald and 14 others, all residents of Stockton, Cal.; and H. N. Williams and others, favoring exclusion of all nonassimilable Asiatics—to the Committee on Foreign Affairs.

By Mr. KINKAID: Petition of Omaha Bar Association, favoring increase of salary of federal judges—to the Committee on the Judiciary.

By Mr. KNAPP: Petition of residents of the Twenty-eighth Congressional District of New York, against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. LAFEAN: Petition of W. H. Miller & Co. and Samuel A. Wertz, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, papers to accompany bills for relief of Adam F. Becker (H. R. 24073), Marvin Coshun (H. R. 1603), and Charles Myers (H. R. 15040)—to the Committee on Invalid Pensions.

By Mr. LEE: Paper to accompany bill for relief of heirs of Alson Jackson—to the Committee on War Claims.

By Mr. LINDSAY: Petition of Down Town Taxpayers' Association, against sale of Wallabout lands to National Government—to the Committee on Naval Affairs.

Also, petition of citizens of Brooklyn, for legislation to protect and pay underground miners for death and injury—to the Committee on Mines and Mining.

By Mr. LOUD: Paper to accompany bill for relief of Reuben Park Forbes—to the Committee on Invalid Pensions.

By Mr. MALBY: Petition against Senate bill 3940, entitled "An act for proper observance of Sunday as day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Thomas Kausinger—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of estate of Washington Pryor, estate of John A. Heard, estate of Martin Hartman, John H. Jackson, James B. Brown, and George M. Carroll—to the Committee on War Claims.

By Mr. OVERSTREET: Paper to accompany bill for relief of Caroline T. Coburn—to the Committee on Invalid Pensions.

By Mr. PAYNE: Petition of business men of Moravia, N. Y., against parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. PORTER: Petition of citizens of Elba, N. Y., and Elba Grange, No. 783, favoring Senate bills 5122 and 6484, relative to postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Batavia, N. Y., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. ROTHERMEL: Petition of D. Edw. Prutzman and others, against the Johnston bill (S. 3940) providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHERMAN: Paper to accompany bill for relief of William A. Walker—to the Committee on Invalid Pensions.

By Mr. SMITH of Missouri: Petition of Flat River Local Union, No. 225, for legislation looking to relief against accidents in mines and empowering investigation of the Treadwell Mining Company—to the Committee on Mines and Mining.

By Mr. VREELAND: Petition of ministers of Jamestown, N. Y., for enactment of the Bacon original-package bill, the Tirrell bill, a bill prohibiting sale of opium, the Burkett gambling bill, and the Johnston Sunday bill (S. 3940)—to the Committee on Acoholic Liquor Traffic.

By Mr. WILSON of Pennsylvania: Petition of Frank L. Moore and 45 other residents of Potter County, Pa., against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

Also, petition of John Lyons, J. W. Kinney, and A. N. Auld, of Arnot, Tioga County, Pa., members of Local Union No. 865, United Mine Workers of America, for bill creating a bureau of mines—to the Committee on Mines and Mining.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December 18, 1908.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

RESIGNATION OF A MEMBER.

The SPEAKER laid before the House the following communications:

COMMONWEALTH OF PENNSYLVANIA,
EXECUTIVE CHAMBER,
Harrisburg, December 16, 1908.

Mr. ALEXANDER MCDOWELL,
Clerk of the House of Representatives, Washington, D. C.

DEAR SIR: I beg leave to send you, for your information, the inclosed copies of self-explanatory communications. Please acknowledge their receipt, and oblige,

Yours, very truly, A. B. MILLAR, *Private Secretary.*

POTTSVILLE, PA., *December 3, 1908.*

To His Excellency EDWIN S. STUART,
Governor of the Commonwealth of Pennsylvania.

DEAR SIR: Having been elected on the 3d day of November last as judge of the court of common pleas of Schuylkill County, and as the term for which I was elected as said judge will commence on Monday, the 4th day of January next, when I will be required to take the oath of office, I hereby most respectfully tender my resignation as a Member of the Sixtieth Congress of the United States, to take effect on the 4th day of January, A. D. 1909, and ask that you send acceptance of said resignation to the Speaker of the House of Representatives, Washington, D. C.

I have the honor to be,
Your obedient servant, C. N. BRUMM,
M. C., Twelfth District Pennsylvania.

COMMONWEALTH OF PENNSYLVANIA,
EXECUTIVE CHAMBER,
Harrisburg, December 16, 1908.

Hon. C. N. BRUMM,
Pottsville, Pa.

DEAR SIR: I beg leave to acknowledge the receipt of your letter of the 3d instant, tendering your resignation as a Member of the Sixtieth Congress of the United States, and to advise you that the same is accepted, to take effect the 4th day of January, 1909.

Very truly, yours,
EDWIN S. STUART.

The SPEAKER. The communications will lie upon the table.

BRIDGE ACROSS CURRENT RIVER, MISSOURI.

Mr. SMITH of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 23713) authorizing the construction of a bridge across Current River, in Missouri, which I send to the desk and ask to have read.

The Clerk read the bill at length.

The SPEAKER. Has the bill been reported? It does not seem to be upon the calendar.

Mr. SMITH of Missouri. The bill has been reported favorably by the committee, unanimously.

The SPEAKER. When?

Mr. SMITH of Missouri. This morning.

The SPEAKER. Has the gentleman a report with him?

Mr. SMITH of Missouri. I have not the report.

Mr. GAINES of West Virginia. Who made the report?

Mr. SMITH of Missouri. I think it was reported by the chairman.

The SPEAKER. The Chair will request the attention of the gentleman from Iowa [Mr. HEPBURN] and ask him in respect to the bill which has just been read.

Mr. HEPBURN. Mr. Speaker, I will state that that was ordered to be favorably reported by the committee this morning. I suppose the gentleman who has been instructed to make the report has not had time to do so and get it upon the calendar.

The SPEAKER. Was the bill reported with or without amendment?

Mr. HEPBURN. My recollection is without amendment.

Mr. SMITH of Missouri. It was reported without amendment. It is very important to get the bill through as soon as possible.

Mr. MANN. Mr. Speaker, I will state that it was ordered to be reported without amendment.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. SMITH of Missouri, a motion to reconsider the last vote was laid on the table.

HOMESTEAD ENTRY OF LANDS IN THE STATE OF WASHINGTON.

Mr. CUSHMAN. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of

the Union from the further consideration of the bill (H. R. 15859) providing for the homestead entry of certain lands in the State of Washington, and for other purposes, and to consider the same in the House at this time, which bill I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior shall cause the lands in abandoned military reservations Nos. 23 and 24, described as follows: Lots 1 and 2 in section 5 and lot 3 in section 6, of township 20 north, and the southwest quarter, the southwest quarter of the southeast quarter, and lots 3 and 4 of section 21; and the northwest quarter, the west half of the northeast quarter, lots 1, 2, and 3, and the northeast quarter of the southwest quarter of section 28, and the south half of lot 3 and all of lots 4 and 5, and the northeast quarter of the southeast quarter of section 31, the south half of the south half of the northwest quarter, the south half of the south half of the northeast quarter, and lots 1 and 2 and the west half of the northwest quarter of the southeast quarter and the southwest quarter of section 32, and the south half of lot 2 and all of lot 3 of section 33, in township 21 north, all in range 2 east of the Willamette meridian, in the State of Washington, or any part thereof, to be regularly surveyed or subdivided into tracts or lots of 20 acres each, more or less.

SEC. 2. That after said survey and the approval thereof by the Commissioner of the General Land Office the plat thereof shall be filed in the office of the register and receiver in the manner provided by law, and thereafter any settler who is in actual occupation of any portion of the lands described in section 1 hereof at the date of the passage of this act who has settled thereon in good faith for the purpose of securing a home, and is by law entitled to make a homestead entry, shall be entitled to enter the land so occupied, not exceeding 20 acres in a body, according to the government surveys and subdivisions thereof, upon payment to the Government of the sum of $2.50 per acre for each acre entered by him, and upon showing residence and cultivation of such lands in the manner and for the length of time required by the homestead laws of the United States.

SEC. 3. That the following described land, being a part of abandoned military reservation No. 24, is hereby granted to school district No. 71 of Pierce County, State of Washington, to wit: The east half of the northwest quarter of the southeast quarter of section 32 in township 21 of range 2 east of the Willamette meridian, in the State of Washington.

SEC. 4. That if any of the lands described in section 1 hereof be not duly entered as a homestead by some settler, as provided in section 1 of this act, within ninety days after the same become subject to entry under the provisions of this act, then, in that event, the Secretary of the Interior is hereby authorized to dispose of such remaining lands under the provisions of the act of Congress of July 5, 1884, entitled "An act to provide for the disposal of abandoned and useless military reservations."

With the following amendment:

Page 3, line 9, insert "upon payment therefor to the United States of $2.50 per acre."

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, I reserve the right to object, in order that the gentleman may make a short explanation.

Mr. CUSHMAN. This bill, H. R. 15859, relates to certain lands belonging to the United States, the lands being located in my State—the State of Washington. This bill has been before the Public Lands Committee of the House, and is recommended by that committee.

Before explaining the effect of the bill, I might remark that I introduced during this Congress two bills relating to these same lands, and the two bills were substantially similar. The first bill I introduced was H. R. 519. It became apparent that several small amendments would be necessary, so I finally drew this new bill, H. R. 15859, to take the place of the other bill, H. R. 519. This bill which we are now considering—H. R. 15859—is favorably reported by the Public Lands Committee of the House.

The bill involves about 1,240 acres of land. These lands comprise two small abandoned military reservations, numbered 23 and 24. These two small abandoned military reservations are situated in Pierce County, State of Washington, being located some 6 miles west of my home city of Tacoma, and about 5 or 6 miles south of a small settlement called "Gig Harbor." Reservation No. 23 contains 637.20 acres, and reservation No. 24 contains 612 acres, making the total area of both reservations 1,249.20 acres. Upon these lands at the present time there are 64 homestead settlers, each occupying just about 20 acres. All of these settlers are upon these lands in good faith and have established homes thereon, but under existing law none of them have the right to make a homestead filing upon these lands. This bill, if enacted into law, will simply confer upon each of these settlers the right to file a homestead entry upon the 20 acres of land now occupied by him, and enables each one of them to prove up and acquire title to his 20 acres at the expiration of five years' residence and cultivation, and further requires the payment by each settler of $2.50 per acre for his 20-acre tract. All of the facts are fully stated in the report (House Rept. No. 639, 60th Cong., 1st sess.), which report accompanies this bill.

Mr. STEPHENS of Texas. As I understand the gentleman from Washington [Mr. CUSHMAN], these settlers went upon these lands while they were military reservations.

Mr. CUSHMAN. No. After these military reservations were abandoned these citizens went upon these lands and made their settlements.

Mr. STEPHENS of Texas. I understand the rule to be when a military reservation is abandoned that the Secretary of War has to transfer the jurisdiction over that land to the Secretary of the Interior.

Mr. CUSHMAN. The gentleman is correct in his statement of the law.

Mr. STEPHENS of Texas. Has that been done in this case in relation to these two abandoned military reservations covered by your bill?

Mr. CUSHMAN. Yes. These two reservations were formerly military reservations, but they were abandoned by order of the Secretary of War on November 20, 1894. None of these settlers made settlements upon these lands until twelve or fifteen years after the War Department abandoned them as military reservations. In explanation of this matter, I will say that when the Secretary of War on November 20, 1894, issued an order abandoning these two military reservations the lands of course still remained government lands, but not under the same law that relates to the public domain generally. If these lands, when abandoned by the War Department, had become again a portion of the general public domain, any settler could have filed a homestead entry upon them, and there would have been no necessity for the passage of this bill which I am now presenting. As a matter of fact, the act of Congress approved July 5, 1884, was an act in relation to all abandoned military reservations; and that act placed lands in abandoned military reservations in a different class from other portions of the public domain.

Mr. STEPHENS of Texas. Did that act deprive these lands of their rights as military reservations and turn them over to the Department of the Interior?

Mr. CUSHMAN. No; not exactly. The act of July 5, 1884, did not apply specifically to these lands. Perhaps I can make this matter more clear by stating matters in their proper order according to dates. Before the year of 1884 all military reservations which the War Department abandoned simply became once more a part of the general public domain of the United States, and the lands contained in them could be filed upon as a homestead the same as any other public lands. Then Congress passed the act of July 5, 1884, which provided, in substance, that military reservations thereafter abandoned should still remain government land and be under the Secretary of the Interior; but certain restrictions were placed upon all such lands by the terms of that act. Now, then, that act of Congress was passed in 1884, and ten years thereafter, to wit, in 1894, the War Department issued an order abandoning these two military reservations. These two reservations, then, depend for their present status on the terms of that act of Congress of July 5, 1884. And by this bill which I am now presenting I am endeavoring to change the act of 1884 in certain particulars in relation to these lands. The facts and circumstances in this particular case I think justify the changes which I ask for, and which are embodied in the bill I am now presenting.

Mr. STEPHENS of Texas. That was the question I asked at first, whether these lands had become public lands and now come under the public-land laws.

Mr. CUSHMAN. Yes; they are public lands, but not in the same sense that public land is ordinarily held. When the War Department, in 1894, abandoned these lands they did not then become subject to general homestead entry.

Mr. STEPHENS of Texas. Under what law do these lands become subject to homestead entry?

Mr. CUSHMAN. Under the provisions of the act of July 5, 1884. And this bill which I am now presenting does not seek to change the act of 1884 generally, but only in relation to these two small reservations. To illustrate, the act of July 5, 1884, and subsequent acts amendatory thereof provides that no settler shall be permitted to file a homestead entry upon an abandoned military reservation unless he was residing upon said reservation prior to January 1, 1884. Now, none of these 64 settlers whom I am trying to aid by this bill have resided upon these lands so long as that. That is about twenty-four years ago, and most of these settlers have resided upon these lands from two to six years. My bill simply seeks to waive the necessity for that settlement twenty-four years ago and recognize their more recent settlement as entitling them to file their homestead claims on these lands.

Mr. STEPHENS of Texas. I understand you, then, to say that these settlers upon these lands have not entirely complied with the terms of the act of July 5, 1884.

Mr. CUSHMAN. They can not entirely comply under the terms of that act, because they have not resided upon these

lands since January 1, 1884. Nothing they can now do will change that fact. This bill simply waives that necessity of long residence. These settlers are all acting in entire good faith. They have built their homes upon these 20-acre tracts and are clearing and cultivating these lands.

Mr. STEPHENS of Texas. Are they actually on the land?

Mr. CUSHMAN. Oh, yes; and many improvements of considerable value have been made by them. I have during the last summer been personally upon every 20-acre tract of land in these two reservations.

Mr. STEPHENS of Texas. What are these settlers required to pay for these lands?

Mr. CUSHMAN. Under the terms of this bill they are required to pay $2.50 per acre. No settler, however, gets more than 20 acres.

Mr. STEPHENS of Texas. Was that the price that was put upon the land at the time they first settled or attempted to settle upon it?

Mr. CUSHMAN. No; these lands have never been appraised by the Government, and therefore no price has ever been put upon these lands.

Mr. STEPHENS of Texas. Why do you fix a price in the bill of $2.50 an acre?

Mr. CUSHMAN. Simply because that is the ordinary price asked by the Government. I do not regard the price per acre as the important part of this transaction. The important part of the bill, in my judgment, is the part that gives each of these settlers a right to make his home upon 20 acres of this land, and requires him to reside thereon and cultivate the land for five years. These are all poor men and women. I know many of them personally. They are trying to acquire homes on this vacant land.

Mr. STEPHENS of Texas. Mr. Speaker, I would like to ask this question: In my State there are abandoned reservations in exactly the same shape I understand these reservations to be, but after these reservations in my State were transferred to the Interior Department they did not become part of the public domain of the United States, but they fell under the jurisdiction of the Secretary of the Interior, just as I understand these lands in the State of Washington are to-day. The situation in my State seems to be on all fours with the situation in the State of Washington. But these abandoned military reservations in my State were put up at auction and sold to the highest bidder in 40-acre tracts, and I can not comprehend why the settlers in my district should have to pay for land by competitive bidding at a public auction and in the State of Washington the settlers should be permitted to pay a stated price of $2.50 per acre.

Mr. CUSHMAN. That, Mr. Speaker, is the very condition which I am trying to change in my State by this bill. And this question was considered by the Committee on the Public Lands of this House when they favorably reported this bill of mine. The law as it now stands is as the gentleman states it. If these lands in my State were to be disposed of under existing law without the passage of this bill, the Secretary of the Interior would simply sell these lands to the highest bidder. But there are 64 settlers upon these two reservations who have been there for a number of years; they settled there in good faith; they have made permanent and costly improvements. If these lands are put up at public auction, the real estate shark and the land speculator will be on hand to try and grab these lands. Every dollar that these settlers had, in most cases, they have expended in improvements on these lands. They are in no financial shape to bid against land speculators, and they ought not to be required to. If I have any conception of the duty of this Government, it is to help the home builder and not to boost the speculator. When this bill was favorably reported by the Public Lands Committee, that committee gave due consideration and attached due weight to the fact that actual settlers and home builders were to get these lands.

Mr. STEPHENS of Texas. How long have these settlers been on these lands?

Mr. CUSHMAN. From two to six years.

Mr. STEPHENS of Texas. Has the United States Government any barracks or other buildings on these lands?

Mr. CUSHMAN. There are no government buildings whatever on any of these lands and there never have been.

Mr. STEPHENS of Texas. Why were these two military reservations established on these lands in the first place?

Mr. CUSHMAN. God only knows. Why, sir, in the early days, when our present State was a Territory—and since, for that matter—there has been created so many government reservations of one kind and another that the map of the State of Washington is as spotted as a blue jay's egg. [Laughter.] On Puget Sound, where these lands lie, there are thousands of miles of shore line, with many islands, promontories, and indentations. In the early days whenever a government official looked at the map of the Territory of Washington and saw an inviting looking peninsula or headland or an island of promising appearance, he could not resist the temptation to make some kind of a reserve out of it. There was one point of land in the outskirts of my city where I stood and in a radius of 3 miles I counted six different government reservations, all within a 3-mile radius. Now, the vast majority of these reservations have never been used, and never will be used. But if a citizen walks outside the city limits of my home city—Tacoma—in any direction, he will stub his toe on a government reserve.

Mr. STEPHENS of Texas. Are these lands on Puget Sound?

Mr. CUSHMAN. Yes; these lands lie on the shores of Puget Sound.

Mr. STEPHENS of Texas. Will these lands ever be needed for the purpose of a town or a landing place?

Mr. CUSHMAN. I do not think so. Nobody can build a town on the lands while they are reserved. There are thousands of miles of shore line on Puget Sound, and no scarcity of landing places. This is simply vacant land that has never been used. There is not enough timber on the land to make it valuable for timber. The soil is only fairly good, but good fruit can be raised on the land. I will state that most of the men who have settled on these lands are laboring men, many of them working in a large sawmill in the city of Tacoma—men who only get $2.50 per day for their labor, and who are ambitious to acquire homes of their own, and who have taken their families out of the city of Tacoma and built little cottages and settled on these lands.

Mr. STEPHENS of Texas. What are the lands surrounding these lands worth? What would these surrounding lands sell for?

Mr. CUSHMAN. I presume $10 to $20 per acre.

Mr. STEPHENS of Texas. At competitive bidding?

Mr. CUSHMAN. I do not think the surrounding lands would sell at public auction for more than $20 per acre. When I inspected these lands this summer, I asked that same question. I was shown other lands near these lands and of the same character that sold for less than $20 per acre recently.

Mr. STEPHENS of Texas. I can not see why there should be a difference made in different parts of the United States in disposing of these military reservations.

Mr. CUSHMAN. Well, I am inclined to agree with the conclusions of the gentleman in that respect—if the circumstances are similar. I know the peculiar circumstances in this case, because the land lies near my home. I presented these facts to the Public Lands Committee. They considered the facts and favorably reported my bill. I think that committee was largely moved to this favorable action because my bill seemed to be a fair and reasonable measure and in the interest of the actual settler.

Mr. STEPHENS of Texas. I think the Fort Endicott Military Reservation brought the Government fifteen or twenty dollars an acre, and the land is not as good as you have covered by this bill and that you propose to dispose of at $2.50 an acre.

Mr. CUSHMAN. I do not think the lands covered by my bill, taken as a whole, would bring to exceed $20 an acre. And if these lands were put up at auction the result would be that the land would be bid in by speculators, who by this means would crowd out the settlers who have built their homes on these lands.

Mr. STEPHENS of Texas. On account of the actual settlers, I will not object.

Mr. GAINES of Tennessee. Will the gentleman yield to me three minutes, please? I am on the Public Lands Committee. I addressed a letter to the Secretary of the Navy, Mr. Metcalf, asking him whether he approved the sale of this property that overlooks the splendid harbors out there, and he wrote me that he distinctly disapproved the bill, that the land should not be sold, but that it should be kept for navy purposes and was now needed. That is about the substance of the letter, which I had printed in the RECORD last session. This view I took in the committee, and I am obliged to take the same view here, and must object.

ANNIE WARD.

Mr. GRONNA. Mr. Speaker, I ask unanimous consent for the consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from North Dakota asks unanimous consent for the consideration of a bill, which the Clerk will report.

The Clerk read as follows:

An act (S. 558) to authorize a patent to be issued to Annie Ward, formerly Annie Brown, for certain lands therein described.

Be it enacted, etc., That the entry of Annie Ward, formerly Annie Brown, of the southwest quarter of section 20, township 144 north, range 71 west, in the Fargo land district, in the State of North Dakota, held for cancellation by the Commissioner of the General Land Office and ordered canceled by the Secretary of the Interior, be, and the same is hereby, confirmed, and the Secretary of the Interior is hereby authorized and directed to cause a patent to the land embraced within said entry to be issued to the said Annie Ward, formerly Annie Brown, provided there is no valid adverse claim for such land.

The SPEAKER. Is there objection?

Mr. GAINES of Tennessee. Reserving the right to object, I will ask the gentleman to explain the bill.

Mr. GRONNA. Mr. Speaker, this is a bill that was called yesterday and passed without prejudice. My distinguished friend from Tennessee [Mr. GAINES], who is a member of this committee, will remember that this bill was thoroughly considered, as he was present at our meeting at the time. The bill has passed the Senate. Unanimous report was made in favor of the passage of this bill in the Committee on Public Lands.

Mr. GAINES of Tennessee. Does the gentleman say there was a unanimous report?

Mr. GRONNA. Yes.

Mr. GAINES of Tennessee. Then, Mr. Speaker, I do not make any objection.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this case, as I recall it, is a case where a man made entry under the homestead laws and the woman made entry under the homestead laws, and the two joined fortunes, so that they obtained two homesteads in one family?

Mr. GRONNA. That is correct.

Mr. MANN. Does the gentleman, who desires to get his part of the country settled, think it desirable for one family to have two homesteads?

Mr. GRONNA. The statement is perfectly correct. The application for this homestead was made by this woman before she was married. The application was made under what is known as "the law for a second homestead entry," and there was a lapse of two years before the filing was accepted. In the meantime this woman was married to a man who had a homestead. Now, under our statutes the department can not grant a patent to this land. I realize that. The gentleman from Illinois has read the report from the Secretary of the Interior.

Mr. MANN. That is true.

Mr. GRONNA. The Secretary says that there is a great deal of equity in this case, and that he has no objection to the passage of this bill.

Mr. MANN. Well, while that is true, the Secretary also says, "the purpose of the act was to guard against the maintenance of two homes at the same time by husband and wife." Now, does the gentleman believe we ought to approve a policy which will have a wife maintain a home at one homestead and the husband maintain another home on another homestead?

Mr. GRONNA. I will say to the gentleman from Illinois that, as a rule, I do not; but improvements have been made by this claimant to the extent of $1,290, as has been shown, from the time the application was made in 1902, the time that she applied for entry. They have lived continuously on this particular piece of land, and they are living on it to-day. I believe the relief should be given to this party at this particular time, and I hope the gentleman will not object to this legislation.

Mr. STEPHENS of Texas. It only applies to one homestead, does it?

Mr. GRONNA. That is all.

Mr. STEPHENS of Texas. What is the amount?

Mr. GRONNA. One hundred and sixty acres.

Mr. STEPHENS of Texas. Have they complied with law, with the exception you have stated?

Mr. GRONNA. Absolutely; and with all provisions of the law.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was read the third time and passed.

On motion of Mr. GRONNA, a motion to reconsider the vote by which the bill was passed was laid on the table.

COEUR D'ALENE RESERVATION, IDAHO.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent that the bill H. R. 21010 be taken from the Committee of the Whole House on the state of the Union, that committee discharged from further consideration of the bill, and that further consideration of the bill be indefinitely postponed.

The SPEAKER. The gentleman from Idaho ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of a bill, the title of which the Clerk will report, and that the consideration of the same be indefinitely postponed.

The Clerk read as follows:

A bill (H. R. 21010) authorizing the Secretary of the Interior to grant easements on certain lands in the Coeur d'Alene Reservation in Idaho.

Mr. GAINES of Tennessee. Reserving the right to object, I ask the gentleman to explain his request.

Mr. FRENCH. In just one word I can explain why I make this request——

Mr. GAINES of Tennessee. What is your request; to have it indefinitely postponed?

Mr. FRENCH. That is my request.

Mr. GAINES of Tennessee. Well, I have no objection to that.

The SPEAKER. Is there objection to the request to indefinitely postpone the consideration of the bill? [After a pause.] The Chair hears none, and it is so ordered.

INAUGURATION COMMITTEE.

The SPEAKER. The Chair announces the following committee on the inauguration of the President on the part of the House: Mr. BURKE, Mr. YOUNG, and Mr. GAINES of Tennessee.

PERSONAL REQUESTS.

Mr. SULZER, by unanimous consent, obtained an order for a reprint of H. R. 22071, to amend and consolidate the acts respecting copyrights.

Mr. HUBBARD of West Virginia, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of J. P. Fox (H. R. 13424) Fifty-ninth Congress, no adverse report having been made thereon.

Mr. BARCLAY, by unanimous consent, obtained indefinite leave of absence on account of illness in his family.

CLERK TO COMMITTEE ON VENTILATION AND ACOUSTICS.

Mr. HUGHES of West Virginia. Mr. Speaker, I present a privileged report from the Committee on Accounts.

The Clerk read as follows:

Resolved, That there shall be paid out of the contingent fund of the House for the services of a clerk to the Committee on Ventilation and Acoustics, at the rate of $6 per day from the beginning of the present session of Congress until the adjournment thereof.

Mr. CLARK of Missouri. Mr. Speaker, what is this thing?

Mr. HUGHES of West Virginia. It is a resolution providing for a clerk for the Committee on Ventilation and Acoustics. [Laughter.]

Mr. CLARK of Missouri. I object to that.

Mr. HUGHES of West Virginia. It is a privileged report, Mr. Speaker, and I am not asking unanimous consent.

Mr. CLARK of Missouri. Well, I am dead against it; I want that understood. [Laughter.]

Mr. GAINES of Tennessee. Will the gentleman let me ask him a question?

Mr. HUGHES of West Virginia. Certainly.

Mr. GAINES of Tennessee. If we give the committee that clerk, will that committee give us more ventilation in this House instead of the impure air we have been having?

Mr. HUGHES of West Virginia. The chairman of the committee says that he has that in view, and that is the reason why he needs this clerk.

Mr. CANDLER. Will the gentleman allow me to ask him a question?

Mr. HUGHES of West Virginia. Certainly.

Mr. CANDLER. What will be the duties of this clerk?

Mr. HUGHES of West Virginia. The duties of this clerk will be to attend to the business of the Committee on Ventilation and Acoustics. The chairman of the committee, the gentleman from Pennsylvania [Mr. GRAHAM], is not present this morning, but was unexpectedly called away; and I am sorry that he is not here so that he could defend this proposition. But I want to say for the information of the House that he appeared before the Committee on Accounts and claimed that he wanted to make some reports from the committee to this House. He called attention to the fact that the House needed, as the gentleman from Tennessee has stated, ventilation; that there were other matters in connection with the work of this committee that needed attention; that his committee would have still other work; and, therefore, that it was necessary for them to have this clerk.

Mr. CANDLER. Did this committee ever have a meeting?

Mr. HUGHES of West Virginia. Yes; this committee has had several meetings, so the chairman stated, and has several matters now pending before it.

Mr. CANDLER. How many reports have they ever made to the House?

Mr. HUGHES of West Virginia. They have not made any reports to the House. They need the services of this clerk so that they can make the reports. [Laughter.]

Mr. CLARK of Missouri rose.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. HUGHES of West Virginia. I yield to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. I yield to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. At the last session of Congress the House authorized the Superintendent of the Capitol Building and Grounds to make an investigation as to the improvement of this Chamber, and if I recollect correctly, placed $5,000 at his disposal. Now does the gentleman from West Virginia seriously believe that this Committee on Ventilation and Acoustics will perform any duties whatever of any value to the House?

Mr. HUGHES of West Virginia. I certainly do. The gentleman from Pennsylvania [Mr. GRAHAM] is a truthful man. He came before the committee and made this statement and showed to the satisfaction of the committee that his committee does have duties, and that they intended to perform these duties and to make a report to this House.

Mr. FITZGERALD. Mr. Speaker, I move to lay the resolution on the table.

Mr. ALEXANDER of Missouri rose.

The SPEAKER. Does the gentleman yield to the gentleman from Missouri [Mr. ALEXANDER], who is a member of the Committee on Ventilation and Acoustics?

Mr. HUGHES of West Virginia. I yield to the gentleman.

Mr. ALEXANDER of Missouri. Mr. Speaker, I simply want to say to the Members of the House that I am a member of this distinguished Committee on Ventilation and Acoustics. I have never yet had the privilege of forming the acquaintance of the chairman. [Laughter.] I have never received any notice of any meeting of the committee, and am not aware that there is any bill pending before that committee. If there is any necessity for a clerk, I do not know it. It does seem to me this is a waste of public money to make this appropriation.

Mr. HUGHES of West Virginia. If the gentleman will permit me to reply to him, as soon as the House gives this committee this clerk, then the gentleman will have some one to give him notice of their meetings.

Mr. FITZGERALD. I move that the resolution lie on the table.

Mr. ALEXANDER of Missouri. I do not see why the chairman can not give the notice himself.

Mr. HUGHES of West Virginia. I hope that motion will not prevail.

The SPEAKER. Does the gentleman yield the floor?

Mr. HUGHES of West Virginia. I do not.

The SPEAKER. Until the gentleman from West Virginia yields the floor, the motion of the gentleman from New York would not be in order. It would be in order when the gentleman yields the floor.

Mr. FITZGERALD. The motion is in order, unless the gentleman makes a preferential motion.

The SPEAKER. Well, but the gentleman has the floor. The moment the gentleman gets off his feet, the Chair is inclined to believe the motion of the gentleman from New York will be in order.

Mr. HUGHES of West Virginia. I move the adoption of the resolution, and on that I demand the previous question.

Mr. FITZGERALD. I move to lay the motion on the table. The gentleman has indicated that he has done with the floor.

The SPEAKER. The gentleman moves the previous question upon the adoption of the resolution. That motion, the Chair is of opinion, would take precedence of the motion to lay on the table under the circumstances, as the gentleman has the floor, and having the floor he moves the previous question.

Mr. FITZGERALD. Mr. Speaker, I do not understand that the gentleman has made that motion, even at the suggestion of the Chair.

Mr. MANN. Oh, yes, he has.

The SPEAKER. He made the motion to adopt the resolution, and he said "Upon that motion I move the previous question."

Mr. CLARK of Missouri. Mr. Speaker, as a matter of fact, the gentleman from West Virginia had yielded the floor and was gathering up his papers, and started to sit down.

Mr. HUGHES of West Virginia. Mr. Speaker, I yielded to the gentleman from Missouri [Mr. ALEXANDER] for a question only.

Mr. CLARK of Missouri. And furthermore the gentleman from West Virginia recognized the fact that the gentleman from New York had made this motion, because he said he hoped it would not be adopted.

The SPEAKER. The Chair must take the statement of the gentleman. In fact, the gentleman did make the motion that the House agree to the report; and upon that he demanded the previous question. Whether he demanded the previous question immediately before or immediately after the gentleman from New York moved to lay on the table, the Chair can not say, but the gentleman had the floor and was entitled to make the motion for the previous question, and did make it.

Mr. FITZGERALD. Mr. Speaker, we can accomplish the same result by having a vote on the motion for the previous question.

The SPEAKER. Oh, yes; it can be disposed of as well one way as another.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. HUGHES of West Virginia. Division!

Mr. FITZGERALD. Mr. Speaker, I move that the resolution lie on the table. I believe I am now entitled to the floor.

The SPEAKER. Did the gentleman from West Virginia demand a division?

Mr. HUGHES of West Virginia. Yes.

The House divided; and there were 60 ayes and 95 noes.

So the motion for the previous question was lost.

Mr. FITZGERALD. Mr. Speaker, I move to lay the resolution on the table.

The question was taken, and there were 95 ayes and 31 noes.

Mr. HUGHES of West Virginia. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from West Virginia demands the yeas and nays.

The question was taken, and the Speaker announced that 20 Members had arisen, not a sufficient number, and the yeas and nays were refused.

BILLS ON THE PRIVATE CALENDAR.

Mr. HASKINS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar under the rule.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House, with Mr. TOWNSEND in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House for the consideration of the bills on the Private Calendar under the rule.

CITIZENS' BANK OF LOUISIANA.

Mr. HASKINS. Mr. Chairman, I call up the bill (H. R. 12484) for the relief of the Citizens' Bank of Louisiana.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the Citizens' Bank of Louisiana $215,820.89 for a claim found due said bank by the Court of Claims; and the money to pay the same is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. SIMS. Mr. Chairman, I ask that Senate bill 1559, for the same purpose, Calendar No. 893, be substituted for the House bill and be considered in lieu of the House bill.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the identical Senate bill be substituted for the House bill. Is there objection?

There was no objection.

Mr. HASKINS. Now, Mr. Chairman, I yield to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, this is a bill to pay the Citizens' Bank of Louisiana $215,820.89. The bill has been before both Houses of Congress for many years, has been often favorably reported as set out in the report, and never has been adversely reported. That the bill is a just one, and that the amount should be paid has been reported on favorably by Senator Howell Jackson, who was afterwards a member of the Supreme Court of the United States; Senator White, at present a justice of the Supreme Court of the United States; and found to be a just liability against the Government of the United States; also by William H. Moody, then the Attorney-General, and now a justice of the Supreme Court of the United States.

The facts in this case briefly are these: This bank was incorporated in 1833. It continued to do business in the city of New Orleans, La., and in 1862, Gen. Benjamin F. Butler took possession of the city of New Orleans and issued various orders set out in the report. In the bank at that time was deposited to the credit of the Confederate government $219,039.94; special account, Confederate court, $12,465; also deposits by Confederate

receivers in the sum of $215,820.89, the amount for the payment of which this bill has been introduced.

This bank gave notice, prior to the occupation and prior to the orders of General Butler, that all accounts of depositors made prior to the date mentioned in the report would be paid in gold, silver, or notes of the bank; that all deposits received after that time, September, 1861, would be payable in the funds deposited. These deposits by the Confederate receivers were made in Confederate money, but General Butler, when he took charge of these funds deposited by the Confederate receivers, required them, instead of being paid in the funds deposited, in Confederate money, to be paid in gold or silver or the Treasury notes of the United States. The bank protested, but the General was inexorable and the amount was paid by the bank in a draft on a bank in New York, and was covered into the Treasury of the United States by authority of Congress, and is there yet.

In other words, no part of it has ever been paid to the bank or to anyone else. Now, without going into the facts further, I want to read, because it is the expression of a high official of the Government, a high legal authority, Mr. Justice Moody of the Supreme Court of the United States. And first, I want to state the reason why Mr. Justice Moody made the statement. There was a petition filed asking the President of the United States, as Commander in Chief of the United States Army, to order the fund paid over to the bank, and Justice Moody, after reviewing the facts and setting them out, says this:

In my opinion, after consideration of the foregoing facts, the act of General Butler in compelling payment to him by the claimant of this sum of $215,820.89 in current funds of the United States instead of payment in kind—that is, in Confederate currency, which constituted the deposits of said sum—was entirely unwarranted and unauthorized, and through said act the United States obtained no title thereto. As confirming this opinion that the United States never obtained title to this money, I refer to a letter written by General Butler on April 24, 1884, to one of the members of the Senate committee, to whom this claim had been referred, in which he sets forth that as regards the amount of the receivers' accounts comprising a greater portion of this sum, he had compelled payment of the same, as he did by the claimant, because this amount had been confiscated by the Confederate government as the property of northern creditors owing to them from southern debtors, and that his intention was that the amount so confiscated should be restored to said creditors by the United States Government, adding: "I agree that the United States has no right to it and ought to pay it over to somebody, and these somebodies are the northern creditors who lost it." But, however well meaning General Butler may have been toward these northern creditors, in my opinion he had no authority to compel the claimant to pay in currency of the United States deposits made with it in Confederate funds, but should have accepted the offer of the claimant to deliver up those deposits in kind.

As to the value of these Confederate funds in the hands of the claimant at the time of this payment to General Butler, as found by the Court of Claims, I do not think that it constitutes a proper offset to this claim. This finding is based solely upon the fact that at about the same time the United States military authorities had sold certain Confederate currency seized by them for one-third the nominal value thereof in current funds of the United States, but it does not appear that the claimant had any opportunity to make like disposition of the Confederate funds held by it. On the contrary, it would appear that it was precluded from so doing, for on May 19 of the same year General Butler had issued the following order:

"That the several incorporated banks pay out no more Confederate notes to their depositors or creditors, but that all deposits be paid in the bills of the bank, United States Treasury notes, gold, or silver."

Moreover, in my opinion, it was the legal duty of the claimant to hold these deposits subject to the demand therefor of the depositors or until such time as it would appear with certainty that such demand could never be made by reason of the complete overthrow of the Confederate government.

Now, I ask especial attention to the next statement by Mr. Justice Moody:

Respecting the finding of disloyalty of the claimant made by the Court of Claims, the facts show that this disloyalty consisted in certain dealings in Confederate funds, including a subscription to the amount of $300,000 to a fund for the defense of the city of New Orleans against the United States; but it appears that these acts were in the line of business, and were, furthermore, practically forced upon the claimant to maintain its existence while the Confederate government was in power at New Orleans. Furthermore, there is no proof that these acts were ratified by the stockholders of the bank. Indeed, I am informed that at that time some of said stockholders were loyal northern citizens of the United States. Hence it would seem that these acts of disloyalty are properly imputable to the officers only and that the bank as a corporation ought not to be held accountable therefor. The cases of Commonwealth *v.* Proprietors of New Bedford Bridge (2 Gray, Mass., 339) and Planters' Bank *v.* Union Bank (16 Wall., 496) support the view that disloyalty can not be imputed to a corporation, and the same view is taken in Clark on Corporations, page 200.

As for the relief prayed for in the petition, while I am of the opinion that the United States never obtained title to the money of the claimant here under consideration, and that there was no warrant for covering the same into the Treasury, nevertheless the fact remains that this money was covered into the Treasury and that it has ever since constituted, prima facie, a part of the funds of the United States for which the Treasury Department has been held to account. I do not doubt the power of the President, as Commander in Chief of the military forces of the United States, to have directed the return of this money to the claimant before it was thus covered into the Treasury, but I can not perceive that that power continued after it had thus passed under the control of the Treasury Department. Furthermore, as above stated, the claimant has already had this claim passed upon through its own voluntary action by the Court of Claims, and the report of that court upon the claim is still before Congress subject to its action, so that it does not seem to me fitting, even if the power to do so were plain, for the President to forestall such action of Congress.

The reason why Justice Moody did not recommend that the President order it paid back by executive order was because it had been covered into the United States Treasury by act of Congress.

Mr. MURDOCK. Will the gentleman explain who lost the money?

Mr. SIMS. The bank.

Mr. MURDOCK. The gentleman spoke of northern creditors.

Mr. SIMS. Mr. Justice Moody referred to the northern creditors.

Mr. MURDOCK. What does that mean?

Mr. SIMS. General Butler gave that as a reason for requiring the money of the Confederate receivers to be paid in United States money, that they had sequestered debts due northern creditors. That was General Butler's reason for saying what he did.

Mr. MURDOCK. Did not stockholders of the bank make this loss good?

Mr. SIMS. It was paid in gold, in United States money.

Mr. PRINCE. As I understand the gentleman, this amount of money, $215,820.89, was collected by General Butler and deposited in the United States Treasury—that is, under military order.

Mr. SIMS. Yes; it was paid over by his order.

Mr. PRINCE. It was paid over to him?

Mr. SIMS. Yes.

Mr. PRINCE. That amount of money has been in the Treasury of the United States from that time up to this time?

Mr. SIMS. Yes.

Mr. PRINCE. The bank made good to the depositors this sum of money?

Mr. MANN. Not at all.

Mr. PRINCE. Did this bank ever pay this money to the depositors or to the receivers or to the persons who were entitled to receive it?

Mr. SIMS. The gentleman will understand that the deposits were in Confederate money, by receivers, and the deposits were retained there and sold after the civil war as junk, and the deposits were received to be paid in like money, in kind—that is, to be paid back in the kind of money received. It was deposited in Confederate money, and therefore General Butler was entitled to only the property that the receivers were entitled to, which was Confederate money, but he would not accept it, and forced the bank to pay it in United States money.

Mr. PRINCE. In gold or silver?

Mr. SIMS. Well, in money of the United States.

Mr. PRINCE. And the purpose of the gentleman is to have this amount of money returned to the bank?

Mr. SIMS. Yes; without interest, simply the sum itself. That is the object of the bill. Now, Mr. Chairman, if the House understands it, I ask for a vote on the bill, that it be laid aside with a favorable recommendation.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, I desire to be heard.

Mr. SIMS. Very well, Mr. Chairman, I reserve the balance of my time.

Mr. MANN. Mr. Chairman, this bill is a very old claim against the Government; and if it is a just claim, it ought to be paid; and to the extent that it is just, it ought to be paid. It is true that the payment of this claim has been recommended by many committees, by some very distinguished gentlemen. The claim went through the unusual and most extraordinary process of being submitted to the President of the United States, and by him submitted to the Attorney-General. Why this claim should have had such extraordinary care taken of it, over and above all of the other claims that are constantly being presented to Congress, I do not know; though I suspect that the same social influences which have been urged in its behalf for many years in some way affected not the President himself, not the Attorney-General himself, but some of the people through whom that claim happened to be presented to the President, and by him referred to the Attorney-General. But perhaps that makes no difference. When the claim was referred to the Attorney-General all he had before him were the papers in the case, the same as are here before us.

Now, what are the facts in the case? I think the report is in error in several places where the report says that this was money belonging to the Confederate States. According to the report of this bank, made to General Butler when he entered New Orleans, the bank had on deposit some two hundred and

nineteen thousand and odd dollars to the credit of the Confederate States. It had on deposit a special fund of something over $12,000 to the credit of the State. It had on deposit various sums of money not to the credit of the Confederate States, but to the credit of receivers——

Mr SIMS. The report so states.

Mr. MANN. Which it listed in one place as Confederate receivers; but their own report shows that it was not money belonging to the Confederate States at all. The bank stated:

As the deposits by receivers were made in this bank by virtue of an order of the Confederate court, in accordance with the act of Congress, they were to that extent compulsory on the receivers as well as on the bank. To have refused to comply with the mandate of the court might have brought both parties in conflict with the constituted authorities for the time being.

To whom this money belonged is not shown by the court, and never has appeared in any of the papers in the case. I take it that there was a distinction between money being deposited there for the account of the Confederate States and money deposited there by the receivers of the court under the order of the court.

That distinction was made by General Butler. When General Butler requested the banks to furnish him this statement of these funds the bank said to him: "Confederate money for all of these accounts." General Butler returned to the bank the accounts which were not for the Confederate States and stated that so far as the accounts of the Confederate States were concerned he believed that he and the Government of the United States stood in the same place to the Confederate States, hence he would accept the same kind of money which could be turned over to the Confederate States, to wit, Confederate money; but he insisted that these other accounts deposited in this bank in current funds should be paid by the bank in current funds, and he declined to accept the Confederate money. As to the Confederate account, he acknowledged that that might properly be paid in Confederate funds, and although the report would indicate that the controversy here is over money belonging to the Confederate States, that is entirely eliminated from the controversy. There never was any question about that. That money was accepted by General Butler in Confederate money and is out of this case. Now, what he did was to return to the bank the $215,000 of these special accounts to receivers, including one special account, I believe, belonging to the Confederate States, which possibly might be a claim justly entitled to be paid. What did the bank do? The bank, not General Butler, took the responsibility of setting aside this money in Confederate money as against these deposits to be paid in current funds. It was not General Butler who ordered this special deposit to be made of these accounts, as stated in the report, at all. The special deposit made by the bank was not the money due to the Confederate States. That had been accepted by General Butler in Confederate funds—the money that he returned—but the bank took, not by direction of General Butler, and made a special deposit, and upon any theory of law it was the duty of the bank, even if it intended to make a claim against the Government, to make use of the funds which were returned to it as Confederate funds. Not only that, Mr. Chairman, but when this matter was submitted to the Court of Claims, the Court of Claims made a specific finding that the funds at that time—the $215,000 of special deposits, which were permitted by the bank to lie in the vaults of the bank until they were worthless—were worth some $71,000 of United States money. Now, if this bank chose to take these Confederate funds returned to it by General Butler and put them in a special deposit—pile them up in their vaults—that was the risk which the bank took. It was not by direction of General Butler that it was done at all. He did not ask that this particular money should be sequestrated or that it should be put in a special deposit, or that it should be put in a box in the vault of the bank. The bank had accepted this money from the receivers under order of court. General Butler required these funds to be turned over to him. There was a controversy as to how the funds should be paid, and General Butler insisted they should be paid in United States currency. The bank insisted that it should have the authority to pay in Confederate funds. It was not the right of the bank, as a matter of any law which has ever been administered in any other case, to say that these funds should be laid aside until they became worthless. It was the duty of the bank to realize the best it could upon these funds, as it did upon the other funds it had in its possession.

Mr. HOLLIDAY. Mr. Chairman, will the gentleman kindly yield for a question?

Mr. MANN. Yes.

Mr. HOLLIDAY. As a member of the committee which considered this matter, I would like to ask the gentleman how he obtained the information that this $215,000 in Confederate money was worth $70,000 in good money at that time? I do not think that was known to the committee.

Mr. MANN. The Court of Claims, which passed upon this case made that finding; but this, however, is not set forth in the report of the committee.

Mr. HOLLIDAY. I never heard of it.

Mr. MANN. No; but that was one of the findings made by the Court of Claims when this case was submitted to the Court of Claims. It is undoubtedly true that it is not the duty of attorneys prosecuting claims of this sort to present evidence which is against them, and for that reason I called attention to the decision of the court.

Mr. HOLLIDAY. And will the gentleman permit me again? Does the gentleman regard it as the duty of the bank to force a sale of this Confederate money, or simply hold it? They were not there for the purpose of selling it or for the purpose of exchanging it, but simply it was made a depository. Had they any right to go into the open market and sell it for what they could get for it in good money, in gold and silver, under the terms of a trust that had been deposited with them as a trust fund?

Mr. MANN. It was not deposited with them to be held in coin. It was deposited with them as other deposits are made with banks.

Mr. HOLLIDAY. In Confederate money?

Mr. MANN. In Confederate money. This is not the only Confederate money this bank had on deposit. My information is that the bank disposed of its Confederate funds. At that time they had considerable value. Perhaps it is true that General Butler had issued an order that in the city of New Orleans the banks and other concerns should not pass Confederate money as current, but Confederate money at that time had a considerable value. The bank held this on its own responsibility as a special deposit in Confederate funds. They should have realized on this sum as they realized upon other Confederate money which they held.

Mr. HOLLIDAY. Will the gentleman again yield? I want to get information on the subject. The gentleman will observe that the court says, as to the value of these Confederate funds:

As to the value of these Confederate funds in the hands of the claimant at the time of this payment to General Butler, as found by the Court of Claims, I do not think that it constitutes a proper offset to this claim.

I understand the gentleman thinks it does constitute a proper offset, and the court found otherwise.

Mr. MANN. What part of the report is the gentleman reading from?

Mr. HOLLIDAY. I am reading from the case itself, on page 8 of the report.

Mr. MANN. That is the opinion of the Attorney-General overruling the Court of Claims on an ex parte hearing, without any presentation of the Government's side of the case.

Mr. HOLLIDAY. But the point I make is that the Court of Claims did not find this was a proper offset to any claim that the bank held. I have not read the finding, but my understanding of the finding is that they came to no conclusion in regard to that and expressed no opinion in regard to it. The Attorney-General says it was not a proper offset.

Mr. MANN. This point the Court of Claims found. The Court of Claims, as the gentleman understands, as a rule, does not make recommendations. All it finds is facts in these cases. The Court of Claims, and I am reading merely from the opinion of the Attorney-General, because the finding in the Court of Claims, that part of it in favor of this payment, is set forth quite fully in the report; the rest is not, and I suppose was not called to the attention of the committee. I make no reflection on the committee.

Mr. HOLLIDAY. I hope the gentleman will not consider that the committee purposely omitted anything.

Mr. MANN. I do not reflect upon the committee, and much less on the gentleman who presented the report. It was a long opinion, and I presume was not called to the attention of the committee, so as to have it in convenient shape for printing. The Attorney-General said:

The Court of Claims also found that at the time of this payment, as above recited by the claimant, the Confederate notes in the nominal sum of a like amount, which then remained in the bank of the claimant, were worth one-third of their face value, or $71,940.29, and, further, that it does not appear what became of this sum of Confederate currency so held and maintained by the claimant to the credit of the depositors of the same, "nor does it appear that said claimant ever paid said sums, or any part thereof, to said depositors or other persons."

No part of that finding, by the way, except as in the letter, is set forth. Now, here was the finding of the Court of Claims as to the facts. The Court of Claims found, in addition, that the claimant was not loyal to the Government of the United

States during the war. So the committee sets aside practically two findings of the Court of Claims—first, disloyalty, and, second, as to the amount which is due under the best of circumstances.

I do not wish to be understood in this matter as criticising the committee, because I appreciate the work that that committee does, the labor that is involved in all of these cases, and the fact that very likely the committee acted largely upon the letter of the Attorney-General.

Mr. HASKINS. I want to inquire of the gentleman from Illinois if he does not understand that the Supreme Court of the United States has held that there is no such thing as disloyalty on the part of a corporation?

Mr. MANN. Well, I do not understand that the Supreme Court has held that.

Mr. HASKINS. I have it right here.

Mr. MANN. I know the decision. I do not understand that the Supreme Court has held at all that there is no such thing as disloyalty on the part of a banking corporation which is the fiscal agent of a party with which we are at war. Here was a bank, the fiscal agent, as far as it could be, of the Confederate States, the funds belonging to the Confederate States not being in dispute in this case. And yet it is claimed that the Supreme Court has decided that this bank could not be disloyal, while the Court of Claims, which considered this particular case and heard the evidence, decided that it was disloyal.

Mr. HASKINS. Why, Mr. Chairman, a large number of the stockholders of this bank at the time this money was taken were northern men residing in Northern States.

Mr. MANN. I do not know that that helped them. I have a great deal more respect for some of the southern men who were not loyal than for these men. They claim that some of the stockholders were northern men. Stockholders of this bank, when? While it was acting as the fiscal agent of the Confederate States. I do not take stock in their loyalty at all. I might have some sympathy for the men in the South who were so-called "disloyal," because loyal to their own community, but I have no sympathy for the northener who was operating with his funds to injure the Government and staying at home claiming to be loyal.

I reserve the balance of my time.

Mr. BENNET of New York. Will the gentleman allow me to ask him a question?

Mr. MANN. Certainly.

Mr. BENNET of New York. Who were these receivers that deposited the money?

Mr. MANN. I have been unable to ascertain, except that they were receivers of money deposited by order of the courts as stated in the report. I have been unable to find anything in the record of the case which shows who these receivers were.

Mr. BENNET of New York. I am unable to get a copy of the report in the document room, and therefore I would like to ask the gentleman this question: Is there any way provided in the event that this bill passes and becomes law that this money will go back to the people for whom these gentlemen were receivers?

Mr. MANN. Oh, no; that is never expected. Of course they have no recourse. But after all I am free to admit that it is not very important, perhaps. While it is true it is not intended to pay any of this money to the depositors, I am desirous of being perfectly fair with the committee on matters of this kind. The claim is made that these funds could have been paid to the depositors in Confederate notes, and that is undoubtedly true. That money became worthless, and hence anything due the depositors was worthless; but that the bank was compelled to pay to the Government of the United States good money, which was paid by draft by the correspondent bank in New York. Whether the depositors will come up again with another claim no one can tell. I can see no justice in it, but I have seen no justice in many claims presented, argued, allowed, and paid.

Mr. BENNET of New York. If the gentleman will answer another question, which I ask purely for information. My information was that these were moneys due by southern gentlemen to northern merchants that were sequestrated on the orders of the southern courts.

Mr. MANN. The gentleman is entirely mistaken. The gentleman has something else in his mind.

Mr. BENNET of New York. I am asking the gentleman, because he is a source of a great deal of information.

Mr. MANN. There is nothing of the sort. General Butler, in a letter written long after this took place—and everyone knows General Butler's memory was sometimes very convenient for certain purposes—stated that his justification for taking the money was the fact that the Confederate States had confiscated money due from southern merchants to northern merchants, and that turn about was fair play. Of course that has nothing to do with the equities of this case, because the Government does not take that position. I reserve the balance of my time.

Mr. HASKINS. Mr. Chairman, the gentleman from Illinois is pretty good at special pleading, but he is altogether wrong in his conclusions.

In the first place, General Butler had no more authority to levy a contribution upon the Citizens' Bank of Louisiana than would the gentleman from Illinois have to go out in the streets of Washington and levy a contribution upon any bank in the city of Washington. When General Butler arrived at New Orleans he issued a long proclamation on the 1st of May, 1862, and among other things he stated "that all rights of property of whatever kind will be held inviolate, subject only to laws of the United States."

Now, he levied this contribution upon the Citizens' Bank of Louisiana. It was an amount of money that they held in Confederate notes, that had been deposited there by the receivers of certain institutions, amounting to $215,820.89. The bank protested against paying the money to him unless it could be paid in Confederate money, such as they had in their bank. He was not satisfied with that. He insisted that the bank should give him a draft or order upon their correspondent bank in New York, and they delivered to him an order for the amount of this money upon their correspondent bank in the city of New York.

That money was sent to the Treasury of the United States, where it has lain from that time up to the present, and held there without any authority of law whatever; and if the Government to-day were to pay the legal rate of interest upon the money that it received, the claim against this Government would amount to more than $800,000.

A similar case, involving a similar principle, was decided by the Supreme Court of the United States upon a transaction of General Banks. It was the case of the Planters' Bank, of Tennessee, against the Union Bank, of Louisiana. The court say:

> Did the order of General Banks justify any payment of the balance to the military authorities? If it did not, it is immaterial in what currency the payment was made. Payment in any currency was no protection to the debtors. The validity of the order is, therefore, the first thing to be considered.

That is, the validity of the order of General Butler is the first thing for this House to consider.

> Still, as the war had not ceased, though it was not flagrant in the district, and as General Banks was in command of the district, it must be conceded that he had power to do all that the laws of war permitted, except so far as he was restrained by the pledged faith of the Government, or by the effect of congressional legislation.

So, too, General Butler had authority to do just what was required of him or permitted of him to do under the laws of the United States, and no more. The court say:

> A pledge, however, had been given that rights of property should be respected. When the city was surrendered to the army under General Butler, a proclamation was issued, dated May 1, 1862, one clause of which was as follows:
>
> "All the rights of property of whatever kind will be held inviolate, subject only to the laws of the United States."
>
> This, as was remarked in the case of *The Venice*, "only reiterated the rule established by the legislative and executive action of the National Government in respect to the portions of the States in insurrection, occupied and controlled by the troops of the Union." That action, it was said, indicated the policy of the Government to be not to regard districts occupied and controlled by national troops as in actual insurrection, or their inhabitants, as subject, in most respects, to treatment as enemies.
>
> We do not assert that anything in General Butler's proclamation exempted property within the occupied districts from liability to confiscation as enemy's property, if in truth it was such. All that is now said is that after that proclamation private property in the district was not subject to military seizure as booty of war. But admitting, as we do, that private property remained subject to confiscation, and also that the proclamation applied exclusively to the inhabitants of the district, it is undeniable that confiscation was possible only to the extent and in the manner provided by the acts of Congress. Those acts were passed on the 6th of August, 1861, and on the 17th of July, 1862. No others authorized the confiscation of private property, and they prescribed the manner in which alone confiscation could be made. They designated government agents—

That is, the act itself designated government agents—

> For seizing enemies' property, and they directed the mode of procedure for its condemnation in the courts. The system devised was necessarily exclusive. No authority was given to a military commandant, as such, to effect any confiscation. And under neither of the acts was the property of a banking institution made confiscable.

So I say, without reading any further of this case, that General Butler's seizure of that property was a high-handed, unjustifiable, and unlawful demand for contribution upon the Citizens' Bank of Louisiana, without any authority of law whatever, because the acts of Congress prescribed just how and in what manner, and in no other manner, confiscation could be accomplished.

This money, under the order which he compelled the cashier and the president of the Citizens' Bank of Louisiana to deliver to him, was sent to their correspondent in the city of New York,

who paid over under that order $215,820.89 in the legal currency of the United States of America. Now, to whom does it belong? It belongs to the Citizens' Bank of Louisiana, the stockholders that then were, or their heirs, assigns, or legal representatives.

There is no defense whatever to this claim, and I want to say in this connection——

Mr. MANN. I think the gentleman does not want to say—I want to be perfectly fair with him—that this money should go to the legal heirs of the stockholders at that time, because this bill is to pay it to the Citizens' Bank.

Mr. HASKINS. It is incorporated.

Mr. MANN. It should go to the bank and not to the heirs of the stockholders.

Mr. HASKINS. The Citizens' Bank will distribute it as it ought to be distributed.

Mr. MANN. I think the bank will use it as it would use any other funds.

Mr. HASKINS. I do not think I violate any man's confidence when I say to you that one of the most promient Members of this House for many years, a Republican, too, told me this morning that on one occasion he helped defeat this very bill, and he said that he never had been so ashamed of any act before in Congress in his life, because he knew that it was a just and legal claim. Now, this is an honest claim, and there is no defense to it whatever.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

A similar House bill, H. R. 12484, was ordered to lie on the table.

JOHN D. M'LAIN.

Mr. HASKINS. Mr. Chairman, I now call up the bill (H. R. 3622) for the relief of John D. McLain.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay John D. McLain, of Johnson County, Ind., out of any money in the Treasury not otherwise appropriated the sum of $100, being for one horse taken by or furnished to the military authorities of the United States for their use during the war for the suppression of the rebellion.

Mr. HASKINS. Mr. Chairman, I will yield to the gentleman from Indiana [Mr. HOLLIDAY].

Mr. HOLLIDAY. Mr. Chairman, perhaps I should apologize to the committee, but this claim was referred to me for consideration, and I went over the evidence, and at that time made up my mind that it was a meritorious claim and that it ought to be paid. But the report was made a good many months ago and I have not refreshed my memory in regard to it since, but I may say that on examination made at that time I found the facts before me to be as I reported, and I considered it a proper bill to be paid.

Mr. HASKINS. This was a horse taken by the military forces of the United States under General Judah as he was passing through Kentucky during the war of the suppression of the rebellion in pursuit of Gen. John Morgan's command. The horse was appraised at $100. The evidence submitted was perfectly satisfactory, and was overwhelming that Mr. McLain was absolutely a loyal man to the Government and would have given more horses if he had had them. I move that the bill be laid aside with a favorable recommendation.

The question was taken, and the bill was ordered to be laid aside to be reported favorably to the House.

C. L. HUEY.

Mr. HASKINS. Mr. Chairman, I now call up the bill (H. R. 7029) for the relief of C. L. Huey.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to C. L. Huey, of Bloomingdale, Ind., out of any money in the Treasury not otherwise appropriated, the sum of $96.40, being for loss of private property at Cavite Naval Station, P. I., as found due him by a board of survey at Manila, P. I., by Special Orders, No. 272, paragraph 2, dated headquarters First Brigade and post of Manila, November 17, 1903.

Mr. HOLLIDAY. Mr. Chairman, this bill has once passed the House and been reported two or three times favorably. The facts in the case are brief. The man was a civil employee in the service of the Government, and while his trunk was in the custody of the Government it was broken into and robbed. A board of survey found that the articles of value amounting to the amount stated in the bill were taken and that he ought to be paid for them. It amounted to $96.40, and it has been recommended by the department and board of survey and everybody else who has had anything to say about it.

Mr. MANN. I understand this bill is practically to reimburse an employee of the Government for the loss of a trunk, which trunk, if it had been carried by a common carrier——

Mr. HOLLIDAY. It was on a government transport,

Mr. MANN. Which trunk, if being carried by a common carrier, the common carrier would be liable for the loss.

Mr. HOLLIDAY. That is right.

Mr. MANN. In fact, it was carried on a government vessel?

Mr. HOLLIDAY. Yes.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JAMES R. WYRICK.

Mr. HASKINS. Mr. Chairman, I now call up the bill (H. R. 8050) for the relief of James R. Wyrick.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $150, in full liquidation of the amount due James R. Wyrick, being the value of a mule furnished the army of the United States during the war of the rebellion.

Mr. HASKINS. Mr. Chairman, this bill was introduced by Mr. DAWSON.

Mr. MANN. This bill is similar to the one we just passed a moment ago, is it not?

Mr. HOLLIDAY. Yes.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

SEWELL COULSON.

Mr. HASKINS. Mr. Chairman, I now call up the bill (H. R. 1072) for the relief of Mary A. Coulson, executrix of Sewell Coulson, deceased.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary A. Coulson, executrix and sole legatee of Sewell Coulson, deceased, late of Sullivan, Ind., the sum of $3,950, being the amount due to him for professional services rendered as an attorney at law, the said services being the defense of sundry actions instituted and prosecuted against a military officer and men of his command in the Indiana state courts and the United States circuit court within and for the district of Indiana for acts done by them while in the discharge of their duty and in obedience to orders emanating from the authority of the United States Government during the late war.

With the following committee amendments:

Page 1, line 5, strike out the words "Mary A. Coulson, executrix," and substitute therefor the words "the legal representatives."

The title was amended so as to read: "A bill for the relief of the legal representatives of Sewell Coulson, deceased."

Mr. PERKINS. Mr. Chairman, I wish the gentleman in charge of the bill would make some explanation of this bill.

Mr. MANN. He ought to make a very full explanation.

Mr. HASKINS. Mr. Chairman, I yield to the gentleman from Indiana [Mr. CHANEY].

Mr. CHANEY. Mr. Chairman, as the bill recites, this is to pay for the legal services of Sewell Coulson, deceased, who immediately after the war was engaged to defend certain persons who were sued in civil damages by persons arrested by military authorities under General Hovey, in the district of Indiana. There were a number of persons claimed to have been arrested without authority of law and without the warrant of law under the military laws of the country, and after the war ended and they were released from custody they sued the officers who, under the directions of the military authorities of the United States, had arrested them—sued the officers for false imprisonment and claimed they were entitled to damages. Suits were prosecuted against these persons, and they were defended by Mr. Coulson and by Porter, Harrison & Fishback, not only in the state court of Indiana, but also in the United States district court—that is, in those cases that got into the federal court by transfer under the rules and regulations for transfer for causes. Mr. Coulson's claim is embraced in this bill. The services were certified as being worth $4,500.

The legislature of Indiana made an appropriation to satisfy the portions of the services which were regarded as expenses incurred by these gentlemen in pursuance of the duties devolving upon them as attorneys representing the defendants in those suits. The amount of money appropriated by the legislature was paid to Porter, Harrison & Fishback, and Mr. Coulson. The amount paid to Mr. Coulson was $550. It did not meet the expenses which these gentlemen had incurred in the course of defending these suits. At the time these suits were begun and at the time Coulson and Porter, Harrison & Fishback were selected to defend these men, Mr. Coulson wrote a letter to the Adjutant-General of the War Department putting in a claim for services rendered up to a certain time, expecting there would be some recognition of the services thus far rendered upon the part of the United States, and also that he should be authorized to continue his employment. The Adjutant-General, as shown by the reports made by the Adjutant-General, said that he would not want to consider services rendered in part; but after the services were concluded, then the accounts of these gentle-

men should be submitted, and he would then take up the question of compensation.

Eventually the cases, after dragging along for several years, were concluded, and he put in his application for pay to the War Department, and the War Department of course turned the matter over to The Adjutant-General, who reported there were no funds within his control with which he could then pay for the services rendered. The Auditor for the Treasury Department made also a similar statement when the claim was presented to that bureau for audit. Afterwards the question of services and compensation was taken up by the War Department, and these were the conclusions that were reached, namely, that there were no available funds in the War Department to satisfy these services and that therefore it should be referred——

Mr. PERKINS. Will the gentleman yield for a question?

Mr. CHANEY. Certainly.

Mr. PERKINS. Who were these men that were prosecuted?

Mr. CHANEY. They were persons that had been arrested by the military authorities on account of treasonable performances in the State of Indiana.

Mr. PERKINS. And this lawyer appeared for the military authorities?

Mr. CHANEY. He appeared for the men who were sued in civil damages for the false imprisonment of the plaintiffs who sued.

Mr. PERKINS. Who were the men that were sued? I do not care for their names, but what was their office?

Mr. CHANEY. They were captains and lieutenants in command of the companies that were sent there by General Hovey to arrest these men.

Mr. PERKINS. That is, they were captains and lieutenants of companies in the United States service?

Mr. CHANEY. They were under the control and direction and subject to the orders of the United States Army, and General Hovey commanded them.

Mr. PERKINS. Were they United States officers?

Mr. CHANEY. They were originally enlisted as Indiana Militia.

Mr. PERKINS. Were they United States officers or state officers, because it makes a great difference whether the Government should pay this claim, as the gentleman will see, as to whether these men were United States officers or were not.

Mr. CHANEY. These men that were sued were in the service of the United States in fact. They commanded Indiana Militia, however, but the men actually sued were detailed by General Hovey from the service in his command, and they commanded Indiana Militia in the work they did.

Mr. PERKINS. Were they officers being paid by the United States Government?

Mr. CHANEY. They received their compensation as United States officers.

Mr. PERKINS. When they got through this arresting business, what did they do? Did they go back to fight, or stay in the State of Indiana?

Mr. CHANEY. They stayed in the United States service until their enlistment expired, and then they quit with others, when the time of service expired.

Mr. PERKINS. Were these lawyers ever paid their bill?

Mr. CHANEY. No.

Mr. PERKINS. Why did not the officers pay them?

Mr. CHANEY. Well, it was considered by General Hovey and these men that it was the duty of the United States to pay them. They were in the service of the United States and acted under United States orders.

Mr. PERKINS. Why did not the officers have the United States attorney for them, if it was government work?

Mr. CHANEY. That I do not know; I could not answer that question.

Mr. PERKINS. There are United States attorneys whose business it is to defend any proper act by a government employee; that is what they are for.

Mr. MANN. But they were not government employees.

Mr. PERKINS. That is what I am trying to find out.

Mr. CHANEY. One of the officers who arrested these Knights of the Golden Circle, and who was sued for civil damages, was a lieutenant in a company of General Hovey's regiment. He was one of the officers who was sued, and they got judgment against him in one case in the sum of $25,000, but through the efforts of these lawyers they succeeded in having the judgment reopened, and the case was eventually compromised and dismissed.

Mr. PERKINS. Then was it found that these arrests were really illegal arrests?

Mr. CHANEY. The gentleman understands the history of the Millikan arrests, which was exactly like this.

Mr. PERKINS. No; I do not understand it at all.

Mr. CHANEY. These arrests were regarded as sufficiently illegal to allow the governor of Indiana to recommend they be dropped, and the men arrested were allowed to go free, although Mr. Millikan was prosecuted and condemned and ordered to be shot. He was afterwards pardoned.

Mr. PERKINS. Then, as I understand, these officers did make some illegal arrests?

Mr. CHANEY. They made the arrests they did make under orders of General Hovey, who was regularly employed in the United States service as a brigadier-general.

Mr. PERKINS. Well, when the lawyers relieved them from these claims why were not they under some obligation to pay the lawyers out of their own pockets?

Mr. CHANEY. I suspect that might have been done——

Mr. PERKINS. I approve of the sentiment.

Mr. CHANEY (continuing). But they were under military orders; and in so acting, they acted under the direction of the United States, and why should not the United States pay for the defense of their own men? The only question, Mr. Chairman, there was about this matter of attorneys' fees in the first place was whether there was a legal obligation resting upon the United States to pay, and this is a conclusion of the committee upon the case:

That while there is a lack of evidence showing an original employment by the Secretary of War, the evidence is conclusive that on a presentation of these claims to him, with full explanations of all the circumstances, they were by him accepted, recognized, and approved as just and legal claims against the United States, based upon and due and owing on account of valuable professional services rendered in the interest and for the benefit of the General Government at a critical period in its history. Such recognition and approval is yet more fully shown than appears by the House report by two communications from the office of the Judge-Advocate-General to J. W. Smith, esq., of Washington, D. C., the attorney for claimants, and dated, respectively, June 11 and June 15, 1875, as follows:

Mr. PERKINS. Will the gentleman yield for another question?

Mr. CHANEY. Yes.

Mr. PERKINS. If these claims were claims that possess any validity against the Government, how did it happen that they were not recognized at the time? How is it that it has taken forty years to establish their validity?

Mr. CHANEY. They have been here for forty years trying to establish them.

Mr. PERKINS. Why were they not allowed at the time?

Mr. CHANEY. The reason they were not allowed at the time is the Adjutant-General did not find within his appropriations any money out which he could pay the claims.

Mr. PERKINS. Why have they been forty years establishing them?

Mr. CHANEY. Because Congress would not listen to the claims and would not pay them.

Mr. PERKINS. Has there been any adverse report?

Mr. CHANEY. There has been no adverse report. This case was passed on by one or the other House every time Congress has met in forty years. Why, the War Department on the 15th of June, 1875, approved the claim and sent it over to the Treasury Department for audit and allowance, and if Congress had then acted and appropriated the money the matter would have been settled at that time. The report of the committee is favorable to the payment of this claim, and I also want to call attention to the fact that since the report of the committee there has been printed in connection with that report a letter of the Attorney-General of the United States, dated March 20, 1906, which is here, in which he says:

It seems to me the claim is meritorious and should receive the favorable consideration of Congress. Doubtless, had the funds been available—

I would like for the gentleman from New York to listen to this; this is a statement of the Attorney-General about this case——

Mr. PERKINS. I will be very glad to hear it.

Mr. CHANEY (reading):

Doubtless, had the funds been available, this claim would have been paid, as shown by the correspondence above referred to between the Secretary of War and the Attorney-General in 1875. Why the claim was not settled by the Third Auditor of the Treasury when referred to him on November 24, 1875, is not apparent. Presumably there were no funds out of which the claim could be paid. It would seem, therefore, that justice in this case has been long delayed and that Congress should grant the relief sought.

That is in a letter dated March 20, 1906, and has been printed since the committee made its report and the bill went on the calendar of the House for consideration. In all respects, Mr. Chairman, this is a most worthy claim, and the fact that it has

not been paid in these forty years is no discredit to the claim. It is rather a discredit to Congress for not recognizing the justice and equity of the claim and paying it long ago.

Mr. Coulson spent more money in trying to have his claim recognized and paid before the War Department and Treasury Department and before Congress than half of the fund, if now appropriated, would amount to. And his estate, since his death, have endeavored to have the claim paid and have been industrious about it. They have not neglected it in any respect, and there has not been a Congress in forty years, I am sure, but that has had this case under consideration. And now that the estate of Mr. Coulson turned out to be very small and his family were left without any means scarcely, it ought not to be further delayed, but ought to be paid to his heirs. I submit it ought to be laid aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, in the first place I would like to call the attention of the gentleman from Indiana [Mr. CHANEY] to the amendment proposed by the committee. The original bill provided for the payment of this claim to "Mary A. Coulson, executrix and sole legatee of Sewell Coulson." I suppose the committee did not wish to take the responsibility of stating that she was the person to receive the money, and thereupon they struck out the words "Mary A. Coulson, executrix," and inserted "legal representative."

Mr. CHANEY. Mr. Chairman, with the gentleman's permission, the committee made the changes spoken of there at my suggestion, because Mrs. Coulson died the day I went down there to speak to them about it.

Mr. MANN. I want to call the gentleman's attention to the fact that it did not strike out quite enough. I should also have stricken out the words "and sole legatee."

Mr. CHANEY. I suspect that is right. That ought to be stricken out.

Mr. MANN. Now, on the merits of the bill, clearly, unless it goes to Mary A. Coulson, you would leave it in the end, if you passed the bill, so that you would have to pass another bill to decide who got the money. While I do not believe the claim ought to be paid, I believe that if Congress goes to the trouble of passing it, it ought not to have to pass another bill to get the money paid.

Mr. HASKINS. That matter is settled in the Treasury Department. They do not pay any money on appropriation until they know who shall receive it.

Mr. MANN. We should have to pass another bill to determine whether the relatives or the sole legatee should get the money.

Mr. CHANEY. I accept the gentleman's suggestion, for my part, and will add that to the amendment.

Mr. MANN. Now, Mr. Chairman, the gentleman from Indiana [Mr. CHANEY] has made quite a full explanation of this bill and, I think, a very fair explanation, with naturally the bias which attaches to the bill from his championship of it. The facts are that Samuel McCormick was the captain of a company of state militia in Indiana in 1864, which was organized and mustered in in his county under and in accordance with an act of the state legislature of Indiana. He had various persons in his company. He was in no sense in the employ or service of the United States. It is stated that by direction of Brigadier-General Hovey this captain of the company and his company made several arrests. Upon these five civil suits were commenced. One of these suits was instituted by Andrew Humphreys, who had been apprehended and brought to trial by military commission with Milligan, of some notoriety, and others for treasonable conspiracy. This man claimed $50,000 for false arrest. Various other claims are made. One suit was for assault and battery. The legislature of Indiana had provided for the organization of this company and had provided for the payment of legal services whenever their companies or the officials or members of their companies were sued in civil suit. The State of Indiana had undertaken to provide for the payment of attorneys' fees and other expenses in connection with the defense of these suits.

The attorney in this case, who now has a bill against the Government remaining in the sum of $953, was only one of the attorneys in these cases. He was paid a portion of his fee by the State of Indiana. Either Mr. Coulson was employed and entitled to be paid by the State of Indiana or possibly by the United States. Certainly he was not employed both by the State of Indiana and the Government of the United States. The Attorney-General, whose letter has just recently been printed, a copy of which I do not have on my desk, as somebody borrowed it a moment ago——

Mr. CHANEY. I will furnish the gentleman a copy.

Mr. MANN. The gentleman gave me a copy of it. The Attorney-General himself in his letter does not say that this man was employed or had any right to consider that he was employed by the United States. On the contrary, as I understand it, the Attorney-General says that he has no authority to consider that he was employed by the United States.

Now, does the State of Indiana owe nothing to the Government? If there be any claim remaining for attorney's fees in this case, why does not the claimant go to the legislature of Indiana? There was considerable unrest in Indiana. Indiana did have trouble during the war. It had its great war governor, who was making efforts to stamp out sedition and rebellion in that State. But does the State of Indiana expect the United States to pay all the expenses, and for everything that in any way related to the civil war? These attorneys were not employed by the United States. The officials of the United States had no authority to employ them. We had our district attorneys, we had our regular officials in the locality of the War Department, who were entitled to defend these men if an action had been brought against an officer of the United States Army. These people were not in the employ of the army; they might just as well now propose to go out and propose to pay an attorney for a man who had been insulted because he stated to another man that he was a "Copperhead." There is absolutely very little difference in the case. The matter was passed upon long ago, with all the facts fresh and green in the memory of those who were interested; with the papers fresh upon the desks of the officers of the United States; and in 1881 the Auditor for the War Department decided:

> The parties to whom these professional services were rendered were not in the service of the United States, but were officers and soldiers of the State of Indiana. It does not appear by whom these claimants were retained, but it does appear that part payments on account of these services were made and received from a fund provided by the State of Indiana.

Now, there is no more occasion for paying this claim than there is for paying a claim incurred by any member of the National Guard in any of the States of the Union to-day. These people were officers and soldiers solely of the State of Indiana. They were not subject to the control of the United States. They had refused to enlist in the service of the United States at a time when the United States were in need of every soldier they could obtain.

These men served in the State of Indiana. They were home-stayers, doing good service undoubtedly, and probably had good reasons for staying at home. They incurred this trouble and the State of Indiana undertook to protect them. There never was any trial that did not result in a decision in their favor. It is probable that these services were well rendered. Mr. Coulson was the original attorney of record, and when the case went into the Supreme Court the firm with which ex-President Harrison, I think, was connected became attorneys with him. I do not doubt myself that additional compensation of some kind should have been paid to Coulson. I do not propose to pass in any way my own judgment as to the amount of professional fees, but I think that these people ought to have gone to the State of Indiana, by whom they were employed, who undertook to pay them, instead of considering that every mendicant can come before the Congress of the United States and obtain money on the plea of charity instead of being taken care of by the States who have involved the expense and who ought to pay the bill.

Mr. HASKINS. Mr. Chairman, Mr. Coulson was paid by the State of Indiana, as appears from the letters of the Assistant Attorney-General, $550, and in the letter of the Auditor of the Treasury Department the paragraph following that which was read by the gentleman from Illinois reads thus:

> If, as appears very probable, the matters in respect to which the services were rendered were of importance to the United States, it may be highly proper for the General Government to assume the burden of compensating these claimants; but only Congress can assume for the United States an equitable duty not based upon a legal obligation.

No one pretends that this is a legal obligation of the United States, but it is fair and equitable that Mrs. Coulson, or the legal representatives of Mrs. Coulson, should be compensated.

Mr. CHANEY. I suggest that those additional words suggested by the gentleman from Illinois shall be stricken out.

The Clerk read as follows:

> Amend by striking out the words "and sole legatee."

The CHAIRMAN. The question recurs on the amendment proposed by the gentleman from Indiana to the committee amendment.

The amendment to the amendment was agreed to.

The amendment of the committee as amended was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEGAL REPRESENTATIVES OF SARAH J. MONTGOMERY, DECEASED.

The next business was the bill (H. R. 13712) for the relief of the legal representatives of Sarah J. Montgomery, deceased.

The bill was read, as follows:

Be it enacted, etc., That the proper legal representatives of Sarah J. Montgomery, deceased, late of Terrebonne Parish, State of Louisiana, be, and hereby are, authorized to bring suit in the Court of Claims for the recovery of the net proceeds of 125 bales of cotton alleged to have been taken from Oak Point plantation, Madison Parish, La., by the Army of the United States, about the year 1863; and for this purpose jurisdiction is hereby conferred upon said court to hear and determine said cause, and in so doing the said court shall consider any and all testimony heretofore taken in the case of William J. Hill against The United States, and in the case of Montgomery's administrator, etc., against The United States, Court of Claims, No. 7159, and such new and further testimony as may be adduced by either party; and if the said court shall find from all the evidence that Sarah J. Montgomery, or her late husband, Johnson Montgomery, was the owner of said cotton, and that it or any part thereof was taken by officers of the United States, and the proceeds covered into the Treasury, then and in that event judgment shall be rendered for the claimant for the net amount realized by the United States from the sale of said cotton.

Mr. HASKINS. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. MANN. Oh, well, if the gentleman does not want to occupy the floor, I shall be very glad to do so.

Mr. COOPER of Texas rose.

Mr. MANN. I am perfectly willing that the gentleman shall proceed, if he wishes to. Otherwise I wish to be recognized.

Mr. COOPER of Texas. Mr. Chairman, I very cheerfully accept the opportunity to give the reasons for the passage of this bill. The bill does not undertake directly to take any money out of the Treasury. Its object and purpose is to refer the parties claimant to the Court of Claims, where they may have their claim considered in due course of law. If a judgment should be rendered, then it would be expected that the Congress of the United States would pay it.

Mr. HASKINS. Not unless it is shown that the property taken was turned into the Treasury.

Mr. COOPER of Texas. Yes; the bill expressly provides that it must be shown that these parties were the owners of the property, that the United States Government got this property, and they can not recover a larger sum than the net proceeds of the property.

Now, a brief history may be of some service in this matter. A suit was instituted by a man named Hill, who claimed to own this property, and he recovered a judgment against the Government. He, Hill, claimed that his rights in the property had been acquired through a man by the name, I believe, of Ellis. Subsequently the Montgomery heirs, who owned the plantation, and who claimed to own the cotton, intervened in that suit. The Court of Claims held that their intervention came too late, that they were barred by limitation, that they did not have a cause of action against the Government. As a consequence, they had no standing in court. It was believed, and afterwards developed, that this man Hill had practiced a fraud upon the Government; that he was not, in fact, the owner of the cotton. After the judgment had been obtained, the attorney for the Government discovered this fraud and moved for a new trial, summoning Hill and using the process of the court to get him before the court, time and again undertaking to get the matter tested. Hill declined to appear before the court, or was not discovered. The question then was, Where was the title to this property? The judgment of the court could not be longer maintained, because a fraud had been practiced upon the court as to the ownership of this property. Then a suit was instituted in Louisiana between the claimants of this property, which suit was appealed to the supreme court of Louisiana. That court held that the Montgomery heirs were the proper owners of this property. That is briefly the case, and I prefer to answer any questions rather than go into an extended discussion. I want the House to understand that we are not asking for a direct appropriation. We are only asking for an opportunity to go to the courts, and let the courts determine whether this property belongs to Mrs. Montgomery, and whether or not the Government of the United States is indebted to the heirs of the Montgomery estate. That is all the statement I have to make, unless some gentleman desires to make an inquiry.

Mr. MANN. Mr. Chairman, this is not a bill to pay money directly. It is a bill to refer to the Court of Claims a case where undoubtedly—I assume that the facts are correctly stated—there is a liability on the part of the Government. The only question we are interested in is as to whether, in the reference to the Court of Claims, advantage is taken of any person who is not represented here. In the case, as the gentleman from Texas [Mr. COOPER] has stated, is involved the value of a considerable amount of cotton. It is admitted that this cotton was raised on the Oak Point plantation, in Madison Parish, La. A suit was commenced by Mr. Hill against Mr. Ellis, and that suit was prosecuted to a final judgment. In that judgment the right to the fund in the Treasury and the title to the property were declared to be in one or the other of those men, I do not remember which. Subsequently, upon the application of the Attorney-General of the United States, who alleged fraud, the proceedings were set aside. Meanwhile Thomas Montgomery, administrator of the estate of Johnson Montgomery, who had died in 1864 in Texas, filed a petition in the case, alleging fraud and collusion on the part of Hill and Ellis, but the court held that the statute of limitations had run against that petition.

After the judgment was set aside nothing further was done. The Attorney-General had citations or orders issued that Mr. Hill should appear and testify. He did not appear. The case now stands in that shape. But the gentleman's bill is not confined to ascertaining whether Mrs. Montgomery was the owner of the property. The bill provides that the proper legal representatives of Sarah J. Montgomery, deceased, may bring suit in the Court of Claims—

and if the said court shall find from all the evidence that Sarah J. Montgomery, or her late husband, Johnson Montgomery, was the owner of said cotton, and that it or any part thereof was taken by the officers of the United States and the proceeds covered into the Treasury, then and in that event judgment shall be rendered for the claimant for the said amount realized by the United States from the sale of said cotton.

Now, there is a controversy between the heirs of Mrs. Montgomery and Mr. Montgomery as to the title of the tract.

Why should Congress undertake to say that the heirs of Mrs. Montgomery shall have the property without giving the heirs of Mr. Montgomery a chance to be heard?

Mr. COOPER of Texas. For two reasons: One is that the supreme court of Louisiana has passed upon the question and declared that the property was hers, and this does not prevent any other claimants from intervening and establishing their right in the property, if they have any.

Mr. MANN. Here is a controversy over a piece of property. The Government has the proceeds of the property. There were four claimants for it. Two of them have practically become eliminated and the rest are dead. The heirs of Mr. Montgomery claim to own the property, and the heirs of Mrs. Montgomery claim that she owned the property, and we proceed to direct the Court of Claims to enter a judgment in favor of the heirs of Mrs. Montgomery, no matter who owned the property. It absolutely shuts out the heirs of Mr. Montgomery. I do not know whether he had title to the property or not. They brought suit and had litigation. Subsequently the heirs of Johnson Montgomery claimed to own title to the plantation. That suit went to trial and the court held that he did not have title to the land, but it does not appear that he did not own the cotton which was raised on the land. It does not necessarily follow at all that the title to the cotton was the same as the title to the land.

Now, it seems to me that the bill ought to be limited in such a way that Mrs. Montgomery's legal heirs can only obtain judgment in case they prove title. If we pass the bill as it is now and allow this claim, and it subsequently appears that Mr. Johnson Montgomery's heirs shall appear and say, "You admitted that you ought to pay the claim, and now it belongs to us," we would have to permit them to go into court and ascertain whether they had the title to the property, and if they did, we would have to pay it twice.

Mr. STEPHENS of Texas. Will the gentleman yield to me?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. Is it not a fact that when a plaintiff goes into court he has to first show his title and that the court will give him no more than he shows title to? The burden is upon him. If he only shows title to one-half or three-quarters, he will only get judgment for that.

Mr. MANN. That is undoubtedly the case, but this bill changes that rule.

Mr. STEPHENS of Texas. By what language?

Mr. MANN (reading):

And if the court shall find from all the evidence that Sarah J. Montgomery or her late husband, Johnson Montgomery, was the owner of said cotton, and that it or any part thereof was taken by officers of the United States and the proceeds covered into the Treasury, then and in that event judgment shall be rendered for the claimant for the net amount realized by the United States for the sale of said cotton.

Mr. STEPHENS of Texas. If they were the owners of it then they would be entitled to the judgment; that is all the court would give them.

Mr. MANN. But this bill gives judgment to the heirs of Mrs. Montgomery, although it might find she was not the owner.

Mr. STEPHENS of Texas. The legal representatives could not recover any more than the original party.

Mr. MANN. The gentleman and I agree; but here is a bill that proposes to give them something else—to give them more.

Mr. STEPHENS of Texas. I do not so read it; I do not think that is the construction.

Mr. MANN. I do not know how you can construe the English language any differently. You might as well authorize John Smith to bring suit; and if it should appear that John Smith or Jim Brown was the owner of the property, judgment should be given in favor of John Smith.

Mr. STEPHENS of Texas. For the amount of property that John Smith proves he owns.

Mr. MANN. Not at all—

for the net amount realized by the United States from the sale of said cotton.

Mr. STEPHENS of Texas. That belonged to John Smith.

Mr. MANN. Not at all; that belonged to John Smith or Jim Jones, either one. There is no limitation about it. The gentleman can not defend that, and the matter has been once in litigation and is likely to go there again. After the death of Mrs. Montgomery litigation ensued between the collateral heirs of Johnson Montgomery, the husband, and the heirs of his late wife, Sarah Montgomery, each claiming to own Oak Point plantation, the title to which had been in the name of Mrs. Sarah Montgomery, and which she claimed to own and manage as her separate paraphernal property. After years of litigation the supreme court of Louisiana decided in favor of the heirs of Mrs. Montgomery, and that as such they were entitled to the Oak Point plantation. But the title to this property, which was entirely separate from the plantation itself, was not determined in that case. There is an actual controversy between the heirs of the husband and of the wife as to who owned the property, and yet we propose to pay the heirs of one, and then if it shall appear that the heirs of the other in a subsequent proceeding really represent the owners, I suppose we will pay them over again. Does not the gentleman from Vermont [Mr. HASKINS] think that we ought to confine the payment to the claimant who is permitted to sue?

Mr. HASKINS. The gentleman assumes that the owner of the real estate is the owner of the crops grown thereon.

Mr. MANN. That is not a necessity at all. I may have land and have a tenant on the land. Does the gentleman assume that the crops belong to the owner of the land?

Mr. HASKINS. There is nothing of that kind appearing in this case.

Mr. MANN. There is nothing which appears to the contrary in the case, and, on the contrary, the first application that was filed in the case years ago was a claim that the husband owned the title to this property. Now, I do not know who owned it, and I am sure that the gentleman from Vermont does not know who owned it. Why should we foreclose the right of these people to have a proper hearing in the case? I am perfectly willing to have them file a claim in this court and give this money now in the possession of the United States to whomever shall establish title to the property. But let us give every claimant a chance in the case, and not put ourselves in the position where we admit our liability and pay one person and then are not in a position to refuse to pay the other if the title appears that way. Why can not we have it so that the legal representatives of Mrs. Montgomery or of Mr. Montgomery may file claim in the court? Mr. Chairman, I reserve the balance of my time.

Mr. WALDO. Mr. Chairman, as I understand this case, it is admitted that the United States Government has the money in the Treasury, and the only question is as to whom it belongs. If there is any infirmity in the bill in that respect, if the gentleman will point it out I presume it will be amended. Otherwise the bill certainly ought to be passed. It merely provides that the Court of Claims may ascertain whether these heirs are entitled to this money, which appears on the books of the United States as having been received from this cotton and belongs to some one—not to the United States.

Mr. MANN. Mr. Chairman, the gentleman and I quite agree about the bill. I wonder if we could agree further. The gentleman understands that, according to the report, there was a dispute, and probably still is a dispute as to the ownership of this cotton as between Mr. Montgomery, the husband, and Mrs. Montgomery, his wife, or between their heirs. There has already been litigation in reference to the title to the land upon which this cotton was raised. Now, this bill proposes to foreclose that dispute without a hearing.

Mr. WALDO. Let me say in answer that I do not understand any such thing. If this woman's heirs can not prove title to this money, they do not get it. That is the way I understand the bill.

Mr. MANN. That is the very reason I call the attention of the gentleman to it.

Mr. WALDO. I do not understand that the bill so reads.

Mr. MANN. The bill provides that if the legal representatives of Mrs. Montgomery file a claim in the Court of Claims and the Court of Claims find that Mrs. Montgomery or Mr. Montgomery own the property, then they shall find a judgment in favor of the representatives of Mrs. Montgomery for the whole amount in the Treasury, regardless of whether Mrs. Montgomery owned the property or Mr. Montgomery owned the property, when the record itself shows that there is a dispute as to which one owned the property.

Mr. WALDO. If there is any question about there being two sets of heirs, let us have an amendment to cover that. I have no objection to it.

Mr. MANN. The report itself shows that there has been long litigation over the question.

Mr. COOPER of Texas. Mr. Chairman, if I can get the floor I will attempt to satisfy the gentleman from Illinois.

Mr. MANN. Very well; I yield the floor and reserve the balance of my time.

Mr. COOPER of Texas. I move the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, lines 6 and 7, strike out the words "or her late husband, Johnson Montgomery."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES S. BLOOD.

The next business on the Private Calendar was the bill (H. R. 13809), for the relief of Charles S. Blood.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Charles S. Blood, late a second lieutenant of Company A, Forty-seventh Regiment Illinois Volunteer Infantry, the sum of $1,654.50, for services as such officer from the 2d day of July, 1863, to October 11, 1864.

The committee amendments were read, as follows:

In line 6, after the word "of," strike out "$1,654.50" and insert "563.65."

In line 10 strike out the words "October 11" and insert the words "January 31."

Mr. WALDO. Mr. Chairman, Lieutenant Blood was second lieutenant of Company A, Forty-seventh Regiment Illinois Infantry Volunteers. He enlisted at Peoria, Ill., August 16, 1861, and served constantly without furlough until January 1, 1863, the latter part of the time being on detached service with Brigadier-General Tuttle, of the ambulance corps. At about that date he was ordered by Brigadier-General Tuttle to report to his own regiment, his regiment at that time being at Youngs Station, La. He heard that his regiment was then ordered to St. Louis. He was about starting for, or had started for, St. Louis to meet his regiment when he was informed that his mother was dying, and he went on to see his mother for a few days; returned to St. Louis, intending to join his regiment, but met his captain, who had been very severely wounded, and his captain asked him to stay and take care of him for a short time. He did so for two or three weeks, perhaps three weeks, and then returned to his regiment. Shortly afterwards he was placed under arrest as having deserted or having been absent without leave. Later he was tried by court-martial and found guilty of being absent without leave and sentenced to dismissal from the service.

He stayed, however, in the service from the 1st day of July, 1863, until the 31st day of January, 1864. A little later his case was brought to the attention of the Judge-Advocate-General and, on the recommendation of the Judge-Advocate-General, President Lincoln set aside the court-martial findings and restored Lieutenant Blood to duty, or, at least, said he might be recommissioned and restored to duty in some other place. He, however, did not serve after January 31, 1864. For some reason which I do not understand, in 1893 a bill was passed by Congress setting aside the findings a second time and giving him an honorable discharge, providing, however, that he should receive no back pay, bounty, or other emoluments by reason of the bill. The Committee on Claims recommends—and this recommendation is supported by General Ainsworth, who then, I think, was in the auditor's department—payment to Lieutenant Blood for the time that he actually served without pay, i. e., from the 1st day of July, 1863, to the 31st day of January, 1864. He, however, asked for a somewhat larger sum on account of a servant's pay, but there is no proof before your committee of any servant having actually been employed by him, so that the committee recommends that he be paid the amount that the bill provides—that is, his actual lieutenant's pay and

subsistence during the time that he actually served from the 1st day of July, 1863, to the 31st day of January, 1864, which amount was $563. This amount, we believe, should be paid.

Mr. SLAYDEN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Texas?

Mr. WALDO. Certainly.

Mr. SLAYDEN. Mr. Chairman, I do not know that I quite caught the full significance of the statement made by my friend from New York, and I would like to ask him a question in order to clear the matter in my mind. Is this a bill to compensate a man who had been dismissed from the service because he remained with the army after that dismissal, and during which period of time for which claim is brought here he had no connection with the army?

Mr. WALDO. My understanding is he actually served with his company during all of this time, and it is proved before the committee that from the 1st day of July, except a short time he was away, taking care of his wounded captain, to see his dying mother, and on his way back to the regiment. With that exception, he was actually in service with his regiment until the 31st day of January, 1864.

Mr. SLAYDEN. I suppose the gentleman from New York knows that there are hundreds, possibly thousands, of bills before the Committee on Military Affairs, and possibly before other committees, in the form of claims, asking Congress to recognize as services rendered to the Government of the United States the mere presence of people in the army—camp followers they are frequently called—and to recognize it, in the opinion of the committee generally, would be a dangerous thing to do.

Mr. WALDO. Mr. Chairman, in this case it seems to me it is quite different. This man, in the first place, had served with courage and gallantry for two years. In the next place, he never was a deserter actually, but was going direct to meet his regiment. Hearing his mother was dying, he was away a few days to see her, and then came back to join his regiment, and at the request of his superior officer, his captain, he stayed helping take care of him when he was in a very dangerous condition from severe wounds.

At once, on the ending of his service to his captain, he returned to his regiment, and that this was not deemed a desertion may be seen by the fact that the Advocate-General recommended that he be relieved from all penalties resulting from the court-martial and that he be allowed to be again appointed as a second lieutenant in the army.

Mr. SLAYDEN. He was actually convicted, however, of desertion before a court-martial?

Mr. WALDO. No; the conviction was for being absent without leave.

Mr. SLAYDEN. Depending on the length of time of his absence?

Mr. WALDO. Depending on the length of time he was away.

Mr. SPARKMAN. He remained, performing services, until the order relieving him had gone through the usual channel up to the superior commander and had been approved by him. That took several months, and all the time he was with his command ready to perform, and no doubt performing service. It is for that time that this bill provides payment.

Mr. SLAYDEN. Mr. Chairman, I am still impressed that the dangerous precedent might be used to vex and embarrass the Committee on Military Affairs, which has hundreds of cases of this sort.

Mr. SPARKMAN. This is no case of a camp follower.

Mr. WALDO. If the Committee on Military Affairs will limit its favorable action to cases like this, where the Judge-Advocate-General recommends that the decision of the court-martial be set aside and the soldier relieved from the penalties, and where the President of the United States has approved that and recommended that the soldier be reinstated in his position, I believe that the Committee on Military Affairs will have no trouble.

Mr. PRINCE. Will the gentleman yield for a question?

Mr. WALDO. Certainly.

Mr. PRINCE. I could not quite hear all that was going on; but as I understood it, this Mr. Charles S. Blood was a lieutenant in the civil war.

Mr. WALDO. Yes; in the Forty-seventh Illinois Regiment, Company A.

Mr. PRINCE. Connected with a volunteer service?

Mr. WALDO. Certainly.

Mr. PRINCE. When his term of service expired, did he receive an honorable discharge?

Mr. WALDO. I am not sure what the result was of the President's order, but afterwards he received an honorable discharge from Congress.

Mr. PRINCE. Then, I will ask you if he received special legislation by Congress that has in it the provision, "provided, no pay, bounty, or allowance," and so forth?

Mr. WALDO. Certainly; that is the reason this application is made here; that he should be paid for the actual time he served.

Mr. PRINCE. That is the reason why I am objecting to this measure, or at least calling the attention of the committee to it and letting them determine. We think it is about enough when we set aside the dishonorable charge against him of a court-martial to permit him to be restored to his rights as a soldier, so that afterwards he has a pensionable status and can receive a pension. I do think that the Committee of the Whole House ought to go a little slow in setting aside by a special act the provision that we make that it shall not apply to back pay or allowance. Here is a measure that sets at naught every provision that the Military Committee thus far has provided for in the past in this class of legislation. This is the purpose of my objection. Now, here is an officer that was absent without leave. He did not receive honorable discharge from the service on account of his own conduct. If his conduct was not reprehensible, he had his means of appeal from one board to another until it finally officially reached the President before official action had been taken. It seemed that he failed to follow his own line of relief. Later on he comes to Congress, and Congress relieves him because The Adjutant-General recommends it; and I wish to say to my colleagues in Congress that when the Military Committee receives an intimation of that kind we are glad to carry out the suggestions of the Adjutant-General, and have in many, many instances removed the charge of desertion.

But the point I am objecting to in this bill is that there is always a provision put in that the House yesterday heard discussed when the question was raised by my colleague from Illinois as to why it was done in one way with reference to the Military Committee and why it was done in another way with reference to the Naval Committee. We did it for the good of the service, and we did it for the good of the officers, because we believe, if they, knowing the law, absent themselves without leave, they ought not to be reimbursed for their pay; they ought not to be at the same time put upon a pensionable status and placed upon the same roll of honor that their comrades in the civil war are placed upon. And I think Congress has gone about as far as it ought to go in this case when it has given him a pensionable status and has said to him by legislation, accepted by him when he brought the bill here, that "if we put you back upon a pensionable status you shall not ask for back pay and allowance." But here he comes and asks the committee and Congress to set aside its rulings of long standing.

Mr. WALDO. Mr. Chairman, in the first place, this man's absence was honorable, and if the cause of his absence had been known at the time—that he was taking care of his wounded captain—he probably never would have been court-martialed. At that time there is no question he was absent without leave, and that is what the court found. Not only was he dismissed from the service, but the court-martial fixed a penalty, and it should have been set aside and he put back in his position. I believe Congress was not called upon to give him an honorable discharge. He was entitled to one and should have been given one under the order of the President.

Mr. SLAYDEN. Will the gentleman allow me to ask him a question?

Mr. WALDO. Certainly.

Mr. SLAYDEN. Do you hold that a man who had been separated from the army by a court-martial, who remained there purely as his own voluntary act, earned money under a contract existing during that period between him and the Government?

Mr. WALDO. There was no contract, or he would have got his money.

Mr. SLAYDEN. The Government by the action of the court-martial had distinctly declared that they did not want him.

Mr. WALDO. But in the meantime the order of the President does away with the court-martial, and all the penalty fixed by the court-martial should be done away with it.

Mr. PRINCE. I want to suggest to the gentleman from New York that it was supposed at one time that that did set aside and relieve from the penalty, but from a subsequent investigation and the opinion of the Judge-Advocate-General it is held when a court-martial has had its findings and they have gone into effect after the functions have ceased and he is separated from the service that the President has no power, but that after this you have got to go to Congress to restore him to an honorable status and relieve him of the charge of absence without leave. The President had no authority to do it; the Adjutant-General had no authority; and we are furnished case after case of the kind that you are now discussing with the view of giving

the relief. I say to you, gentlemen, that when we find a case of that kind we have reported it to Congress, and Congress has passed upon it; but when we are asked, as we are being asked right now, to take an officer who comes here and seeks to overturn all the legislation Congress has passed in cases of this kind, I say if you pass this bill there would be a flood of bills coming upon Congress. There are men putting in their whole life watching every legislative act of Congress and twisting and turning it into precedents by which claim and pension attorneys can bombard Congress and get legislation of this kind. So I ask in good faith that this bill do not pass in its present shape.

Mr. WALDO. I reserve the balance of my time.

Mr. HASKINS. I want to state for the information of the committee that this court-martial was held on the 23d of August, 1863, in the field. This claimant, Lieutenant Blood, continued with his company and regiment down to and including the 31st of January, 1864. The army was on the move down through Mississippi. After the court-martial there was a finding made, and the judgment of the court-martial was not communicated to him until that time, and then he left the service.

Mr. SLAYDEN. Will the gentleman permit me to ask him a question?

Mr. HASKINS. Certainly.

Mr. SLAYDEN. Do I understand you to say that the court-martial rendered this judgment in August, and the findings were not communicated to him until January?

Mr. HASKINS. The hearing was in August and the finding made in October, and he continued right along with the army. It was stated that the findings did not reach him until January.

Mr. SLAYDEN. I do not think my friend from Vermont understood me. My question was, The court-martial was had in August and the judgment of the court rendered when?

Mr. HASKINS. In October.

Mr. SLAYDEN. And the advice did not reach him until January, when he separated from the command.

Mr. HASKINS. He separated right along. I think it ought to be paid.

Mr. MANN. Mr. Chairman, I do not know whether I can throw any light on this subject after the discussion or not. It is stated in the report that the reason this lieutenant was absent from duty for four weeks was because his mother was ill; and secondly, principally, because he found his captain was severely wounded and needed his care. Owing to such absence without leave he was court-martialed and discharged, although a large part of the time had been given to the care of his captain's wounds. That is the report of the committee, based, I assume, on the statement of the person for whom relief is sought.

I doubt whether there is any warrant at all for the statement. The man was court-martialed. He made no such claim at the time he was court-martialed. He subsequently made an application to the President for reinstatement or permission to be reinstated in the army, and up to that time he had not learned that he was absent from duty, a deserter, because he was taking care of his captain who had been wounded. He did not discover that he had been detained by taking care of his captain who had been wounded, until many years had passed after the close of the civil war, and then he came to Congress and asked to have an honorable discharge granted to him so that he could obtain a pension. For the first time he learned then that on his way back to his command he had met his captain severely wounded, in St. Louis, and had spent the time taking care of him.

Mr. COOPER of Wisconsin. At this court-martial did the soldier have an opportunity to present evidence to that effect?

Mr. MANN. Why certainly. The soldier was present at the court-martial.

Mr. COOPER of Wisconsin. Has he ever been asked why he did not present that evidence at the time?

Mr. MANN. He has not been asked by me.

Mr. COOPER of Wisconsin. By anybody?

Mr. MANN. There is nothing to indicate that he ever has been.

Mr. COOPER of Wisconsin. Does the record disclose any reasons for his silence?

Mr. MANN. It discloses no reason for his silence on that point, so far as I have been able to ascertain. The gentleman from Florida [Mr. SPARKMAN] probably can explain it, if there is any reason, and I am perfectly willing to yield to him.

Mr. COOPER of Wisconsin. What the gentleman from Illinois has said is exceedingly significant. Here is a man court-martialed for being a deserter. At the court-martial he did not present an excuse which apparently would have been valid had it been presented, but years after the finding of the court-martial he presented this defense.

Mr. SPARKMAN. That excuse was presented in a petition gotten up and numerously signed by his brother officers and presented to the proper officials, who finally set aside the finding of the court-martial, and within a few months or weeks after that finding.

Mr. MANN. Undoubtedly the gentleman from Florida [Mr. SPARKMAN] speaks in entire good faith when he says that that fact was set up in the petition of the officers, and yet the gentleman is mistaken. I have a copy of the petition, the same as the gentleman has.

Mr. COOPER of Wisconsin. What was the fact?

Mr. MANN. These are what the facts were stated to be as his excuse for not being present with his command:

> It is shown by the testimony that the accused, being on duty at the headquarters of Third Division, Fifteenth Army Corps, near Vicksburg, Miss., received, on the 29th of June, 1863, an order from Brigadier-General Tuttle, directing him to report for duty to the officer commanding his company, at Young's Point, La. It was also shown that for several days after receiving this order the accused was necessarily engaged in the performance of duties required of him by a previous order, and it appears, from his own statement before the court, that before he had completed the performance of these duties he received a letter from his father informing him that his mother was extremely ill, supposed to be at the point of death, and was most anxious to see him. The accused further states that he had been in the service over two years without visiting home, and that, following the impulse produced by his father's letter, he at once started in fulfillment of what he believed to be the dying request of his mother, with the purpose of remaining at home not more than three days, but learning on his arrival there of the fall of Vicksburg, he remained at home seventeen days.

Not a word about the sick captain.

Mr. SPARKMAN. Then follows the petition.

Mr. MANN. There is nothing in there about a sick captain.

Mr. SPARKMAN. If you will pardon me, the statement in regard to the petition goes on to say:

> Seventeen officers of the First Division, Sixteenth Army Corps, petition the President to reinstate this officer to his former rank and position in the army, because he has always borne an excellent reputation as a thorough and efficient officer, whether in camp, on marches, or in action, and with the exception of the offense for which he was dismissed he has as clear a record of duties faithfully discharged as any officer need have; that he remained more than six months with his regiment after his trial always ready and anxious for duty.
>
> The president and judge-advocate of the court that tried the accused concur with the petitioners in the object of their prayer. These officers state that as no defense was made the court could not do otherwise than it did, but that in their opinion there existed, outside the record, "at least a good partial defense, and that the accused was not guilty to the extent apparent on the record."

Now, of course, when these charges and specifications were read charging the claimant with being absent without leave——

Mr. MANN. There is nothing yet about the sick captain.

Mr. SPARKMAN. Lieutenant Blood, being an honorable man, had nothing to do but plead guilty, but the officers present knew the circumstances, and they at once petitioned that the order of the court-martial be set aside, which was afterwards done.

Now, with the permission of the gentleman, I will read what General Ainsworth says in regard to the act of Congress and the good record of this party:

> It will be observed that the sentence of the court-martial required that the officer should forfeit all pay and allowances due him from the 2d day of July, 1863, and that in the act for his relief it was provided that he should not be entitled to pay or allowances by virtue of the act from the date of his dismissal to the date of the muster out of his regiment. It will also be observed that he remained present with the command until about January 31, 1864, a period of six months from the date from which his forfeiture of pay began, and three months and a half from the date of the promulgation of the order of dismissal. No reason is seen why he should be paid, as is proposed in the pending bill, to the date of the muster out of the command, October 11, 1864; but as it has, in effect, been determined by Congress that he was unjustly dismissed, no reason is seen why he should not receive the pay and allowances of his grade to January 31, 1864, the approximate date to which he remained under military control.

Mr. SLAYDEN. Nor does he suggest any reason why it should be done.

Mr. MANN. I call the attention of my friend from Wisconsin to the fact that the sick captain is still missing. [Laughter.]

Mr. KEIFER. He is still sick, is he?

Mr. SPARKMAN. These are the mitigating circumstances referred to by his brother officers.

Mr. MANN. No; the mitigating circumstance was that he went home at the request of his father to see his mother, whom he believed to be dying, and that excused him for that offense. Now, I will extend further time to the gentleman, if he wishes it, on the sick-captain plea. Now, this man, having discovered long after the occurrence that he had been tried by court-martial and pleaded guilty——

Mr. COOPER of Wisconsin. How long?

Mr. MANN. In the Fifty-second Congress he showed up.

Mr. COOPER of Wisconsin. And that was in 1893.

Mr. MANN. Long after he had been present at the court-martial and had pleaded guilty to the charges and the specifications, had filed a petition to have the order of the court-martial set aside to the extent of having him recommissioned, he discovered that he was in St. Louis taking care of a sick captain during all that time. In 1892, when he wanted the charge

of a dishonorable discharge removed and he be given an honorable discharge, then he discovered for the first time that he was on duty in St. Louis taking care of a sick captain; and because of this unique discovery, and probably without a full knowledge of the real facts in the case, Congress passed a bill granting him an honorable discharge, with the provision that—

Said Charles S. Blood shall be entitled to no pay or allowance by virtue of this act from the date of dismissal to the date of final muster out of his regiment.

Now, the gentleman, in urging the passage of this bill, stated that this man was on duty with his regiment. Well, in a way that is true. What was he on duty at? Under arrest. Not performing services, but under arrest. Here is a man who is under arrest with his regiment, court-martialed, dismissed, and thinks he is entitled to be paid for that time on the ground that he was on duty with his regiment.

The President of the United States, in the kindness of his heart, revoked, as far as he had the power to do, the order which forbade his readmission to the army. The man went home with the power, so far as it was understood at that time, to come back to be recommissioned in the army, but he did not come back.

Mr. COOPER of Wisconsin. Is there any statement from the captain?

Mr. MANN. No; no statement from the captain, no statement from anybody. Probably the captain is still sick. [Laughter.] The only statement on the subject is from the man himself, and not made at the time.

But even if that were all true, General Sherman, in approving the sentence of the court-martial, said:

The proceeding, finding, and sentence in this case are approved. No amount of good reputation will justify a desertion from duty such as this case exhibits, and the officer should be dismissed.

Now, having restored him to the roll of honorable men serving in the army, they placed him upon the pension roll in addition, and now, never satisfied with what he receives, he insists that he shall be paid for his services in the regiment while under arrest.

Mr. Chairman, I reserve the balance of my time.

Mr. PARKER. Mr. Chairman, I did not know that this was a military case until I came to look at it. It seems to me that this gentleman has already got his remedy. The case was thoroughly considered in 1893, and a bill was passed that provided for this whole question of pay—that he should get no pay after October, 1863, the date of his dismissal by court-martial. The claim is made in this bill that he should be paid from July, 1863. I do not know why. It is suggested that he was not paid to October. He had the right under the last bill to get pay until October. He was given an honorable discharge as of that time. But I see no reason for his claiming from July 1, 1863, until January, 1864. Now, just one word as to the circumstances. We all know that Vicksburg surrendered July 4, 1863, and this man was ordered on June 29 to return to his regiment, and he did not go. He went off to see his mother.

Mr. MANN. And a sick captain.

Mr. PARKER. And a sick captain which we did not hear of until thirty years afterwards, in 1893. My rule has always been, and I have heard it to be a rule always, that where a statute of the United States is passed dealing with a special case and considering all the facts at the time that statute is to be considered as final. It is the decision of a court. We are a high court of the last resort in that regard, and I am unwilling to pass any further special legislation in this case for that reason.

Mr. SPARKMAN. Mr. Chairman, some remarks have been indulged in calculated to reflect upon the character and truthfulness of the claimant here. I want to say that I have known Lieutenant Blood, or Captain Blood, as he is called in my State, residing, as he does, not a great way from the city in which I live, for several years, and I want to state further that there is no more honorable or truthful man in the State of Florida, none more worthy of belief than Captain Blood. I would take his statement at any and all times regarding any fact, whether it was for or against him. It may be that there is nothing in the record as the same is shown in this report in regard to what some gentlemen here call the "sick captain," but if Captain Blood says, and he does say it, that there was a sick captain who requested him to remain with him, or, rather, a wounded captain, and that, too, his own captain, who requested him to remain with him, and he did remain with him, I believe what Lieutenant Blood says about it. I know it is true.

Something, too, has been said about the act that was passed—the act of 1893—directing the Secretary of War to set aside the findings of the court-martial in the case of the claimant.

Now, I was of the impression that the order of the President removing his disabilities was sufficient. The gentleman from Illinois [Mr. MANN], however, says it did not. Without questioning that opinion, I will say this, that if the act of 1893 had permitted him to be paid, we would not now be here. If, indeed, there was any law on the statute books which authorized this payment, we would not be here asking the passage of this bill; but there being no law allowing it, we are here, and I say to this House that in my judgment he ought to be paid. There is no reason why he should not be compensated if he was improperly dismissed, if an injustice was done him, as the department has practically said was the case. If he suffered such a wrong at the hands of his superiors, then he ought to be paid for the time that he was present and was willing to serve and discharge his duty to his country.

Mr. COOPER of Wisconsin. Where was the captain when he was sick?

Mr. SPARKMAN. The gentleman means the wounded captain?

Mr. COOPER of Wisconsin. Yes.

Mr. SPARKMAN. I do not know. Captain Blood states that he was out performing some special duty, detached from his command temporarily, and was ordered to return. Just about that time and before he had performed the service for which he was detached, he learned of his mother's illness, supposed to be fatal at the time; he had not seen her for two years, and he turned aside to visit her. Having been with her a few days he started to rejoin his command at St. Louis, I believe, and met his wounded captain, who requested him to remain with him for a while.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. SPARKMAN. Yes.

Mr. COOPER of Wisconsin. This report says that the captain was in St. Louis. St. Louis at that time must have had 200,000 people, approximately. What necessity was there for this soldier during the siege of Vicksburg, ordered back to his regiment——

Mr. WALDO. The siege was over at that time.

Mr. COOPER of Wisconsin. Well, they needed him at the front. What reason was there for him to disobey orders, his captain being sick in a large city where there was abundant hospital attendance?

Mr. SPARKMAN. I had not noticed that he stated he was in St. Louis. As I understand, he was ordered back to St. Louis to join his command; and if his command was there and his captain was there, he was not absent.

Mr. COOPER of Wisconsin. On the third page of the report there is this language:

While on his way back he found his captain, who persuaded him to remain with him a few days at St. Louis, as he (the captain) was severely wounded and needed his care.

Mr. SPARKMAN. Well, the fact still remains that he did remain with his captain and at his captain's request. He was, it is true, absent without leave, and being absent without leave, he was tried and dismissed; but his superior officers, when they understood all the facts—that he had been improperly dismissed; that there were extenuating circumstances; that these extenuating circumstances ought to have spoken in his favor at the trial, and would perhaps have done so if they had been known—had the disabilities removed. That being the case, this man ought to receive the small pittance provided for in this bill, even though he may be drawing a pension.

Mr. WALDO. Mr. Chairman, it seems to me that this is altogether different from the cases the Military Committee have had before them. They have not yet been able to find any case that stood on a par with this one; where the soldier was at once, as soon as the facts were brought to the attention of the superior officers, reinstated and all the penalties of his dismissal removed. Undoubtedly if he had made application at that time, he would have received his pay. It is only because he was not paid at that time that he is now coming here. Now, the fact that Congress may have done something that it ought not to have done in 1893, so far as I have been able to ascertain since I have been a Member of this House, has not prevented Congress from doing what it ought to do now, and that is the condition here. This man ought to receive this money. He earned it. He was hardly dealt with; very wrongfully dealt with, I believe. That is what the President thought; that is what the Judge-Advocate-General thought; that is what The Adjutant-General to-day thinks, because he says Lieutenant Blood ought to be paid. I think he ought to be paid, and no amount of sneers at a man, a mere boy at that time, because he stopped to take care of a wounded officer ought to influence this House against him. It may be funny, but it does not ap-

peal to me as such; perhaps it may to the gentlemen who indulge in it. I think it is far from funny to indulge in that kind of thing. The statement of facts is contained in the report and was adopted by the Fifty-second Congress, and I certainly think that as much credit should be paid to that as to unfounded sneers indulged in upon this floor.

Mr. MANN. Mr. Chairman, the gentleman, my distinguished friend from New York, seems to consider that probably I am out of place in the method I adopt in calling the attention of the House to this matter. It seems to me extremely ludicrous, I must say extremely ludicrous, that a great committee like the Committee on War Claims could be imposed upon by a case like this. It may not seem ludicrous to him, and to the Treasury of the United States it is not ludicrous at all——

Mr. SPARKMAN. Will the gentleman permit me?

Mr. MANN. Certainly.

Mr. SPARKMAN. The Committee on Claims was also imposed on, because they made almost the same report, the bill having first been improperly referred to that committee.

Mr. MANN. Well, the Committee on Claims is sometimes imposed upon, and I am quite sure myself if I were on the committee that my genial friend from Florida, of whose constituents I am one a portion of the time, might be able to impose upon me, and yet in the House I am not willing to yield entirely to his wishes in the matter. This man has absolutely no foundation for the claim that is made. He is entitled to be paid under the law up to the time that he was dismissed, as provided by act of Congress. That money he does not need to come to Congress to get. All he needs to do is to file his claim in the War Department and receive his money up to the time that he was dismissed, as now shown by the records, which records have been falsified by direction of Congress to that extent. The man was under arrest. He was never taking care of a wounded captain. He went home to see his mother in the face of an impending battle. Whether that is the reason his mother was sick I do not know, but there was a battle coming on. He received word to go home, and he went home and stayed there until after the battle was over. He went back to his command and was placed under arrest. He takes credit for staying with his command. You would think from reading this report that he was there fighting, taking great credit for being with his command. He was under arrest; he could not help himself. The only reason he stayed with his command was because he was charged with being a deserter and was arrested awaiting the disposal of his case. Now it is proposed not only that he be restored to the honorable roll, which has already been done, but that he be paid for his desertion.

Mr. PRINCE. Mr. Chairman, just a word.

Mr. HASKINS. Mr. Chairman, I move that the bill now under consideration be passed without prejudice.

The CHAIRMAN. It is moved that the bill now under consideration be passed without prejudice. Is there objection?

Mr. WALDO. Mr. Chairman, I do not see any reason why we should not take a vote on this bill now. I think the man ought to be paid. We have the report of the present Adjutant-General, the statement of the auditor as to the amount that is recommended to be paid, and General Ainsworth recommends it be paid——

Mr. MANN. Oh, General Ainsworth does not make any such recommendation.

Mr. WALDO. He does; you will find it on page 8.

Mr. MANN. It says here:

No reason is seen why he should be paid.

Mr. WALDO. "Should not be paid."

Mr. MANN. "No reason is seen why he should be paid."

Mr. WALDO. No, sir. [Laughter.] You will find that on page 8. That is not the way it reads. (Reading):

No reason is seen why he should not receive the pay and allowance of his grade to January 31, 1864. F. C. Ainsworth, Chief Record and Pension Office.

Mr. MANN. If the gentleman will possess his soul in patience, I will read what it says:

No reason is seen why he should be paid as is proposed in the pending bill to the date of the mustering out of the command, October 11, 1864.

And the word "not" is not in there. It ought to be in there, but it is not. The gentleman reads this as he sometimes reads other things, imagining what is there.

Mr. WALDO. Have the Clerk read it, if we can not get it straight.

Mr. MANN. We will have the Clerk read it. But the report I have got does not have the word "not" in it. Now, what General Ainsworth said was, practically, that this man was entitled to be paid without regard to the act of Congress up to the date that he is mustered out, up to the date of his honorable discharge, given him by act of Congress, but he does not recommend anything beyond that, and he does not recommend that.

Mr. WALDO. I ask that the Clerk read that clause on page 8 of the report of F. C. Ainsworth, now Adjutant-General of the Army.

Mr. MANN. If he will read the last sentence I will be greatly obliged to him.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

No reason is seen why he should be paid, as is proposed in the pending bill, to the date of the muster out of the command, October 11, 1864; but as it has, in effect, been determined by Congress that he was unjustly dismissed, no reason is seen why he should not receive the pay and allowances of his grade to January 31, 1864, the approximate date to which he remained under military control.

Mr. WALDO. That, Mr. Chairman, is all that we ask for. [Cries of "Vote!"]

The CHAIRMAN. The question is on agreeing to the committee amendments.

The question was taken, and the committee amendments were agreed to.

The CHAIRMAN. The question is on laying the bill as amended aside with a favorable recommendation.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MANN. Division, Mr. Chairman.

The committee divided; and there were—ayes 38, noes 10.

So the bill was ordered to be laid aside with a favorable recommendation.

DAMASCUS BAPTIST CHURCH, GORDON COUNTY, GA.

The next business on the Private Calendar was the bill (H. R. 14733) for the relief of the trustees of the Damascus Baptist Church, of Gordon County, Ga.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the trustees of the Damascus Baptist Church, of Gordon County, Ga., out of any money in the Treasury not otherwise appropriated, the sum of $2,500, being for the destruction of their said church building and the appropriation of the material of which said building was constructed to the use of the army of the United States during the civil war.

Also the following committee amendment:

In line 7 strike out "two thousand five hundred" and insert in lieu thereof "one thousand two hundred."

Mr. LEE. Mr. Chairman, I desire to say a few words in support of the bill I have introduced asking for an appropriation to pay the Damascus Baptist Church, near Resaca, Gordon County, Ga., for the damages done to it by the Union Army under Gen. William T. Sherman in 1864.

I do not believe that anyone will question the fact that the material was taken from this building and used for building blockhouses, stockades, and a pontoon bridge across the Oostanaula River at Lays Ferry for the use of the army, and I am sure, if there happens to be on the other side of this Chamber some veteran of Howard's or Sweeny's corps who remembers the details of that march from Resaca to Kennesaw Mountain, that he will vouch for the truth of my statements.

There are at least three Members of this House who were with General Sherman's army in its campaign through the district which I have the honor to represent—General SHERWOOD, of the One hundred and eleventh Ohio Volunteers; Mr. GARDNER of Michigan, a member of the Sixty-fifth Ohio Volunteer Infantry, and who was severely wounded at Resaca; and Mr. KNOFF of Illinois. These three gentlemen were there, and did valiant service for the Union.

I do not know that these distinguished gentlemen had an intimate hand in tearing up this church and using it for the pontoon bridge; they were only three out of between one and two hundred thousand Union soldiers who might have done it. They can certainly testify that when General Sherman wanted to cross a river he did not stop to order lumber to build a bridge from the lumber trust, and bolts and rivets from the steel trust, and then wait until the railroads, congested with business, would deliver them, and then have his engineering forces build the bridge. If he could find anything that suited his purpose, even a church, he would take it and have it charged to the United States Government; and his credit was good, too. He could get anything he wanted in my district, and nobody ever demanded the cash from him.

He needed that church, and he took it; he was combating about 50,000 brave men of the southern army, and he did not want them to get away; and he knew they would if he stopped to send off to get lumber to build that bridge; so when he found that church standing near where a bridge ought to be built he thought about Elijah and the ravens and he felt that Providence provided for him as well as for Elijah.

Whenever General Sherman's army and our heroes in gray mixed up together a big graveyard was established—a graveyard with trenches filled here with gray uniforms and filled there with blue, whose wearers in both cases had died for their conceptions of right and duty. And now, when nearly fifty years have passed, the memories of their deeds are the common heritage of Americans who, whether from North or South, claim an interest in all the virtues that characterized those mighty deeds.

While speaking of those strenuous days I wish to say that I probably have a better right than any other man in this Chamber to claim a share in the glory of both sides—for I was on both sides. I was in but one battle, but that was the great battle of Chickamauga. I was in the Union lines at the beginning and in the Confederate lines at the end. I did not desert; but I was one of the few who stayed where they were when the Confederates advanced. Of course no one can blame me for being annexed to the Confederacy. I at least stood my ground, and that is more than the brave soldiers of the North can say for themselves in connection with that occasion. I secured no favors whatever for my part in that fight, and for several years after this military service I was spanked at home and flogged at school, just as if I had not been a veteran.

In volume 38 of the Records of the Rebellion, page 59, I quote from the report of Maj. Gen. William T. Sherman, sent under date of June 6, 1864, as follows:

On the 13th of May I reached Resaca. The enemy had evacuated Dalton and occupied Resaca in force. I did not hesitate to attack him, though strongly intrenched. Sending a division (General Sweeny's) of the Sixteenth Corps with a pontoon train to Lays Ferry, with orders to cross the Oostanaula, there to threaten and, if necessary, attack the enemy's line at Calhoun. * * *

Also in the same volume, page 64, under date of September 15, 1864, General Sherman says:

On the 14th of May we found the rebel army in a strong position behind Camp Creek, occupying the forts at Resaca and his right on some high chestnut hills to the north of the town. I at once ordered a pontoon bridge to be laid across the Oostanaula at Lay's Ferry in the direction of Calhoun, a division of the Sixteenth Corps, commanded by General Sweeny, to cross and threaten Calhoun. * * *

From the same volume, pages 128 and 129, I quote from the report of Capt. Orlando M. Poe, of the Engineering Corps, as follows:

During this time the labors of the engineers were confined to reconnoitering, road making, and bridge building. Pontoon bridges had been built over the Oostanaula at * * * Lay's Ferry, and two flatboat bridges over the Coosawatee.

The date of this report is October 8, 1864.

Quoting from the report of Maj. Gen. George H. Thomas, of the Army of the Cumberland, dated June 5, 1864, in regard to the operations of his army for the month of May, 1864, on page 142 of the volume referred to above we have the following:

Information was received by daylight on the 16th that Johnston had evacuated Resaca, and directions were given for the whole army to start in pursuit. Our troops occupied the town about 9 a. m. and commenced repairing the bridge over the Oostanaula, which had been partially burned by the enemy; a pontoon bridge was also thrown across above the railroad bridge, so that by night Howard's corps had got across and marched on Calhoun. * * *

These records tell us that pontoon bridges were built over the Oostanaula River at Lays Ferry, and they can neither be denied nor contradicted, and I will now read you some affidavits from persons who were present at the time. I read first the affidavit of Mrs. B. Roe:

STATE OF GEORGIA, *County of Gordon, ss:*

In the claim for pay for Damascus Baptist Church, near Calhoun, Gordon County, Ga., personally came before me, a notary public in and for the aforesaid county and State, Mrs. B. Roe, a citizen of Calhoun, Ga., age 68 years, whose post-office address is R. F. D., Calhoun, Ga., known to me to be reputable and entitled to credit, being duly sworn, declares in relation to the aforesaid case as follows:

"She was raised near the Damascus Baptist Church, near Calhoun, Ga., and was living about 1½ miles from Damascus Church in May, 1864, when Gen. W. T. Sherman's army came into the settlement; that the church building was on or near the Western and Atlantic Railroad; that affiant knows that the church building was taken down by the officials and troops under General Sherman and was used in the building of a stockade for the federal troops on Western and Atlantic Railroad and was not burned, but was used for this purpose, and some of the material may have been used for rebuilding railroad trestles or bridges; that a number of railroad bridges and trestles had been destroyed by the Confederate army and were rebuilt by the forces under General Sherman, and church buildings, schoolhouses, or any material needed for this purpose was taken and used.

"The Damascus Baptist Church building was a frame and was a good building; was weatherboarded on outside and was ceiled with nice dressed ceiling plank; on the inside was seats made of thick plank, dressed and well made, and was all in good condition; that the building was of good size, but just how many feet long or wide I can not state, but remember there were two doors at the end entrance, with three rows of seats from end to end, and must have cost from one thousand to fifteen hundred dollars to build. She further declares that she has no interest, direct or indirect, in the prosecution of this claim.

"Mrs. B. ROE."

I will also read the affidavit of T. W. Johnson:

CALHOUN, GORDON COUNTY, GA., *May 8, 1906.*

Before me, a notary public for said county and State, comes Tilman W. Johnson, who, being sworn, states that he lived about 3 miles north of Calhoun, in Gordon County, Ga., in 1864–65; that he was not of the age required to enter the Confederate army, and was allowed to remain at his home and pass in and out of the federal army line, and in this way knows Damascus Baptist Church, located near affiant's house, was taken and used for army purposes by the Federal Army; that a part of the material from this church was used in building a blockhouse for the federal troops stationed at or near the church, on the Western and Atlantic Railroad; that the building was destroyed for the use of the United States Army by the forces under General Sherman in 1864; railroad bridges and trestles were repaired by Sherman's forces; pontoon bridges were built across the river at Resaca, near this church, and the church building was used in these works and the blockhouse. The building was a frame, and was well finished, and of good size, some 40 feet by 50 or 60 feet, weatherboarded on outside and well ceiled and floored on the inside, with wooden-frame benches for seats, and was comparatively a new building, in good condition.

The cost of the building affiant can not give, but to the army must have been valuable at the time taken and used.

T. W. JOHNSON.

I will also read the affidavit of G. W. Smith, who was a Union soldier with General Sherman:

Affiant states that he was partly raised in Decatur County, Iowa, and volunteered from that county, and was with General Sherman on his march south from Chattanooga, Tenn., and was stationed at different places on the Western and Atlantic Railroad from May to October, 1864, and the Seventeenth Iowa Regiment did post duty all this time on this railroad, and now well remembers that church buildings and other buildings were used by the officers and troops doing post duty for the building of quarters for men and stock, and for railroad bridges, trestles, or pontoon bridges. Affiant remembers of being put on details to help haul timbers, lumber, forage, and anything found in reach of those posts for army use; that the church was taken and used in this way for the United States Army under General Sherman.

G. W. SMITH.

The petition of the Damascus Baptist Church is as follows:

To the Congress of the United States, Washington, D. C.:

Your petitioners, the pastor and trustees of the Damascus Baptist Church, of Gordon County, Ga., petition your honorable body for relief, to wit: For the payment of the Damascus church building taken and used by the federal forces under General Sherman in May, 1864.

That said building was not burned, but was taken down and used in the building of a stockade, wood fort, and pontoon bridges for the protection of the United States guards and sentinels stationed on the W. & A. R. R., as your petitioners are informed and of which we submit proofs to show as we here allege.

That your petitioners ask the sum of $2,500 to be appropriated for the payment of this church building; that said church was a large frame building, in good condition, and was taken away and totally destroyed for church use and was applied to United States military use by the United States Army, as is here alleged.

J. J. PENDLEY, *Pastor.*
J. M. MEDOWS, *Deacon.*
J. W. TATE, *Deacon.*

The affidavits of these persons who were present tell us that the material in this church was used by the Union Army in building stockades, or blockhouses, and pontoon bridges; these parties are in every way worthy of credit, and, besides, what would be more reasonable? Here is an army on a rapid march, anxious to get across a river, and here is a large church building almost on the banks of the river, and what would be more natural or reasonable than to use the lumber most available for building the bridges? Anyone familiar with the construction of pontoon bridges will readily agree that the materials in a wooden church building are well adapted for such bridges, and especially useful when time is an important element.

So, Mr. Chairman, I do not think there is any question as to the fact that this church was destroyed and used by the army for military purposes, and I am not here to censure or blame those in authority for so doing, for I recognize the fact that in such cases the rule is to use that which is most convenient and available, and I further believe that the fact that this church property was so taken and used by the army is conclusive proof that its use was urgent and necessary.

I think, Mr. Chairman, that the members of this church should be reimbursed for the damages sustatined. It is needless for me to argue before this intelligent body that church and school property do not stand upon the same footing as the property of individuals, or even what is generally called "public property," but I will take the time to read rule 34 of section 11 of the rules governing the army in the field, found on page 86 of the report of Calvin B. Cunningham:

As a rule the property belonging to churches, to hospitals, or other establishments of an exclusive character, to establishments of education or foundations for the promotion of knowledge, whether public schools, universities, academies of learning, observatories, museums of fine arts, or of a scientific character, such property is not to be considered public property in the sense of paragraph 31, but it may be taxed or used when public service may be required.

Since it is one of the rules of civilized warfare that this class of property is not to be taken and used except in cases of necessity, I think it nothing but just and right to pay for its destruction and use when so taken, and I trust that no Member of

this House will object to the payment of this small claim. I only ask for twelve hundred dollars, when the proof shows that the property was well worth twenty-five hundred dollars; and I will add just here that I am well acquainted with the people of this section, and they are very much in need of this money to rebuild their church.

Mr. Chairman, this section suffered as sorely by the war as any other part of the South. No part of the United States, with the possible exception of that extending from Bull Run to Petersburg, has written in its surface so much of the history of those terrible times. My district is a district of battle grounds—Chickamauga, Lookout Mountain, Missionary Ridge, Ringgold, Rocky Face, Dalton, Resaca, Calhoun, Cassville, Big Shanty, New Hope Church, and Kenesaw Mountain were all scenes of bloody conflicts. Sherman, with his magnificent army, was pressing on to Atlanta, and from there to that terrible march to the sea; and Johnston, with much smaller numbers, but brave and always defiant, was turning back nearly every day to give blows and receive them. It was like two combatants in the prize ring, one by his superior weight constantly bearing the other down, but not gaining an inch that was not stained in blood.

General Sherman said "War is hell," and it was such to the people of my district. No people ever suffered more and none ever met adverse fate with greater courage, and none ever recovered more quickly. The same qualities that made good soldiers made enterprising citizens, and there is an inspiring difference between this section to-day and the battle-blighted region of forty-four years ago. The smoke of factories and foundries, the hum of the machinery of industries, the fertile soil well tended, yielding abundant harvests, all announce the progress we have made and all now proclaim the blessings of peace; and my people to-day love this great Republic as devotedly as if they had never loved another whose memory they still cherish.

This property for which we are asking payment belonged to no individual; it was the property of the Damascus Baptist Church; the title to it had been handed down from those who had gone before to be held in trust for those who should come after, and there is no question of loyalty in this case. The Damascus Baptist Church was a noncombatant. Situated as it was in the heart of the mountains of north Georgia, it is possible that some of its members followed the Stars and Stripes in the armies of the Union, but a large majority, doubtless, cast their fortunes with the armies of the South, and followed the stars and bars of the Confederacy until it was furled at Appomattox; but this question is not an issue here—this church as a church was a nonpartisan, and from its steeple waved neither the flag of the Union nor of the Confederacy. Long before the first gun had been fired at Fort Sumter and the terrible struggle between the States had begun, this church had been organized and built for another and different purpose; its mission was a mission of "peace on earth and good will toward men," and to teach men and women to be better, to love one another, and to return good for evil. The members of this church were enlisted under the white banner of the Man of Galilee, and had declared their allegiance to Him who rules the universe, and their loyalty has never yet been questioned.

Mr. Speaker, the war between the States is over; a large part of those brave men who took part in those dreadful conflicts have passed away, but this old church is still engaged in her peaceful mission persuading men and women to walk in the straight and narrow way. Very few, perhaps, are left who fought under her white flag in 1864, but others have taken their places to carry on the work for which the church was organized.

It makes no difference what may be our creed or belief, we will all agree that the influences of churches for good can not be estimated, and very few would be willing to live in a land where the sound of their bells is never heard.

We all know that they can not be successfully sustained without sufficient funds, and, as I have already said, this church needs the money. It is a just claim and ought to be paid, and I trust that no voice will be heard in this body in objection to the passage of this bill.

Mr. STAFFORD. Will the gentleman permit a question?

Mr. LEE. Yes, sir.

Mr. STAFFORD. Upon what evidence did the committee proceed in arriving at the amount of $1,200?

Mr. LEE. Well, they just decided they would cut it half in two, although all the proof showed that it was worth $2,500.

Mr. STAFFORD. Was it a mere guess the committee indulged in arriving at that amount?

Mr. LEE. That was acceptable to the gentleman who introduced the bill, or rather he agreed to it.

Mr. STAFFORD. Did he make that as an amendment before the committee's action or after?

Mr. LEE. While the committee was acting they said there would be some question about the value, although all the proof showed that it was $2,500.

Mr. STAFFORD. The church is still in existence and the money will go to the trustees?

Mr. LEE. It was reconstructed with a smaller one.

Mr. STAFFORD. But the money is to be paid to the trustees of the existing church?

Mr. LEE. Yes.

Mr. STAFFORD. What is the reason why the committee did not send the matter to the Court of Claims to arrive at the value of this church, rather than merely giving a guess at the amount?

Mr. HASKINS. I will answer that question. Because the proof was clear and overwhelming of the taking of this church by the federal troops for the purposes mentioned in the bill, and the only question raised among the committee was the value. It was a wooden church, and we did not believe it was worth $2,500.

Mr. STAFFORD. Was testimony taken as to the value of the church?

Mr. HASKINS. Yes, sir. The committee has some knowledge about buildings, and we believed that was an exorbitant price.

Mr. STAFFORD. But there was ample proof to justify the committee in arriving at $1,200?

Mr. HASKINS. Without any doubt. It was a clear case.

Mr. KEIFER. Mr. Chairman, I dislike to oppose bills of this kind in connection with a church, and I would not for the amount involved here if it did not set a bad precedent. Now, one word in opposition to the passage of this bill. I have listened with some interest to the statement made by the gentleman from Georgia [Mr. LEE], who says that the church was torn down and the material used in the construction, in part at least, of a pontoon, and perhaps some other parts for fortification and other things. I understand from the chairman [Mr. HASKINS] of the committee's remarks that he put this claim upon the ground that the material was used by the army in the progress of a military campaign. That ground, Mr. Chairman, was talked about in 1863 in the Congress of the United States as a basis of a claim against the United States, and there was a decision made by the Court of Claims long ago upholding allowance of claims of that character. When the war was over——

Mr. BARTLETT of Georgia. Will the gentleman permit me to interrupt him?

Mr. KEIFER. Certainly.

Mr. BARTLETT of Georgia. The gentleman means that the Court of Claims held that it was not necessary to prove loyalty in cases of that character?

Mr. KEIFER. We have not the question of loyalty here, because the parties making the claim for this property are the trustees of a church, and while it has not been decided whether such trustees constitute a corporation, yet the loyalty question has generally been treated as not involved in the claim of a corporation or quasi corporation.

Mr. BARTLETT of Georgia. I think the gentleman and I possibly agree, but I do not think he understands the suggestion I made. The Court of Claims held that where cases had been referred to it, and the claimants were churches, like this, that the question of loyalty was not involved and could not be raised.

Mr. KEIFER. I do not recollect the decision on that subject, but I am not going to raise that question in this instance. I think the Supreme Court, in 16 Wallace, page 496, went further than the gentleman suggests, holding that in no case where a corporation is involved did the question of loyalty enter into the consideration of this class of claims. But the doctrine of paying this class of claims has been reviewed from time to time. When the war closed, a controversy arose between the United States and Great Britain as to a large number of claims of various classes put in by citizens of the British Kingdom. A commission was appointed, known commonly as the "Hale Commission," and Hon. R. S. Hale made the report to the Congress of the United States later. The commission was appointed from very distinguished lawyers of England and this country, and, as I recollect the report, the first proposition——

Mr. HASKINS. Will the gentleman allow me?

Mr. KEIFER. I do not like to be interrupted in the midst of a sentence.

The CHAIRMAN. The gentleman refuses to yield.

Mr. KEIFER. I do not refuse to yield, but I want to make this statement.

Mr. HASKINS. I raise the question that the gentleman is not talking to the bill. You are talking about ancient history.

Mr. MANN. If this is not ancient history, what is?

Mr. KEIFER. This claim is 44 years old. It arose in June, 1864. I am talking of a historical question, and I will bring the gentleman to a place where he ought to have been long ago. That commission settled the first question, which was whether or not an English subject could rightfully maintain a claim against the United States for property destroyed by either the Union or the Confederate army in the course of military campaigns and in the movement of armies, and it classified all this property under the head of the devastation of war, and the commission unanimously reported—the English commissioner concurring—that there was no valid legal claim for any of it, and all of that class of claims was unanimously rejected by the commission. Still the controversy went on from time to time here in Congress. I was more familiar with it thirty years ago than I am now.

Later on the question got into the Supreme Court of the United States, and the very question made here, that my friend who is so fearful of ancient history ought to know about, came up, and was decided by that court, Justice Field announcing the opinion of the court, which was, I believe, entirely unanimous, that all cases of this kind were not maintainable as proper claims against the Government of the United States. The gentleman [Mr. HASKINS] shakes his head. I will call his attention from memory to the case of the United States against the Pacific railroads, in 120 U. S., page 227. You will find the doctrines laid down completely and fairly there. I wish somebody would send over and get the volume so my friend can read it.

Mr. HASKINS. I have read that case a good many times. The distinguished gentleman from Ohio [Mr. KEIFER] does not understand, or, if he understands, he does not make the distinction that is made in that case and every other, that where property is destroyed as a military necessity, then the Government is in no wise responsible for it, but where property is taken and used by the federal army, in that event the Government is responsible. That is the distinction.

Mr. KEIFER. Mr. Chairman, if the gentleman had waited until I reached the question of distinction, he would not have put himself so completely in contradiction of the Supreme Court's decision. Now, I will come to that. Where property is destroyed by the general devastation of war there is no controversy about that. Where an army is moving through the enemy's country and goes to a mill and gets flour of a person who is loyal to the Government, takes it and uses it to feed the army in the ordinary maintenance of the army, that latter class has been excepted, and forage is likewise paid for when taken merely to supply the ordinary needs of the army; so of other things. But, then, wherever property is taken for the purpose of meeting an emergency, to protect an army in battle, for fortifications, temporary or otherwise, or to facilitate the movement of the army, it is never paid for. I have not the report here, but I will give the gentleman a chance to see it, and he can find it without doubt. I have a case before me that was under discussion here in the Fifty-ninth Congress. Take the syllabus of the Supreme Court case I have referred to. I find it quoted in the volume of the RECORD, part 1, volume 41, page 653.

Mr. GAINES of Tennessee. Will the gentleman yield for an inquiry?

Mr. KEIFER. Yes.

Mr. GAINES of Tennessee. I have listened with great pleasure to the gentleman's speech. Does the gentleman contend that Congress has not the right to change that law or to change the rule cited, or is it his contention that Congress should not?

Mr. KEIFER. I claim that Congress should not. What Congress may do as a matter of power in paying these claims is not a matter of legal right, but, of course, is another question altogether.

Mr. GAINES of Tennessee. Did we not pay the Philippine Catholic Church claim of a similar nature at the last session?

Mr. KEIFER. I can not go into other controversies now.

Mr. GAINES of Tennessee. We certainly did. The sovereign can and should be equitable toward the injured citizen. Relax *harsh rules.*

Mr. KEIFER. The syllabus of the cases of the United States against the Pacific railroads, in its first proposition, is this:

The United States are not responsible for the injury or destruction of private property caused by their military operations during the civil war.

Mr. HASKINS. That is right.

Mr. KEIFER. The gentleman nods as though he knew what that meant.

Mr. HASKINS. Mr. Chairman, I think I understand it as well as the venerable gentleman from Ohio does.

Mr. KEIFER. I will read further from the court's opinion, delivered by Justice Field, and then the gentleman will doubtless understand what that court meant in this proposition of the syllabi of the case.

I read from the opinion of Judge Field, found on page 233 of volume 120, United States Reports:

The war, whether considered with reference to the number of troops in the field, the extent of military operations, and the number and character of the engagements, attained proportions unequaled in the history of the present century. More than a million of men were in the armies on each side. The injury and destruction of private property caused by their operations, and by measures necessary for their safety and efficiency, were almost beyond calculation. For all injuries and destruction which followed necessarily from these causes no compensation could be claimed from the Government. By the well-settled doctrines of public law it was not responsible for them. The destruction or injury of private property in battle, or in the bombardment of cities and towns, and in many other ways in the war, had to be borne by the sufferers alone as one of its consequences. Whatever would embarrass or impede the advance of the enemy, as the breaking up of roads or the burning of bridges, or would cripple and defeat him, as destroying his means of subsistence, were lawfully ordered by the commanding general. Indeed, it was his imperative duty to direct their destruction. The necessities of the war called for and justified this. The safety of the state in such cases overrides all considerations of private loss. Salus populi is then, in truth, suprema lex.

These views are sustained in treatises of text writers, by the action of Congress, and by the language of judicial tribunals. (Respublica *v.* Sparhawk, 1 Dall., 357; Parham *v.* The Justices, 9 Geo., 341; Taylor *v.* Nashville and Chattanooga Railroad, 6 Coldwell, 646; Mayor *v.* Lord, 18 Wend., 126.)

Vattel, in his Law of Nations, speaks of damages sustained by individuals in war as of two kinds—those done by the state and those done by the enemy. And after mentioning those done by the state deliberately and by way of precaution, as when a field, a house, or a garden belonging to a private person is taken for the purpose of erecting on the spot a town rampart or other piece of fortification, or when his standing corn or his storehouses are destroyed to prevent their being of use to the enemy, and stating that such damages are to be made good to the individual, who should bear only his quota of the loss, he says: "But there are other damages caused by inevitable necessity, as, for instance, the destruction caused by the artillery in retaking a town from the enemy. They are merely accidents; they are misfortunes which chance deals out to the proprietors on whom they happen to fall."

The sovereign, indeed, ought to show an equitable regard for the sufferers if the situation of his affairs will admit of it; but no action lies against the state for misfortunes of this nature—for losses which she has occasioned, not willfully, but through necessity and by mere accident, in the exertion of her rights. The same may be said of damages caused by the enemy. All the subjects are exposed to such damages, and woe to him on whom they fall. The members of a society may well encounter such risk or property, since they encounter a similar risk of life itself. Were the state strictly to indemnify all those whose property is injured in this manner, the public finances would soon be exhausted, and every individual in the state would be obliged to contribute his share in due proportion, a thing utterly impracticable.

I read further from the same opinion:

The principle that for injuries to or destruction of private property in necessary military operations during the civil war the Government is not responsible is thus considered established. Compensation has been made in several such cases, it is true; but it has generally been, as stated by the President in his veto message, "a matter of bounty rather than of strict legal right."

In what we have said as to the exemption of government from liability for private property injured or destroyed during war by the operations of armies in the field, or by measures necessary for their safety and efficiency, we do not mean to include claims where property of loyal citizens is taken for the service of our armies, such as vessels, steamboats, and the like, for the transport of troops and munitions of war, or buildings to be used as storehouses and places of deposit of war material, or to house soldiers or take care of the sick, or claims for supplies seized and appropriated. In such cases it has been the practice of the Government to make compensation for the property taken. Its obligation to do so is supposed to rest upon the general principle of justice, that compensation should be made where private property is taken for public use, although the seizure and appropriation of private property under such circumstances by the military authorities may not be within the terms of the constitutional clause. (Mitchell *v.* Harmony, 13 How., 115, 134; United States *v.* Russell, 13 Wall., 623.)

While the Government can not be charged for injuries to or destruction of private property caused by military operations of armies in the field or measures taken for their safety and efficiency, the converse of the doctrine is equally true, that private parties can not be charged for works constructed on their lands by the Government to further the operations of its armies. Military necessity will justify the destruction of property, but will not compel private parties to erect on their own lands works needed by the Government, or to pay for such works when erected by the Government. The cost of building and repairing roads and bridges to facilitate the movements of troops or the transportation of supplies and munitions of war must therefore be borne by the Government.

I understand from the report accompanying this bill of the committee that this building was taken for the purpose of a fortification in part and for the purpose of making a temporary bridge—a pontoon bridge, which is always a temporary bridge. It was taken for the emergency of that great campaign when Sherman was moving against Johnson from Chattanooga to Atlanta. It was taken in the midst of one of the bloodiest campaigns of all wars. Now, it is said it was taken merely for the use of the army. The distinction is very well made in the case cited that for everything that belongs to the general devastation of war or destruction of property by either army, in the prose-

cution of campaigns and in battles, the loyal or disloyal alike must suffer the damage sustained. As Justice Field states in his opinion, buildings and so forth used for bridges, fortifications, and the like during a campaign or battle are never paid for, while forage, commissary, and other needful army supplies taken in the ordinary course may be receipted for and paid for, because they are used simply for the maintenance of the army. That distinction or exception is the only one. Now, as I said before, the question is one of vital interest to this country. When we were dealing with subjects of Great Britain, when they were making claims against the Government, it availed itself of this law of exclusion, and Great Britain acquiesced.

Mr. GAINES of Tennessee. Will the gentleman allow a question?

Mr. KEIFER. Certainly.

Mr. GAINES of Tennessee. Suppose the army had gone into a dry-goods store and the soldiers had put on the suits of clothes and wore them off, would the Government be responsible?

Mr. KEIFER. Not under such a statement of facts as that; no. If they burnt them up or wore them off, the Government would not be responsible.

Mr. GAINES of Tennessee. Suppose the soldiers had been cold, ragged, without boots or shoes, and they had gone into the store and put on these things and worn them off, giving the storekeeper a receipt for what they had taken, and that they did it under the direction of their commanding officer.

Mr. KEIFER. Nobody would be responsible except the soldiers, if they could find them. It is where the commanding officer orders the supplies to be taken for the purpose of taking care of the army, feeding it, clothing it, or something of that character, that payment is made.

Mr. GAINES of Tennessee. That is just the case I put.

Mr. KEIFER. Perhaps horses taken from a loyal person would come within the exception, but that which was taken without orders, taken unlawfully and not on the direction of the commanding officer, no matter what it is, what its character would be, the Government would not be liable for it, and it would be in the general class of devastation of war, and it would make no difference which army took it.

Mr. LEE. Will the gentleman from Ohio allow me to correct him?

Mr. KEIFER. What is the correction?

Mr. LEE. The church was torn down by orders of General Sherman, and the material was used in a pontoon bridge.

Mr. KEIFER. Not altogether.

Mr. LEE. And for building fortifications.

Mr. KEIFER. And that is the very thing the Supreme Court says they have no right to claim for. In Justice Field's opinion he cites Vattel and others in support of that as being the universal law of nations.

Mr. COOPER of Texas. Will the gentleman yield?

Mr. KEIFER. Certainly.

Mr. COOPER of Texas. Does the gentleman from Ohio claim that churches, school buildings, and eleemosynary institutions come under the same law, the same international law respecting war, that other property does?

Mr. KEIFER. It has always been so considered.

Mr. COOPER of Texas. Does the gentleman say that Vattel says so?

Mr. KEIFER. Yes. I am familiar with that; we discussed that twenty-five or thirty years ago in reference to the William and Mary College war claim, and while the claim may have been paid afterwards, it was paid as a matter of grace. I am not raising the question of loyalty here at all.

Mr. COOPER of Texas. There can be no question of loyalty here. I want to say that the William and Mary College claim was not paid as a matter of grace, but as a matter of right under international law.

Mr. KEIFER. Never; and there is no authority for it at all. Everything which belongs to devastation the Government is not responsible for. The William and Mary College case was one that stood on close ground. It was a case where the officers took the college building and used it for a hospital, and while so using it it took fire and burned down. It was not in the general class that this case is at all. It was not destroyed by a general movement of the army in open campaign and battle, as in this case, but it was an accident that took place while the college building was in the possession of the United States authorities, who were enjoying the use of it as a hospital. Such is my recollection.

Mr. COOPER of Texas. I think the gentleman will find the reverse true in international law—that is, the casualties of war are not paid for.

Mr. KEIFER. Mr. Chairman. I can not be persuaded, having gone through the books and examined them. It does not regard churches, colleges, eleemosynary institutions, or any class of loyalty or disloyalty. Everything that is destroyed comes under the classification "general devastation of war," and must fall upon the sufferer. That you will find is the settled law now by the Supreme Court of the United States, and there they cite and quote to some extent authorities of other countries.

I have said this much, Mr. Chairman, more to enter my protest against the coming here at this late day of a large class of cases that should have been considered, if they had merit, long ago, and I think this belongs to a class of cases that was rejected as long ago as the Forty-fifth and Forty-sixth Congresses. Perhaps not this particular case.

Mr. LEE. This case has never been rejected or heard before, but we made application years and years ago for a hearing on it and did not reach it.

Mr. KEIFER. That may be not the fault of the friends of the measure, but it is an old claim. We had claims of this character here in the Forty-fifth and Forty-sixth Congresses, I remember, and we agreed pretty well on both sides of the House. A Democratic House in the Forty-fifth and Forty-sixth Congresses rejected this class of claims, following the rules that I have tried but have imperfectly stated here to-day. My protest is against opening the door now to their coming in in great numbers at this late day. I might say that it is not a matter of great merit to pay the trustees of this Baptist Church now. It may be another organization, and it is no more worthy of having a donation made to it at this late day than are other churches which suffered in other ways in the South and in some instances in the North. Probably not one of these trustees was trustee in 1864, when the building was torn down. None of the present trustees may have been living at that time, and we would be now making a donation to another generation that did not suffer immediate loss. It is not like paying to an individual or his immediate heirs a claim against the Government. We are making a donation to a present Baptist Church, worthy enough, I have no doubt, in every way, but it does not stand on any very high meritorious ground construed in that light.

My purpose is entirely accomplished when I say this, and add that I have hoped, and still hope that a time will come in this country when we will have a change in the Constitution of the United States so as to take from Congress the jurisdiction in particular or individual cases, to determine all classes of claims, and that we shall not sit here with 10,000 claims pending before Congress through bills and otherwise without being considered from year to year. From generation to generation we sit here considering these claims, when they ought to be determined in some judicial court or tribunal provided for under the Constitution, with a statute of limitations, and have an end put to them. There is a claim pending now before this House for a little over $300,000 presented by the administrator de bonis non, Robert E. Lee, jr., of the estate of one George Washington, deceased. It originated in about 1808, after his death—that is, it developed, but had its origin while he was President of the United States. We are here without any machinery to settle these questions—in this early part of the twentieth century sitting for the purpose of determining whether the Government does not owe George Washington's estate three hundred and odd thousand dollars. I go this much off of the line of discussion of the bill to earnestly express the hope that we will come to a time soon when we will have some other means of settling these claims.

Mr. MANN. Mr. Chairman, it is not my intention to detain the committee at any great length on this bill. The bill provides and it establishes a practically new precedent for the payment of probably millions and millions of dollars' worth of claims. It provides for the payment for a church which was seized by Sherman's army and converted into material for blockhouses and in building bridges, trestles, and a pontoon bridge. As I understand the distinction between the claims for property taken by the army, it is this: For property destroyed by the army in actual warfare, there is no liability; property taken by the army for the use of the army for permanent use is to be paid for; property taken by the army en route for its temporary use is not to be paid for. The gentleman from Vermont [Mr. HASKINS] makes the distinction only between property taken for the use of the army and property destroyed by the army.

Mr. HASKINS. I also make the distinction as to whether it is eleemosynary property, like schoolhouses, churches, and so forth. The courts make that distinction, and the law writers make that distinction.

Mr. MANN. There is no distinction made by any law writer so far as this line of thought goes on that point. There is quite

a distinction about taking property of eleemosynary institutions which are not in opposition, which do not belong to the enemy, and are not considered as the enemy's property, but on this line of thought there is no distinction between property of an individual and the property of an eleemosynary institution. If the army seizes property of an individual to feed the army, to construct permanent buildings for the army, there is liability, and it is the duty of the Government to pay for it. If the army destroys property in war there is no liability, or if the army, in marching marches through a wheat field and destroys the property, there is no liability. If the army wants to cross a stream and cuts down a forest and uses it for a bridge, there is no liability. If the army cuts down a forest and constructs a permanent bridge for the benefit of the camp, there is liability. Now, the line is not always easily seen; it may not always be easy to tell which side of the fine line the case comes on.

But it is certainly easy, after all, to lay down the line which demarks the liability and nonliability of the Government. I am not prepared to say from the report of the case whether there be liability or not. The report does not indicate. If General Sheridan marched through this country and seized this church in order to construct a temporary bridge across the river in order to put his army across the river, it was like any other act of war, for which there is no liability on the part of the Government.

Mr. COOPER of Texas. Do you not draw a distinction between that character of property and personal property—one that is necessary to be used for the purpose of conducting a successful victory, and the other church property, property of a State, of a school, or of an eleemosynary institution?

Mr. MANN. It makes no difference whether an army destroys a church in battle as between a church and any other kind of property. It makes no difference whether an army seizes a church in order for it to go ahead on its march necessary in a campaign; it makes no difference whether it is church or private property; but if the Government seizes property of an individual, it can say it seizes the property of people in insurrection——

Mr. COOPER of Texas. Correct.

Mr. MANN. Now, you can not say you seize property of a church in insurrection.

Mr. COOPER of Texas. The point is this: Can a church be in insurrection; can a schoolhouse be in insurrection? Is not that a character of property that can not commit the offense which you charge?

Mr. MANN. I was endeavoring to say—and I have said it four or five times, and the gentleman from Ohio more times—that that question does not enter into our position at all. For the sake of argument, say that a church—and that has been decided by the courts—was not in insurrection. It is perfectly plain that if an army has shelled a town and its shells had exploded in a church, that there is no liability on the part of the Government. [Cries of "Vote!"] If gentlemen who ask a vote would pay more attention to the discussion, they would learn more, at least.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken, and the bill as amended was ordered to be laid aside with a favorable recommendation.

MEXICAN STEAMSHIP TABASQUENO.

Mr. HASKINS. Mr. Chairman, it is evident to my mind that there is a disposition on the part of certain members of the House here to prevent as many of these bills being heard as possible. Now, there is a very important bill that was drawn by me in consequence of the message that was sent to the House the other day by the President, which is the last bill on the calendar, which I desire to take up out of its order and have passed.

Mr. GAINES of Tennessee. Mr. Chairman, I hope the gentleman will let us dispose of——

Mr. HASKINS. This is an important matter. Here is an international question that has arisen between this Government and the Government of Mexico.

Mr. GAINES of Tennessee. How long will it take?

Mr. HASKINS. It will not take over three minutes.

Mr. GAINES of Tennessee. Then I gladly yield.

The CHAIRMAN. Without objection, the Clerk will report the bill indicated.

Mr. GAINES of Tennessee. I have waited twelve years to get this little bill up.

The Clerk read as follows:

A bill (H. R. 23351) for the relief of the owners of the Mexican steamship Tabasqueno.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, the sum of $13,485.70 to the owners of the Mexican steamship Tabasqueno, being for the arrest and detention of the ship and damage to her cargo during the war with Spain, the same being in full of their claim for the arrest and detention of the said ship and damage to her cargo by reason of the seizure by the U. S. S. Hawk, July 30, 1898.

Mr. HASKINS. Mr. Chairman, this Mexican vessel was on its way from Veracruz to the port in Cuba of Sagua la Grande and was seized by the American vessel *Hawk* and taken into Key West, where afterwards it was claimed by the Mexican Government that they had no contraband of war, and it was so found; and under the direction of the authorities or the Attorney-General the marshal was directed to release the vessel. It was released after seventeen days' detention. They allow five days for its return to Veracruz. The Mexican ambassador took this matter up with the Secretary of State. He made a claim for $73,977, being the loss at Key West during detention, $7,852.60; loss of prospective profits on cargo, $63,124.40; and moral injuries to the captain of the vessel, $3,000. This matter was referred by the Secretary of State to the solicitor of that department, who reported that the third item should be disallowed in toto. He stated as to item 2 that the $300 per day that was charged for the twenty-two days for detention was exorbitant, and that $1,500 would be a just and fair amount to be allowed; also $135.70 for port charges and $650 for attorneys' fees at Key West.

And as to the loss of the prospective profits on cargo, instead of $63,124.40, he reported that $11,200 was a fair and just allowance, making, in all, $13,485.70, with interest at 6 per cent from the date of seizure. The Secretary of State transmitted this report to the President with his recommendation that $13,485.70, with interest at 6 per cent per annum, be allowed the Mexican owners. The President transmits it to Congress with the recommendation that the amount recommended to be paid by the Secretary of State, and which the Mexican ambassador had agreed to accept in full consideration—that is, $13,485.70, with interest at 6 per cent per annum from date of seizure—be allowed. And so the committee, after an examination of the papers in the case, recommend the passage of the bill; but we say, in addition:

Your committee has made no allowance for interest upon the aforesaid claim as recommended by the solicitor and the Secretary of State, for the reason that it has not been the practice of Congress to allow interest upon claims against the Government. However, if the House is of the opinion that interest should be allowed upon this claim, then, in that event, the bill should be amended by inserting, after the word "cents," in line 6, the following words:

"With interest at 6 per cent from July 30, 1898, to date of settlement."

Now, I am not sure but that it is the duty of this Government to treat a foreign government or the owner of property residing in a foreign state somewhat differently from what we do our own people; whether the Mexican Government or the Mexican ambassador will consent to the settlement of this claim without the allowance of interest, of course I do not know. But to test the sentiment here of the committee, I would move that after the word "cents," in line 6, there be inserted the words "with interest at 6 per cent from July 30, 1898, to date of settlement."

The CHAIRMAN. The Clerk will report the amendment.

Mr. MANN. Before the amendment is reported, Mr. Chairman, I would like to ask if that is not entirely changing the practice? Will it not be a very awkward thing to the committee to refuse the allowance of interest if that be done?

Mr. HASKINS. The Committee on War Claims refused to allow any interest, because it would be establishing, as they thought, a bad precedent.

Mr. MANN. Both committees have. We passed a bill yesterday to pay an Englishman $25,000 without interest, where his property was destroyed out West a number of years ago, and where we admitted our liability.

Mr. HOLLIDAY. If the gentleman will permit me, it is proper to state here that the payment of interest is part of the agreement between the Secretary of State and the Mexican ambassador. We would not be carrying out entirely the agreement entered into unless we paid the interest.

Mr. HASKINS. The Secretary of State says in his report:

The Mexican ambassador has accepted the calculation of the department with regard to the first three items above set forth.

That is, the $11,200 for the claim on the cargo, $1,500 for demurrage at Key West, $650 attorneys' fees at Key West, and the fourth item, which the Secretary of State says should be allowed, $135.70 for port charges, and as he closes his report he says:

With interest at 6 per cent per annum from date of seizure.

Mr. MANN. Of course, it is quite sure that if the man had the right to bring a suit he can not recover the attorneys' fees.

Mr. HASKINS. No.

Mr. MANN. I am not raising any question on paying it to them, nor do I wish to interfere in any way with the settlement the Department of State makes, although I think they are rather easy marks when it comes to dealing with foreign gentlemen who have claims. If there is any kind of a claim held by a foreigner against this Government that will not be recommended for payment by the State Department, I never yet have discovered it. Yet we ought to be perfectly fair with these people whose property we seized, and seized, I suppose, without warrant of law, as we now admit. I do not want to see us get in a position where we are going to start in to pay interest on these claims. The committee having refused to do it want the House to overrule them.

Mr. HASKINS. We do not ask that. They can do just as they have a mind to do. The claim has been reduced from almost $74,000 down to $13,000 and a little over through negotiations with the Mexican ambassador.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after the word "cents," in line 6, the following words: "with interest at 6 per cent from July 30, 1898, to date of settlement."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken, and the motion was agreed to.

JAMES E. WILSON.

The next business on the Private Calendar was the bill (H. R. 15737) for the relief of the heirs at law of James E. Wilson, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs at law of James E. Wilson, deceased, of Nashville, Tenn., the sum of $716, for property taken for the use of the army during the civil war.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the words "seven hundred and sixteen" and insert "five hundred" in lieu thereof.

Mr. GAINES of Tennessee. Mr. Chairman, if the chairman of the committee does not wish to make a statement, I will do so.

Mr. HASKINS. I yield to the gentleman from Tennessee.

Mr. GAINES of Tennessee. Mr. Chairman, this bill is for the relief of the estate of James E. Wilson and to pay his heirs at law. James E. Wilson was once a postmaster in Kentucky, appointed by President Lincoln. He and his wife have died in the last three or four years. He lived a number of years in Nashville. I introduced a bill for his relief between eleven and twelve years ago. Here is the basis for this claim: The United States Army officials, civil war, appropriated his property, as follows: Team of horses, valued at $400, and some hay. Major Wills, now perhaps our postmaster at Nashville, had his meadow mowed, and he took the hay, which was valued at $90. He also fed 40 men and horses, $80; honey, which he valued at $88; corn, $3; cedar picketing and bricks, $60. He also hauled disabled federal soldiers, two days, $5. Now, then, his eyes were very bad all that time.

This affidavit was made in 1899. The old man at that time had been blind for thirty years. His wife swears to these facts. Their daughters live in Nashville and are married. They say they remember about taking the horses, one being a "pet" horse. The old man says in his affidavit:

I have never before presented my claim for payment. The reason I did not do so was because I was old and had been blind for thirty years, and I have no one to help me in the matter. I learned that there was a man in Nashville who took these claims for collection, but that he kept one-half of the amount he collected. I did not put my claim in his hands for the reason that I would rather the Government should keep it all than pay that much for the collection of it. My children, also, were young at that time, and could not assist me in the matter. Now they have grown up, and I have had them look into it for me, and now for the first time I present my claim.

The good name of the husband, Mr. Wilson, is supported by the affidavits of Mr. W. T. Cooper and H. H. Dorris. Now, I happened to know him myself. The committee has three times recommended the payment of $500 instead of the whole amount, $716. He was an old Whig before the war, he says, and a Union man throughout the civil war. This is one of the first claims of this kind that I introduced when I came to Congress twelve years ago. It has been reported three times, and I hope it will be favorably reported to the House and made law.

I am ready to answer questions, gentlemen, if you have any.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL BEATTY.

The next business on the Private Calendar was the bill (H. R. 13777) for the relief of the estate of Samuel Beatty, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $100 to J. M. Beatty, administrator of the estate of Samuel Beatty, deceased, of Lee County, Ky., in full compensation for one horse sold to the Army of the United States during the year 1862.

Mr. LANGLEY. Mr. Chairman, I will briefly explain the bill. It is to reimburse the estate of Samuel Beatty, deceased, for one horse sold in September, 1862, to General Morgan, a Union officer, who, with his command, passed through that section of Kentucky at that time. There is no question of loyalty. Vouchers in duplicate were given for $100, the amount carried in the bill. The claim was first presented in 1866. Through a variance in the spelling of the name, which the officer gave in the voucher as "S. Baty," while the name was Samuel Beatty, and so stated in the application, the claim was rejected by the Quartermaster-General. It slumbered there for a great many years. At the request of his son and administrator, Gen. J. M. Beatty, who was himself a brave Union officer, I introduced this bill. The bill was referred by the committee to the War Department, and in turn to the Quartermaster-General, whose reply, embodied in the committee's report, renders it perfectly clear that there can be no objection to the passage of the bill.

In fact, this money ought to have been paid more than a third of a century ago, and I am only sorry that the practice precludes the payment of interest. The money is to be used by his son to erect a modest monument over the grave of the gallant old veteran.

Mr. HUGHES of West Virginia. Was it a good Kentucky horse?

Mr. LANGLEY. It was, I am informed; and they ought to be paid a great deal more than $100 for it, but the Beattys were so intensely patriotic that they did not charge the Government half enough for it.

The bill was ordered to be laid aside with a favorable recommendation.

LEAVE TO PRINT.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent to print these three or four leaves from a report on cases where Congress has paid for the use, abuse, and destruction of churches. It is very valuable, and I ask unanimous consent to print it.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The report is as follows:

The Committee on Insular Affairs, to whom was referred the bill (H. R. 16143) to provide for payment of the claims of the Roman Catholic Church in the Philippine Islands, beg leave to submit the following report, and recommend that said bill do pass with the following amendments:

In the blank space at the end of line 4, page 1 of the bill, insert the words "four hundred and three thousand and thirty."

In the blank space in line 5, page 1 of the bill, insert the word "nineteen."

In lines 12 and 13, page 1 of the bill, strike out the words "August 31, 1905," and insert in lieu thereof the words "January 15, 1906," so that said bill when amended will read as follows:

A bill to provide for payment of the claims of the Roman Catholic Church in the Philippine Islands.

Be it enacted etc., That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $403,030.19, the same to be paid to the Archbishop of Manila, in the Philippine Islands, as the representative (and trustee) of the Roman Catholic Church in said islands; and that the acceptance of said sum, paid under the provisions of this act, shall be in full satisfaction of all claims for use and occupation of the property of said church in said islands and for damages done thereto by the military forces of the United States prior to the date, to wit, January 15, 1906, of the official report of the "board of church claims," which said board composed of John A. Hull, lieutenant-colonel, judge-advocate; Alexander O. Brodie, lieutenant-colonel, military secretary, and J. W. Moore, first lieutenant, Second Cavalry, was duly convened August 1, 1905, at headquarters Philippines Division in the city of Manila, in said islands, to consider and report upon said claims.

From the time that the American Army landed in the Philippines, in the year 1898, until the complete return of peace in the islands, the Government of the United States, through its military forces, took possession of churches, contiguous parish houses, school buildings, seminary buildings, etc., and used them as hospitals, prisons, or barracks. After the cessation of hostilities, in many instances the occupation of the buildings had to be continued until suitable quarters could be constructed for the garrisons which remained in the archipelago, the entire time of the occupancy varying in individual cases from a few weeks to two years or more. This occupation by the Government wholly excluded the church authorities, preventing them from taking any measures for the protection of the property. Many of the buildings so occupied were fine structures. For example, the cathedral at Manila, a large stone building with high walls and a dome and

possessing an interior ornamented by handsome woodwork, was used at one time to imprison between 3,000 and 4,000 Spanish soldiers. Buildings thus seized and occupied were often seriously damaged, sometimes partially or wholly destroyed.

As presented, the claims demanded compensation for occupancy and damages, not only by our own forces, but also by the insurgent forces, and were of two classes, namely, claims of the church proper and claims of the friars.

This report and the accompanying bill do not at all relate to the claims of the friars, but only to those of the Catholic Church proper.

These claims of the Catholic Church were presented at Manila before a board of officers called the "board on church claims," appointed under a special order of the War Department for the sole purpose of making an investigation and report. This board, composed of Lieut. Col. John A. Hull, judge-advocate; Lieut. Col. Alexander O. Brodie, military secretary, and First Lieut. J. W. Moore, Second Infantry, U. S. Army, was duly convened on August 1, 1905, at Headquarters Philippines Division, city of Manila, and at once entered upon what proved to be an exhaustive investigation, conducted under rigid rules and instructions prescribed therefor by the Secretary of War (see Exhibit A, post) and lasting for the better part of six months.

Your committee are convinced that the board was most painstaking and conscientious, and that it performed its duties with exceptional thoroughness and ability. All of the many witnesses before it were examined under oath. Moreover, the members of the board themselves were personally acquainted with the cities, towns, and villages in the archipelago where the structures in question were situated. Many of these they visited in order to determine as thoroughly as possible, from personal inspection, the rental value of the property and the amount of damage inflicted upon it by our troops.

The award of the board carefully excluded compensation, first, for damages done by the insurgents; second, for damages incident to military operations; third, for wanton damages by soldiers of the American Army; fourth, for use and occupancy and damages by servants of the civil government.

Fifty-nine of the cases presented by the church authorities were reported upon adversely, the board holding that no rent was due, that the damage was done by the enemy, or that it was an incident of active warfare.

The total amount claimed was	$2,442,963.13
The total amount awarded by the board was	363,030.19

A copy of the report of the board containing a complete list of the claims, and a detailed statement of its proceedings, findings, and award, is hereunto annexed. (Exhibit B, post.)

In the hearings before your committee, Secretary of War William H. Taft appeared as a witness and gave testimony at length, as did also Col. John A. Hull, U. S. Army, senior member of the board on church claims, and Maj. John Biddle Porter, judge-advocate, U. S. Army, at present assistant in the office of the Judge-Advocate-General. All of these witnesses were exceptionally well qualified, by reason of long experience in the Philippine Islands, to testify as to conditions concerning the claims in question. Your committee had also before it the original papers in the claims covered by the report of the board, and made frequent use of these during the hearings. All of the witnesses before your committee were united and positive in asserting that the award of the board was very conservative, Colonel Hull himself testifying that in his judgment $500,000 would not be an excessive award at this time. Secretary Taft was of the same opinion.

The testimony before the board, and also that before your committee, shows plainly that since the damage was inflicted there has in many cases been a very serious deterioration of the property, owing to its exposure to the elements. Bishop Rooker, now deceased, an American and a former resident of Washington, testified (December 5, 1906) under oath before the board, that if the Government of the United States were to grant the claims of his diocese (Jaro) just as they were presented, the condition of the damaged structures there would still remain "very much deteriorated in comparison with what it was before the war." He declared that "the sums asked for would be insufficient to put the property back to its original condition," because, "as time has passed, the deterioration to the damaged buildings has increased month by month. This subsequent deterioration was not included in the claims presented." The bishop testified that if a certain claim for $1,000 had been paid at the time the damages were inflicted this amount would have restored the property to its original condition, but that at the time he gave his testimony the restoration would cost not less than $5,000.

It was the testimony of Colonel Hull that the award of the board was "based not on the value at the time it was made (1905–6), but upon the value at the time of the occurrence (1898–1902)." He added:

"I probably have a more intimate knowledge of these claims than any other one man. I have gone over them all, and I know them intimately. I am confident that $500,000 would not be an excessive award at this time. * * * Prices have increased wonderfully from the time that I first went to the Philippines, in 1899, and I have no doubt that this has continued to go on. Five hundred thousand dollars to-day would not do any more than $363,000 would two years ago. It would do about the same."

The property mentioned in the claims was that of a noncombatant, an organization devoted to charitable, educational, and religious purposes. The damages were inflicted while the property was in the exclusive occupation and control of the Government of the United States. Payment for such occupation and damages can be sustained upon the principle that private property should not be taken for public use without due compensation.

Precedents for the payment of such claims by Congressional appropriation are numerous. Congress has from time to time appropriated money to compensate for use and occupation of the property of institutions—religious, educational, or charitable—and for damages done thereto by our military forces during the civil war. The following is a list of some of these appropriations:

"Forty-first Congress: The Kentucky University, at Lexington, Ky., was paid $25,000 for the use and occupation of their buildings by the United States troops. (16 Stat. L., 678.)

"Forty-third Congress paid the East Tennessee University $18,500 for use of its property. (18 Stat. L., 604.)

"Forty-eighth Congress donated 46,080 acres of public land to the University of Alabama, to be applied to the erection of suitable buildings for said university, which was destroyed by fire on April 4, 1865, during the military operations at Tuscaloosa. (23 Stat. L., 12.)

"Fiftieth Congress paid the Catholic Church of St. Peter and St. Paul, at Chattanooga, Tenn., $18,729.09, for stone and material taken and used by the military authorities of the United States during the civil war (25 Stat. L., 1188); the Baptist Female College, Lexington, Mo., $3,167.67 as compensation for rent of the college building while used by the United States Army for four years from 1861. (25 Stat. L., 1189.)

"Fifty-second Congress paid to William and Mary College of Virginia $64,000 to reimburse said college for the destruction of its buildings and other property destroyed without authority by soldiers of the United States Army during the civil war. (27 Stat. L., 744.)

"Fifty-third Congress paid to Washington College (now known as the Washington and Lee University), located at Lexington, Va., $17,848 for injury to its buildings, apparatus, libraries, and other property injured or destroyed by troops of the United States Army during the late war. (28 Stat. L., 1039.)

"Fifty-fifth Congress paid to the book agents of the Methodist Episcopal Church South $288,000 as compensation for property of said corporation, including the buildings and grounds and all machinery and all material of every kind, used, taken away, injured, consumed, or destroyed by the United States or its army, or for its benefit in any way, during the years 1864 and 1865. (30 Stat. L., 1401.)

"Fifty-seventh Congress paid (32 Stat. L., 234, 235) the following claims: To the trustees of the German Evangelical Church, at Martinsburg, W. Va., $2,500 on account of the destruction of their church building and its furniture on February 17, 1863, while they were in possession of a portion of the military forces of the United States; to the trustees of the Methodist Episcopal Church of Martinsburg, W. Va., $1,850 for the use and occupation thereof by the federal troops from March, 1862, to April, 1865; to the bishop and trustee of St. Joseph's Catholic Church, at Martinsburg, W. Va., $2,880 for use and occupancy of said church by the Army of the United States during the war of the rebellion; to the Cumberland Female College, McMinnville, Tenn., $5,000 for the use, occupancy, and consumption of its property for hospital and other army purposes during the late war of 1861 to 1865 by the military authority of the United States; to the Richmond College, Richmond, Va., $25,000 to reimburse said college for the occupation of its buildings and grounds by the United States troops and officers for eighteen months commencing in April, 1865, and for injury and destruction of the buildings, apparatus, libraries, and other property of said college by said troops and officers; to the Stewart College (now the Southwestern Presbyterian University), at Clarksville, Tenn., $25,019.96 for use and occupation of the buildings and grounds, for material used, and for injury to its buildings, apparatus, and other property by United States troops during the civil war; to the Catholic Church at Macon City, Mo., $725 for use and occupation of said church during the civil war; to the St. Charles College, Missouri, such amount, if any, found upon investigation by the Quartermaster's Department to be due for use of its buildings and grounds by the United States military authorities during the civil war."

The only claimant that has ever asked compensation for damages to the property mentioned in the report of the board on church claims or for use of the same is the Roman Catholic Church in the Philippine Islands. The only other possible claimant for compensation for damages would be the Government of the United States or its grantees, if such there were, upon the assumption or theory that prior to the war the title to the property was in Spain, and that, therefore, by virtue of the treaty of Paris, it became vested in the United States. This assumption that the title to church property in the Philippines passed from Spain to the United States by the treaty of Paris has received attention in the supreme court of the Philippine Islands in an opinion rendered by Justice Willard in the case of Jorge Barlin, bishop, etc., plaintiff and appellee, *v.* P. Vincente Ramirez, ex-rector, etc., and the municipality of Lagonoy, defendants and appellant.

The plaintiff brought this action against the defendant Ramirez, alleging in his complaint that the Roman Catholic Church was "the owner" of a certain church building and other property belonging thereto, that defendant went into possession of the same as its representative, and asking that the church be restored to the possession thereof.

The answer of the defendant Ramirez, in addition to a general denial, admitted that he was in possession of the property with the authority of the municipality of Lagonoy and of the inhabitants of the same, who were the "lawful owners" of the property. The municipality of Lagonoy being permitted to intervene, filed an answer, in which it alleged that the defendant Ramirez was in possession of the property under the authority and with the consent of the municipality of Lagonoy, and that such municipality was "the owner" thereof.

The plaintiff replied to this complaint, or answer in intervention, and the case was tried and judgment entered in favor of the plaintiff and against the defendants.

In deciding the case the supreme court, Justice Willard rendering the opinion, expressly declared that the assumption that the Spanish Government was the owner of the property and that it passed by the treaty of Paris to the American Government is not true. Says the court:

"As a matter of law, the Spanish Government at the time the treaty of peace was signed was not the owner of this property, nor of any other property like it situated in the Philippine Islands."

If, when the treaty of Paris was signed, the Spanish Government was not the owner of the property in question in that case, "nor of any other property like it situated in the Philippine Islands," it follows, of course, from this decision of the court, that the Government of the United States has never had any title to the property mentioned in the claims presented before the board on church claims and appropriated for by the accompanying bill. This particular conclusion of the court was based largely, if not entirely, upon the laws of the Spanish Government defining the status of all property in the Philippines.

For generations before the war between the United States and Spain the exclusive right to possess, control, and occupy buildings devoted to religious purposes was in the church. If, for the purpose of argument, the decision above cited of the supreme court of the islands were to be ignored, it nevertheless can not truthfully be said that the relation of the Spanish Government to the property mentioned in these claims was ever other than that of a mere trustee. The Government of the United States can not, and ought not, to hold the property as trustee of any church, Catholic or Protestant.

Without respect to the legal title to the property, there can be no question that in equity it belonged to the Catholic Church.

The board on church claims included in its report a statement that:

"If Congress should in its liberality desire to compensate the church for the spoliation and carrying away of sacred ornaments, images, vestments, etc., we recommend that the sum of $40,000 be paid, as, in the opinion of the board, this sum would be fully ample."

The aggregate of the amount claimed by the church for these articles of cult and ornamentation was $298,222.50.

Your committee recommends the passage of the accompanying bill, as amended, providing for the payment of $403,030.19 to the archbishop of Manila, as representative and trustee of the Roman Catholic Church in the Philippine Islands, this amount when so paid to be in full satisfaction of all claims for the use and occupation of the property of said church in said islands and for damages done thereto by the military forces of the United States, and also in full satisfaction for the carrying away and loss of articles of cult and ornamentation prior to January 15, 1906, the date of the official report of said board on church claims.

The sum appropriated by the accompanying bill includes no allowance for interest, as the payment by the Government of interest on claims would reverse its uniform practice.

PHILLIP HAGUE, ADMINISTRATOR.

The next business was the bill (S. 2027) for the relief of Phillip Hague, administrator of the estate of Joseph Hague, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Phillip Hague, administrator of the estate of Joseph Hague, deceased, late of New York City, N. Y., out of any money in the Treasury not otherwise appropriated, the sum of $1,742.66, in full of all claims by reason of loss, pilotage, towage, demurrage, and costs by him expended to estimate repairs of the brigantine Mary Margaret, by being run into by the U. S. transport steamer Belvidere in the harbor of Galveston, Tex., on September 19, 1865.

Mr. HASKINS. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

E. C. STURGES.

The next business was the bill (H. R. 13955) to compensate E. C. Sturges for property lost during the Spanish-American war.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and instructed to pay to E. C. Sturges, late captain First Illinois Volunteer Infantry, war with Spain, out of any money in the Treasury not otherwise appropriated, the sum of $268.02.

Mr. HASKINS. Mr. Chairman, I yield the floor to the gentleman from Illinois [Mr. MANN]. [Laughter.]

Mr. MANN. Mr. Chairman, I send to the Clerk's desk and ask to have read the exhaustive report of the Committee on War Claims, if gentlemen desire to hear it. It is not very long.

Several MEMBERS. Move to lay the bill aside.

Mr. MILLER. Let the report be read.

Mr. COOPER of Texas. I would not like to see the gentleman from Illinois embarrassed, and I move to lay the bill aside with a favorable recommendation.

Mr. MILLER. I insist on the reading of the report.

The CHAIRMAN. The report will be read in the gentleman's time.

The report (by Mr. HASKINS) was read as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 13955) for the relief of E. C. Sturges, submit the following report:

Mr. Sturges was a captain in the First Illinois Volunteer Infantry, war with Spain, which went to Cuba, and five boxes of baggage and all his luggage was kept by the Government on the transport *City of Macon* and never returned to him or in any way accounted for.

On November 9, 1898, a board of survey, consisting of three army officers, met to consider this among other cases. The board reported as follows:

"The board of survey appointed by Special Orders, No. 67, Camp Wykoff, September 2, 1898, to report upon facts relative to loss of personal property of officers, would respectfully report that they have examined the invoices herewith for property lost belonging to Capt. E. C. Sturges, First Infantry Illinois Volunteers, amounting to $268.02, and find same correct; said loss being caused by failure to unload steamer *City of Macon* at Siboney, Cuba, on account of said transport being ordered to proceed to Porto Rico before its cargo could be unloaded at Siboney. These articles were necessary to have in the line of duty."

This finding by the board of survey is amply sustained by the evidence in the case now before your committee, and the loss was not attributable to any fault or negligence on the part of Captain Sturges, and as it was the duty of the Government to protect the property which it was transporting on behalf of its employees, your committee recommend the passage of the bill.

Mr. BUTLER. I should like to ask the gentleman, has the department made any report in favor of this bill?

Mr. BURLESON. How much is the amount of the claim?

Mr. LANGLEY. I ask the gentleman from Illinois to make a statement concerning the bill.

Mr. MANN. Mr. Chairman, I did not desire to detain the committee, or those gentleman who have bills on the calendar, but I am perfectly willing to explain this bill, it being quite immaterial to me what is done with it.

The First Illinois Infantry was sent to Florida, and from Florida to Cuba. This gentleman was a captain in the regiment. When they landed at Siboney, they got off the boat in the water. The vessel went on to Porto Rico and carried his baggage with it. Subsequently the War Department picked up some baggage which did not belong to him, and made a report upon it. What became of that baggage I do not know, but the War Department was unable to find the personal effects of this gentleman. If the committee desire any longer explanation, I am quite willing to speak for an hour.

Mr. HUGHES of West Virginia. Is not that simply a case of property lost in war, and why was not this captain looking after his own baggage when he landed?

Mr. MANN. Because he was not, like the gentleman from West Virginia [Mr. HUGHES], at home. He was in the war, obeying orders of his superior officers, and doing what neither the gentleman from West Virginia nor I was doing, fighting for his country.

Mr. COOPER of Texas. The gentleman from Illinois says that the gentleman got off the boat in the water. I wish to ask him, was the boat in the water, or the gentleman? [Laughter.]

Mr. MANN. Both. I wish to say that I know the gentleman from West Virginia would have been willing to fight if necessary. Everybody knows that, and I hope he will not take any offense at my remark.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. HASKINS. I move that the committee do now rise.

Several MEMBERS. Oh, no.

Mr. DRISCOLL. I ask the gentleman to wait a moment.

Mr. LANGLEY. I am opposed to the motion that the committee rise. I have waited here two days, without lunch, to get this horse claim through, and I know how it feels to have to wait for these rare opportunities, and I want to stay with the other fellows whose bills come after mine.

Mr. HASKINS. I withdraw it.

HEIRS OF ASA O. GALLUP.

Mr. DRISCOLL. I have been waiting all the afternoon to secure consideration of a resolution (No. 261) referring a bill to the Court of Claims. It is the next business in order.

The next business was the resolution (H. Res. 261), which was read by the Clerk, as follows:

Resolved, That the bill (H. R. 17329) for the relief of the heirs of Asa O. Gallup, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the "Tucker Act."

Mr. DRISCOLL. I move that this resolution be laid aside with a favorable recommendation.

The motion was agreed to.

BENJAMIN F. KING.

The next business on the Private Calendar was the bill (H. R. 7037) for the relief of Benjamin F. King.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Benjamin F. King, late a private in Company A, One hundred and fifty-first Regiment Indiana Volunteer Infantry, out of any money in the Treasury not otherwise appropriated, the pay and allowances of an enlisted man of infantry from January 28, 1865, to June 19, 1865, including transportation to his home, deducting therefrom any money paid him during that period.

Mr. HOLLIDAY. Mr. Chairman, this man enlisted as a private in an Indiana regiment and was sent to the front. Afterwards it was found that he was physically unable to perform the duties of a soldier and was discharged. The indorsement on the back of the discharge was that he was discharged because he was unfit for service when he enlisted as a soldier, and therefore he could not get any pay, because the inference was that he practiced a fraud on the Government. He served four or five months for the munificent wages of $13 a month. If the enlistment was fraudulent, it should have been stated in the discharge itself.

Mr. MANN. The fact is that he served from extreme patriotism.

Mr. HOLLIDAY. Yes. Mr. Chairman, I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Mr. HASKINS. Mr. Chairman, the next bill was introduced by Mr. STURGISS and reported by Mr. HAUGEN, and neither of those gentlemen is present, and I ask that it be passed without prejudice.

The CHAIRMAN. Without objection, it is so ordered.

STATE OF PENNSYLVANIA.

The next business on the Private Calendar was the bill (H. R. 13476) for the relief of the State of Pennsylvania.

The Clerk read the bill, as follows:

Be it enacted, etc., That the accounting officers of the Treasury are hereby directed to resettle the claim of the State of Pennsylvania against the United States for money paid to its militia for their services while employed in the service of the United States in the year 1863. And in such settlement said officers are directed to allow the State for

money which it paid as interest on money borrowed to pay for said services, and also the expenses which it paid in procuring said loan.

SEC. 2. That the sum of $50,000, or so much thereof as is necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated to pay whatever money may thus be found due the State.

Mr. HOLLIDAY. Mr. Chairman, there is no doubt but that this bill will give rise to considerable discussion. Several gentlemen have asked to be heard upon it. I doubt the propriety of taking it up so late in the afternoon, in view of the fact that these bills which have been considered must all come before the House.

Mr. MANN. I desire to discuss this bill quite fully myself.

Mr. HASKINS. Mr. Chairman, I move that this bill be passed without prejudice.

Mr. BURKE. Mr. Chairman, I want to state, in justice to my colleague [Mr. MOORE of Pennsylvania] who introduced the bill and who asked me to look after it during its consideration, that in view of what the gentlemen have stated, I do not desire to detain the committee at this hour, and I therefore consent to the gentleman's request.

The CHAIRMAN. Without objection, the bill will be passed without prejudice.

There was no objection.

ERDMAN BODENSCHATZ.

The next business on the Private Calendar was the bill (H. R. 16722) for the relief of the heirs of Erdman Bodenschatz, deceased.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $300 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to pay to the heirs of Erdman Bodenschatz, deceased, for and on account of 300 bushels of stone coal, of the value of $300, belonging to said Erdman Bodenschatz, which was taken and used in September, 1862, by officers of the United States in charge of a steamboat named St. Charles, which was then employed in the service of the United States, between the city of Cairo, Ill., and St. Louis, Mo., for which no compensation has ever heretofore been made.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM DOYLE AND HUDSON COOPER.

The next business on the Private Calendar was the resolution No. 276, in lieu of the bill H. R. 11605.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 11605) for the relief of the legal heirs of William Doyle and Hudson Cooper, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the "Tucker Act."

Mr. MORSE. I move that the bill be laid aside, to be reported to the House with a favorable recommendation.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. HASKINS. Mr. Chairman, I move that the committee do now rise and report the several bills to the House with the recommendation that the amendments be agreed to, and that the bills as amended do pass.

The motion was agreed to.

The committee accordingly rose; and Mr. BURKE having assumed the chair as Speaker pro tempore, Mr. TOWNSEND, Chairman of the Committee of the Whole House, reported that that committee had had under consideration various bills and had directed him to report the same back (some with amendment and some without) with the recommendation that the amendments be agreed to, and that the bills as amended do pass, and that the bill H. R. 12484 lie on the table.

HOUSE BILLS PASSED WITHOUT AMENDMENT.

Bills of the House with the following titles, without amendment, were severally ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time and passed:

A bill (H. R. 3622) for the relief of John D. McLain;

A bill (H. R. 7029) for the relief of C. L. Huey;

A bill (H. R. 8050) for the relief of James R. Wyrick;

A bill (H. R. 23351) for the relief of the owners of the Mexican steamship *Tabasqueno;*

A bill (H. R. 13777) for the relief of the estate of Samuel Beatty, deceased;

A bill (H. R. 13955) to compensate E. C. Sturges for property lost during the Spanish-American war;

A bill (H. R. 7037) for the relief of Benjamin F. King; and

A bill (H. R. 16722) for the relief of Erdman Bodenschatz, deceased.

HOUSE BILLS PASSED WITH AMENDMENTS.

On the following House bills, reported from the Committee of the Whole House with amendment, the amendments were agreed to, and the bills as amended severally ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time and passed:

A bill (H. R. 1072) for the relief of Mary A. Coulson, executrix of Sewell Coulson, deceased (the title was amended);

A bill (H. R. 13712) for the relief of the legal representatives of Sarah J. Montgomery, deceased;

A bill (H. R. 13809) for the relief of Charles S. Blood;

A bill (H. R. 14733) for the relief of the trustees of Damascus Baptist Church, of Gordon County, Ga.; and

A bill (H. R. 15737) for the relief of the heirs at law of James E. Wilson, deceased.

SENATE BILLS PASSED WITHOUT AMENDMENT.

The following Senate bills, reported from the Committee of the Whole House without amendment, were severally considered, ordered to a third reading, read the third time, and passed;

S. 1559. An act for the relief of the Citizens' Bank of Louisiana; and

S. 2027. An act for the relief of Phillip Hague, administrator of the estate of Joseph Hague, deceased.

BILL LAID ON THE TABLE.

The following House bill, reported from the Committee of the Whole House with a recommendation that it lay on the table, was ordered to lie on the table;

A bill (H. R. 12484) for the relief of the Citizens' Bank of Louisiana.

HOUSE RESOLUTIONS AGREED TO WITHOUT AMENDMENT.

The following House resolutions, reported from the Committee of the Whole House without amendment, were severally agreed to:

House resolution 261.

Resolved, That the bill (H. R. 17329) for the relief of the heirs of Asa O. Gallup, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the "Tucker Act."

House resolution 276.

Resolved, That the bill (H. R. 11605) for the relief of the legal heirs of William Doyle and Hudson Cooper, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the "Tucker Act."

On motion of Mr. HASKINS, a motion to reconsider the vote by which the several foregoing bills and resolutions were passed was laid on the table.

WARNER BAILEY.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the desk and ask to be read.

The Clerk read as follows:

House resolution 460.

Resolved, That the Clerk be directed to request the Senate to return to the House the bill (H. R. 17640) to authorize the issuance of a patent to the assignees of Warner Bailey for land located in Choctaw County, Ala.

Mr. MANN. The reason for this, Mr. Speaker, is that it is included in one of the omnibus bills.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent for the present consideration of the resolution which the Clerk has read. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken and the resolution was agreed to.

ADJOURNMENT.

Then, on motion of Mr. HASKINS (at 4 o'clock and 47 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of appropriation for participation in The Hague International Congress—to the Committee on Foreign Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a detailed statement of the expenses of the Revenue-Cutter Service for the fiscal year ended June 30, 1908—to the Committee on Expenditures in the Treasury Department and ordered to be printed.

A letter from the Secretary of the Navy, transmitting a detailed estimate as to the travel of officers and employees in his

department on special business—to the Committee on Expenditures in the Navy Department and ordered to be printed.

A letter from the Attorney-General, transmitting his annual report for the year 1908—to the Committee on the Judiciary and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James M. Roberts; Louisa A. Dougherty, administratrix of estate of John W. Dougherty; and J. Robert Taylor, administrator of estate of James T. Taylor, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John Barfield against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Joseph Morgan against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James B. Russell, administrator of estate of Moses R. Richards, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James Appting against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of deficiency appropriation for the Isthmian Canal—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the joint resolution of the House (H. J. Res. 202) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1909, etc., reported the same without amendment, accompanied by a report (No. 1808), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KNOWLAND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 4856) authorizing the Secretary of Commerce and Labor to lease San Clemente Island, California, and for other purposes, reported the same with amendments, accompanied by a report (No. 1809), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 23711) to build a bridge across the Santee River, South Carolina, reported the same without amendment, accompanied by a report (No. 1810), which said bill and report were referred to the House Calendar.

Mr. RYAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 23713) authorizing the construction of a bridge across Current River, in Missouri, reported the same without amendment, accompanied by a report (No. 1811), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 23866) to amend an act entitled "An act to authorize the construction of a bridge between Fort Snelling Reservation and St. Paul, Minn.," approved March 17, 1906, reported the same with amendments, accompanied by a report (No. 1812), which said bill and report were referred to the House Calendar.

Mr. RYAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 22306) to authorize the Delaware, Lackawanna and Western Railroad Company and the Lackawanna Railroad Company of New Jersey to construct and maintain a bridge across the Delaware River from a point near the village of Columbia, Knowlton Township, Warren County, N. J., to the village of Slateford, Northampton County, Pa., reported the same with amendments, accompanied by a report (No. 1813), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 20935) granting a pension to John Sutherland—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11427) granting a pension to Virginia L. Duplan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24297) to correct the military record of George M. Watson, and to grant him an honorable discharge—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. McGUIRE: A bill (H. R. 24628) authorizing the enlargement of the United States post-office and court-house building at Guthrie, Okla.—to the Committee on Public Buildings and Grounds.

By Mr. CHANEY: A bill (H. R. 24629) for the purchase of a site and the erection thereon of a public building at Linton, Ind.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 24630) for the purchase of a site and the erection thereon of a public building at Washington, Ind.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 24631) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the civil war and the war with Mexico," approved February 6, 1907, known as the "McCumber Act"—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 24632) providing special postage rates on third-class matter on rural free-delivery routes—to the Committee on the Post-Office and Post-Roads.

By Mr. KÜSTERMANN: A bill (H. R. 24633) to amend the laws relating to commerce and navigation—to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH of Iowa: A bill (H. R. 24634) for the relief of certain counties in the State of Iowa—to the Committee on the Public Lands.

By Mr. HULL of Tennessee: A bill (H. R. 24635) to create a new division in the middle judicial district of the State of Tennessee—to the Committee on the Judiciary.

By Mr. HARRISON: A bill (H. R. 24636) to acquire the manuscript of Charles Chaillé Long containing an account of the unveiling of the McClellan statue—to the Committee on Appropriations.

By Mr. BEDE: A bill (H. R. 24637) for an additional site for the Government Printing Office, and for other purposes—to the Committee on Appropriations.

By Mr. BURTON of Delaware: A bill (H. R. 24638) to amend section 12 of the act regulating the practice of medicine and surgery in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ANSBERRY: Joint resolution (H. J. Res. 209) authorizing the Secretary of War to award the congressional medal of honor to Peter B. Cupp—to the Committee on Military Affairs.

By Mr. PATTERSON: Joint resolution (H. J. Res. 210) authorizing the Secretary of War to furnish condemned cannon for park decoration at Aiken, S. C.—to the Committee on Military Affairs.

Also, joint resolution (H. J. Res. 211) authorizing the Secretary of War to furnish condemned cannon for park decoration at Edgefield, S. C.—to the Committee on Military Affairs.

Also, joint resolution (H. J. Res. 212) authorizing the Secretary of War to furnish condemned cannon for park decoration at Saluda, S. C.—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 24639) to remove the charge of desertion from the military record of Nathan Mendenhall—to the Committee on Military Affairs.

By Mr. AMES: A bill (H. R. 24640) granting a pension to Bridget Doherty—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 24641) granting an increase of pension to Richard Thompson—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 24642) granting an increase of pension to Thomas V. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24643) granting an increase of pension to Jacob Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24644) granting an increase of pension to William Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24645) granting an increase of pension to Peter Q. Nichols—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24646) granting a pension to Jeremiah Hahn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24647) granting a pension to Napoleon B. Corns—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24648) granting a pension to Peter G. Keely—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 24649) for the relief of Parsey O. Burrough—to the Committee on Claims.

By Mr. BOYD: A bill (H. R. 24650) granting an increase of pension to James H. Van Horn—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 24651) granting an increase of pension to John Waller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24652) granting an increase of pension to Bevier Swartwout—to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 24653) granting an increase of pension to Abram Cobourn—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 24654) granting an increase of pension to John Kelby—to the Committee on Invalid Pensions.

By Mr. BRUMM: A bill (H. R. 24655) granting an increase of pension to Benjamin Keller—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 24656) granting an increase of pension to James M. McAdams—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 24657) granting a pension to Mrs. E. L. Hinkle—to the Committee on Pensions.

By Mr. CANNON: A bill (H. R. 24658) to correct the military record of Albert H. Seyfert—to the Committee on Military Affairs.

Also, a bill (H. R. 24659) granting an increase of pension to Jesse Emely—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 24660) granting an increase of pension to Elisha N. Mullinix—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 24661) granting an increase of pension to Thomas E. Woods—to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 24662) granting an increase of pension to Samuel Hazle—to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 24663) granting an increase of pension to John A. C. Hazel—to the Committee on Pensions.

Also, a bill (H. R. 24664) granting an increase of pension to Hartzel Legg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24665) granting an increase of pension to William H. Sparks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24666) granting an increase of pension to William Wilds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24667) granting an increase of pension to John F. Losey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24668) granting an increase of pension to William W. Miles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24669) granting an increase of pension to Samuel T. Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24670) granting an increase of pension to Daniel A. Roberts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24671) granting an increase of pension to James A. Bridges—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24672) granting an increase of pension to David McClintic—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 24673) to remove the charge of desertion from the record of John Roach—to the Committee on Military Affairs.

Also, a bill (H. R. 24674) to remove the charge of desertion from the record of James Pratt—to the Committee on Military Affairs.

Also, a bill (H. R. 24675) to remove the charge of desertion from the record of Russell S. Carter, alias Robert Carter—to the Committee on Military Affairs.

By Mr. ESCH: A bill (H. R. 24676) granting an increase of pension to William P. Curtis—to the Committee on Pensions.

By Mr. ESTOPINAL: A bill (H. R. 24677) for the relief of the heirs of Victor Faisans—to the Committee on War Claims.

Also, a bill (H. R. 24678) for the relief of the estate of Patrick Dooling, deceased—to the Committee on War Claims.

By Mr. FORDNEY: A bill (H. R. 24679) granting an increase of pension to Emery Pearsall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24680) granting an increase of pension to Alpheus Bixby—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 24681) granting a pension to Henry B. Edwards—to the Committee on Pensions.

By Mr. FOELKER: A bill (H. R. 24682) to remove the charge of desertion from the military record of Ferdinand Young—to the Committee on Military Affairs.

Also, a bill (H. R. 24683) granting an increase of pension to Edward O. Hammond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24684) granting an increase of pension to August Scheer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24685) granting a pension to Charlotte Rockwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24686) granting an increase of pension to Bartholomew Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24687) granting an increase of pension to Emile H. Brie, alias Amede Brea—to the Committee on Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 24688) granting an increase of pension to John B. L'Heureux—to the Committee on Invalid Pensions.

By Mr. FULTON: A bill (H. R. 24689) granting an increase of pension to James Demick—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 24690) granting an increase of pension to Isaac Barjerow—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: A bill (H. R. 24691) granting an increase of pension to Simon Gabert—to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 24692) for the relief of Thomas J. Hunt, administrator of the estate of Samuel Mosby, deceased—to the Committee on War Claims.

Also, a bill (H. R. 24693) for the relief of E. B. McHenry—to the Committee on War Claims.

By Mr. HALE: A bill (H. R. 24694) granting a pension to Martha Smithers—to the Committee on Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 24695) granting a pension to Celina M. Bass—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 24696) granting an increase of pension to Patrick Bergen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24697) granting an increase of pension to Casterline Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24698) granting an increase of pension to George Fair—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24699) granting an increase of pension to Benjamin Rile—to the Committee on Pensions.

Also, a bill (H. R. 24700) granting an increase of pension to Charles F. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24701) granting an increase of pension to Lafayette Smith—to the Committee on Pensions.

Also, a bill (H. R. 24702) granting an increase of pension to William Elpline—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24703) granting an increase of pension to William O'Keefe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24704) granting an increase of pension to Charles Johnson—to the Committee on Pensions.

Also, a bill (H. R. 24705) granting a pension to Julius Engler—to the Committee on Pensions.

Also, a bill (H. R. 24706) granting a pension to Troville May—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24707) to correct the military record of Eugene Sullivan—to the Committee on Military Affairs.

Also, a bill (H. R. 24708) granting an increase of pension to Israel S. Dear—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 24709) for the relief of the heirs of Ann E. Timberlake—to the Committee on War Claims.

By Mr. HOUSTON: A bill (H. R. 24710) granting an increase of pension to James Smithson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24711) granting an increase of pension to John T. Johnson—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 24712) granting an increase of pension to Louis M. Starring—to the Committee on Pensions.

By Mr. JONES of Washington: A bill (H. R. 24713) granting an increase of pension to Imri J. Scribner—to the Committee on Invalid Pensions.

By Mr. KIMBALL: A bill (H. R. 24714) granting an increase of pension to William H. Overly—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 24715) granting an increase of pension to David W. Moffat—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24716) granting an increase of pension to John G. Richardson—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 24717) for the relief of the heirs of Samuel Sparger, deceased—to the Committee on War Claims.

By Mr. LEGARE: A bill (H. R. 24718) for the relief of Isabella Dowie and others, heirs at law of George Dowie, deceased—to the Committee on Military Affairs.

By Mr. LOUD: A bill (H. R. 24719) granting an increase of pension to Amos Lake—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 24720) granting an increase of pension to Henry M. Warren—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24721) granting an increase of pension to George I. Deaves—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 24722) for the relief of J. Blair Shoenfelt, former United States Indian agent at Union Agency, Okla.—to the Committee on Claims.

By Mr. McHENRY: A bill (H. R. 24723) granting a pension to Emma B. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24724) granting an increase of pension to James F. Adams—to the Committee on Invalid Pensions.

By Mr. McMILLAN: A bill (H. R. 24725) granting a pension to Leonard P. Mansfield—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 24726) for the relief of the estate of Washington Turner, deceased—to the Committee on War Claims.

By Mr. MORSE: A bill (H. R. 24727) granting an increase of pension to Charles H. Gearhart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24728) granting an increase of pension to John W. Merrill—to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 24729) granting an increase of pension to Jackson G. Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24730) granting an increase of pension to James R. Wiley—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 24731) granting an increase of pension to Charles H. Jessee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24732) granting an increase of pension to Philip Zerbe—to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 24733) granting an increase of pension to Annie B. Miller—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 24734) granting an increase of pension to James D. Pitcher—to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 24735) granting a pension to Anna M. Kitchen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24736) granting an increase of pension to Marion Losure—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24737) granting an increase of pension to William Adlesperger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24738) granting an increase of pension to John Croft—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24739) granting an increase of pension to Edwin Buck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24740) granting an increase of pension to George W. Russell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24741) granting an increase of pension to Andrew J. Ledman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24742) granting an increase of pension to John A. Wilkins—to the Committee on Invalid Pensions.

By Mr. SMITH of Missouri: A bill (H. R. 24743) granting a pension to John W. McDowell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24744) granting an increase of pension to Randolph James—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24745) granting a pension to Clayton R. Woodward—to the Committee on Pensions.

By Mr. SNAPP: A bill (H. R. 24746) granting an increase of pension to Samuel Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24747) granting a pension to Eliza A. Clark—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 24748) granting an increase of pension to William B. Allen—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 24749) granting an increase of pension to William H. Weeks—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 24750) granting a pension to Ida M. Holmes—to the Committee on Invalid Pensions.

By Mr. WASHBURN: A bill (H. R. 24751) granting an increase of pension to Peter McKenna—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 24752) granting an increase of pension to Lewis M. Osborn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24753) granting an increase of pension to Piersy S. Kitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24754) granting an increase of pension to Rorsey Strong—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 24755) granting an increase of pension to Gaston H. Wilder—to the Committee on Pensions.

By Mr. WHEELER: A bill (H. R. 24756) granting a pension to Margaret McGreevy—to the Committee on Pensions.

Also, a bill (H. R. 24757) granting an increase of pension to James E. Kipp—to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 24758) granting a pension to Melinda J. Perham Roberts—to the Committee on Pensions.

By Mr. BARCHFELD: A bill (H. R. 24759) providing for the payment to the Pittsburg Brewing Company of moneys unlawfully collected by the Internal Revenue Bureau of the Treasury Department—to the Committee on Claims.

By Mr. BEDE: A bill (H. R. 24760) granting an increase of pension to Hugh McKenzie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24761) granting an increase of pension to W. E. Cundy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24762) granting an increase of pension to H. G. Klink—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24763) granting an increase of pension to George A. Hills—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24764) granting an increase of pension to Robert Greig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24765) granting an increase of pension to Stephen Tallon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24766) granting an increase of pension to Amos Ward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24767) granting an increase of pension to Joseph Kunz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24768) granting a pension to Emma Bennett—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 24769) granting a pension to Annie Willcocks—to the Committee on Pensions.

By Mr. CAULFIELD: A bill (H. R. 24770) granting a pension to Sarah C. Cox—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 24771) granting an increase of pension to Lewis E. Prince—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24772) granting an increase of pension to Albert Shaw—to the Committee on Invalid Pensions.

By Mr. SOUTHWICK: A bill (H. R. 24773) for the relief of Lewis Balch—to the Committee on Military Affairs.

By Mr. THISTLEWOOD: A bill (H. R. 24774) granting an increase of pension to Richard Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24775) granting an increase of pension to Silas Crisler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24776) granting an increase of pension to Martin Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24777) for the relief of the heirs of William A. Redman, deceased—to the Committee on War Claims.

Also, a bill (H. R. 24778) granting a pension to Jane Knight—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Petition of citizens of Muncie, Ind., against the Johnston bill (S. 3940), providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ALLEN: Petition of Lewis M. Dunn and others, of Buxton (Me.) Grange, for parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. ASHBROOK: Paper to accompany bill for relief of August Hofaker—to the Committee on Pensions.

By Mr. BEDE: Papers to accompany bills for relief of Joseph Kunz, H. G. Klink, Hugh McKenzie, William E. Cundy, Emma B. Bennett, George A. Hills, Amos Ward, and Robert Grug—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: Paper to accompany bill for relief of Annie Willcocks—to the Committee on Pensions.

By Mr. BRADLEY: Petition of Mountainville Grange, Patrons of Husbandry, of Orange County, N. Y., favoring extension of the parcels post and for system of parcels delivery by rural carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. BROUSSARD: Paper to accompany bill for relief of Maria Tounoir and others, of Lafayette Parish, La., heirs of Heluter Tounoir—to the Committee on War Claims.

Also, petition of citizens of New Orleans, favoring legislation to provide pension for the United States Military Telegraph Corps of the United States Army during civil war—to the Committee on Invalid Pensions.

By Mr. CARTER: Paper to accompany bill for relief of estate of J. W. Gunter and W. H. Gunter—to the Committee on War Claims.

By Mr. CAULFIELD: Petition of Weisert Brothers, of St. Louis, Mo., for a tariff on zinc ore—to the Committee on Ways and Means.

By Mr. CHANEY: Petition of P. A. Reed, Abe Frakes, and others, against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of Elisha N. Mullinnix—to the Committee on Invalid Pensions.

By Mr. COLE: Paper to accompany bill for relief of Thomas E. Woods—to the Committee on Invalid Pensions.

By Mr. DAVENPORT: Paper to accompany bill for relief of Samuel Hazle—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: Petition of residents of Kenyon, Minn., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of residents of Morgan County, Ky., favoring enactment of Davis agricultural bill—to the Committee on Agriculture.

By Mr. ELLIS of Missouri: Paper to accompany bill for relief of William M. McCrary (H. R. 24216)—to the Committee on Invalid Pensions.

By Mr. ELLIS of Oregon: Petition of Oregon State Bar Association, for increase of salaries of federal judges—to the Committee on the Judiciary.

Also, petition of R. R. Hinton and 139 others, of Wasco and Crook counties, Oreg., against reduction of tariff on wool and woolen goods—to the Committee on Ways and Means.

Also, petition of A. G. Nagel and 71 others, of Freewater and Milton, Oreg., against Senate bill 3940 (religious observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. ESCH: Petition of National Grange, Patrons of Husbandry, in favor of H. R. 15837, for a national highways commission and appropriation giving federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

Also, paper to accompany bill for relief of William P. Curtis—to the Committee on Pensions.

By Mr. FLOYD: Paper to accompany bill for relief of Elias Yarborough—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Nellie Haskins, of Streator, Ill., favoring amendment to Sherman antitrust law—to the Committee on the Judiciary.

Also, petition of National Association of Hosiery and Underwear Manufacturers, against any revision of the tariff on hosiery, etc.—to the Committee on Ways and Means.

By Mr. GORDON: Papers to accompany bills for relief of the Bank of West Tennessee and estate of Samuel Mosby—to the Committee on Claims.

By Mr. GRAHAM: Paper to accompany bill for relief of Alexander Snodgrass (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. HALE: Paper to accompany bill for relief of Martha Smithers—to the Committee on Pensions.

By Mr. HAMILTON of Michigan: Petitions of citizens of Cass County, citizens of Mendon, and citizens of Allegan County, all in the State of Michigan, against S. 3940 (religious legislation in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. HARDWICK: Petition of Atlantic Bar Association, Savannah Board of Trade, and Savannah Cotton Exchange, favoring increase of salaries of United States court judges—to the Committee on the Judiciary.

By Mr. HAY: Petition of Baker & Co., of Manchester, Va., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. HOUSTON: Paper to accompany bill for relief of Burkett F. Starnes (H. R. 24539)—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James R. House (H. R. 24057)—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of Lydia A. Hawkins—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: Petition of Castle Gate Local Union No. 237, favoring federal investigation and interference in conditions existing in the Treadwell mines in Alaska—to the Committee on Mines and Mining.

By Mr. KAHN: Petition of House & Hermann, M. Goldenberg, and Saks & Co., all of Washington, D. C., for a high-pressure water system in the District of Columbia—to the Committee on the District of Columbia.

Also, memorial of the bar association of San Francisco, Cal., in favor of Senate bill 6973, for the increase of salary of federal judges—to the Committee on the Judiciary.

Also, memorials of the Sacramento Drainage Commission and of the River Improvement and Drainage Association of California, in favor of House bill 3892—to the Committee on Rivers and Harbors.

Also, petitions of F. Hearne and 46 other residents, and C. F. Fleishman, Charles Kimball, Martin Eagan, and 47 others, all citizens of San Francisco, Cal., favoring the exclusion of all Asiatics other than merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. KNAPP: Petition of various residents of the Twenty-eighth Congressional District of New York, against S. 3940 (religious observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. LASSITER: Petition of peanut growers of Sussex County, Va., for a tariff on peanuts—to the Committee on Ways and Means.

Also, petition of Farmers' Cooperative Association of Prince George County, Va., for tariff on peanuts—to the Committee on Ways and Means.

By Mr. LAW: Petition against Senate bill 3940 (religious observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. LAWRENCE: Petition of citizens of Williamsburg, Mass., against Senate bill 3940, entitled "An act for proper observance of Sunday as day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. LEE: Paper to accompany bill for relief of Samuel Sprague—to the Committee on War Claims.

By Mr. LINDSAY: Petition against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. LOUD: Paper to accompany bill for relief of Amos Lake—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Papers to accompany bills for relief of estate of M. W. Purcell and estate of Martha Purcell—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of Washington Turner—to the Committee on War Claims.

By Mr. PADGETT: Paper to accompany bill for relief of W. W. Fussell—to the Committee on War Claims.

By Mr. PETERS: Petition of Massachusetts State Board of Trade, favoring repeal of the duty on hides—to the Committee on Ways and Means.

By Mr. RAINEY: Petition of merchants of Oakford, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of R. L. Denney and 44 other citizens of White Hall, Ill., against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. SLAYDEN: Petition of citizens of Texas, against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. SMITH of Iowa: Petitions of citizens of Harrison County, Iowa, and citizens of Modale, Iowa, against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. SPERRY: Petition of citizens of Guilford, Conn., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. UNDERWOOD: Paper to accompany bill for relief of David K. Maxwell—to the Committee on War Claims.

By Mr. VOLSTEAD: Petition of residents of Minnesota, against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. WANGER: Petition of R. Scheetz, of Norristown, Pa., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. WASHBURN: Paper to accompany bill for relief of Peter McKenna—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *December 19, 1908.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Journal of the proceedings of Thursday last was read and approved.

BUREAU OF CHEMISTRY, DEPARTMENT OF AGRICULTURE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a detailed report of all sums paid by the Bureau of Chemistry of the Department of Agriculture for compensation of or payment of expenses to officers or other persons employed by state, county, or municipal governments during the year ended November 30, 1908, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

ANNUAL REPORT OF ATTORNEY-GENERAL.

The VICE-PRESIDENT laid before the Senate the annual report of the Attorney-General for the fiscal year ended June 30, 1908, which was referred to the Committee on the Judiciary and ordered to be printed.

LAND LEASES IN CANAL ZONE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, a list of leases, effected by his authority, of lands the property of the United States and not required for public use, within the Canal Zone, which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

ELECTORAL VOTES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, authentic copies of the certificates of the final ascertainment of electors for President and Vice-President appointed in the States of Massachusetts, South Carolina, and Utah, which, with the accompanying papers, was ordered to be filed.

DISMISSAL OF CASE BY COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, certifying that by order of the court the case of Albert Ross, No. 10942—705 Congressional—was dismissed January 20, 1908, which was referred to the Committee on Claims and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of the Jessamine Female Institute, successor of Bethel Academy, Nicholasville, Ky., *v.* United States;

In the cause of Mrs. Julia A. Thomas *v.* United States;

In the cause of John Wilkes, Jane Wilkes, Eliza Wilkes, and Edmund Wilkes, heirs of Charles Wilkes, deceased, *v.* United States;

In the cause of George W. Ball, administrator of Benjamin F. Ball, deceased, *v.* United States;

In the cause of the Trustees of the Methodist Episcopal Church South, of Chestnut Grove, Ala., *v.* United States;

In the cause of the Trustees of the Walnut Grove Cumberland Presbyterian Church, of Madison County, Ala., *v.* United States;

In the cause of the Trustees of Trinity Episcopal Church, of Marshall, Va., *v.* United States;

In the cause of the Trustees of the Leavenworth Female College, of Petersburg, Va., *v.* United States;

In the cause of J. W. Cromwell, surviving partner of the firm of J. W. Cromwell & Co., *v.* United States;

In the cause of William Blagg, legal representative of Israel Blagg, deceased, *v.* United States; and

In the cause of Sarah K. T. Baker *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 534. An act to reimburse George W. Young, postmaster at Wanship, Utah, for loss of postage stamps;

S. 1162. An act to correct the naval record of Alfred Burgess;

S. 1559. An act for the relief of the Citizens' Bank of Louisiana;

S. 1729. An act for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford;

S. 2027. An act for the relief of Phillip Hague, administrator of the estate of Joseph Hague, deceased;

S. 3125. An act for the relief of Jabez Burchard;

S. 3388. An act to correct the military record of William A. Hinsch;

S. 4749. An act for the relief of Dewitt Eastman;

S. 5207. An act for the relief of William Radcliffe; and

S. 5263. An act for the relief of William Parker Sedgwick.

The message also announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

H. R. 1072. An act for the relief of the legal representatives of Sewell Coulson, deceased;

H. R. 1081. An act to pay Thomas P. Morgan, jr., amount found due him by Court of Claims;

H. R. 1086. An act to correct military record of Pleasant Thomas, late of Company B, East Tennessee National Guards;

H. R. 2952. An act for the relief of Chaplain Henry Swift, Thirteenth Infantry, U. S. Army;

H. R. 3622. An act for the relief of John D. McLain;

H. R. 3760. An act for the relief of the creditors of the Deposit Savings Association, of Mobile, Ala.;

H. R. 4119. An act to pay John Wagner, of Campbell Hall, N. Y., for carrying the mails;

H. R. 4737. An act to correct the military record of John B. Ford;

H. R. 4931. An act to correct the military record of Corwin M. Holt;

H. R. 5461. An act for the relief of Lawson M. Fuller, major, Ordnance Department, U. S. Army;

H. R. 5826. An act to pay the Woodward Carriage Company, of San Antonio, Tex., for the loss of a horse while being used by the Department of Agriculture;

H. R. 6032. An act to pay to the administratrix of the estate of George W. Fleming for services rendered as letter-box inspector from March 29, 1902, to June 13, 1903;

H. R. 7006. An act to correct the military record of George W. Hedrick;

H. R. 7029. An act for the relief of C. L. Huey;

H. R. 7037. An act for the relief of Benjamin F. King;

H. R. 7071. An act for the relief of James McKenzie;

H. R. 7807. An act to place John Crowley on the retired list of the United States Navy;

H. R 7963. An act for the relief of Patrick Conlin;

H. R. 8050. An act for the relief of James R. Wyrick;

H. R. 8545. An act for the relief of Jackson Pryor;

H. R. 8615. An act to correct the naval record of Edward T. Lincoln;

H. R. 8733. An act for the relief of Walter W. Keefe;

H. R. 8924. An act for the relief of the heirs of Abraham Jones;

H. R. 10416. An act to correct the naval record of Lieut. Hilary Williams, U. S. Navy;

H. R. 10606. An act for the relief of Robert S. Dame;

H. R. 10986. An act for the relief of L. H. Lewis;

H. R. 10987. An act for the relief of A. A. Lewis;

H. R. 11460. An act to remove the charge of desertion from the military record of William H. Houck;

H. R. 12760. An act to correct the military record of Isaac N. Fordyce;

H. R. 13319. An act for the relief of the heirs of Thomas J. Miller;

H. R. 13712. An act for the relief of the legal representatives of Sarah J. Montgomery, deceased;

H. R. 13777. An act for the relief of the estate of Samuel Beatty, deceased;

H. R. 13809. An act for the relief of Charles S. Blood;

H. R. 13955. An act to compensate E. C. Sturges for property lost during the Spanish-American war;

H. R. 14343. An act to correct the naval record of Randolph W. Campbell;

H. R. 14733. An act for the relief of the trustees of Damascus Baptist Church, of Gordon County, Ga.;

H. R. 14974. An act for the relief of Charles A. Bess;

H. R. 15681. An act for the relief of Compañía de los Ferrocarriles de Puerto Rico;

H. R. 15737. An act for the relief of the heirs at law of James E. Wilson, deceased;

H. R. 16015. An act for the relief of Lafayette L. McKnight;

H. R. 16722. An act for the relief of the heirs of Erdman Bodenschatz, deceased;

H. R. 16927. An act for the relief of Lieut. Commander Kenneth McAlpine;

H. R. 17026. An act for the relief of Samuel L. Barnhart;

H. R. 17276. An act for the relief of S. R. Hurley;

H. R. 17344. An act for the relief of Frederick Daubert;

H. R. 17640. An act to authorize the issuance of a patent to the assignees of Warner Bailey for land located in Choctaw County, State of Alabama;

H. R. 23351. An act for the relief of the owners of the Mexican steamship *Tabasqueno;*

H. R. 23713. An act authorizing the construction of a bridge across Current River, in Missouri;

H. R. 23850. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 23849. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 24344. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. J. Res. 157. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. Colon Eloy Alfaro, of Ecuador; and

H. J. Res. 208. Joint resolution providing for expenses of the House Office Building.

The message further announced that the House had passed the concurrent resolution of the Senate providing for the appointment of a joint committee to make arrangements for the inauguration of the President-elect on the 4th day of March next.

The message also requested the Senate to return to the House the bill (H. R. 17640) to authorize the issuance of a patent to the assignees of Warner Bailey for land located in Choctaw County, State of Alabama.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 5083) to amend section 1 of the passenger act of 1882, and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the National Gas and Gasoline Engine Trades Association of Cincinnati, Ohio, praying for a reduction of the duty on raw iron and steel, which was referred to the Committee on Finance.

Mr. FRYE presented a petition of sundry citizens of the State of Maine, praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BEVERIDGE presented a memorial of the Indianapolis Clearing House Association of Indianapolis, Ind., remonstrating against the passage of the so-called "postal savings bank bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FULTON presented a petition of the Chamber of Commerce of Astoria, Oreg., praying for the enactment of legislation providing for the repair of the dredge *Chinook* used on the Columbia River, in that State, which was referred to the Committee on Commerce.

Mr. DILLINGHAM presented a petition of sundry citizens of White River Junction and Hartford, in the State of Vermont, praying for the enactment of legislation granting pensions to the members of the Military Telegraph Corps of the United States Army who served during the civil war, which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Calais and Milton, in the State of Vermont, praying for the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Engineering Society of the Carolinas, of Charlotte, N. C., praying for the enactment of legislation providing for the establishment of a national forest reserve in the Appalachian and White mountains, which was ordered to lie on the table.

He also presented a petition of the Asiatic Exclusion League of North America, praying for the enactment of legislation providing for the exclusion of Asiatics from the United States, which was referred to the Committee on Immigration.

Mr. BURROWS presented a petition of Gilead Grange, Patrons of Husbandry of Bronson, Mich., praying for the passage of the so-called "postal-savings banks and parcels-post bills," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WARNER presented a petition of sundry citizens of the State of Missouri, praying for the enactment of legislation granting pensions to the members of the Military Telegraph Corps of the United States Army who served during the civil war, which was referred to the Committee on Pensions.

He also presented a petition of United Mine Workers' Union, No. 202, of Fredericktown, Mo., praying that an investigation be made into the conditions of mines operated by the Treadwell Mining Company on Douglas Island, Alaska, which was referred to the Committee on Mines and Mining.

Mr. BURKETT presented an affidavit to accompany the bill (S. 3212) granting an increase of pension to G. N. Steinhoff, which was referred to the Committee on Pensions.

He also presented an affidavit to accompany the bill (S. 1937) for the relief of Mary C. Burgess, which was referred to the Committee on Claims.

Mr. BROWN presented sundry affidavits to accompany the bill (S. 7490) granting an increase of pension to William H. Bettinger, which were referred to the Committee on Pensions.

He also presented sundry affidavits to accompany the bill (S. 7702) granting an increase of pension to William McClary, which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (S. 4027) to parole United States prisoners, and for other purposes, reported it with amendments.

Mr. LONG, from the Committee on the Census, to whom was referred the bill (H. R. 16954) to provide for the Thirteenth and subsequent decennial censuses, reported it with amendments and submitted a report (No. 702) thereon.

Mr. PILES, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

The bill (S. 7378) to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton and Gulf Railroad Company (Report No. 703); and

The bill (S. 7640) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company (Report No. 704).

Mr. PILES, from the Committee on Commerce, to whom was referred the bill (H. R. 22879) to amend an act entitled "An act to amend an act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved January 23, 1908, reported it without amendment.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 7946) to authorize review of certain applications for Indian enrollment, which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7947) granting an increase of pension to Charles W. Kimball (with the accompanying papers);

A bill (S. 7948) granting a pension to Harlon S. Willis (with the accompanying papers);

A bill (S. 7949) granting an increase of pension to William P. Worthing; and

A bill (S. 7950) granting an increase of pension to Ann M. Mason.

Mr. BURROWS introduced a bill (S. 7951) to provide for the erection of a temporary annex to the post-office building in Detroit, Mich., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced the following bills, which were severally

read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7952) granting an increase of pension to William D. Kilgour (with the accompanying paper);

A bill (S. 7953) granting an increase of pension to William F. Rodgers (with the accompanying paper);

A bill (S. 7954) granting a pension to Grace M. Hunt (with the accompanying papers);

A bill (S. 7955) granting an increase of pension to William H. Lewis (with the accompanying papers); and

A bill (S. 7956) granting an increase of pension to Charles L. Randall.

Mr. FRYE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7957) granting a pension to Bridget Maker; and

A bill (S. 7958) granting an increase of pension to Esther A. Field.

Mr. McCUMBER introduced a bill (S. 7959) to establish an agricultural plant, shrub, and tree experimental station at or near the city of Mandan, west of the Missouri River, in the State of North Dakota, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 7960) to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war," which was read twice by its title and referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 7961) to limit the jurisdiction of certain judges appointed under the authority of the United States, which was read twice by its title and referred to the Committee on the Judiciary.

He also introduced a bill (S. 7962) granting an increase of pension to George W. Bachus, which was read twice by its title and referred to the Committee on Pensions.

Mr. MILTON introduced a bill (S. 7963) for the relief of Sarah E. Callahan, which was read twice by its title and referred to the Committee on Claims.

Mr. BEVERIDGE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7964) granting an increase of pension to James R. Bruner;

A bill (S. 7965) granting an increase of pension to Robert M. Batson (with the accompanying papers);

A bill (S. 7966) granting a pension to Edith V. Dick (with the accompanying papers); and

A bill (S. 7967) granting an increase of pension to Gail E. Plunkett (with the accompanying paper).

Mr. DICK introduced a bill (S. 7968) granting a pension to Susan E. Lime, which was read twice by its title and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 7969) for the relief of Theodore Bruener, which was read twice by its title and referred to the Committee on Public Lands.

He also introduced a bill (S. 7970) granting an increase of pension to Elisha B. Wood, which was read twice by its title and referred to the Committee on Pensions.

He also (for Mr. CLAPP) introduced a bill (S. 7971) for the relief of Samuel W. Campbell, which was read twice by its title and referred to the Committee on Claims.

Mr. FLINT introduced a bill (S. 7972) appointing a commission to select a site for a naval base on the California coast south of San Francisco, which was read twice by its title and referred to the Committee on Naval Affairs.

Mr. LODGE introduced a bill (S. 7973) to correct the military record of James H. Griggs, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BURKETT introduced a bill (S. 7974) granting an increase of pension to John D. Montgomery, which was read twice by its title and referred to the Committee on Pensions.

Mr. BROWN introduced a bill (S. 7975) to amend an act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," which was read twice by its title and referred to the Committee on Public Lands.

Mr. LA FOLLETTE introduced the following bills, which were read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7976) granting a pension to Florence Van Etta;

A bill (S. 7977) granting an increase of pension to Oscar C. Stevens; and

A bill (S. 7978) granting an increase of pension to Frank L. French.

Mr. BORAH introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7979) granting an increase of pension to John J. Gilson; and

A bill (S. 7980) granting an increase of pension to Michael Archer.

Mr. WARNER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7981) granting an increase of pension to Michael C. Bratton;

A bill (S. 7982) granting an increase of pension to Thomas J. Craven;

A bill (S. 7983) granting an increase of pension to David N. Heatherly;

A bill (S. 7984) granting an increase of pension to Elisha H. Wicker;

A bill (S. 7985) granting an increase of pension to Thomas Painter;

A bill (S. 7986) granting an increase of pension to Jackson Donald;

A bill (S. 7987) granting a pension to Patterson McGeehon;

A bill (S. 7988) granting a pension to Benjamin Franklin Brown; and

A bill (S. 7989) granting an increase of pension to Jacob W. Truxel.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. LODGE submitted an amendment intended to be proposed by him to the omnibus claims bill, which was referred to the Committee on Claims and ordered to be printed.

DEPOT FOR QUARTERMASTER'S STORES AT SAN FRANCISCO, CAL.

Mr. FLINT submitted an amendment proposing to appropriate $200,000 for the purchase of land and the construction of a building for a permanent depot for quartermaster's stores of the United States Marine Corps at San Francisco, Cal., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

IMPORTED AGRICULTURAL PRODUCTS.

Mr. BURKETT submitted an amendment intended to be proposed by him to the bill (S. 7502) to amend an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," the amendment being, in the last line, to strike out "flour" and insert "products," so as to make the proviso read:

Provided further, That no drawback shall be allowed on any imported wheat, corn, oats, barley, or rye, or upon any products manufactured from such grains.

The proposed amendment was referred to the Committee on Finance and ordered to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had on the 18th instant approved and signed the following acts:

S. 2999. An act to amend an act entitled "An act to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes," approved February 27, 1907;

S. 4308. An act to change the name of V street, from Florida avenue to Nineteenth street NW., to California street; and

S. 4814. An act to amend section 491n of the Code of Law for the District of Columbia.

INTERNATIONAL SHOOTING EXHIBITION AT VIENNA.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State submitting an invitation extended to the Government of the United States by the Government of Austria-Hungary to participate in the first international shooting and field sports exhibition, which will open at Vienna on May 15, 1910, together with a prospectus explaining the objects and purposes of the exhibition.

The report shows the favorable consideration which has been given to the invitation by the Department of Commerce and Labor, and by the Biological Survey and the Forest Service of the Department of Agriculture, in view of which and in recognition of the liberal part which Austria took in the World's Fair at Chicago and the Louisiana Purchase Exposition at St. Louis, the Secretary of State recommends

an appropriation by Congress of $250,000 to enable the Government of the United States to accept the invitation to participate in the exhibition.

This recommendation has my cordial approval.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 19, 1908.*

MAYAGUEZ SUGAR COMPANY OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and section 2 of the joint resolution amending said act, approved May 1, 1900, I transmit herewith copy of franchise granted by the executive council of Porto Rico, entitled "An ordinance granting to the Mayaguez Sugar Company, its successors and assigns, the right to take and use 150 gallons of water per minute for industrial purposes from the brook Merle, in the municipal district of Mayaguez."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 19, 1908.*

LOIZA SUGAR COMPANY, OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed.

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I transmit herewith certified copies of a franchise granted by the executive council of Porto Rico December 4, 1908, entitled "An ordinance granting to the Loiza Sugar Company, its successors and assigns, the right to construct a wooden bridge over the Rio Grande River in the municipal district of Rio Grande," approved December 8, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 19, 1908.*

MANUFACTURE, ETC., OF GAS IN SAN JUAN.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed.

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and section 2 of the joint resolution amending said act, approved May 1, 1900, I transmit herewith copy of a franchise granted by the executive council of Porto Rico, entitled "An ordinance further amending an ordinance entitled 'An ordinance granting Arturo Rodriguez the right to construct, maintain, and operate a system for the manufacture, distribution, and sale of gas, for light, heat, and power purposes in the municipality of San Juan.'"

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 19, 1908.*

PIER AT MAYAGUEZ.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and section 2 of the joint resolution amending said act, approved May 1, 1900, I transmit herewith a copy of a franchise granted by the executive council of Porto Rico, entitled "An ordinance granting to Alberto Bravo, his heirs, successors, and assigns, the right to construct, maintain, and operate a pier on the harbor shore of Mayaguez."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 19, 1908.*

COLORADO BOUNDARY LINE—VETO MESSAGE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

To the Senate:

I return herewith, without approval, Senate joint resolution No. 78, "Establishing the boundary line between the States of Colorado and Oklahoma and the Territory of New Mexico," for the reasons set forth in the following communication of the Attorney-General:

"I have the honor to report, with respect to joint resolution S. R. 78, referred by you to this department, that the purpose of the said resolution appears to be to correct the boundary line between the Territory of New Mexico and the States of Colorado and Oklahoma. The practical effect of establishing the new boundary line, so far as the State of Colorado is concerned, would be to remove from the jurisdiction of that State and add to the Territory of New Mexico a strip along nearly the whole of the southern boundary of the said State, in which there are located at least five post-offices and an appreciable number of inhabitants. So far as I am aware no action has been taken by the legislature of the State of Colorado assenting to or accepting the location of the boundary as proposed in this resolution, and from such inquiry as I have been able to make in the very limited time since the resolution reached me, I am led to think that such assent or acceptance on the part of the State is improbable. Under these circumstances, I think it is of very doubtful expediency to have the line mentioned in the resolution accepted by the United States as the true boundary. It is not necessary to express an opinion as to the legal effect of such a resolution upon the rights of the United States or of the Territory of New Mexico or the duties of federal or territorial officers; but it is clear that the resolution would not be binding upon the State of Colorado, and its adoption might lead to conflicts of jurisdiction within the long strip of territory to which I have referred, and possibly to the escape from legal punishment of those guilty of crimes committed within the said strip. If it is deemed desirable to establish the true boundary line, an appropriate method to effect this would be to invoke, by appropriate proceedings, the original jurisdiction of the Supreme Court."

"I therefore respectfully advise that the joint resolution in question do not receive your signature."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 19, 1908.*

Mr. TELLER. Mr. President, it was understood that we would do no business to-day except routine business, and therefore I can not ask to have this matter disposed of.

I simply want to say, Mr. President, that the message must have been signed under a misapprehension of the facts. The joint resolution is not an attempt to establish the line, but to ascertain where the line is which was established in 1861 by the act admitting our State into the Union and subsequently by our state act. This last line has never been run by the Government of the United States. It is indefinite and uncertain, but probably is very near the actual thirty-seventh parallel, a line that can not be moved and can not be changed. It is there; and under the act the department was to find, if possible, where the line was.

Some years ago we made an appropriation for the purpose of ascertaining that line. The Department of the Interior employed a competent surveyor with a proper force and expended some $35,000, I think, in ascertaining where the true line was. The department received that report and approved of the line so far as they could.

The statement that the joint resolution materially changes the line is incorrect. I do not think that anybody could have informed the President about the line who knew anything about it. It does not materially change the line, but in some places it probably varies from a quarter to half a mile. No considerable injury could happen to anybody either on the New Mexican line or the other line.

So far as Congress is concerned, it has a right to fix the New Mexican line. It has no right to fix the Colorado line, I admit. The Colorado line is on the thirty-seventh parallel, and probably Congress has not any right to determine for the State of Colorado where the thirty-seventh parallel is. The right still belongs to the State of Colorado to determine it, which they would do in some way if the joint resolution should become a law.

Should there be a difference of opinion between the people of Colorado or the legislature of Colorado and the General Government as to where the thirty-seventh parallel is, then there would be a case for the Supreme Court. There is not any case for the Supreme Court as it now stands.

Mr. President, I consulted the Judiciary Committee with reference to this line. Our people are anxious to have the line established so that we may know where it is. The line has been surveyed, the monuments have been put up. It is undoubtedly on the thirty-seventh parallel, which must be the line. I do not suppose that Congress nor the State could change the line; at least it could not be done without the consent of both.

At the proper time I shall call the attention of the Senate again to the matter. I suppose the message should lie on the table.

The VICE-PRESIDENT. Without objection, the message will lie on the table and be printed.

JOINT INAUGURAL COMMITTEE.

The VICE-PRESIDENT appointed Mr. KNOX, Mr. LODGE, and Mr. BACON members of the committee on the part of the Senate, under concurrent resolution 52, to make arrangements for the inauguration of the President-elect on the 4th day of March, 1909.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 24344. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. R. 23849. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain

widows and dependent relatives of such soldiers and sailors; and

H. R. 23850. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The following bills were severally read twice by their titles and referred to the Committee on Naval Affairs:

H. R. 7807. An act to place John Crowley on the retired list of the United States Navy;

H. R. 8615. An act to correct the naval record of Edward T. Lincoln;

H. R. 10416. An act to correct the naval record of Lieut. Hilary Williams, U. S. Navy;

H. R. 14343. An act to correct the naval record of Randolph W. Campbell; and

H. R. 16927. An act for the relief of Lieut. Commander Kenneth McAlpine.

The following bills and joint resolution were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 1086. An act to correct the military record of Pleasant Thomas, late of Company B, East Tennessee National Guards;

H. R. 4737. An act to correct the military record of John B. Ford;

H. R. 4931. An act to correct the military record of Corwin M. Holt;

H. R. 7006. An act to correct the military record of George W. Hedrick;

H. R. 7071. An act for the relief of James McKenzie;

H. R. 7963. An act for the relief of Patrick Conlin;

H. R. 8545. An act for the relief of Jackson Pryor;

H. R. 10606. An act for the relief of Robert S. Dame;

H. R. 11460. An act to remove the charge of desertion from the military record of William H. Houck;

H. R. 12760. An act to correct the military record of Isaac N. Fordyce;

H. R. 14974. An act for the relief of Charles A. Bess;

H. R. 16015. An act for the relief of Lafayette L. McKnight; and

H. J. Res. 157. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. Colon Eloy Alfaro, of Ecuador.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 1072. An act for the relief of the legal representatives of Sewell Coulson, deceased;

H. R. 1081. An act to pay Thomas P. Morgan, jr., amount found due him by Court of Claims;

H. R. 2952. An act for the relief of Chaplain Henry Swift, Thirteenth Infantry, U. S. Army;

H. R. 3622. An act for the relief of John D. McLain;

H. R. 3760. An act for the relief of the creditors of the Deposit Savings Association, of Mobile, Ala.;

H. R. 4119. An act to pay John Wagner, of Campbell Hall, N. Y., for carrying the mails;

H. R. 5461. An act for the relief of Lawson M. Fuller, major, Ordnance Department, U. S. Army.

H. R. 5826. An act to pay the Woodward Carriage Company, of San Antonio, Tex., for the loss of a horse while being used by the Department of Agriculture;

H. R. 6032. An act to pay to the administratrix of the estate of George W. Fleming for services rendered as letter-box inspector from March 29, 1902, to June 13, 1903;

H. R. 7029. An act for the relief of C. L. Huey;

H. R. 7037. An act for the relief of Benjamin F. King;

H. R. 8050. An act for the relief of James R. Wyrick;

H. R. 8733. An act for the relief of Walter W. Keefe;

H. R. 8924. An act for the relief of the heirs of Abraham Jones;

H. R. 10986. An act for the relief of L. H. Lewis;

H. R. 10987. An act for the relief of A. A. Lewis;

H. R. 13319. An act for the relief of the heirs of Thomas J. Miller;

H. R. 13712. An act for the relief of the legal representatives of Sarah J. Montgomery, deceased;

H. R. 13777. An act for the relief of the estate of Samuel Beatty, deceased;

H. R. 13809. An act for the relief of Charles S. Blood;

H. R. 13955. An act to compensate E. C. Sturges for property lost during the Spanish-American war;

H. R. 14733. An act for the relief of the trustees of Damascus Baptist Church, of Gordon County, Ga.;

H. R. 15681. An act for the relief of Compania de los Ferro-carriles de Puerto Rico;

H. R. 15737. An act for the relief of the heirs at law of James E. Wilson, deceased;

H. R. 16722. An act for the relief of the heirs of Erdman Bodenschatz, deceased;

H. R. 17026. An act for the relief of Samuel L. Barnhart;

H. R. 17276. An act for the relief of S. R. Hurley;

H. R. 17344. An act for the relief of Frederick Daubert; and

H. R. 23351. An act for the relief of the owners of the Mexican steamship *Tabasqueno*.

H. R. 23713. An act authorizing the construction of a bridge across Current River, in Missouri, was read twice by its title and referred to the Committee on Commerce.

H. J. Res. 208. Joint resolution providing for expenses of the House Office Building was read twice by its title and referred to the Committee on Appropriations.

LAND IN CHOCTAW COUNTY, ALA.

The VICE-PRESIDENT. The Chair lays before the Senate the request of the House of Representatives for the return of the bill (H. R. 17640) to authorize the issuance of a patent to the assignees of Warner Bailey for land located in Choctaw County, State of Alabama. Without objection, the request will be complied with.

HEARINGS BEFORE THE COMMITTEE ON THE CENSUS.

Mr. LONG. I ask unanimous consent for the present consideration of the following order:

Ordered, That the Committee on the Census be authorized to have printed the hearings had before that committee.

The VICE-PRESIDENT. Is there objection to the present consideration of the order?

Mr. CULBERSON. I submit to the Chair the question whether that is not in violation of the unanimous-consent agreement.

The VICE-PRESIDENT. The Chair is of opinion that it is in contravention of the agreement.

Mr. CULBERSON. I think we ought to live up to the agreement.

The VICE-PRESIDENT. Objection is made.

Mr. LONG. I hope there will be no objection to the order being made. The printing was practically ordered the other day, but there was a slight defect in the order.

Mr. CULBERSON. Mr. President, when we enter into a unanimous-consent agreement under the circumstances under which this agreement was entered into, and a large number of Senators have left the city, we ought to adhere to it.

The VICE-PRESIDENT. Objection is made.

Mr. CULBERSON. I submit the question to the Chair.

The VICE-PRESIDENT. The Chair is of opinion that the order is in contravention of the agreement.

Mr. LODGE. If that concludes morning business——

The VICE-PRESIDENT. If there are no concurrent or other resolutions, the morning business is closed.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Oregon?

Mr. LODGE. I was going to move that the Senate adjourn.

Mr. FULTON. Will the Senator indulge me just a moment?

Mr. LODGE. Certainly.

AMENDMENT OF INTERSTATE-COMMERCE ACT.

Mr. FULTON. Mr. President, I feel that I should ask the Chair to hold the morning business open for a short time yet, because I am quite confident that the chairman of the Committee on Interstate Commerce will shortly be here to report the bill (S. 423) to amend section 6 of an act entitled "An act to regulate commerce," approved February 4, 1887, and acts amendatory thereof. The Senator from Washington [Mr. PILES] informs me that he has sent word to him. I feel confident, as it is my duty to feel, that he is very anxious to report that measure. He is doubtless now at work putting the finishing touches to the report.

That I am justified in this view I think will be quite apparent when I call attention to the fact that in the very early days of the last session of Congress, indeed, on the 4th day of December, 1907, I introduced this little bill proposing to amend section 6 of the existing interstate-commerce act. The bill was referred to the Committee on Interstate Commerce. I saw the chairman and told him I was very anxious to have it considered at an early date. The chairman professed his very earnest desire to have it so considered, and he evidenced, I may say, a very deep interest in it, and assured me that it would shortly be considered.

Time continued to roll along. I did not hear anything of my bill. I called on the chairman. He said the only trouble was to get a quorum of the committee. So he started out to hunt a

quorum. I found that a quorum of that committee is one of the most fleeting and elusive entities one could possibly chase after. But finally they did succeed in getting what may be called a "tentative quorum."

Mr. TELLER. What kind of a quorum?

Mr. FULTON. A tentative quorum. I use the word "tentative" myself simply because I do not know of a better name for it. The quorum was composed not of a majority of the Senators, but certain Senators left word that they were to be counted present for the purpose of listening, but would be absent should it come to voting. So they listened—at least I assume they did; certainly those who were present did—while I explained as best I could the merits of the bill, and they all seemed to admit that it had many merits. I was assured by the chairman that the bill would be given early further consideration.

Well, time continued to roll on, as it frequently does. The winter passed; springtime, "Gentle Annie," "ethereal mildness," and all that sort of thing, came trooping along and blossomed into "glorious summer." Yes, seedtime and harvest, as suggested to me by the Senator from Massachusetts [Mr. LODGE], finally arrived, but my little bill was still slumbering in the lap of the chairman of the Committee on Interstate Commerce, or, more properly, I should say, perhaps he continued to sit on it. [Laughter.] Of course there could be but one result: The bill has not yet arrived.

Very late in the last session, Mr. President, there was pending here a resolution known as the "commodity-clause resolution," to amend the commodity clause of the interstate-commerce act. I proposed my bill as an amendment to that joint resolution. Well, it seemed to hang as a sort of dead weight on the joint resolution, much to the annoyance of the chairman of the Committee on Interstate Commerce. So he urged me and those who are interested with me in the bill to allow the amendment to be withdrawn. We consented, with the understanding that he would report this bill some time during this session previous to the holiday adjournment. To that he fully agreed, as the RECORD shows.

Now, seedtime and harvest, as my friend suggests, have come and gone since then; the time for adjournment for the holidays has arrived; but neither my bill nor the Senator from West Virginia, the chairman of the committee, has arrived this morning. I submit, however, to the Senate that I am bound to believe that he is hurrying to get here [laughter], and if the Senate will only wait a reasonable length of time I am quite satisfied he will arrive. [Laughter.] If he should, and find himself too late, afflicted as he is with that peculiar heart action, I fear the shock would prove fatal.

If I am mistaken, Mr. President, if I have been totally misled in this matter—which I can not believe—I feel it my duty to say now that at a very early day after Congress reassembles I shall feel obliged to call up a motion that I have now on the table, and that has been there since last session, to discharge the committee from the further consideration of this bill, at which time it may be necessary to read that portion of the RECORD which contains the agreement whereby the bill was *to be reported* at or prior to this date.

Mr. LODGE. Mr. President, the hope of the Senator from Oregon [Mr. FULTON] that the Senator from West Virginia [Mr. ELKINS] is now hurrying here to present that report shows a confidence in human nature which is as beautiful as it is touching. [Laughter.] But, Mr. President, if the Senator from Oregon will pardon me for saying so, I have been in the Senate longer than he; and, if I may use the words of the elder Pitt, "Confidence is a plant of slow growth in an aged bosom," and my confidence in the approach of the Senator from West Virginia with that report is slight. [Laughter.]

I move, Mr. President, that the Senate adjourn.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts withhold his motion and yield to the Senator from Oregon?

Mr. LODGE. I do.

Mr. FULTON. I simply want to ask the Senator from Massachusetts if he does not share in my confidence?

Mr. LODGE. I tried to express the fact delicately that I did not. [Laughter.]

Mr. FULTON. I want to say, Mr. President, it is with the most profound regret that I find the Senator from Massachusetts in that state of mind. [Laughter.]

Mr. LODGE. I renew my motion that the Senate adjourn.

The motion was agreed to, and (at 12 o'clock and 50 minutes p. m.) the Senate adjourned; the adjournment being, under the concurrent resolution of the two Houses, until Monday, January 4, 1909, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *December 19, 1908.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We lift up our hearts in gratitude and praise to Thee, O God, our Heavenly Father, for Thine own best gift unto the children of men nineteen hundred years ago, the Light of the World, the incarnation of Thy love, the express image of Thy glory, the Annointed One whom Thou didst send to preach the gospel to the poor, to heal the broken-hearted, to preach deliverance to the captive, a recovery of sight to the blind, to set at liberty them that are bruised, and preach the acceptable year of the Lord. Hence we pray for an universal faith in Him which shall sweep away all doubt and unite the whole family of mankind into one great brotherhood, an universal justice which shall right all wrong, an universal love which shall dispel all hate, bring in an universal peace, which shall indeed be stronger than war and unite all hearts in the glad acclaim, "Glory to God in the highest, and on earth peace, good will toward men." And now, O God, our Heavenly Father, as we separate to celebrate the glad event of the season, wreathe our faces in smiles, fill our hearts with generosity that we may feed the hungry, clothe the naked, and fill our homes with joy and gladness; and thus by example preach the acceptable year of the Lord and hasten the coming of Thy kingdom, that Thy will may be done in all the earth, in the name and spirit of Thine only begotten, our Lord and Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6788. An act to amend sections 2586 and 2587 of the Revised Statutes, as amended by the acts of April 25, 1882, and August 28, 1890, relating to collection districts in Oregon.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 5083) to amend section 1 of the passenger act of 1882.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5083. An act to amend section 1 of the passenger act of 1882.

FORT MASON MILITARY RESERVATION, CAL.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill S. 6189 and for its present consideration in the House.

The SPEAKER. The gentleman from California asks unanimous consent to discharge the Committee of the Whole House from the further consideration of the following Senate bill and to consider it at this time in the House. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 6189) granting a right of way to the Southern Pacific Railroad Company across the Fort Mason Military Reservation in California.

Be it enacted, etc., That the consent of the United States is hereby given to the Southern Pacific Company, a corporation created and existing under the laws of the State of Kentucky, to locate, construct, maintain, and operate a railroad and tunnel upon and across the property belonging to the United States at Fort Mason, in the State of California, upon such location and under such regulations as shall be approved by the Secretary of War.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I wish to ask the gentleman whether this military reservation is largely forest.

Mr. KAHN. It is not.

Mr. MANN. The railroad does not pass through a forest?

Mr. KAHN. The railroad does not pass through the reservation at all, but under it, through a tunnel. The military authorities are very anxious to have this railroad built, and it is approved by the Secretary of War.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman, This bill does not take any money out of the Treasury?

Mr. KAHN. Not a dollar.
Mr. CLARK of Missouri. And it has a unanimous report?
Mr. KAHN. It has a unanimous report.
Mr. CLARK of Missouri. And is recommended by the Secretary of War?
Mr. KAHN. By the former Secretary of War, Mr. Taft.
Mr. CLARK of Missouri. And everybody wants it?
Mr. KAHN. Everybody wants it.
Mr. CLARK of Missouri. Especially you?
Mr. KAHN. Well, I am no more interested than the gentleman from Missouri.
The SPEAKER. Is there objection? [After a pause.] The Chair hears none.
The bill was ordered to be engrossed and read a third time, was read the third time, and passed.
On motion of Mr. KAHN, a motion to reconsider the last vote was laid on the table.

LEAVES OF ABSENCE.

By unanimous consent Mr. RICHARDSON was granted leave of absence until January 15, on account of important business.
Mr. ESCH was granted leave of absence until January 15, on account of important business.
Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.
Mr. CANDLER. Mr. Speaker, I want to ask unanimous consent to strike a bill from the Private Calendar, which bill passed last session and ought not to be on the calendar.
The SPEAKER. The Clerk will report the title of the bill.
Mr. CANDLER. It is H. R. 15311, Calendar No. 1065, on page 32 of the Private Calendar.
The SPEAKER. The Clerk will report the title of the bill.
The Clerk read as follows:
A bill (H. R. 15311) for the relief of Raleigh Brewer, sr., and directing that a patent issue to him to southeast quarter section 10, township 15, range 19, in Noxubee County, Miss.
Mr. PAYNE. What is the purpose of this?
Mr. CANDLER. The bill was passed and is now a law.
The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the bill is stricken from the calendar.

HOLIDAY ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I now renew my motion.
The SPEAKER. The gentleman from New York moves that the House do now adjourn.
The question was taken, and the motion was agreed to.
Accordingly (at 12 o'clock and 13 minutes p. m.) the House, under its previous order, adjourned to meet at 12 o'clock noon January 4, 1909.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:
A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Agriculture submitting an estimate of appropriation for fence for national bison range—to the Committee on Appropriations and ordered to be printed.
A letter from the Secretary of Agriculture, transmitting a report of expenditures by the Bureau of Chemistry to compensate persons employed by state, county, or municipal governments—to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.
A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an amended estimate of appropriation for salaries of officers and employees of the Isthmian Canal Commission—to the Committee on Appropriations and ordered to be printed.
A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of deficiency appropriation for the War Department—to the Committee on Appropriations and ordered to be printed.
A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of East Chester Creek, New York—to the Committee on Rivers and Harbors and ordered to be printed.
A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Big Sunflower River, Mississippi—to the Committee on Rivers and Harbors and ordered to be printed.
A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Potomac River at Alexandria, Va.—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.
A letter from the Secretary of Commerce and Labor, transmitting a report of a survey for establishing a light and fog station at Gull Island, or Michigan Island, Apostle Group, Lake Superior—to the Committee on Interstate and Foreign Commerce and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,
Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 22340) relating to injured employees on the Isthmian Canal, reported the same with amendment, accompanied by a report (No. 1815), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:
A bill (H. R. 11435) granting an increase of pension to Warren D. Magee—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.
A bill (H. R. 20631) granting a pension to Daniel R. Cone—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.
A bill (H. R. 24364) granting an increase of pension to Phillip A. Work—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.
A bill (H. R. 24395) granting an increase of pension to Elias M. Miller—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:
By Mr. CAMPBELL: A bill (H. R. 24779) to establish in the Department of Agriculture a bureau to be known as the "bureau of public highways" and to provide for national aid in the improvement of the public roads—to the Committee on Agriculture.
By Mr. JONES of Virginia: A bill (H. R. 24780) to provide for the purchase of a site and the erection of a post-office building thereon at Hampton, in the State of Virginia—to the Committee on Public Buildings and Grounds.
By Mr. HUBBARD of West Virginia: A bill (H. R. 24781) amending and reenacting section 718 of the Revised Statutes of the United States, relating to injunctions and restraining orders—to the Committee on the Judiciary.
By Mr. BARCHFELD: A bill (H. R. 24782) to consolidate and revise the acts respecting copyright—to the Committee on Patents.
By Mr. JONES of Virginia: Joint resolution (H. J. Res. 213) for examination and survey of the Middle Ground bar in Hampton Roads, Virginia—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:
By Mr. ALLEN: A bill (H. R. 24783) granting an increase of pension to Charles E. Coffin—to the Committee on Invalid Pensions.
By Mr. BARNHART: A bill (H. R. 24784) granting an increase of pension to Arthur Householder—to the Committee on Invalid Pensions.
Also, a bill (H. R. 24785) granting an increase of pension to Isaac Jenkins—to the Committee on Invalid Pensions.
By Mr. BURNETT: A bill (H. R. 24786) granting a pension to John C. Anderson—to the Committee on Pensions.
By Mr. CALDER: A bill (H. R. 24787) to complete the military record of Andrew H. Johnson—to the Committee on Military Affairs.
By Mr. CALDERHEAD: A bill (H. R. 24788) granting an increase of pension to Homer Lyman—to the Committee on Invalid Pensions.
By Mr. COOPER of Wisconsin: A bill (H. R. 24789) for the relief of the city of Racine—to the Committee on Claims.
By Mr. DAWSON: A bill (H. R. 24790) granting an increase of pension to William B. Milligan—to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 24791) granting an increase of pension to Charles W. Redman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24792) granting an increase of pension to James M. Pardun—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24793) granting an increase of pension to James Arbuckle—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Kentucky: A bill (H. R. 24794) granting an increase of pension to Reuben Maggard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24795) granting an increase of pension to Francis M. Hale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24796) granting an increase of pension to Elick Begley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24797) granting an increase of pension to Abijah Morgan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24798) granting an increase of pension to Edward Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24799) granting an increase of pension to James C. Barton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24800) granting a pension to Thomas Gentry—to the Committee on Pensions.

Also, a bill (H. R. 24801) granting a pension to Orville Fox—to the Committee on Pensions.

By Mr. FULTON: A bill (H. R. 24802) granting a pension to Ara A. Bailey—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 24803) to remove the charge of desertion from the military record of William W. Frost—to the Committee on Military Affairs.

By Mr. HAMILTON of Iowa: A bill (H. R. 24804) granting an increase of pension to Russell Bell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24805) granting an increase of pension to Michael Doran—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 24806) granting an increase of pension to Howell H. Trask—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 24807) granting an increase of pension to Horace J. Kirtland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24808) granting an increase of pension to Amos Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24809) granting an increase of pension to John L. Lashells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24810) granting a pension to Joseph Erit—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 24811) granting an increase of pension to William F. Hersh—to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 24812) granting a pension to Hugh Morgan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24813) granting an increase of pension to Michael Larkin—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 24814) granting an increase of pension to Toma E. Morrison—to the Committee on Invalid Pensions.

By Mr. KIMBALL: A bill (H. R. 24815) granting a pension to Thomas Burns—to the Committee on Invalid Pensions.

By Mr. KIPP: A bill (H. R. 24816) granting an increase of pension to Horace M. Moody—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24817) granting an increase of pension to Avilla Watkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24818) granting an increase of pension to Nicholas Shuman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24819) granting an increase of pension to William Corbin—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 24820) to remove the charge of desertion against Joseph Welch—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: A bill (H. R. 24821) granting a pension to Amanda B. Conter—to the Committee on Pensions.

Also, a bill (H. R. 24822) granting an increase of pension to Mary B. Shinn—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 24823) granting an increase of pension to Oscar J. Matteson—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 24824) granting an increase of pension to John T. Bates—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 24825) granting an increase of pension to James K. P. Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24826) granting an increase of pension to James L. Witherby—to the Committee on Invalid Pensions:

By Mr. RUSSELL of Missouri: A bill (H. R. 24827) granting an honorable discharge to Henry C. Reese—to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 24828) granting a pension to Serena Hancock—to the Committee on Pensions.

By Mr. COX of Indiana: A bill (H. R. 24829) granting an increase of pension to William I. Milligan—to the Committee on Naval Affairs.

Also, a bill (H. R. 24830) granting an increase of pension to William Andrew—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARTLETT of Georgia: Petitions of Savannah (Ga.) Cotton Exchange; Board of Trade of Savannah, Ga.; Atlanta Bar Association; and Savannah (Ga.) bar, favoring increase of salaries of United States judges—to the Committee on the Judiciary.

By Mr. BEDE: Paper to accompany bill for relief of Stephen Tallon—to the Committee on Invalid Pensions.

By Mr. BURNETT: Petition of Birmingham (Ala.) Commercial Club, favoring Appalachian and White Mountains Forest Reservation—to the Committee on Agriculture.

Also, paper to accompany bill for relief of James Barron (H. R. 24168)—to the Committee on War Claims.

By Mr. DAWSON: Petition of Commercial Club of Cedar Rapids, Iowa, favoring allowance of expenses of railway clerks when absent on duty from initial terminal—to the Committee on the Post-Office and Post-Roads.

Also, petition of Biscuit and Cracker Manufacturers' Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Commercial Club of Cedar Rapids, favoring the appointment of a nonpartisan tariff commission—to the Committee on Ways and Means.

By Mr. EDWARDS of Kentucky: Papers to accompany bills for relief of James C. Barton and Francis M. Hall—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Orville Fox—to the Committee on Pensions.

By Mr. ELLIS of Oregon: Petition of citizens of Oregon, against Johnston bill (S. 3940), providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ESCH: Petition of Charles F. Mittelstadt, of Eau Claire, Wis., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. FITZGERALD: Petition of citizens of Brooklyn, N. Y., against S. 3940 (religious legislation in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. FULLER: Petition of J. H. Bliss and others, for legislation to pension members of the Telegraph Corps of the civil war—to the Committee on Invalid Pensions.

Also, petition of J. Augustus Smith, of Rockford, Ill., favoring the Fuller bill (H. R. 19250), creating a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Forest City Furniture Company, of Rockford, Ill., favoring a tariff on zinc ore—to the Committee on Ways and Means.

By Mr. HAMILTON of Michigan: Petition of citizens of Glenwood, Mich., against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. HINSHAW: Paper to accompany bill for relief of William M. Coop—to the Committee on Invalid Pensions.

Also, paper to accompany H. R. 22889—to the Committee on Public Buildings and Grounds.

By Mr. HITCHCOCK: Petition of citizens of Nebraska, against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KENNEDY of Iowa: Paper to accompany bill for relief of Toma E. Morrison—to the Committee on Invalid Pensions.

By Mr. LLOYD: Petition of 35 citizens of Callao, Mo., against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. LOUD: Paper to accompany bill for relief of Joseph Welch—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: Petition of citizens of Shelby County, Ill., against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. MADISON: Petition of citizens of Pratt County, Kans., against Senate bill 3940 (religious observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. PAYNE: Papers to accompany bills for relief of George W. Murray (H. R. 24579) and Stephen F. Smith (H. R. 24578)—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: Petition of citizens of Lakeland, Fla., against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

SENATE.

MONDAY, *January 4, 1909.*

The Senate met at 12 o'clock m.

The Chaplain, Rev. Edward E. Hale, offered the following prayer:

The God who made the world and all things therein, He being Lord of heaven and earth, is not to be served by men's hands as though he needed anything, seeing He Himself giveth to all life and breath and all things.

* * * * * * *

He made of one every nation of men for to dwell on all the face of the earth. He is not far from each one of us.

* * * * * * *

For in Him we live and move and have our being.

* * * * * * *

Whatsoever, therefore, ye would that men should do to you, do ye even so to them, for this is the law and the prophets. * * * *Overcome evil with good.*

Let us pray.

Father of life, Father of love, our Father, Thou wilt show us how to do it. Help this Nation this day in its wish and prayer and hope to come to the help of those who are in sorrow, of those who are cast down in this great calamity.

Father, we are strong in Thy strength; we are glad in Thy joy. We have been prosperous in all our afflictions in Thy blessed providence. Now show us how we can carry Thy benefits to the ends of the earth, how we can lift up what has fallen down, how we can open eyes that are blind and the ears that are deaf, how we can carry Thy gospel of glad tidings everywhere, that we can bury the dead, that we can feed the hungry and the thirsty, that we can give strength to those who are weak, that we can give courage to those who are afraid.

Father, we ask Thee to help us to-day in to-day's duty.

Our Father who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is done in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, and the power, and the glory, for ever and ever. Amen.

The Secretary proceeded to read the Journal of the proceedings of Saturday, December 19, 1908, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

FOREST-SERVICE EXPENDITURES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a separate report of the classified and detailed estimate of every subject of expenditure intended for the Forest Service, Department of Agriculture, for the fiscal year ending June 30, 1910, etc. (H. Doc. No. 1271), which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

ELECTORAL VOTES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, authentic copies of the certification of the final ascertainment of electors for President and Vice-President appointed in the States of Louisiana, Iowa, Indiana, Minnesota, Idaho, Wisconsin, Maine, Connecticut, Washington, New York, and Rhode Island, which, with the accompanying papers, was ordered to be filed.

ACCIDENTS AT RAILWAY MAIL CATCH STATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of May 8, 1908, certain information as to the cause of injuries to persons and damage and destruction of mail and mail equipment from accidents resulting from delivering and receiving mail to and from moving trains at catch stations from June 1 to November 30, 1908, inclusive (S. Doc. No. 619), which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

TRADE CONDITIONS IN SOUTH AMERICA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, the report of Special Agent Charles M. Pepper on trade conditions on the west coast of South America (H. Doc. No. 1269), which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

COTTON FABRICS IN MIDDLE EUROPE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, the report of Special Agent W. A. Graham Clark on cotton fabrics in Middle Europe, etc. (H. Doc. 1270), which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

TRADE CONDITIONS IN MEXICO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, the report of Special Agent Arthur B. Butman on trade conditions in Mexico (H. Doc. No. 1268), which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

DISTRIBUTION OF DOCUMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the clerk in charge of publications of the Department of the Interior, showing the number of documents received and distributed during the fiscal year ended June 30, 1908 (S. Doc. No. 618), which, with the accompanying paper, was referred to the Committee on Printing and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of David Tuckwiller and Sarah Bettie Wilson *v.* United States (S. Doc. No. 621);

In the cause of Robert von Balsan, Eliza C. von Balsan, administratrix of Rinaldo von Balsan, deceased, and Sarah von Balsan, administratrix of Isadore von Balsan, deceased, *v.* United States (S. Doc. No. 622);

In the cause of the trustees of the Methodist Episcopal Church of Falls Church, Va. (S. Doc. No. 623);

In the cause of the trustees of the Methodist Episcopal Church South, of Pungoteague, Va., *v.* United States (S. Doc. No. 624);

In the cause of the trustees of the High Hill Baptist Church of Greenesville County, Va., *v.* United States (S. Doc. No. 625); and

In the cause of Mary B. Chambers, administratrix of Lydia Hockensmith, deceased, *v.* United States (S. Doc. No. 620).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Browning, its Chief Clerk, announced that the House had passed the bill (S. 6189) granting a right of way to the Southern Pacific Railroad Company across the Fort Mason Military Reservation in California.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 534. An act to reimburse George W. Young, postmaster at Wanship, Utah, for loss of postage stamps;

S. 1162. An act to correct the naval record of Alfred Burgess;

S. 1559. An act for the relief of the Citizens' Bank of Louisiana;

S. 1729. An act for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford;

S. 2027. An act for the relief of Phillip Hague, administrator of the estate of Joseph Hague, deceased;

S. 3125. An act for the relief of Jabez Burchard;

S. 3388. An act to correct the military record of William A. Hinsch;

S. 4749. An act for the relief of Dewitt Eastman;

S. 5207. An act for the relief of William Radcliffe; and

S. 5263. An act for the relief of William Parker Sedgwick.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented petitions of the Chamber of Commerce of Portland, Oreg.; of the California State Board of Trade, of San Francisco, Cal.; and of the Chamber of Commerce of Los Angeles, Cal., praying that an appropriation be made for the purpose of restoring and rebuilding the jetties at the entrance of Humboldt Bay, California, which were referred to the Committee on Commerce.

He also presented a petition of the Lake Mohonk Conference of Friends of the Indian, of New York, praying for the enactment of legislation to prohibit the manufacture, sale, and importation of opium except for medicinal purposes, which was referred to the Committee on Finance.

He also presented the petition of John Martz and 11 other citizens of the State of Indiana, praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the East Columbia Conference of the Methodist Episcopal Church South, of South Carolina, praying for the enactment of legislation requiring all individuals and corporations engaged in interstate commerce to grant their employees who work on Sunday a full day's rest, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the East Columbia Conference of the Methodist Episcopal Church South, of South Carolina, praying for the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation to increase the salaries of circuit and district court judges, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Northeast Washington Citizens' Association of the District of Columbia, remonstrating against the enactment of legislation providing for a change in the form of government of the District of Columbia, and praying for the enactment of legislation to prevent the inflation of the stock of the gas companies and for a further reduction in the price of gas in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Merchants' Association of New York, praying for the passage of the so-called "postal savings bank bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented petitions of sundry citizens of Dresden, East Madison, Rowes Corner, North Buckfield, East Holden, Topsham, and Roque Bluff, all in the State of Maine, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the American Federation of Labor of Washington, D. C., praying for the enactment of legislation providing for a service inspection to determine the number of officers and men to be employed on steam vessels, which was referred to the Committee on Commerce.

He also presented a petition of the Milan Mining and Milling Company, of Portland, Me., praying for the enactment of legislation providing for a 25 per cent ad valorem duty on imported pyrite ore, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Chicago, Ill., praying for the enactment of legislation providing for the establishment of a separate government for the Isle of Pines, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. PLATT presented a petition of sundry citizens of Jamestown, N. Y., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the board of supervisors of Columbia County, N. Y., praying that an annual appropriation be made for the improvement of the public highways of the country, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of De Kalb Junction, N. Y., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Elk Creek Grange, No. 506, of Elk Creek; Fallkill Grange, No. 882, of Pleasant Plains; Vega Grange, No. 1025, of Vega; Chester Grange, No. 984, of Chester; Union Grange, No. 244, of Jamestown; Shawangunk Grange, No. 1018, of Greenville; Speedville Grange, No. 385, of Berkshire; Warwick Grange, No. 948, of Warwick; Clintonville Grange, No. 957, of Highland; Ellery Grange, No. 353, of Bemus Point; East Venice Grange, No. 895, of East Venice; Pleasant Valley Grange, No. 838, of Pleasant Valley; Denmark Grange, No. 535, of Deer River; Greece Grange, No. 311, of Monroe County; Hornellsville Grange, No. 846, of Hornell; Valley Grange, No. 1050, of Ellenburg Depot, all of the Patrons of Husbandry, in the State of New York, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DILLINGHAM presented petitions of sundry citizens of Bennington, Dummerston, Brookfield, and Pittsfield, all in the State of Vermont, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. RICHARDSON presented a petition of sundry citizens of Dover, Del., praying for the passage of the so-called "rural parcels post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS presented a petition of the Chambers of Commerce of Los Angeles and Stockton, in the State of California, praying that an appropriation be made for the reconstruction of the jetties at the entrance of Humboldt Bay, in that State, which was referred to the Committee on Commerce.

He also presented a memorial of the Chamber of Commerce of Honolulu, Hawaii, protesting against the enactment of legislation suspending the operation of the coastwise navigation laws in respect to vessels plying between the United States and the Hawaiian Islands, which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Santa Clara County, Cal., praying for the enactment of an exclusion law against Asiatic laborers and remonstrating against the extension of the right of naturalization, which was referred to the Committee on Immigration.

He also presented a petition of the Chamber of Commerce of Honolulu, Hawaii, praying for the enactment of legislation suspending fines imposed for carrying passengers in contravention of the coastwise shipping laws, which was referred to the Committee on Commerce.

He also presented a petition of the California State Board of Trade, praying that an appropriation be made for the reconstruction of the jetties at the entrance to Humboldt Bay, in that State, which was referred to the Committee on Commerce.

He also presented a petition of Progressive Grange, Patrons of Husbandry, of Healdsburg, Cal., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Bar Association of Los Angeles, Cal., praying for the enactment of legislation increasing the salaries of United States circuit and district court judges, which was referred to the Committee on the Judiciary.

He also presented the petition of Capt. F. S. Samuels, of San Francisco, Cal., praying for the proposed suspension of the coastwise shipping laws, as far as they relate to the Hawaiian Islands, which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation increasing the salaries of United States district and circuit court judges, which was referred to the Committee on the Judiciary.

He also presented a petition of members of the California state bar, praying for the enactment of legislation to increase the salaries of United States district and circuit court judges, which was referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the establishment of a United States assay office at that place, which was referred to the Committee on Finance.

He also presented a petition of the San Francisco Clearing House Association, of San Francisco, Cal., praying that the subject of postal savings banks be referred to the Currency Commission, and that no action be taken by Congress at this session, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Chamber of Commerce of

San Francisco, Cal., remonstrating against the enactment of legislation permitting foreign ships to carry passengers between Hawaii and the mainland, which was referred to the Committee on Commerce.

He also presented a petition of local grange, Patrons of Husbandry, of Orosi, Cal., praying for the enactment of legislation to establish a parcels post and postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Trans-Mississippi Congress, praying for the reversal of the ruling of the Internal-Revenue Commissioner against American sweet wines, which was referred to the Committee on Finance.

Mr. SCOTT presented petitions of sundry citizens of New Cumberland, Point Pleasant, Huntington, Yankee Dam, Fairmont, Southville, Willow Grove, Piedmont, and Buckhannon, all of the State of West Virginia, praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

He also presented a memorial of Follansbee Lodge, No. 1, Amalgamated Association of Iron, Steel, and Tin Plate Workers, of Follansbee, W. Va., remonstrating against the retention of the drawback provision in the present Dingley tariff bill relating to tin plate, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Poca and Wheeling, in the State of West Virginia, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. KEAN presented petitions of sundry citizens of Mullica Hill, Rancocas, Thoroughfare, and Ringoes, all in the State of New Jersey, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WETMORE presented a petition of Cumberland Grange, No. 2, Patrons of Husbandry, of Cumberland, R. I., and a petition of sundry citizens of Jamestown, R. I., praying for the passage of the so-called "rural parcels-post" and "savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GAMBLE presented a memorial of sundry citizens of Gayville, S. Dak., and a memorial of the Commercial Club, of Mitchell, S. Dak., remonstrating against the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FLINT presented a petition of Progressive Grange, No. 308, Patrons of Husbandry, of Healdsburg, Cal., and a petition of Tulare Grange, No. 198, Patrons of Husbandry, of Tulare City, Cal., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FULTON presented a memorial of the Oregon Wool Growers' Association, of Heppner, Oreg., remonstrating against the enactment of legislation providing for a reduction of the tariff on wool, which was referred to the Committee on Finance.

He also presented a petition of the Commercial Club of Hood River, Oreg., praying that an appropriation be made to improve and deepen the channel of the Columbia River at that city, which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Portland, Oreg., praying that an appropriation be made for the purpose of restoring and rebuilding the jetties at the entrance of Humboldt Bay, California, which was referred to the Committee on Commerce.

Mr. KITTREDGE presented a petition of the Northern Association of the Congregational Churches and Ministers of the State of South Dakota, praying for the enactment of legislation to establish a permanent judicial tribunal to settle all international differences, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Mitchell, S. Dak., remonstrating against the passage of the so-called "rural parcels-post" bill, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DEPEW presented petitions of sundry citizens of Bergen, Elk Creek, and Albion, all in the State of New York, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURKETT presented a petition of the Commercial Club of Omaha, Nebr., praying for the enactment of legislation granting travel pay to railway postal clerks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Commercial Club of Lincoln, Nebr., praying for the enactment of legislation to create a nonpartisan tariff commission, which was referred to the Committee on Finance.

He also presented a petition of the Commercial Club of Omaha, Nebr., praying for the enactment of legislation to increase the salaries of the United States circuit and district court judges, which was referred to the Committee on the Judiciary.

He also presented sundry affidavits to accompany the bill (S. 1104) granting an increase of pension to W. L. Ireland, which were referred to the Committee on Pensions.

Mr. DOLLIVER presented a petition of the Synod of the Presbyterian Church of Dubuque, Iowa, praying for the enactment of legislation requiring all individuals and corporations engaged in interstate commerce to grant their employees who work on Sunday a full day's rest during the next six days, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Commercial Club of Cedar Rapids, Iowa, praying for the enactment of legislation granting travel pay to railway postal clerks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Synod of the Presbyterian Church of Dubuque, Iowa, praying for the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Albert Rowley Post, No. 193, Department of Iowa, Grand Army of the Republic, of the State of Iowa, and a memorial of T. J. Potter Post, No. 440, Department of Iowa, Grand Army of the Republic, of Creston, Iowa, remonstrating against the enactment of legislation to increase the pension of commissioned officers who served in the civil war to two-thirds of the amount paid captains of cavalry, which were referred to the Committee on Pensions.

He also presented a petition of the Osceola County Medical Society, of Ashton, Iowa, praying for the adoption of certain amendments to the bill relating to the transportation of habit-forming and poisonous drugs in interstate and foreign commerce, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Iowa Academy of Science, of Des Moines, Iowa, praying for the enactment of legislation providing for the use of the metric system in the United States, which was referred to the Select Committee on Standards, Weights, and Measures.

He also presented a petition of the Commercial Club of Cedar Rapids, Iowa, praying for the enactment of legislation to create a nonpartisan tariff commission, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Marion, Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Council Bluffs, Iowa, and a petition of sundry citizens of Blakesburg, Iowa, praying for the enactment of legislation granting pensions to the surviving members of the United States Military Telegraph Corps who served in the civil war, which were referred to the Committee on Pensions.

He also presented a petition of the Medical Society of Wapello County, Iowa, praying for the enactment of legislation to establish a department of public health, which was referred to the Committee on Public Health and National Quarantine.

Mr. BROWN presented a petition of the Commercial Club of Omaha, Nebr., praying for the enactment of legislation to increase the salaries of United States circuit and district court judges, which was referred to the Committee on the Judiciary.

He also presented a petition of the Commercial Club of Omaha, Nebr., praying for the enactment of legislation granting travel pay to railway postal clerks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Commercial Club of Lincoln, Nebr., praying for the enactment of legislation to create a nonpartisan tariff commission, which was referred to the Committee on Finance.

He also presented a petition of the Commercial Club of Plattsmouth, Nebr., praying for the enactment of legislation providing for the issuance of government bonds to the amount of $500,000,000 for the improvement of the rivers and harbors of the country, which was referred to the Committee on Commerce.

He also presented sundry affidavits to accompany the bill (S. 7704) granting an increase of pension to John P. Bastian, which were referred to the Committee on Pensions.

He also presented sundry affidavits to accompany the bill (S. 7055) granting an increase of pension to James M. Thomas, which were referred to the Committee on Pensions.

He also presented sundry affidavits to accompany the bill (S. 7703) granting an increase of pension to Irena Brown, which were referred to the Committee on Pensions.

He also presented sundry affidavits to accompany the bill (S. 7701) granting an increase of pension to James A. Light, which were referred to the Committee on Pensions.

Mr. CURTIS presented a petition of Vineland Grange, No. 163, Patrons of Husbandry, of Vineland, Kans., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Wathena, Kans., praying for the enactment of legislation making the first day of the week a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Wamego, Kans., praying for the enactment of legislation granting pensions to the surviving members of the United States Military Telegraph Corps who served in the civil war, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Buffalo, Kans., praying for the enactment of legislation granting pensions to the widows of soldiers who have married veterans of the civil war since 1890, which was referred to the Committee on Pensions.

Mr. BURROWS presented petitions of sundry citizens of Sandusky, Midland, Ravenna, Tecumseh, Cadillac, Constantine, Union City, Caro, Crofton, St. Johns, Bronson, Luzerne, Auburn, Scottville, Fremont, Hesperia, and Saginaw, all in the State of Michigan, praying for the passage of the so-called "parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented a memorial of the Minnesota State Federation of Labor, of St. Paul, Minn., remonstrating against any steps being taken by the Government of the United States for the delivery of Jan Pauren and Christian Rudiwitz to the Russian Government, and praying for the discharge of Martin Juraw from imprisonment in Chicago, Ill., which was referred to the Committee on Foreign Relations.

Mr. LODGE presented a petition of sundry citizens of Huntington, Mass., and a petition of Springfield Grange, No. 54, Patrons of Husbandry, of Springfield, Mass., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. RAYNER presented a petition of sundry citizens of Frederick County, Md., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquor, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Grange No. 257, Patrons of Husbandry, of Greensboro, Md., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SMITH of Michigan presented petitions of sundry citizens of Dewitt and Detroit, in the State of Michigan, praying for the enactment of legislation granting pensions to the surviving members of the United States Military Telegraph Corps who served in the civil war, which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Forestville, Mich., praying that an appropriation be made for the improvement of the harbor at that city, which was referred to the Committee on Commerce.

He also presented a petition of the Bar Association of Grand Rapids, Mich., praying for the enactment of legislation to increase the salaries of United States circuit and district court judges, which was referred to the Committee on the Judiciary.

Mr. HALE presented a petition of the Bar Association of Penobscot County, Me., praying for the enactment of legislation to increase the salaries of United States circuit and district court judges, which was referred to the Committee on the Judiciary.

He also presented the petitions of John Dority Grange, Patrons of Husbandry, of Sullivan; of sundry citizens of Dresden; of Willow Brook Grange, Patrons of Husbandry, of Newfield; of Harvest Home Grange, Patrons of Husbandry, of West Ellsworth; of Nicolin Grange, Patrons of Husbandry, of Ellsworth; of Mountain Grange, No. 164, Patrons of Husbandry, of North Buckfield; of Central Grange, No. 121, Patrons of Husbandry, of Foxcroft; of Topsham Grange, No. 37, Patrons of Husbandry, of Topsham; of sundry citizens of West Peru; of Ocean View Grange, Patrons of Husbandry, of Martinsville; of Lamoine Grange, Patrons of Husbandry, of Lamoine; of Northern Light Grange, No. 6, Patrons of Husbandry, of Winterport; of Mount Cutler Grange, Patrons of Husbandry, of Hiram; and of sundry citizens of South Thomaston, all in the State of Maine, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Maine Daily Newspaper Publishers' Association, of Portland, Me., remonstrating against the enactment of legislation denying to publishers of daily and weekly newspapers the right to send at the pound rate publications to subscribers who may be in arrears of payment for more than three months or one year, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the National Hardware Association of the United States, remonstrating against the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (S. 7829) to amend an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois, and to establish it as a post-road," approved April 26, 1882, reported it without amendment and submitted a report (No. 707) thereon.

Mr. FLINT, from the Committee on Pacific Islands and Porto Rico, to whom were referred the following bills, reported them each with an amendment and submitted reports thereon:

The bill (S. 7697) to ratify an act of the legislature of the Territory of Hawaii, authorizing the manufacture and distribution of electric light and power in the district of Lahaina, Territory of Hawaii (No. 705); and

The bill (S. 7698) to ratify and confirm an act of the legislature of the Territory of Hawaii, authorizing the manufacture and distribution of electric light and power in the district of Wailuku, Territory of Hawaii (No. 706).

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (S. 432) for the relief of I. B. Hammond, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

HOUSE OFFICE BUILDING.

Mr. HALE. I report back from the Committee on Appropriations without amendment the joint resolution (H. J. Res. 208) providing for expenses of the House Office Building, and I ask for its immediate consideration.

The Secretary read the joint resolution and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $28,000 to supply a deficiency in the appropriation for maintenance, including heating, lighting, and ventilation, miscellaneous items, and for all necessary services for the House of Representatives Office Building for the fiscal year 1909.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. FRYE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7990) granting an increase of pension to Charles E. Peabody; and

A bill (S. 7991) granting an increase of pension to Harriet E. P. Keyes.

Mr. CULLOM introduced a bill (S. 7992) to amend an act entitled "An act to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912," approved May 22, 1908, which was read twice by its title and referred to the Committee on Foreign Relations.

He also introduced a bill (S. 7993) to correct the military record of Benjamin Brothers, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7994) granting a pension to Harriet Kitchell; and

A bill (S. 7995) granting a pension to Henry B. Edwards.

Mr. DILLINGHAM (for Mr. GALLINGER) introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on the District of Columbia:

A bill (S. 7996) to provide for the extension of Nineteenth street from Belmont road to Biltmore street, in the District of Columbia, with a uniform width of 50 feet, and for other purposes;

A bill (S. 7997) to amend section 1608j of the Code of Law for the District of Columbia;

A bill (S. 7998) to amend an act to regulate plumbing and gas fitting in the District of Columbia, approved June 18, 1898;

A bill (S. 7999) to authorize the removal of dangerous or unsafe buildings or parts thereof, and for other purposes; and

A bill (S. 8000) to regulate the construction of buildings along alleyways in the District of Columbia, and for other purposes.

Mr. DILLINGHAM (for Mr. GALLINGER) introduced a bill (S. 8001) in amendment of an act entitled "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof," approved June 30, 1896, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. DILLINGHAM introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8002) granting a pension to Maria A. Whitford; and

A bill (S. 8003) granting an increase of pension to Edwin H. Nash.

Mr. DILLINGHAM introduced a bill (S. 8004) granting an increase of pension to Wallace A. McKinstry, which was read twice by its title and referred to the Committee on Pensions.

Mr. PILES introduced a bill (S. 8005) authorizing the establishment of aids to navigation in Alaskan waters and making an appropriation therefor, which was read twice by its title and referred to the Committee on Commerce.

He also introduced a bill (S. 8006) for the relief of George Jennings, alias George Fish, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8007) granting an increase of pension to Robert J. Foster;

A bill (S. 8008) granting an increase of pension to George W. Gibson; and

A bill (S. 8009) granting arrears of pension to Pardon A. Morris.

Mr. PLATT introduced a bill (S. 8010) granting a pension to Susannah M. Magee, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 8011) granting to the State of North Dakota 160 acres of land which embraces the winter quarters of the Lewis and Clark expedition in the winter of 1804 and 1805, which was read twice by its title and, with the accompanying paper, referred to the Committee on Public Lands.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8012) granting an increase of pension to Kolbon Olson;

A bill (S. 8013) granting an increase of pension to Bernard Klein;

A bill (S. 8014) granting an increase of pension to Frank Westmiller;

A bill (S. 8015) granting an increase of pension to Maria Oleson;

A bill (S. 8016) granting an increase of pension to Franklin Herrick;

A bill (S. 8017) granting an increase of pension to Grove H. Cowles;

A bill (S. 8018) granting an increase of pension to Oscar Barnes;

A bill (S. 8019) granting an increase of pension to Throphilus K. Harman; and

A bill (S. 8020) granting an increase of pension to Samuel H. Freer.

Mr. LODGE introduced a bill (S. 8021) to prohibit the importation and use of opium for other than medicinal purposes, which was read twice by its title and referred to the Committee on Finance.

He also introduced a bill (S. 8022) to authorize the President to place Ensign John Tracey Edson on the retired list of the navy with the rank of lieutenant, which was read twice by its title and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 8023) for the relief of Pedro Mangalindan, Basilio Baltazar, and Julio Lacsamana; which was read twice by its title and referred to the Committee on the Philippines.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Military Affairs:

A bill (S. 8024) authorizing the President to transfer First Lieut. J. T. H. Slayter, Medical Reserve Corps, U. S. Army, to the Medical Corps, U. S. Army, and place him on the retired list; and

A bill (S. 8025) granting thirty working days' leave of absence in each year, without forfeiture of pay during such leave, to certain employees at United States arsenals, proving grounds, and supply stations.

Mr. LODGE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8026) granting a pension to Thomas Tirrell;

A bill (S. 8027) granting an increase of pension to Oliver S. Adams; and

A bill (S. 8028) granting a pension to Adella I. Cummings.

Mr. KEAN introduced the following bills, which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8029) granting an increase of pension to W. A. Youmans; and

A bill (S. 8030) granting an increase of pension to Sabella Davis.

Mr. TELLER introduced a bill (S. 8031) granting an increase of pension to Edward Bard, which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8032) granting an increase of pension to Catherine Cooper; and

A bill (S. 8033) granting an increase of pension to Katherine L. Roe.

Mr. DIXON introduced a bill (S. 8034) to increase the limit of cost for purchase of site and erection of a post-office building at Missoula, Mont., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 8035) granting an increase of pension to Benjamin F. Estes, which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FRAZIER introduced a bill (S. 8036) granting an increase of pension to Robert Osborn, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 8037) for the relief of the heirs of James C. Conner, deceased;

A bill (S. 8038) for the relief of the Third Presbyterian Church of Memphis, Tenn.;

A bill (S. 8039) for the relief of Nancy Walden;

A bill (S. 8040) for the relief of the estate of Washington Turner, deceased;

A bill (S. 8041) for the relief of Abner Souder;

A bill (S. 8042) for the relief of the heirs of Hiram Wilhite, deceased;

A bill (S. 8043) for the relief of the estate of John Rick, deceased;

A bill (S. 8044) for the relief of the heirs of G. W. Christenberry, deceased; and

A bill (S. 8045) for the relief of the estate of Samuel Y. B. Williams, deceased.

Mr. FLINT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8046) granting a pension to James Congdon; and

A bill (S. 8047) granting a pension to Nathan Ward Fitz-Gerald.

Mr. FLINT introduced a bill (S. 8048) to withdraw from settlement and entry certain lands in the State of California, which was read twice by its title and referred to the Committee on Public Lands.

Mr. du PONT introduced a bill (S. 8049) granting an increase of pension to Emilie Le Barbier Crofton, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 8050) to remove the charge of desertion from the military record of William A.

Griffith, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 8051) to extend the provisions of the reclamation act to the Territory of Hawaii, which was read twice by its title and referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also introduced a bill (S. 8052) to amend section 3246 of the Revised Statutes of the United States, which was read twice by its title and referred to the Committee on Finance.

He also introduced a bill (S. 8053) granting a pension to Annie Treacy, which was read twice by its title and referred to the Committee on Pensions.

Mr. BURROWS introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8054) granting an increase of pension to John W. Angell;

A bill (S. 8055) granting an increase of pension to Benjamin S. Wilbur; and

A bill (S. 8056) granting an increase of pension to William Gaunt.

Mr. SCOTT introduced a bill (S. 8057) granting an increase of pension to Carr Nicholas, which was read twice by its title and, with an accompanying paper, referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 8058) authorizing the Attorney-General to appoint as special peace officers such employees of the Alaska school service as may be named by the Secretary of the Interior, which was read twice by its title and referred to the Committee on Territories.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8059) to amend the pension laws of the United States;

A bill (S. 8060) granting an increase of pension to Martin J. Easland; and

A bill (S. 8061) granting an increase of pension to Ezra P. Byram.

Mr. WETMORE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8062) granting an increase of pension to John Galvin; and

A bill (S. 8063) granting an increase of pension to Charles H. Walker.

Mr. SUTHERLAND introduced a bill (S. 8064) granting an increase of pension to George W. Lashus, which was read twice by its title and referred to the Committee on Pensions.

Mr. RICHARDSON introduced a bill (S. 8065) for the relief of Charles W. Johnston, and of Harry C. Maull, and Charles S. Morris, administrator of Elihu J. Morris, his sureties, which was read twice by its title and referred to the Committee on Claims.

Mr. GAMBLE introduced a bill (S. 8066) granting an increase of pension to James A. Eddy, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 8067) authorizing the creation of a land district in the State of South Dakota, to be known as the "Le Beau land district," which was read twice by its title and referred to the Committee on Public Lands.

Mr. FULTON introduced a bill (S. 8068) for the relief of E. W. Davis, which was read twice by its title and referred to the Committee on Claims.

Mr. BORAH introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on the Judiciary:

A bill (S. 8069) defining an offense and prescribing the punishment therefor; and

A bill (S. 8070) prohibiting Senators, Representatives, or Delegates from receiving compensation or acting as counsel in certain matters where the United States is interested or for parties or corporations engaged in interstate commerce.

Mr. BORAH introduced a bill (S. 8071) providing for the erection of a federal building at Coeur d'Alene, Idaho, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 8072) granting an increase of pension to James McGuire, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 8073) granting a pension to Elizabeth W. Waters, which was read twice by its title and referred to the Committee on Pensions.

Mr. CULBERSON introduced a bill (S. 8074) for the relief of the estate of R. S. Simonton, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. BROWN introduced a bill (S. 8075) to correct the naval record of William Lewis Holland, which was read twice by its title and referred to the Committee on Naval Affairs.

Mr. ALDRICH introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8076) granting an increase of pension to Catharine H. Baker;

A bill (S. 8077) granting an increase of pension to Edwin Potter;

A bill (S. 8078) granting an increase of pension to George G. Adams, alias Godfrey Adams;

A bill (S. 8079) granting an increase of pension to Charles F. Richards;

A bill (S. 8080) granting an increase of pension to Lewis Roberts;

A bill (S. 8081) granting an increase of pension to Charles E. Sherman;

A bill (S. 8082) granting an increase of pension to Alexander G. Smith;

A bill (S. 8083) granting an increase of pension to Henry C. Randall; and

A bill (S. 8084) granting an increase of pension to John Donnelly.

Mr. BURKETT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8085) granting an increase of pension to William H. Mason;

A bill (S. 8086) granting an increase of pension to Frederick Ottemiller; and

A bill (S. 8087) granting an increase of pension to John Rosswork.

Mr. DOLLIVER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8088) granting an increase of pension to William S. Peck;

A bill (S. 8089) granting an increase of pension to John Coburn;

A bill (S. 8090) granting an increase of pension to William Smith Lackor;

A bill (S. 8091) granting an increase of pension to Charles H. Mallo;

A bill (S. 8092) granting an increase of pension to Henry Mingles;

A bill (S. 8093) granting an increase of pension to Elias G. Moore;

A bill (S. 8094) granting an increase of pension to James I. Moss;

A bill (S. 8095) granting an increase of pension to John M. Ryan; and

A bill (S. 8096) granting an increase of pension to Duane E. Simons.

Mr. DOLLIVER introduced a bill (S. 8097) to correct the military record of John M. Stewart, alias Jeremiah Marshall, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8098) granting an increase of pension to R. E. Huff;

A bill (S. 8099) granting an increase of pension to George F. Heustis;

A bill (S. 8100) granting an increase of pension to Josiah Wilcox;

A bill (S. 8101) granting a pension to Louisa St. Clair Crall;

A bill (S. 8102) granting an increase of pension to Wyatt C. Crawford;

A bill (S. 8103) granting a pension to Alexander R. Banks;

A bill (S. 8104) granting a pension to Minnie D. Dobbins;

A bill (S. 8105) granting an increase of pension to William C. Black; and

A bill (S. 8106) granting an increase of pension to Lucien H. Mears.

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8107) granting an increase of pension to David M. Evans;

A bill (S. 8108) granting a pension to Jane Plankinton; and
A bill (S. 8109) granting an increase of pension to Young S. Slater.

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 8110) for the relief of James Carroll, alias James Clingen (with the accompanying papers); and
A bill (S. 8111) for the relief of Roughin Brown.

Mr. SMITH of Michigan introduced a bill (S. 8112) to remove the charge of desertion from the military record of David Houk, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8113) granting a pension to Lucinda W. Van Hyning;
A bill (S. 8114) granting an increase of pension to David Collins; and
A bill (S. 8115) granting a pension to George W. Derby.

Mr. McCREARY introduced a bill (S. 8116) for the relief of the estate of John Wesley Eubanks, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. DILLINGHAM introduced a joint resolution (S. R. 110) providing that the Constitution of the United States be so amended that the President shall hold his office for one term of six years and shall not be eligible for reelection, which was read twice by its title and referred to the Committee on the Judiciary.

RELIEF OF EARTHQUAKE SUFFERERS IN ITALY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

The appalling calamity which has befallen the people of Italy is followed by distress and suffering throughout a wide region among many thousands who have escaped with life but whose shelter and food and means of living are destroyed. The ordinary machinery for supplying the wants of civilized communities is paralyzed; and an exceptional emergency exists which demands that the obligations of humanity shall regard no limit of national lines.

The immense debt of civilization to Italy; the warm and steadfast friendship between that country and our own; the affection for their native land felt by great numbers of good American citizens who are immigrants from Italy; the abundance with which God has blessed us in our safety: all these should prompt us to immediate and effective relief.

Private generosity is responding nobly to the demand by contributions through the safe and efficient channel of the American Red Cross Society.

Confident of your approval I have ordered the Government supply ships *Celtic* and *Culgoa* to the scene of disaster where upon receiving the authority which I now ask from you they will be able to dispense food, clothing, and other supplies with which they are laden to the value of about $300,000. The *Celtic* has already sailed and the *Culgoa* is at Port Said. Eight vessels of the returning battle-ship fleet are already under orders for Italian waters and that Government has been asked if their services can be made useful.

I recommend that the Congress approve the application of supplies above indicated and further appropriate the sum of $500,000 to be applied to the work of relief at the discretion of the Executive and with the consent of the Italian Government.

I suggest that the law follow the form of that passed after the Mount Pelee disaster in 1902.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 4, 1909.*

Mr. HALE. Mr. President, I move that the message be referred to the Committee on Appropriations, and not for the reason that any delay ought to take place, but a joint resolution should be framed in accordance with the suggestions of the President. I hope the Senate will remain in session so that at an informal meeting of the Committee on Appropriations a joint resolution will be matured, and I shall hope to report it back within a very short time.

The VICE-PRESIDENT. The Senator from Maine moves that the message of the President of the United States be referred to the Committee on Appropriations.

The motion was agreed to.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM submitted an amendment proposing to appropriate $50,000 for the participation of the United States in the Eighth International Prison Congress, to be held in the city of Washington in 1910, etc., intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate $66,000 to enable the Secretary of State to return to contributors the money raised to pay the ransom for the release of Miss Ellen M. Stone, an American missionary to Turkey, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. TELLER submitted an amendment proposing to appropriate $4,427.44 to pay Henry Frederick Wegner in connection with the loss of the schooner *Phoenix*, etc., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. DIXON submitted an amendment proposing to appropriate $35,000 to increase the limit of cost for the erection of a building at Missoula, Mont., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLINT submitted an amendment proposing to appropriate $1,000,000 in settlement of claims of the depositors of the Freedman's Savings and Trust Company, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CARTER submitted an amendment proposing to appropriate $250,000 for cooperation in the International Austro-Hungarian Exposition of the Chase, to be held in Vienna, May, 1910, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

Mr. DEPEW submitted an amendment proposing to appropriate $65,000 for dredging new channel and constructing new wharf at the port of New York, to afford landing facilities for arriving aliens and their baggage, intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. PLATT submitted an amendment intended to be proposed by him to the omnibus claims bill, which was referred to the Committee on Finance and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the omnibus claims bill, which was referred to the Committee on Claims and ordered to be printed.

Mr. McCREARY submitted an amendment intended to be proposed by him to the omnibus claims bill, which was referred to the Committee on Claims and ordered to be printed.

EXPOSITION IN TOKYO.

Mr. CULBERSON. I submit a resolution and ask that it be now considered.

The resolution (S. Res. 238) was read, as follows:

Resolved, That the Secretary of State be, and he is hereby, directed to inform the Senate:

1. Whether the time of holding the great national exposition in Tokyo, Japan, has been postponed to a later date than from April 1 to October 31, 1912, and if so, to what date has it been postponed.
2. Besides the three commissioners-general and the secretary, what clerical and other assistants, if any, have been appointed under the act approved May 22, 1908, giving the names of such clerks and other assistants and the compensation allowed or fixed for each.
3. What amount as compensation or expenses, if any, has been paid to each of the commissioners-general, the secretary, and such clerical and other assistants as may have been appointed.
4. Whether, if the time of holding the exposition has been postponed, it is the purpose to continue the official tenure of the commissioners-general, the secretary, and such clerical and other assistants notwithstanding such postponement.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. KEAN. I think it had better go to the Committee on Foreign Relations.

Mr. CULBERSON. Mr. President, I think the resolution ought to be adopted rather than referred to a committee. It is merely a resolution of inquiry.

Mr. MONEY. I ask for another reading of the resolution.

The VICE-PRESIDENT. The Secretary will again read the resolution at the request of the Senator from Mississippi.

The Secretary again read the resolution.

Mr. KEAN. I think the resolution ought to be referred to the Committee on Foreign Relations.

Mr. CULBERSON. Mr. President, I hope the Senator from New Jersey will not insist upon a reference. We have seen

frequent statements in the public press that the great national exposition to take place at Tokyo has been postponed until 1917, five years from the original date when it was to be opened.

The object of the resolution is merely to get the facts officially from the Secretary of State, who, under the act of May 22, 1908, has the execution of the law in hand. That is the only purpose, and I trust the Senator will allow the resolution to be adopted rather than to be referred to a committee.

Mr. LODGE. Mr. President, this matter has already been before the Committee on Foreign Relations, if I may say so, and they have discussed it with the Secretary of State, and legislation is now in preparation to cover the postponement. I think the resolution ought to go to the Committee on Foreign Relations. They have the subject now under consideration, and will procure for the Senate all possible information.

The resolution needs to be altered, in any event. It is not addressed as we address resolutions in regard to foreign relations, which are always directed to the President and not to the Secretary of State. I think it will be better to let the resolution go to the committee. I hope it will be referred.

Mr. CULLOM. I introduced a bill only a little while ago on this subject, and it went to the Committee on Foreign Relations.

The VICE-PRESIDENT. Does the Senator move that it be so referred?

Mr. LODGE. I understand that the Senator from New Jersey has already made the motion.

The VICE-PRESIDENT. The Senator from New Jersey made the suggestion.

Mr. KEAN. I make that motion.

The VICE-PRESIDENT. The Senator from New Jersey moves that the resolution be referred to the Committee on Foreign Relations. [Putting the question.] The ayes have it, and the motion is agreed to.

Mr. CULBERSON. I submit that the Senate did not understand the question.

The VICE-PRESIDENT. The Chair will again put the question.

Mr. BACON. Mr. President, before the question is put I desire to say just a word.

If the information sought were information which it was important should be immediately acted upon, I should certainly favor the desire of the Senator from Texas that the resolution should be adopted at once. But there is no such emergency. There is nothing which can immediately transpire which makes it necessary that there should be action at this time on the part of the Senate.

If it were a matter which had not already been under consideration by the Foreign Relations Committee and a matter in which the Foreign Relations Committee were not already moving, I should also favor the Senator's desire that there should be immediate action. But when the matter has been for weeks before the committee and they are already engaged in gathering all the information, and have already partly acted upon it, and in accordance with that the chairman of the committee has introduced a bill on the subject, I think it is nothing but courtesy to the committee which have already proceeded in the matter that they should continue in the control of it.

The information, of course, must be had before the Senate can act upon the bill which has been introduced by the Senator from Illinois, the chairman of the committee. The information, if it were had, could only be referred to the committee, in view of the fact that the bill, as I understand, has already been so referred.

Mr. CULBERSON. Mr. President, it is not necessary for me to say that I have the utmost confidence in the Committee on Foreign Relations, which has the matter in charge. But the Senate itself, I think, is entitled to have this information and the country is entitled to have it.

The Senator from Georgia makes the special point that there is no emergency demanding this information. If the Senator will recur to the law passed by Congress and approved by the President on the 22d of May of last year, he will observe that there is an appropriation of, I believe, $50,000 to pay the expenses of the commission, or whatever it may be styled, with a view to the representation of this country at the exposition to be held from the 1st of April to the 31st of October, 1912.

Now, shall we continue to have that money expended by the State Department? It is only $50,000, it is true, but it is that much. Shall we continue to have that money expended from month to month when the exposition has been in fact postponed for five years, if that be true? Ought not the Senate to know, ought not the House of Representatives to know, whether the money is being expended when there is no necessity for it, if the current rumor with reference to the postponement is true?

I submit that it is in no sense disrespectful and in no sense discourteous to the Committee on Foreign Relations for the Secretary of State to give us this information now. There are other members of the Senate interested in the legislation relative to the exposition besides the Committee on Foreign Relations. Some other Senator, with the information before him, might introduce a bill with reference to this matter, besides the chairman of the committee or members of the committee.

I hope the reference will not be made.

Mr. CULLOM. Mr. President, I want to say only one word. The very purpose of the bill I introduced is to change the law so that we may stop this expenditure.

The VICE-PRESIDENT. The question is on the motion of the Senator from New Jersey [Mr. KEAN], which is to refer the resolution submitted by the Senator from Texas [Mr. CULBERSON] to the Committee on Foreign Relations.

The motion was agreed to.

TENNESSEE COAL AND IRON COMPANY.

Mr. CULBERSON submitted the following resolution (S. Res. 240), which was considered by unanimous consent and agreed to:

Resolved, That the Attorney-General be, and he is hereby, directed to inform the Senate:

1. Whether legal proceedings under the act of July 2, 1890, have been instituted by him or by his authority against the United States Steel Corporation, on account of the absorption by it in the year 1907 of the Tennessee Coal and Iron Company; and if no such proceedings have been instituted, state the reason for such nonaction.

2. Whether an opinion was rendered by him or under his authority as to the legality of such absorption; and if so, attach a copy if in writing; and if verbal, state the substance of it.

JOSEPHINE DRAPER.

Mr. TELLER submitted the following resolution (S. Res. 239), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Josephine Draper, widow of Charles S. Draper, late a messenger of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

RELIEF OF EARTHQUAKE SUFFERERS IN ITALY.

Mr. HALE. The Committee on Appropriations, to whom was referred the President's message relating to the great disaster in Italy, reports favorably a joint resolution and asks for its immediate consideration.

The VICE-PRESIDENT. The joint resolution will be read for the information of the Senate.

The joint resolution (S. R. 109) for the relief of sufferers by earthquake in Italy and its islands was read the first time by its title and the second time at length, as follows:

Resolved, etc., That to enable the President of the United States to procure, transport, and distribute among the suffering people of Italy and its islands such provisions, clothing, medicines, moneys, and other articles as he shall deem advisable for the purpose of rescuing and succoring the people who are in peril and threatened with starvation in consequence of the recent earthquake, the sum of $500,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated; and the action of the President in dispatching the naval vessels to Italy with food and supplies for the Italian sufferers is hereby ratified and approved.

In the execution of this act the President may use any vessels of the United States Navy and such other vessels as he may, in his discretion, employ.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution just read?

There being no objection, the joint resolution was considered in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HALE. I have asked the clerk of the Committee on Appropriations to compile a statement covering precedents in cases like this—none of them, however, of such magnitude—and I ask that, when presented, it may be printed in the RECORD for the information of the Senate and the public.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Texas?

Mr. HALE. Certainly.

Mr. BAILEY. Mr. President, I believe if that be done it will simply be done in order not only to justify this, but to justify all future appropriations of this kind. I am one of those Senators who do not believe that the Federal Government possesses the power to apply the people's money in this way, and I voted "no" on the passage of the joint resolution. If it is sought to be established by precedent that the Federal Government does possess this power—and if it did possess it, I would be one of the first to exercise it in a great calamity like this—it seems to me that it is such a debatable question that it is

not exactly fair to those who entertain views similar to my own to have it made a part of the RECORD here without any opportunity to analyze it and make such answer as we think can be made.

I am not going to object to the Senator's request, but I must remind him that there is no argument in this world so fallacious and so certain to mislead individuals and the public as the argument of precedents, when those precedents are made in the shadow of an appalling calamity. But, if the Senate desires, and if the Senator desires, that these precedents shall be collected and printed, I shall offer no objection.

The VICE-PRESIDENT. The Senator from Maine suggests that the clerk of the Committee on Appropriations is preparing precedents bearing upon similar appropriations heretofore made by Congress, and asks that when prepared the paper be printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The paper referred to is as follows:

List of acts and resolutions of Congress granting relief to the people of foreign nations on account of earthquakes, fire, famine, etc.

VENEZUELA.

1812.—An act for the relief of the citizens of Venezuela.

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to cause to be purchased such provisions as he shall deem advisable, and to tender the same in the name of the Government of the United States to that of Venezuela, for the relief of the citizens who have suffered by the late earthquake.

SEC. 2. And be it further enacted, that a sum not exceeding fifty thousand dollars be, and the same is hereby, appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, to carry into operation this act. $50,000.

Approved, May 8, 1812.

IRELAND AND SCOTLAND.

1847.—A resolution authorizing the employment of the U. S. S. Macedonian and Jamestown in transporting provisions for the famishing poor of Ireland and Scotland.

Resolved, etc., That the Secretary of the Navy be, and he is hereby, authorized to place at the disposal of Capt. George C. De Kay, of New Jersey, the U. S. S. Macedonian, for the purpose of transporting to the famishing poor of Ireland and Scotland such contributions as may be made for their relief; and that the said Secretary be also authorized to place at the disposal of Capt. Robert B. Forbes, of Boston, the United States sloop of war, the Jamestown, for the like purpose; or, if the Secretary shall be of opinion that the public interest will be better subserved thereby, he is authorized to dispatch said vessels upon the service aforesaid as public ships.

Approved, March 3, 1847.

FRANCE AND GERMANY.

1871.—A resolution authorizing the use of a naval vessel to transport breadstuffs to Europe.

Resolved, etc., That the President of the United States be, and is hereby, authorized to cause to be stationed at the port of New York, and the ports of Boston and Philadelphia, if the same can be done without injury to the public service, one or more of our naval vessels, to be there held in readiness to receive on board for transportation such supplies as may be furnished by the people of the United States for the destitute and suffering people of France and Germany.

Approved, February 10, 1871.

IRELAND.

1880.—Joint resolution authorizing the Secretary of the Navy to transport contributions for the relief of the suffering poor of Ireland.

Resolved, etc., That the Secretary of the Navy be, and he is hereby, authorized to employ any ship or vessel belonging to the Navy of the United States best adapted for such service for the purpose of transporting to the famishing poor of Ireland such contributions as may be made for their relief, or to charter and employ under the authority of the United States a suitable American ship or vessel for the same purpose. Any sum of money which may be necessary to carry out the object of this resolution is hereby appropriated out of any money in the Treasury not otherwise appropriated. Indefinite sum.

Approved, February 25, 1880.

INDIA.

1897.—Joint resolution authorizing the Secretary of the Navy to transport contributions for the relief of the suffering poor of India.

Whereas a famine exists in India, which is daily causing thousands of deaths among the poor, which famine can readily be relieved from the surplus products of other parts of the world; and

Whereas the people of the United States stand always ready to assist the distressed and afflicted wherever found, and California, Oregon, Washington, Nebraska, Iowa, and Kansas have already collected and donated wheat, flour, and corn for relief of the famishing inhabitants of India, which is now being conveyed free of charge by transportation companies to San Francisco for shipment to India: Therefore, be it

Resolved, etc., That the Secretary of the Navy be, and he is hereby, authorized to employ and place at the disposal of the Chamber of Commerce of San Francisco any ship or vessel belonging to the Navy of the United States best adapted for such service for the purpose of transporting to the famishing poor of India such contributions as may be made for their relief, or to charter and employ under the authority of the United States a suitable American steamship or vessel, with a cargo capacity of 1,500 to 3,000 tons, for the same purpose. Any sum of money which may be necessary to carry out the object of this resolution is hereby appropriated out of any money in the Treasury heretofore appropriated for the support of the navy. Indefinite sum.

Approved, February 19, 1897.

1897.—Joint resolution authorizing the Secretary of the Navy to transport contributions for the relief of the suffering poor in India.

Whereas a famine exists in India, which is daily causing thousands of deaths among the poor, which famine can readily be relieved from the surplus products of other parts of the world; and

Whereas generous people of the United States in different States are freely giving wheat, flour, and corn for the relief of the famishing inhabitants in India: Therefore, be it

Resolved, etc., That the Secretary of the Navy be, and he is hereby, authorized to employ and place at the disposal of the collector of the port of New York any ship or vessel belonging to the Navy of the United States best adapted for such service for the purpose of transporting to the famishing poor of India such contributions as may be made for their relief, or to charter and employ under the authority of the United States a suitable American steamship or vessel, with a cargo capacity of 2,000 to 4,000 tons, for the same purpose. Any sum of money which may be necessary to carry out the object of this resolution is hereby appropriated out of any money in the Treasury not otherwise appropriated. Indefinite sum.

Approved, April 7, 1897.

1897.—Joint resolution in amendment of the joint resolution of April 7, 1897, authorizing the Secretary of the Navy to transport contributions for the relief of the famishing poor of India.

Resolved, etc., That the joint resolution of April 7, 1897, authorizing the Secretary of the Navy to transport contributions for the relief of the famishing poor of India, be, and the same is hereby, so amended that the Secretary shall be authorized to charter and employ the most suitable steamships or vessels of any nationality, not exceeding two in number, to carry out the object of said resolution.

Approved, June 1, 1897.

CUBA.

1898.—An act to provide assistance to the inhabitants of Cuba, and arms, munitions, and military stores to the people of the island of Cuba, and for other purposes.

Be it enacted, etc., That while serving in Cuba during the existing war, officers of the Army of the United States exercising separate commands may, by special order, cause subsistence, medical, and quartermaster's supplies to be issued to, and other aid rendered to, inhabitants of the island of Cuba who are destitute and in imminent danger of perishing unless they receive the same.

SEC. 2. That the President, and general officers commanding troops in Cuba, are hereby authorized to furnish to the Cuban people such arms, ammunition, equipments, and military stores and supplies as they may require in order to increase their effective fighting force in the existing war against Spain.

Approved, May 18, 1898.

1899.—An act making appropriations for the support of the Regular and Volunteer armies for the fiscal year ending June 30, 1900.

Be it enacted, etc., That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the army for the year ending June 30, 1900;

* * * Subsistence supplies to be issued to inhabitants of the island of Cuba who are destitute and in imminent danger of perishing unless they receive the same, $100,000.

* * * * * * *

Approved, March 3, 1899.

FRENCH WEST INDIES.

1902.—An act for the relief of citizens of the French West Indies.

Be it enacted, etc., To enable the President of the United States to procure and distribute among the suffering and destitute people of the islands of the French West Indies such provisions, clothing, medicines, and other necessary articles, and to take such other steps as he shall deem advisable for the purpose of rescuing and succoring the people who are in peril and threatened with starvation, the sum of $200,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

In the execution of this act the President is requested to ask and obtain the approval of the French Government, and he is hereby authorized to employ any vessels of the United States Navy and to charter and employ any other suitable steamship or vessels. $200,000.

Approved, May 13, 1902.

JAMAICA.

1907.—An act for the relief of citizens of the Island of Jamaica.

Be it enacted, etc., That the President of the United States is authorized to use and distribute among the suffering and destitute people of the island of Jamaica such provisions, clothing, medicines, and other necessary articles belonging to the subsistence and other stores of the naval establishment as may be necessary for the purpose of succoring the people who are in peril and threatened with starvation on said island in consequence of the recent earthquake and attending conflagration.

Approved, January 18, 1907.

OMNIBUS CLAIMS BILL.

Mr. FULTON. Some days ago, Mr. President, by unanimous-consent agreement, what is known as the "omnibus claims bill" was made a special order for the 6th of January immediately following the routine morning business. I have received telegrams from some Senators who are very much interested in that bill and in items which they desire to offer by way of amendment to it, saying that they can not be here by that date. I am very loath to defer the consideration of the bill beyond that time, but I feel that I ought to submit the matter to the Senate. I therefore ask that the special order made for January 6 be vacated and that the bill be made the special order for Monday, January 11, immediately following the routine morning business, its consideration to be then begun and continued until it is concluded; not, of course, to interfere with appropriation bills or other orders.

Mr. OVERMAN. I wish the Senator from Oregon would ask that the consideration of the bill be postponed until Thursday, the 14th, as I shall myself be absent until then. I expected to be here on the 6th, but I shall not be here next Monday.

Mr. FULTON. Will the Senator be here on next Tuesday?

Mr. OVERMAN. No; I shall not be here until Thursday of next week.

Mr. FULTON. The Senator from North Carolina, who is interested in this measure, can see that we are getting pretty well along in the session——

Mr. OVERMAN. I understand that there is another member of the Senator's committee who is also very much interested in the bill, the Senator from Tennessee [Mr. FRAZIER], who will not be here at the time named. I suggest, therefore, to the Senator from Oregon to ask for its consideration a week from next Monday.

Mr. FULTON. That is too long. I will adopt the first suggestion of the Senator, with the consent of the Senate, and ask to have the order entered for a week from Thursday next, which will be the 14th instant.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Ohio?

Mr. FULTON. Certainly.

Mr. FORAKER. What is the date the Senator now asks to have fixed for his special order?

Mr. FULTON. The 14th.

Mr. FORAKER. Of January?

Mr. FULTON. Of January.

Mr. FORAKER. I have a bill which was made a special order that has lost its right as a special order, but I want to give notice that I expect to bring that bill up, and I think I shall have a right to insist upon its consideration when I do. I offered a resolution, which was adopted by the Senate, calling upon the Secretary of War for certain information, which I should like to have before I proceed with the further discussion of that bill. I am only waiting until the answer to that resolution shall come here in order to move that the bill be taken up and proceeded with.

Mr. FULTON. The Senator, I assume, refers to the Brownsville affair?

Mr. FORAKER. Yes, sir.

Mr. FULTON. But I call the attention of the Senator from Ohio to the fact that the special order expired as to that bill, and my understanding is that when a special order is not renewed or continued it ceases entirely.

I will say again, however, what I said before when this matter was pending, that I have no disposition to interfere with any matters that Senators may specially desire to bring up at any time.

Mr. FORAKER. I thank the Senator for that statement. I only rose in order that we might have some understanding about it. I agree with the Senator, as I understand it at least, that my bill has lost its right as a special order and that it is simply on the calendar, but I want to take it up and insist on its consideration and the disposition of it as soon as I can possibly do so.

The VICE-PRESIDENT. The Senator from Oregon [Mr. FULTON] asks unanimous consent that the unanimous-consent agreement by which House bill 15372, known as the "omnibus claims bill," was to be taken up for consideration on Wednesday, January 6 next, be modified so as to read "Thursday, January 14, 1908." Is there objection?

Mr. CARTER. Mr. President, I understand that the proposed unanimous-consent agreement excludes appropriation bills and also provides that the unfinished business shall not be interfered with?

Mr. FULTON. I simply ask to have the existing order continued, changing the date; and by its terms it does not interfere with the unfinished business or appropriation bills.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none, and it is so ordered.

AMENDMENT OF INTERSTATE COMMERCE ACT.

Mr. FULTON. Mr. President, immediately preceding the adjournment of the Senate for the holidays I took occasion to call attention to a pending resolution proposing to discharge the Committee on Interstate Commerce from the further consideration of the bill (S. 423) to amend section 6 of an act entitled "An act to regulate commerce," approved February 4, 1887, and acts amendatory thereof. I then stated that I should promptly call up that resolution immediately after the Senate reassembled, but I am advised by the chairman of that committee that a meeting has been called for the coming Wednesday to consider the bill, and as he is now very earnestly at work to secure a report, I am satisfied I may expect one at that time. Therefore I shall not call up the resolution this morning.

MISSISSIPPI RIVER BRIDGE AT KEITHSBURG, ILL.

Mr. CUMMINS. I ask unanimous consent for the immediate consideration of a bill reported this morning by the Committee on Commerce authorizing the construction of a bridge over the Mississippi River at or near Keithsburg, Ill.

The VICE-PRESIDENT. The Senator from Iowa asks unanimous consent for the present consideration of a bill reported to-day by the Committee on Commerce, the title of which will be stated by the Secretary for the information of the Senate.

The SECRETARY. A bill (S. 7829) to amend an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois, and to establish it as a post road," approved April 26, 1882.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT ST. LOUIS, MO.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill (H. R. 22879) to amend an act entitled "An act to amend an act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved January 23, 1908.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had on the 19th ultimo approved and signed the act (S. 5083) to amend section 1 of the passenger act of 1882.

CHINESE INDEMNITY FUND.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of Congress a copy of an executive order signed by me on the 28th day of December, 1908, in execution of the joint resolution of May 25, 1908, "To provide for the remission of a portion of the Chinese indemnity," together with a letter from the Secretary of State and various documents explanatory thereof, and explanatory also of a plan for the education of Chinese students in the United States, to which the Government of China proposes to devote a large part of the remitted indemnity. Copies of these papers have also been transmitted to the Commissioner of Education of the United States, with instructions to aid in all appropriate ways within his power in the carrying out of the plans of the Chinese Government for the education of students in America.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 4, 1909.*

REPORT OF CIVIL SERVICE COMMISSION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Civil Service and Retrenchment and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress the annual report of the United States Civil Service Commission for the year ended June 30, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 4, 1909.*

INTERNATIONAL CONGRESS ON PUBLIC INSTRUCTION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a report by the Secretary of State, with an inclosure, concerning participation by the Government of the United States in an international congress for the purpose of reform in the intermediate stage of public instruction, which is to be called by the Hungarian Government to meet during the year 1909.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 4, 1909.*

COMMODITY CLAUSE OF INTERSTATE-COMMERCE LAW.

The VICE-PRESIDENT. The calendar under Rule VIII is in order. The Secretary will state the first business on the calendar.

The joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law was announced as first in order on the calendar.

Mr. ELKINS. I ask that the joint resolution be temporarily laid aside.

The VICE-PRESIDENT. The joint resolution will be passed over, at the request of the Senator from West Virginia.

NORTHERN PACIFIC RAILWAY COMPANY.

Senate resolution 93, relating to the reorganization of the Northern Pacific Railway Company, submitted by Mr. HEYBURN February 6, 1908, and reported by Mr. BURKETT, from the Committee on Pacific Railroads, April 7, 1908, was announced as next in order.

Mr. BURKETT. Mr. President, the Senator from Idaho [Mr. HEYBURN] is not here. I reported the resolution from the Committee on Pacific Railroads, and I ask that it go over.

The VICE-PRESIDENT. The resolution will go over at the request of the Senator from Nebraska without prejudice.

BILLS PASSED OVER.

The bill (S. 915) to prevent the sale of intoxicating liquors in buildings, ships, navy-yards, and parks, and other premises owned or used by the United States Government was announced as next in order.

Mr. BORAH. I ask that that bill go over.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from Idaho.

The bill (S. 6576) to regulate the interstate-commerce shipments of intoxicating liquors was announced as next in order.

Mr. CLARK of Wyoming. In the absence of the junior Senator from Pennsylvania [Mr. KNOX] I ask that that bill may be passed over.

The VICE-PRESIDENT. The bill will be passed over without prejudice, at the request of the Senator from Wyoming.

The bill (S. 6018) providing for the disposition of town sites in connection with reclamation projects, and for other purposes, was announced as next in order.

Mr. CARTER. I ask that that bill be passed over.

The VICE-PRESIDENT. The bill will be passed over, at the request of the Senator from Montana.

JAMES RIVER DAM, MISSISSIPPI.

The bill (H. R. 17707) to authorize William H. Standish to construct a dam across James River, in Stone County, Miss., and divert a portion of its waters through a tunnel into the said river again to create electric power, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNITED STATES EMBASSY BUILDING AT PARIS, FRANCE.

The bill (S. 6959) to provide for the purchase of building and grounds, or of a site and erection of a building thereon, in the city of Paris, France, for the use of the embassy of the United States, was considered as in Committee of the Whole. It proposes to appropriate $400,000 for the purchase of building and grounds, or of a site and the erection of a building thereon, in the city of Paris, France, for the use of the embassy and for the residence of the ambassador at that capital, and for furnishing the same and, if necessary, otherwise adapting it to the needs of the service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INLAND WATERWAYS COMMISSION.

The bill (S. 7112) providing for the appointment of an inland waterways commission, with the view to the improvement and development of the inland waterways of the United States, was announced as next in order on the calendar.

Mr. NEWLANDS. I ask that that bill be passed over without prejudice.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from Nevada.

Mr. HOPKINS. Mr. President, I did not understand what was done with that bill. Did the Senator from Nevada ask that that bill be passed over?

Mr. KEAN. The bill went over.

The VICE-PRESIDENT. The bill has gone over.

Mr. NEWLANDS. I did not understand the question of the Senator from Illinois.

Mr. HOPKINS. I was asking what had become of the waterways bill.

Mr. NEWLANDS. I will state to the Senator that the bill we propose to pass is House bill 21899, Calendar No. 676.

CHIPPEWA INDIAN TRUST FUND.

The joint resolution (S. R. 88) to provide for an accounting of certain funds held in trust for the Chippewa Indians in Minnesota was considered as in Committee of the Whole. It directs the Secretary of the Treasury and the Secretary of the Interior to make to Congress a report of the moneys received from all sources for the Chippewa Indians in Minnesota on account of the sale of lands and timber under the provisions of the act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, and the acts amendatory thereto, together with such items, if any, as may have been realized from other sources for the benefit of the Chippewa Indians, and the disbursements made from such funds.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 5310) to authorize the Kaw tribe of Indians, residing in the State of Oklahoma, to bring suit in the Court of Claims, and for other purposes, was announced as next in order.

Mr. KEAN. Is there a report accompanying that bill?

Mr. WARNER. I understand that the senior Senator from Kansas [Mr. LONG] is interested in that bill. He is not in his seat at present, and I ask that the bill go over.

The VICE-PRESIDENT. The bill will be passed over at the request of the Senator from Missouri, without prejudice.

The bill (S. 6495) to provide for the incorporation of banks within the District of Columbia was announced as next in order.

Mr. DILLINGHAM. I suggest that that bill go over.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from Vermont, without prejudice.

REFUNDING OF DISTRICT TAXES AND ASSESSMENTS.

The bill (S. 6413) to limit the period for refunding taxes and assessments erroneously paid was considered as in Committee of the Whole. It provides that hereafter taxes and assessments erroneously paid to the District of Columbia shall not be refunded unless application be made therefor within three years from the date of erroneous payment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 13649) providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit was announced as next in order.

Mr. FLINT. I should like to have that bill go over.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from California, without prejudice.

The bill (H. R. 21899) providing for the appointment of an inland waterways commission, with the view to the improvement and development of the inland waterways of the United States, was announced as next in order.

Mr. NELSON. Let that bill go over.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from Minnesota, without prejudice.

The bill (S. 6626) providing for the condemnation for any public purpose of lands owned or held by the United States was announced as next in order.

Mr. FLINT. Mr. President, I object to the passage of that bill.

Mr. CARTER. I ask that the bill go over.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from Montana, without prejudice.

STEPHEN FEATHER.

The bill (S. 7114) to correct the military record of Stephen Feather, deceased, was announced as next in order.

Mr. WARNER. I move that that bill be recommitted to the Committee on Military Affairs.

The motion was agreed to.

EXPENSES OF OKLAHOMA CONSTITUTIONAL CONVENTION.

The bill (S. 5329) to provide for an appropriation to defray the expenses of the constitutional convention and state election of Oklahoma, and for other purposes, was announced as next in order.

Mr. KEAN. Let that bill go to the calendar under Rule IX.

The VICE-PRESIDENT. The bill will go to the calendar under Rule IX, at the request of the Senator from New Jersey.

WILLIAM F. STEWART.

Senate resolution 192, submitted by Mr. RAYNER May 20, 1908, was announced as next in order, and the Secretary read the resolution, as follows:

Resolved, That Col. William F. Stewart, of the Coast Artillery, U. S. Army, is, in the opinion of the Senate, entitled to be heard, together with his witnesses, upon the charges that have been made against him and that are contained in a report to the President, and that the President is requested to convene a court of inquiry for the purpose of giving him and his witnesses the opportunity to be heard, and that the

said court render its opinion upon the facts submitted after the hearing, as is usual in the proceeding of courts of inquiry.

Mr. RAYNER. Mr. President, that resolution is in the hands of the Committee on Military Affairs, is it not?

Mr. LODGE. Let the resolution go over.

The VICE-PRESIDENT. The resolution is on the Calendar, but will go over, at the request of the Senator from Massachusetts, without prejudice.

BUILDING ASSOCIATIONS IN THE DISTRICT OF COLUMBIA.

The bill (S. 6055) to amend section 691 of subchapter 7, Building Associations, of the Code of Law for the District of Columbia, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment on page 2, line 25, before the words "anno Domini," to fill the blank by inserting "July;" and in the same line, after the words "nineteen hundred and," to strike out "eight" and insert "nine;" so as to make the bill read:

Be it enacted, etc., That section 691, subchapter 7, of the Code of Law of the District of Columbia, relating to building associations, be amended so that the same shall read:

"SEC. 691. Objects.—The object of such corporation shall be the accumulation of a capital in money to be derived from the savings and accumulations by the members thereof, to be paid into said corporation in such sums and at such times as may be designated by the by-laws of said corporation, from which the members thereof may obtain advances upon their shares of stock: *Provided*, That the Comptroller of the Currency, in addition to the powers conferred upon him by law for the examination of national banks, is further authorized, whenever he may deem it useful, to cause examination to be made into the condition of any building association incorporated under the provisions of this chapter, as well as any other building or loan association located or doing business in the District of Columbia. The expenses necessarily incurred in making any such examination shall be paid by such association to the Comptroller of the Currency at the time of the making of such examination: *And provided further*, That every building or loan association located and doing business in the District of Columbia shall make to the Comptroller of the Currency at least one report during each year, according to the form which may be prescribed by him, verified by the oath or affirmation of the president or secretary of such association and attested by the signature of at least three of the directors. The said comptroller shall also have power to take possession of any company or association whenever in his judgment it is insolvent or is knowingly violating the laws under which such company is incorporated, and to liquidate the same in the manner provided in the laws of the United States in respect to national banks: *Provided further*, That from and after the 1st day of July, A. D. 1909, no person, company, association, copartnership, or corporation, except corporations organized under and availing themselves of the privileges of this act, and except building associations heretofore organized and in actual operation before the passage of this act, shall conduct or carry on in the District of Columbia the kind of business named in this act, without strict compliance in all particulars with the provisions of this act. Any person, officer, or agent of any company, firm, or corporation who shall willfully violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall on conviction thereof be punished by a find of not more than $1,000 or by imprisonment not longer than two years, or by both said punishments, in the discretion of the court. That any willful false swearing in regard to any certificate, or report, or public notice required by the provisions of this act shall be perjury, and shall be punished as such according to the laws of the District of Columbia. And any misappropriation of any of the money of any corporation or company, formed under or availing itself of the privileges of this act, or of any building or loan association located or doing business in the District of Columbia, or any money, funds, or property intrusted to any such corporation, company, or association, shall be held to be larceny and shall be punished as such under the laws of said District."

The amendment was agreed to.

Mr. KEAN. Let the report in the case be read.

The VICE-PRESIDENT. The Senator from New Jersey asks that the report accompanying the bill be read. Without objection, the Secretary will read as requested.

The Secretary read the report submitted by Mr. DILLINGHAM May 22, 1908, as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 6055) to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia, having considered the same, report thereon with a recommendation that it pass, when amended as follows:

Page 2, line 24, insert the word "July" after the word "of," and strike out the word "eight" and insert in lieu thereof the word "nine."

The bill was prepared by and introduced at the request of the Commissioners of the District of Columbia, as will appear by the following letter, in which the object of the proposed legislation is set forth:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, March 9, 1908.

SIR: The Commissioners of the District of Columbia have the honor to transmit herewith a draft of a bill entitled "A bill to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia," and recommend its enactment.

There is no legislation in force in the District of Columbia for governmental examination of the condition of building associations doing business therein. It is therefore proposed by this bill to establish supervision over the affairs of such associations similar to that provided for in some of the States.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. J. H. GALLINGER,
Chairman Committee on the District of Columbia,
United States Senate.

Mr. KEAN. This is a very important bill, and I hope it will pass.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed a bill (H. R. 24832) for the relief of citizens of Italy, in which it requested the concurrence of the Senate.

RELIEF OF EARTHQUAKE SUFFERERS IN ITALY.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 24832) for the relief of citizens of Italy, which was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That to enable the President of the United States to procure and distribute among the suffering and destitute people of Italy such provisions, clothing, medicines, and other necessary articles and to take such other steps as he shall deem advisable for the purpose of rescuing and succoring the people who are in peril and threatened with starvation the sum of $800,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

In the execution of this act the President is requested to ask and obtain the approval of the Italian Government, and he is hereby authorized to employ any vessels of the United States Navy and to charter and employ any other suitable steamship or vessels.

Mr. HALE. Mr. President, I hardly know what would be the proper and wise and prompt action in this case. Without criticising the House measure, I think the joint resolution passed by the Senate is more complete and perhaps covers the case better. Yet I have some hesitancy about making any issue with the House. The forms are different. The Senate joint resolution appropriates $500,000 and, in addition, authorizes the President to send supplies by naval ships and otherwise, and I think gives the President a larger discretion than is given in this bill. Yet I do not want anybody to say, through any feeling here, that the House has not done the right thing. Its intention is the same as ours, and I think, on the whole, I will ask the Senate to concur in the House bill.

Mr. LODGE. Before the Senator from Maine moves the consideration of the bill I wish to ask a question.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Massachusetts?

Mr. HALE. Certainly.

Mr. LODGE. I should like to ask how would it do to allow the House bill to lie on the table for a few minutes to see if the matter can not be arranged so that the two Houses shall conform.

Mr. HALE. I think that is a good suggestion.

The VICE-PRESIDENT. The House has adjourned, the Chair is advised.

Mr. HALE. The House has adjourned?

Mr. LODGE. The House has adjourned? Then there is nothing to do but to concur.

Mr. HALE. Yes.

Mr. BACON. I should like to ask the honorable Senator from Maine a question. I was not giving close attention at the time the bill was read. I desire to know whether the bill and the Senate joint resolution, as well, cover the supplies which the newspapers inform us have already been sent. Does it do so in terms, or is it simply understood that they will be considered as embraced within its terms?

Mr. HALE. They are undoubtedly embraced within the scope of the bill as the House has passed it.

Mr. LODGE. It covers them.

Mr. HALE. I do not think the bill is completely in form, but as the House has adjourned and as I think there should be no question between the Houses and no delay, I ask that the Senate proceed to the consideration of the House bill.

Mr. BACON. I think the statement of the Senator from Maine that that is the intention will cover any deficiency there may be in the terms of the proposed act.

Mr. HALE. I have no doubt it is substantially just as good.

Mr. TELLER. I will say there is really but little difference. While the amount in the bill is greater than that named in the Senate joint resolution, the Senate measure contemplated some action that would probably bring the total expenses up to $800,000.

Mr. HALE. Yes. The amount involved in the end is the same in each measure.

Mr. TELLER. In each case.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HALE. I move that the votes by which Senate joint resolution 109, on the same subject, was ordered to a third reading and passed, be reconsidered.

The motion to reconsider was agreed to.

Mr. HALE. I move that the joint resolution be postponed indefinitely.

The motion was agreed to.

The VICE-PRESIDENT. The next business on the calendar will be stated.

INSPECTION OF MEAT AND MEAT PRODUCTS.

Senate resolution 193, submitted by Mr. BEVERIDGE, December 5, 1907, proposing to discharge the Committee on Agriculture from the further consideration of Senate bill 912, was announced as the next business in order.

Mr. PERKINS. Let the resolution go over without prejudice.

Mr. KEAN. I think it had better go to the calendar under Rule IX.

Mr. PERKINS. I accept the amendment.

The VICE-PRESIDENT. The resolution will go to the calendar under Rule IX, at the request of the Senator from New Jersey.

BUREAU OF MINES.

The bill (H. R. 20883) to establish in the Department of the Interior a bureau of mines, was announced as the next business in order on the calendar.

Mr. TELLER. Let the bill go over under Rule IX.

The VICE-PRESIDENT. The bill will go to the calendar under Rule IX, at the request of the Senator from Colorado.

CHARLES J. SMITH.

The bill (S. 6586) to correct the military record of Charles J. Smith was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That Charles J. Smith shall hereafter be held and considered to have been honorably discharged as a private of Company F, Third Regiment New Jersey Volunteer Cavalry, as of date August 1, 1865; and that the Secretary of War be, and he is hereby, authorized and directed to issue to said Charles J. Smith an honorable discharge as of that date: *Provided*, That no pay, bounty, or other emoluments shall accrue or become payable by virtue of the passage of this act.

Mr. BACON. I desire to ask if a report accompanies the bill.

The VICE-PRESIDENT. There is a report accompanying the bill.

Mr. BACON. I ask that it be read.

The VICE-PRESIDENT. The Secretary will read the report, at the request of the Senator from Georgia.

The Secretary proceeded to read the report submitted by Mr. du PONT May 26, 1908.

DEATH OF REPRESENTATIVE ROBERT C. DAVEY.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, transmitted to the Senate the intelligence of the death of Hon. ROBERT C. DAVEY, late a Representative from the State of Louisiana, and transmitted resolutions of the House thereon.

Mr. McENERY. I ask that the resolutions of the House of Representatives be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,
January 4, 1909.

Resolved, That the House has heard with profound sorrow of the death of Hon. ROBERT C. DAVEY, a Representative from the State of Louisiana.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect, this House do now adjourn.

Mr. McENERY. Mr. President, I offer the resolutions I send to the desk, and ask for their present consideration.

The VICE-PRESIDENT. The Senator from Louisiana submits resolutions, for which he asks present consideration. They will be read.

The resolutions were read and considered by unanimous consent, as follows:

Resolved, That the Senate has heard with deep regret the announcement of the death of Hon. ROBERT CHARLES DAVEY, late a Representative from the State of Louisiana.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The VICE-PRESIDENT. The question is on agreeing to the resolutions submitted by the Senator from Louisiana.

The resolutions were unanimously agreed to, and (at 1 o'clock and 32 minutes p. m.) the Senate adjourned until tomorrow, Tuesday, January 5, 1909, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 4, 1909.*

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., delivered the following prayer:

Our Father in heaven, we hail with joy and gratitude the new year, with all its hopes and promises, its manifold opportunities, and far-reaching possibilities.

We confess with penitent hearts our weaknesses, our sins, our failures, as individuals and as a nation.

And we most fervently pray that "forgetting those things which are behind and reaching forth unto those things which are before, we press toward the mark for the prize of the high calling of God in Christ Jesus."

We deplore, beyond our poor power to express, the terrible calamity which has befallen the people of Italy, our sister nation. But we bless Thy holy name for the spontaneous outburst of brotherly love and sympathy which is going out from all the world to succor and alleviate the stricken people bereft of home and dear ones. Comfort them, we beseech Thee, with the blessed thought that in life or death nothing can separate them from Thy love and care.

Since we last met in this Hall the Death Angel has visited the congressional family and removed from our midst a wise and efficient Member, a patriotic citizen, a faithful servant of his people. Comfort his bereaved family, friends, and colleagues by the precious hope of immortality, and everlasting praise be Thine, through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of December 19, 1908, was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. BIRDSALL, for one week, on account of important business.

Mr. HUBBARD of West Virginia, until January 15, 1909, on account of important business.

Mr. BARTLETT of Nevada, until January 15, 1909, on account of important business.

Mr. FOSTER of Illinois, until January 11, 1909, on account of important business.

Mr. McKINLAY of California, until January 15, 1909, on account of important business.

Mr. McMORRAN, for ten days, on account of important business.

Mr. STEVENS of Minnesota, for ten days, on account of trip to Panama on official business.

Mr. CUSHMAN, until January 16, 1909, on account of trip to Panama on official business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 17640) to authorize the issuance of a patent to the assignees of Warner Bailey for land located in Choctaw County, State of Alabama.

The message also announced that the Vice-President had, in compliance with the provisions of Senate concurrent resolution No. 52, appointed Mr. KNOX, Mr. LODGE, and Mr. BACON members of the joint committee on the part of the Senate to make arrangements for the inauguration of the President-elect on the 4th day of March.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to the Committee on Ways and Means as follows:

S. 6788. An act to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890, relating to collection districts in Oregon.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed joint resolution and bill of the following titles:

December 17, 1908:

H. J. Res. 206. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1908, on the 19th day of said month.

December 18, 1908:

H. R. 22274. An act to authorize the St. Paul Bridge and Terminal Railway Company to construct a bridge across the Mississippi River at or near St. Paul, Minn.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1729. An act for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford;

S. 3125. An act for the relief of Jabez Burchard;

S. 534. An act to reimburse George W. Young, postmaster at Wanship, Utah, for loss of postage stamps;

S. 1162. An act to correct the naval record of Alfred Burgess;

S. 3388. An act to correct the military record of William A. Hinsch;

S. 4749. An act for the relief of Dewitt Eastman;

S. 1559. An act for the relief of the Citizens' Bank of Louisiana;

S. 5263. An act for the relief of William Parker Sedgwick;

S. 5207. An act for the relief of William Radcliffe; and

S. 2027. An act for the relief of Phillip Hague, administrator of the estate of Joseph Hague, deceased.

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that to-morrow be suspension day the same as to-day.

The SPEAKER. The gentleman from New York asks unanimous consent that to-morrow be suspension day the same as to-day. Is there objection?

There was no objection.

RELIEF FOR EARTHQUAKE SUFFERERS.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

The appalling calamity which has befallen the people of Italy is followed by distress and suffering throughout a wide region among many thousands who have escaped with life but whose shelter and food and means of living are destroyed. The ordinary machinery for supplying the wants of civilized communities is paralyzed; and an exceptional emergency exists which demands that the obligations of humanity shall regard no limit of national lines.

The immense debt of civilization to Italy; the warm and steadfast friendship between that country and our own; the affection for their native land felt by great numbers of good American citizens who are immigrants from Italy; the abundance with which God has blessed us in our safety; all these should prompt us to immediate and effective relief.

Private generosity is responding nobly to the demand by contributions through the safe and efficient channel of the American Red Cross Society.

Confident of your approval I have ordered the Government supply ships *Celtic* and *Culgoa* to the scene of disaster where upon receiving the authority which I now ask from you they will be able to dispense food, clothing and other supplies with which they are laden to the value of about $300,000. The *Celtic* has already sailed and the *Culgoa* is at Port Said. Eight vessels of the returning battle-ship fleet are already under orders for Italian waters and that Government has been asked if their services can be made useful.

I recommend that the Congress approve the application of supplies above indicated and further appropriate the sum of $500,000 to be applied to the work of relief at the discretion of the Executive and with the consent of the Italian Government.

I suggest that the law follow the form of that passed after the Mount Pelée disaster in 1902.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 4, 1909.*

Mr. BINGHAM. Mr. Speaker, I am directed by the Committee on Appropriations to ask unanimous consent of the House for the immediate passage of the bill for the relief of citizens of Italy, which I send to the Clerk's desk to have read.

The SPEAKER. The gentleman from Pennsylvania, by direction of the Committee on Appropriations, asks unanimous consent for immediate consideration of the following bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 24832) for the relief of citizens of Italy.

Be it enacted, etc., That to enable the President of the United States to procure and distribute among the suffering and destitute people of Italy such provisions, clothing, medicines, and other necessary articles, and to take such other steps as he shall deem advisable for the purpose of rescuing and succoring the people who are in peril and threatened with starvation the sum of $800,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

In the execution of this act the President is requested to ask and obtain the approval of the Italian Government, and he is hereby authorized to employ any vessels of the United States Navy and to charter and employ any other suitable steamship or vessels.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BINGHAM. Mr. Speaker, I move the previous question on the passage of the bill.

The previous question was ordered.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed. [Loud applause.]

The SPEAKER. Without objection, the President's message will be placed upon the files of the House. [After a pause.] The Chair hears no objection.

EXPRESSION OF SORROW.

Mr. HARRISON. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk to have read.

The Clerk read as follows:

House resolution 462.

Resolved, That the House of Representatives has heard with profound sorrow of the great disaster caused by the recent earthquake in Sicily and adjacent southern Italy and is deeply stirred with pity for the unfortunate sufferers; and further

Resolved, That a copy of these resolutions be delivered to the President of the United States with the request that he communicate the same to the people of Italy.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

SECRET SERVICE.

The SPEAKER. The Chair lays before the House the following message from the President of the United States.

The Clerk read as follows:

To the House of Representatives:

I have received the resolution of the House of Representatives of December 17, 1908, running as follows:

"Whereas there was contained in the sundry civil appropriation bill which passed Congress at its last session and became a law, a provision in reference to the employment of the Secret Service in the Treasury Department; and

"Whereas in the last annual message of the President of the United States to the two Houses of Congress it was stated in reference to that provision: 'It is not too much to say that this amendment has been of benefit only, and could be of benefit only, to the criminal classes,' and it was further stated, 'The chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret service men,' and it was further stated: 'But if this is not considered desirable a special exception could be made in the law, prohibiting the use of the secret service force in investigating Members of Congress. It would be far better to do this than to do what actually was done, and strive to prevent or at least to hamper effective action against criminals by the executive branch of the Government; and

"Whereas the plain meaning of the above words is that the majority of the Congressmen were in fear of being investigated by secret service men and that Congress as a whole was actuated by that motive in enacting the provision in question; and

"Whereas your committee appointed to consider these statements of the President and to report to the House can not find in the hearings before committees nor in the records of the House or Senate, any justification of this impeachment of the honor and integrity of the Congress; and

"Whereas your committee would prefer in order to make an intelligent and comprehensive report, just to the President as well as to the Congress, to have all the information which the President may have to communicate: Now, therefore, be it

"*Resolved*, That the President be requested to transmit to the House any evidence upon which he based his statements that the 'chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret service men,' and also to transmit to the House any evidence connecting any Member of the House of Representatives of the Sixtieth Congress with corrupt action in his official capacity, and to inform the House whether he has instituted proceedings for the punishment of any such individual by the courts or has reported any such alleged delinquencies to the House of Representatives."

I am wholly at a loss to understand the concluding portion of the resolution. I have made no charges of corruption against Congress nor against any Member of the present House. If I had proof of such corruption affecting any Member of the House in any matter as to which the Federal Government has

jurisdiction, action would at once be brought, as was done in the cases of Senators Mitchell and Burton, and Representatives Williamson, Hermann, and Driggs, at different times since I have been President. This would simply be doing my duty in the execution and enforcement of the laws without respect to persons. But I do not regard it as within the province or the duties of the President to report to the House "alleged delinquencies" of Members, or the supposed "corrupt action" of a Member "in his official capacity." The membership of the House is by the Constitution placed within the power of the House alone. In the prosecution of criminals and the enforcement of the laws the President must resort to the courts of the United States.

In the third and fourth clauses of the preamble it is stated that the meaning of my words is that "the majority of the Congressmen are in fear of being investigated by secret service men" and that "Congress as a whole was actuated by that motive in enacting the provision in question," and that this is an impeachment of the honor and integrity of the Congress. These statements are not I think in accordance with the facts. The portion of my message referred to runs as follows:

"Last year an amendment was incorporated in the measure provided for the Secret Service, which provided that there should be no detail from the Secret Service and no transfer therefrom. It is not too much to say that this amendment has been of benefit only, and could be of benefit only, to the criminal classes. If deliberately introduced for the purpose of diminishing the effectiveness of war against crime it could not have been better devised to this end. It forbade the practices that had been followed to a greater or less extent by the executive heads of various departments for twenty years. To these practices we owe the securing of the evidence which enabled us to drive great lotteries out of business and secure a quarter of a million of dollars in fines from their promoters. These practices have enabled us to discover some of the most outrageous frauds in connection with the theft of government land and government timber by great corporations and by individuals. These practices have enabled us to get some of the evidence indispensable in order to secure the conviction of the wealthiest and most formidable criminals with whom the Government has to deal, both those operating in violation of the anti-trust law and others. The amendment in question was of benefit to no one excepting to these criminals, and it seriously hampers the Government in the detection of crime and the securing of justice. Moreover, it not only affects departments outside of the Treasury, but it tends to hamper the Secretary of the Treasury himself in the effort to utilize the employees of his department so as to best meet the requirements of the public service. It forbids him from preventing frauds upon the customs service, from investigating irregularities in branch mints and assay offices, and has seriously crippled him. It prevents the promotion of employees in the Secret Service, and this further discourages good effort. In its present form the restriction operates only to the advantage of the criminal, of the wrongdoer.

"The chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by Secret Service men. Very little of such investigation has been done in the past; but it is true that the work of the secret service agents was partly responsible for the indictment and conviction of a Senator and a Congressman for land frauds in Oregon. I do not believe that it is in the public interest to protect criminals in any branch of the public service, and exactly as we have again and again during the past seven years prosecuted and convicted such criminals who were in the executive branch of the Government, so in my belief we should be given ample means to prosecute them if found in the legislative branch. But if this is not considered desirable a special exception could be made in the law prohibiting the use of the secret service force in investigating Members of the Congress. It would be far better to do this than to do what actually was done, and strive to prevent or at least to hamper effective action against criminals by the executive branch of the Government."

A careful reading of this message will show that I said nothing to warrant the statement that "the majority of the Congressmen were in fear of being investigated by the secret service men," or "that Congress as a whole was actuated by that motive." I did not make any such statement in this message. Moreover I have never made any such statement about Congress as a whole, nor, with a few inevitable exceptions, about the members of Congress, in any message or article or speech. On the contrary I have always not only deprecated but vigorously resented the practice of indiscriminate attack upon Congress, and indiscriminate condemnation of all Congressmen, wise and unwise, fit and unfit, good and bad alike. No one realizes more than I the importance of cooperation between the Executive and Congress, and no one holds the authority and dignity of the Congress of the United States in higher respect than I do. I have not the slightest sympathy with the practice of judging men, for good or for ill, not on their several merits, but in a mass, as members of one particular body or one caste. To put together all men holding or who have held a particular office, whether it be the office of President, or Judge, or Senator, or Member of the House of Representatives, and to class them all, without regard to their individual differences, as good or bad, seems to me utterly indefensible; and it is equally indefensible whether the good are confounded with the bad in a heated and unwarranted championship of all, or in a heated and unwarranted assault upon all. I would neither attack nor defend all executive officers in a mass, whether Presidents, Governors, Cabinet officers, or officials of lower rank; nor would I attack or defend all legislative officers in a mass. The safety of free government rests very largely in the ability of the plain, everyday citizen to discriminate between those public servants who serve him well and those public servants who serve him ill. He can not thus discriminate if he is persuaded to pass judgment upon a man, not with reference to whether he is a fit or unfit public servant, but with reference to whether he is an executive or legislative officer, whether he belongs to one branch or the other of the Government.

This allegation in the resolution, therefore, must certainly be due to an entire failure to understand my message.

The resolution continues: "That the President be requested to transmit to the House any evidence upon which he based his statements that 'the chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret-service men.'" This statement, which was an attack upon no one, still less upon the Congress, is sustained by the facts.

If you will turn to the CONGRESSIONAL RECORD for May 1 last, pages 5553 to 5560, inclusive, you will find the debate on this subject. Mr. TAWNEY of Minnesota, Mr. SMITH of Iowa, Mr. SHERLEY of Kentucky, and Mr. FITZGERALD of New York, appear in this debate as the special champions of the provision referred to. Messrs. PARSONS, BENNET, and DRISCOLL were the leaders of those who opposed the adoption of the amendment and upheld the right of the Government to use the most efficient means possible in order to detect criminals and to prevent and punish crime. The amendment was carried in the Committee of the Whole, where no votes of the individual members are recorded, so I am unable to discriminate by mentioning the members who voted for and the members who voted against the provision, but its passage, the Journal records, was greeted with applause. I am well aware, however, that in any case of this kind many Members who have no particular knowledge of the point at issue, are content simply to follow the lead of the committee which had considered the matter, and I have no doubt that many Members of the House simply followed the lead of Messrs. TAWNEY and SMITH, without having had the opportunity to know very much as to the rights and wrongs of the question.

I would not ordinarily attempt in this way to discriminate between members of the House, but as objection has been taken to my language, in which I simply spoke of the action of the House as a whole, and as apparently there is a desire that I should thus discriminate, I will state that I think the responsibility rested on the Committee on Appropriations, under the lead of the members whom I have mentioned.

Now as to the request of the Congress that I give the evidence for my statement that the chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret service men.

The part of the CONGRESSIONAL RECORD to which I have referred above entirely supports this statement. Two distinct lines of argument were followed in the debate. One concerned the question whether the law warranted the employment of the secret service in departments other than the Treasury, and this did not touch the merits of the service in the least. The other line of argument went to the merits of the service, whether lawfully or unlawfully employed, and here the chief if not the only argument used was that the service should be cut down and restricted because its members had "shadowed" or investigated members of Congress and other officers of the Government. If we examine the debate in detail it appears that most of what was urged in favor of the amendment took the form of the simple statement that the committee held that there had been a "violation of law" by the use of the Secret Service for other purposes than suppressing counterfeiting (and one or two other matters which can be disregarded), and that such language was now to be used as would effectually

prevent all such "violation of law" hereafter. Mr. TAWNEY, for instance, says: "It was for the purpose of stopping the use of this service in every possible way by the departments of the Government that this provision was inserted;" and Mr. SMITH says: "Now, that was the only way in which any limitation could be put upon the activities of the Secret Service." Mr. FITZGERALD followed in the same vein, and by far the largest part of the argument against the employment of the Secret Service was confined to the statement that it was in "violation of law." Of course such a statement is not in any way an argument in favor of the justice of the provision. It is not an argument for the provision at all. It is simply a statement of what the gentlemen making it conceive to have been the law. There was both by implication and direct statement the assertion that it was the law, and ought to be the law, that the Secret Service should only be used to suppress counterfeiting; and that the law should be made more rigid than ever in this respect.

Incidentally I may say that in my judgment there is ample legal authority for the statement that this appropriation law to which reference was made imposes no restrictions whatever upon the use of the secret service men, but relates solely to the expenditure of the money appropriated. Mr. TAWNEY in the debate stated that he had in his possession "a letter from the Secretary of the Treasury received a few days ago" in which the Secretary of the Treasury "himself admits that the provisions under which the appropriation has been made have been violated year after year for a number of years in his own Department." I append herewith as Appendix A the letter referred to. It makes no such admission as that which Mr. TAWNEY alleges. It contains on the contrary, as you will see by reading it, an "emphatic protest against any such abridgment of the rights delegated to the Secretary of the Treasury by existing law," and concludes by asserting that he "is quite within his rights in thus employing the service of these agents" and that the proposed modification which Mr. TAWNEY succeeded in carrying through would be "distinctly to the advantage of violators of criminal statutes of the United States." I call attention to the fact that in this letter of Secretary Cortelyou to Mr. TAWNEY, as in my letter to the Speaker quoted below, the explicit statement is made that the proposed change will be for the benefit of the criminals, a statement which I simply reiterated in public form in my message to the Congress this year, and which is also contained in effect in the report of the Secretary of the Treasury to the Congress.

A careful reading of the CONGRESSIONAL RECORD will also show that practically the only arguments advanced in favor of the limitation proposed by Mr. TAWNEY's committee, beyond what may be supposed to be contained by implication in certain sentences as to "abuses" which were not specified, were those contained in the repeated statements of Mr. SHERLEY. Mr. SHERLEY stated that there had been "pronounced abuses growing out of the use of the Secret Service for purposes other than those intended," putting his statement in the form of a question, and in the same form further stated that the "private conduct" of "Members of Congress, Senators," and others ought not to be investigated by the Secret Service, and that they should not investigate a "Member of Congress" who had been accused of "conduct unbecoming a gentleman and a Member of Congress." In addition to these assertions couched as questions, he made one positive declaration, that "This Secret Service at one time was used for the purpose of looking into the personal conduct of a Member of Congress." This argument of Mr. SHERLEY, the only real argument as to the merits of the question made on behalf of the Committee on Appropriations, will be found in columns 1 and 2 of page 5556, and column 1 of page 5557 of the CONGRESSIONAL RECORD. In column 1 of page 5556 Mr. SHERLEY refers to the impropriety of permitting the secret service men to investigate men in the departments, officers of the army and navy, and Senators and Congressmen; in column 2 he refers to officers of the navy and Members of Congress; in column 1, page 5557, he refers only to Members of Congress. His speech puts most weight on the investigation of Members of Congress.

What appears in the record is filled out and explained by an article which appeared in the Chicago Inter-Ocean of January 3, 1904, under a Washington headline, and which marked the beginning of this agitation against the Secret Service. It was a special article of about 3,000 words, written, as I was then informed and now understand, by Mr. L. W. Busbey, at that time private secretary to the Speaker of the House. I inclose a copy of certain extracts from the article, marked Appendix B. It contained an utterly unwarranted attack on the Secret Service Division of the Treasury Department and its chief. The opening paragraph includes, for instance, statements like the following:

"He (the chief of the division) and his men are desirous of doing the secret detective work for the whole Government and are not particular about drawing the line between the lawmakers and the lawbreakers. They are ready to shadow the former as well as the latter."

Then, after saying that Congress will insist that the men shall only be used to stop counterfeiting, the article goes on:

"Congress does not intend to have a Fouché or any other kind of minister of police to be used by the executive departments against the legislative branch of the Government. It has been so used, and it is suspected that it has been so used recently. * * * The legislative branch of the Government will not tolerate the meddling of detectives, whether they represent the President, Cabinet officers, or only themselves. * * * Congressmen resented the secret interference of the secret service men, who for weeks shadowed some of the most respected members of the House and Senate. * * * When it was discovered that the secret service men were shadowing Congressmen there was a storm of indignation at the capitol and the bureau came near being abolished and the appropriation for the suppression of counterfeiting cut off. * * * At another time the chief of the Secret Service had his men shadow Congressmen with a view to involving them in scandals that would enable the bureau to dictate to them as the price of silence. * * * The secret service men have shown an inclination again to shadow members of Congress, knowing them to be law-makers, and this is no joke. Several of the departments have asked Congress for secret funds for investigation, and the Treasury Department wants the limitation removed from the appropriation for suppressing counterfeiting. This shows a tendency toward Fouchéism and a secret watch on other officials than themselves."

At the time of this publication the work of the Secret Service, which was thus assailed, included especially the investigation of great land frauds in the West, and the securing of evidence to help the Department of Justice in the beef-trust investigations at Chicago, which resulted in successful prosecutions.

In view of Mr. Busbey's position, I have accepted the above quoted statements as fairly expressing the real meaning and animus of the attacks made in general terms on the use of the Secret Service for the punishment of criminals. Furthermore, in the performance of my duty, to endeavor to find the feelings of Congressmen on public questions of note, I have frequently discussed this particular matter with Members of Congress; and on such occasions the reasons alleged to me for the hostility of Congress to the Secret Service, both by those who did and by those who did not share this hostility, were almost invariably the same as those set forth in Mr. Busbey's article. I may add, by the way, that these allegations as to the Secret Service are wholly without foundation in fact.

But all of this is of insignificant importance compared with the main, the real issue. This issue is simply, Does Congress desire that the Government shall have at its disposal the most efficient instrument for the detection of criminals and the prevention and punishment of crime, or does it not? The action of the House last May was emphatically an action against the interest of justice and against the interest of law-abiding people, and in its effect of benefit only to lawbreakers. I am not now dealing with motives; whatever may have been the motive that induced the action of which I speak, this was beyond all question the effect of that action. Is the House now willing to remedy the wrong?

For a long time I contented myself with endeavoring to persuade the House not to permit the wrong, speaking informally on the subject with those Members who, I believed, knew anything of the matter, and communicating officially only in the ordinary channels, as through the Secretary of the Treasury. In a letter to the Speaker on April 30, protesting against the cutting down of the appropriation vitally necessary if the Interstate Commerce Commission was to carry into effect the twentieth section of the Hepburn law, I added: "The provision about the employment of the secret service men will work very great damage to the Government in its endeavor to prevent and punish crime. There is no more foolish outcry than this against 'spies;' only criminals *need fear our detectives.*" (I inclose copy of the whole letter, marked "Appendix C." The postscript is blurred in my copybook, and two or three of the words can not be deciphered.) These methods proved unavailing to prevent the wrong. Messrs. Tawney and Smith, and their fellow members on the Appropriations Committee paid no heed to the protests; and as the obnoxious provision was incorporated in the sundry civil bill, it was impossible for me to consider or discuss it on its merits, as I should have done had it been in a

separate bill. Therefore I have now taken the only method available, that of discussing it in my message to Congress; and as all efforts to secure what I regard as proper treatment of the subject without recourse to plain speaking had failed, I have spoken plainly and directly, and have set forth the facts in explicit terms.

Since 1901 the investigations covered by the Secret Service Division—under the practice which had been for many years recognized as proper and legitimate, and which had received the sanction of the highest law officers of the Government—have covered a wide range of offenses against the federal law. By far the most important of these related to the public domain, as to which there was uncovered a far-reaching and widespread system of fraudulent transactions involving both the illegal acquisition and the illegal fencing of Government land; and, in connection with both these offenses, the crimes of perjury and subornation of perjury. Some of the persons involved in these violations were of great wealth and of wide political and social influence. Both their corporate associations and their political affiliations, and the lawless character of some of their employees, made the investigations not only difficult but dangerous. In Colorado one of the secret service men was assassinated. In Nebraska it was necessary to remove a United States attorney and a United States marshal before satisfactory progress could be made in the prosecution of the offenders.

The evidence in all these cases was chiefly secured by men trained in the Secret Service and detailed to the Department of Justice at the request of that Department and of the Department of the Interior. In the State of Nebraska alone sixty defendants were indicted; and of the thirty-two cases thus far brought to trial twenty-eight have resulted in conviction; two of the principals, Messrs. Comstock and Richards, men of wealth and wide influence, being sentenced to twelve months in jail and fined $1,500 each. The following secret service memorandum made in the course of a pending case illustrates the ramifications of interest with which the Government has to deal:

"Charles T. Stewart, of Council Bluffs, was indicted at Omaha for conspiracy to defraud the Government of the title to public lands in McPherson County, Nebr.; also indicted for maintaining an unlawful inclosure of the public lands, and also under indictment for perjury in connection with final proof submitted by him on lands filed on by him as a homestead. In his final proof he swore that he and his family had resided on the lands in McPherson County (which are within his unlawful inclosure), when as a matter of fact his family has at all times resided in Council Bluffs, Iowa. He is engaged in the wholesale grocery business, his store being located in Omaha, in the wholesale district there. He is reputed to be quite wealthy. Stewart's attorneys are Harl & Tinley, of Council Bluffs, Iowa, who are also the attorneys at that place for the Omaha and Council Bluffs Street Railway Company, in which company Harl holds considerable stock, Stewart being also a stockholder and possibly a director of the company. He is also represented in Omaha by W. J. Connell, one of the attorneys there for the same company. Stewart is also represented in his perjury case by 'Bill' Gurley, of Omaha, Nebr., who at one time was quite closely connected in a political way with the U. P. R. R. Company; Stewart is also closely associated with C. B. Hazleton, postmaster at Council Bluffs. Harl & Tinley and Hazleton are all members of the same lodge. Another close personal friend of Stewart's is Ed. Hart, alias 'Waterworks' Hart, president of the Council Bluffs Water Company, and interested in the street railway. Stewart's father was interested in, and practically owned and controlled, during his lifetime, a large ranch along the U. P. R. R. in Nebraska, and did a great deal of business with that road."

Concerning this case the United States attorney at Omaha states: "There are three cases against Stewart, one for fencing, one conspiracy, one perjury, all good cases and chances of conviction good."

In connection with the Nebraska prosecution the Government has by decree secured the return to the Government of over a million acres of grazing land; in Colorado of more than 2,000 acres of mineral land, and suits are now pending involving 150,000 acres more.

All these investigations in the land cases were undertaken in consequence of Mr. Hitchcock, the then Secretary of the Interior, becoming convinced that there were extensive frauds committed in his department; and the ramifications of the frauds were so far-reaching that he was afraid to trust his own officials to deal in thoroughgoing fashion with them. One of the secret service men accordingly resigned and was appointed in the Interior Department to carry on this work. The first thing he discovered was that the special agents' division or corps of detectives of the Land Office of the Interior Department was largely under the control of the land thieves; and in consequence the investigations above referred to had to be made by secret service men.

If the present law, for which Messrs. TAWNEY, SMITH, and the other gentlemen I have above mentioned are responsible, had then been in effect, this action would have been impossible, and most of the criminals would unquestionably have escaped. No more striking instance can be imagined of the desirability of having a central corps of skilled investigating agents who can at any time be assigned, if necessary in large numbers, to investigate some violation of the Federal statutes, in no matter what branch of the public service. In this particular case most of the men investigated who were public servants were in the executive branch of the Government. But in Oregon, where an enormous acreage of fraudulently alienated public land was recovered for the Government, a United States Senator, Mr. Mitchell, and a Member of the lower House, Mr. Williamson, were convicted on evidence obtained by men transferred from the Secret Service, and another Member of Congress was indicted.

From 1901 to 1904 a successful investigation of naturalization affairs was made by the Secret Service, with the result of obtaining hundreds of convictions of conspirators who were convicted of selling fraudulent papers of naturalization. (Subsequently, Congress passed a very wise law providing a special service and appropriation for the prevention of naturalization frauds; but unfortunately, at the same time that the action against the Secret Service was taken, Congress also cut down the appropriation for this special service, with the result of crippling the effort to stop frauds in naturalization.) The fugitives Greene and Gaynor, implicated in a peculiarly big Government contract fraud, were located and arrested in Canada by the Secret Service, and thanks to this they have since gone to prison for their crimes.

The Secret Service was used to assist in the investigation of crimes under the peonage laws, and owing partly thereto numerous convictions were secured and the objectionable practice was practically stamped out, at least in many districts. The most extensive smuggling of silk and opium in the history of the Treasury Department was investigated by agents of the Secret Service in New York and Seattle and a successful prosecution of the offenders undertaken. Assistance of the utmost value was rendered to the Department of Justice in the beef-trust investigation at Chicago, prosecutions were followed up and fines inflicted. The cotton-leak scandal in the Agricultural Department was investigated and the responsible parties located. What was done in connection with lottery investigations is disclosed in a letter just sent to me by the United States attorney for Delaware, running as follows:

"The destruction of the Honduras National Lottery Company, successor to the Louisiana Lottery Company, was entirely the work of the Secret Service. * * * This excellent work was accomplished by Mr. Wilkie and his subordinates. I thought it might be timely to recall this prosecution."

Three hundred thousand dollars in fines were collected by the Government in the lottery cases. Again, the ink contract fraud in the Bureau of Engraving and Printing (a bureau of the Treasury Department) was investigated by the Secret Service and the guilty parties brought to justice. Mr. TAWNEY stated in the debate that this was not investigated by the Secret Service but by a clerk "down there," conveying the impression that the clerk was not in the Secret Service. As a matter of fact, he was in the Secret Service; his name was Moran, and he was promoted to assistant chief for the excellence of his work in this case. The total expense for the office and field force of the Secret Service last year was $135,000; and by this one investigation they saved to the Government over $100,000 a year. Thanks to the restriction imposed by Congress it is now very difficult for the Secretary of the Treasury to use the Secret Service freely even in his own department; for instance, to use them to repeat what they did so admirably in the case of this ink contract. The Government is further crippled by the law forbidding it to employ detective agencies. Of course the Government can detect the most dangerous crimes, and punish the worst criminals, only by the use, either of the Secret Service or of private detectives; to hamper it in using the one, and forbid it to resort to the other, can inure to the benefit of none save the criminals.

The facts above given show beyond possibility of doubt that what the Secretary of the Treasury and I had both written prior to the enactment of the obnoxious provision, and what I have since written in my message to the Congress, state the facts exactly as they are. The obnoxious provision is of benefit only to the criminal class and can be of benefit only to the criminal class. If it had been embodied in the law at the time when I became President all the prosecutions above mentioned, and many others of the same general type, would either not have been undertaken or would have been undertaken with the

Government at a great disadvantage; and many, and probably most, of the chief offenders would have gone scot-free instead of being punished for their crimes.

Such a body as the Secret Service, such a body of trained investigating agents, occupying a permanent position in the Government service, and separate from local investigating forces in different Departments, is an absolute necessity if the best work is to be done against criminals. It is by far the most efficient instrument possible to use against crime. Of course the more efficient an instrument is, the more dangerous it is if misused. To the argument that a force like this can be misused it is only necessary to answer that the condition of its usefulness if handled properly is that it shall be so efficient as to be dangerous if handled improperly. Any instance of abuse by the Secret Service or other investigating force in the Departments should be unsparingly punished; and Congress should hold itself ready at any and all times to investigate the executive departments whenever there is reason to believe that any such instance of abuse has occurred. I wish to emphasize my more than cordial acquiescence in the view that this is not only the right of Congress, but emphatically its duty. To use the Secret Service in the investigation of purely private or political matters would be a gross abuse. But there has been no single instance of such abuse during my term as President.

In conclusion, I most earnestly ask, in the name of good government and decent administration, in the name of honesty and for the purpose of bringing to justice violators of the federal laws wherever they may be found, whether in public or private life, that the action taken by the House last year be reversed. When this action was taken, the Senate committee, under the lead of the late Senator Allison, having before it a strongly-worded protest (Appendix D) from Secretary Cortelyou like that he had sent to Mr. TAWNEY, accepted the Secretary's views; and the Senate passed the bill in the shape presented by Senator Allison. In the conference, however, the House conferees insisted on the retention of the provision they had inserted, and the Senate yielded.

The Chief of the Secret Service is paid a salary utterly inadequate to the importance of his functions and to the admirable way in which he has performed them. I earnestly urge that it be increased to $6,000 per annum. I also urge that the Secret Service be placed where it properly belongs, and made a bureau in the Department of Justice, as the Chief of the Secret Service has repeatedly requested; but whether this is done or not, it should be explicitly provided that the Secret Service can be used to detect and punish crime wherever it is found.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 4, 1909.*

APPENDIX A.

APRIL 29, 1908.

To the Chairman of the Committee on Appropriations,
House of Representatives.

SIR: In a bill making appropriations for sundry civil expenses of the Government (H. R. 21260) for the fiscal year ending June 30, 1909, and for other purposes, I find on page 29, line 16, as a part of the section making the appropriations for "Suppressing counterfeiting and other crimes," the following language:

"No person employed in the Secret Service Division of the Treasury Department or under the appropriation for suppressing counterfeiting and other crimes who is detailed, furloughed, granted leave of absence, dismissed, or otherwise temporarily or finally separated from the service of such division and is thereafter employed under any other branch of the public service shall be restored or paid compensation for services or expenses in the Secret Service Division for two years after the termination of his employment under such other branch of the Government."

I now call your attention to section 166 of the Revised Statutes of the United States, which reads as follows:

"Each head of a department may from time to time alter the distribution among the various bureaus and offices of his department of the clerks allowed by law as he may find it necessary and proper to do."

The Secret Service Division of the Treasury Department is a division of the Secretary's office, and the employees of that division are paid under the authority of the legislative, executive, and judicial bill as persons in the Secret Service Division of the Treasury Department, but the paragraph which it is proposed to incorporate in the sundry civil bill of this year makes it quite doubtful whether, under the terms of this act, I am permitted to detail these employees, including the chief and the assistant chief of the division, to any other branch under my jurisdiction. As this would be in direct conflict with section 166 of the Revised Statutes and would seriously obstruct the proper conduct of the affairs of the department for which I am held responsible, I wish to convey to you my respectful, but none the less emphatic, protest against any such abridgment of the rights delegated to the Secretary of the Treasury by existing law.

During the forty-three years that the Secret Service Division has existed in the Treasury Department, and more particularly within the last twenty years, it has been considered by the Secretary of the Treasury as one of the most essential and helpful divisions of his office. Prior to the organization of the Department of Commerce and Labor the field of activity covered by the Treasury Department was enormous, with important interests of a complex and diversified character, intimately related to the public welfare in almost every branch of national activity and usefulness.

It then had jurisdiction over the Immigration Service and the enforcement of the Chinese-exclusion act. It then had, and still has, those great industrial plants, the Bureau of Engraving and Printing and the mints of the United States, as well as assay offices established for the convenience of the public. It has thousands of employees handling money and precious metals, and like every other large employer, finds that its confidence is sometimes abused by dishonest employees.

In all offenses of this character the Secretary of the Treasury has called upon the Secret Service Division for an investigation, and inasmuch as the appropriation for suppressing counterfeiting is available for no other purpose, the expense of these investigations has been charged against the contingent or other available funds of the bureaus in which the offense has been committed. These investigations have covered a wide range, but, in order that you may understand the character of work which the Secretary of the Treasury has heretofore accomplished under the authority of section 166 of the Revised Statutes, I will refer only to a few concrete instances of this description:

"An investigation of the ink contracts of the Bureau of Engraving and Printing a few months ago disclosed what appeared to be a conspiracy between the ink expert of the bureau and a certain manufacturer of inks by which the Government was paying four times the legitimate price for its black ink. The result of this investigation was the indictment of the ink expert and the manufacturer and a new contract upon a more nearly legitimate basis with a resultant saving to the Governmnt of fully $100,000 a year.

"In the Customs Service the Secret Service Division has been utilized to great advantage in cases where the customs agents were handicapped by being too well known. At Seattle a secret-service agent broke up an opium smuggling gang that had been operating for years in defiance of law and made the largest seizure of opium, one ton, recorded in the department and convicted the smugglers.

"In the Rosenthal silk frauds in New York the Secret Service Division was of great assistance, securing the evidence upon which a silk examiner in the appraiser's stores was convicted, and Rosenthal, the principal offender, was indicted and is still a fugitive from justice.

"The assay office at Seattle, Wash., was the subject of complaint on the part of depositors of gold dust that their returns in that office showed a larger percentage of loss in refining than at other points on the Pacific coast. An investigation, made jointly by the superintendent of the San Francisco mint and secret-service agents disclosed systematic thefts by a trusted employee, who was subsequently indicted, tried, and convicted for the offense. The thefts in this case had aggregated more than $100,000, and approximately $40,000 was recovered by the secret-service agents.

"On the occasion of the annual examination and physical count of the contents of the mint at San Francisco a shortage of $30,000 in double eagles was disclosed, there being six empty pigeon holes each of which should have contained a $5,000 sack. This was investigated by secret service agents, and the chief clerk, a former cashier of the mint, was convicted of the crime and sent to the penitentiary.

"A few years earlier an investigation conducted by the employees of the Secret Service Division disclosed the systematic looting of the assay office at Carson City, Nev., and the assayer and an assistant were convicted of having abstracted approximately $80,000 of the Government's gold.

"Still earlier there were extensive thefts from the mint at Philadelphia, where gold bars were being carried away. Agents of the Secret Service Division made an investigation, which resulted in the conviction of the superintendent and the recovery of practically all of the stolen property.

"In the Marine-Hospital Service, a branch of the Treasury Department, a trusted clerk employed duplicate vouchers, by the manipulation of which he was able to collect from the Government nearly $100,000. Secret-service agents exposed his methods and secured his indictment, to which he afterwards pleaded guilty, and was sent to the penitentiary.

"At the time when there were two Comptrollers of the Treasury a chief of a division in the Second Comptroller's office devised an ingenious plan for defrauding the Government through fraudulent 'horse claims'—claims for animals which had been seized and used by military order during the civil war. An investigation by secret-service agents disclosed the character of the fraud through which the Government had already lost $15,000, and in which there were pending nearly $50,000 in illegitimate claims. The offending clerk was tried and convicted, and sentenced to the penitentiary for twelve years.

"In the office of the Treasurer of the United States, where the mutilated currency is received and counted for redemption, there have been many skillfully devised plans for defrauding the Government, and in that branch of the service alone there have been many investigations and convictions.

"In the office of the Auditor for the Post-Office Department, a branch of the Treasury service, in 1884, secret-service agents conducted an investigation which led to the discovery that claims aggregating $200,000 were fraudulent, because of prior payment, and that amount was saved to the Government. Later, in the same office, secret-service agents disclosed the theft and use of canceled money orders and fixed the responsibility upon an employee who committed suicide rather than face prosecution."

These are but suggestive samples of the varied demands made by the Secretary of the Treasury upon his Secret Service Division in the protection of the interests of both the department and the public. Aside from the general question involved in the proviso, concerning which I have very decided views, but which I shall not express at this time, there should be no question of the authority of the head of this department to use the force of the Secret Service Division for such special investigations as may be necessary in his own department.

I am advised that the Secretary of the Treasury is quite within his rights in thus employing the service of these agents, and the modification of his statutory authority by the proposed restrictive paragraph in this bill is not only a discrimination against him as the head of an executive department, but distinctly to the advantage of violators of criminal statutes of the United States.

Respectfully,

GEO. B. CORTELYOU,
Secretary.

APPENDIX B.

[Chicago Inter Ocean, January 3, 1904.]

WILKIE WOULD BE THE FOUCHÉ OF THE UNITED STATES.

(Special correspondence of the Inter Ocean.)

WASHINGTON, D. C., *December 31.*

John E. Wilkie is suspected of an ambition to become the Fouché of the United States. Mr. Wilkie is Chief of the Secret Service of the Treasury Department and his official duties are to run down counterfeiters. He and his men are, however, desirous of doing the secret

detective work for the whole Government, and are not particular about drawing the line between lawmakers and lawbreakers. They are ready to shadow the former as well as the latter. That is why Chief Wilkie is suspected of an ambition to rival the notorious Fouché of the First Napoleon.

This weakness of the secret service men to break over the bounds of the law relating to counterfeiting and become general sleuths in their search for wrongdoers is not a new one. The bureau has had that weakness for many years, or ever since it was organized, and it has had to be curbed time and again, as it has meddled in affairs over which it has no jurisdiction and been threatened with extinction.

There is no desire for a general detective service or national police organization in connection with the Federal Government. On the contrary, there is in Congress an utter abhorrence of such a scheme, because it savors of imperialism more than any other assumption of power by the executive departments.

It is considered absolutely contradictory to the democratic principles of government. But the detective mind does not seem able to grasp such fine distinctions. A detective recognizes no limitations on his peculiar powers of ferreting out crime, or what appears as crime to him. He is as ready to shadow a King or a President as he is a poor counterfeiter or a tramp. The bigger the subject the greater the game, and the more intense the excitement.

Congress never has had any sympathy with the Secret Service Bureau. That bureau is not the creature of congressional action. It is only the child of administrative routine in the Treasury Department. The law against counterfeiting is one of the earliest placed on the statute books. It was passed in the beginning of the Government, and Congress has ever since made annual appropriations for the suppression of counterfeiting. Twenty years ago it was found that the Treasury Department had created a number of small bureaus not known to the law as a convenient means of enforcing the laws applying to that department or for the purpose of creating places for the friends of the Secretary. These official bureaus were illegal, but they were claimed to be necessary. They were utterly repugnant to the spirit of civil service reform, and to remedy the evil Congress recognized them by making specific appropriations for them. In this way was the Secret Service Bureau and its chief given an official status, though never created by act of Congress.

TO STOP COUNTERFEITING.

The appropriation for the maintenance of the bureau is now $16,500 a year, and Congress in addition to this makes an appropriation of $125,000 a year for the suppression of counterfeiting, but stipulates that the appropriation shall be used for no other purpose whatever. The stipulation was necessary to prevent the use of the money in shadowing every conceivable crime that can be suggested by the detective mind, and for that reason it is repugnant to Mr. Wilkie and his subordinates, and also, perhaps, to the Secretary of the Treasury and other Cabinet officers who sympathize with the shadowing business. The Treasury Department has appealed in vain to have Congress drop the limitation from the appropriation. It is appealing to this Congress, but its appeal will be ignored.

The limitation will remain, because Congress does not intend to have a Fouché or any other kind of minister of police to be used by the executive departments against the legislative branch of the Government. It has been so used, and it is suspected that it has been so used recently. The Secret Service has been very active generally, and not so active against counterfeiters as in the old days, when the appropriation was less than half what it is now.

The notorious Brockway, king of counterfeiters, was run down years ago, and there has not been an important capture of any counterfeiting outfit in the last half dozen years. The secret service men have been busy protecting the President, investigating frauds against naturalization, hunting down anarchists, shadowing men suspected of stealing the public lands, and other matters, which may be very important, but absolutely out of the line of duty of the Secret Service Bureau.

The post-office investigation has inspired other departments to go into the same business, and the Secret Service Bureau feels that its detective business is becoming invaded. The reputation made by Fourth Assistant Postmaster-General Bristow as the great sleuth of the times has aroused Chief Wilkie's men to look to their laurels. They desire to run down all the rascals in the government service and show that they are the real and only thief catchers in the country.

They want Wilkie to be the Fouché of the United States, and they want recognition as the national detectives, licensed to shadow every man, whatever his station, whom they may suspect of any crime. That is just what Congress will not tolerate, and Congress is the lawmaking power which creates and abolishes offices. The legislative branch of the Government will not tolerate the meddling of detectives, whether they represent the President, Cabinet officers, or only themselves.

There will be no Fouché in Washington, because Fouché was used by Napoleon to intimidate everybody else in the French Empire, and grew so powerful that he intimidated the Emperor himself by reason of the state secrets he held.

WILKIE NOT THE FIRST.

Chief Wilkie is not the first man at the head of the Secret Service who wanted the power of a Fouché. Twenty years ago the Secret Service became a scandal in Washington through its presumption. Its detectives assumed the right to shadow Congressmen and find out how an amendment agreed to in conference failed to appear in the bill as it was sent to the President.

The failure to incorporate the amendment in the enrolled bill was suspicious of jobbery, and it was investigated by Congress, but Congress resented the secret interference of the secret service men, who for weeks shadowed some of the most respected members of the House and Senate in an effort to convict them of having guilty knowledge of how the amendment failed. When it was discovered that the secret service men were shadowing Congressmen there was a storm of indignation at the Capitol and the bureau came near being abolished and the appropriation for the suppression of counterfeiting cut off. The result was the incorporation of the limitation that none of the appropriation should be used for any other purpose than that of detecting and punishing counterfeiting.

At another time the chief of the Secret Service had his men shadow Congressmen with a view of involving them in scandals that would enable the bureau to dictate to them as the price of silence. It was the old detective blackmailing trick, and again came near to the abolition of the bureau. * * *

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The secret-service men have shown an inclination again to shadow Members of Congress, knowing them to be lawmakers, and this is no joke. Several of the departments have asked Congress for secret funds for investigation and the Treasury Department wants the limit removed from the appropriation for suppressing counterfeiting. This shows a tendency toward Fouchéism and a secret watch on other officials than themselves.

As the highest power in the Government, that of making laws and appropriating public funds, Congress will not grant any such extension of secret-service operations, but will this year, probably, make the restrictions on the Secret Service more severe than in the past, and also demand an accounting to show how the appropriation of $125,000 for suppressing counterfeiting has been used, whether any of it has been used to build up a general secret-service system and create a Fouché in the Federal Government.

APPENDIX C.

THE WHITE HOUSE,
Washington, D. C., April 30, 1908.

MY DEAR MR. SPEAKER: There is one matter connected with the sundry civil bill to which I should call your special attention, and that is, the cutting down of the appropriation asked for by the Interstate Commerce Commission to carry into effect the twentieth section of the Hepburn law to only $50,000. In accordance with the request of the Committee on Appropriations in carrying out the desire of the leaders of the House, the Interstate Commerce Commission, instead of asking as they originally asked for $500,000, which was the amount necessary in order to do the best work in carrying out the twentieth section, cut down the request to $350,000, the very minimum under which the work can be done effectively at all.

To provide only $50,000 really amounts to making a sham appropriation. It would be better to repeal the twentieth section or suspend its operation for a year, for such a course would have the merit of frankness. I regard this twentieth section as containing one of the most important provisions of the Hepburn Act, and to refuse to provide means for carrying it on is equivalent to repealing for this year that section, and it would undoubtedly be so understood by the country at large. I feel that the Hepburn Act was one of the great pieces of legislation for which Congress, under your direction and guidance, has been responsible, and for which it has received such deserved credit.

It would be from every standpoint a very real misfortune now to nullify one of the important provisions of that act. The only people benefited would be the very worst of the big railroad men whose misdeeds we are trying to prevent or correct. The commission has been at work with the railroads for two years preparing to put this section into execution through the means of a board of examiners. To refuse to give them $350,000 (for to appropriate $50,000 serves no purpose whatever) is to nullify completely these two years' work.

Very sincerely, yours,

THEODORE ROOSEVELT.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

P. S.—I may also add that if carried into effect, the proposal in the bill limiting the wages on the Panama Canal may completely upset the admirable work now being done thereon; and of course the provision about the employment of the secret-service men will work very great damage to the Government in its endeavor to prevent and punish crime. There is no more foolish outcry than this against "spies;" only criminals *need fear our detectives.*

APPENDIX D.

MAY 5, 1908.

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations,
United States Senate.

MY DEAR SENATOR: While the sundry civil bill (H. R. 21260) was under consideration in the Committee of the Whole House on the state of the Union, the following amendment was adopted to the paragraph making the appropriation for "Suppressing counterfeiting:"

"No part of any money appropriated by this act shall be used in payment of compensation or expenses of any person detailed or transferred from the Secret Service Division of the Treasury Department, or who may at any time during the fiscal year 1909 have been employed in or under said Secret Service Division."

Among other funds appropriated by the sundry civil act, to which this amendment would apply, is one for the collection of revenue from customs and for the prevention and detection of frauds on customs, both of which are under the control and direction of the Secretary of the Treasury.

Section 166 of the Revised Statutes provides:

"Each head of a department may from time to time alter the distribution among the various bureaus and offices of his department of the clerks allowed by law as he may find it necessary and proper to do."

Under the authority granted by this section the Secretary of the Treasury from time to time has detailed men from the Secret Service Division to detect frauds upon the customs, and their expenses while so engaged have been paid from the appropriation for this purpose. Under the amendment to which I have referred above, it would appear that I am prohibited from making such details and from paying the men so detailed from any appropriation under the sundry civil act.

This would seem to be an abridgment of the right extended to the Secretary of the Treasury by section 166, and a discrimination against the Secretary of the Treasury which is distinctly in favor of the violator of the federal statutes, inasmuch as it restricts the Secretary in using every possible force to combat frauds upon the customs.

But this is only one phase of a matter which seems to me to be of vast and far-reaching public importance. The Secret Service Division has been a valuable branch of this office for many years. Its field force is composed of investigating officers of the highest skill, men familiar with all of the tricks and subterfuges of high-grade criminals, and whose integrity and devotion to the Government's interests have never been successfully assailed.

Their peculiar fitness for criminal investigations requiring the highest order of intelligence has commended them to the heads of other departments, and from time to time for many years the Secretary of the Treasury has received requests from the heads of other departments who wished to avail themselves of the services of these agents.

The appropriation for suppressing counterfeiting provides that the money shall be used for that purpose and for no other except the protection of the President. The field agents of the Secret Service Division who are paid out of this appropriation are per diem employees, and it has been considered that there would be no impropriety in discontinuing the services of these men in the work of suppressing counterfeiting,

stopping their per diem payment from the appropriation for suppressing counterfeiting—practically placing them upon leave of absence without pay—and while so detached and separated, allowing them to be employed by another department, say under the Attorney-General, for the investigation of specific violations of the criminal statutes of the United States.

While thus employed they have been designated as "special employees" of the Department of Justice and have received compensation (equal to that which they were receiving in the Secret Service Division) from the appropriation "Miscellaneous expenses of United States courts" or some other appropriation properly available for their payment. This practice has given the Attorney-General and other heads of departments the services of such agents as might from time to time be required for periods varying from one day to several months, and upon the grounds of economy, efficiency, and convenience has proved extremely satisfactory to every one concerned. It has enabled the Attorney-General to conduct investigations in connection with the violations of the trust laws, of laws relating to the public domain, and to lottery enterprises, with gratifying results.

The Attorney-General is not provided with any permanent investigating force of his own and is barred from the employment of private detective agencies by an act which reads as follows:

"That hereafter no employee of the Pinkerton Detective Agency, or similar agency, shall be employed in any Government service or by any officer of the District of Columbia. (Supplement to the Revised Statutes, vol. 2; Legislation 1892–1895, p. 121.)"

The requirements of his Department are of so uncertain and varied a nature that at times during the year four or five men can take care of the work, while at other times, in emergencies, twenty-five or thirty may be required for short periods. It would seem to be impracticable to require that he should have to employ these men haphazard, and it is a self-evident proposition that no competent man would be willing to accept employment for a few weeks with no certainty as to how much time might elapse before he would be needed again; and if a permanent force were to be maintained by the Department of Justice it would necessarily have to consist of the maximum number of men that would be needed at any one time, though the records show that there are many periods of the year when only a few men are necessary to conduct the work.

So it has developed that the practice of borrowing men from the Secret Service has been found the best solution of the problem. Within the last two years, during which these temporary employees have been most active in the investigation and prosecution of land frauds, there has developed an opposition to the loaning of these trained investigators to the other departments. It has been asserted that the appropriation for suppressing counterfeiting specifically provided that the men employed for suppressing counterfeiting should be employed for no other purpose whatever, and that therefore the loaning of these agents was a direct violation of law. The act for suppressing counterfeiting reads as follows:

"For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction, dealers and pretended dealers in counterfeit money, and persons engaged in counterfeiting Treasury notes, bonds, national bank notes, and other securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, including one thousand dollars to make the necessary investigation of claims for reimbursement of expenses incident to the last sickness and burial of deceased pensioners under section 4718 of the Revised Statutes, the act of March 2, 1895, and for no other purpose whatever except in the protection of the person of the President of the United States, $115,000: *Provided*, That no part of this amount be used in defraying the expenses of any person subpœnaed by the United States courts to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for 'Fees of witnesses, United States courts.'"

It seems to me that a careful reading of this act discloses that the phrase "and for no other purpose whatever" applies, and can only apply, *to the expenditure of the money* and does not and can not apply to a prohibition against employing the agents elsewhere *so long as they are not reimbursed from the appropriation for suppressing counterfeiting.*

In order to comply with every possible technical requirement, it recently has been the practice of the department to have these agents resign from the Secret Service Division and receive regular appointments in the department in need of their services for periods sufficiently long to enable them to accomplish the work for which they are required. Not a dollar of the appropriation for suppressing counterfeiting is expended for any other purpose, and can not be under this arrangement, but the proposed amendment to the sundry civil act would operate to disqualify an officer who had been trained in the Secret Service Division from giving the benefit of that experience to any other department of the Government under any circumstances, and it is thus sought to confine the work of these skilled men to one particular branch of the government service.

Broadly, this deprives any other department of the services of these men under any conditions and will operate to hamper and embarrass some of them, notably the Department of Justice, in the continuance of current work—pending prosecutions which may not be reached until we shall have entered upon the fiscal year of 1909. Should this proposed amendment become a law, the only gainer would be the wrongdoer, and the Government would be the loser.

I might point out to you that the services of these men are never utilized in seeking possible violations of the Statutes, but are employed for the purpose of obtaining evidence and completing cases where violations of the Federal Statutes are known to exist; in other words, they are assigned to specific cases and are not given roving commissions to go prying about in the hope of disclosing possible infractions of law.

Inasmuch as there is no question as to the efficiency of these men and their value to the prosecuting officer, I can only suggest that if the methods by which their services are now extended to the other Departments are objected to on technical grounds, then, having the public welfare solely in view, some action should be taken by the legislative branch of the Government which will enable the other Departments to obtain the services of these officers as they may be required from time to time.

I can not impress upon you too emphatically my conviction that any modification of the statutory rights accorded to the Secretary of the Treasury by section 166 or any restriction upon the use of these men by other Departments will be wholly and solely of advantage to the enemy of public welfare and government interests.

I append a brief reference to certain matters other than suppressing counterfeiting, some of them in the Treasury Department and others outside of it, in which men detailed or loaned from the Secret Service Division have accomplished results of a satisfactory character and which will indicate to you the broad and varied field of activity in which these men have been and may be employed for the benefit of the Government.

Respectfully, G. B. CORTELYOU, *Secretary.*

CASES OUTSIDE THE TREASURY DEPARTMENT IN WHICH SECRET SERVICE AGENTS HAVE BEEN EMPLOYED BY OTHER DEPARTMENTS.

A general investigation of naturalization affairs disclosed extensive frauds in New York and Pennsylvania. The chief conspirators, who were selling fraudulent papers, were arrested, their counterfeit court seals and thousands of fraudulent certificates and blank applications were seized and destroyed, and the principals were convicted. Several hundred convictions followed where persons were implicated in obtaining and selling fraudulent papers. This work was practically conducted and concluded by four agents of the Secret Service Division.

The paymaster of the Government medical supply department at San Francisco was robbed of his official check books, perforating machine, rubber stamps, etc., and thousands of dollars were realized by the thief on fraudulent checks. The thief was captured and convicted by agents of the Secret Service Division.

A defaulting national-bank cashier from Newport, Ky., was located, captured, and convicted. Petty thievery at the Philadelphia mint was detected and the thieves convicted. Thefts from the navy-yard at Philadelphia were investigated and the guilty persons punished. Petty officers in the New York Navy-Yard who were accepting bribes to give promotions to favorite applicants were convicted and the practice broken up.

Agents of the Secret Service Division located the fugitives Greene and Gaynor in Canada, secured their arrest and transfer to Montreal from Quebec, and started the proceedings which resulted in their subsequent surrender to the United States, where they were afterwards convicted.

The defaulting cashier of the national bank at Bridgeport, Conn., was traced and followed to Panama, arrested, returned, convicted, and sentenced to ten years. The investigation of crime under the peonage law was commenced in Alabama and Mississippi. Numerous convictions were secured and the objectionable practice was abandoned in many districts. An investigation of the Land Office in the Interior Department was inaugurated with Secretary Hitchcock by agents of this service, disclosing a gigantic conspiracy involving the bribery of government employees and the fraudulent acquisition of public lands. Many prominent persons were implicated in these cases and their indictment and prosecution followed.

The defaulting fugitive president and cashier of a national bank of Cleveland, Ohio, were traced, arrested in British Columbia, returned to Ohio, and convicted. The land fraud investigations were continued in California and Oregon and numerous indictments followed. Thefts of Government property at West Point, Fort Hamilton, and the Presidio were investigated and the thieves detected and convicted. Assistance was rendered the Department of Justice in the beef-trust investigation at Chicago, prosecutions followed, and fines were inflicted in the cases investigated by secret-service agents.

Secret-service agents investigated cases of illegal fencing and the fraudulent acquisition of government land in Nebraska and Wyoming. Hundreds of thousands of acres were restored to the Government and the violators were convicted.

An investigation was started of the various lottery enterprises being conducted in the South and West. When brought to a successful conclusion over $300,000 in fines were collected from the offenders. Government land valued at hundreds of thousands of dollars was recovered under actions in equity based on investigations of agents of the Secret Service Division for the Department of Justice, and criminal proceedings are pending in Colorado, Wyoming, and Utah. The murder of a woman by moonshiners in Virginia was investigated, a conspiracy was disclosed, and all of the conspirators were prosecuted and convicted.

Violations of the internal-revenue laws by prominent distillers in Virginia were investigated by secret service agents and the offenders convicted. Extensive frauds in the construction of the Plaquemine lock at Plaquemine, La., were disclosed by an investigation conducted by an agent of the Secret Service, and the civilian engineer in charge and a number of his assistants, together with the contracting firm, are under indictment.

In addition to the foregoing there have been many cases in which secret service agents have been used to disclose the whereabouts of property concealed by bankrupts and to secure the evidence upon which the offenders have been convicted. In hundreds of cases the Department of Justice has utilized these men for the purpose of locating missing witnesses, fugitives from justice, to investigate the antecedents and character of venire men in important Federal cases where it was essential that the United States attorney should be familiar with the character of the jurors. In many cases where the defendant interests have been unscrupulous and wealthy attempts at jury bribing have been frustrated by secret service agents. Filibustering expeditions against friendly governments have been investigated and broken up and prosecutions in many cases followed.

Mr. PERKINS. Mr. Speaker, I move that the President's message be referred to the special committee appointed to consider certain portions of the President's annual message.

Mr. GRIGGS. Mr. Speaker, is an amendment in order to this motion? Then I move that this message be returned to the President.

Mr. PERKINS. Mr. Speaker, I made the motion to refer the message of the President to the special committee, which, it seems to me, is the proper action, and the only proper action for the House to take. A resolution was reported from the special committee and adopted by the House, asking for information to be submitted by the President. In answer to that resolution the message has been received, and it seems to me that the message should be referred to the committee upon whose motion

the resolution was offered and adopted and with whom it is still a question of what action the House should take with reference to the portion of the President's message that was pointed out.

Mr. GRIGGS. Will the gentleman yield to me for a moment?

The SPEAKER. For what purpose does the gentleman rise?

Mr. GRIGGS. At the request of some of my friends on this side, I withdraw the amendment I offered.

Mr. PERKINS. I will yield for that purpose.

Now, Mr. Speaker, I move the previous question on the motion to refer.

The previous question was ordered.

The question was taken, and the motion to refer to the special committee was agreed to.

FIRST INTERNATIONAL SHOOTING AND FIELD SPORTS EXHIBITION.

The Speaker also laid before the House the following message from the President, which was read, referred to the Committee on Military Affairs, and, with the accompanying documents, ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State, submitting an invitation extended to the Government of the United States by the Government of Austria-Hungary to participate in the First International Shooting and Field Sports Exhibition, which will open at Vienna on May 15, 1910, together with a prospectus explaining the objects and purposes of the exhibition.

The report shows the favorable consideration which has been given to the invitation by the Department of Commerce and Labor and by the Biological Survey and the Forest Service of the Department of Agriculture, in view of which and in recognition of the liberal part which Austria took in the world's fair at Chicago and the Louisiana Purchase Exposition at St. Louis, the Secretary of State recommends an appropriation by Congress of $250,000 to enable the Government of the United States to accept the invitation to participate in the exhibition.

This recommendation has my cordial approval.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 19, 1908.*

LOIZA SUGAR COMPANY, PORTO RICO.

The SPEAKER also laid before the House the following message from the President, which was read and, with the accompanying documents, referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I transmit herewith certified copies of a franchise granted by the executive council of Porto Rico December 4, 1908, entitled "An ordinance granting to the Loiza Sugar Company, its successors and assigns, the right to construct a wooden bridge over the Rio Grande River in the municipal district of Rio Grande," approved December 8, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 19, 1908.*

MAYAGUEZ SUGAR COMPANY, PORTO RICO.

The SPEAKER also laid before the House the following message from the President, which was read and, with the accompanying documents, referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and section 2 of the joint resolution amending said act, approved May 1, 1900, I transmit herewith copy of franchise granted by the executive council of Porto Rico, entitled "An ordinance granting to the Mayaguez Sugar Company, its successors and assigns, the right to take and use 150 gallons of water per minute for industrial purposes from the brook Merle, in the municipal district of Mayaguez."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 19, 1908.*

LIGHT, HEAT, AND POWER PLANT, SAN JUAN, PORTO RICO.

The SPEAKER also laid before the House the following message from the President, which was read and, with the accompanying documents, referred to the Committee on Insular Affairs, and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and section 2 of the joint resolution amending said act, approved May 1, 1900, I transmit herewith copy of a franchise granted by the executive council of Porto Rico, entitled "An ordinance further amending an ordinance entitled 'An ordinance granting to Arturo Rodriguez the right to construct, maintain, and operate a system for the manufacture, distribution, and sale of gas, for light, heat, and power purposes in the municipality of San Juan.'"

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 19, 1908.*

HARBOR OF MAYAGUEZ, PORTO RICO.

The SPEAKER also laid before the House the following message from the President, which was read and, with the accompanying documents, referred to the Committee on Insular Affairs, and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and section 2 of the joint resolution amending said act, approved May 1, 1900, I transmit herewith copy of a franchise granted by the executive council of Porto Rico, entitled "An ordinance granting to Alberto Bravo, his heirs, successors, and assigns, the right to construct, maintain, and operate a pier on the harbor shore of Mayaguez."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 19, 1908.*

INTERMEDIATE STAGE OF PUBLIC INSTRUCTION.

The SPEAKER also laid before the House the following message from the President, which was read and, with the accompanying documents, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a report by the Secretary of State, with an inclosure, concerning participation by the Government of the United States in an international congress for the purpose of reform in the intermediate stage of public instruction, which is to be called by the Hungarian Government to meet during the year 1909.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 4, 1909.*

ANNUAL REPORT UNITED STATES CIVIL SERVICE COMMISSION.

The SPEAKER also laid before the House the following message from the President, which was read and, with the accompanying documents, referred to the Committee on Reform in the Civil Service and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress the annual report of the United States Civil Service Commission for the year ended June 30, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 4, 1909.*

THE CHINESE INDEMNITY.

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of Congress a copy of an executive order signed by me on the 28th day of December, 1908, in execution of the joint resolution of May 25, 1908, "To provide for the remission of a portion of the Chinese indemnity," together with a letter from the Secretary of State and various documents explanatory thereof and explanatory also of a plan for the education of Chinese students in the United States, to which the Government of China proposes to devote a large part of the remitted indemnity. Copies of these papers have also been transmitted to the Commissioner of Education of the United States with instructions to aid in all appropriate ways within his power in the carrying out of the plans of the Chinese Government for the education of students in America.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 4, 1909.*

PATENT TO ASSIGNEES OF WARREN BAILEY.

The SPEAKER laid before the House the following resolution by the Senate:

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with the request, the bill (H. R. 17640) to authorize the issuance of a patent to the assignees of Warren Bailey for land located in Choctaw County, State of Alabama.

The SPEAKER. This is a bill to authorize the issuance of a patent, and the Chair is informed that the bill has been passed. Without objection, the bill will lie on the table.

There was no objection.

DEATH OF THE LATE REPRESENTATIVE ROBERT C. DAVEY, OF LOUISIANA.

Mr. BROUSSARD. Mr. Speaker, it is with profound sorrow that I announce to the Members of this House the death of Hon. ROBERT C. DAVEY, for many years a Member of Congress from the Second Congressional District of Louisiana.

At a later day I shall ask the House to set apart a day for the Members to pronounce eulogies on the life, character, and services of the deceased Member. I now ask unanimous consent for the immediate consideration of the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. ROBERT C. DAVEY, a Representative from the State of Louisiana.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

The resolutions were agreed to.

Accordingly (at 1 o'clock and 7 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for post-office building at Meriden, Conn. (H. Doc. No. 1256)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for the post-office building at York, Nebr. (H. Doc. No. 1257)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for the post-office building at Hamilton, Ohio (H. Doc. No. 1258)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for the post-office building at East Liverpool, Ohio (H. Doc. No. 1259)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for the post-office building at Des Moines, Iowa (H. Doc. No. 1260)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for the post-office building at Watertown, N. Y. (H. Doc. No. 1261)—to the Committee on Appropriations and ordered to be printed.

A letter from the visitors from the House to the Military Academy, transmitting a report of their visit (H. Doc. No. 1262)—to the Committee on Military Affairs and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a supplemental report as to the operations of certain railroad companies in Alaska (H. Doc. No. 1263)—to the Committee on the Territories and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation authorizing appeals in certain cases to the Supreme Court of the United States from judgments or decrees of the Court of Claims (H. Doc. No. 1264)—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation in relation to reservation of lands for power-site purposes in Colville Indian Reservation in the State of Washington (H. Doc. No. 1265)—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Acting Secretary of Commerce and Labor, transmitting a statement showing all expenditures of appropriations for propagation of food fishes during the year ended June 30, 1908 (H. Doc. No. 1266)—to the Committee on Expenditures in the Department of Commerce and Labor and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting a report of a survey to determine as to establishment of a light near Orford Reef, off Cape Blancos, Oregon (H. Doc. No. 1267)—to the Committee on Interstate and Foreign Commerce and ordered to be printed with illustrations.

A letter from the Secretary of Commerce and Labor, transmitting the report of Special Agent Arthur B. Bertman on trade conditions in Mexico (H. Doc. No. 1268)—to the Committee on Interstate and Foreign Commerce and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting report of Special Agent Charles M. Pepper on trade conditions on the west coast of South America (H. Doc. No. 1269)—to the Committee on Interstate and Foreign Commerce and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting the report of Special Agent W. A. Graham Clark on cotton fabrics in middle Europe (H. Doc. No. 1270)—to the Committee on Interstate and Foreign Commerce and ordered to be printed.

A letter from the Secretary of Agriculture, transmitting a detailed report of estimates and expenditures for the Forest Service of the department (H. Doc. No. 1271)—to the Committee on Agriculture and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary L. Cropper, Sallie Z. McCulloh, Dora Schmitt, and Belle Wilson, sole heirs of Tillard and Sophia L. Ragan, against The United States (H. Doc. No. 1272)—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the Trustees of the Liberty Baptist Church, New Kent County, Va., against The United States (H. Doc. No. 1273)—to the Committee on War Claims and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting statements of the accounting officers of the Government as to delinquencies in accounts during the fiscal year ended June 30, 1908 (H. Doc. No. 1274)—to the Committee on Expenditures in the Treasury Department and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24831) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1816), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 12727) granting an increase of pension to Joseph C. Chilton—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19222) granting a pension to Henry A. Dahle—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21657) granting a pension to Thomas Wyman—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23356) granting a pension to Anna R. B. Sommer—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23359) granting a pension to Annie T. McLaughlin—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23768) granting a pension to Charles Francis Marshall—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23789) granting a pension to John Dillon—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23995) granting a pension to Oscar C. Oliver—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24047) granting a pension to Richard M. Goddy—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15183) authorizing the Secretary of the Interior to issue patents in fee to the Protestant Episcopal Church for certain lands in Wisconsin set apart for the use of the said church for missionary purposes among the Oneida Indians—Committee on the Public Lands discharged, and referred to the Committee on Indian Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MONDELL: A bill (H. R. 24833) to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States"—to the Committee on the Public Lands.

Also, a bill (H. R. 24834) for the protection of the rights of surface entrymen—to the Committee on the Public Lands.

Also, a bill (H. R. 24835) authorizing the necessary resurvey of public lands—to the Committee on the Public Lands.

Also, a bill (H. R. 24836) to permit change of entry in case of mistake of the description of tracts intended to be entered—to the Committee on the Public Lands.

By Mr. KINKAID: A bill (H. R. 24837) to amend section 3 of an act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska"—to the Committee on the Public Lands.

Also, a bill (H. R. 24838) for the resurvey of certain lands in the State of Nebraska—to the Committee on the Public Lands.

By Mr. MADISON: A bill (H. R. 24839) creating the office of attorney for the Interstate Commerce Commission, prescribing the duties of said officer, and fixing his compensation—to the Committee on Interstate and Foreign Commerce.

By Mr. WALLACE: A bill (H. R. 24840) granting condemned ordnance to Henderson College, Arkadelphia, Ark.—to the Committee on Military Affairs.

By Mr. DAVIS: A bill (H. R. 24841) appropriating money to encourage the States to provide secondary instruction in agriculture and home economics in district secondary agricultural schools with branch experiment stations, secondary instruction in mechanic arts and home economics in village and city public schools, and in providing for the training of teachers in vocational subjects, and regulating the expenditure thereof—to the Committee on Agriculture.

By Mr. SMITH of Michigan: A bill (H. R. 24842) to authorize the removal of dangerous or unsafe buildings or parts thereof, and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 24843) to amend section 1608j of the Code of Law for the District of Columbia—to the Committee on the Judiciary.

Also, a bill (H. R. 24844) to provide for the removal of present grade crossing and construction of a new grade crossing on the line of Q street NE., District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 24845) to amend an act to regulate plumbing and gas fitting in the District of Columbia, approved June 18, 1898—to the Committee on the District of Columbia.

Also, a bill (H. R. 24846) to regulate the construction of buildings along alleyways in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. PRINCE: A bill (H. R. 24847) providing for an additional meeting of Congress—to the Committee on the Judiciary.

By Mr. MACON: A bill (H. R. 24848) to prevent the use of the mails, the telegraph or telephone lines, and the railroads by any company, corporation, etc., for purposes of interstate or foreign commerce where the aggregate value represented by their stocks, bonds, etc., exceeds the aggregate physical value of the property or the reasonable value of the business, privilege, or franchise that they are issued to represent the value of, and for other purposes—to the Committee on the Judiciary.

Also, a bill (H. R. 24849) making an appropriation for the improvement of the harbor at Helena, Ark., and for the preservation of the present shore line of the Mississippi River in front of said city for purposes of navigation and commerce—to the Committee on Rivers and Harbors.

By Mr. HARDY: A bill (H. R. 24850) to provide for the erection of a public building at Teague, Tex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 24851) to provide for the erection of a public building at Mexia, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. DENBY: A bill (H. R. 24852) to provide for the erection of a temporary annex to the post-office building in Detroit, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. DALZELL: A bill (H. R. 24853) to amend the charter of the Lake Erie and Ohio River Ship Canal Company, approved June 30, 1906—to the Committee on Railways and Canals.

By Mr. FLOYD: A bill (H. R. 24854) to authorize the purchase of additional grounds to be used in connection with the national cemetery at Fayetteville, Ark.—to the Committee on Military Affairs.

By Mr. CHANEY: A bill (H. R. 24855) to amend an act entitled "An act to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government," approved March 3, 1883; also, to amend an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887; and for enlarging the jurisdiction of the Court of Claims of the United States—to the Committee on the Judiciary.

Also, a bill (H. R. 24856) for the improvement of the Wabash River between Vincennes and Terre Haute, Ind., and making an appropriation therefor—to the Committee on Rivers and Harbors.

By Mr. STEPHENS of Texas: A bill (H. R. 24857) to promote competition and to prevent discrimination in trade—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Florida: A bill (H. R. 24858) to revive and amend an act to provide for the collection of captured and abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof—to the Committee on War Claims.

By Mr. WILEY: A bill (H. R. 24859) to appropriate $500,000 to deepen the channel and remove obstructions in the Alabama River in the State of Alabama—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 24860) to provide a site and erect a public building at Brewton, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. PORTER: A bill (H. R. 24861) to provide for certain improvements and repairs at Fort Niagara, Niagara County, N. Y.—to the Committee on Appropriations.

By Mr. NYE: A bill (H. R. 24862) to provide for a continuation of the investigations provided for by "An act to provide for a commission to examine and report concerning the use by the United States of the waters of the Mississippi River flowing over the dams between St. Paul and Minneapolis, Minn.," approved June 25, 1906—to the Committee on Rivers and Harbors.

By Mr. DENBY: A bill (H. R. 24863) to prohibit the importation and use of opium for other than medicinal purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: A bill (H. R. 24864) to provide for the distribution of the CONGRESSIONAL RECORD and public bills, documents, etc., to the governor-general of the Philippine Islands at Manila, P. I.—to the Committee on Printing.

By Mr. KALANIANAOLE: A bill (H. R. 25139) to amend an act entitled "An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii," approved June 20, 1906—to the Committee on the Territories.

Also, a bill (H. R. 25140) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900—to the Committee on the Territories.

Also, a bill (H. R. 25141) to extend the provisions of the reclamation act to the Territory of Hawaii—to the Committee on Irrigation of Arid Lands.

By Mr. GAINES of Tennessee: Resolution (H. Res. 464) concerning buildings leased or rented by the Government of the United States in the District of Columbia—to the Committee on Rules.

By Mr. HUMPHREYS of Mississippi: Joint resolution (H. J. Res. 214) to enable the States of Mississippi and Arkansas to adjudge and settle the jurisdiction of crimes committed on the Mississippi River and adjacent territory—to the Committee on the Judiciary.

Also, joint resolution (H. J. Res. 215) to enable the States of Mississippi and Louisiana to adjudge and settle the jurisdiction of crimes committed on the Mississippi River and adjacent territory—to the Committee on the Judiciary.

By Mr. DAWSON: Joint resolution (H. J. Res. 216) for a special "Lincoln" postage stamp—to the Committee on the Post-Office and Post-Roads.

By Mr. HARRISON: Joint resolution (H. J. Res. 217) concerning the manuscript prepared by Charles Chaillé-Long, containing an account of the proceedings at the unveiling of the statue of the late Maj. Gen. George B. McClellan—to the Committee on the Library.

By Mr. CHANEY: Joint resolution (H. J. Res. 218) authorizing negotiations for the Ladycliffe School property, building, and grounds, near Highland Falls, N. Y., adjoining the West Point Military Reservation—to the Committee on Military Affairs.

Also, joint resolution (H. J. Res. 219) to accept the gift of Constitution Island, in the Hudson River, New York—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. FULLER, from the Committee on Invalid Pensions: A bill (H. R. 24831) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. ALEXANDER of New York: A bill (H. R. 24865) granting a pension to William H. Purdy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24866) for the relief of Lyman Hubbell—to the Committee on Military Affairs.

By Mr. AMES: A bill (H. R. 24867) granting an increase of pension to Edward B. Varney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24868) granting an increase of pension to James W. Grayson—to the Committee on Pensions.

Also, a bill (H. R. 24869) granting an increase of pension to William H. Regan—to the Committee on Pensions.

Also, a bill (H. R. 24870) granting a pension to William T. Patch—to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 24871) granting an increase of pension to George F. Heustis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24872) granting an increase of pension to Lewis Skaggs—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 24873) granting an increase of pension to John P. Wilhelm—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24874) granting an increase of pension to Martin Pfeil—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 24875) granting a pension to William A. Senkbeil—to the Committee on Pensions.

By Mr. BOWERS: A bill (H. R. 24876) for the relief of the estate of J. M. Fortinberry, deceased—to the Committee on War Claims.

By Mr. BOYD: A bill (H. R. 24877) granting an increase of pension to William H. Fleming—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24878) granting an increase of pension to John Mullin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24879) granting an increase of pension to Walter L. Henderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24880) granting a pension to Andrew Minkler—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 24881) granting an increase of pension to Elizabeth A. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24882) granting an increase of pension to Thomas Atwood—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 24883) granting a pension to Oscar C. Oliver—to the Committee on Pensions.

Also, a bill (H. R. 24884) for the relief of Ingram Rains—to the Committee on Military Affairs.

By Mr. CANDLER: A bill (H. R. 24885) for the relief of the heirs of Richard E. Holt, deceased—to the Committee on War Claims.

By Mr. CANNON: A bill (H. R. 24886) granting an increase of pension to Thomas H. Berry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24887) granting an increase of pension to John Conzet—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24888) granting an increase of pension to Nathan R. Dunbar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24889) granting an increase of pension to William Chapman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24890) granting an increase of pension to John Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24891) granting an increase of pension to Addison G. Henry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24892) granting a pension to John W. Southard—to the Committee on Pensions.

Also, a bill (H. R. 24893) granting a pension to Harry Schwartz—to the Committee on Pensions.

Also, a bill (H. R. 24894) granting a pension to James F. Claypool—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24895) to correct the military record of Thomas Riley—to the Committee on Military Affairs.

By Mr. CHANEY: A bill (H. R. 24896) granting an increase of pension to Jacob Hauger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24897) granting an increase of pension to Hezekiah Axsom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24898) granting an increase of pension to Samuel Bond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24899) granting an increase of pension to William A. Cowen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24900) granting an increase of pension to Benjamin F. Stover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24901) granting an increase of pension to Farling Duvall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24902) granting an increase of pension to Hamilton M. Steele—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24903) granting a pension to Mary E. Nelson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24904) granting a pension to Robert T. McKee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24905) granting a pension to Russell Nickless—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24906) granting a pension to Kenver S. Stairwalt—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 24907) for the relief of the heirs of Aaron W. Da Costa, deceased—to the Committee on War Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 24908) granting an increase of pension to James H. Compton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24909) granting an increase of pension to George Knilans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24910) granting an increase of pension to Gunner Larson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24911) granting an increase of pension to Henry Searles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24912) granting an increase of pension to George W. Van De Bogert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24913) granting a pension to Jennetta T. Keese—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24914) granting a pension to Permelia Kleckner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24915) granting a pension to Nellie M. Kenniston—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 24916) granting an increase of pension to George W. Jennings—to the Committee on Pensions.

Also, a bill (H. R. 24917) granting an increase of pension to William K. Trabue—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 24918) granting a pension to M. W. Jacobs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24919) granting a pension to Fred Yeomans—to the Committee on Pensions.

Also, a bill (H. R. 24920) granting a pension to Catherine Husted—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24921) granting a pension to Margaret Huston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24922) granting a pension to Martha J. Thorne—to the Committee on Invalid Pensions.

By Mr. DOUGLAS: A bill (H. R. 24923) granting an increase of pension to Joseph A. Eakin—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 24924) granting a pension to Elsie Kimberly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24925) granting an increase of pension to James F. Kilburn—to the Committee on Pensions.

By Mr. EDWARDS of Kentucky: A bill (H. R. 24926) granting an increase of pension to David Lynch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24927) granting an increase of pension to Constantine C. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24928) granting an increase of pension to Darius Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24929) granting an increase of pension to Jesse M. Silvers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24930) granting an increase of pension to Clay Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24931) granting an increase of pension to George W. Barlow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24932) granting an increase of pension to William G. Ping—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24933) granting an increase of pension to John M. Hardgrove—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24934) granting an increase of pension to John Frost—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24935) granting an increase of pension to Thomas Spradlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24936) granting an increase of pension to Jesse Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24937) granting an increase of pension to William Collier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24938) granting an increase of pension to Wiley Couch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24939) granting an increase of pension to John Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24940) granting an increase of pension to Benjamin Messer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24941) granting an increase of pension to John F. M. Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24942) granting an increase of pension to Thomas B. Norris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24943) granting a pension to Robert E. Meadors—to the Committee on Pensions.

Also, a bill (H. R. 24944) granting a pension to Amy Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24945) granting a pension to Doolin Ford—to the Committee on Pensions.

Also, a bill (H. R. 24946) granting a pension to William H. Chambers—to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 24947) to restore the status of the First Battalion Mountaineers California Volunteers, who served during the late war of the rebellion—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 24948) granting an increase of pension to James Gilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24949) granting an increase of pension to Enos R. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24950) granting an increase of pension to John T. Dieter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24951) granting an increase of pension to William Tongue—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24952) granting an increase of pension to Thomas Freeland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24953) granting an increase of pension to Clarence Hubbard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24954) granting a pension to T. M. Clarkson—to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 24955) granting an increase of pension to John N. Jennings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24956) granting an increase of pension to John Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24957) granting a pension to James K. Polk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24958) granting a pension to Amos Patter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24959) granting a pension to Davis Morton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24960) granting a pension to Thomas S. Ford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24961) granting a pension to S. J. J. Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24962) granting a pension to John P. Todd—to the Committee on Pensions.

Also, a bill (H. R. 24963) granting an increase of pension to James Callohan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24964) for the relief of the widow and heirs of Josiah Short—to the Committee on Claims.

By Mr. FOCHT: A bill (H. R. 24965) granting an increase of pension to Robert J. Bingaman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24966) granting an increase of pension to John Donachy—to the Committee on Invalid Pensions.

By Mr. FORNES: A bill (H. R. 24967) granting a pension to Caspar Bernhard—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 24968) granting a pension to Minnie Quadt—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 24969) granting an increase of pension to Josephine G. Darr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24970) to correct the military record of Joseph A. Blanchard—to the Committee on Military Affairs.

By Mr. FULLER: A bill (H. R. 24971) granting an increase of pension to Chester M. Swift—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 24972) granting an increase of pension to Granger F. Anson—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 24973) for the relief of George W. Cassilear—to the Committee on the District of Columbia.

Also, a bill (H. R. 24974) for the relief of David H. Dickinson—to the Committee on Military Affairs.

By Mr. GUERNSEY: A bill (H. R. 24975) granting an increase of pension to A. J. Pomeroy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24976) granting an increase of pension to D. J. Wardwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24977) granting an increase of pension to Ira L. Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24978) granting an increase of pension to Ira Barnes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24979) granting an increase of pension to George E. Ball—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24980) granting an increase of pension to Thomas Violette—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 24981) granting a pension to John T. Brake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24982) granting a pension to Easter Henson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24983) granting an increase of pension to E. E. Garner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24984) granting an increase of pension to Solon B. Hale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24985) granting an increase of pension to Edward F. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24986) granting a pension to Jane D. Goss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24987) granting an increase of pension to Franklin C. Overturf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24988) granting an increase of pension to Viola T. Hall—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 24989) granting an increase of pension to Charles H. McHugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24990) granting an increase of pension to Andrew J. Sargent—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24991) granting a pension to Louis Miller—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 24992) granting an increase of pension to Leander Wyrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24993) for the relief of the legal representatives of Joseph Chipman—to the Committee on War Claims.

Also, a bill (H. R. 24994) granting pay to the heirs of Tyre Kelly—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 24995) for the relief of Nathaniel Huntley—to the Committee on Military Affairs.

By Mr. KNAPP: A bill (H. R. 24996) to provide American register for the steamer *Acacia*—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 24997) granting a pension to Susan Dibble—to the Committee on Pensions.

By Mr. LAFEAN: A bill (H. R. 24998) granting an increase of pension to Isaac T. Schriver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24999) granting an increase of pension to Alexander Berg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25000) granting a pension to Susanna Olewiler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25001) for the relief of the estate of Samuel Fitz, deceased—to the Committee on War Claims.

By Mr. LAW: A bill (H. R. 25002) granting a pension to Helen F. Waldron—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25003) granting an increase of pension to Andreas Herr—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 25004) granting an increase of pension to Edson B. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25005) granting an increase of pension to John E. Bickford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25006) granting an increase of pension to Charles H. Holmes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25007) granting a pension to Daniel K. Franklin—to the Committee on Invalid Pensions.

By Mr. LOWDEN: A bill (H. R. 25008) granting a pension to Susan M. Hayes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25009) granting an increase of pension to John H. Foster—to the Committee on Invalid Pensions.

By Mr. McDERMOTT: A bill (H. R. 25010) granting an increase of pension to Sylvester T. Clancy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25011) granting an increase of pension to Frederick Sass—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25012) granting a pension to John Johnson—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 25013) granting an increase of pension to William H. Bauguess—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 25014) granting an increase of pension to Dennis Driscoll—to the Committee on Pensions.

By Mr. NYE: A bill (H. R. 25015) granting a pension to Alice Fenton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25016) granting a pension to Albert E. Longman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25017) granting a pension to Priscilla Howe—to the Committee on Invalid Pensions.

By Mr. O'CONNELL: A bill (H. R. 25018) granting a pension to Patrick Collins—to the Committee on Pensions.

By Mr. OVERSTREET: A bill (H. R. 25019) granting a franking privilege to Frances F. Cleveland—to the Committee on the Post-Office and Post-Roads.

By Mr. PARSONS: A bill (H. R. 25020) granting an increase of pension to Josephine W. Bolton—to the Committee on Pensions.

By Mr. PORTER: A bill (H. R. 25021) granting an increase

of pension to William Hagaman—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 25022) granting an increase of pension to James H. Salee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25023) granting an increase of pension to William Roberts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25024) granting a pension to Fritz Daues—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 25025) granting a pension to Flora H. Tallman—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 25026) granting an increase of pension to Peter Wager—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25027) granting an increase of pension to Andrew W. Holliday—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25028) granting an increase of pension to Miles P. Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25029) for the relief of the Detroit Iron and Steel Company—to the Committee on Claims.

By Mr. SOUTHWICK: A bill (H. R. 25030) granting a pension to William Lamphere—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 25031) granting an increase of pension to Gustave Frey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25032) granting an increase of pension to Marcus M. Hall—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 25033) granting an increase of pension to William F. Mozier—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 25034) granting an increase of pension to James Gillespie—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 25035) granting an increase of pension to Ulysses Carey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25036) granting an increase of pension to George A. Breckenridge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25037) granting an increase of pension to Adolphus C. Bower—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 25038) granting an increase of pension to Theodore K. Holbrook—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 25039) granting an increase of pension to Charles T. P. Bass—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25040) granting an increase of pension to James H. Bowles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25041) granting an increase of pension to William A. Rusie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25042) granting an increase of pension to Henry Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25043) granting an increase of pension to James H. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25044) granting an increase of pension to Elijah Broughman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25045) granting an increase of pension to Daniel Higden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25046) granting an increase of pension to Martin Ottinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25047) granting an increase of pension to Milton B. Tompkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25048) granting an increase of pension to John Colby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25049) granting an increase of pension to Erie Lamb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25050) granting an increase of pension to John W. Abbott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25051) granting a pension to Esther A. Ames—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25052) granting a pension to Margaret McConnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25053) granting a pension to Mary De Prez—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25054) granting a pension to Addison W. Wilson—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 25055) granting an increase of pension to Henry F. Lander—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 25056) granting an increase of pension to George W. Kelley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25057) granting an increase of pension to Alexander G. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25058) granting an increase of pension to Leven Corkwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25059) granting an increase of pension to George W. Colboth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25060) granting an increase of pension to Isaac H. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25061) granting an increase of pension to Herman A. Tussing—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25062) granting an increase of pension to Joseph M. Gaston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25063) granting a pension to Mary A. Robinson—to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 25064) for the relief of Angeline C. Burgert—to the Committee on Claims.

Also, a bill (H. R. 25065) granting a pension to Nannie Blades—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 25066) granting an increase of pension to Richard D. Tanner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25067) granting an increase of pension to Horace E. Lincoln—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25068) granting an increase of pension to Philip A. Dexter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25069) granting an increase of pension to Christopher Carpenter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25070) granting an increase of pension to Oren Mowry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25071) granting an increase of pension to Frederick W. Bliss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25072) granting an increase of pension to Abraham Vigeant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25073) granting an increase of pension to Matthew N. Chappell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25074) granting a pension to Nancy A. Hopkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25075) granting a pension to John J. Coughlin—to the Committee on Pensions.

Also, a bill (H. R. 25076) granting a pension to James M. Mitchell—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 25077) granting an increase of pension to Champess Sevedge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25078) granting an increase of pension to Adam Stoker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25079) granting an increase of pension to Thomas B. Cummins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25080) granting an increase of pension to Nancy Hix—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25081) granting an increase of pension to Generosa Gasser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25082) granting an increase of pension to John W. Kemp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25083) granting an increase of pension to Jasper N. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25084) granting an increase of pension to Hamilton T. Faris—to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 25085) granting an increase of pension to John H. Hendley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25086) granting a pension to Elise Boettcher—to the Committee on Pensions.

Also, a bill (H. R. 25087) granting an increase of pension to Seth E. Engle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25088) granting an increase of pension to Moses Charbonneau—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25089) for the relief of Patrick Powell—to the Committee on Claims.

By Mr. ESTOPINAL: A bill (H. R. 25090) for the benefit of the Citizens' Bank of Louisiana—to the Committee on War Claims.

Also, a bill (H. R. 25091) for the benefit of the Citizens' Bank of Louisiana—to the Committee on War Claims.

By Mr. FLOYD: A bill (H. R. 25092) granting an increase of pension to Jesse Shewmake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25093) granting an increase of pension to J. M. Cookson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25094) granting a pension to N. P. Hudson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25095) granting a pension to James Keef—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 25096) granting an increase of pension to Edgar Barber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25097) granting an increase of pension to Dascomb E. Gibson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25098) granting a pension to Fred J. Conkey—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 25099) to remove the charge of desertion from the military record of Adrian J. Weller—to the Committee on Military Affairs.

Also, a bill (H. R. 25100) granting an increase of pension to Louis P. Theurer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25101) granting an increase of pension to James H. Webb—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 25102) granting an increase of pension to Mary R. Caldwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25103) granting an increase of pension to Isaac B. Doolittle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25104) granting an increase of pension to John Cary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25105) granting an increase of pension to Myrtle E. Herrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25106) granting a pension to John M. Elliott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25107) granting a pension to Preston Eyre—to the Committee on Invalid Pensions.

By Mr. GRANGER: A bill (H. R. 25108) granting an increase of pension to George L. Nye—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25109) granting an increase of pension to Patrick Connors—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25110) granting an increase of pension to George Dempster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25111) granting an increase of pension to John McLane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25112) granting an increase of pension to Mary T. Ronien—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25113) granting an increase of pension to George A. Earle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25114) granting an increase of pension to Lewis M. Boria—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25115) granting an increase of pension to Augustus F. Snow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25116) granting an increase of pension to Bessie H. Kane—to the Committee on Pensions.

Also, a bill (H. R. 25117) granting a pension to Jennie L. Tate—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25118) granting a pension to William H. McGunigle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25119) granting a pension to Mary A. Mullen—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 25120) removing charge of desertion from George J. Dennis—to the Committee on Military Affairs.

Also, a bill (H. R. 25121) granting an increase of pension to John Willis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25122) granting a pension to Edward Brown—to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 25123) granting an increase of pension to Robert E. Butcher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25124) granting an increase of pension to Joel D. Boyce—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 25125) granting an increase of pension to Adam Hubbard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25126) granting an increase of pension to George H. Trout—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 25127) granting an increase of pension to Alexander H. Sittler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25128) granting an increase of pension to Jacob E. Lowe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25129) granting a pension to William Schoff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25130) granting a pension to Mary J. McKee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25131) granting a pension to William Henry Singleton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25132) granting a pension to Thomas J. Stoddard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25133) granting a pension to Clarence S. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25134) for the relief of William P. Trimble, surviving executor of Isaac R. Trimble, deceased—to the Committee on Claims.

Also, a bill (H. R. 25135) authorizing the Secretary of the Navy to issue an honorable discharge to Thomas Kelly, late of U. S. S. *Fish Hawk*—to the Committee on Naval Affairs.

Also, a bill (H. R. 25136) authorizing the Secretary of War to issue an honorable discharge to Alexander A. Seymore—to the Committee on Military Affairs.

By Mr. WALLACE (by request): A bill (H. R. 25137) for the relief of Milton A. Elliott—to the Committee on Claims.

Also, a bill (H. R. 25138) granting a pension to Erastus Coyle—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Benjamin H. Howland, of Greenwich, Conn., and other individuals and firms in Connecticut, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, memorial of Emerald Grange, of New York, and other organizations in New York and other States, favoring parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. ALEXANDER of Missouri: Petition of Branch 11, United National Association of Post-Office Clerks, for H. R. 6114; also granting thirty days' annual leave and appropriation for promotions—to the Committee on the Post-Office and Post-Roads.

By Mr. ALEXANDER of New York: Petition of trustees of New York Public Library, of New York City, against increase of tariff on books and removal from free list of books now included therein—to the Committee on Ways and Means.

Also, petition of General D. A. Stanley Garrison, No. 7, Army and Navy Union, for legislation retiring petty officers and enlisted men of the navy after twenty-five years of continuous service—to the Committee on Naval Affairs.

By Mr. ANSBERRY: Petition of Binns & Bothman Company, of Bryan, Ohio, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. BELL of Georgia: Petition of John H. Shackleford and others, of Laurenceville, Ga., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. BOOHER: Petition of Manufacturers and Merchants' Association of Kansas City, Mo., for increase of pay of railway mail clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. BRADLEY: Petition of Shawangunk Grange, Patrons of Husbandry, for parcels post on rural-delivery routes and for postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of General Lawton Garrison of Army and Navy Union, favoring retirement of petty officers and enlisted men of the navy after twenty-five years of actual service—to the Committee on Naval Affairs.

By Mr. BRODHEAD: Petition of citizens of Stroudsburg and East Stroudsburg, Pa., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. BROWNLOW: Paper to accompany bill for relief of Oscar C. Oliver—to the Committee on Pensions.

By Mr. BUTLER: Petitions of citizens of Seventh Congressional District of Pennsylvania and Brandywine Grange No. 60, Patrons of Husbandry, for parcels post on rural free-delivery routes and for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. CANDLER: Paper to accompany bill for relief of Columbus C. Bell—to the Committee on War Claims.

Also, petition in re war claim of the heirs of Richard E. Holt—to the Committee on War Claims.

By Mr. CAPRON: Petition of Belcher & Loomis Hardware Company, of Providence, R. I., for a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of Balcom, Westcott & Slade, of Providence, R. I., for the removal of duty on gypsum—to the Committee on Ways and Means.

Also, petition of Mathew M. Lavin, of Barrington, R. I., for the retention of duty on laces and embroideries—to the Committee on Ways and Means.

Also, petition of sundry citizens of Rhode Island, remonstrating against passage of the Johnston Sunday-rest law—to the Committee on the District of Columbia.

Also, petition of New England Bakery, of Pawtucket, R. I., for removal of duty on sugar—to the Committee on Ways and Means.

Also, petition of Babbitt Post, Grand Army of the Republic, of Bristol, R. I., favoring an increase of pension to the widow

of Admiral B. F. Tilley, U. S. Navy—to the Committee on Pensions.

Also, papers to accompany bills granting increase of pension to James M. Mitchell, Fred. W. Bliss, John J. Coughlin, Richard D. Tanner, Christopher Carpenter, and Horace E. Lincoln—to the Committee on Invalid Pensions.

Also, petition of New England Iron and Hardware Association, in favor of a parcel post—to the Committee on the Post-Office and Post-Roads.

Also, petition of Cumberland Grange, No. 2, Patrons of Husbandry, favoring establishment of postal savings banks and a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. CHANEY: Papers to accompany bills for relief of Farling Duvall and Robert T. McKee—to the Committee on Invalid Pensions.

Also, petition of National Forest Conservation League, of Minneapolis, Minn., against tariff on lumber—to the Committee on Ways and Means.

Also, papers to accompany bills for relief of Russell Nickless, Samuel Bond, William A. Cowen, Benjamin F. Stover, and Hezekiah Axsom—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: Petition of Cummer Lumber Company, of Jacksonville, Fla., asking retention of present duty on lumber—to the Committee on Ways and Means.

Also, petition of Jacksonville Cracker Works, favoring a reduction of tariff on raw sugar—to the Committee on Ways and Means.

Also, petition of Board of Trade of Gainesville, Fla., opposing any change in existing rate of duty on lumber—to the Committee on Ways and Means.

Also, petition of E. Sapp, J. D. Heacock, and other citizens of Florida, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. COOK of Pennsylvania: Petition of Cheyenne Branch of Railway Postal Clerks, against H. R. 21261—to the Committee on the Post-Office and Post-Roads.

Also, petition of Civil Service Reform Association of Pennsylvania, for civil-service test for employees on the census—to the Committee on the Census.

Also, petition of I. H. C. Thompson, jr., of Philadelphia, for increase of United States judges' salaries—to the Committee on the Judiciary.

Also, petition of National Association of Union Ex-Prisoners of War, favoring legislation pensioning Union ex-prisoners of war—to the Committee on Invalid Pensions.

Also, petition of Philadelphia Maritime Exchange, favoring H. R. 22279, increasing judges' salaries—to the Committee on the Judiciary.

By Mr. DALZELL: Papers to accompany bill to amend the charter of the Lake Erie and Ohio River Ship Canal—to the Committee on Railways and Canals.

By Mr. DARRAGH: Petition of S. B. Brown and 4 others, favoring a parcels-post—to the Committee on the Post-Office and Post-Roads.

Also, petition of Boice Hartenburg, J. H. Stebb, I. Soperston, Keelland Mercantile Company, and others, against a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, protest of E. Wolsey and 166 other citizens of the Eleventh Congressional District of Michigan, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. DAVIS: Petition of citizens of Minnesota, against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petition of citizens of Providence, favoring H. R. 18204 (Davis agricultural bill)—to the Committee on Agriculture.

By Mr. DAWES: Petition of I. O. Bartlett, of Waterford, Ohio, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of the W. W. Harper Company, of Zanesville, Ohio, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. DE ARMOND: Papers to accompany H. R. 10776, for the relief of W. W. Wall—to the Committee on Claims.

Also, papers to accompany bills granting an increase of pension to George W. Rains (H. R. 24193), granting an increase of pension to Joel Buckalew (H. R. 24194), and granting an increase of pension to Martin V. Hardesty (H. R. 24192)—to the Committee on Invalid Pensions.

By Mr. DENBY: Petition of Marshall Brothers, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of First Battalion Michigan Naval Brigade, favoring retirement of petty officers and enlisted men of the navy after twenty-five years of actual service—to the Committee on Naval Affairs.

Also, petition of citizens of Detroit, Mich., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. DRAPER: Petition of Cheyenne Branch of Railway Postal Clerks, against H. R. 21261 (retirement plan for superannuated employees)—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of New York, for a parcels post on rural free-delivery routes and for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. DUREY: Petition against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

Also, petition of residents of the Twenty-fifth Congressional District of New York, favoring a parcels post and a postal savings bank law—to the Committee on the Post-Office and Post-Roads.

Also, petition of trustees of New York Public Library, favoring retention of books for libraries on free list—to the Committee on Ways and Means.

By Mr. EDWARDS of Kentucky: Petition of Cheyenne Branch of Railway Postal Clerks, of Cheyenne, Wyo., against passage of H. R. 21261 (retirement plan for superannuated employees in the civil service)—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany bills for relief of Thomas B. Norris, William G. Ping, F. M. Stewart, George W. Barlow, Benjamin Messer, Jesse M. Silvers, Wiley Conch, Amy Jackson, Jesse Young, Darius Young, Thomas Spradlin, Constantine C. Davis, John Frost, David Lynch, John M. Hardgrove, Jesse Wilder, Thomas J. Taylor, William Stringer, William T. Belk, and Stephen K. Ashley—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Robert E. Meadors and Doolin Ford—to the Committee on Pensions.

By Mr. FLOYD: Papers to accompany bills for relief of George W. Glenn and James Fanning—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Lafayette Cook—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: Petition of W. B. Stovy, John Sweet, and other citizens of Vermont, against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petition of R. S. Hall and others, of Orwell, Vt., for a postal savings bank and parcels post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of E. H. Matthews, secretary, and 42 members of Cornwall (Vt.) Grange, No. 304, favoring a parcels post and savings bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of Charles H. Wilbur, of Rockford, Ill., against post-office savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Wait Talcott, favoring H. R. 21138, to increase efficiency of Pay Department of United States Army—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Chester M. Swift—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: Papers to accompany bills for relief of Louis P. Thewner and James H. Webb—to the Committee on Invalid Pensions.

By Mr. GUERNSEY: Petition of C. I. Spaulding and others and Central Grange, No. 121, Patrons of Husbandry, of Foxcroft, Me., for parcels-post delivery on rural routes and for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMLIN: Papers to accompany bills to correct the military record of Thomas F. Jessup (H. R. 6972) and to correct the military record of Oliver T. Worman (H. R. 23767)—to the Committee on Military Affairs.

Also, papers to accompany bills granting a pension to Paris G. Strickland (H. R. 12076), granting a pension to James Looney (H. R. 24384), granting a pension to Louisa K. Holbert (H. R. 24389), granting a pension to John J. Johnson (H. R. 11530), granting a pension to Thomas F. Robinson (H. R. 10977), granting a pension to Herman H. Richter (H. R. 24385), and granting a pension to William A. Brown (H. R. 24386)—to the Committee on Invalid Pensions.

By Mr. HASKINS: Petition of E. H. Brown and 18 others, of Evening Star Grange, of Dummerston, Vt., for a parcels-post law and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of W. G. Adams and others, of Windham, Vt., in favor of a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of E. D. Clayton, F. E. Hitchens, and other citizens of Vermont, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. HAY: Petition of C. W. Trenary, of Front Royal, Va., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. HELM: Paper to accompany bill for relief of estate of Adam Pence—to the Committee on War Claims.

By Mr. HOWELL of Utah: Petition of Utah County Medical Society, favoring organization of national public-health agencies—to the Committee on Agriculture.

Also, petition of Cheyenne Branch of Railway Postal Clerks, favoring H. R. 21261—to the Committee on the Post-Office and Post-Roads.

By Mr. HULL of Tennessee: Petition of citizens of Rhea County, Tenn., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. KAHN: Petition of Humboldt Chamber of Commerce, of Eureka, Cal., for improvement of Humboldt Bay—to the Committee on Rivers and Harbors.

Also, papers to accompany bills for relief of Henry Wagner and J. Randolph Peyton—to the Committee on Military Affairs.

Also, petition of Chambers of Commerce of Los Angeles, Cal., and Stockton, Cal., for improvement of Humboldt Bay—to the Committee on Rivers and Harbors.

Also, petition of California State Grange, for postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Los Angeles Chamber of Commerce, favoring increase of salaries of United States judges—to the Committee on the Judiciary.

Also, petition of the Frank B. Peterson Company, of San Francisco, Cal., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of committee of the California bar, favoring increase of salaries of United States judges—to the Committee on the Judiciary.

Also, petition of sundry citizens of California, for more stringent laws relative to Asiatic immigrants—to the Committee on Foreign Affairs.

By Mr. KEIFER: Petition of J. W. Johnson and 15 others, of London, Ohio, for parcels-post delivery on rural mail routes and for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. KNAPP: Paper to accompany bill for relief of William D. Allen—to the Committee on Claims.

Also, petition of People's Milling Company, for provision of marine register for the steamer *Acacia*—to the Committee on the Merchant Marine and Fisheries.

Also, petition against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia)—to the Committee on the District of Columbia.

Also, petition of residents of Twenty-eighth Congressional District of New York, favoring parcels post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of trustees of New York Public Library, for retention on free list of books for public libraries—to the Committee on Ways and Means.

By Mr. LAFEAN: Paper to accompany bill for relief of estate of Samuel Fitz—to the Committee on War Claims.

Also, petition of Straban Grange, of Straban, Pa., for a parcels-post system and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of William Jennings—to the Committee on Invalid Pensions.

By Mr. LAW: Petition of Local Union No. 491, Textile Workers of America, against reduction of tariff on silk gloves, dress nets, veilings, etc.—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of New York Public Library, for retention of books on free list for public libraries—to the Committee on Ways and Means.

Also, petition of National Grange, Patrons of Husbandry, for legislation to assist States in highway construction—to the Committee on Agriculture.

Also, petition of Cheyenne Branch of Railway Postal Clerks, for H. R. 21261—to the Committee on the Post-Office and Post-Roads.

Also, petition of Frank Hawley Field, for H. R. 21455 and S. 3161, relative to patent decisions—to the Committee on the Judiciary.

Also, petitions of B. Felkman, Joseph H. Rokus, and Alb. C. L. Rappe, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of committee of 48, of Brooklyn, N. Y., for legislation retiring petty officers and enlisted men of the United States Navy after twenty-five years of actual service—to the Committee on Naval Affairs.

By Mr. LONGWORTH: Petition of William Lueders, favoring H. R. 23707, for incorporation of the Order of Knights of Khorassan—to the Committee on the Judiciary.

By Mr. LOVERING: Petition of Brockton Central Labor Union, against the decision of Judge Wright relative to Messrs. Gompers, Mitchell, and Morrison—to the Committee on the Judiciary.

By Mr. MACON: Papers to accompany bills for relief of Adam Hubbard and George H. Trout—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of heirs of Mrs. Mary Whitehead—to the Committee on War Claims.

By Mr. MALBY: Petition of trustees of the New York Public Library, for retention on free list of public library books—to the Committee on Ways and Means.

Also, petitions of residents of Twenty-sixth Congressional District of New York, favoring parcels-post law, and of residents of Marena, N. Y., against parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of residents of the Twenty-sixth New York Congressional District, against Senate bill 3940 (religious observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. NYE: Petition of citizens of Anoka, Minn., against Senate bill 3940, entitled "An act for proper observance of Sunday as day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. O'CONNELL: Petition of Massachusetts Society of Sons of American Revolution, for maintenance of Fort McHenry as a permanent garrison post—to the Committee on Military Affairs.

By Mr. PADGETT: Papers to accompany bill granting a pension to D. B. Crews—to the Committee on Invalid Pensions.

By Mr. PORTER: Petition of residents of Lima, Livingston County, N. Y., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Alexander Grange, of Genesee County, N. Y., and Bliss Grange, of Wyoming, N. Y., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBERTS: Petition of Major-General Hyram G. Berry Post, Grand Army of the Republic, Department of Massachusetts, favoring amendment of widows' pension bill of April 19, 1908, so as to include all widows of soldiers and sailors of late civil war, etc.—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Paper to accompany bill for relief of J. C. Thorne—to the Committee on Invalid Pensions.

Also, petition against enactment of the Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

Also, petition of the trustees of the New York Public Library, favoring retention on free list of books for public libraries—to the Committee on Ways and Means.

By Mr. SLAYDEN: Protest of citizens of New Braunfels and San Antonio, Tex., against proposed parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Michigan: Petition against Senate bill 3940 (religious observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. SPERRY: Petition of Clinton Grange, No. 77, of Clinton, Conn., favoring a parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENS of Texas: Petitions of merchants of Chico, Jacksonboro, Goree, Munday, Seymour, Wichita Falls, Bowie, Henrietta, and Graham, all in the State of Texas, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SULLOWAY: Petition of Rochester (N. H.) Grange, for parcels-post delivery on rural free-delivery routes and for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. TIRRELL: Petition of A. J. Whitcomb, E. E. Mace, and others, for establishment of a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Theodore K. Holbrook—to the Committee on Invalid Pensions.

By Mr. WOOD: Petitions of Hightstown Grange, No. 96; Windsor Grange, No. 40; Riverside Grange, No. 125; Whitehouse Grange, No. 159; and Ringoes Grange, No. 12, Patrons of Husbandry, all of the State of New Jersey, favoring parcels-post delivery on rural routes and for post-office savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of New Jersey State Association of Assistant Postmasters, for legislation placing assistant postmasters in the classified service—to the Committee on the Post-Office and Post-Roads.

Also, petition of Trenton Chamber of Commerce, for S. 6973, increasing salaries of United States judges—to the Committee on the Judiciary.

SENATE.

TUESDAY, *January 5, 1909.*

Prayer by the Chaplain, Rev. Edward E. Hale.

The Journal of yesterday's proceedings was read and approved.

ACCOUNTS OF POSTMASTERS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of May 27, 1908, a letter from the Auditor for the Post-Office Department, together with a statement showing the accounts of postmasters who served between July 1, 1864, and July 1, 1874, whose accounts have not been readjusted and certified for payment by the Postmaster-General under the act of March 3, 1883 (S. Doc. No. 627), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

HERBERT J. BROWNE AND W. G. BALDWIN.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, submitting, by direction of the President and in response to a resolution of the 16th ultimo, a report relative to the time when Herbert J. Browne and W. G. Baldwin were employed by the War Department to investigate what happened at Brownsville, Tex., on the 13th and 14th of August, 1906, the terms of that employment, etc. (S. Doc. No. 626), which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

ELECTORAL VOTE OF WYOMING.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, an authenticated copy of the certification of the final ascertainment of electors for President and Vice-President appointed in the State of Wyoming, which, with the accompanying paper, was ordered to be filed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 6189. An act granting a right of way to the Southern Pacific Railroad Company across the Fort Mason Military Reservation in California; and

H. R. 24832. An act for the relief of citizens of Italy.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented memorials of the Citizens' Association, of Chicago, Ill.; of the People's Institute, of New York City, N. Y.; and of the Board of Trade of Baltimore, Md., remonstrating against the adoption of the provision in the census bill providing for the appointment of employees in the Census Office without a competitive examination, which were ordered to lie on the table.

Mr. CULLOM presented a petition of sundry citizens of Waltham, Ill., praying for the passage of the so-called "postal savings banks bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of Local Grange No. 94, Patrons of Husbandry, of Naples, Me., and a petition of sundry citizens of the State of Maine, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS presented a petition of Boyne Valley Grange, No. 1254, Patrons of Husbandry, of Boyne, Mich., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WARNER presented the petition of Louisa Locker, of Whitewater, Mo., praying that she be granted a pension, which was referred to the Committee on Pensions.

He also presented the petition of John Ward, of Hurdland, Mo., praying that he be granted a pension, which was referred to the Committee on Pensions.

Mr. BOURNE presented a petition of the Commercial Club and of the common council of the city of Hood River, Oreg., praying that an appropriation be made for the improvement and deepening of the channel of the Columbia River in front of the city of Hood River, in that State, which was referred to the Committee on Commerce.

Mr. OWEN. I present the memorial of Vere Goldthwaite, of Boston, Mass., relative to the rights of suffrage. I move that the memorial be printed as a document and referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. ELKINS presented the petition of Isaac D'Isay, late captain, Twenty-seventh U. S. Infantry, praying for the enactment of legislation to place on the retired list the names of surviving officers mustered out under the provisions of the act approved July 15, 1870, which was referred to the Committee on Military Affairs.

Mr. LONG presented a petition of Local Grange No. 163, Patrons of Husbandry, of Vinland, Kans., and a petition of sundry citizens of Barton County, Kans., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry papers to accompany the bill (S. 3158) for the relief of James Tulley, which were referred to the Committee on Military Affairs.

Mr. DICK presented a petition of the Cigar Maufacturers' Association, of Dayton, Ohio, praying for a reduction of the duty on Sumatra tobacco, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Columbus and Portsmouth, in the State of Ohio, remonstrating against the enactment of legislation making the first day of the week a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of the International Association of American Watch Case Engravers, of Canton, Ohio, praying for the enactment of legislation to prohibit the immigration of all Asiatics into the United States and remonstrating against the extension of the right of naturalization, which was referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Mount Vernon, Waynesville, Barnesville, Geneva, Sabina, Somerset, and London, all in the State of Ohio, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS presented a petition of the Sacramento Valley Development Association, of Sacramento, Cal., praying that an appropriation be made to increase the facilities of the Mare Island Navy-Yard in that State, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Chamber of Commerce of Stockton, Cal., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission relative to rate making and giving the right to review changes in rates before they become effective, which was referred to the Committee on Interstate Commerce.

Mr. BURKETT presented an affidavit to accompany the bill (S. 7362) granting an increase of pension to John C. Aaron, which was referred to the Committee on Pensions.

CONSTRUCTION AND REPAIR OF VESSELS.

Mr. HALE. I present a statement of Washington Lee Capps, Chief Constructor and rear-admiral, United States Navy, and Chief of the Bureau of Construction and Repair, relating to the construction and repair of vessels. The statement is from the hearings of the Committee on Naval Affairs, House of Representatives, Sixtieth Congress, second session. I move that it be printed as a document and referred to the Committee on Naval Affairs.

The motion was agreed to.

RELIEF TO SUFFERERS IN FOREIGN LANDS.

Mr. HALE. I present a list of acts and resolutions of Congress granting relief to the people of foreign nations on account of earthquakes, fire, famine, and so forth. It is the same that appears in the RECORD this morning. I move that the paper be printed as a document and referred to the Committee on Appropriations.

The motion was agreed to.

REPORTS OF A COMMITTEE.

Mr. FULTON, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 5461) for the relief of Lawson M. Fuller, major, Ordnance Department, U. S. Army (Report No. 708); and

A bill (S. 7918) for the relief of Bernard W. Murray (Report No. 709).

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 8117) for the relief of Andrew J. Baker, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 8118) granting an increase of pension to James Y. Gouch, which was read twice by its title

and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 8119) granting a pension to Elizabeth Carroll, which was read twice by its title and referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 8120) for the relief of Martin H. Avey, which was read twice by its title and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8121) granting an increase of pension to Caroline Williams;

A bill (S. 8122) granting an increase of pension to Isaac N. Jones; and

A bill (S. 8123) granting an increase of pension to Henry L. Ketcham.

Mr. DILLINGHAM (for Mr. GALLINGER) introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on the District of Columbia:

A bill (S. 8124) to authorize certain changes in the permanent system of highways, District of Columbia; and

A bill (S. 8125) to amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893.

Mr. SCOTT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8126) granting an increase of pension to B. B. Dovener; and

A bill (S. 8127) granting an increase of pension to Joseph M. Rees (with the accompanying papers).

Mr. BURROWS introduced a bill (S. 8128) granting an increase of pension to George W. Edson, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BOURNE introduced a bill (S. 8129) granting an increase of pension to Samuel T. Thomas, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PAYNTER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 8130) for the relief of the trustees of the Presbyterian Church of Stanford, Ky.;

A bill (S. 8131) for the relief of the Board of Education of Versailles, Ky.;

A bill (S. 8132) for the relief of McCracken County, State of Kentucky;

A bill (S. 8133) for the relief of Jessamine County, State of Kentucky;

A bill (S. 8134) for the relief of Laurel County, State of Kentucky;

A bill (S. 8135) for the relief of Scott County, State of Kentucky; and

A bill (S. 8136) for the relief of Livingston County, State of Kentucky.

Mr. OWEN introduced a bill (S. 8137) granting a pension to Thomas Miles, which was read twice by its title and referred to the Committee on Pensions.

Mr. GORE introduced a bill (S. 8138) granting a pension to George De Merritt, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 8139) granting a pension to Ernest W. Gilliard, which was read twice by its title and referred to the Committee on Pensions.

Mr. GORE (by request) introduced a bill (S. 8140) for the relief of the estate of William Le Blanc, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. BURKETT introduced a bill (S. 8141) granting a pension to Sarah J. Fulton, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 8142) granting an increase of pension to Peter Henkel, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 8143) granting to the Chicago and Northwestern Railway Company a right to change the location of its right of way across the Niobrara Military Reservation, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. NELSON introduced a bill (S. 8144) to regulate the judicial procedure of the courts of the United States, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. McCREARY introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8145) granting an increase of pension to Gabriel Greenleaf;

A bill (S. 8146) granting an increase of pension to Mary A. Kerr;

A bill (S. 8147) granting an increase of pension to Thomas McClure; and

A bill (S. 8148) granting a pension to Elza L. Ross.

Mr. du PONT (by request) introduced a bill (S. 8149) to increase the efficiency of the Army of the United States, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. KNOX introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8150) granting an increase of pension to John Marshall;

A bill (S. 8151) granting an increase of pension to Charles G. Miller;

A bill (S. 8152) granting a pension to Amelia Walker; and

A bill (S. 8153) granting a pension to Jennie M. McMurtrie.

Mr. KNOX introduced a bill (S. 8154) to amend section 19 of the act granting the Lake Erie and Ohio River Ship Canal Company rights to construct, equip, maintain, and operate a canal or canals and appurtenant works between the Ohio River, in the State of Pennsylvania, and Lake Erie, in the State of Ohio, approved June 30, 1906, which was read twice by its title and, with the accompanying papers, referred to the Committee on Commerce.

Mr. ELKINS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 8155) for the relief of Nancy Shiflett and Malinda Curtis, heirs of Mariah Dodrill, deceased; and

A bill (S. 8156) for the relief of the legal representatives of Paul McNeel.

Mr. ELKINS introduced a bill (S. 8157) for the relief of Maj. James M. Burns, U. S. Army, retired, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. BURNHAM introduced a bill (S. 8158) providing for the promotion of assistant paymasters in the navy, which was read twice by its title and referred to the Committee on Naval Affairs.

Mr. WETMORE introduced a bill (S. 8159) granting an increase of pension to James W. Bedford, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SMITH of Maryland introduced a bill (S. 8160) to authorize commissions to issue in the cases of officers of the Navy and Marine Corps retired with increased rank, which was read twice by its title and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 8161) for the relief of Joseph Flewheart, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 8162) for the relief of William P. Trimble, surviving executor of Isaac R. Trimble, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. DICK introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8163) granting an increase of pension to Charles W. Hoskins;

A bill (S. 8164) granting an increase of pension to Henry Deuble;

A bill (S. 8165) granting an increase of pension of John Akerman; and

A bill (S. 8166) granting an increase of pension to John Limric.

Mr. KEAN introduced a bill (S. 8167) granting a pension to Emily J. Cory, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARNER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 8168) for the relief of the trustees of the First Presbyterian Church of Warrensburg, Mo.;

A bill (S. 8169) for the relief of Barry County, State of Missouri;

A bill (S. 8170) for the relief of Johnson County, State of Missouri;

A bill (S. 8171) for the relief of Newton County, State of Missouri; and

A bill (S. 8172) for the relief of the estate of Willis Allman, deceased.

Mr. WARNER introduced a bill (S. 8173) for the relief of the estate of Jesse Page, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8174) granting an increase of pension to George F. Blue; and

A bill (S. 8175) granting a pension to Alva Bird.

Mr. WARNER introduced a bill (S. 8176) granting a pension to Jonathan M. Ragner, which was read twice by its title and referred to the Committee on Pensions.

Mr. SUTHERLAND (by request) introduced a bill (S. 8177) for the relief of William P. Alexander, which was read twice by its title and referred to the Committee on Claims.

Mr. LONG introduced a bill (S. 8178) granting an increase of pension to Henry Horn, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 8179) for the relief of Charles W. Munn; and

A bill (S. 8180) for the relief of Peter Ludwig.

Mr. FLINT introduced a bill (S. 8181) granting an increase of pension to William M. Dunn, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. OWEN introduced a bill (S. 8182) for the relief of Andrew P. Shaw, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a joint resolution (S. R. 111) authorizing the rebuilding of the dormitory at Osage Boarding School, Oklahoma, recently destroyed by fire, which was read twice by its title and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. LODGE introduced a joint resolution (S. R. 112) authorizing the selection of a site and the erection of a pedestal for the Alexander Hamilton Memorial in Washington, D. C., which was read twice by its title and referred to the Committee on the Library.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. NELSON submitted an amendment relating to pay and allowances of jurors in United States court cases, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on the Judiciary and ordered to be printed.

AMENDMENTS TO THE CENSUS BILL.

Mr. BURKETT submitted an amendment intended to be proposed by him to the bill (H. R. 16954) to provide for the Thirteenth and subsequent decennial censuses, which was ordered to lie on the table and be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (H. R. 16954) to provide for the Thirteenth and subsequent decennial censuses, which was ordered to lie on the table and be printed.

HEARINGS BEFORE COMMITTEE ON THE CENSUS.

On motion of Mr. LONG it was—

Ordered, That the Committee on the Census be authorized to have printed hearings had before that committee.

LINCOLN'S INAUGURAL ADDRESSES.

Mr. GORE submitted the following resolution (S. Res. 242), which was read:

Whereas this is the centenary year of the birth of Abraham Lincoln: Be it therefore

Resolved, That the two inaugural addresses of Mr. Lincoln, together with the emancipation proclamation, be printed in the CONGRESSIONAL RECORD of this date, and that 50,000 copies of said addresses and proclamation be printed as a public document.

The VICE-PRESIDENT. Does the Senator from Oklahoma desire the present consideration of the resolution?

Mr. GORE. If unanimous consent be given.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. BAILEY. I am perfectly willing that the two inaugural addresses shall be printed under unanimous consent, but I object to printing the emancipation proclamation as proposed.

Mr. ELKINS. I suggest that the resolution be referred to the Committee on Printing. It involves the cost of printing 50,000 copies.

Mr. GORE. That course is perfectly satisfactory to me.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Printing.

IMPROVEMENT OF COLUMBIA RIVER, OREGON.

Mr. FULTON submitted the following concurrent resolution (S. C. Res. 58), which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made for a project of improvement of the Columbia River, in the State of Oregon, in front of the town of Hood River, and report the same to the Congress.

ANNUAL REPORT OF PANAMA RAILROAD COMPANY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 632), which was read and, with the accompanying papers, referred to the Committee on Interoceanic Canals and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress the Fifty-ninth Annual Report of the Board of Directors of the Panama Railroad Company for the fiscal year ended June 30, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 5, 1909.*

UNIVERSAL AND INTERNATIONAL EXHIBITION AT BRUSSELS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 631), which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, recommending, for reasons therein stated, an appropriation to enable the United States fittingly to participate in the Universal and International Exhibition, to be held at Brussels April to November, 1910, and in response to the invitation extended by the Government of Belgium.

This recommendation has my cordial approval, and I hope that the Congress will make timely and appropriate provision for the acceptance of the invitation and for participation in the exhibition.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 5, 1909.*

COLORADO BOUNDARY LINE—VETO MESSAGE.

The VICE-PRESIDENT. The Chair lays before the Senate a message from the President of the United States, returning without his approval the joint resolution (S. R. 78) establishing a boundary line between the States of Colorado and Oklahoma and the Territory of New Mexico. The message was read to the Senate December 19, 1908, and the question is, Shall the joint resolution pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. TELLER. Mr. President, the joint resolution simply recognizes the line the Department of the Interior recently surveyed. It is a matter concerning which only Colorado and New Mexico have any interest, except a few miles where the line touches Oklahoma. It is quite evident that the President of the United States was not advised when he vetoed the joint resolution and had not looked up the history of the transaction, either from Colorado or the Department of the Interior.

I have some papers which I wish to present and some reasons which I shall give at the proper time, but I am not prepared to do it now, and I ask consent that the message may be laid aside, to be called up subsequently.

The VICE-PRESIDENT. The Senator from Colorado asks unanimous consent that the veto message be temporarily laid aside to be called up at a later date. Is there objection? The Chair hears none, and it is so ordered.

MEMORIAL ADDRESSES ON THE LATE SENATOR WHYTE.

Mr. RAYNER. Mr. President, I desire to give notice that on Saturday, January 16, I shall ask the Senate to consider resolutions commemorative of the life and character of Hon. WILLIAM PINKNEY WHYTE, late a Senator from the State of Maryland.

CONSIDERATION OF THE CALENDAR.

The VICE-PRESIDENT. The calendar under Rule VIII is in order. The Secretary will state the first business on the calendar.

The joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law was announced as the first business on the calendar.

Mr. KEAN. Let the joint resolution be passed over.

The VICE-PRESIDENT. It will be passed over without prejudice, at the request of the Senator from New Jersey.

The resolution (S. Res. 93) relating to the reorganization of the Northern Pacific Railroad Company was announced as the next business on the calendar.

Mr. KEAN. Let the resolution be passed over also.

The VICE-PRESIDENT. The resolution will go over without prejudice, at the request of the Senator from New Jersey.

The bill (S. 915) to prevent the sale of intoxicating liquors in buildings, ships, navy-yards, and parks, and other premises owned or used by the United States Government was announced as next in order.

Mr. BORAH. I ask that the bill may go over in the absence of the Senator from North Dakota [Mr. McCUMBER].

The VICE-PRESIDENT. The bill will be passed over without prejudice at the request of the Senator from Idaho.

The bill (S. 6576) to regulate the interstate-commerce shipments of intoxicating liquors was announced as next in order.

Mr. KNOX. I ask that the bill be passed over.

The VICE-PRESIDENT. The bill will be passed over without prejudice, at the request of the Senator from Pennsylvania.

The bill (S. 6018) providing for the disposition of town sites in connection with reclamation projects, and for other purposes, was announced as next in order.

Mr. CARTER. I suggest that the bill go over, and I ask that it be placed under Rule IX.

The VICE-PRESIDENT. The bill will be placed on the calendar under Rule IX, at the request of the Senator from Montana.

The bill (S. 7112) for the appointment of an inland waterways commission, with the view to the improvement and development of the inland waterways of the United States, was announced as next in order.

Mr. NEWLANDS. I ask that the bill may lie over without prejudice.

The VICE-PRESIDENT. The bill will lie over without prejudice, at the request of the Senator from Nevada.

The bill (S. 5310) to authorize the Kaw tribe of Indians residing in the State of Oklahoma to bring suit in the Court of Claims, and for other purposes, was announced as next in order.

Mr. KEAN. Is there a report accompanying the bill?

The VICE-PRESIDENT. There is no report.

Mr. KEAN. Then I think the bill had better go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Jersey.

EXECUTIVE SESSION.

Mr. CULLOM. There is a large number of nominations on the table, and I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After twenty-two minutes spent in executive session the doors were reopened, and (at 1 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, January 6, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 5, 1909.

CONSUL.

Heaton W. Harris, of Ohio, lately consul of Class V at Nuremberg, to be consul-general at large of the United States, vice Silas C. McFarland, deceased.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

Horace G. Knowles, of Delaware, lately envoy extraordinary and minister plenipotentiary to Roumania and Servia and diplomatic agent in Bulgaria, to be envoy extraordinary and minister plenipotentiary of the United States to Nicaragua, vice John Gardner Coolidge, resigned.

Huntington Wilson, of Illinois, now envoy extraordinary and minister plenipotentiary to Roumania and Servia and diplomatic agent in Bulgaria, to be envoy extraordinary and minister plenipotentiary of the United States to the Argentine Republic, vice Spencer F. Eddy, nominated to be envoy extraordinary and minister plenipotentiary to Roumania and Servia and diplomatic agent in Bulgaria.

Spencer F. Eddy, of Illinois, now envoy extraordinary and minister plenipotentiary to the Argentine Republic, to be envoy extraordinary and minister plenipotentiary of the United States to Roumania and Servia and diplomatic agent in Bulgaria, vice Huntington Wilson, nominated to be envoy extraordinary and minister plenipotentiary to the Argentine Republic.

SECRETARY OF EMBASSY.

Seth Low Pierrepont, of Connecticut, to be third secretary of the embassy of the United States at Paris, France, vice William Blumenthal, promoted to be second secretary of the embassy at Constantinople, Turkey.

CONSULS-GENERAL.

Arnold Shanklin, of Missouri, now consul-general of Class IV at Panama, to be consul-general of the United States of Class III at Mexico, Mexico, vice Benjamin H. Ridgely, deceased.

Alban G. Snyder, of West Virginia, now consul-general of Class V at Buenos Aires, to be consul-general of the United States of Class IV at Panama, Panama, vice Arnold Shanklin, nominated to be consul-general of Class III at Mexico.

Richard M. Bartleman, of Massachusetts, now consul of Class VIII at Madrid, to be consul-general of the United States of Class V at Buenos Aires, Argentine Republic, vice Alban G. Snyder, nominated to be consul-general of Class IV at Panama.

COMMISSIONER OF IMMIGRATION.

Robert Watchorn, of New York, to be commissioner of immigration at the port of New York, N. Y., in the Department of Commerce and Labor, to take effect on February 11, 1909. (Reappointment.)

JUDGE OF THE DISTRICT COURT.

Royal A. Gunnison, of Alaska, to be judge of the district court for the district of Alaska (division No. 1). A reappointment, his term having expired on December 11, 1908.

ASSOCIATE JUSTICE SUPREME COURT OF THE PHILIPPINES.

Sherman Moreland, of New York, to be an associate justice of the supreme court of the Philippine Islands, to be effective February 1, 1909, vice James F. Tracey, whose resignation has been accepted to take effect on that date.

REGISTER OF THE LAND OFFICE.

Harry Y. Saint, of Grandview, Wash., to be register of the land office at North Yakima, Wash., vice Zenas Y. Coleman, resigned.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Capt. John Florentius Wild, to be senior captain in the Revenue-Cutter Service of the United States, to rank as such from December 30, 1908, in place of Senior Capt. Francis Grey Ford Wadsworth, retired.

First Lieut. James Guy Ballinger to be captain in the Revenue-Cutter Service of the United States, to rank as such from December 30, 1908, in place of Capt. John Florentius Wild, promoted.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

To be colonels.

Lieut. Col. Harry O. Perley, Medical Corps, from January 1, 1909, to fill an original vacancy.

Lieut. Col. William B. Davis, Medical Corps, from January 1, 1909, to fill an original vacancy.

To be lieutenant-colonels.

Maj. Guy L. Edie, Medical Corps, from January 1, 1909, to fill an original vacancy.

Maj. William D. Crosby, Medical Corps, from January 1, 1909, to fill an original vacancy.

Maj. Charles M. Gandy, Medical Corps, from January 1, 1909, to fill an original vacancy.

Maj. Walter D. McCaw, Medical Corps, from January 1, 1909, vice Perley, promoted.

Maj. Jefferson R. Kean, Medical Corps, from January 1, 1909, vice Davis, promoted.

To be majors.

Capt. Willard F. Truby, Medical Corps, from January 1, 1909, to fill an original vacancy.

Capt. Frederick F. Russell, Medical Corps, from January 1, 1909, to fill an original vacancy.

Capt. Edwin P. Wolfe, Medical Corps, from January 1, 1909, to fill an original vacancy.

Capt. Henry S. Greenleaf, Medical Corps, from January 1, 1909, to fill an original vacancy.

Capt. Louis T. Hess, Medical Corps, from January 1, 1909, to fill an original vacancy.

Capt. Christopher C. Collins, Medical Corps, from January 1, 1909, to fill an original vacancy.

Capt. Benjamin J. Edger, jr., Medical Corps, from January 1, 1909, to fill an original vacancy.

Capt. Samuel M. Waterhouse, Medical Corps, from January 1, 1909, to fill an original vacancy.

Capt. Eugene H. Hartnett, Medical Corps, from January 1, 1909, to fill an original vacancy.

Capt. Clyde S. Ford, Medical Corps, from January 1, 1909, to fill an original vacancy.

Capt. Charles E. Marrow, Medical Corps, from January 1, 1909, to fill an original vacancy.

Capt. M. A. W. Shockley, Medical Corps, from January 1, 1909, to fill an original vacancy.

Capt. Robert N. Winn, Medical Corps, from January 1, 1909, to fill an original vacancy.

Capt. Theodore C. Lyster, Medical Corps, from January 1, 1909, to fill an original vacancy.

Capt. Sanford H. Wadhams, Medical Corps, from January 1, 1909, vice Borden, retired from active service.

Capt. Chandler P. Robbins, Medical Corps, from January 1, 1909, vice Mearns, retired from active service.

Capt. Thomas L. Rhoads, Medical Corps, from January 1, 1909, vice Edie, promoted.

Capt. Harry L. Gilchrist, Medical Corps, from January 1, 1909, vice Crosby, promoted.

Capt. William J. L. Lyster, Medical Corps, from January 1, 1909, vice Gandy, promoted.

CAVALRY ARM.

Capt. Carter P. Johnson, Second Cavalry, to be major from December 25, 1908, vice Irwin, Eighth Cavalry, retired from active service.

First Lieut. E. Holland Rubottom, Ninth Cavalry, to be captain from December 25, 1908, vice Johnson, Second Cavalry, promoted.

To be first lieutenants.

Second Lieut. Horace N. Munro, First Cavalry, from November 20, 1908, vice Fitch, First Cavalry, promoted.

Second Lieut. Thomas P. Bernard, Third Cavalry, from November 27, 1908, vice West, Seventh Cavalry, retired from active service.

Second Lieut. Daniel D. Tompkins, Tenth Cavalry, from December 1, 1908, vice Megill, Fourth Cavalry, detailed in the Signal Corps.

Second Lieut. Clarence A. Dougherty, Thirteenth Cavalry, from December 25, 1908, vice Rubottom, Ninth Cavalry, promoted.

COAST ARTILLERY CORPS.

Lieut. Col. Henry H. Ludlow, Coast Artillery Corps, to be colonel from December 27, 1908, vice Hoskins, retired from active service.

Maj. Millard F. Harmon, Coast Artillery Corps, to be lieutenant-colonel from December 27, 1908, vice Ludlow, promoted.

Capt. Andrew Hero, jr., Coast Artillery Corps, to be major from December 27, 1908, vice Harmon, promoted.

First Lieut. Hugh S. Brown, Coast Artillery Corps, to be captain from December 27, 1908, vice Hero, promoted.

First Lieut. Wesley W. K. Hamilton, Coast Artillery Corps, to be captain from December 18, 1908, vice Avery, dismissed.

Second Lieut. Richard Donovan, Coast Artillery Corps, to be first lieutenant from December 18, 1908, vice Hamilton, promoted.

INFANTRY ARM.

Chaplain.

Chaplain Joseph H. Sutherland, Twenty-third Infantry, to be chaplain with the rank of major from December 29, 1908.

To be captains.

First Lieut. Allen Smith, jr., Third Infantry, from November 21, 1908, vice Barnett, Third Infantry, deceased.

First Lieut. John B. Sanford, Twenty-fourth Infantry, from November 25, 1908, vice Powell, Twenty-fifth Infantry, retired from active service.

First Lieut. Frank B. Hawkins, Twenty-seventh Infantry, from December 2, 1908, vice Brookes, Twenty-ninth Infantry, retired from active service.

First Lieut. Harry A. Hegeman, Nineteenth Infantry, from December 9, 1908, vice Clark, Eighteenth Infantry, detailed as quartermaster.

To be first lieutenants.

Second Lieut. Oscar K. Tolley, Fourteenth Infantry, from October 15, 1908, vice Gibert, Thirteenth Infantry, resigned.

Second Lieut. Joseph F. Ware, Twenty-first Infantry, from October 19, 1908, vice Wescott, Sixteenth Infantry, promoted.

Second Lieut. Harry L. Jordan, Eighth Infantry, from October 27, 1908, vice Nettles, Twenty-first Infantry, retired from active service.

Second Lieut. Dean Halford, Twenty-second Infantry, from October 28, 1908, vice Wallace, Twentieth Infantry, promoted.

Second Lieut. Ralph W. Kingman, Sixteenth Infantry, from October 31, 1908, vice Hurst, Third Infantry, promoted.

APPOINTMENTS IN THE ARMY.

MEDICAL CORPS.

Col. George H. Torney, Medical Corps, to be surgeon-general, with the rank of brigadier-general, for a period of four years from January 14, 1909, with rank from that date, vice O'Reilly, to be retired from active service.

MEDICAL RESERVE CORPS.

William Jeptha Calvert, of Missouri, late assistant surgeon, United States Army, to be first lieutenant, with rank from December 17, 1908.

RETIRED.

Col. John D. C. Hoskins, U. S. Army, retired, to be placed on the retired list of the army, with the rank of brigadier-general from December 27, 1908.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Charles C. Moses to be a lieutenant in the navy from the 3d day of February, 1908, to fill a vacancy existing in that grade on that date.

Midshipman Miles A. Libbey to be an ensign in the navy from the 13th day of September, 1908, to fill a vacancy existing in that grade on that date.

Lieut. Albert W. Marshall to be a lieutenant-commander in the navy from the 12th day of December, 1908, vice Lieut. Commander Edward W. Eberle, promoted.

Second Lieut. Harry G. Bartlett to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Frank F. Robards, promoted.

POSTMASTERS.

ALABAMA.

Harvey E. Berkstresser to be postmaster at Dadeville, Ala., in place of Harvey E. Berkstresser. Incumbent's commission expires January 19, 1909.

George W. Russell to be postmaster at Eufaula, Ala., in place of George W. Russell. Incumbent's commission expired December 15, 1908.

D. M. Scott to be postmaster at Selma, Ala., in place of Mary M. Force, removed.

Sylvanus L. Sherrill to be postmaster at Hartsells, Ala., in place of Sylvanus L. Sherrill. Incumbent's commission expired December 15, 1908.

Dallas B. Smith to be postmaster at Opelika, Ala., in place of Dallas B. Smith. Incumbent's commission expired December 12, 1908.

ARKANSAS.

Edward Bowers to be postmaster at De Witt, Ark. Office became presidential January 1, 1908.

CALIFORNIA.

Charles H. Anson to be postmaster at Monrovia, Cal., in place of Charles H. Anson. Incumbent's commission expired April 27, 1908.

S. D. Barkley to be postmaster at Redondo Beach (late Redondo), Cal., in place of Laura J. Hannon, resigned; and to change name of office.

John J. Campbell to be postmaster at Galt, Cal. Office became presidential January 1, 1909.

James T. Clayton to be postmaster at Elsinore, Cal. Office became presidential January 1, 1909.

Clyde L. De Armond to be postmaster at Orland, Cal. Office became presidential January 1, 1909.

George A. Dills to be postmaster at Soldiers Home, Cal., in place of George A. Dills. Incumbent's commission expired December 12, 1908.

Albert E. Dixon to be postmaster at Point Loma, Cal., in place of Mary A. Warren, deceased.

James F. Forbes to be postmaster at Orcutt, Cal. Office became presidential January 1, 1909.

Joseph J. Gallagher to be postmaster at Davis, Cal. Office became presidential January 1, 1909.

Lena Gregory to be postmaster at Rocklin, Cal., in place of Maybelle M. Scoon, resigned.

H. H. Griswold to be postmaster at Calexico, Cal., in place of Thomas H. Hughes, resigned.

Joseph Smith to be postmaster at Downey, Cal., in place of Joseph Smith. Incumbent's commission expired December 12, 1908.

COLORADO.

Jessie G. Baird to be postmaster at Englewood, Colo. Office became presidential January 1, 1909.

David E. Gray to be postmaster at Greeley, Colo., in place of David E. Gray. Incumbent's commission expires February 10, 1909.

Robert R. Kelly to be postmaster at Crested Butte, Colo., in place of Eva T. Wheeler, resigned.

CONNECTICUT.

George W. Fletcher to be postmaster at Simsbury, Conn., in place of Aaron S. Chapman, deceased.

Judson D. Foote to be postmaster at Montowese, Conn., in

place of Judson D. Foote. Incumbent's commission expires January 9, 1909.

FLORIDA.

F. A. Florence to be postmaster at Paxton, Fla., in place of Henry A. Hughes, resigned.

Enoch E. Skipper to be postmaster at Bartow, Fla., in place of Enoch E. Skipper. Incumbent's commission expired December 15, 1908.

William Clarence Smith to be postmaster at Daytona, Fla., in place of John M. Jolley, deceased.

GEORGIA.

Henry M. Bird to be postmaster at Comer, Ga. Office became Presidential January 1, 1909.

Benjamin L. Bryan to be postmaster at Union Point, Ga. Office became Presidential January 1, 1909.

Mary L. Darden to be postmaster at Hogansville, Ga., in place of Mary L. Darden. Incumbent's commission expires January 13, 1909.

Mary P. Dixon to be postmaster at West Point, Ga., in place of Mary P. Dixon. Incumbent's commission expires January 13, 1909.

Martha E. Gorham to be postmaster at Crawfordsville, Ga. Office became presidential January 1, 1909.

Florence McAfee to be postmaster at Norcross, Ga. Office became presidential January 1, 1909.

Andrew D. McComb to be postmaster at Buena Vista, Ga., in place of Andrew D. McComb. Incumbent's commission expires January 13, 1909.

Vivian McCurdy to be postmaster at Stone Mountain, Ga. Office became presidential January 1, 1909.

ILLINOIS.

Lulu R. Anderson to be postmaster at Kirkland, Ill. Office became presidential January 1, 1909.

Jacob W. Barkdoll to be postmaster at Tremont, Ill. Office became presidential January 1, 1909.

Cornell H. Brown to be postmaster at Batavia, Ill., in place of Cornell H. Brown. Incumbent's commission expired December 12, 1908.

Edward Cosart to be postmaster at Cowden, Ill. Office became presidential January 1, 1909.

Joseph G. Greeson to be postmaster at Greenup, Ill., in place of Joseph G. Greeson. Incumbent's commission expired December 14, 1908.

William D. Hall to be postmaster at Table Grove, Ill. Office became presidential January 1, 1909.

Mabel J. Heavenhill to be postmaster at Sheridan, Ill. Office became presidential October 1, 1908.

Carrie Hovda to be postmaster at Leland, Ill. Office became presidential January 1, 1909.

Benjamin F. Louden to be postmaster at Trenton, Ill., in place of Benjamin F. Louden. Incumbent's commission expired December 12, 1908.

Thomas Millett, jr., to be postmaster at Troy, Ill., in place of Thomas Millett, jr. Incumbent's commission expires January 30, 1909.

Henry Noll to be postmaster at Virden, Ill., in place of Henry Noll. Incumbent's commission expired December 12, 1908.

Seneca Selby to be postmaster at Golden, Ill. Office became presidential January 1, 1909.

Moses C. Thomas to be postmaster at Homer, Ill., in place of Moses C. Thomas. Incumbent's commission expired December 12, 1908.

Fred C. Whisler to be postmaster at Mackinaw, Ill. Office became presidential January 1, 1909.

INDIANA.

Louis T. Bell to be postmaster at Flora, Ind., in place of Louis T. Bell. Incumbent's commission expires January 30, 1909.

Charles A. Frazee to be postmaster at Rushville, Ind., in place of Benjamin L. McFarlan, resigned.

Charles McGaughey to be postmaster at Roachdale, Ind., in place of Charles McGaughey. Incumbent's commission expires January 9, 1909.

Howard H. Newby to be postmaster at Sheridan, Ind., in place of Howard H. Newby. Incumbent's commission expires January 30, 1909.

John R. Nordyke to be postmaster at Wolcott, Ind., in place of John R. Nordyke. Incumbent's commission expires January 30, 1909.

IOWA.

Olie H. Anderson to be postmaster at Wesley, Iowa. Office became presidential January 1, 1909.

Richard M. Boyd to be postmaster at Sanborn, Iowa, in place of Richard M. Boyd. Incumbent's commission expires January 14, 1909.

Clinton S. Crouse to be postmaster at Prescott, Iowa. Office became presidential January 1, 1909.

William L. Gustin to be postmaster at Kellerton, Iowa. Office became presidential January 1, 1909.

Harry Higman to be postmaster at Winthrop, Iowa. Office became presidential January 1, 1908.

Albert C. Hotchkiss to be postmaster at Adel, Iowa, in place of Albert C. Hotchkiss. Incumbent's commission expired December 12, 1908.

Eva Keith to be postmaster at Goldfield, Iowa. Office became presidential January 1, 1909.

Eugene Stiles to be postmaster at Sidney, Iowa, in place of Eugene Stiles. Incumbent's commission expires January 9, 1909.

James W. Thorn to be postmaster at Lacona, Iowa. Office became presidential January 1, 1909.

M. P. Weaver to be postmaster at Algona, Iowa, in place of Gustavus F. Peek, resigned.

Harper W. Wilson to be postmaster at Audubon, Iowa, in place of Harper W. Wilson. Incumbent's commission expired December 12, 1908.

KANSAS.

Joseph E. Aldrich to be postmaster at Sylvia, Kans. Office became presidential January 1, 1909.

Raymond S. Frazier to be postmaster at Bucklin, Kans., in place of Raymond S. Frazier. Incumbent's commission expired December 13, 1908.

Frank E. George to be postmaster at Altamont, Kans. Office became presidential January 1, 1909.

Charles W. Hawes to be postmaster at Augusta, Kans., in place of Charles W. Hawes. Incumbent's commission expired December 12, 1908.

James R. Hillhouse to be postmaster at Delphos, Kans., in place of James H. Hillhouse. Incumbent's commission expires January 9, 1909.

John F. Price to be postmaster at Cherokee, Kans., in place of John F. Price. Incumbent's commission expired December 13, 1908.

Clark C. Thomas to be postmaster at Moran, Kans. Office became presidential January 1, 1909.

Charles C. Wilson to be postmaster at Scandia, Kans., in place of Charles C. Wilson. Incumbent's commission expires January 9, 1909.

KENTUCKY.

Joseph L. Earlywine to be postmaster at Paris, Ky., in place of Joseph L. Earlywine. Incumbent's commission expires January 20, 1909.

LOUISIANA.

Ernest Morgan to be postmaster at New Roads, La., in place of Ernest Morgan. Incumbent's commission expired December 12, 1908.

MAINE.

Charles E. Atwood to be postmaster at Biddeford, Me., in place of Charles E. Atwood. Incumbent's commission expires January 30, 1909.

Guy S. Baker to be postmaster at East Millinocket, Me. Office became presidential April 1, 1908.

Charles H. Eastman to be postmaster at Millinocket, Me., in place of Charles H. Eastman. Incumbent's commission expires January 23, 1909.

Albert Greenlaw to be postmaster at Eastport, Me., in place of Jenny N. Paine. Incumbent's commission expired December 8, 1908.

MASSACHUSETTS.

Henry Converse to be postmaster at Rutland, Mass., in place of Henry Converse. Incumbent's commission expires January 10, 1909.

MICHIGAN.

Simon H. Heath to be postmaster at Richmond, Mich., in place of Simon H. Heath. Incumbent's commission expires January 23, 1909.

R. F. Lemon to be postmaster at Harbor Springs, Mich., in place of Andrew L. Deuel, resigned.

Carl M. Lund to be postmaster at Harrisville, Mich., in place of Carl M. Lund. Incumbent's commission expires January 9, 1909.

Louis H. Tovatt to be postmaster at Standish, Mich., in place of Louis H. Tovatt. Incumbent's commission expired December 12, 1908.

George L. Worthington to be postmaster at Brooklyn, Mich. Office became presidential January 1, 1909.

MINNESOTA.

William J. Annon to be postmaster at Anoka, Minn., in place of William J. Annon. Incumbent's commission expires January 23, 1909.

Iver Bondy to be postmaster at Henning, Minn. Office became presidential January 1, 1909.

Robert K. Brough to be postmaster at Alexandria, Minn., in place of Henry K. White, deceased.

Truman B. Horton to be postmaster at Stewartville, Minn., in place of Truman B. Horton. Incumbent's commission expires January 27, 1909.

Benjamin D. Underwood to be postmaster at Fergus Falls, Minn., in place of Benjamin D. Underwood. Incumbent's commission expired December 12, 1908.

Harvey M. Webster to be postmaster at Ulen, Minn. Office became presidential January 1, 1909.

MISSISSIPPI.

David G. Dunlap to be postmaster at Sardis, Miss., in place of David G. Dunlap. Incumbent's commission expired December 14, 1908.

Robert W. Hinton to be postmaster at Lumberton, Miss., in place of Robert W. Hinton. Incumbent's commission expires January 19, 1909.

Samuel M. Howry to be postmaster at Oxford, Miss., in place of Samuel M. Howry. Incumbent's commission expired December 14, 1908.

Rosa Mayers to be postmaster at Shelby, Miss., in place of Rosa Mayers. Incumbent's commission expires January 19, 1909.

Nannie B. Richardson to be postmaster at Woodville, Miss., in place of Nannie B. Richardson. Incumbent's commission expired December 14, 1908.

Alexander Yates to be postmaster at Utica, Miss., in place of Alexander Yates. Incumbent's commission expires January 11, 1909.

MISSOURI.

Charles Ferguson to be postmaster at Willow Springs, Mo., in place of Charles Ferguson. Incumbent's commission expired December 13, 1908.

Benjamin C. Nichols to be postmaster at Trenton, Mo., in place of Benjamin C. Nichols. Incumbent's commission expires January 14, 1909.

Warren W. Parrish to be postmaster at Adrain, Mo., in place of Warren W. Parrish. Incumbent's commission expires January 21, 1909.

George B. Wade to be postmaster at Jasper, Mo., in place of George B. Wade. Incumbent's commission expired February 9, 1908.

Edward R. Williams to be postmaster at Richmond, Mo., in place of Edward R. Williams. Incumbent's commission expired December 13, 1908.

MONTANA.

Ithel Sheldon Eldred to be postmaster at Deer Lodge, Mont., in place of Lewis Coleman, deceased.

Percy J. Gosden to be postmaster at Bonner, Mont. Office became presidential July 1, 1908.

Albert Pfaus to be postmaster at Lewistown, Mont., in place of Albert Pfaus. Incumbent's commission expires February 1, 1909.

NEBRASKA.

William E. Alexander to be postmaster at Orchard, Nebr. Office became presidential January 1, 1909.

Hubert L. Buckingham to be postmaster at Plainview, Nebr., in place of Daniel L. Crellin. Incumbent's commission expired December 1, 1907.

John G. Cannon to be postmaster at Pender, Nebr., in place of John G. Cannon. Incumbent's commission expires January 9, 1909.

Benton Cotterman to be postmaster at Petersburg, Nebr. Office became presidential October 1, 1908.

Estella M. Davisson to be postmaster at Long Pine, Nebr. Office became presidential January 1, 1909.

Levi O. Dodge to be postmaster at Shickley, Nebr. Office became presidential January 1, 1909.

Darwin C. Grow to be postmaster at Loup City, Nebr., in place of William T. Owens, resigned.

Francis B. Horman to be postmaster at Adams, Nebr. Office became presidential January 1, 1908.

NEVADA.

Alton A. Carman to be postmaster at Pioche, Nev. Office became presidential July 1, 1908.

NEW HAMPSHIRE.

Arthur W. Charles to be postmaster at North Conway, N. H., in place of Arthur W. Charles. Incumbent's commission expires January 23, 1909.

NEW JERSEY.

Joshua L. Allen to be postmaster at Pennington, N. J., in place of Joshua L. Allen. Incumbent's commission expires January 11, 1909.

Ezra F. Ferris, sr., to be postmaster at Chatham, N. J., in place of Ezra F. Ferris, sr. Incumbent's commission expires January 20, 1909.

Samuel Gordon to be postmaster at South River, N. J., in place of Samuel Gordon. Incumbent's commission expires January 9, 1909.

Farley F. Holcombe to be postmaster at Hopewell, N. J., in place of Farley F. Holcombe. Incumbent's commission expires January 11, 1909.

William H. Jernee to be postmaster at Jamesburg, N. J., in place of William H. Jernee. Incumbent's commission expires January 20, 1909.

Charlotte C. Ketcham to be postmaster at Belvidere, N. J., in place of Charlotte C. Ketcham. Incumbent's commission expired December 16, 1908.

NEW YORK.

James N. Bellinger to be postmaster at Mohawk, N. Y., in place of Delevan C. Ford. Incumbent's commission expired December 13, 1908.

Henry W. Bischoff to be postmaster at Chappaqua, N. Y., in place of David W. Cornell, removed.

Dana Brasted to be postmaster at Westport, N. Y., in place of Dana Brasted. Incumbent's commission expired December 13, 1908.

Jarius S. Chase to be postmaster at Windsor, N. Y., in place of Jarius S. Chase. Incumbent's commission expired December 13, 1908.

Robert N. Hunter to be postmaster at Poughkeepsie, N. Y., in place of Isaac W. Sherrill. Incumbent's commission expired December 18, 1908.

David L. Jamieson to be postmaster at New York Mills, N. Y., in place of David L. Jamieson. Incumbent's commission expires January 30, 1909.

Frank H. Johnson to be postmaster at Interlaken, N. Y., in place of Frank H. Johnson. Incumbent's commission expired December 13, 1908.

Frantz Murray to be postmaster at Dolgeville, N. Y., in place of Frantz Murray. Incumbent's commission expires January 20, 1909.

Edward L. Ware to be postmaster at Lake Placid, N. Y., in place of Edward L. Ware. Incumbent's commission expired December 13, 1908.

Philo C. Wheeler to be postmaster at Cincinnatus, N. Y. Office became presidential January 1, 1909.

Charles N. Wood to be postmaster at Angola, N. Y., in place of Charles N. Wood. Incumbent's commission expired December 16, 1908.

NEW MEXICO.

W. A. Davis to be postmaster at Clovis, N. Mex. Office became presidential January 1, 1909.

NORTH DAKOTA.

Ole J. Bye to be postmaster at Ryder, N. Dak. Office became presidential July 1, 1908.

Maggie Fox to be postmaster at Michigan, N. Dak., in place of Maggie Fox. Incumbent's commission expires January 10, 1909.

John K. Soule to be postmaster at Cogswell, N. Dak. Office became presidential April 1, 1907.

OHIO.

Louis G. Bidwell to be postmaster at Kinsman, Ohio, in place of Louis G. Bidwell. Incumbent's commission expires January 11, 1909.

Henry H. Dibble to be postmaster at Canal Winchester, Ohio, in place of Henry H. Dibble. Incumbent's commission expires January 23, 1909.

Roscoe G. Hombeck to be postmaster at London, Ohio, in place of Lawrence R. Watts. Incumbent's commission expired December 14, 1908.

Thomas M. Irwin to be postmaster at Fairport Harbor, Ohio, in place of Thomas M. Irwin. Incumbent's commission expired December 13, 1908.

E. Calvin Miller to be postmaster at New Carlisle, Ohio, in place of E. Calvin Miller. Incumbent's commission expired December 13, 1908.

David F. Owen to be postmaster at Burton, Ohio, in place of David F. Owen. Incumbent's commission expires February 10, 1909.

Samuel F. Rose to be postmaster at Clarington, Ohio. Office became presidential January 1, 1908.

OKLAHOMA.

John P. Bradbury to be postmaster at Wetumka, Okla., in place of John P. Bradbury. Incumbent's commission expires January 18, 1909.

William T. Brooks to be postmaster at Broken Arrow, Okla., in place of William T. Brooks. Incumbent's commission expires January 18, 1909.

Harland J. Butler to be postmaster at Miami, Okla., in place of Harland J. Butler. Incumbent's commission expired November 17, 1907.

Jay Collis to be postmaster at Manitou, Okla. Office became presidential January 1, 1908.

William Higgins to be postmaster at Bartlesville, Okla., in place of Arthur I. Morgan. Incumbent's commission expired November 17, 1907.

Enoch Needham to be postmaster at Hugo, Okla., in place of Enoch Needham. Incumbent's commission expired December 17, 1907.

J. Ed Van Mater to be postmaster at Altus, Okla., in place of J. Ed Van Mater. Incumbent's commission expired December 12, 1908.

Frank V. Wright to be postmaster at Lawton, Okla., in place of Josiah T. White. Incumbent's commission expired December 20, 1906.

OREGON.

Merritt A. Baker to be postmaster at Weston, Oreg. Office became presidential October 1, 1908.

J. E. Beezley to be postmaster at Falls City, Oreg. Office became presidential October 1, 1908.

William M Brown to be postmaster at Lebanon, Oreg., in place of William M. Brown. Incumbent's commission expired December 8, 1908.

Frank H. Lane to be postmaster at Newport, Oreg. Office became presidential July 1, 1908.

PENNSYLVANIA.

Abraham F. Berkey to be postmaster at Windber, Pa., in place of Abraham F. Berkey. Incumbent's commission expired December 15, 1908.

Zacharias A. Bowman to be postmaster at Annville, Pa., in place of Zacharias A. Bowman. Incumbent's commission expires February 1, 1909.

Margaret W. Buchanan to be postmaster at Scalp Level, Pa. Office became presidential July 1, 1908.

Henry Feindt to be postmaster at Lykens, Pa., in place of Henry Feindt. Incumbent's commission expires January 30, 1909.

Matthew P. Frederick to be postmaster at Gallitzin, Pa., in place of Matthew P. Frederick. Incumbent's commission expired December 13, 1908.

Frank A. Howe to be postmaster at Waterford, Pa., in place of Frank A. Howe. Incumbent's commission expires January 27, 1909.

Roscoe C. Keefer to be postmaster at Clairton, Pa., in place of Roscoe C. Keefer. Incumbent's commission expired December 16, 1908.

Roger A. McCall to be postmaster at Trafford (late Trafford City), Pa., in place of Roger A. McCall, to change name of office.

William P. McMasters to be postmaster at Munhall, Pa., in place of William P. McMasters. Incumbent's commission expired December 16, 1908.

Lyman L. Shattuck to be postmaster at Pleasantville, Pa., in place of Lyman L. Shattuck. Incumbent's commission expired December 15, 1908.

James R. Underwood to be postmaster at Roscoe, Pa. Office became presidential October 1, 1908.

Uriah H. Wieand to be postmaster at Emaus, Pa., in place of Uriah H. Wieand. Incumbent's commission expired December 13, 1908.

PORTO RICO.

Ramon A. Rivera to be postmaster at Arecibo, P. R., in place of Ramon A. Rivera. Incumbent's commission expired December 14, 1908.

RHODE ISLAND.

Edward S. Payne to be postmaster at Block Island, R. I. Office became presidential July 1, 1908.

SOUTH CAROLINA.

Ida A. Calhoun to be postmaster at Clemson College, S. C., in place of Ida A. Calhoun. Incumbent's commission expires January 14, 1909.

James A. Cannon to be postmaster at Fountain Inn, S. C. Office became presidential January 1, 1909.

Julia E. De Loach to be postmaster at Ninety Six, S. C. Office became presidential October 1, 1908.

James G. Harper to be postmaster at Seneca, S. C., in place of James G. Harper. Incumbent's commission expires January 10, 1909.

Arthur L. King to be postmaster at Georgetown, S. C., in place of Arthur L. King. Incumbent's commission expires January 14, 1909.

Roberta McAulay to be postmaster at Woodruff, S. C. Office became presidential January 1, 1909.

Joshua E. Wilson to be postmaster at Florence, S. C., in place of Joshua E. Wilson. Incumbent's commission expired January 19, 1908.

TENNESSEE.

Jasper N. Fitzwater to be postmaster at Collierville, Tenn., in place of Jasper N. Fitzwater. Incumbent's commission expired December 14, 1908.

Daniel M. Nobles to be postmaster at Paris, Tenn., in place of Daniel M. Nobles. Incumbent's commission expires January 14, 1909.

TEXAS.

Edward H. Clark to be postmaster at Victoria, Tex., in place of Edward H. Clark. Incumbent's commission expired December 12, 1908.

Richard L. Coleman to be postmaster at Rusk, Tex., in place of Theodore Miller, resigned.

Jacob M. Harrell to be postmaster at Manor, Tex., in place of Jacob M. Harrell. Incumbent's commission expired December 12, 1908.

Prince A. Hazzard to be postmaster at Colorado, Tex., in place of Prince A. Hazzard. Incumbent's commission expired December 12, 1908.

Jerra L. Hickson to be postmaster at Gainesville, Tex., in place of Jerra L. Hickson. Incumbent's commission expires January 10, 1909.

James H. Johnson to be postmaster at Lubbock, Tex. Office became presidential January 1, 1908.

William A. Little to be postmaster at Karnes City, Tex. Office became presidential October 1, 1908.

D. H. McCoy to be postmaster at Daingerfield, Tex., in place of Jesse H. Harrison, removed.

Lora L. Rowell to be postmaster at Pearsall, Tex., in place of Lora L. Rowell. Incumbent's commission expired December 12, 1908.

Virgil A. Smith to be postmaster at Kenedy, Tex. Office became presidential October 1, 1908.

Thomas J. Stevens to be postmaster at Sourlake, Tex., in place of Thomas J. Stevens. Incumbent's commission expired December 12, 1908.

Anderson C. Vinson to be postmaster at Timpson, Tex., in place of Anderson C. Vinson. Incumbent's commission expired December 12, 1908.

UTAH.

L. W. Shurtliff to be postmaster at Ogden, Utah, in place of William Glasmann, resigned.

VERMONT.

Henry S. Webster to be postmaster at Orleans (late Barton Landing), Vt., in place of Henry S. Webster, to change name of office.

VIRGINIA.

Harry Fulwiler to be postmaster at Buchanan, Va., in place of Harry Fulwiler. Incumbent's commission expires January 9, 1909.

Clarence C. Middleton to be postmaster at The Plains, Va. Office became presidential October 1, 1908.

A. Redfern to be postmaster at Strasburg, Va., in place of A. Redfern. Incumbent's commission expired December 12, 1908.

M. L. Slemp to be postmaster at Pennington Gap, Va. Office became presidential April 1, 1908.

WASHINGTON.

William P. Ely to be postmaster at Kelso, Wash., in place of William P. Ely. Incumbent's commission expires January 21, 1909.

WEST VIRGINIA.

Joseph Williams to be postmaster at St. Marys, W. Va., in place of Joseph Williams. Incumbent's commission expired December 13, 1908.

WISCONSIN.

George M. Carnachan to be postmaster at Bruce, Wis., in place of George M. Carnachan. Incumbent's commission expires January 9, 1909.

James Carr to be postmaster at Bangor, Wis., in place of James Carr. Incumbent's commission expires January 30, 1909.

Myron W. De Lap to be postmaster at Abbottsford, Wis., in place of Malcolm H. Douglas. Incumbent's commission expired December 12, 1908.

Elizabeth K. Nevins to be postmaster at Bloomington, Wis. Office became presidential October 1, 1908.

Irwin R. Nye to be postmaster at Wittenberg, Wis., in place of Irwin R. Nye. Incumbent's commission expires January 23, 1909.

Charles Settergren to be postmaster at Baldwin, Wis., in place of Charles Settergren. Incumbent's commission expires January 23, 1909.

John C. Southworth to be postmaster at Whitehall, Wis., in place of John C. Southworth. Incumbent's commission expires January 23, 1909.

WYOMING.

Paul A. Kenyon to be postmaster at Kemmerer, Wyo., in place of Nora Sammon, resigned; William O'Connell, recess appointee, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 5, 1909.

REGISTERS OF LAND OFFICES.

Frank H. Parker, of Phoenix, Ariz., to be register of the land office at Phoenix, Ariz.

Bryson P. Blair, of Colorado, to be register of the land office at Montrose, Colo.

RECEIVERS OF PUBLIC MONEYS.

Charles E. Arnold, of Phoenix, Ariz., to be receiver of public moneys at Phoenix, Ariz.

Julius H. Weiss, of Colorado, to be receiver of public moneys at Del Norte, Colo.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Capt. Elmer A. Dean, Medical Corps, to be major.

CAVALRY ARM.

Lieut. Col. Edward J. McClernand, First Cavalry, to be colonel.

Maj. William A. Shunk, Eighth Cavalry, to be lieutenant-colonel.

Capt. Francis G. Irwin, Second Cavalry, to be major.

First Lieut. Roger S. Fitch, First Cavalry, to be captain.

COAST ARTILLERY CORPS.

Lieut. Col. Adam Slaker, Coast Artillery Corps, to be colonel.

Maj. George F. Barney, Coast Artillery Corps, to be lieutenant-colonel.

Capt. Thomas B. Lamoreux, Coast Artillery Corps, to be major.

To be captains.

First Lieut. Charles L. Fisher, Coast Artillery Corps.
First Lieut. Charles D Winn, Coast Artillery Corps.
First Lieut. Frank T. Hines, Coast Artillery Corps.
First Lieut. James Totten, Coast Artillery Corps.

To be first lieutenants.

Second Lieut. West C. Jacobs, Coast Artillery Corps.
Second Lieut. James W. Lyon, Coast Artillery Corps.
Second Lieut. Harold Geiger, Coast Artillery Corps.
Second Lieut. Rodney H. Smith, Coast Artillery Corps.
Second Lieut. Albert L. Loustalot, Coast Artillery Corps.

INFANTRY ARM.

Maj. John C. F. Tillson, Fourth Infantry, to be lieutenant-colonel.

Capt. Amos B. Shattuck, unassigned, to be major.

First Lieut. Allen Parker, Twenty-sixth Infantry, to be captain.

To be first lieutenants.

Second Lieut. Jesse M. Holmes, Eighteenth Infantry.
Second Lieut. Maynard A. Wells, Tenth Infantry.
Second Lieut. Hans O. Olson, Eighteenth Infantry.
Second Lieut. Charles A. Thuis, Twenty-third Infantry.
Second Lieut. Claremont A. Donaldson, Twenty-third Infantry.
Second Lieut. Franklin T. Burt, Twenty-fourth Infantry.
Second Lieut. Rutherfurd S. Hartz, Twenty-first Infantry.
Second Lieut. Townsend Whelen, Thirtieth Infantry.
Second Lieut. Charles S. Hamilton, Thirteenth Infantry.
Second Lieut. Joseph F. Ware, Twenty-first Infantry.
Second Lieut. Harry L. Jordan, Eighth Infantry.
Second Lieut. Dean Halford, Twenty-second Infantry.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenant, with rank from November 11, 1908.

Alwin M. Guittard, of Ohio.

To be first lieutenants, with rank from November 24, 1908.

Felix Edward Ashcroft, of South Dakota.
Rhodric Winfield Browne, of Virginia.
Joseph Forrest Burnham, of Massachusetts.
John Tilden Burrus, of North Carolina.
George Abner Clotfelter, of Illinois.
George Peter Coopernail, of New York.
Guy Parker Dillon, of California.
Joseph Lewi Donhauser, of New York.
Edgar Francis Hamlin, of Rhode Island.
Hans Hansen, of Iowa.
James William Hartigan, of West Virginia.
Charles Byam Hollings, of Massachusetts.
Warren Edglie Kershner, of Maine.
George Christopher Kieffer, of Pennsylvania.
Fred Elsworth Lettice, of New York.
Charles James McGee, of Kansas.
William Marshall, jr., of Delaware.
Hugh Thomas Nelson, jr., of Virginia.
William Henry Steers, of New York.
Irwin Coleman Sutton, of Nebraska.
Ira Chestnut Young, of Missouri.
Herbert Homer Smith, of Kansas.
Herbert Holman Skinner, of Missouri.

To be first lieutenant, with rank from December 2, 1908.

Matthew J. Shields, of Pennsylvania.

CAVALRY ARM.

Claude De Busy Hunt, at large, to be second lieutenant, with rank from December 14, 1908.

APPOINTMENT BY TRANSFER IN THE ARMY.

COAST ARTILLERY CORPS.

Second Lieut. Marcel Selby Keene, Twenty-fourth Infantry, to the Coast Artillery Corps.

CAVALRY ARM.

Second Lieut. John Burges Johnson, First Infantry, to the cavalry arm.

INFANTRY ARM.

Second Lieut. John Caffery Walker, jr., Third Cavalry, to the infantry arm.

TO BE PLACED ON THE RETIRED LIST OF THE ARMY.

Col. George G. Greenough, retired, with the rank of brigadier-general.

First Lieut. Francis A. Halliday, retired, with rank of captain.

PROMOTIONS IN THE NAVY.

Capt. Arthur P. Nazro to be a rear-admiral in the navy.

Passed Asst. Surg. Robert E. Ledbetter to be a surgeon in the navy.

The following-named assistant surgeons in the navy to be passed assistant surgeons in the navy:

Frank E. Sellers.
Edward H. H. Old.
Edward C. White.

Chaplain Charles M. Charlton to be a captain in the navy with the rank of commander.

Chaplain George L. Bayard to be a chaplain in the navy with the rank of lieutenant-commander.

POSTMASTERS.

ALABAMA.

D. M. Scott to be postmaster at Selma, Ala.

MAINE.

Montrose E. Hill to be postmaster at Old Orchard, Me.

MASSACHUSETTS.

Susan F. Twiss to be postmaster at Three Rivers, Mass.

MICHIGAN.

William T. Hosner to be postmaster at Romeo, Mich.

Richard E. MacLean to be postmaster at Wells, Mich.

MINNESOTA.

William B. Anderson to be postmaster at Hopkins, Minn.
Robert K. Brough to be postmaster at Alexandria, Minn.
Frank R. Coughran to be postmaster at Worthington, Minn.

MISSOURI.

Albert T. McAdow to be postmaster at Lamar, Mo.

NEW JERSEY.

Frederick P. Baker to be postmaster at Millington, N. J.

NEW YORK.

Reuben Kline to be postmaster at Port Leyden, N. Y.
William J. McClure to be postmaster at Delanson, N. Y.
Charles J. Sweet to be postmaster at Black River, N. Y.
Charles M. Waters to be postmaster at Lyons Falls, N. Y.
James W. Welch to be postmaster at Hamilton, N. Y.
Earl L. Whiting to be postmaster at Delevan, N. Y.

OHIO.

William S. Atkinson to be postmaster at Salem, Ohio.

VERMONT.

Arthur F. Stone to be postmaster at St. Johnsbury, Vt.

VIRGINIA.

Charles H. Jones to be postmaster at Dry Fork, Va.

WASHINGTON.

William P. Ely to be postmaster at Kelso, Wash.

WITHDRAWALS.

Executive nominations withdrawn from the Senate January 5, 1909.

COMMISSIONER OF IMMIGRATION.

Robert Watchorn to the commissioner of immigration at the port of New York, in the Department of Commerce and Labor, in the State of New York.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

To be first lieutenants.

Second Lieut. Joseph F. Ware, Twenty-first Infantry, from October 15, 1908, vice Gibert, Thirteenth Infantry, resigned.

Second Lieut. Harry L. Jordan, Eighth Infantry, from October 19, 1908, vice Wescott, Sixteenth Infantry, promoted.

Second Lieut. Dean Halford, Twenty-second Infantry, from October 27, 1908, vice Nettles, Twenty-first Infantry, retired from active service.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 5, 1909.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

BRIDGE ACROSS THE DELAWARE RIVER NEAR COLUMBIA, N. J.

Mr. BRODHEAD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 22306), to authorize the Delaware, Lackawanna and Western Railroad Company and the Lackawanna Railroad Company of New Jersey, to construct and maintain a bridge across the Delaware River from a point near the village of Columbia, Knowlton Township, Warren County, N. J., to the village of Slateford, Northampton County, Pa.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Delaware, Lackawanna and Western Railroad Company, a corporation of the State of Pennsylvania, and the Lackawanna Railroad Company of New Jersey, a corporation of the State of New Jersey, be, and they hereby are, authorized jointly to construct, maintain, and operate a bridge across the Delaware River between a point northwest of the village of Columbia, in the township of Knowlton, county of Warren, and State of New Jersey, and a point southeasterly from the village of Slateford, in the county of Northampton, and State of Pennsylvania, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That said companies be, and they hereby are, authorized to excavate in the bed of said river above the line of ordinary high water, for the purpose of determining what character of foundations and what methods of construction shall be required for the erection of said bridge, and that all work of exploration, soundings, testing, and experiments, done or to be done, are hereby declared to be lawful.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The following committee amendments were read:

Strike out all of section 2; renumber section 3 to section 2.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BRODHEAD, the motion to reconsider the last vote was laid on the table.

BILLS STRICKEN FROM THE CALENDAR.

The following bills on the various calendars of the House, which had heretofore passed the House in an omnibus bill (S. 6190) and are now included in Public Law No. 160, were laid before the House, and by unanimous consent the Committee of the Whole House was discharged from further consideration of those bills on the Union and Private Calendars and, together with the bills on the House Calendar, the same were laid on the table, as follows:

On the Union Calendar: H. R. 14016, S. 2495, H. R. 14410, H. R. 17421, S. 4645, H. R. 14926, H. R. 480, S. 4132, H. R. 19163, H. R. 9111, H. R. 19246, S. 3541, S. 1036, and H. R. 21807.

On the House Calendar: S. 206, S. 553, H. R. 18443, H. R. 14788, H. R. 11801, and S. 551.

On the Private Calendar: H. R. 13950, H. R. 20735, and H. R. 18751.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 24832. An act for the relief of citizens of Italy;

H. R. 17707. An act to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power;

H. R. 22879. An act to amend an act entitled "An act to amend an act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved January 23, 1908; and

H. J. Res. 208. Joint resolution providing for expenses of the House Office Building.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House was requested:

S. 7829. An act to amend an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois, and to establish it as a post-road," approved April 26, 1882;

S. 6055. An act to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia;

S. 6959. An act to provide for the purchase of building and grounds, or a site and the erection of a building thereon, in the city of Paris, France, for the use of the embassy of the United States;

S. 6413. An act to limit the period for refunding taxes and assessments erroneously paid; and

S. R. 88. Joint resolution to provide for an accounting of certain funds held in trust for the Chippewa Indians in Minnesota.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 24832. An act for the relief of citizens of Italy.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 6189. An act granting a right of way to the Southern Pacific Railroad Company across the Fort Mason Military Reservation in California.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 7829. An act to amend an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois, and to establish it as a post-road," approved April 26, 1882—to the Committee on Interstate and Foreign Commerce.

S. 6413. An act to limit the period for refunding taxes and assessments erroneously paid—to the Committee on the District of Columbia.

S. 6055. An act to amend section 691 of subchapter 7, build-

ing associations, of the Code of Law for the District of Columbia—to the Committee on the District of Columbia.

S. 6959. An act to provide for the purchase of building and grounds, or of a site and erection of a building thereon, in the city of Paris, France, for the use of the embassy of the United States—to the Committee on Foreign Affairs.

S. R. 88. Joint resolution to provide for an accounting of certain funds held in trust for the Chippewa Indians in Minnesota—to the Committee on Indian Affairs.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 22879. An act to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved January 23, 1908;

H. R. 17707. An act to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power; and

H. J. Res. 208. Joint resolution providing for expenses of the House Office Building.

CONTESTED ELECTION CASES OF MYERS V. PATTERSON, PRIOLEAU V. LEGARE, DANTZLER V. LEVER.

Mr. MANN, by direction of the Committee on Elections No. 1, presented reports in the contested election cases of Isaac Myers *v.* J. O. Patterson (H. Rept. No. 1819), Aaron P. Prioleau *v.* George S. Legare (H. Rept. No. 1818), and Alexander D. Dantzler *v.* Asbury F. Lever (H. Rept. No. 1817), which were placed on the House Calendar and ordered to be printed.

INJURED EMPLOYEES, ISTHMIAN CANAL.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 22340) relating to injured employees on the Isthmian Canal, which I send to the desk and ask to have read, and that it be considered in the House as in Committee of the Whole.

The Clerk read as follows:

Be it enacted, etc., That nothing contained in the act approved May thirties, nineteen hundred and eight, entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," shall prevent the Isthmian Canal Commission, under rules to be fixed by the commission, from granting to its injured employees, whether engaged in a hazardous employment or otherwise, leave of absence with pay for time necessarily lost as a result of injuries received in the course of employment, not exceeding in the aggregate thirty days per annum: *Provided, however*, That compensation paid to such injured employees under such regulations shall be deducted from any compensation which such employees may be entitled to receive under the terms of the said act.

With the following amendment:

Strike out the word "thirties," in line 3, page 1, and insert in lieu thereof the word "thirtieth."

The SPEAKER. Is there objection?

Mr. WALDO. Mr. Speaker, reserving the right to object, I would like to inquire what the object of this bill and amendment is.

The SPEAKER. Does the gentleman from Illinois yield?

Mr. MANN. I do. I suppose the gentleman reserves his right to object?

Mr. WALDO. Yes.

Mr. MANN. Mr. Speaker, at the last session of Congress we passed a law providing for compensation to injured employees of the Government. That law provided that no compensation should be paid except where the injured employee was kept from his work for at least fifteen days. It applied to the Isthmian Canal, and the law provided compensation should not be given there except in case of hazardous employment on the canal. It had been the custom of the Isthmian Canal Commission, prior to that time, to give compensation to an injured employee whether he was engaged in hazardous employment or not, and also to give him compensation although his time kept from employment was less than fifteen days; but it has been construed that the Isthmian Canal Commission, being included in the law passed at the last session, is controlled by that law, and that under that law the former practice of the commission is changed so that now they can not pay to an injured employee any compensation unless that employment shall be called "hazardous" employment, nor can they pay him any compensation unless he is kept from work for at least fifteen days. The purpose of this bill, which is asked for both by the Isthmian Canal Commission and the labor employed on the canal, is to give to the commission the power to pay to an injured employee who is kept from his work less than fifteen days the pay for that time, and also to give the commission the power to pay although the employee is not technically engaged in hazardous employment.

Mr. CLARK of Missouri. Does this contemplate paying any person who gets injured down there whether he is injured in the line of his employment or not?

Mr. MANN. Oh, no; it expressly provides only in the line of their work.

Mr. CLARK of Missouri. Is there any limit fixed to the amount of damages that the Canal Commission can pay?

Mr. MANN. The bill provides that they can pay for thirty days' labor only. Then the injured employee must resort to the law which was passed at the last session.

Mr. CLARK of Missouri. They are paid in the wages that they are drawing?

Mr. MANN. Paying them the wages for thirty days.

Mr. CRUMPACKER. Will the gentleman allow a question?

Mr. MANN. Certainly.

Mr. CRUMPACKER. This bill is limited in its operation to employees in the Canal Zone on the canal?

Mr. MANN. Under the Isthmian Canal Commission.

Mr. CRUMPACKER. It does not cover all of the service that is provided for in the bill that was passed at the last session of Congress?

Mr. MANN. Not at all.

Mr. CRUMPACKER. Well, I suppose the reason why this bill is not as broad as the other bill is that the gentleman's committee had only power, perhaps, to legislate respecting affairs upon the Panama Canal. It seems to me that the bill is a good one, and that it ought to cover all of the service that is defined in the bill fixing liability on the part of the Government for injuries while in the service of the Government.

Mr. MANN. Well, the gentleman from Indiana may be correct. He and I will not dispute about that. But this is the situation: We are not attempting to correct the policy adopted by Congress with reference to the injured employees, but the construction of the Isthmian Canal is exactly like the construction of other great public works. Here the Government is doing the work itself, and our committee thought that the Government might well afford, in the case of the Isthmian Canal, to adopt the same policy that is adopted by contractors almost everywhere in the country, of paying a man a day's wages or a week's wages, where that man is deprived from work by reason of injuries incurred in that work.

Mr. CRUMPACKER. I believe the gentleman is right, but I felt that the bill ought to cover the other class of service where the law provides that there shall be governmental liability for injuries occurring in the line of duty. That is all.

Mr. MANN. I understand the gentleman's position.

Mr. SABATH. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. SABATH. Is there any provision in this bill which provides for compensation where the injury is such that it disables such employee for a longer period than thirty days?

Mr. MANN. That is already provided for in the law passed at the last session of Congress.

Mr. SABATH. This only applies, then, where the employee is disabled for a shorter period than thirty days?

Mr. MANN. This applies only for thirty days, as far as the Isthmian Canal Commission is concerned, and provides that if the employee receives compensation, then that amount shall be deducted from the amount which he receives through the law passed at the last session of Congress.

And I might say that the law passed at the last session of Congress is extremely cumbersome. As far as the Isthmian Canal Commission is concerned, in my opinion that commission ought not to have been included in the law, but we are not seeking now to correct that. Under that law before an employee on the Isthmus can receive any compensation there must be a report made by the commission to the Secretary of Commerce and Labor, and the Secretary of Commerce and Labor has to make a finding in the case and O. K. the voucher, which necessarily takes a considerable length of time.

Mr. SABATH. Is not the gentleman from Illinois of the opinion we should amend that if that is the case?

Mr. MANN. Not in connection with this bill, except as we are doing it now.

Mr. KEIFER. In making this liberal provision for persons injured, regardless of whether they are injured in hazardous employment or not, you seem to make no distinction as to whether the employee has been guilty of contributory negligence. That is so, is it not?

Mr. MANN. That is so as far as the bill is concerned.

Mr. KEIFER. Then you do not take into account the fact that all persons injured, whether they have been guilty of

contributory negligence or not, are treated there by the medical officers and surgeons of the Government in the hospitals. You do not take that into account in making this liberal provision.

Mr. MANN. Oh, yes; we take it into account in making this liberal provision, I will say to my friend. Now, under the law as it passed, it provides that an employee can not receive compensation if he has been guilty of negligence, but does not provide in reference to contributory negligence. Under the construction of that Isthmian Canal Commission we find that they have been reported here in a number of cases that they could not pay compensation at all, although the negligence in fact was not the negligence of the employee, though he had been guilty of some negligence, and we were trying to cover that in this bill.

Mr. KEIFER. I am not familiar with the act, and therefore I asked for some information.

Mr. MANN. I understand.

Mr. KEIFER. Is the purpose of passing this to give compensation for injuries regardless of contributory negligence?

Mr. MANN. It does not.

Mr. KEIFER. The proviso in this bill says:

Provided, however, That compensation paid to such injured employees under such regulations shall be deducted from any compensation which such employees may be entitled to receive under the terms of said act.

Now, how are you going to carry out that provision?

Mr. MANN. Well, I think that is not difficult, I will say to my colleague from Ohio. Under that act the employee can only receive compensation who is injured and kept from work for more than fifteen days, but the act is very cumbersome. They have to send up here a report to the Secretary of Commerce and Labor, and he must pass upon it, and when a voucher is issued he must pass upon it, and then it goes back to Panama. Now, we thought that the Canal Commission might well have permission to pay compensation up to thirty days, but that overlapped the other act, and hence we provide the man can not receive compensation from both sources. If he receives it from the commission, then it is deducted from the amount which he receives through the Secretary of Commerce and Labor.

Mr. KEIFER. Now, it looks as if there were some considerable machinery about it.

Mr. MANN. The machinery about this is not great, but the machinery about the law which was passed at the last session of Congress is beyond comprehension.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. MANN a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, Mr. HUMPHREY of Washington was granted leave of absence on account of trip to Panama on official business.

SALES OF LAND, COEUR D'ALENE INDIAN RESERVATION.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 21458), and that the same be now considered in the House.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 21458) authorizing sales of land within the Coeur d'Alene Indian Reservation to the Northern Idaho Insane Asylum and to the University of Idaho.

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, to sell to the State of Idaho, for the use of the Northern Idaho Insane Asylum, land not to exceed in area four sections, to be selected by the governor of the State, within the limits of the Coeur d'Alene Indian Reservation, upon the approval of the Secretary of the Interior, said State to pay therefor, upon receiving a grant thereof, such price per acre as shall be fixed by the Secretary of the Interior. The moneys derived from said sale shall be deposited in the Treasury of the United States for the benefit of the Indians of said reservation.

SEC. 2. That the Secretary of the Interior is hereby authorized, in his discretion, to sell to the regents of the University of the State of Idaho, for the use of said university, land not to exceed 640 acres in area, to be selected by the said regents of the said university within the limits of the Coeur d'Alene Indian Reservation, upon the approval of the Secretary of the Interior, said regents to pay therefor, upon receiving a grant thereof, such price per acre as shall be fixed by the Secretary of the Interior. The moneys derived from said sale shall be deposited in the Treasury of the United States for the benefit of the Indians of said reservation.

Mr. GAINES of Tennessee. Mr. Speaker, I would like to have the gentleman from Idaho [Mr. FRENCH] explain the bill.

The SPEAKER. Does the gentleman from Idaho yield to the gentleman from Tennessee?

Mr. FRENCH. I do.

Mr. GAINES of Tennessee. I reserve the right to object. I want the gentleman to explain the bill.

Mr. FRENCH. All that the bill contemplates is the sale of a tract of land not to exceed four sections to the Northern Idaho Insane Asylum, and the sale of 640 acres to the University of Idaho. The necessity for the bill lies in the fact that it is very hard for institutions such as these to obtain as large a tract as that from available public lands. If they buy from individuals they must pay exorbitant prices, and pay for houses, barns, and other improvements. The lands within the Coeur d'Alene Reservation have not yet been appraised. They will be, and after they have been appraised it is contemplated that the Secretary of the Interior will sell these lands to the different institutions at the price at which they are found to be appraised. The moneys will also go to a fund, the same as the moneys that will be derived from the disposition of the other lands within this reservation, namely, for the benefit of the Coeur d'Alene Indians.

Mr. GAINES of Tennessee. Has any limitation been put on the price of this land?

Mr. FRENCH. No; the lands have not been appraised as yet. That will be done under the direction of the Secretary of the Interior.

Mr. GAINES of Tennessee. This comes from the Public Lands Committee?

Mr. FRENCH. It comes from Indian Affairs.

Mr. GAINES of Tennessee. We had something of this sort before that committee, it seems to me.

Mr. MANN. Will the gentleman yield for a question?

Mr. FRENCH. Yes.

Mr. MANN. What is the purpose of this bill? What is the object of getting this land?

Mr. FRENCH. Well, for two purposes; four sections to the insane asylum——

Mr. MANN. I understand what the bill provides; but what do they want the land for?

Mr. FRENCH. They want to use the land for the support of the asylum, and as well to furnish means of employment for such inmates as would be able to work.

Mr. MANN. Is it proposed to have the insane asylum located on this land? There is nothing in the bill or in the report to indicate that.

Mr. FRENCH. The asylum is already located, but it is so near the lands that the lands could be made serviceable for the asylum, and it is difficult to acquire any land——

Mr. MANN. No one knows how near it may be to the asylum. How large is the Coeur d'Alene Reservation?

Mr. FRENCH. It embraces something like half a million acres of land.

Mr. MANN. The gentleman does not know how near they may select this land to the asylum, nor for what purpose they are going to select it?

Mr. FRENCH. The authorities of the asylum want the land for the use of the asylum in its maintenance and in furnishing employment to such of the inmates as may be able to work.

Mr. MANN. They propose to send the inmates of this asylum off several miles, or 40 or 50 miles, in order to work this land?

Mr. FRENCH. Well, under the management of the asylum there are some inmates who would be benefited. The asylum has already some land that they are using for the purposes I have mentioned. They want to get this land from this source in order to save the trouble and expense of trying to acquire as much as they want from numerous individuals.

Mr. MANN. I am afraid very much that the gentleman can not answer the question, from lack of information.

Mr. FRENCH. I think I have answered the question.

Mr. MANN. Here is a proposition to let the State of Idaho select four sections of land for the State Insane Asylum and another lot of land for the State University. There is no restriction made as to whether it is to be used, nothing to indicate whether it is real-estate speculation which the State wishes to embark in or whether they wish to use the land for the purpose of carrying on the work of the two institutions.

There is nothing in either the bill or the report which gives any indication, and the gentleman himself seems unable to inform us.

Mr. FRENCH. But I have informed the gentleman as to what is the object of the bill.

Mr. MANN. Where is the land to be found?

Mr. FRENCH. It may be any unallotted lands within the reservation. In the one case the land is to be selected by the board of regents of the university, with the approval of the Secretary of the Interior, and in the other by the governor.

Mr. MANN. Well, it strikes me to be a very ridiculous proposition for an insane asylum to purchase land at some consider-

able distance from the asylum with a view of having inmates work on the land.

Mr. FRENCH. Of course the authorities of the asylum would doubtless employ many men in the handling of this land. They would use the land for the purpose of raising garden products and grain, for pasturage for stock, and all that sort of thing for the institution.

Mr. MANN. This land is now subject to homestead entry, is it?

Mr. FRENCH. No; but the reservation will soon be opened for settlement, and when that is done the land will be taken up by private individuals, and it will be impossible for the institution to acquire any considerable area of land without great work, and they would have to pay more money for such lands than if they were allowed to have an opportunity to purchase the lands in the manner proposed.

Mr. GAINES of Tennessee. Will the gentleman yield to me for a moment?

Mr. FRENCH. Certainly.

Mr. GAINES of Tennessee. Why did you not put a minimum price on this land?

Mr. FRENCH. We can not do that reasonably prior to appraisement.

Mr. GAINES of Tennessee. Why was it not done?

Mr. FRENCH. My original bill fixed the price as the appraised price.

Mr. GAINES of Tennessee. Why was it stricken out?

Mr. FRENCH. It was stricken out because no definite price had been fixed.

Mr. GAINES of Tennessee. You can say whether it is worth $2.50 an acre or $5 an acre?

Mr. FRENCH. We can hardly indicate an approximate price for these lands.

Mr. GAINES of Tennessee. What do you suppose it is worth an acre?

Mr. FRENCH. It has not been appraised as yet.

Mr. GAINES of Tennessee. How do you know it will take four sections if you do not know something about the value?

Mr. FRENCH. They want to have that amount of land.

Mr. MANN. Of course, if it is to be used for real asylum purposes, that is one thing; if it is really to be used as a real-estate speculation, I would like to find it out.

Mr. FRENCH. It has nothing to do with a real-estate speculation.

Mr. GAINES of Tennessee. I am going to object to the consideration of the bill unless something of an arrangement can be made by which a minimum price will be fixed. I do not want to be captious. Why do not they put that in, and why leave it with the Secretary of the Interior?

Mr. MANN. I want to call the attention of my friend from Tennessee to the report. On the second page of the report he will find this report from Mr. Pierce, Acting Secretary of the Interior, in which he says:

> I have no material objection to the enactment of the bill, as the price which the Indians will receive from the asylum for the lands will equal the amount which they will receive were the lands appropriated under the homestead laws.

So I take it that so far as the price is concerned, that is practically fixed by the Interior Department, and it is that they would fix the price at the same price as it would be offered to homesteaders.

Mr. GAINES of Tennessee. What is the price? Does the gentleman know what the value of those lands are?

Mr. FRENCH. As I say, the price will be fixed by a board of appraisers, who are to appraise the land.

Mr. GAINES of Tennessee. How much in dollars and cents?

Mr. FRENCH. The lands have not been appraised yet.

Mr. GAINES of Tennessee. What did you propose?

Mr. FRENCH. I have not proposed any amount.

Mr. GAINES of Tennessee. You say that you put a minimum price for this land in your bill?

Mr. FRENCH. We struck out that. It was to be the appraised price.

Mr. GAINES of Tennessee. What was the minimum price in dollars and cents?

Mr. FRENCH. It was not in dollars and cents. It was the value the commission would place upon it. We think they will appraise some of the land at one figure and some of the land at another.

Mr. GAINES of Tennessee. How much is it worth an acre?

Mr. FRENCH. It has different values.

Mr. GAINES of Tennessee. Did you ever see the land?

Mr. FRENCH. I have been over the land.

Mr. GAINES of Tennessee. Is it timber land?

Mr. FRENCH. They do not want any timber land. There is some land that has timber on it, but what they want is agricultural land, to be used for the asylum; and the university wants its section of land in order to establish a biological laboratory upon it.

Mr. GAINES of Tennessee. I ask the gentleman to let the bill go over until to-morrow.

Mr. FRENCH. Very well.

Mr. GAINES of Tennessee. Mr. Speaker, for the present I will object, and ask that the bill go over.

The SPEAKER. Objection is heard.

BRIDGE ACROSS SANTEE RIVER, SOUTH CAROLINA.

Mr. LEVER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 23711) to build a bridge across the Santee River, South Carolina.

The bill was read, as follows:

Be it enacted, etc., That the Santee River Cypress Lumber Company, a corporation organized under the laws of the State of Illinois, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a drawbridge and approaches thereto across the Santee River at or near its lumber mill plant and property from its property in Clarendon County, S. C., on the east or north bank, as may be, to its property on the west or south bank, as may be, of said river, in the State of South Carolina, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. LEVER, a motion to reconsider the last vote was laid on the table.

NEZ PERCÉ INDIAN RESERVATION.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from further consideration of the bill (H. R. 19095) authorizing the Secretary of the Interior to sell isolated tracts of land within the Nez Percé Indian Reservation, and that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Idaho asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from further consideration of the following bill, and that the same be considered in the House.

The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell at public auction any isolated and unappropriated public lands embraced within the Nez Percé Indian Reservation in the same manner as isolated tracts within the public domain are sold under the general law providing for the sale of isolated tracts.

With the following proposed committee amendment:

Provided, That for agricultural lands purchasers under this act shall pay not less than $3.75 per acre, and for lands valuable for stone and timber they shall pay not less than $5 per acre.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Reserving the right to object, I should like to ask the gentleman a question. We could not hear the reading of the bill. Now, what is it?

Mr. FRENCH. Mr. Speaker, the bill provides that isolated tracts of land on the Nez Percé Indian Reservation may be sold under the isolated-tract law, provided, however, that a greater price per acre shall be fixed as the minimum. The reason for the passage of the bill is this: The Nez Percé Reservation was opened to settlement something like fourteen or fifteen years ago. Most of the lands have been taken up under the law that was passed providing for the opening of this reservation. A few patches here and there remain which would make desirable accessions to farms, yet at the same time they are of such small value that no one can afford to take up the land under the law, and the Government has no means of disposing of these tracts. The Government has a means of disposing of other isolated tracts in all the public domain. Here is a reservation that was not taken care of in that respect, and these isolated tracts lie there undisposed of.

Mr. CLARK of Missouri. How does it happen that these lands were left out of the general law?

Mr. FRENCH. I do not know how it happened. The isolated-tract law does not apply to these lands. Individuals have tried to buy them, but the department holds that the general isolated-tract law does not apply, and we simply want to have it applied to these lands.

Mr. CLARK of Missouri. What is the minimum price fixed on them?

Mr. FRENCH. The minimum price under the isolated-tract law is $1.25 an acre. Here it is $3.75 an acre, because that was the minimum price under the special law opening the Nez Percé Reservation.

Mr. CLARK of Missouri. How much is this land worth now?

Mr. FRENCH. It certainly can not be worth much, or it would be taken up under the homestead law.

Mr. CLARK of Missouri. How large are the tracts?

Mr. FRENCH. Each isolated tract must be very small. I do not know the exact size.

Mr. CLARK of Missouri. Forty acres, 80 acres, or 160 acres?

Mr. FRENCH. They must be not greater than 160 acres.

Mr. MANN. Why?

Mr. FRENCH. Under the general isolated-tract law they must be not greater than that.

Mr. MANN. Under the isolated-tract law they must be not over 40 acres, but this has no such restriction.

Mr. FRENCH. Lines 7 and 8 provide for their sale under the general law providing for the sale of isolated tracts.

Mr. MANN. That provides that the sale shall be made "in the same manner;" that only provides for advertising, as to the manner of making the sale. The isolated tract land law provides that you can sell only 40 acres or less under it. There is no such limitation here. Under this bill you can sell 1,040 acres by advertising for the highest bidder.

Mr. BONYNGE. What is the largest isolated tract in this territory?

Mr. FRENCH. I do not know.

Mr. MANN. There is no information before the House as to how much land there is among the isolated tracts.

Mr. FRENCH. There are very few tracts, scattered here and there.

Mr. MANN. I think we ought to have a report from the department showing the amount of land.

Mr. CLARK of Missouri. Mr. Speaker, I will end this discussion by objecting, until we can get a chance to investigate it.

The SPEAKER. Objection is made.

Mr. PAYNE. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is the call of committees.

ESTABLISHMENT OF JUDICIAL DIVISIONS IN THE DISTRICT OF INDIANA.

The Clerk called the committees, and when the Committee on the Judiciary was reached,

Mr. JENKINS. Mr. Speaker, by direction of the Committee on the Judiciary, I call up for passage the bill (H. R. 21898) to provide for the establishment of judicial divisions in the district of Indiana, designating the places where court shall be held, and for other purposes connected therewith.

The Clerk read the bill, as follows:

Be it enacted, etc., That the judicial district of Indiana is hereby divided into six divisions, which shall be known, respectively, as the "first division," the "second division," the "third division," the "fourth division," the "fifth division," and the "sixth division" of the district of Indiana. The counties of Allen, Dekalb, Steuben, Lagrange, Noble, Elkhart, Kosciusko, Wabash, Miami, Huntington, Whitley, Wells, Adams, Blackford, and Jay shall constitute the first division, and the court for said division shall be held at Fort Wayne, Ind. The counties of Lake, Porter, Laporte, St. Joseph, Marshall, Starke, Fulton, Pulaski, Carroll, White, Jasper, Newton, Benton, Tippecanoe, and Warren shall constitute the second division, and the court for said division shall be held at Hammond, Ind. The counties of Vanderburg, Posey, Warrick, Spencer, Perry, Dubois, Pike, Gibson, Knox, Daviess, and Martin shall constitute the third division, and the court for said division shall be held at Evansville, Ind. The counties of Floyd, Harrison, Crawford, Orange, Washington, Clark, Jackson, Scott, Jennings, Jefferson, Ripley, Ohio, and Switzerland shall constitute the fourth division, and the court for said division shall be held at New Albany, Ind. The counties of Sullivan, Greene, Lawrence, Vigo, Clay, Vermilion, and Parke shall constitute the fifth division, and the terms of court for said division shall be held at Terre Haute, Ind. The remaining counties embraced in said district shall constitute the sixth division, and the terms of court for said division shall be held at Indianapolis, Ind.

SEC. 2. That the terms of said courts shall be held: In the first division at Fort Wayne, Ind., on the first Monday in May and the third Monday in November of each year; in the second division, at Hammond, Ind., on the third Monday in April and the first Monday in November in each year; in the third division, at Evansville, Ind., on the third Monday in March and the first Monday in October of each year; in the fourth division, at New Albany, Ind., on the first Monday in March and the third Monday in September of each year; in the fifth division, at Terre Haute, Ind., on the first Monday in April and the third Monday in October of each year; in the sixth division, at Indianapolis, Ind., on the third Monday in May and the first Monday in December of each year: *Provided, however*, That if a trial is in progress in either of the divisions aforesaid at the time when the term of court in either of said other divisions is to begin, then the court shall continue in session in said first-named division until said case is disposed of.

SEC. 3. That all civil suits not of a local nature which shall be hereafter brought in said district against a single defendant, or where all the defendants reside in the same division of said district, shall be brought and tried in the division in which the defendant or defendants reside; but if there are two or more principal defendants residing in different divisions, such suit or proceeding may be brought and tried in either division, and all mesne and final process subject to the provisions of this act, issued in either of said divisions, may be served and executed in any or all of said divisions.

SEC. 4. That in all cases of removal of suits and proceedings from the courts of the State of Indiana to the courts of the United States in said district, such removal shall be to the United States courts in the division in which the county is situated from which the removal is made, and the time within which the removal shall be perfected, in so far as it refers to or is regulated by the terms of United States courts, shall be deemed to refer to the terms of the United States courts in such division.

SEC. 5. That prosecutions for crimes or offenses hereafter committed in said district shall be tried within the division in which such crimes or offenses are committed, and all grand and petit jurors summoned for service in any division shall be residents of such division.

SEC. 6. That all civil suits and proceedings now pending in the circuit or district courts of said district which would, if instituted after the passage of this act, be required to be brought or tried in any particular division thereof, shall be transferred to such division and there disposed of in the same manner and with like effect as if the same had been there instituted; and all process, writs, and recognizances relating to such suits and proceedings so transferred shall be considered as belonging to the terms of the court in the divisions of said district in which they are tried, in the same manner and with like effect as if they had been issued or taken in reference thereto originally.

SEC. 7. That full records in all actions and proceedings in any division shall be kept in the office of the clerk in such division, and that the clerk of the district and circuit courts for the district of Indiana and the marshal and district attorney for said district shall perform the duties appertaining to their offices, respectively, for said courts; and said clerk and marshal shall appoint deputies in each of said divisions in which a deputy clerk and deputy marshal does not already reside, who shall reside in and keep their offices at the place of holding court in each of said divisions.

SEC. 8. That all acts and parts of acts inconsistent herewith are hereby repealed.

Mr. PARKER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. PARKER. This bill provides for the appointment of various clerks or deputies with salaries, and I think the bill ought to go on the Union Calendar.

The SPEAKER. Will the gentleman from New Jersey call the attention of the Chair to that part of the bill which he refers to?

Mr. PARKER. At the end of section 7, page 5, it says:

> And said clerk and marshal shall appoint deputies in said division in which a deputy clerk and deputy marshal does not already reside, who shall reside in and keep their offices at the place of holding court in each of said divisions.

Mr. CLAYTON. I submit, Mr. Speaker, that the point of order made by the gentleman from New Jersey comes too late.

Mr. JENKINS. Mr. Speaker, the bill makes no charge whatever on the Treasury. There is no provision that they shall be paid out of public money. They have to be paid by the clerk and the marshal. There is no provision in the bill making a charge on the Treasury.

Mr. MANN. May I ask the gentleman whether, if this bill passes, it does not authorize an appropriation to pay the deputy clerks and deputy marshals?

Mr. JENKINS. No; because they are paid by fees.

Mr. MANN. Not at all.

Mr. CHANEY. I understand that they are paid by fees.

The SPEAKER. The Chair is under the impression that the clerks of the federal courts are paid from fees that are received, and that their pay does not exceed the amount of the fees; that there is a limitation on the salary from the fees after a maximum is received, and that the remainder, if any, goes into the Treasury.

Mr. JENKINS. The practice has always been in cases of this kind that where no provision is made for the payment out of the Public Treasury the clerk and marshal shall pay out of their own moneys.

Mr. WALDO. Is it not a fact that the fees that are received by the clerk are paid into the United States Treasury, except certain specified amounts?

Mr. JENKINS. That has already been stated.

Mr. WALDO. Then, indirectly it is a draft on the United States Treasury, is it not?

The SPEAKER. The Chair only speaks from his general recollection as to how the clerks are compensated, but it seems to the Chair that it is a matter of speculation or surmise as to whether there is a charge on the Treasury. In such cases it has been usual to consider these bills in the House as belonging on the House Calendar. Points of order in such cases, as the Chair recollects, have not been sustained. The Chair therefore overrules the point of order.

Mr. JENKINS. Mr. Speaker, I now yield ten minutes to the gentleman from Indiana [Mr. CHANEY], who introduced the bill.

Mr. CHANEY. Mr. Speaker, this bill has for its purpose the making of the United States courts within the district of Indiana convenient to the people and litigants of that State. As it is now every person who brings a suit in the United States court for the district of Indiana must go to Indianapolis and institute his suit, and he must take all his witnesses there, where they must pay their hotel bills, and he must be at the expense of going the distance from his home to the capital of the State that his controversy may be determined.

Moreover, Mr. Speaker, if he employs a lawyer from his own neighborhood he has to pay the expenses necessary for the

transportation of the lawyer from his home to the court at Indianapolis and pay his expenses at a hotel while there. So it is, therefore, an advantage in two respects. It gives to the people the advantage of having a chance to go into the United States court for the determination of the matters which belong in the United States court without inconvenience and without extra expense.

It enables the lawyers who live outside of the city of Indianapolis to have a chance to earn fees in the practice of the law in the courts of the United States. About the only real objection to this bill proceeds from those persons who now have a monopoly of practice in the United States courts in the State of Indiana because of their fortunate location in the city of Indianapolis, where the United States court is held.

Mr. DIXON. Do I understand the gentleman to say that at the present time one can only file a suit in the federal court at Indianapolis?

Mr. CHANEY. I undertake to say that the only place where suits are filed and tried in United States courts for the district of Indiana is at the city of Indianapolis.

Mr. DIXON. They can be filed in any of the districts.

Mr. CHANEY. Oh, I think they could be filed and transmitted by mail possibly to the clerk's office at the capital of the State. I have no doubt of that.

Mr. DIXON. They are placed on the docket in the respective districts.

Mr. CHANEY. But when you come to try the case the litigant must go to Indianapolis to try the case, and his lawyer must go along. The result of it all is that the litigant concludes that if he has to pay his lawyer the fee to go to Indianapolis to try his case for him and pay his expenses while there and his hotel bill while he is there, he better employ an Indianapolis lawyer, who does not have to go away from home and to whom he would not have to pay these extra expenses. Now, after the 4th of March next I shall be under the necessity of earning my bread in the sweat of my face, and, as I am a lawyer, I want to have the chance to practice in the United States court in my State. I am therefore interested personally in the passage of this bill.

Mr. LANDIS. I would like to ask the gentleman a question. Does he not think, then, that the title of the bill should be changed?

Mr. CHANEY. Oh, I think it is not necessary to change the title of the bill, because I will be sure to mix in the practice of the United States courts if I get an opportunity.

Mr. LANDIS. I would suggest that the title be changed to "A bill to provide a local court subject to the United States court's jurisdiction in which the gentleman from the second district can practice."

Mr. CHANEY. Oh, I would like to inform the gentleman, who is a farmer and not a lawyer [laughter], that it will not have any such modification as that. I want simply to say that this bill provides for holding the United States district court for Indiana in Indianapolis, Evansville, New Albany, Fort Wayne, Hammond, and Terre Haute.

Mr. WALDO. Will the gentleman yield for a question?

Mr. CHANEY. I must say if I am only to get ten minutes I must have a chance to make my speech.

Mr. WALDO. I would like to know in which one of those towns the United States court is already held.

Mr. CHANEY. The United States court is held in no place in any of these towns save Indianapolis at this time.

Mr. WALDO. Are not there divisions already in the State?

Mr. CHANEY. There are divisions in the State of Indiana providing that the United States judge may hold court in Evansville, New Albany, Fort Wayne, and Hammond—outside of Indianapolis—but he will not do it.

Mr. WALDO. Is it not a fact that he holds court in those places whenever there is any business?

Mr. CHANEY. He does not hold court there.

Mr. WALDO. I would suggest that instead of this bill the proper application of the gentleman should be to the President of the United States for this man's removal.

Mr. CHANEY. We have had enough experience along that line to believe it is an easier matter to do this business by passage of this bill than to follow the suggestion of the gentleman from New York.

Mr. BUTLER. Is there any provision for holding court in these places?

Mr. CHANEY. It is provided that the court may hold sessions at Evansville, New Albany, Fort Wayne, and Hammond; but the United States judge does not find it imperative to do so, and he prefers to stay at home to hold the court, and the result is that we do not have any court held there.

Mr. BUTLER. Are accommodations made there now for holding the court?

Mr. CHANEY. Accommodations are easily made. At every one of these places there is a federal building, and it is very easy to rig up a place for the United States court to be held.

Mr. PAYNE. Then we will have to build a building for the court room.

Mr. CHANEY. Oh, no; we have a court room already. All that would have to be done would be to put in a bench for the judge to sit behind and to provide chairs and tables for lawyers.

Mr. BUTLER. In these places now where the judge may hold court are accommodations provided at this time?

Mr. CHANEY. So far as the building is concerned accommodations are provided.

Mr. BUTLER. But the court rooms are not provided?

Mr. CHANEY. Take it at Terre Haute, for instance, where there is simply a provision now for the post-office and the internal-revenue offices—there is a large room which will be commodious for holding court in that building.

Mr. BUTLER. I understand that it is not compulsory to do so now.

Mr. CHANEY. No.

Mr. BUTLER. Terre Haute is not one of the places provided now?

Mr. CHANEY. No; it is one of the places that is added in this bill.

Mr. BUTLER. But at Evansville the judge may hold court?

Mr. CHANEY. Yes.

Mr. BUTLER. I understood the gentleman to say that he never did. Is the court room arranged for his accommodation?

Mr. CHANEY. The room is not absolutely arranged, but that is a very simple matter and it could be readily arranged.

Mr. BUTLER. I understand that, but I wanted to know whether accommodations had been afforded the judge so that he could hold his court at that point.

Mr. CHANEY. That is a matter that would be very easily provided for, and without any considerable expense, if there was a requirement that court be held at those places.

Mr. LANDIS. The gentleman does not mean to be understood to say that the judge does not hold court at Evansville?

Mr. CHANEY. I mean to be understood as saying just exactly that thing. He visits Evansville, Fort Wayne, New Albany, and Hammond for the purpose, as I take it, simply of conferring about any business the people of these places may have.

Mr. LANDIS. And he never holds court?

Mr. CHANEY. No.

Mr. LANDIS. Does not the gentleman know that no cases have been removed from any of those points to Indianapolis except at the request of the parties to the litigation and not because of the desire or the pleasure of the court?

Mr. CHANEY. Well, I do not know precisely as to what my colleague refers, but I simply know this, the United States court has not been held at those places, and the people demand that they shall have the privilege of having court held at those places.

Mr. LANDIS. I will state Judge Anderson, of the federal court, informed me that no cases had been removed from those points to Indianapolis except on the motion of the parties to the suit.

Mr. CHANEY. Then, I want to ask the gentleman a question. Has the United States judge ever tried a case at either Evansville, New Albany, Fort Wayne, or Hammond?

Mr. LANDIS. I think he has.

Mr. OVERSTREET. Will the gentleman answer this question? Will the gentleman tell how many cases have emanated from those outside points within the last five years?

Mr. CHANEY. Mr. Speaker, I will answer that question because that is exactly to the point now. I want simply to say that because the United States district court is held only at Indianapolis there have been just as few cases filed from these respective localities in the United States court at Indianapolis as possible because of the invenience attending it.

The SPEAKER. The time of the gentleman has expired.

Mr. JENKINS. Mr. Speaker, I now yield five minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER. Mr. Speaker, I am not from Indiana and I do not speak at first hand. This matter was very carefully considered. We understood that there was opposition on the part of the gentleman from Indiana, the chairman of the Committee on Post-Offices and Post-Roads, but his engagements were such that he was not able to attend the hearings. He asked for further time, but a report was put in. I simply stated in my very short minority report the way in which the matter struck me. I am unable to concur in the majority report for dividing the State of Indiana into six divisions. Our information as to the press of business or necessity usually comes from the judge or the district attorney, and they do not recommend

it nor have we received such recommendation from the Department of Justice. It has written some letters, but nothing recommending this bill. I find that there is no delay whatever in business in Indiana, that one judge is able to do the business, and six divisions will mean sooner or later more judges. The State is compact. The capital is in its geographical and railroad center. Under the present law two terms must now be held in five different towns. I am not quite clear as to whether there has to be one at each town or two in each town each year. I think that the convenience of the people and of the bar is generally much better served by leaving the place of trial to the discretion of the court rather than by attempting by legislation in Congress, where we know nothing about it, to force the trial in any particular division that we may form. So, with a divided representation from the State, I would not be willing to support this bill, and I am not so willing now, and with these remarks I must leave it to the House.

Mr. JENKINS. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. HOLLIDAY].

Mr. HOLLIDAY. Mr. Speaker, this matter is of moment to the people of Indiana. In all of the neighboring States they have more than one district, and they all have several subdivisions. I can not from memory state the exact number of districts of the adjoining States, but there are at least two districts in Kentucky, which have a smaller population than Indiana, and I think there are four places of holding court.

Mr. LANGLEY. Four in the western district and six in the eastern.

Mr. HOLLIDAY. Ten places where the judges are compelled to hold court. Illinois has five federal judges, but I do not know in how many places they are required to hold court. Ohio has three, and Michigan has two federal judges, while still having a smaller population than Indiana. Why should this discrimination be made against the people of Indiana? It is said that there is not enough litigation to warrant it. The reason there is not enough litigation to warrant it, Mr. Speaker, is because the people dislike to be dragged off to Indianapolis, and for that reason refuse to bring their cases in the federal court. I have known instances in which litigants brought their suits for less than they wanted to in order to prevent them being carried into the federal court, when they were bringing suit against a foreign corporation. As a matter of fact, the arrangement in Indiana practically amounts to a denial of justice. It is a very fine thing for the people of Indianapolis to have a monopoly of this federal business so long. It is a bad thing for the State at large, and I hope that this House will vote to pass that bill and give us this relief. I do not care whether it helps the lawyers or not. They can take care of themselves. I want some arrangement made by which a poor man will not be compelled to go to Indianapolis, away from his home, pay the way of his witnesses, and other expense away from home, when he is entitled to trial at his home.

Mr. MANN. Will the gentleman yield for a question?

Mr. HOLLIDAY. Oh, yes.

Mr. MANN. Is this poor man, who can not get to Indianapolis and file a suit in the federal court, able to bring a suit at home?

Mr. HOLLIDAY. In some instances, yes. I am speaking of the defendant more largely than the plaintiff.

Mr. MANN. The defendant has nothing to do with the amount of litigation, has he?

Mr. HOLLIDAY. The defendants, especially in criminal cases. In civil cases a man will bring his suit for a sum too small to enable the corporation to carry it into the federal court, for the reason that he does not want to go away from his home to try the case. A man is entitled to be tried by a jury of his peers.

Mr. MANN. At home?

Mr. HOLLIDAY. At home, or just as near to his home as possible.

Mr. MANN. In the state courts? You want to force him into the federal courts.

Mr. HOLLIDAY. People get into the federal courts sometimes through no fault of their own. They are entitled to a speedy hearing. They are entitled to consideration. They are entitled to be tried at home, among their neighbors, without being put to this expense. The question is asked, Why the necessity for these districts in other States? There are three districts in Florida where the population is less than one-third of the State of Indiana. Indiana is a great, rich, and populous State. There is no reason on earth why the same rule that applies to other States in the Union ought not to apply to Indiana.

I do not agree with my learned friend from New Jersey [Mr. PARKER] that the judge himself is the first person to decide this matter. The judge decides to hold a case where it puts him to the least possible inconvenience. That is the way he has always decided, and judges are made up of human nature the same as other men are made. They will not put themselves to inconvenience if they can help it.

I believe, Mr. Speaker, that the courts were made for the people. I do not believe that the people were made for the courts. [Applause.] Let us give the people a chance to get to their courts, let them have a chance to be heard, and it does not matter as to what is most convenient for the lawyers. I pass that by. I do not care what is most convenient for the judges or the clerk of the court, but I do care what is most convenient for the people, and the people are demanding that this bill be passed.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. OVERSTREET] have forty minutes, not to come out of the time of the committee.

Mr. WALDO. Mr. Speaker, I would like to have five minutes in that application.

The SPEAKER. The gentleman from Wisconsin [Mr. JENKINS] can reserve his time and yield such time as he desires. They can arrive at that later on.

Mr. OVERSTREET. Mr. Speaker, I am perfectly willing to accommodate the chairman of the committee, but I would rather have a little time in my own right in order that I may be able to yield to some gentlemen who desire time on the bill.

Mr. JENKINS. Then I will reserve the balance of my time and yield to the gentleman from Indiana.

Mr. OVERSTREET. Mr. Speaker, I would like to speak to the merits of this bill, entirely free from prejudice, in the hope of convincing the House that this measure ought not to pass. It is well enough for gentlemen, in the name of the dear people, to invoke applause and challenge sentimental considerations in adopting legislation; but when you come to the enactment of law it is far better to speak entirely to the merits of the question regardless of the power of sentiment which Members may have of a personal character.

My colleague [Mr. CHANEY] revealed the entire policy of the supporters of this measure, I think inadvertently, in being stung to an answer by a question propounded by my colleague [Mr. LANDIS]. He wants this bill passed for the advantage of Mr. CHANEY, to aid him in litigation in the federal courts. Mr. Speaker, this measure is not in the interest of Mr. CHANEY, but is in the interest of litigation——

Mr. CHANEY. Mr. Speaker——

Mr. OVERSTREET. And for that reason ought not to pass.

Mr. CHANEY. Mr. Speaker——

The SPEAKER. Does the gentleman yield to his colleague?

Mr. OVERSTREET. I yield for a question.

Mr. CHANEY. I simply wanted that no such impression should go out as that this bill is for the purpose for providing for the lawyer. That was only an incidental remark of mine, and therefore I do not want anybody to suppose that I have no other purpose in passing this bill than to make it interesting for myself.

Mr. OVERSTREET. I am perfectly willing for the Members who heard the gentleman's reply to construe what he meant by it. It was the most effective argument that has been made in support of the measure. We have in Indiana one district—one district of the entire State. There are five places for the holding of courts, where suits may be brought, and provisions of law for two terms of the court in each place. In spite of what has been said by the gentlemen who have spoken in support of this measure, I undertake to say, and I challenge contradiction from any reputable source, that in not one solitary instance in Indiana have any of the judges ever refused, ever arbitrarily declined to hear a case in any one of these several districts.

Mr. COX of Indiana. Will the gentleman yield?

Mr. OVERSTREET. I yield for a question.

Mr. COX of Indiana. Is it not a fact that there has not been a single case tried in New Albany in the federal court in the last seven years?

Mr. OVERSTREET. I do not know how many years, but I am coming to that presently. One of the arguments that is urged against this bill is that there is no litigation there in the federal court. The judge always attends under the law and his oath at each of these several points when there is business to be transacted, and under the law his officers are compelled to attend. They have the right to remove a cause to Indianapolis, the capital, upon motion or argument of the parties.

Now, Mr. Speaker, this law, if the House should adopt this bill, will divide the State into six territorial divisions. It arbi-

trarily provides that in all suits, criminal and civil, as well on the chancery as on the law side of the court, the issues shall be made, the grand juries meet, and the cases brought to a conclusion in the divisions where the causes are originally brought. It is a question of litigation and not of the litigants. I again refer to the argument of my colleague [Mr. CHANEY], which discloses it is in the interest of stimulating business in the federal courts.

I do not share the feeling of my colleague [Mr. HOLLIDAY] that the State of Indiana has been discriminated against in the matter of the federal court divisions. It is a tribute to the State of Indiana that the federal court business has fallen off in that State. It is a compliment to the people that they do not go to law as much in our State as they do elsewhere; and I think I am making no disparagement of our neighboring States because we have a reduction in federal suits. But we have no complaint among the people of Indiana as to justice and accommodation of the parties in our suits in the federal courts.

I wish, Mr. Speaker, to call attention to the fact that the judge holding the court in Indiana, the clerk and officers in charge of the records of the court, and the Attorney-General of the United States have all uniformly recommended against this legislation. Where else would you go? To gentleman who are interested in stimulating the business of the courts?

The Attorney-General in two or three different letters has expressed decided opposition to the division of the State of Indiana into these several judicial divisions. The clerk of the court has by repeated letters given instances of the falling off of the business in the federal courts as an evidence that the litigation has been cared for and concluded to the satisfaction of all parties. The judge of the court in a letter over his own signature, which I shall read in a moment, states not only his ability to take care of all federal business in that State, but to have time to give aid to other States, notably Illinois, at Chicago, in the relief of the courts there, and then have from three to four and one-half months every year for his vacation.

Mr. COX of Indiana. The gentleman states that the Attorney-General has sent a recommendation against the passage of this bill.

Mr. OVERSTREET. I so stated.

Mr. COX of Indiana. Does the gentleman mean the Attorney-General or the United States district attorney?

Mr. OVERSTREET. The Attorney-General of the United States.

Mr. COX of Indiana. Which one of them?

Mr. OVERSTREET. The present Attorney-General. It is a recent letter.

Mr. COX of Indiana. Was that in a letter to the gentleman himself?

Mr. OVERSTREET. Yes. I am going to read the letter. I wanted to read these letters in the order of their dates. These letters may seem to gentlemen to be a little old, but the fact is that my colleagues, who are interested in the division of the State into federal districts, have each in turn introduced bills; I forget how many different ones. I think my colleague [Mr. CHANEY] introduced more than one, but each one of them took a shot at it; so that when I would prepare data they would overcome my opposition temporarily by introducing another bill, and that would be a more recent bill than I had data prepared for; but the conditions are the same in the State. There has been an unusual amount of interest displayed in this matter by my colleagues, who have desired the establishment of divisions in their judicial districts.

Mr. MANN. Will the gentleman yield for one question?

Mr. OVERSTREET. Yes.

Mr. MANN. Would the inevitable result of passing a bill like this, creating so many new divisions, be that another district judge would be required, who might be selected from among your colleagues?

Mr. OVERSTREET. I think if that had been made a part of the bill I might have withdrawn my opposition; but in all seriousness, I do believe that that result will undoubtedly follow the passage of this bill, and I predict now that if the House should inadvertently, without Members taking into consideration the real merits of this question, pass this bill, it will come back to this House with an amendment from the Senate, providing for another judge. Now, I do not want to make any statements which may wound the feelings of my colleagues. I prefer to base my opposition entirely upon the merits of this bill. My honest belief is that the litigation in the federal courts in Indiana has declined, and that it has declined as a result of proper causes, and not because of any lack of attention by the federal judge and his officers. I believe that in the future, as in the past, substantial justice will be given in all the cases in the federal courts. But, Mr. Speaker, I wish to move a little more rapidly——

Mr. DIXON. Just a moment.

Mr. OVERSTREET. I will yield for a question.

Mr. DIXON. Does this bill require the holding of a grand jury at each term in each division; and what is your idea of the additional expense caused thereby?

Mr. OVERSTREET. I was just approaching that phase of my argument. The bill does require the holding of grand juries in each one of the several divisions instead of one grand jury, which the law now authorizes for the State.

That is to say, Mr. Speaker, in such instances there must be called together a grand jury twice a year to consider offenses against the federal laws. I do not see how we could avoid calling together two grand juries a year. That will multiply the expense, I should say, six times, with the exception of the difference in mileage which the jurors would be entitled to.

Take an instance of the violation of the postal law; somebody writes a dun for a bill on a postal card, which is a violation of the criminal code. Under the present methods that violator of the law would be brought before a United States commissioner, and the chances are that for that slight offense it would be transferred to the federal court where the judge then was sitting. Gentlemen will realize that nearly all the minor offenses of the criminal statutes are committed by poor people who can not give bail. Now, take for example this man who has written on a postal card a dun to a creditor. He can not be tried for six months in the division where the crime was committed, and he must wait the calling of the grand jury together in that district, and he must wait a trial there, and that will, in my opinion, result in many, many a poor fellow perjuring himself by pleading guilty in order to be free of the confinement in the jail. As it is now he need not wait twenty-four hours.

Another instance on the civil side: Suppose some petition is brought for an injunction in the federal court; a poor man's ground is about to be entered or taken by a railroad upon which to lay its tracks and he does not want his property to be taken; he does not desire the damage to be done, and he does not want to wait. He would bring his action by injunction wherever the court was then held, and it could be stopped; but under the provisions of this bill he would be compelled to wait until the court was held in that section of the State before he could have it heard. And if the suit were brought at the end of a term, he would have to wait for an extra term of court in order to make up the issue, and even a demurrer to the complaint could not be heard by the court. If there was much litigation in the State; if there was a crowded condition of the docket; if there was great inconvenience to litigants, then gentlemen might with some propriety and some force argue for the passage of this bill.

But it is said by the clerk of the court that since 1878 the litigation in the federal court of Indiana has been steadily declining. After the passage of the bankrupt law the bankrupt cases were taken before referees—11 of them in our State—and then it fell off very materially, and there is less business today, according to the letter that I have, than there was a year ago. It is steadily declining in all lines of litigation.

But, Mr. Speaker, in order to answer the argument of my colleague [Mr. CHANEY] as to why there have not been cases in other divisions than Indianapolis, I wish to read from a record as the strongest evidence that can be brought before the House. In the year 1907, ending December 31 this data was prepared by me to meet a bill which these gentlemen had brought up, not knowing whether another one might come up. I have not the data brought down to date, but I have the assurance of the clerk that it is less now than it was a year ago.

There were brought at Evansville no cases of civil suits by the United States. There were 2 civil suits and 1 criminal case, making 3 in that year in Evansville.

At Fort Wayne there were brought 6 civil and no suits of any other kind.

At New Albany there were 2 civil suits and none of any other kind.

At Hammond there were 2 civil suits and none of any other kind.

At Indianapolis there were 60 civil suits, 4 civil suits by the United States, and 34 criminal cases. Out of the total 98 cases in the year were brought at Indianapolis and 13 outside, making 111 cases all told in the State that year, both criminal and civil.

On the chancery side of the court, Mr. Speaker, the master in chancery goes to the people and takes the depositions and does not drag them to the court. There are so few civil cases in the

federal courts that there is no necessity of compelling the holding of courts at these different divisions in the State.

I will now read the letter of Judge Anderson, to which I referred a while ago:

The avowed object of the advocates of this bill, as I understand from the newspapers, is to bring these courts nearer to the people—that is, nearer to the litigants and their witnesses—to the end that litigation in these courts may be less expensive. The business here is divided into four classes: (a) Chancery; (b) common law; (c) criminal; (d) bankruptcy.

It is impossible to further localize the chancery business. Witnesses in chancery cases are not brought to the court to give testimony, but the master or the examiner goes to them. To attempt to dispose of the chancery business under the proposed bill would cause such delay and embarrassment as to amount to a denial of justice.

The effect of the bill would be to require all common-law and criminal cases to be tried in the respective divisions created by the bill. Since July 1, 1907, there have been 6 jury trials in common-law cases and 5 trials in criminal cases in these courts in the whole State. It is possible that there will be 1 common-law jury trial and 5 or 6 criminal trials between now and July 1, 1908, but no more. To require these cases to be tried as proposed by this bill would entail needless expense upon the Government and embarrass and delay the parties to the suits.

The bankruptcy business is now distributed among 11 referees throughout the State, and the proposed bill would not probably affect such business at all.

I am able to attend to all the business in this district under the present law without delay, economically, and have time to spare, but if the proposed legislation should be enacted, the business could not be attended to with anything like the promptness and economy with which it is now conducted.

Mr. Speaker, referring again to the disadvantages and evil effects of the calling of grand juries in these six several divisions, I want to cite the House to a law which was enacted for the very purpose of avoiding what this bill would bring about, if carried, and that is for the distribution from scattered points of the members of the federal grand jury in order that they might not fall within the influence of local sentiment, to the disadvantage of justice. This law is cited by the examiner sent to Indiana to investigate this very proposed legislation and by the present Attorney-General of the United States, and upon this report, in addition to other inquiries made by him, the present Attorney-General bases his opposition to the legislation. He says concerning that:

I can not approve of the provisions last above mentioned, since the effect of such provisions would be virtually to reverse the policy of the law embodied in section 802, Revised Statutes, taken from the judiciary act of 1789, which section reads as follows:

"Jurors should be returned from such parts of the district from time to time, as the court shall direct, so as to be most favorable to an impartial trial and so as not to incur any unnecessary expense or unduly to burden the citizens of any part of the district with such services."

Pass this law now before the House and we divide that little State into six different divisions, compelling the grand juries to meet twice a year in each division, forcing the trials there, and reversing the policy of the statute which has obtained for nearly a hundred years or for quite a hundred years.

Mr. HOLLIDAY. Will the gentleman yield for a question?

Mr. OVERSTREET. Just for a question.

Mr. HOLLIDAY. Has the gentleman made examination to determine whether these dire calamities of which the gentleman speaks have overtaken the States of Ohio, Michigan, Illinois, and Kentucky, where they have such courts?

Mr. OVERSTREET. Mr. Speaker, I think I can answer the gentleman. Ohio, Illinois, Kentucky, and Michigan have nothing to do with this case. Each State is an entity in itself. Its population, its condition of business, the character of the people, the character of the litigation—all are factors which enter into the matter in federal as well as state courts. I do not know how it is in these other States, but in the State of Indiana there is a law which relieves the federal court of much business by reason of compelling foreign corporations having agencies in the State to bring their actions in the state courts. That may possibly have something to do with the conditions which differ from those in the other four States mentioned. The population has not anything to do with it. I am surprised that my friend and colleague from the Fifth District [Mr. HOLLIDAY] does not take it as a compliment to the State instead of a stigma that we have less litigation there to-day than we had a year ago or five years ago or ten years ago.

Mr. HOLLIDAY. Mr. Speaker, I simply desire to say I believe that is brought about by the fact that everybody is compelled to go to Indianapolis.

Mr. OVERSTREET. By no means. I will say this, Mr. Speaker: The fact of the case is that there is not a State in the Union where the facilities of car traffic, by reason of interurban railway systems and electric lines, makes travel more easy or expeditious or satisfactory than in the State of Indiana. You can go from my friend's home at Brazil to Indianapolis ten times each day, if you wish, and return. My friend could eat every meal at his own home and sleep in his own bed and try cases in Indianapolis every day the court is in session. If he is obliged to go to Terre Haute, where this bill provides the headquarters of his district, he would not have equal facilities there. There is very little difference between the two points. That, in a large measure, is the reason for attorneys bringing their cases there and transferring them. But I repeat, Mr. Speaker, and emphasize that no man has any right on this floor to question the integrity of the judiciary of the country and the State, as embodied in these letters to which I have referred, by holding the judge responsible for denying justice to these people who desire their cases tried in the federal courts. I defy and repudiate the assertion that litigants refuse to bring cases because they are obliged to go to Indianapolis. It is a stigma upon the gentleman's own constituency to insist upon it. They have the same right other litigants have, and their cases are frequently brought there and they are transferred only upon motion of the parties. I challenge contradiction of the statement that during Judge Anderson's career as a federal judge he has never in any single instance arbitrarily transferred a case from any one of these present divisions to the capital of the State, and I await with patience until any gentleman on this floor rises in his place and upon his own personal knowledge takes issue with that statement.

I have a right, Mr. Speaker, to claim that the silence of these gentlemen to my invitation is an admission that they themselves know of no instance where the federal judge has arbitrarily removed a case. These cases can now be brought in my friend Mr. HOLLIDAY'S district, or Mr. CHANEY'S district at Evansville or New Albany or Fort Wayne, or at Hammond, or at Indianapolis, at the option of the parties, and they are removed to the capital only upon motion of the parties or by agreement—never upon the arbitrary order of the court, and always for the convenience of the parties.

Mr. Speaker, I wish to close as I began. I want this House to decide this bill upon its merits. I do not oppose this bill because I happen to live at Indianapolis. Unlike my colleague from the second district, I doubt seriously if I live to be a hundred years old that I shall ever have a case to bring or defend in the federal court. Mr. Speaker, this is in the interest of good judicial administration. This House can not afford to simply blindly order this bill passed because some people think it would increase business in the federal court.

We can not easily pass aside the voluntary and recognized objection to this legislation by those most intimately acquainted with it, the Attorney-General of the United States and the district judge of the State. In the interest of the criminal administration of the law, the poor people who may have to recline in the walls of the jail to wait the hearing of the grand jury of their district, and in the interest of the economy of the administration of the law, in the interest of good administration of the federal judiciary of Indiana, without any feeling of whether or not another judge is to be appointed, but with the firm belief of what would be the ultimate result if this bill should pass, I hope the House will vote against the measure and defeat the bill.

Mr. Speaker, I now yield five minutes to the gentleman from New York [Mr. WALDO] and I reserve the balance of my time.

Mr. WALDO. Mr. Speaker, there is one very serious objection to this measure which I have not yet heard discussed. Under the present law relating to federal courts, and so far as I know throughout the whole of the United States, the records of the courts are kept at the central city in whatever district the court may be, so that anyone who desires to know what liens may exist upon real estate in the whole judicial district can go to one place—the clerk's office in that central city—and ascertain what liens there may be upon property in any part of that district. Under this bill the records are to be kept in each one of these six divisions relating to that division. The result would be that if anyone desired to search the title to a piece of property in Indianapolis he would have to go to the clerk's office in each of the six judicial divisions to ascertain whether there was not a lien existing against the property in that district.

Mr. HOLLIDAY. Will the gentleman yield?

Mr. WALDO. And anyone who has ever searched a title knows that is so. Yes; I yield.

Mr. HOLLIDAY. Do you mean to say, with land located in a particular district, a person would have to go to Indianapolis to find out the liens of record?

Mr. WALDO. He would have to go to each one of these six places to ascertain whether the court had not entered judgment against a man who owned property in Indianapolis and on which property such judgment would be a lien.

Mr. HOLLIDAY. The gentleman is entirely mistaken.

Mr. WALDO. Not at all. There is nothing in this bill to limit the force of the judgment of the district court in any of these proposed six judicial divisions of Indiana to the particular division, and in whatever division the judgment was entered it would cover real estate owned by the defendant in every district in the State. That is the result of the bill; that is the way it reads and there is no question about it—not the slightest.

Mr. HOLLIDAY. I would like to ask the gentleman if in the State of New York they have to examine the records in every district in the State?

Mr. WALDO. No, but you are not establishing districts; you are dividing a district into divisions for the purpose of holding court, and you have not limited the force of the judgment of the district court to that division in which the court is held. The lien of the judgment covers the real estate of the judgment debtor in the whole district, unless you limit the lien to the judicial division, and that you have not done. Now, there is another trouble here——

Mr. GOLDFOGLE. Will the gentleman yield? Will not the effect of this bill also be to increase the number of clerks, custodians, inspectors' divisions, and so forth?

Mr. WALDO. It expressly provides for a deputy clerk, deputy marshal, and so forth, in each one of the divisions.

Mr. GOLDFOGLE. Notwithstanding the small amount of business to which the gentleman from Indiana [Mr. OVERSTREET] referred?

Mr. WALDO. Certainly. So that the expenses of clerks' offices in each one of these six divisions would very much exceed the expense of establishing a new district. If it is necessary that they should have a new United States district court in Indiana, then Indiana ought to be divided and a new district court established so there would be two districts, and then the judgment of the court would run to the district, instead of dividing the present district, the whole State, into six divisions, with the judgment of each division running to the whole State, so far as the lien upon real estate is concerned. It certainly will create the greatest confusion. Another trouble, too, is that this law establishes a new theory with regard to United States courts, that the records of the court shall be kept at one central place in each district. We shall find at once, if this bill is passed, that in every part of every State, and especially at every place of any size, it will be demanded that there be a new clerk's office, and that the records be kept there. You will have entered upon an endless chain of business of this kind, which will disrupt the present orderly methods of doing business in the United States courts and be a great detriment instead of a benefit to the people.

Mr. OVERSTREET. Mr. Speaker, I ask that the gentleman from Wisconsin [Mr. JENKINS] occupy his time.

Mr. JENKINS. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, this bill comes from the Committee on the Judiciary, after a thorough and full investigation of the matter, and with the approval, I believe, of every member of that committee with the exception of one, the gentleman from New Jersey [Mr. PARKER]; and why the gentleman from New Jersey is opposed to the bill he did not make clear to the committee and, I must confess, did not make it clear this morning.

Mr. Speaker, nobody in this House, I suppose, is more reluctant to impugn the motives of any man. I find that the Members here, as a rule, when they act from any particular motive, act from a proper motive. Now, I do not blame the gentleman from Indiana [Mr. OVERSTREET], who resides in Indianapolis, for opposing this bill. It means much to his immediate constituents. It means much to the bar of Indianapolis. It means much to him, doubtless, when he shall, after the 4th of March next, again take his seat as a member of the bar at Indianapolis, and therefore, Mr. Speaker, representing the immediate constituents who are benefited more than any other constituency in Indiana by the law as it now stands, I think the gentleman is entirely right in opposing this measure.

The matter was threshed out very fully before the committee. Hearings were had, and the Indiana delegation was somewhat divided, but it appeared to the committee that a majority of that delegation favored the passage of this bill. It also appeared to the committee that it would be in the interest of public convenience of a majority of the people of Indiana, and by people I mean parties litigant, witnesses, and jurors, and not the lawyers nor the judge who presides over the court—I mean the people who are taken to the court as jurors, witnesses, and parties litigant. It is a convenience to have this division in the matter of saving of railroad expenses, in the matter of saving mileage to the Government of the United States for court witnesses as well as other expenses, and in the matter of saving mileage to jurors. Therefore, I think that a great State like the State of Indiana ought to have more than one place in which to hold court. Practically to-day they hold court at but one place.

This bill simply contemplates a division of this district into subdivisions. Why, there is hardly any State in the Union where you find a condition as remarkable as that in the State of Indiana. Take my own State, for instance—not quite as large, I believe, in point of territory as the State of Indiana, not quite so large in point of population, but exceeding, I must say with a pardonable pride, any other State in point of intelligence and patriotism of its people [laughter], but confessing her inferiority to Indiana in other and minor respects only, I must say—that State has three judges. It has a northern district, a middle district, and a southern district, and has subdivisions in these districts, so that we hold federal court in that State now at eight different places. It is a great public convenience. It takes the court to the people, and I must say that one of the judges of that State particularly, a most estimable and worthy man, a splendid lawyer, and a patriot, has never opposed the establishment of divisions of court, but is always willing to carry justice to the people at little expense to them and at as little expense to the Government as possible.

Mr. WALDO. Will the gentleman yield for a question?

Mr. CLAYTON. I will.

Mr. WALDO. I would like to know whether the records of the courts in the gentleman's State are kept at different places?

Mr. CLAYTON. They are, of those particular courts; yes. They have deputy clerks and deputy marshals in these particular places. That ought to be the case in every court, because, Mr. Speaker, judgments in many of the States are liens against a man's property, and every man interested in business, and every man who lends money, sells goods, or transacts any business with any man in any community, should not only have an opportunity to examine the records of these mortgages and his own local court records, but, as far as may be, the convenience ought to be afforded him to examine the records of the federal court to see whether any given party has a judgment standing against it.

Mr. JENKINS. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. COX].

Mr. COX of Indiana. Mr. Speaker, I regret very much to see the delegation from Indiana divided upon this bill. Coming from the southern part of my State, and feeling the absolute necessity for the passage of this bill, I am heartily in favor of it for several reasons.

In the first place, while I believe the convenience of attorneys should be considered, their convenience is not a matter of paramount importance; but I do especially believe that the convenience of private citizens or litigants should be considered. There is only one federal court in the entire State of Indiana presided over by one federal judge. It is true that cases can be tried in the federal court in any other place, but it is equally true that it is practically impossible to have them come to a trial upon them. I know this from personal experiences, that cases have been removed from the circuit court of the State of Indiana, in my own county, to the federal courts of the United States, and transferred to the city of Indianapolis, and then, upon petition, transferred to the city of Evansville, and we have had these cases hanging fire for two years and never been able to get them to trial. I believe that the report of the committee speaks the truth.

Mr. LANDIS. I would like to ask the gentleman if it was the fault of the court that the cases could not be brought to trial?

Mr. COX of Indiana. Yes; largely.

Mr. LANDIS. Will the gentleman kindly name the cases?

Mr. COX of Indiana. Denne against the Southern Railroad, and Johnson against the Southern Railroad.

Mr. LANDIS. Were they damage cases?

Mr. COX of Indiana. Yes; for personal injury.

Mr. LANDIS. And the court refused a hearing to them?

Mr. COX of Indiana. We could never get the cases assigned for trial.

Mr. LANDIS. And the fault rested with the court?

Mr. COX of Indiana. Largely so; yes sir; because we could not get the court to stay the statutory length of time so that we could have a trial.

Mr. LANDIS. What was the date?

Mr. COX of Indiana. I do not recollect the exact date, but it was within the last three or four years. I live in the southern

part of the State of Indiana, and the report sets out the fact that the distance is 364 miles from the city of Evansville to Indianapolis and return, that it is 326 miles from the city of Indianapolis to Hammond and return, and 238 miles from New Albany to Indianapolis and return. Every practical lawyer here will agree with me on this proposition, especially when you have a case before a jury in a court, either State or Federal, that depositions amount to but very little, and if you desire to win your case you will strain every nerve to get your witnesses to attend, to take them to the place of holding court, place them upon the witness stand, and submit them to the court and jury. And to travel from Evansville to Indianapolis and return, we can realize the enormous expense that there is attached to it. It is not proposed in this bill to provide that another federal judge be appointed, although that seems to be one of the objections waged against it. But I imagine that it would still be within the power of this House to disagree to an amendment, should an amendment of that kind be placed in the bill by the other branch of the legislative body. But, as my colleague from Alabama [Mr. CLAYTON] well stated, suppose it does create another court? What of it? In my judgment, the business of the State of Indiana requires it, and if the business of the federal court of the State of Indiana does demand another judge, let it come. It is a fact that in the past few years a large number of corporations have come into the State of Indiana, and are doing business in the State of Indiana, incorporated under the laws of the State of Virginia, New Jersey, or some other Eastern States.

The SPEAKER. The time of the gentleman has expired.

Mr. MADDEN. I ask unanimous consent that the gentleman may be allowed to proceed for five minutes more.

The SPEAKER. Is there objection?

Mr. JENKINS. Our time is pretty well taken up, but I yield five minutes more to the gentleman.

Mr. OVERSTREET. Will the gentleman yield to a question right on that point? Suppose a corporation should come into the State of Indiana, and had an agency in the State, would they be able to transfer their cases from the state courts to the federal court?

Mr. COX of Indiana. Yes, sir; a large number of them.

Mr. OVERSTREET. Is not there a state statute which compels them to try any suit they have in the state courts?

Mr. COX of Indiana. It applies to foreign insurance companies' cases.

Mr. OVERSTREET. But does not that statute apply to all foreign corporations?

Mr. COX of Indiana. No. In cases of this kind affecting foreign insurance companies, you can sue them in the state court, and by virtue of this statute they are compelled to litigate their action in the state court, but this statute does not apply to all nonresident corporations.

Mr. OVERSTREET. What kind of corporations does the gentleman refer to?

Mr. COX of Indiana. The Southern Railway Company, which runs through my district, is one of them, and it is incorporated under the laws of the State of Virginia. Under the federal law, when you sue for more than $2,000 and such a corporation as the Southern Railway Company is party defendant, you are instantaneously put into the federal court, if the defendant files a petition asking to have the case transferred. For that very reason many a lawyer in the State of Indiana to-day is taking the chance of his case being reversed in the supreme court of Indiana, by making another person a nominal defendant, so that he may try the case in the state courts; taking the chances, I say, on being reversed in the supreme court.

Mr. OVERSTREET. Is the gentleman referring to damage suits?

Mr. COX of Indiana. Largely so.

Mr. OVERSTREET. Is it not a fact that under the federal law the United States aids poor plaintiffs in damage suits by subpœnaing and paying the witnesses, and that that assistance is denied them in the state courts?

Mr. COX of Indiana. That has not been my experience in the federal court.

Mr. OVERSTREET. So that if the gentleman has a damage suit against this kind of a corporation he is benefited by the existing law and would be interfered with by the proposed law?

Mr. COX of Indiana. Not as I view it. I have not found that to be the federal practice, that the United States in civil suits pays the witnesses' fees, traveling expenses, and so forth. Upon the contrary, I have found that the parties themselves had to procure the attendance of the witness. I think that is the practice in the federal courts to-day. I have been shown this courtesy in the federal courts, that I have been permitted to prosecute a case on behalf of a plaintiff as a poor person, but that only goes to the extent that ordinarily obtains in our state practice, where the sheriff and clerk are compelled to do their duty without requiring their fees in advance.

Mr. OVERSTREET. If the gentleman will yield, I should like to quote from a letter addressed to me by the president of the State Bar Association.

Mr. COX of Indiana. I do not like to have that taken out of my time.

Mr. OVERSTREET. I am going to answer that question—that is, the question between us as to what the law is.

Mr. COX of Indiana. The gentleman can take it out of his own time. I object to his taking it out of my time.

Mr. OVERSTREET. It is a very pertinent question, and I should like to answer it.

Mr. COX of Indiana. In view of the fact that the State of Indiana has a large number of foreign corporations doing business in that State to-day, and in view of the fact that the last Congress passed a federal coemployees' liability bill, in my judgment will greatly increase the business in federal courts generally, including the federal court in my own State. In my judgment a suit brought under this bill in a state court will present a federal question, and if the amount involved is more than $2,000 a removal will lie from the state court to the federal court, and thereby increase the litigation in the federal court. Looking at it from this view point we should consult the convenience of the people, and this bill is squarely in the interest of the people at large in the State of Indiana. I am therefore for it and hope it will pass.

[The time of Mr. Cox of Indiana having expired, by unanimous consent he was given leave to extend his remarks in the RECORD.]

Mr. JENKINS. I yield five minutes to my colleague on the Judiciary Committee, the gentleman from Indiana [Mr. FOSTER].

Mr. FOSTER of Indiana. Mr. Speaker, I regret that I have only just entered the Hall and that I did not hear the objections to this bill. It is distinctly in line with all legislation creating divisions of federal judicial districts in almost all the States. We have now in Indiana five places of holding the federal court, and the bill simply seeks to create around each one of the present places of holding court a division, and also adds as a place of holding court the city of Terre Haute, which is a large city, of over 50,000 population. Now, these divisions have aggregate populations running from 214,836 in the smallest up to 423,698 in the largest outside of Indianapolis. We still leave in the Indianapolis division a population of 980,196.

I want to call the attention of the House to these figures, because they show that there is in each of these districts to be created a population in excess of that in a number of individual States. There are some dozen States in this Union having no greater population than the divisions sought to be created by this bill.

I am living at Evansville, Ind., and so situated that if required to go to Indianapolis to try cases I must make a round trip of 364 miles. While it is true that we have a place of holding court at Evansville, it happens as a matter of practical application that very seldom is any court ever held in that city, although it is a city now of over 75,000 people, and in the proposed division surrounding it there were over 300,000 people, according to the census of 1900.

I do not care to take any position here reflecting upon the administration of justice in the State of Indiana in any way, but we know that with a centrally located point of doing business there is a tendency in the courts to prefer that point for the transaction of their business. We all know the feeling which accommodates itself to the personal convenience and comfort of any court who is trying cases, and it is not to be wondered at that frequently the trial of cases will take place in accordance with the personal comfort and convenience of the judge, and not that of litigants, even though it may be with the express consent of the litigants.

In Indiana there has been a great lessening of business in the last thirty years, and I think that can be accounted for on the ground of the extreme difficulty which litigants have, outside of the general neighborhood of Indianapolis, to get access to the federal court and have their cases tried.

Mr. OVERSTREET. Will the gentleman allow an interruption?

Mr. FOSTER of Indiana. Certainly.

Mr. OVERSTREET. Is it not true that the business has actually decreased in the central part of the State?

Mr. FOSTER of Indiana. The business in Indiana is less than it is in other States with a similar population, although

these States have the same statute system which the gentleman refers to. In my opinion, and it is my opinion only, the reason why there is so little business is the extreme difficulty of getting access to the federal court.

Mr. OVERSTREET. Would not that increase the business at Indianapolis?

Mr. FOSTER of Indiana. No.

Mr. OVERSTREET. Is it not a fact that the business at Indianapolis and the surrounding counties has decreased?

Mr. FOSTER of Indiana. I think not, although I am not familiar with the figures. I am satisfied that there is no such decrease in Indianapolis as there has been in other portions of the State, because it is almost all done at Indianapolis and in other portions of the State practically nothing.

Now, during this recess while at home a young fellow came to me and was talking about a fine that had been imposed upon him for some misdemeanor and to which he pleaded guilty. I presume the court in trying to give him as small a sentence as possible only fined him $10, but the costs attendant on taking him from Evansville to Indianapolis amounted to about $70.

The SPEAKER. The time of the gentleman has expired.

Mr. FOSTER of Indiana. I ask permission to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Indiana asks permission to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. OVERSTREET. Mr. Speaker, I would like to inquire of the gentleman from Wisconsin how many more speeches are to be made in favor of the bill?

Mr. JENKINS. Only one, I will say to the gentleman.

Mr. OVERSTREET. I yield to my colleague [Mr. DIXON] two minutes.

Mr. DIXON. Mr. Speaker, I fail to understand the necessity of passing this bill, where a part or most of the argument in its support is that it will increase the litigation in that State. I think it is a matter of congratulation to the people of the State of Indiana that litigation has decreased in the last few years in the federal courts. As a matter of fact, in all cases where it is possible to try cases in the state courts our people very much prefer to try them there. The reports from the investigations that have been made show that the judge of the court, over his own signature, says that he is able to transact all the business in the federal court in the State of Indiana and have several months for leisure and recreation. In addition to that, this bill increases the expenses on account of holding additional grand juries in each of these districts. And an added reason for my opposition to this bill is the fact that almost certainly there will follow the passage of this bill an amendment in the Senate at this session, or the passage of another bill in the next Congress, providing for an additional judge of the federal court. When the present judge is compelled, if this bill passes, to go all over the districts remaining in these separate places, as required by this bill, he will soon become convinced that it is impossible to transact the business of the court at these respective places and remain for the length of time that this law designates, and the result will be that we will have another federal judge; and the people of the State of Indiana are satisfied with the number of federal officeholders in that State at this time. For that reason I shall vote against the passage of this bill. The happiness and prosperity of our people and the material development of the State are not dependent upon the amount of business transacted in the federal court. No present necessity existing for the passage of this bill, I hope the same will be defeated. There is no public demand for its passage.

Mr. OVERSTREET. I now yield two minutes to my colleague [Mr. LANDIS].

Mr. LANDIS. Mr. Speaker, the ground has been so admirably covered by my colleague [Mr. OVERSTREET] that I feel that nothing effective can be added in the way of opposition to this bill by anything that I might say. There is no demand for this legislation. The keynote to the entire situation is struck by my colleague [Mr. DIXON] when he states that litigation in Indiana is on the decrease, and it matters not how many United States court bills may be passed, they will not have the *effect of perceptibly* increasing litigation in that State. Not only in the federal court has litigation decreased, but in our state courts, in our circuit courts, has litigation decreased. In the county of White, immediately north of the county in which I live, three of the leading members of that bar—one of them at one time president of the State Bar Association—within the last six months have packed their books and office furniture and moved away, I believe one of them to Hammond, Ind., and the other two to Chicago—simply because there was not any business in White County. There is very little law business in Carroll County or any other county in Indiana that has not a large city as its county seat. Litigation is on the decrease throughout the length and breadth of the State of Indiana, and while there might have been some excuse for another judge in Indiana some twenty to twenty-five years ago, there is no excuse for it to-day, and the object of this bill will become apparent when it returns from the Senate. I am not a lawyer. I do live on a farm, and I will say to my colleague, the gentleman who suggested my avocation when at home [Mr. CHANEY], that if this bill passes and this added expense is shouldered on the people he is likely to hear from the farmers when they go to the polls.

Mr. Speaker, without desiring to trespass upon the patience of the House, feeling that every phase of the question as represented by the opposition to this measure has been admirably presented, I am willing to leave the question to the judgment of those on this floor. There is no demand for this legislation save from a few lawyers who are interested. If this bill becomes a law, it will hamper and hinder litigation. It will work a hardship on those charged with violating the law. It will postpone rather than advance the trial of causes. It will entail a greater expense than would follow the creation of an additional district with an additional judge. The Department of Justice has recommended against it, and Judge Anderson, whose integrity I have never heard questioned, and whose eminent fairness on the bench is a matter of pride and congratulation in Indiana, would be put to an expense and inconvenience that would amount to little less than a hardship. I contend that no reason for the passage of this bill has been given, the responsibility for which does not rest with lawyers and litigants; and the fact that long terms of court are not now held at the points specified away from Indianapolis is due to the action of parties to the suits and not to the court. The passage of this bill would be little less than an outrage. There is no demand for it. There is no excuse for it. It is illogical, unwise, unfair, and indefensible. I can not believe that in the face of the showing that has been made this House will pass the bill.

Mr. OVERSTREET. Mr. Speaker, I shall say but just a word, merely for the benefit of those who may not have been present on the floor when I spoke against this measure a while ago. This bill is opposed by the district judge of the State, by the Attorney-General of the United States, by the president of the State Bar Association. It is not needed because of any lack of administration of the law; it is not needed because there is a decided decrease in the business of the federal courts. My colleague, Judge FOSTER, of Evansville, mentions the distance that must be traveled between Evansville and Indianapolis. He has some reason for his argument, and if this were to create a division of which Evansville were to be the center, I might have some difficulty in inducing the Members of this House to oppose the legislation, but it is an omnibus bill which takes in five other localities, none of which has the same argument advanced by my colleague, Judge FOSTER. If the failure of litigants, with their witnesses, to have justice administered at the federal court under existing practice was causing a decrease in the business, why has there not been a corresponding increase at the center, where the court is mostly now held? Gentlemen must admit that the decrease is general throughout the State, and as my colleague [Mr. LANDIS] has just stated, it is not alone in the federal court, but in the state courts as well. There can be no excuse for this House to-day to pass this bill. We have urged our opposition from every standpoint of the merits and demerits of the matter, and now I shall rest it with the vote of the House, confidently believing that the Members who have heard the debate will agree with those of us who oppose the legislation and defeat the bill.

Mr. Speaker, I now yield five minutes to my colleague [Mr. BARNHART].

Mr. BARNHART. Mr. Speaker, I live in the Thirteenth Indiana District, and I shall vote in opposition to this bill for three reasons; one, because I do not believe that the interests of the State demand these divisions of the federal court sessions and the incidental additional expense that is to be heaped upon the public. Another is that according to the provisions of this bill, so far as the district that I represent is concerned, it is objectionable, as the court therein will be held in the city of Hammond, which is located in the extreme northwest corner of the State, so remote from practically all of the counties of the district that it is less convenient to go to Hammond than it is to go to Indianapolis. There is another reason why I believe this bill should be defeated, and that is the one that has been advanced—that the purpose of it all is to get additional

judges. In Indiana there is a general protest against the increase of courts, and of public expenses generally.

Mr. HOLLIDAY. Will the gentleman yield for a question?

Mr. BARNHART. Yes, sir.

Mr. HOLLIDAY. I have heard it stated two or three times that the purpose of this bill is to get an additional judge. How is that understood? The friends of the bill are not asking for an additional judge or expecting one. How is that known?

Mr. BARNHART. It is surmised.

Mr. HOLLIDAY. Oh. The gentleman got that from the gentleman from the ninth district.

Mr. BARNHART. No; I heard it before I came here and before I was elected. It has been the talk in Indiana. Public rumor has it that there shall be an additional judge or two in the State of Indiana a little later, if this bill passes, and I do not believe that even the legal fraternity of the State is demanding anything of the kind. Court business in our State is decreasing, and court expenses should not increase.

Mr. LANDIS. I would like to ask the gentleman if it is not true that, if the judge of the court were around in these divisions holding court as specified in this bill, it would be necessary for some one to stay in Indianapolis to attend to the routine business. Is not that true?

Mr. BARNHART. Oh, I think so, and more than that, if the judge must travel about on the circuit, the one judge we now have would not usually be present where he is wanted, and as the federal litigation that mostly comes up in the counties throughout the State demands very prompt attention, being generally of an injunction or criminal nature, under those circumstances a court for my district, located at Hammond, would avail very little, because we would only have a session there, as I understand it, two months each year—one in May and the other in October. The bill in its present provisions would locate our northern Indiana district court so far remote from the center of the district that Indianapolis is almost as convenient, and a central court in almost continuous session there would be more advantageous to litigants and much less expensive to the public. [Applause.]

Mr. JENKINS. Mr. Speaker, I now yield ten minutes to the gentleman from Indiana [Mr. CHANEY].

Mr. CHANEY. Mr. Speaker, not only is it 364 miles from Evansville to Indianapolis in a round trip, but it is also 226 miles from New Albany to Indianapolis, and from Hammond it is 326 miles, and from Fort Wayne it is 236 miles. The distance for persons having business in United States courts is of itself of very great inconvenience. There is no reason in the world if the judge holding court at Indianapolis is able to take care of all the business that will come into the United States court at that place, why he should not also be able to handle all the business, although he should go to these various places and hold court. Now, I want to say in reference to this insinuation that the whole purpose of this bill is to create another judge for the Indiana jurisdiction of the federal court, that it is a thing only intimated by some persons in some newspaper or other, or from some person who is supposed to bring it in to oppose this bill. It is an incidental matter which has no relation to the question here at all. It is not in the bill. If the time should come in the future, as I would be delighted to know it should come, that it would be necessary for another judge to be appointed in Indiana, we should have it done; but there is no necessity for anticipation of it now, and I know of no possibility or probability of such a thing in many years to come. I believe Judge Anderson can take care of all the business that comes to the federal courts of Indiana, although he may be required to go to these various places to hold his court. Now we have the opposition from one more Member [Mr. BARNHART] from our State to-day than we supposed we had. We knew there were four Members of our delegation who were opposed to this proposition, but we understood the rest of them all favored it; but one thing we do know is that there is a demand for this legislation by the people of the State of Indiana.

It comes from Fort Wayne. It comes from the people surrounding Fort Wayne. It comes from Hammond; from the people who have access to the city of Hammond. It comes from New Albany and the environments of that city, and the people request that this bill pass. The opposition principally comes from Indianapolis. Now, there has been added to the places where the court is authorized by law to hold sessions the city of Terre Haute, to accommodate that city and the counties immediately adjacent to the city of Terre Haute. Terre Haute is an important railroad center. It is a great commercial center. It is so located that, while it is not so far from Indianapolis as these other places, the business centering in the city of Terre Haute has possibly as much litigation in the United States court as Indianapolis itself has, and it would not be long until the division of the court held at Terre Haute would be one of the very important branches of the federal court in our State.

Mr. ADAIR. May I ask the gentleman a question?

Mr. CHANEY. Certainly.

Mr. ADAIR. The gentleman has said he does not believe the purpose of the bill is to create another federal judge. If this bill should pass the House and go over to the Senate and come back amended, providing for another federal judge, would the gentleman from Indiana vote in favor of that amendment?

Mr. CHANEY. I would oppose the amendment, but I have not the least fear that such an amendment will be made over there.

Mr. ADAIR. The gentleman would oppose it?

Mr. CHANEY. I would oppose it, but I have no fear that any such amendment is contemplated or any idea that any such amendment as that will be considered at the other end of this Capitol. I simply say, and desire to emphasize what has been said by my colleague [Mr. HOLLIDAY], that this is a proposition to give to the people of the State the convenience of a federal court. We are entitled to have divisions in the federal court in Indiana like the people of other States. There is no question but what a number of cases would have been brought in the United States court in the division in which Terre Haute is located if there were opportunity to try the cases at that city.

It is so at Hammond, it is so at Fort Wayne, it is so at Evansville, and it is so at New Albany.

Mr. BARNHART. Will the gentleman yield for a question?

Mr. CHANEY. Certainly.

Mr. BARNHART. What is the purpose of the bill in locating one of these courts at Hammond, a city half of which lies within the State of Illinois, and is bounded on the north by Lake Michigan, practically entirely out of the district for which it is intended to be used?

Mr. CHANEY. I will say to my colleague that it is one of the places now provided by law for holding the United States court, and we simply now want it made certain that the United States court will be held there.

Mr. BARNHART. Without any consideration for the convenience of the people in the northern part of the State?

Mr. CHANEY. For the convenience of the people. I want to say to the gentleman that the Pennsylvania Railroad runs in the right direction to carry the people up to Hammond.

Mr. BARNHART. The Pennsylvania Railroad does not cover all the northern side of Indiana.

Mr. CHANEY. The Monon Railroad runs that way.

Mr. BARNHART. That runs north and south.

Mr. CHANEY. It is positively an advantage also to have the United States court held in some convenient location with reference to lines between the States, because disputes arise between people in different States, and the questions involved are often such questions as the United States court ought to consider.

Mr. BARNHART. It would be much better, though, that the court be 20 miles from Hammond in Illinois, or have that court established midway in the State, east and west, would it not?

Mr. CHANEY. I should think the convenience of the people of Indiana, and even of Illinois, would be very much better subserved by having the sessions of the United States court held at that place. We simply want to make this bill complete what arrangements were originally made about holding the United States courts in certain places throughout the State. We have simply added to the places already fixed for holding court the city of Terre Haute, which has become not only a railroad center but a great commercial center. These business interests have become so great as to entitle the people who live in Terre Haute and who belong to the environments of Terre Haute to have a chance to go into the United States court to try their causes when it shall be to their interests to go there. I hope, indeed, that the membership of this House will vote to pass this bill, so that the people of the State of Indiana shall have the conveniences of the people of other States with respect to United States courts.

Mr. JENKINS. Mr. Speaker, now, under an arrangement perfectly satisfactory to the gentleman from Indiana [Mr. OVERSTREET], I ask for a vote.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken, and the Speaker announced that the Chair was in doubt.

Mr. JENKINS. I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 23, noes 32.

Mr. CHANEY. Mr. Speaker, I demand tellers.

Tellers were refused.

So the House refused to order the bill to a third reading.

Mr. OVERSTREET. Mr. Speaker, I move that the bill be laid upon the table.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. FOSTER of Indiana. Division, Mr. Speaker.

The House divided; and there were—ayes 40, noes 21.

So the bill was ordered to be laid upon the table.

VESSELS SEIZED IN THE BERING SEA.

Mr. JENKINS. Mr. Speaker, by direction of the Committee on the Judiciary, I call up the bill S. 390.

The bill was read, as follows:

A bill (S. 390) to confer jurisdiction upon the circuit court of the United States for the ninth circuit to determine in equity the rights of American citizens under the award of the Bering Sea arbitration of Paris and to render judgment thereon.

Be it enacted, etc., That jurisdiction in equity is hereby conferred upon the circuit court of the United States for the ninth circuit to examine and determine the rights of American citizens under the award of the Paris arbitration concerning the jurisdiction of Bering Sea.

SEC. 2. That all American citizens whose rights were affected by said award may submit to the court their claims thereunder, and the court shall enter judgment thereon. Claims not submitted within two years from the passage of this act shall thereafter be forever barred.

The amendments recommended by the committee were read, as follows:

Strike out the words "in equity," in line 3.

Strike out the word "shall," in line 10, and substitute therefor the word "may."

Add at the end of line 10 the following: *"Provided, however,* That nothing in said award shall preclude the United States from interposing any defense which might be made if there were no such award or arbitration."

Amend the title by striking out the words "in equity."

Mr. MANN. Mr. Speaker, I make the point of order that this bill can not be called up on a call of the committees, and that it belongs to the Union Calendar, not subject to be called up on a call of the committees. The bill confers on the circuit court of the ninth district authority to examine and determine the right of American citizens under the award of the Paris arbitration concerning the jurisdiction of Bering Sea, which we know refers to the Bering Sea seal difficulties. Section 2 provides that all American citizens whose rights were affected by said award may submit to the court their claims thereunder, and the court may enter judgment thereon.

Now, it is conceded that under the existing law there is no liability on the part of the Government to these claimants. Under this bill the claimants will have authority to appear and file their claims in the circuit court of California and obtain judgment upon those claims. The obtaining of a judgment under such circumstances creates a liability against the Government. The rule, paragraph 3, Rule XXIII provides that certain propositions shall be considered in Committee of the Whole House, and says, including those, "all matters or propositions involving a tax or charge upon the people."

Now, giving to a court jurisdiction to enter judgment against the United States creates and involves a tax or charge upon the people, because when such a judgment is entered in the court against the United States that judgment must be met and paid. Hence, where claimants have no authority to obtain a judgment, no authority under the law to maintain their claims, under this bill they are given not merely authority to have their claims determined, but authority to have a judgment entered against the United States upon the claim. Further than that, the rule also provides that there shall be referred to the Committee of the Whole House on the state of the Union any bill referring any claim to the Court of Claims. While this bill in terms does not refer this claim to the Court of Claims, it refers these claims to the circuit court of the ninth circuit. In practice, in theory, in reason, there is no distinction between referring a claim to the Court of Claims, so called, in Washington, and referring that claim to a circuit court which acts as a court of claims. So that it seems to me under either provision of the rules the bill must be considered in the Committee of the Whole House. This is a reference practically to the Court of Claims of these claims and authorizes that court to enter a judgment upon the claims, which makes a charge upon the Treasury. It may be said that it is purely speculative as to whether any judgment will be entered upon these claims; and yet it is admitted by the Government that such claims exist; it is admitted by the Government that under the provisions of this bill there must be a judgment for some amount entered against the Government. These claims are for vessels seized by the Government. The Government claimed the right to seize them. Under this bill that right is denied. It accepts the Paris award as law, and judgment must be entered against the Government, which amounts to a tax upon the Treasury.

Mr. JENKINS. Now, Mr. Speaker, so far as this point of order is concerned, I am inclined to believe that this bill is properly upon the House Calendar, and that it can be considered under the call of committees. I disagree with the contention of the gentleman from Illinois, that if a judgment is entered in these cases it must be met. It does not follow that because any court of the United States renders a judgment against the United States that any subsequent Congress is bound to appropriate money sufficient to liquidate that judgment. So far as this bill is concerned there is absolutely no charge whatever upon the Treasury. It simply says to the court: You may try the case, you can hear the claimants, and if you are satisfied that they have a legal, meritorious claim against the United States that judgment shall be entered in their favor for the amount found. That does not create a charge on the Treasury.

Mr. MANN. Will the gentleman yield to me?

Mr. JENKINS. Certainly.

Mr. MANN. Does not the gentleman think that operates as a charge upon the Treasury? The language of the rule is not "create" but "involve."

Mr. JENKINS. I will say to the gentleman that it certainly does not involve a charge as yet, because it can not be a charge upon the Treasury until Congress has voted to pay the amount.

As far as the speculative suggestion is concerned, it is possible that the court may find against the claimants. Then it can not be a charge upon the Treasury. If the acts of these sealers were unlawful, then they have no standing in that court.

It is perfectly immaterial to me, as far as I am concerned. This question must have been carefully considered when the reference was made. It was referred to the House Calendar, and I think it was properly so referred.

The SPEAKER. The Chair notices the point of order made by the gentleman from Illinois [Mr. MANN]. Clause 3 of Rule XXIII provides—

All motions or propositions involving a tax or charge upon the people—

And so forth—

shall be first considered in a Committee of the Whole.

There have been many rulings under this clause of the rule. Where claims are referred to the Court of Claims in express language, they shall receive their first consideration in Committee of the Whole. This, however, as the gentleman from Illinois says, is not a reference to the Court of Claims, but is a reference to the circuit court. It is not necessary for the Chair to announce what the ruling might be if that were the only point of order, but the second point of order is that the bill provides—

And the court shall enter judgment thereon.

Now, under the precedents such a provision has, so far as the Chair has been able to find, been uniformly held to subject the proposed legislation, or the bill, to the operation of clause 3 of Rule XXIII, and requires the consideration of the same to be in Committee of the Whole House on the state of the Union. It is true, you may say, that Congress is not bound to appropriate, nor is Congress bound to appropriate for the public debt, or the interest on the same, or to pay any judgment. It is in the power of Congress to refuse to pay, but in the construction of the rule, so far as the Chair has been able to ascertain, it has never been assumed that Congress would resort to repudiation. Of course, the class of claims that are referred to the courts from time to time for investigation and report to Congress for its consideration present another question, but this provides for absolute adjustment, and therefore, in the opinion of the Chair, the point of order is well taken.

Mr. JENKINS. Mr. Speaker, the Committee on the Judiciary yields the floor.

The SPEAKER. The Clerk will call the next committee.

EMBASSIES, LEGATIONS, AND CONSULAR BUILDINGS ABROAD.

Mr. LOWDEN. Mr. Speaker, we have been under the call of committees for more than an hour, and as I understand the rule, it is permissible for me now to move to go into the Committee of the Whole House.

The SPEAKER. The Committee of the Whole House on the state of the Union?

Mr. LOWDEN. Yes.

The SPEAKER. Under the rule that motion is in order.

Mr. LOWDEN. By direction of the Committee on Foreign Affairs I move to go into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 21491) providing for the purchase or erection of embassies, legations, and consular buildings abroad.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of a bill the title of which the Clerk will report.

The Clerk read the title of the bill.

Mr. STEENERSON. I demand the regular order, Mr. Speaker.

The SPEAKER. This is the regular order, one hour having expired since the call of committees began. The motion is in order.

Mr. STEENERSON. I supposed the call of committees was in order.

The SPEAKER. We are under the order of the call of committees, but under the rule, having been under that order for sixty minutes, it is a matter of privilege for any gentleman to move to take up a bill on the Union Calendar. After this bill is disposed of, or if the committee refuses to adopt the motion of the gentleman from Illinois, the call of the committees will proceed; but if the House goes into Committee of the Whole on the state of the Union, then this bill would have to be disposed of by the Committee of the Whole House on the state of the Union before the call of committees would proceed further.

Mr. STEENERSON. Would it be in order to move to amend by continuing the call of committees?

The SPEAKER. One amendment under the rule is in order to take up another bill in lieu of this.

Mr. STEENERSON. On the Union Calendar?

The SPEAKER. Yes.

Mr. STEENERSON. My bill is not on the Union Calendar. It is on the House Calendar.

Mr. BARTHOLDT. Mr. Speaker, I should like to inquire what committee this bill came from?

The SPEAKER. The Committee on Foreign Affairs.

Mr. BARTHOLDT. Then I would like to inquire if that bill should not have been considered by the Committee on Public Buildings and Grounds. It provides for the erection of public buildings, not in this country, it is true, but public buildings belonging to the United States. I should like a ruling, Mr. Speaker, as to whether that bill has been properly reported from the Committee on Foreign Affairs.

Mr. LOWDEN. Mr. Speaker, the point raised by the gentleman from Missouri should have been made before the bill was reported out by the Committee on Foreign Affairs by raising the question of an improper reference. I claim that it can not be raised at this time.

Mr. MANN. I take it that whatever committee the bill should have been referred to it makes no difference now as long as it is a public bill. On a private bill a Member makes his own reference. The reference of a public bill is made by the Speaker and the reference is good unless the House sees fit to change it. The gentleman from Missouri had a right any morning to make a motion to discharge the Committee on Foreign Affairs and have that bill transferred to his committee.

The SPEAKER. The Chair will call the attention of the gentleman from Missouri to clause 22, rule 11, which provides:

To the public buildings and occupied or improved grounds of the United States, other than appropriations therefor, to the Committee on Public Buildings and Grounds.

If any morning after the reading of the Journal a motion had been made by the direction of the Committee on Public Buildings and Grounds to correct a reference under the rule, whatever the House might have done in such a case it is unnecessary to inquire. But here is a bill that seems to have been referred to the Committee on Foreign Affairs, and by that committee reported, and is now upon the Union Calendar, and being a public bill under the rule the Chair is of the opinion that when once reported from that committee it is too late to raise the question of jurisdiction. The rule is otherwise as to private bills.

The question was then taken on the motion of Mr. LOWDEN to go into Committee of the Whole, and on a division (demanded by Mr. LOWDEN) there were 30 ayes and 16 noes.

So the motion prevailed.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LAWRENCE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 21491) providing for the purchase or erection of embassy, legation, and consular buildings abroad.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of State be, and he is hereby, authorized to acquire in foreign countries such sites and buildings as may be appropriated for by Congress for the use of the diplomatic and consular establishments of the United States, and to alter, repair, and furnish the said buildings, suitable buildings for this purpose to be either purchased or erected as to the Secretary of State may seem best, and all buildings so acquired for the diplomatic service shall be used both as the residences of diplomatic officers and for the offices of the diplomatic establishment: *Provided*, That hereafter not more than $1,000,000 shall be appropriated for the purposes above set forth in any one fiscal year.

SEC. 2. That the sum of $1,000,000 is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purchase, erection, repair, alteration, and furnishing of embassies, legations, and consulates, the said sum to be expended within the purposes of this act, at the discretion of the Secretary of State, not to exceed one-half thereof to be expended to secure consular and court buildings at Shanghai and Yokohama, and not to exceed one-half thereof to be expended to secure embassy buildings at Berlin and Mexico City.

Mr. LOWDEN. Mr. Chairman, I do not think it will be necessary to have a very full discussion of this bill at the present time, because at each session for a number of years there has been a very full presentation of the needs which this bill is intended to provide for. We are the only great country that so far has not embarked upon the policy of owning our own embassy and legation buildings in the principal capitals of the rest of the world. Every one of our ambassadors and ministers, so far as I am advised, has found that his service was greatly diminished in its value to this country because of the policy that we have so far pursued.

A number of bills have been introduced, and this bill is as simple and modest as any that has come before the House, and provides in general that at this time an appropriation of $1,000,000 be made to make a beginning, and also it authorizes future construction, so that the Committee on Foreign Affairs or the Committee on Public Buildings, if the contention of my friend from Missouri is sustained, can incorporate not to exceed $1,000,000 in each year for the purpose of having constructed embassies and legations without that provision in the diplomatic appropriation bill or the Committee on Public Buildings being subject to the point of order.

I reserve the balance of my time.

Mr. HARRISON. Mr. Chairman, as one of the minority members of the Committee on Foreign Affairs, I wish to add a few words to what the gentleman from Illinois has said about this bill. Our side of the committee is unanimous in support of the bill, and personally I have the strongest reasons for hoping that it will pass. It is, in some measure, the result of the discussion in the House last winter and several years previous to that, when the conduct of our foreign representatives was somewhat under fire. It is the general impression in the United States to-day that certain diplomatic posts are only within the reach of very rich men. One of the solutions of this trouble that is alleged to exist is the bill now before the committee. Gradually and modestly this bill proposes to acquire homes and residences for our foreign representatives. It will no longer be necessary for an American ambassador going abroad to scramble around and try to acquire an expensive residence in a foreign capital.

The Government should provide a residence for him and thereby remove the discrimination between men of different-sized purses going abroad to represent this country. Last winter a certain cause celèbre arose in one of the principal countries of Europe which I think could not have arisen had we at that time owned our embassy in the capital of that country. This bill will remove a great many disagreeable features now attendant upon taking a post abroad. It will put it within the power of any man, however humble his means, to represent our country worthily in any foreign capital. This bill does not ask for a very large appropriation. The Government should go at this matter gradually. We should not rush into the real estate markets of all the countries of the world and make wild bids for embassy buildings. We should go at it slowly, and it seems to me that this bill will accomplish that purpose.

I believe that the dignity of our country to-day requires that our representatives abroad should be properly housed. Until within very recent times the American people have not seemed to attach any very great importance, except in times of national crises, to the representation of our country abroad. We have been more interested in building up our own internal affairs than we have in our foreign service, but it seems that to-day we must take our place as one of the first of the world powers; and in order to do that, without any purpose of

aggrandizement or aggression, but merely to assert our proper place and dignity among the nations, it is fitting, in my opinion, that our country should house its representatives in a manner becoming the dignity of the United States. I hope the bill will pass.

Mr. BARTHOLDT rose.

The CHAIRMAN. The gentleman from Missouri.

Mr. COX of Indiana. Mr. Chairman, I would like to ask the gentleman from New York a question. I would like to ask whether or not the Government now pays any rent for the homes of our foreign representatives?

Mr. HARRISON. I believe the Government pays in some countries where it is very difficult to acquire a home.

Mr. COX of Indiana. Has the gentleman any idea about how much rent our Government pays annually for that purpose?

Mr. HARRISON. I do not recall how much it is. I have no doubt that the gentleman in charge of the bill can tell.

Mr. COX of Indiana. Has the gentleman any idea or any data to give the House how much this will eventually cost the Government of the United States, provided we embark upon this policy of purchasing homes?

Mr. HARRISON. We have no idea how much it will cost eventually, but at the rate of $1,000,000 a year I think that four or five or six buildings a year can probably be acquired.

Mr. MADDEN. For how many years would the gentleman be in favor of having the million dollars appropriated each year?

Mr. HARRISON. Until we acquire an embassy, legation, or consular building in countries where our dignity requires it, and where it is impossible for our representatives to acquire a residence.

Mr. MADDEN. This does not place any limit on the number of years.

Mr. HARRISON. No.

Mr. HULL of Iowa. It does not place any limit on the cost of the building.

Mr. MADDEN. It does not place any limit on the number of places in which we are to acquire sites.

Mr. HARRISON. The limit is the discretion of the House each year when it comes to pass upon the appropriation.

Mr. MADDEN. Does it not leave it discretionary with the Secretary of State to decide?

Mr. HARRISON. Yes; but upon us rests the responsibility for appropriating the money.

Mr. MADDEN. This leaves it entirely discretionary with the Secretary of State?

Mr. HARRISON. No; on the contrary, our committee has selected the four sites for which we are now appropriating money.

Mr. MADDEN. Beyond that there is no selection made?

Mr. HARRISON. No; but I think that our committee or the Committee on Public Lands is sufficiently able to make the selection.

Mr. HULL of Iowa. I would like to ask in what part of the bill there is any limitation made as to the amount to be expended at any one place. I see that it is provided that this million dollars shall be at four places.

Mr. HARRISON. We have not attempted to limit the expenditure at any one place.

Mr. HULL of Iowa. Nor for any one building?

Mr. HARRISON. No; but for four buildings we have limited the cost.

Mr. HULL of Iowa. Does this limit it to these four places, the total cost not to exceed a million dollars?

Mr. HARRISON. Yes.

Mr. HULL of Iowa. I doubt that very much. A million dollars is appropriated to commence at four places, and that is all that could be used until further action by Congress.

Mr. HARRISON. Yes.

Mr. HULL of Iowa. But, in my judgment, they could use a million at any one of the places and then the next year come in for another place.

Mr. HARRISON. The gentleman has a very low opinion of the intelligence and discretion of the Secretary of State.

Mr. HULL of Iowa. Not at all; but I know when you authorize the commencement of four buildings that the Secretary of State or the Secretary of War or the Secretary of the Navy may not consider himself as limited in their total cost by the first appropriation. For instance, let us take the War College down here. That was begun when the present Secretary of State was Secretary of War, and I want to say of him that I regard him as one of the ablest of all our public men and one of the best, but as great a man as he, as great a lawyer and as great a public servant as he, when we appropriated $400,000 for the War College, entered into plans that required us to appropriate practically $400,000 more. I do not know that he is to blame for it, but why would not the same rule apply in this case?

If you say we will give you a million dollars a year, it does not mean the million of dollars is to complete it all at the start, but if you want another million dollars the next year, give them another, and so on until completed.

Mr. HARRISON. The gentleman will pardon me, but I yielded for a question, and he has asked three or four questions. I am sorry that his experience with the War Department has been so unfortunate.

Mr. HULL of Iowa. That is the same with all the departments.

Mr. HARRISON. If the gentleman will examine the bill, he will see that each year Congress will say whether it will appropriate the money or not. We will give authority to the Secretary of State to expend the money; he is not to give us directions to do it.

Mr. HULL of Iowa. When the gentleman yields the floor——

Mr. BARTHOLDT. Mr. Chairman, a parliamentary inquiry. Did not the chairman recognize me?

The CHAIRMAN. The Chair has recognized the gentleman, but understood the gentleman yielded the floor to allow the gentleman from New York to ask a question. To whom does the gentleman from New York yield?

Mr. HARRISON. I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. I hope the gentleman will not take exception to the question, as he seemed to do to the question of the gentleman from Iowa.

Mr. HARRISON. The gentleman is very much mistaken in thinking I took exception to the question of the gentleman from Iowa.

Mr. MANN. I wondered whether he seriously believed that Congress can pass an act providing that there shall be appropriated not to exceed one million in any fiscal year hereafter for a certain purpose.

Mr. HARRISON. The limitation is upon the appropriation.

Mr. MANN. No; the limitation is upon Congress. It says that hereafter that not more than $1,000,000 shall be appropriated for the purpose set forth, and so forth, and I wondered if the intelligence to which the gentleman referred had been applied to this thing, whether he believed we can say that the next Congress shall appropriate any more or less than a million dollars.

Mr. HARRISON. We can express our ideas as a legacy to the next Congress.

Mr. MANN. The gentleman admits that he has no reason for it, and that there is no limitation on the amount that might be appropriated under this bill.

Mr. HARRISON. I did not admit any such thing. The gentleman from Illinois is putting a statement in my mouth which I did not make.

Mr. MANN. Then I retract it, and I will ask the gentleman to state what his position is with reference to that provision in the bill.

Mr. PERKINS. If the gentleman will permit, I will attempt to explain——

Mr. HARRISON. The purpose of the organic law which this bill attempts to establish is that a point of order can not be raised by the gentleman or some other equally zealous public servant against such an appropriation in an annual appropriation bill up to the amount of a million dollars. Beyond that it does not attempt to limit anything.

Mr. MANN. The probabilities are this would not affect the point of order at all; this is an illegal provision.

Mr. MACON. The gentleman stated a moment ago in his remarks that his main reason for wanting this bill passed was that we had reached a point where we could not send any but rich representatives abroad.

Mr. HARRISON. No; the gentleman is mistaken. I said that was the general impression throughout the country; I did not say it was a fact, but that it is the general impression that this is true.

Mr. MACON. Now, if this bill becomes a law and we appropriate this money to build these residences for ambassadors or ministers abroad, does not the gentleman think that $250,000 will get such a house that a poor man would not be able to live in?

Mr. HARRISON. In answer to the gentleman, I will say that we have considered that question and we believe the salary which is now given to our ambassadors is sufficient to enable them to dwell in any residence which we purchase for them under this language.

Mr. MACON. But a poor man could not live in a $250,000 house.

Mr. HARRISON. We give him enough——

Mr. MACON. Is it not a fact that the committee purposes to erect houses that only millionaires or rich representatives can live in?

Mr. HARRISON. It is not a fact; the gentleman is mistaken. It is a fact we intend to erect only such residences as our representatives should live in suitable to their position and dignity on the allowances and salary given them by this Government.

Mr. MACON. Where have we a representative, except the President of the United States, who is to-day living in a $250,000 house in the United States?

Mr. HARRISON. Well, I think if the gentleman would cast his eye around he might find several of them in Washington.

Mr. MACON. I do not know any of them.

Mr. HARRISON. I will not enter into a controversy with the gentleman on that point.

Mr. MACON. Does not the gentleman believe that if our representatives here can live in houses of less consequence than those we purchase for $250,000, we can afford to let our representatives to Shanghai, China, live in a house that will cost less than that?

Mr. HARRISON. I am glad the gentleman has brought out the point of China. The people of China frequently estimate the value of representatives of other powers entirely with their eyes. The representatives of our country over there, having been wretchedly housed, have less influence there for that very reason than they should have and the dignity of this country entitles them to. China is one of the particular countries where we should house our representatives properly in order to create an impression upon the Chinese people that will enable us to have a proper standing with them. And that is one of the cases for which we propose to appropriate now.

Mr. MACON. Does the gentleman believe that it is best and wise to cultivate a class of people that are not able to judge any country except through their eyes?

Mr. HARRISON. I believe the gentleman will agree with me that if those people are so unfortunate as to form their judgment solely through their eyes, we had better go ahead and meet the conditions as they exist.

Mr. MACON. Does not the gentleman think it would be a wiser policy to appropriate this in order to have a missionary sent to China or some other place?

Mr. HARRISON. I am unaware that there is any such project before this House.

Mr. GAINES of Tennessee. I want to ask the gentleman a question or two. I will state that I am very much in favor of erecting buildings in Washington City in order to take care of the public business. But who is to select these sites, who is to investigate the titles, and is the property to be bought and no report made to Congress before it is bought?

Mr. HARRISON. The presentation of the question is to be made by the committee of the Congress that asks for the appropriation. Suggestions are originally to be made by the Secretary of State to that committee, whether it will be the Committee on Foreign Affairs or on Public Buildings.

Mr. GAINES of Tennessee. Who is to select the sites?

Mr. HARRISON. The persons who are best equipped to do it, namely, our representatives abroad.

Mr. GAINES of Tennessee. Are you going to make that selection finally without report to Congress?

Mr. HARRISON. No, sir; we are not.

Mr. GAINES of Tennessee. Are you going to investigate the title before buying the land?

Mr. HARRISON. The Secretary of State will do that.

Mr. GAINES of Tennessee. Are they going to report that back to Congress before it is made final?

Mr. HARRISON. No. I do not see why it should be reported, either.

Mr. GAINES of Tennessee. To what committee?

Mr. HARRISON. Probably the Committee on Foreign Affairs.

Mr. GAINES of Tennessee. Does this bill provide that the Foreign Affairs Committee shall be the building committee?

Mr. HARRISON. For foreign affairs.

Mr. GAINES of Tennessee. Does the gentleman think a matter of that importance should not be viewed by any other committee of the House?

Mr. HARRISON. I hope the gentleman does not wish to suggest that the Foreign Affairs Committee is not capable of handling subjects of this importance.

Mr. GAINES of Tennessee. I quite agree that that committee is a committee of intelligence and that every committee of this House is a committee of intelligence, and I am sure the members of the Public Buildings Committee know more about public buildings and the value of them than I do. What experience has the gentleman had in buying lots of this kind or building houses? Has the gentleman ever bought or built one in this country?

Mr. HARRISON. Yes, sir.

Mr. GAINES of Tennessee. The gentleman has had experience in this and the old country, I presume, and I do not say this facetiously at all. Now, Mr. Speaker, if I could be recognized for three or four minutes, I would like it.

The SPEAKER pro tempore. The Chair has recognized the gentleman from Missouri [Mr. BARTHOLDT.]

Mr. BARTHOLDT. Mr. Chairman, lest the purpose of the parliamentary inquiry I submitted to the Speaker a little while ago may be misunderstood, I desire to state to the House that I am heartily in favor of the purpose of this bill. As one who travels abroad once in a while, I am deeply impressed with the necessity of this country maintaining its own embassy buildings in foreign countries. Many a time, Mr. Chairman, as an American citizen, I felt humiliated when I was compelled to climb up two, three, and four flights of stairs for the purpose of reaching the American minister or consul in foreign countries. I am sure every Member of this House who is proud of his country would feel exactly the same way. I think it is time that this country should do what other smaller and poorer countries have done long before us, namely, to erect buildings for our foreign representatives. But when I say that I am in favor of the purpose of this bill, I can not say that I am in favor of this particular bill. I do not know, as I have had but a few minutes to examine it, what the exact effect of it will be.

When we frame a bill in the Committee on Public Buildings and Grounds we always provide a limit of cost and always authorize an appropriation for a specific purpose. Not one of these conditions is complied with in this bill. In other words, it seems to me that if this bill became law as it reads now, it would simply transfer an authority which should be exercised by the legislative branch of this Government to the executive branch, leaving it entirely to the discretion of the Secretary of State as to what buildings should be erected and at what cost.

These points should be discussed here by the Members of this House and carefully considered by the committee which has charge of matters of this kind.

Mr. HARRISON. Will the gentleman permit me to ask him a question?

Mr. BARTHOLDT. Certainly.

Mr. HARRISON. The gentleman, I think, stated that the executive branch of this Government would be authorized to make these appropriations——

Mr. BARTHOLDT. No.

Mr. HARRISON (continuing). To acquire these sites only so far as Congress authorized it each year, and never more than $1,000,000 unless Congress desires.

Mr. BARTHOLDT. That simply means that the Secretary of State would send a statement to the Committee on Appropriations that so and so much is necessary for such and such a purpose; and under this bill the Committee on Appropriations has no discretion to say to the Secretary that either the purpose or the amount of an appropriation is contrary to their opinion. Consequently, in a way, you transfer authority now exercised by this House, and which ought to be exercised by this House, to an executive department.

Mr. HARRISON. Will the gentleman tell me who he thinks is better qualified to make recommendations, and if he does not think this is sufficiently guarded when it provides that the Secretary of State may only acquire such sites as may have been appropriated for by Congress each year?

Mr. BARTHOLDT. I answer that, merely judging by past experience, in many instances where this same procedure was followed by the House, namely, when a statement from an executive department came to the Committee on Appropriations relating to building matters, mistakes have been made. That committee is overwhelmed with business and has neither the necessary time nor the necessary detailed knowledge of building matters, hence in many instances grave mistakes have been made because the committee which should have had charge of such legislation has been ignored. Therefore I shall always insist, and I insist now, that this bill should have been referred to the Committee on Public Buildings and Grounds; but since this objection comes too late, I waive that point. I admit that the point should have been made before this time. It should have been made in the form of a motion by the committee to refer

this bill to the committee of which I have the honor to be a member.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. BARTHOLDT. Yes, sir.

Mr. MANN. No one in the House has had the experience of the gentleman in regard to public buildings. What, in the opinion of the gentleman, would be the effect, if we started to build public buildings in the United States, simply to appropriate a lump sum, to be expended at the discretion of some officer? Would the result be extravagance or economy?

Mr. BARTHOLDT. The result, in my judgment, would be greater extravagance in the service than we have had heretofore.

Mr. MANN. Well, if we should adopt the practice of appropriating a lump sum, to be expended nominally, in the terms of the bill, by the Secretary of State, but really by one of the clerks in that department, what would be the effect in that expenditure? Would the result be extravagance or economy?

Mr. BARTHOLDT. In answer to that question I am glad to say that I have the highest respect for the good judgment and the integrity of the gentleman, whoever he may be, now or in the future, that occupies the dignified position of Secretary of State.

I would be willing to trust his judgment in many matters, but when it comes to the appropriation of money for public buildings it seems to me Congress itself should exercise its constitutional right not only of determining the objects for which the money is appropriated, but also of limiting the cost for each particular purpose; and that condition, as I said before, has not been complied with in this bill. I repeat that there is probably no gentleman connected with any branch of the Government who is more competent to judge of the needs of this service than the Secretary of State, and he could give valuable advice to the Committee on Appropriations, or to the Committee on Foreign Affairs, or to the Committee on Public Buildings and Grounds on this subject. Certainly his recommendations would be heeded, I am sure, by either of those committees; but I say the matter should be kept within the power and jurisdiction of this House, and should not be handed over to any executive department or any official, no matter how great and dignified he may be.

Mr. TAWNEY. I have not read the bill, but is the gentleman certain that the estimates for these buildings would be referred to the Committee on Appropriations? Would they not go to the Committee on Foreign Affairs, that has control and jurisdiction of matters relating to embassies, legations, and consulates?

Mr. MANN. They would go to the Committee on Foreign Affairs.

Mr. BARTHOLDT. That would make the matter more objectionable, if that should be so. [Laughter.]

Mr. PERKINS. Mr. Chairman, this bill is a measure of some importance, and I think it is somewhat misunderstood by my friend from Missouri [Mr. BARTHOLDT]. I shall therefore ask the attention of the House very briefly to a measure which I believe will receive the support of a large majority of this House, if it is properly understood.

We plan two things: First, that it shall be the policy of this Government to own in foreign countries proper buildings for the housing of its diplomatic and consular officials. This bill does not provide for that. It appropriates simply $1,000,000. If Congress does not desire in the future to appropriate another cent, not another cent can ever be spent for this purpose. If this bill is passed, the Secretary of State will be authorized to expend $1,000,000; that, and that alone. But, Mr. Chairman, it is the belief of the committee reporting this bill, and I think it is the belief of the House of Representatives, that the policy which we thus undertake may be profitably followed. We desire two things; one, as has been well said by my friend from Missouri [Mr. BARTHOLDT], that the ministers and ambassadors of the United States shall be properly housed in a way that is fitting the dignity of the nation we represent. There is another thing of no less importance. This bill provides that the money appropriated shall be spent, one-half in the purchase of embassies and one-half in the purchase of consular buildings in the East. If we wish our trade to extend, as was well stated by my friend from New York [Mr. HARRISON], if we wish the open door in China and Japan to be of any value, if we wish the trade of the United States to enter the greatest market which the world can now show not already taken possession of, then it is necessary that our representatives shall find in the East what they can not find except by our appropriations, proper buildings in which they may do the work; buildings, as was well said by the gentleman from New York, which any native of the East, any Japanese or Chinaman, may feel, when he looks at them, represent the power of the nation behind the official.

In some remarks which I had the honor to make before this House a year ago I had here photographs which I wish I had to-day, in which were exhibited, side by side, in the city of Shanghai, one of the great centers of Chinese trade, the little broken-down house in which the representative of the United States of America had to be found by any Chinese merchant who had business to do with this country, who wished to have his invoiced property certified, and the building which the German Government—not a government which wastes its money—in the interest of the extension of German trade in the East, had provided for the use of its representatives there. I said then what I can say now: Is it strange that with that object lesson picturing side by side the attention given by two great governments to the means by which their trade may be developed, the fact exists, which we all know and regret, that the trade of Germany has increased in China with greater rapidity than the trade of the United States?

Now one word about the form of this bill. My friend from Missouri may be right, I hope he is wrong, in thinking that even worse results will come if the choice of these buildings is left to the Committee on Foreign Affairs than to the Committee on Appropriations, but I know that he is wrong in his understanding of the bill. There is here no appropriation and no legislation by which the Secretary of State can involve this Government to the tune of one dollar except the million dollars which we appropriate to-day. If we pass any legislation in the future it will be reported, I think, from the Committee on Foreign Affairs, which my friend seems to distrust, and if any appropriation is made it will regulate the manner in which the money shall be expended.

It will say, for instance, next year, assuming that to be the judgment of the House of Representatives, that we appropriate $1,000,000, and in that million dollars three hundred and fifty thousand shall be spent in the purchase of a building which is offered for sale to this Government in the city of Paris. It will say that of the sum appropriated two or three hundred thousand dollars shall be used specifically as provided for in another bill on the calendar of the House, a bill the place of which is taken by this bill, for the purchase of certain consular buildings in certain specified places in Japan and China. In reference to each and every purchase the House of Representatives can, the House of Representatives should, and the House of Representatives will say how much shall be expended and where it shall be expended. Do we not say so in this bill? Has my friend from Missouri any doubt as to where the money would go?

Mr. SHERLEY. Will the gentleman yield for an interruption?

Mr. PERKINS. I will.

Mr. SHERLEY. Does the gentleman consider that the language in this bill would authorize the carrying in the diplomatic appropriation bill of items for the purchase of embassies abroad?

Mr. PERKINS. If those items were approved by a majority of the House of Representatives, yes. If they were disapproved by the House of Representatives, no. Just like any other bill; like appropriations in the bills in the committee of which my friend is a member.

Mr. SHERLEY. Will the gentleman tell the House whether it would be possible on an appropriation bill, the diplomatic appropriation bill, to do anything other than designate the amount of money and to limit the expenditure? Could you affirmatively legislate as to how the money was to be expended?

Mr. PERKINS. Surely. The legislative appropriation bill provides that there shall be paid to the ambassador at Berlin the sum of $17,500. Under that authority that money is paid to him, and it can be paid in no other way and to no other person, nor can it be paid without that authority. In precisely the same way, with the same legal effect, with the same express language, the bill would say the Secretary of State was authorized to expend for an embassy at Berlin for the Government of the United States the sum of $300,000.

Mr. SHERLEY. Yes; but just a step further. Would you be able to designate the character of the building or to do anything other than to limit the amount and then to say that no greater sum than a given one should be expended for an embassy? Could you go into the details of affirmative legislation?

Mr. PERKINS. Of course my friend from Kentucky, able lawyer that he is, will know in one minute, if he considers, that Congress can make any restrictions on expenditures it sees fit. It can say in the bill that the Secretary of State is authorized to expend $300,000 for the purchase of a building that stands at the corner of Unter den Linden avenue——

Mr. MANN. But it will be subject to a point of order just the same, under this bill.

Mr. PERKINS. That may be.

Mr. SHERLEY. Oh, but the gentleman does not want to ignore the fact that the whole point of my inquiry was whether you could, under the rules of the House, on a diplomatic appropriation bill provide affirmatively restrictions on expenditures.

Mr. PERKINS. We can provide for expenditures and for any restrictions——

Mr. SHERLEY. That does not follow. The gentleman is aware that on an appropriation bill you can not create law. You can carry out the purpose of what is already law.

Mr. PERKINS. Precisely, and this bill authorizes by law the purchase of certain buildings to be used for certain purposes. So we have the general authority, and having the general authority—just as Congress has the general authority to appropriate money for ambassadors and ministers—having the general authority, Congress, not subject to a point of order, can say that there shall be paid to the ambassador at Berlin so much and to the ambassador at Paris so much, and having the general authority of appropriating not only for the salary, not only for the clerk hire, but for the roof that shall cover the head of the minister at Berlin and the minister at Paris, it can provide the details of the roof in the same way that it provides for the details of the clerk hire and the salary allowance.

Mr. MANN. Does the gentleman think——

Mr. PERKINS. Allow me just one word, and then I will yield. This bill has not been drawn with any desire to abrogate the prerogatives of Congress and turn them over to clerks in departments or heads of departments. We have said that—

not to exceed one-half of this money shall be expended at Shanghai and Yokohama and not to exceed one-half shall be expended at Berlin and Mexico.

We knew what we were doing. The need of a building at Shanghai for our consuls, for our courts, for the purposes of our Government is a crying shame. We were offered buildings for this purpose that we could have obtained three years ago for $250,000 or $350,000. We did not buy them, because we had no authority and this Congress would not give it. They were taken by another and more sagacious government, and to-day we will have to pay $100,000 more to get the same results. We have in our minds just what will be done in Yokohama and in Shanghai. We had in our mind a building at Berlin, and is there any man in this House or in the United States who, in view of the unfortunate diplomatic incident of last year, does not think with regret, if not with a stronger feeling, that the time has been reached when the Government of these United States in the city of Berlin shall have its minister alike properly chosen and properly housed?

Mr. MANN. Then why did the committee change its mind as to the amount for Shanghai between February 27 and April 1?

Mr. PERKINS. Because the committee saw fit to do it. Even the committees of which my friend is a member sometimes change their minds.

Mr. MANN. Without any new information at all?

Mr. PERKINS. Oh, we had more information than my friend thinks.

Mr. SHERLEY. I would like to ask the gentleman from New York a question. The gentleman makes an argument as to this bill being particular in its expenditures, but he realizes, of course, that this bill, coming into this House under the conditions that it did come in, is not subject to the same rules that a general appropriation bill is.

Mr. PERKINS. I know that very well.

Mr. SHERLEY. I am in hearty sympathy with what the gentleman desires to accomplish. More than three years ago I took that position on this floor, but I want to call the attention of the committee to this fact, that under the provisions of this bill as drawn the only control that you would have over the expenditure of the money would be to determine whether or not you would make an appropriation, and to further determine in a negative way—never in an affirmative way—in the way of a limitation, that not more than such a sum should be expended, but you could not, under the parliamentary practice of this House on the diplomatic appropriation bill, without being subject to a point of order, affirmatively legislate as to the details of the expenditure. Now, whether the committee wants to pass a law in that shape is a matter to be considered, but that that is the legal effect of it I think the gentleman himself must admit.

Mr. PERKINS. Mr. Chairman, I will only say that what we have to do to-day is, if the House sees fit, appropriate a million dollars for the purposes stated in this bill. When future bills come in, if they do, when future appropriations are asked, if they are asked, they will be disposed of by the rules of the House and by the wisdom of the Members of the House.

Mr. MANN. The gentleman does not intend to strike out section 1, does he?

Mr. PERKINS. No.

Mr. MANN. Then, we are doing a good deal more than appropriating $1,000,000.

Mr. PERKINS. I will say just one word more as bearing on this question. In my belief, and it is obtained by a good deal of study of the requirements, alike of our embassies and consular buildings, the entire amount which the Congress of the United States will ever be asked to expend for the proper housing—for all the housing that is required for our ambassadors in the great cities—of our consuls in the eastern portions of the world, will not cost as much as we have expended—I do not say but that we have wisely expended—for the two buildings erected for the use of the House and the Senate, and I think they will be quite as useful.

Mr. MANN. Now that the House is to lose the benefit of the guiding genius of the gentleman from Iowa [Mr. COUSINS] and the gentleman from Indiana [Mr. LANDIS] in foreign affairs and accept with great pleasure the influence of the gentleman from New York [Mr. PERKINS], I think we are entitled to know something about the bill. The first section of this bill, I take it, is designed wholly for the purpose of hanging appropriations on in the future—using the word "hanging" with respect.

Mr. PERKINS. That probably is the object, as I understand it.

Mr. MANN. Now, it provides—

That the Secretary of State be, and he is hereby, authorized to acquire in foreign countries such sites and buildings as may be appropriated for by Congress for the use of the diplomatic and consular establishments of the United States.

That is the enabling clause of the bill.

Mr. PERKINS. He can do that when the appropriation is made.

Mr. MANN. An appropriation can only be made for acquiring sites and buildings for the use of the diplomatic and consular establishments. Anything more in the appropriation than so much appropriated for a particular site is subject to a point of order under the rules of the House.

Mr. PERKINS. Then, I know full well that whenever it is proper the point of order should be interposed my friend from Illinois [Mr. MANN] will be ready to interpose it.

Mr. MANN. Yes; the "gentleman from Illinois" I hope will be glad to interpose it when it is proper; but perhaps some gentleman in the House or even the "gentleman from Illinois" might interpose when it be not proper, and thereupon the restriction goes out, and then there is left in only the appropriation without the restriction as suggested by the gentleman from Kentucky. Is not that the effect under this bill?

Mr. PERKINS. That is a question we will have to discuss when it arises, but that does not arise to-day.

Mr. MANN. It has arisen to-day. The question now is whether we will give authority to the Committee on Foreign Affairs to bring into the House an appropriation bill appropriating $1,000,000 for the purchase of sites at some places where it chooses to select, and that that be in order. That is the question before the House now.

Mr. PERKINS. Let me ask my friend from Illinois if in these days of congressional depreciation from high sources he is going to say that it is his belief that a majority of this Congress would authorize an appropriation which it should not authorize, and say it should not therefore have any opportunity so to do?

Mr. MANN. Well, upon that question, when I think that as great a committee as the Committee on Foreign Affairs seriously brings into the House a bill providing that future Congresses can not appropriate money, I am at a loss to understand how far they could not do anything that is nonsensical.

Mr. PERKINS. That does not bind any Congress.

Mr. MANN. Certainly it purports to bind, when everyone in the House knows that we can not bind a future Congress, and when such a committee will do a thing like that I think they are liable to do other things as well.

Mr. PERKINS. It expresses the policy of the committee, and of course it is unnecessary to say to my friend from Illinois, even the rest of us know, that no Congress can bind any future Congress. That is known in New York as well as in Illinois.

Mr. MANN. But not known to the Committee on Foreign Affairs.

Mr. STAFFORD. Will the gentleman inform the House whether the Committee on Foreign Affairs has received any other information of pressing instances where there is need of consular buildings other than those at Shanghai and Yokohama?

Mr. PERKINS. Yes; at least 16 or 17 other places in China, Japan, and Korea are all pressing.

Mr. STAFFORD. Has the committee any estimate as to the amount of money that will be needed for buildings to be used for the housing of consular officers?

Mr. PERKINS. We reported a bill which is on the calendar now—which I would be very glad for this House to pass, but we shall not call up for passage—making appropriations for the urgent needs, I think all the important needs in China, Japan, and Korea, a bill which I reported myself with the advice and after consultation with the State Department, and the entire amount of the appropriation, if I remember aright, was about $1,300,000, of which one-third goes to Shanghai alone.

Mr. STAFFORD. That, as I understand it, is entirely limited to consular buildings, and not for residences for ambassadors.

Mr. PERKINS. To consular buildings entirely.

Mr. STAFFORD. Are there any instances other than China, Japan, and Korea where there is pressing need for consular buildings such as those to which the gentleman has referred?

Mr. PERKINS. I think not; not that I know of.

Mr. BARTHOLDT. Mr. Chairman, if the gentleman will yield to me for a minute——

Mr. PERKINS. I yield to the gentleman from Missouri.

Mr. BARTHOLDT. The gentleman from New York has referred to me because of a jocular remark I made a while ago.

Mr. PERKINS. I spoke in a jocular way also.

Mr. BARTHOLDT. I hope the gentleman will acquit me of any intention to reflect upon him or his great committee or of drawing any invidious distinction between his committee and the Committee on Appropriations. I merely contended for the rights of the Committee on Public Buildings and Grounds, Mr. Chairman. I will say frankly that if this bill would provide, such as no doubt it would provide had it been reported from the Committee on Public Buildings and Grounds, that $1,000,000——

Mr. PERKINS. A committee for which I have the highest respect.

Mr. BARTHOLDT. I thank you. That $1,000,000 should be appropriated for the purpose of acquiring sites in the city of Berlin, the cities of Yokohama and Shanghai, and the City of Mexico, and that the Secretary of State be authorized to enter into negotiations for the purpose of purchasing sites for future buildings to be erected or for the acquisition of buildings already erected, I would have been in favor of this bill, providing the total should not exceed, say, $1,000,000, but as the bill reads now, it is too indefinite; and while I am heartily in favor of its purport, I can not persuade myself to support the bill in its present form.

Mr. HULL of Iowa. Mr. Chairman, I simply desire to call the attention of the gentleman from New York [Mr. HARRISON], who was kind enough to yield to me for a question and then unkind enough to suggest that I put in more than one question, to the fact that I am not reflecting on the executive officers of the Government when I say that if you pass this bill there is no limitation upon the cost of these buildings. I want to call the attention of the committee to the first section of the bill, which virtually declares that this is a continuing appropriation of a million dollars a year, at least, if the Congresses coming after us shall ratify it. We know that they may make it ten millions if they want to, or they need not appropriate over $700,000 if they so desire, but the very fact that this bill itself provides that they shall appropriate a million dollars a year, and then in the second section provides that four places shall be taken, one-half of this million dollars appropriated by this bill to be given to Shanghai and Yokohama, and one-half to the buildings at Berlin and Mexico City—the very fact that it only limits the expense for this year for these buildings to this $1,000,000 hereby appropriated—would absolutely justify the executive officers in going ahead and spending one-half of this million dollars at these two places and the other half at the other two places, and creating as large a deficiency as in their judgment would be necessary to give the proper buildings to the United States. In other words, the bill does not limit the cost ultimately in any particular.

Mr. HARRISON. Does the gentleman yield?

Mr. HULL of Iowa. Certainly.

Mr. HARRISON. Does the gentleman understand the danger, on the other side, of fixing the specific sum of $250,000 for the building in Berlin? If the real-estate owners knew there was that much to be spent, do you suppose we could ever buy a building cheaper?

Mr. HULL of Iowa. Mr. Chairman, there is nothing in that argument, because you could say, "not exceeding so much;" but this provides for two consular places at $500,000 and for two of the great embassies of the country only $500,000, and I submit to the Members of this House that the very language of the bill carries with it the thought that it is impossible to build two embassies—for Berlin and City of Mexico, respectively—at the same cost that you build the consular offices at the other two places. There is a difference in the cost, the rank, and the demand of the two positions. I wished to say this much because I did not desire to be put in a position of reflecting on the executive officers of the country, or especially the present Secretary of State, or the man I understand is to be Secretary of State in the next administration.

They would be justified in spending $500,000 in two places, $500,000 more in two other places, and then coming to Congress with the statement that it would require so much more to complete those buildings. I am not opposed to the principle that we should erect these buildings for our ministers and ambassadors in the various countries and at the leading consular places. I believe in that, but I believe that before entering upon it the plan should be well prepared and thoroughly digested. In my judgment, the committee could not have gotten up a bill more loosely drawn and fuller of loopholes, with all respect to the committee, than the one they have presented to this House. There is absolutely no restriction in it except in one point, and that is to try and bind future Congresses not to go beyond a million dollars a year, and the committee admits that this was absolute folly.

Mr. LOWDEN. I beg the gentleman's pardon. The committee does not attempt that at all. The fact is, as everyone knows who has listened to the debate, that that first paragraph is necessary if you are going to have any authority to make an appropriation that will not be subject to a point of order and that is limited by a million dollars a year. A point of order would be perfectly proper if more than a million dollars were appropriated and this bill became a law.

Mr. HULL of Iowa. If my friend, the gentleman from Illinois [Mr. LOWDEN], will pardon me, it strikes me that we could lay the foundations for this entire continuing work by providing, as the first part of the section, for the Secretary of State to enter into negotiations for the purpose of securing embassies and consular homes at the different places without saying anything about the amount each year. Then follow with, "and for the purposes of this act a million dollars is hereby appropriated; have specific amounts, and you have authorized the contract to be entered into and made it possible for the Congress of the United States to pass upon each one of them.

I never would appropriate one single dollar for any embassy or consular building if we did not provide something specific as to the limit of cost; and you are not making such a provision here. Let them buy the site, as suggested by the gentleman from Missouri [Mr. BARTHOLDT], then we can make our own plans for the building; and when you have got the grounds on which to erect them we can go to the limit of cost, and make it not only one million but ten millions if we desire.

Mr. LONGWORTH. Will the gentleman yield to me for a moment?

Mr. HULL of Iowa. Certainly.

Mr. LONGWORTH. The gentleman realizes, of course, that in most of the European capitals there are no vacant lots which can be bought for this purpose, and therefore there must be authority to acquire the lot whether it has a building on it or not; and we can not afford to delay taking advantage of opportunities that may come because we are not able to buy land without a building on it.

Mr. HULL of Iowa. But, Mr. Chairman, the gentleman, if he will look at the bill, will find that it is only to buy a lot or any building in the four places mentioned in this bill.

Mr. LONGWORTH. Not at all.

Mr. HULL of Iowa. If it provided for the purchase of sites, making an appropriation for the purchase of sites, and leaving it to the Secretary of State, the whole matter could be worked out by a committee, maybe by his committee, if it is the proper committee, and I am inclined to think it is.

Mr. LONGWORTH. Does the gentleman refer to the Committee on Ways and Means? I have not the honor of being a member of it.

Mr. HULL of Iowa. I refer to the Committee on Foreign Affairs. You formerly were a member of that committee, and the committee lost enormously when you left it. [Laughter and applause.]

Mr. LONGWORTH. I thank the gentleman.

Mr. HULL of Iowa. Now, Mr. Chairman, it seems to me very little harm can come from letting this matter rest until it can be thoroughly digested and fully debated by this House. It was taken up this afternoon when but few Members were present or believed that such a measure would come up. The result of it, if it is put through in its present form, will be, I think, a disappointment to the gentlemen who desire to accomplish this purpose. I think this country will in the near future commence with this arrangement of putting our foreign service on a dignified basis by which our representatives will be as well housed and cared for as those from any other country. The pay of our foreign representatives is less than that of other countries, and they are entitled to homes furnished by the Government. But I am not in favor of going into the matter in such way as will be a disappointment and lead to future trouble in Congress when these appropriations shall come up.

Now I yield to the gentleman from California.

Mr. KAHN. Does the gentleman not know that in the large capitals of Europe it is practically impossible to get a site in a suitable location, and is it not the purpose of the State Department to purchase buildings that are already constructed, and alter and repair them so as to make them suitable for the purpose that is intended?

Mr. HULL of Iowa. Well, it does not seem to be so here in the bill.

Mr. KAHN. Well, is not the language of the first section of the bill intended to cover that very point?

Mr. HULL of Iowa. The language of the first section of the bill does not cover anything very much except a limitation upon the next Congress. The language of the second section is specific.

Mr. KAHN. The first section authorizes the Secretary to acquire in foreign countries such sites and buildings as may be appropriated for by Congress——

Mr. HULL of Iowa. Yes.

Mr. KAHN (continuing). For the use of the diplomatic and consular establishments of the United States, and to alter, repair, and furnish the said buildings.

Now, the gentleman has been abroad, and I know he is, and must be, familiar with the fact that in the great capitals of Europe it is practically impossible to acquire a site. We may be able to buy a building occasionally in some capital or other. And is not the language of the first section of the bill intended to confer authority to acquire that building and use some of the money appropriated here for the purpose of altering it and making it suitable for the purpose of our ambassadors?

Mr. HULL of Iowa. Not at all. The language of the first section goes on and tells what may be done. It then provides that not more than $1,000,000 shall be appropriated for the purpose at any session of Congress, and then comes the second section appropriating the entire million dollars, not for the purpose the gentleman says, but to secure consular and court buildings at Shanghai and Yokohama and embassy buildings at Berlin and the City of Mexico. It does not allow you to go where you have been talking about.

Mr. KAHN. Berlin is stated in point.

Mr. HULL of Iowa. Berlin is one of the points. The provision is limited to these four places. This entire million dollars is used for them, and this does not require these to be completed out of the million. It is only the first appropriation which is to commence the work. Now, if we are going into work of that kind, I would like to have more light upon the question.

Mr. SLAYDEN. Mr. Chairman, will my friend permit me to suggest to him that while I have no personal knowledge of the necessity which exists in the city of Berlin, that I do have knowledge from very frequent visits of the absolute necessity of some such thing as this being done in the City of Mexico.

I entirely agree with the suggestion which, I am told, was made here by my friend from Arkansas [Mr. MACON], that it is prosperous, undemocratic, and entirely improper to undertake to purchase or erect palaces in which to put American representatives. I am in hearty sympathy with the principle of the bill; but I should like to see some limitation of a specific nature put upon the expenditures, so that we can not cause the preposterous misfit of putting a man with a limited income into a palace, where the upkeep of it would amount to much more than his salary.

Mr. HULL of Iowa. I have no doubt that the same necessity exists in all the capitals of Europe that exists in the City of Mexico.

Mr. SLAYDEN. No; my friend is mistaken. It is more difficult to get an adequate and proper house in the City of Mexico than in European capitals.

Mr. HULL of Iowa. In the City of Mexico most of the palaces have stables on the first floor, and that creates a little prejudice that they are not the best houses, but most of the houses have that form of construction, or had when I was there fourteen years ago.

Mr. SLAYDEN. That was a long time ago.

Mr. HULL of Iowa. They have moved the stables out, have they, since then?

Mr. SLAYDEN. Yes.

Mr. HULL of Iowa. But what I want to get at is this, that when we enter upon a great scheme of public improvement that will properly house our representatives abroad, a scheme that in my opinion will cost a great many millions of dollars, and ought to cost a great many million dollars before it can be completed, we ought to start it in such a way that Congress will hold the purse strings, without any of the bickering and trouble that will follow if we start out under the provisions of this bill. There is no adequate provision made here for such an expensive and necessary expenditure of public funds.

Mr. MANN. Will the gentleman yield for a question?

Mr. HULL of Iowa. Oh, yes.

Mr. MANN. The gentleman has had charge of the making of many appropriation bills, and he spoke of the fact that half of this money had to be spent in two places and the other half in two other places. What is the gentleman's construction of that language in the bill—

> Not to exceed one-half thereof to be expended to secure consular and court buildings at Shanghai and Yokohama, and not to exceed one-half thereof to be expended to secure embassy buildings at Berlin and Mexico City.

Mr. HULL of Iowa. My construction of that is that it only applies to this appropriation, and not to the total cost.

Mr. MANN. Does it require any expenditure at any of those places?

Mr. HULL of Iowa. Not necessarily.

Mr. MANN. Then they have half a million dollars to expend where they please?

Mr. HULL of Iowa. I should doubt that. I should think it would be a moral obligation at least on the executive officers to expend that in the places named in the bill.

Mr. MANN. Oh, well, the moral obligation would depend entirely upon the circumstances which arose to change it.

Mr. HULL of Iowa. I think they could expend it some place else if they wanted to raise a row, but that is what it would do, and I do not think the executive officers would care to do that.

Mr. MANN. It is plain that it does not require them to expend the whole amount at those four places.

Mr. HULL of Iowa. No.

Mr. MANN. Then they could expend as little as they pleased, and, as I say, they could spend $900,000 at one place if they wanted to under this bill.

Mr. HULL of Iowa. My judgment is that the State Department would feel bound by this language to expend this $1,000,000 at these four places.

Mr. LONGWORTH. Of course it is conceivable that the suggestion of the gentleman from Illinois [Mr. MANN] might be carried out if we had an absolutely crazy man as Secretary of State; but does not the gentleman realize that these four specific objects are those which have been most urgently recommended by the Secretary of State as the objects for which an appropriation is now immediately necessary?

Mr. MANN. On the contrary, the distinguished committee of which the gentleman is one of the leading lights reported into this House last February a bill which did not name two of these places at all, but which involved the expenditure of $1,373,643, and when they reported that they forgot to put in Berlin and Mexico City.

Mr. LONGWORTH. Regarding that, I may say again that I regret that I am no longer a member of the committee, but nevertheless it is a fact that the two embassies most urgently favored by the Secretary of State have been the embassy in Paris and that in Berlin.

Mr. MANN. Yes; but this does not provide for an embassy in Paris at all. The bill does not mention Paris. The bill that is before us does not provide for an embassy at Paris.

Mr. LONGWORTH. But it does at Berlin.

Mr. MANN. The gentleman said Berlin and Paris.

Mr. LONGWORTH. I said Berlin and Mexico City. [Laughter.]

Mr. HULL of Iowa. Mr. Chairman, answering the gentleman from Illinois, I would say that I do not believe there is any trouble about any executive officer of the Government so violently disregarding the plain provisions of the law that he would undertake to spend this million dollars at any other point than those named in the bill.

Mr. MANN. I am afraid the gentleman from Iowa does not read all the decisions of the Comptroller of the Treasury.

Mr. HULL of Iowa. I would not be afraid to leave the provisions of the bill in that respect, but I do claim that after that money is spent there is nothing in the bill that requires an executive officer to confine the cost at those places to the million dollars. In answer to the gentleman from New York, I want to say that the same thing as applied to the War Department has applied to every department of the Government where they are charged with the construction of public buildings. There comes a time in all cases where the first appropriation does not absolutely limit the cost of the building, and they come in for almost double that amount.

I do not say it as a reflection on any cabinet officer, but it is simply a mistake of judgment in the men charged with the submitting of plans and estimates, and the only way in which they can make it absolutely certain is to fix in the law a limitation that the cost of the building shall not exceed a certain sum, and so make it impossible for them to adopt plans that will call for double the amount of money originally asked for for any particular building.

Mr. HARRISON. Will not the gentleman admit that the fixing of that limit can be done in any bill appropriating money?

Mr. HULL of Iowa. They may take ten years to build one building and make it cost $10,000,000.

Mr. HARRISON. But the gentleman is now talking about another matter.

Mr. HULL of Iowa. I am talking about the embassies abroad. In some places the price of ground is such that they might pay a half a million dollars for the ground alone. I do not care whether it is a half million or a million, if Congress decides that we ought to pay that amount, but let us do it in the proper way, and not let it go out at loose ends for any executive or clerk or any foreign minister or consular officer to bring upon the Government the opprobium of making a deal for a piece of ground, making an agreement to buy it, and then have Congress say it is too expensive, and we do not want to appropriate the money.

Mr. BUTLER. Did I understand the gentleman from Iowa to say that the piece of ground for an embassy alone might cost $500,000?

Mr. HULL of Iowa. Yes.

Mr. BUTLER. Where?

Mr. HULL of Iowa. In London, and I think you would pay $250,000 for a piece of ground suitable for an embassy in Berlin, and perhaps $300,000 or $400,000.

Mr. SIMS. Mr. Chairman, I do not rise for the purpose of criticising the details of this measure or its general object and purpose, but to appeal to this House not to undertake a new scheme involving the expenditure of millions until we get through with some that we have on hand now. It is said that the millionaires are willing to go abroad as ambassadors and spend a large portion of their income in great show, parade, and style; all of which is of no benefit to a simple democracy like ours. But getting away from that, why should we authorize the building of these buildings in foreign countries, to be laughed at if we do not continue, if we do not complete, if we do not erect buildings in accordance with the estimate placed upon our ability to do so? One gentleman—I think it was the gentleman from New York, but I may be mistaken—said that the effectiveness, the power, and the influence of the American ambassador in China depended more upon the house he lived in, or upon the outside show of expenditure, than upon the ability of the man and the prestige of the Nation.

Mr. HARRISON. I did make a statement which the gentleman may have misunderstood, because it was not exactly what he stated. I did not discuss the question of the ability of our representative to China, but I said that the style of house in which our minister or consul there lived had a very large effect upon the Chinese people, and that a man living in a house commensurate with the dignity of the United States can further the interests of our country much better than a man living in the miserable kind of places we have there now.

Mr. SIMS. Well, after all, it is the dignity of the gentleman, judged by the expenditure of the money by himself or by his Government, and not his reputation or the dignity of his country, that is to impress the Chinese. Are we not to-day confronted with bond issues to carry out schemes already authorized or in course of construction? Are we not to-day paying interest on bonds issued to build the Panama Canal? Are we not confronted with an estimate of the cost of that canal that far exceeds any former estimate?

I see an estimate from a pretty respectable source that it may cost as much as $500,000,000 to complete the canal. We have to finish it. We have undertaken it and we can not stand back and not complete it, and without reference to cost. We want to do it as cheaply as possible to do it well, but we would be the laughing stock of the world if we did not go ahead and complete that canal. We will also be laughed at if we commenced building a lot of embassies and consular buildings abroad and did not complete them. Why not wait until we get through with those things which to-day are running this Nation into debt before we commence any other project? We are being importuned here at home every day to buy the Appalachian Mountains, in order that we may conserve the forests. We are also being importuned to spend $50,000,000 a year in digging a canal from Chicago to the Mississippi River and a channel 14 feet through to the Gulf for the benefit of our home people.

The gentleman from Missouri [Mr. BARTHOLDT], I believe, has introduced a bill authorizing a bond issue of $500,000,000 for the purpose of accomplishing that great result to our home people. The people here want something as well as style for our ministers and ambassadors abroad. There is another demand being made all over this country, and that is for federal aid to public road construction. When you tell the average farmer or wage-earner of this country that our millionaire ambassadors get $17,500 a year to live abroad, what does he think when you will not give a dime to build a road by his door? It will be hard to convince those gentlemen that you are spending money here wisely, judiciously, and for the benefit of the people who sent us here and who can keep us away when they see proper. In building this great canal that has been agitated for fifty years, did it ever enter into the minds of any voter, or even into the minds of great far-seeing statesmen who stand before me, that we would spend money on that Canal Zone for purposes for which it is now being spent? It may be a little thing, but it shows which way the wind blows.

I hold in my hand a paper called "The Canal Record." It says it is published by authority of the Canal Commission. I am informed it is done at public expense. If I am mistaken, I will be glad to have some one correct me. It is sent out free, as I understand, at least a certain number. I received one to-day. Here is the envelope. It is a franked envelope, and the penalty for the improper use of the frank is $300. It is marked "Official business." Much of what it contains pertains to the construction of the canal which it is important that members of Congress should know, but I struck one page of heavyweight material in this document, a part of which I will read, and I then began to think to myself what the Appropriation Committee was doing when it appropriated money to be used as it is here being used. When we get these foreign consular and embassy buildings under way, they may have to have a press agent located around so as to report the doings of our great dignitaries abroad, especially in China, where a man's efficiency is measured by the amount of show he makes, and not by his brains.

I have just received this issue of the Canal Record, which is dated December 23. The title to one entire page is "Social life on the zone." Here is some of the information that you are paying interest on bonds to scatter free through the mails. Listen, wise and noble statesmen. I may not pronounce these names correctly, but I hope you will not treat me as a Chinaman would and measure my usefulness by my lack of education. [Laughter:]

> The Gorgona Dramatic Club presented the farce comedy, The Doctor, to a large audience at the Commission Clubhouse on Saturday evening, December 19.

Well, Mr. Chairman, I must admit that some doctors are a farce, as are also some lawyers. This article continues:

> In response to a request from the residents of Gatun, the club will repeat the performance on Thursday evening, January 7. Arrangements will be made for a special train from Gatun to Gorgona and return.

Great national matters these! Matters that you must know, and that are sent free to some people. I am going to put it into the RECORD in order that it may go free to everybody, and so treat the people all alike.

Mr. MANN. Will the gentleman yield for a question?

Mr. SIMS. Certainly.

Mr. MANN. Does the gentleman think there is any objection to the Isthmian Canal Commission publishing that information for the benefit of its employees or for the employees to have a dramatic association?

Mr. SIMS. Well, when I get through perhaps the gentleman will ask a question applying to all I am reading, but I am not yet through.

Mr. MANN. I thought you had finished.

Mr. CLAYTON. Was it a free show? That is what I want to know.

Mr. SIMS. I am not informed as to whether the show was free or not. I will read some more:

The following announcement is made to the zone clubs in regard to the federation pins: Members who wish to order the pin, which is a Tiffany design in dull gold, with palm leaves of green enamel, will kindly notify the chairman of the committee, Mrs. Thomas E. Brown, jr., Cristobal, through their club secretary, as it is desired to send in the order for the pins with as little delay as possible.

Mr. OLLIE M. JAMES. Tiffany design?

Mr. SIMS. It says "Tiffany design;" I do not know whether they got them from Tiffany or not. Now, here is another:

SINGING CLUB.

It is desired to organize a singing club in Ancon, and an invitation is extended to residents of Ancon and La Boca who have taken part in any amateur production, either singing or speaking, to send their names to the undersigned. The club will be regularly organized and be governed by a set of rules which it is believed will conduce to united and satisfactory work.

W. F. BENNYHOFF, *Ancon.*

And here is another:

NOTICE TO KANGAROOS.

All Kangaroos at Cristobal, Colon, and Porto Bello, who have signed application for and are interested in forming a court at Cristobal, please meet at Lodge Hall, Cristobal, on Sunday, December 27, at 2 p. m., for the purpose of perfecting an organization.

J. K. GIBSON,
Chairman of Committee.

Now, here is one in which the United States and the world no doubt is interested, which we will forgive them for printing and sending abroad at government expense:

TIVOLI CLUB DANCE.

The Tivoli Club will give its next dance at the Hotel Tivoli on Thursday evening, December 31, New Year's eve, instead of on Saturday, December 26.

Now, these are not all. I have only read you some samples from the last issue. Every issue of this paper has a multitude of such notices in it, and has recently sent out in bound form a large number of the first issues—I have forgotten for how long, but several months—from which I have a string of such items too long to read here now.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. SIMS. Certainly.

Mr. MADDEN. Does the gentleman think the official information furnished in the Canal Record is of sufficient importance to warrant the publication of that record?

Mr. SIMS. The information bearing on the canal construction and matters necessarily relating thereto I certainly have no objection to being furnished to those entitled to it at government expense.

Mr. MADDEN. Has the gentleman been educated or edified by the information furnished through the Canal Record in connection with the work of the construction of the canal?

Mr. SIMS. Well, I have often read information, or purported information, in this paper that I appreciated as valuable.

Mr. MADDEN. Is it not a fact if the gentleman read the Record that he would be able to keep himself familiar with the progress being made in the construction of the canal?

Mr. SIMS. Why, if all of it is given, certainly; but I do not know whether it is all given or not. I presume it is under the authorization of the Canal Commission, but what I am criticising is this: As I have said, I do not know how much this adds to the cost. I do not know what the editor of this paper gets or whether he gets anything out of the government crib or not, and do not even know who he is. I do not care——

Mr. MANN. If the gentleman wants to be informed, he is Mr. Bishop, secretary of the commission. Now, does the gentleman object to the Isthmian Canal Commission endeavoring to furnish social life to the people from the United States employed on the zone in the work of building this canal?

Mr. SIMS. I will ask the gentleman if his constituents are willing to be taxed and to tax future generations by bond issues to run a paper to give notices of dances, club meetings, and other things usually found in the society columns of local papers?

Mr. MANN. My constituents, and I believe the gentleman's constituents, are proud to be able to contribute a little bit to lessen the severity and lack of social life of those people who have gone from my district and other districts to the Canal Zone to help build the canal. [Applause.]

Mr. SIMS. Mr. Chairman, I find a great many of my people want to undertake the severity of living down there at the salaries paid, but they can not get the jobs.

I want to say, further, that I believe any Member of this House would be very glad to accept a position on the Canal Zone and live there at the salary paid members of the Canal Commission who do live there, and that they would be willing to pay for social notices out of their own pockets to let their people know when the whist clubs meet and the dances are to be had, without putting it in a weighty government publication, paid for by the Government, and sent through the mails free.

I am talking about what this kind of thing leads to. I do not know of any authority for it, unless the "bad Appropriation Committee" put something in the appropriation bills authorizing it, and we have followed their lead and voted for it, and "did not know it." But see where we are going, where we are tending, and what we submit to. We might as well have a vaudeville theater there, paid for at government expense, in order that our $15,000 salaried commissioners may be entertained at government expense.

What is a minority Member for if not to tell the truth about the majority and let them take care of themselves the best they can? I am reading from a record published at public expense and not confined to information necessary to be known by anybody except those who ought to pay for it if they want it bad enough to have it.

That is what we do here in Washington. We buy the papers here, and pay for them, that tell what time your family will be invited to some social affair, dance, or whist club performance.

When your Government is running behind every day, when the Ways and Means Committee are bothering their brains to try to reduce the tariff on articles of consumption and at the same time get enough money to run a Government whose necessary expenses are increasing every day and must continue to increase, we should not enter into this project of building palaces, palatial abodes for our foreign ministers and ambassadors and consuls, in order that we may equal in "swelldom" the monarchies of Europe, that we do not pattern after, follow, or seek to follow. I think the bill ought to be voted down.

Mr. GAINES of Tennessee rose.

Mr. LOWDEN. Mr. Chairman, I move that the committee do now rise.

Mr. GAINES of Tennessee. I have the floor now. Just wait a minute.

The CHAIRMAN. The gentleman from Tennessee [Mr. GAINES] has the floor. The gentleman from Tennessee is recognized.

Mr. GAINES of Tennessee. Mr. Speaker, I do not believe, to be short and brief, that the Government of the United States should at this time begin this almost endless, huge expense in foreign countries. We are familiar with the present condition of the Treasury. The revenues are running behind. We understand that. We are all familiar with what the people of this country want built in this country. It is needless to take up the time of the committee to recite the enterprises that we have and those that we want. Let us look at conditions here in the District of Columbia. A few days ago we had up the legislative, executive, and judicial bill, and I noticed a great deal of money being paid out for rent of buildings in the District. I asked the committee how much rent we paid for buildings in Washington City. One Member said about $150,000 a year, another said about $200,000, another about $300,000, I think, and another guessed about $400,000, and by this time a Member looked up the facts and stated that we are now paying $471,000 for rent of private buildings in which the public service is conducted in this city.

Since that statement, down here on F street, I believe it is, we have lost by fire in the Geological Survey about $20,000 worth of valuable documents, documents of a kind that we all know are of value. We rented this building for public use. The public service was otherwise interrupted by this fire. Since then I have noticed in the public press a statement made by a very distinguished engineer whom I happen to know, and a very bright, brainy, enterprising engineer of San Francisco. Hear what he said:

Valuable records in danger.

LACK OF FIREPROOF CONSTRUCTION IN GOVERNMENT BUILDINGS IN WASHINGTON.

WASHINGTON, *December 24, 1908.*

The lack of fireproof construction in the government buildings, the need of which was accentuated by the recent fire in the Geologic Survey, the second in four years, is a serious matter for congressional consideration, according to Marsden Manson, city engineer of San

Francisco, who is on a visit to the city. It was his duty to inspect the burned area after the San Francisco catastrophe, and on the information gained were drafted the present building regulations in force there, which are said to be the strictest in the country.

"In examining many of the buildings in Washington occupied by the various departments," he says, "buildings in which are stored data and documents of almost incalculable value, I find that they are mainly structures which would not rank higher than San Francisco's third class of buildings. It is astounding that the Government faces such risks. Note the Geological Survey fire. The floors in that building are of wood; so are the doors and file cases and furniture, and in that building are data many times the value of the structure. Note the Interior Department, with its valuable records. You will find wooden shelving, wooden furniture, and wooden window frames. Now, a building of that kind is not safe. I would suggest for economy that the government buildings be put in better shape to resist possible fire."

During the discussion here to-day I sent to the document room and got what is known as the "Book of Estimates," which I now hold in my hand, and which was referred to by the member of the committee who replied to my inquiry a few days ago about what it cost to rent buildings in Washington City. I am going to read from it, because during my long service here I have never heard this question discussed. It has rather gone unnoticed, so far as I know. We have appropriated from year to year for rents and the amounts have increased, and so on and so on, and public attention has not been challenged to it. I find stated in Appendix D a statement of "Buildings rented within the District of Columbia for use of the Government."

Here is a "recapitulation," and I hope every gentleman in the Chamber will listen to these figures:

Department.	Amount.
State	$3,580.00
Treasury	60,566.00
War	17,720.00
Navy	24,500.00
Interior	60,325.00
Post-Office	49,405.00
Agriculture	64,475.00
Commerce and Labor	70,709.80
Justice	28,200.00
District of Columbia	41,296.50
Interstate Commerce Commission	43,200.00
Public Printer	7,400.00
Total	471,377.30

Making a total of $471,377.30 that the Government of the United States is annually paying out for private houses in which to transact the public business. Is that wise or not? Is that economy or not? That is the question.

Now, how long that great drain has gone on I do not know, but, I presume, for years and years. How much longer is that policy to be pursued? While the matter was up a few days ago the distinguished gentleman from Georgia [Mr. LIVINGSTON] said it was his judgment—in response to a question I had asked—that we should issue bonds and let the future help to pay for erecting proper and necessary buildings for the public use in the District of Columbia. He stated it at $50,000,000. I talked with him a day or two ago, possibly to-day, and he stated we should issue $20,000,000; that that amount would erect enough buildings for many years. But whether we should issue bonds or not, I am talking about facts which should interest every Member of this House and will interest the people of this country. Now, then, I am going to run through, with the indulgence of the committee, some of the items of rental.

Mr. MANN. Will the gentleman yield to a question?

Mr. GAINES of Tennessee. Yes.

Mr. MANN. Does the gentleman think it more important to construct public buildings in the District, to stop paying rent, than to construct buildings in the other cities of the United States for the purpose of stopping rent there?

Mr. GAINES of Tennessee. Now, I will say to my friend that they both should be done, but done wisely.

Mr. MANN. Does the gentleman think it practicable for the Government to engage in the construction of public buildings, not only in Washington, but in every city of the United States where there is not a post-office building, all at once?

Mr. GAINES of Tennessee. Certainly; in proper cases we should put up post-office buildings.

Mr. MANN. Would not the construction of post-office buildings throughout the country come a little ahead of the construction, all at once, of buildings to be used in the District in the place of those for which rents are paid?

Mr. GAINES of Tennessee. I am stating those unknown facts, so that Congress and the people can take them and consider what should be done here in Washington City and also decide where there should be buildings for the post-offices in the several States.

Mr. MANN. We could take the money gentlemen propose to spend here and put up some post-office buildings in the country?

Mr. GAINES of Tennessee. I am not proposing to spend a single dollar. I am not discussing whether we should appropriate a single dollar or not. I am calling attention to facts which I have never heard discussed. I am doing it for the purpose of calling it to the attention of the House, the Senate, and the people.

Mr. MANN. The gentleman always gives us valuable information.

Mr. GAINES of Tennessee. I am not talking about the issuing of bonds; I am stating facts. Now, let us see what we are paying for some of these private buildings.

I read from this document:

TREASURY DEPARTMENT.

Third and fourth floors and two sections on fifth floor, Nos. 920 and 922 E street NW. Storage of documents and records, $8,000.

Third, fourth, and sixth floors and north half of fifth floor, Union Building, G street, between Sixth and Seventh streets NW. Offices Auditor for Post-Office Department and Auditor for the Interior Department, $23,250.

Now, that is in the Treasury Department. Here is the building for the Navy Department:

For the Mills Building, $24,500.

Mr. SABATH. For how many years?

Mr. GAINES of Tennessee. For each year.

Building rented by the Navy Department in Washington for the fiscal year ending June 30, 1909—the Mills Building—$24,500.

Mr. GOLDFOGLE. What is that for?

Mr. GAINES of Tennessee. For the Mills Building.

Mr. GOLDFOGLE. What was the $23,000 for?

Mr. GAINES of Tennessee. For—

Offices of the Auditor for the Post-Office Department and the Auditor for the Interior Department, Union Building, on G street between Sixth and Seventh streets NW., $23,250.

Mr. GOLDFOGLE. Three floors?

Mr. GAINES of Tennessee. Yes. Now let us go over on the next page.

INTERIOR DEPARTMENT.

In the Interior Department, F street NW., we pay an annual rental of $29,200 for the Hooe Building. I am giving only the large items. Here are a lot of other buildings that are rented at less rates, running from $1,000 to $8,125, making a total of $60,325 that we are paying in rent for the Interior Department.

POST-OFFICE DEPARTMENT.

Let us take up the Post-Office Department. First and K streets NE., mail-bag repair shop, and so forth, $34,400. The total for the year for that department is $49,405.

DEPARTMENT OF AGRICULTURE.

When we turn to the Department of Agriculture, it looks as though the rented houses are scattered all over the city of Washington. Here are a great number of buildings that look as though they might be more or less shanties, that the Department of Agriculture is now renting. The total rent is $64,570 for the Agricultural Department. Here is the Atlantic Building, 930 F street NW., $24,805; another building, $10,110.

DEPARTMENT OF COMMERCE AND LABOR.

Now we come to the Department of Commerce and Labor: The Willard Building, 513–15 Fourteenth street NW., $11,830; the Emory Building, $21,000; the National Safe Deposit Building, $6,750; another at $7,000; another at $4,000; another at $2,000; another at $4,000; another at $4,900, and so on; making all told, $70,200.

DEPARTMENT OF JUSTICE.

We come now to the Department of Justice: No. 1000 Vermont avenue, for records and office and business of the department, $6,500; No. 1435 K street NW., for records, and so forth, $10,000, and so on; making a total of $28,200.

Then follows a list of buildings rented by the District of Columbia for the fiscal year ending June 30, 1909, $41,296.50.

Then for the Public Printer, $7,400.

INTERSTATE COMMERCE COMMISSION.

Then we come to the Interstate Commerce Commission, which occupies that old rattletrap of a building down on F street, the American National Bank Building, 1317 F street, the third, fourth, fifth, sixth, seventh, eighth, and ninth floors, five rooms on the second floor, and one room on the first floor; also entire cellar, including heater, elevator, and water service, $28,800; Nos. 1307, 1309, and 1311 G street, Epiphany Building, second third, and fourth stories, $12,000; making a total of $43,200.

Making a grand total of $471,377.30 that we annually pay for the rent of buildings for governmental purposes in this District. Those figures are official. Now, how long is that policy to be pursued? And if these are facts (and no one can dispute them) should we embark in the matter that is now pending?

Particularly with our Treasury in the condition in which it is? We know just as well as we know that we are standing on the floor of this House, judging the future by the past, that the appropriation of $1,000,000 or $2,000,000 to start this great enterprise that may or may not be much needed (I observed the fact when I was abroad that it was needed in some places) will only be a beginning, and that it will require many millions of dollars to accomplish. Should we undertake it when the conditions here in the District of Columbia and other cities in the United States where there are government offices are such as I have described, conditions which should be met promptly? It certainly does look to me as though we should first take care of these matters here at home.

Now, following up that information which I have just given you and which I received a few days ago, I introduced yesterday the following resolution.

Mr. HARDY. Will the gentleman from Tennessee yield?

Mr. GAINES of Tennessee. I will yield to the gentleman.

Mr. HARDY. I understood the gentleman to say that the total rent cost to the Government here in the city of Washington was $471,000.

Mr. GAINES of Tennessee. Four hundred and seventy-one thousand three hundred and seventy-seven dollars and sixty-seven cents.

Mr. HARDY. Can the gentleman give an idea of the cost of the maintenance of the Senate and House Office Buildings?

Mr. GAINES of Tennessee. No. But I will say to the gentleman that ever since I have been in Congress I have paid from $10 to $25 a month for rent of a place in which to transact public business for my people and the country, and now I do not have to pay that unjust burden.

Mr. HARDY. I have heard it estimated that the cost was $35,000 each.

Mr. GAINES of Tennessee. If the gentleman had been in Congress as long as I have and paying $10 a month between sessions and as soon as the gavel falls in this House $25 a month for an office in which to transact the public business, I am sure the gentleman would have thought as I do, that it was a great hardship for Members to be obliged to hire an office in which to do public work. When the gentleman was a judge—and I am sure he was a good one—and held court, the courthouse was given free in order that he might transact the public business. He would have thought it rather hard for him if he had to rent a building in which to hold court and administer justice.

Mr. HARDY. My only object was to get at the facts, because that would be an addition to the $471,000.

Mr. GAINES of Tennessee. But does not the gentleman from Texas think that this matter ought to be taken up and investigated? Now, Mr. Speaker, I desire to read my resolution of yesterday and then conclude my remarks. The resolution is as follows:

Whereas the Government of the United States is now paying $471,000 annually for the use of private buildings in the city of Washington and the District of Columbia in which to conduct the public business and store valuable documents; and

Whereas some of these buildings are not fireproof and are unsafe and otherwise unfit for such service; and

Whereas recently a large number of valuable public records were destroyed by fire in one of said buildings and the public business otherwise interrupted: Therefore be it

Resolved, That the Committee on Public Buildings and Grounds be, and it is hereby, authorized, empowered, and directed to thoroughly investigate the necessity for renting said buildings or other private buildings for said purposes, the reasonableness of the rental paid and to be paid, the kind and length of existing leases, and the necessity for the Government to erect suitable buildings in said city and District in which to transact the public business and the probable cost thereof, making a full and complete investigation of the whole subject, the said committee being fully authorized and empowered to summon and examine witnesses, administer oaths, and make said investigation as clear and complete as practicable.

Mr. Chairman, that resolution was referred to the Committee on Rules, and I hope that in due course it will be reported. I have been asked by the gentleman from Mississippi [Mr. HUMPHREYS] if I have any information whether it will cost more to construct buildings than to rent them. This resolution I have introduced calls for that very information. I do not know. I am giving you the official facts and you can draw your own deductions. When we expect this Republic to exist until all other republics have dissolved, we ought to begin to think whether it would be better to own all our buildings than to go along in the manner in which we have. Now, so much for that.

Going back to the pending bill, I find in the Book of Estimates the salaries paid to our ambassadors and ministers to be as follows:

SALARIES OF AMBASSADORS AND MINISTERS.

Ambassadors extraordinary and plenipotentiary to Austria-Hungary, Brazil, France, Germany, Great Britain, Italy, Japan, Mexico, Russia, and Turkey, at $17,500 each; envoys extraordinary and ministers plenipotentiary to the Argentine Republic, Belgium, Chile, China, Cuba, the Netherlands and Luxemburg, and Spain, at $12,000 each; envoys extraordinary and ministers plenipotentiary to Colombia, Costa Rica, Guatemala, Honduras, Nicaragua, Panama, Peru, Salvador, and Venezuela, at $10,000 each; envoys extraordinary and ministers plenipotentiary to Denmark, Morocco, Norway, Paraguay and Uruguay, Portugal, Roumania and Servia and diplomatic agent in Bulgaria, Sweden, and Switzerland, at $10,000 each; envoy extraordinary and minister plenipotentiary to Greece and Montenegro, $10,000; envoys extraordinary and ministers plenipotentiary to Bolivia, Ecuador, Haiti, Persia, and Siam, at $10,000 each; minister resident and consul-general to the Dominican Republic, at $10,000; minister resident and consul-general to Liberia, at $5,000; agent and consul-general at Cairo, at $6,500; and chargé d'affaires ad interim, $40,000.

The total is $550,500.

The total for "Foreign intercourse" being $3,880,194.72, as shown by the footing on page 166 of this document.

Now, Mr. Chairman, there is the Japanese and Mexican projects that may be needed. I am disposed to believe that they are needed in both places, but we are paying the ambassadors $17,500, and now it is proposed to give them great ambassadorial residences, where they can entertain hugely. But we need improvements here at home, where the people are not receiving $17,500 salaries. Our people are clamoring for them—our locks and dams, our rural delivery roads, our interstate roads that the Supreme Court has decided within the last twelve months we have the legal right to build. All these the people are clamoring for. There is the deepening of the Mississippi River, a great project, the draining of the Lakes, and the finishing of our post-office buildings. I have been working here for twelve years to get a small appropriation for a post-office in my district, and only succeeded in getting a $5,000 site last session, and when complete the building is to cost only fifty or sixty thousand dollars.

Now, then, is it wise, with this great Panama burden upon us, with the liability to strike a hole at any time and the whole business sink—with that endless chain of expense; with our army increasing and its expense; with our navy that must increase, each ship costing us over $10,000,000; and with the Philippine Islands—that running sore, as it were—is it wise for us to enter upon this project at this time? I speak of the Philippine Islands as being a running sore. That is honest, too. They have brought the plague to our borders exactly as I prophesied when I went to the Philippine Islands and came back, and you all smiled at me when I prophesied that, but it has all come true. My heart has ached to see this poor leper out here in the woods staked out like a wild animal in a thicket, where his own wife and his own child, just born, is not allowed to go about him, and all because we went to the Philippine Islands and shot independence into those people, when they wanted their own independence, and that has put that burden not only upon our conscience, but upon the Treasury of the United States. We have the great western slope inoculated with the plague, more or less, and my distinguished friend from California [Mr. KAHN], who always gets whatever he wants, obtained an immense appropriation here, and I voted for it gladly and would do it again to wipe out that plague. Our ships from the Philippines brought the plague to the Golden Gate. It is all over the West.

Mr. KAHN. Mr. Chairman, I want to tell my friend that the plague is entirely gone. There is no plague there.

Mr. GAINES of Tennessee. Yes; but it is likely to return in every ship from the Philippines. Every mouse that comes across brings it from his nose to his tail. Have you killed all the rats in San Francisco?

Mr. KAHN. Killed the rats; practically all. It is carried by the rats.

Mr. GAINES of Tennessee. Very well. There are more to come, and when the gentleman tells me that I feel like saying, "Oh, rats!" because we all know the plague is coming again, and the burdens of the Treasury we all know have been increased. I think it is about half a million of dollars that we gave those people there in order to exterminate the plague in San Francisco, was it not, I will ask the gentleman from California?

Mr. KAHN. Why, for the purpose of use; yes.

Mr. GAINES of Tennessee. Oh, how much money did we give you? I did not talk anything about the use of it.

Mr. KAHN. Congress appropriated $500,000 on one occasion and $200,000 on another occasion.

Mr. GAINES of Tennessee. And what will be required this year—a million?

Mr. KAHN. Oh, no; only a small sum.

Mr. GAINES of Tennessee. I venture to say that the gentleman will not say that he will not ask for a million dollars.

Mr. KAHN. The gentleman is entirely mistaken in his

premise. That money was not asked specifically for San Francisco. It is asked for stamping out the plague in every section of the country where it may be found.

Mr. GAINES of Tennessee. Did not the gentleman make a speech for it and put it upon the ground that it would be all over the West.

Mr. KAHN. The danger was that it would be all over the West.

Mr. GAINES of Tennessee. Yes; and before we brought the Philippine Islands under our wing it was not all over the West, nor in Washington, and we did not have to take $500,000 out of the Treasury to go out and help the doctors exterminate the plague. I hear of cases all over the United States now. It just goes to show what my good Republican friends have brought upon the country over my protest.

Mr. KAHN. The gentleman is mistaken as to where the plague comes from. It comes from China and India and Japan.

Mr. GAINES of Tennessee. It did not come before we got the Philippine Islands.

Mr. KAHN. I am inclined to think there have been sporadic cases long before we got the Philippines.

Mr. GAINES of Tennessee. The record is that you did not ask for any money to exterminate it until recent years. You gave the mice and rats a chance in your town, and now you do not do it. So, gentlemen, we are traveling mighty fast, if we only turn around and look to see how far we have gone. Our burdens are almost limitless and the possibilities are incalculable. I know the gentlemen who have reported this bill have given it serious consideration. We have their judgment that it is needed. You know, gentlemen, that my colleague [Mr. SIMS] has vigorously and intelligently pointed out to you the heavy responsibilities that are upon us here at home, and I do think before we go across on the other shore that we should stop and see what is to do at our door and what is at the gateway of the taxpayers of this country that we have not given them, and to which they are entitled as citizens and taxpayers, and what the Government needs as a government here in the city of Washington and elsewhere in the States, before we embark in something the end of which we can hardly contemplate, which involves millions of dollars, at a time when a bond issue is threatened, when our Treasury is practically bankrupt, when, as we know, we are now meddling with the tariff, which always means that the amount of revenues is lessened, and when we have before us an army of unemployed. Now, gentlemen of the Foreign Affairs Committee, I say, in all kindness, that under the circumstances, however meritorious your proposition is, it should not at this time be adopted, and I do not intend to vote for it.

APPENDIX.

Statement of buildings rented within the District of Columbia for the use of the Government, as required by the act of July 16, 1892 (27 Stat., p. 199).

BUILDINGS RENTED BY THE STATE DEPARTMENT IN WASHINGTON FOR THE FISCAL YEAR ENDING JUNE 30, 1909.

Location of building.	For what purpose used.	Annual rental.
No. 1518 L street NW	Stable for State Department	$720.00
No. 522 Seventeenth street NW	Offices of State Department	2,860.00
Total		3,580.00

BUILDINGS RENTED BY THE TREASURY DEPARTMENT IN WASHINGTON FOR THE FISCAL YEAR ENDING JUNE 30, 1909.

No. 1709 New York avenue NW	Photograph gallery and storage of documents and records	$2,500.00
No. 400 Nineteenth street NW	Treasury stables	1,200.00
Third and fourth floors and 2 sections on fifth floor, Nos. 920 and 922 E street NW.	Storage of documents and records	8,000.00
Third floor and rooms 403, 404, 405, 410, and 411, Star Building, Eleventh street and Pennsylvania avenue NW.	Offices Life-Saving Service	5,136.00
Third, fourth, and sixth floors and north half of fifth floor, Union Building, G street between Sixth and Seventh streets NW.	Offices Auditor for the Post-Office Department and Auditor for the Interior Department.	23,250.00
Thirteen rooms on seventh floor and 5 rooms on eighth floor, Munsey Building, Pennsylvania avenue between Thirteenth and Fourteenth streets NW.	Offices Auditor for the Navy Department	11,980.00
Second, third, fourth, and fifth floors, Small Building, Fourteenth and G streets NW.	Offices Auditor for the State and other Departments	8,500.00
Total		60,566.00

BUILDINGS RENTED BY THE WAR DEPARTMENT IN WASHINGTON FOR THE FISCAL YEAR ENDING JUNE 30, 1909.

No. 1729 New York avenue NW. (Lemon Building)	War Department	$7,200.00
No. 532 Seventeenth street NW	Depot Quartermaster	2,500.00
No. 1744 G street NW	Signal Office, Board of Ordnance and Fortifications, 1 Army Board, and 2 storerooms for Secretary's Office, etc.	2,500.00
No. 610 Seventeenth street NW	The Adjutant-General's Office	1,500.00
No. 1720 H street NW	Medical Dispensary	1,000.00
No. 1800 F street NW	Bureau of Insular Affairs	720.00
No. 1712 G street NW	The Adjutant-General's Office	800.00
Nos. 920 and 922 E street NW.; section A, fifth story, and a section of office on first floor.	Bureau of Insular Affairs	1,500.00
Total		17,720.00

BUILDING RENTED BY THE NAVY DEPARTMENT IN WASHINGTON FOR THE FISCAL YEAR ENDING JUNE 30, 1909.

Mills Building, corner of Pennsylvania avenue and Seventeenth street NW.	Annex for the purposes of the various bureaus, Hydrographic Office, Naval Dispensary, Navy Pay Office, Headquarters U. S. Marine Corps, General Board, Board of Inspection and Survey, and the Naval Examining and Retiring Board.	$24,500.00

BUILDINGS RENTED BY THE DEPARTMENT OF THE INTERIOR IN WASHINGTON FOR THE FISCAL YEAR ENDING JUNE 30, 1909.

Eighth and G streets NW	Education office	$4,000.00
Eighth and E streets NW	Civil Service Commission	4,500.00
Hooe Building, F street NW	Geological Service	29,200.00
Additional rooms	Printing and engraving division, Geological Survey	1,200.00
Basement, addition to main building	Geological Survey	1,500.00
Additional rooms in main building	do	3,000.00
Union Building, G street NW	South half basement, storage documents, etc	800.00
Do	Second, third, and fourth floors, for Patent Office models; vacated November 30; 6 months' rent, at $1,625 per month.	8,125.00
Washington Building Company office	Reclamation Service	8,000.00
Total		60,325.00

Statement of buildings rented within the District of Columbia for the use of the Government, etc.—Continued.

BUILDINGS RENTED BY THE POST-OFFICE DEPARTMENT IN THE DISTRICT OF COLUMBIA FOR THE FISCAL YEAR 1909.

Location of building.	For what purpose used.	Annual rental.
Union Building, G street between Sixth and Seventh streets NW	Station G, city post-office	[a] [b] $3,500.00
No. 1419 G street NW	Station C, city post-office	[a] [c] 2,400.00
No. 400 East Capitol street	Station B, city post-office	[a] 2,000.00
No. 716 Four-and-a-half street SW	Station D, city post-office	[a] 850.00
No. 1413 Park street	Station F, city post-office	[a] [c] 1,380.00
No. 11 Harrison street (Anacostia)	Station H, city post-office	[a] [c] 300.00
Twenty-fourth street NE. between Channing and Douglas streets (Langdon)	Station K, city post-office	[a] [c] 200.00
Anacostia avenue and Benning road (Benning)	Benning Station, city post-office	[a] [c] [f] 200.00
Bunker Hill road and Ninth street NE	Brookland Station, city post-office	[a] 275.00
Cedar street between Blair road and Baltimore and Ohio Railroad	Takoma Park Station, city post-office	[a] [c] 400.00
First and K streets NE	Mail bag repair shop; mail lock repair shop; division of supplies; division of equipment; division of stamps; division of topography; division of redemption; and office superintendent third division, Railway Mail Service.	[a] 34,400.00
Nos. 918-920 E street NW	Storage of files	[d] 3,000.00
Alley between L and M, Sixteenth and Seventeenth streets NW	Stable	300.00
Alley adjoining First and K streets NE	do	200.00
Total		49,405.00

BUILDINGS RENTED BY THE DEPARTMENT OF AGRICULTURE IN THE DISTRICT OF COLUMBIA DURING THE FISCAL YEAR ENDING JUNE 30, 1909.

Nos. 1224-1226 B street SW	Bureau of Animal Industry, office and storage purposes	$720.00
Rear of 1228 C street SW	Bureau of Animal Industry, stable	144.00
No. 213 Seventh street NW	Bureau of Animal Industry, offices and laboratories	240.00
Atlantic Building, 930 F street NW	Forest Service, offices and storage purposes	24,895.00
No. 913 E street NW	Forest Service, carpenter shop, and for storage purposes	270.00
No. 1530 Pennsylvania avenue SE	Forest Service, chemical laboratory	600.00
Ouray Building	Forest Service, offices and storage purposes	10,110.00
Nos. 210-212 Fourteenth street SW	Bureau of Chemistry, shed for machinery	240.00
No. 206 Fourteenth street SW	Bureau of Chemistry, offices and laboratories	300.00
No. 240 Fourteenth street SW	do	420.00
Three apartments in the Fairfax, Fourteenth and C streets SW	do	900.00
Stable, lot 27, square 231	Bureau of Chemistry, storage purposes	96.00
Nos. 200-202 Fourteenth street SW	Bureau of Chemistry, offices and laboratories	2,500.00
No. 1362 B street SW	do	1,800.00
No. 207 Thirteen-and-a-half street SW	Bureau of Chemistry, offices and storerooms	300.00
No. 212 Thirteenth street SW	Bureau of Chemistry, offices and laboratories	660.00
No. 1358 B street SW	do	750.00
No. 228½ Thirteen-and-a-half street SW	Bureau of Plant Industry, Office of Experiment Stations, and Bu-	300.00
No. 215 Thirteenth street SW	Division of Publications, document rooms	5,000.00
No. 237 Fourteenth street SW	Office of Public Roads, offices and laboratories	2,000.00
No. 224 Twelfth street SW	Bureau of Plant Industry, Office of Experiment Stations, and Bureau of Entomology, offices and laboratories.	2,500.00
Nos. 1308-1310 B street SW	Office of chief clerk and Bureau of Biological Survey, offices, laboratories, and storage purposes.	360.00
No. 611 Maryland avenue SW	Office of the chief clerk, storage purposes	300.00
No. 201 Thirteenth street SW	Bureau of Plant Industry, offices and laboratories	360.00
No. 205 Thirteenth street SW	do	420.00
Nos. 1304-1306 B street SW	Bureau of Plant Industry, laboratories and storage purposes	2,500.00
No. 209 Thirteenth street SW	Bureau of Plant Industry, offices and laboratories	420.00
No. 203 Thirteenth street SW	do	420.00
No. 207 Thirteenth street SW	do	420.00
No. 207½ Thirteenth street SW	do	420.00
Nos. 221-223 Linwood place SW	Bureau of Plant Industry, seed building	4,200.00
Total		64,475.00

BUILDINGS AND ROOMS IN BUILDINGS RENTED BY DEPARTMENT OF COMMERCE AND LABOR IN WASHINGTON FOR THE FISCAL YEAR ENDING JUNE 30, 1909.

Willard Building, 513-515 Fourteenth street NW	Main building of department (office of the Secretary, Bureau of Corporations, Bureau of Immigration and Naturalization, Division of Information, and office of the solicitor).	$11,830.00
Emery Building, northwest corner First and B streets NW	Bureau of the Census	21,000.00
204-206 Fourteenth street NW. (part of first and all of second floor)	Bureau of the Census (storage)	1,080.00
National Safe Deposit Building, corner New York avenue and Fifteenth street (in part).	Bureau of Labor	6,750.00
Builders' Exchange Building, 719-721 Thirteenth street NW. (in part)	Light-House Board, Steamboat-Inspection Service, Bureau of Navigation.	7,600.00
Adams Building, 1333-1335 F street NW. (in part)	Bureau of Statistics	4,039.80
Do	Bureau of Manufactures	2,460.00
Munsey Building, north side of E street, between Thirteenth and Fourteenth streets NW. (7 rooms, fourth floor).	Division of Naturalization	4,300.00
Munsey Building (21 rooms, ninth floor)	For use of temporary employees engaged in compiling data collected by the special agents of the department investigating the condition of woman and child workers in the United States, authorized by the act of Congress approved January 29, 1907 (34 Stat., 866).	4,900.00
NOTE.—These quarters were leased for and occupied from July 1, 1908, to and including October 31, 1908.		
Munsey Building (9 rooms, ninth floor)	do	3,000.00
NOTE.—These quarters are leased for and will be occupied from November 1, 1908, to and including December 31, 1908.		
1137-1139 Seventeenth street NW	Stables	$1,500.00
920-922 E street NW. (in part) [g]	Storage of records of the Light-House Board	1,500.00
National Safe Deposit Building, corner New York avenue and Fifteenth street (in part). [g]	Storage of records of Bureau of Labor	750.00
Total		70,709.80

BUILDINGS RENTED BY THE DEPARTMENT OF JUSTICE IN WASHINGTON FOR THE FISCAL YEAR ENDING JUNE 30, 1909.

No. 1000 Vermont avenue	For records, offices, and business of the Department	$6,500.00
No. 1435 K street NW	do	10,000.00
No. 8 Jackson place	do	2,100.00
No. 6 Jackson place	do	1,800.00
Bond Building, 14th and New York avenue; rooms 708 and 717, inclusive	do	1,800.00
No. 1439 K street NW	do	2,400.00
No. 1411 H street NW	For the records, offices, and business of the Spanish Claims Commission.	3,600.00
Total		28,200.00

[a] Paid out of appropriation for postal service.
[b] Including equipment and heat.
[c] Including heating and lights.
[d] Including heat, lights, elevator, and janitor service.
[e] Lease expires April 1, 1909.
[f] Lease expires January 1, 1909.
[g] Paid from the appropriation "Contingent expenses, Department of Commerce and Labor," as provided in that appropriation.

Statement of buildings rented within the District of Columbia for the use of the Government, etc.—Continued.

LIST OF BUILDINGS RENTED BY THE DISTRICT OF COLUMBIA FOR THE FISCAL YEAR ENDING JUNE 30, 1909.

Location of building.	For what purpose used.	Annual rental.
No. 464 Louisiana avenue NW	Executive and miscellaneous	$750.00
No. 29 and stable rear No. 31 Monroe street, Anacostia, D. C	do	480.00
Stable 210-221 Jackson Hall alley	do	95.00
Stable rear 2114 H street NW	do	441.67
Vault in premises Nos. 228-232 First street NW	do	50.00
No. 470 Louisiana avenue NW	do	200.00
No. 467 C street NW., 4 rooms	do	30.00
No. 505 Eighteenth street NW	do	1,000.00
Premises rear 921 D street NW	do	240.00
Columbia Building, rooms 507-512	do	70.00
Columbia Building, rooms 701-707	do	83.33
No. 301 C street NW	do	900.00
No. 468 Louisiana avenue NW., 2 rooms	do	25.00
No. 472 Louisiana avenue NW., 5 rooms	do	45.00
Room rear 419 Third street NW	do	48.00
No. 1816 F street NW	do	240.00
Total executive and miscellaneous		4,698.00
Miner Building, Seventh and Church streets NW	Public schools	3,000.00
No. 1338 H street NE	do	330.00
Lincoln Memorial Chapel, Sixth and Trumbull streets	do	300.00
No. 730 Twenty-fourth street NW	do	720.00
Lots 39 and 40, square 4047	do	52.50
Chapel St. Luke's P. E. Church, Fifteenth and Church streets NW	do	300.00
Israel Baptist Church, assembly hall	do	360.00
No. 1129 G street NE., 3 rooms	do	300.00
No. 1120 Twentieth street NW	do	360.00
No. 1017 Twelfth street NW	do	1,200.00
Garfield Hall, Garfield, D. C	do	360.00
No. 1023 Twelfth street NW	do	420.00
No. 2412 Seventeenth street NW	do	270.00
No. 1626 Seventh street NW	do	1,500.00
No. 1622 Seventh street NW	do	750.00
No. 625 Q street NW	do	426.00
No. 494 Maryland avenue SW., 2 rooms	do	360.00
Premises corner Northampton street and Belt road, 2 rooms	do	360.00
Nos. 624-626 O street NW	do	1,450.00
No. 1213 Twelfth street NW	do	700.00
Premises Bunker Hill road, between Eighth and Ninth streets NE	do	360.00
No. 212 H street NW., second floor	do	840.00
Rehoboth Chapel, First street between N and O streets SW., first floor	do	360.00
Peoples Seventh Day Adventist Church, 2 rooms	do	600.00
Samaritan Temple, First between Second and Third streets SW., 2 rooms	do	300.00
No. 646 Massachusetts avenue NE	do	696.00
No. 2801 N street NW	do	600.00
Emanuel Baptist Church, Garfield, D. C	do	240.00
No. 533 Twelfth street SE	do	1,200.00
No. 1021 Twenty-first street NW., 2 rooms	do	300.00
No. 3233 N street NW	do	1,100.00
Nos. 3224, 3226, 3232, and 3234 Eleventh street NW	do	1,164.00
Northeast Industrial School, Eighth and I streets NE	do	900.00
No. 1606 M street NW., banquet hall	do	420.00
Total public schools		22,508.50
National Guard Armory, Center Market	Militia, District of Columbia	8,000.00
No. 902 Pennsylvania avenue NW., third and fourth floors	do	1,000.00
True Reformer's Building, Twelfth and U streets, basement and office rooms.	do	1,150.00
Armory, 1403 D street NW	do	1,200.00
Rooms, Evening Star Building	do	2,100.00
Rifle range, Hillsdale, D. C	do	550.00
Total for militia, District of Columbia		14,000.00
Grand total of rent for the District of Columbia		41,296.50

LIST OF BUILDINGS RENTED BY THE PUBLIC PRINTER IN WASHINGTON FOR THE FISCAL YEAR 1909.

Lot 5, square 673	Stable and wagon house	$2,400.00
Lot 4 and part lot 3, square 673	Warehouse for storage of public documents	5,000.00
Total		7,400.00

ROOMS RENTED BY THE INTERSTATE COMMERCE COMMISSION, WASHINGTON, FOR THE FISCAL YEAR 1909.

No. 1317 F street, American Bank Building, third, fourth, fifth, sixth, seventh, eighth, and ninth floors, five rooms on the second floor, and one room on the first floor; also the entire cellar (including heating, elevator, and water service).	Interstate Commerce Commission	$28,800.00
Nos. 1307, 1309, and 1311 G street, Epiphany Building, second, third, fourth, fifth, and sixth floors, 1307-1309, and second, third, and fourth floors, 1311; also the entire cellar under 1311 (including heating, elevator, and water service).	do	12,000.00
Fourteenth and F streets, Westory Building, room No. 806, eighth floor (including heating, elevator, and water service).		900.00
Basement of building No. 1334 F street	Interstate Commerce Commission	1,200.00
Storeroom rear of building No. 1338 G street	do	300.00
Total		43,200.00

RECAPITULATION.

Department.	Amount.	Department.	Amount.
State Department	$3,580.00	Department of Commerce and Labor	$70,709.80
Treasury Department	60,566.00	Department of Justice	28,200.00
War Department	17,720.00	District of Columbia	41,296.50
Navy Department	24,500.00	Interstate Commerce Commission	43,200.00
Interior Department	60,325.00	Public Printer	7,400.00
Post-Office Department	49,405.00		
Department of Agriculture	64,475.00	Total	471,377.30

Mr. LOWDEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21491, and had directed him to report that it had come to no resolution thereon.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 24832. An act for the relief of citizens of Italy.

UNIVERSAL AND INTERNATIONAL EXHIBITION, BRUSSELS, BELGIUM.

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State recommending, for reasons therein stated, an appropriation to enable the United States fittingly to participate in the Universal and International Exhibition to be held at Brussels, April to November, 1910, and in response to the invitation extended by the Government of Belgium.

This recommendation has my cordial approval and I hope that the Congress will make timely and appropriate provision for the acceptance of the invitation and for participation in the exhibition.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 5, 1909.*

CHANGE OF REFERENCE.

By unanimous consent the Committee on the Judiciary was discharged from the further consideration of the bill (H. R. 24843) to amend section 1608j of the Code of Law for the District of Columbia, and the same was referred to the Committee on the District of Columbia.

Also, the Committee on Appropriations was discharged from the further consideration of the bill (H. R. 24861) to provide for certain improvements and repairs at Fort Niagara, Niagara County, N. Y., and the same was referred to the Committee on Military Affairs.

ADJOURNMENT.

Mr. LOWDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting a statement as to proceeds of public property during the year ended June 30, 1908 (H. Doc. No. 1171, pt. 2)—to the Committee on Military Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for heating system at the Carlisle Indian School (H. Doc. No. 1278)—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for protection, etc., of rights of the Uncompahgre, Uintah, and White River Ute Indians in certain irrigation systems (H. Doc. No. 1279)—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for construction of an additional wing to the Freedmen's Hospital building (H. Doc. No. 1280)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Agriculture submitting an estimate of appropriation for protection of game in Alaska (H. Doc. No. 1281)—to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 13970) granting an increase of pension to Allen Hutchinson—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 22545) granting an increase of pension to Lee M. Shanefelter—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 24407) granting a pension to Bayard Fern—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24093) granting an increase of pension to Martha L. De Ryder—Committee on Naval Affairs discharged, and referred to the Committee on Pensions.

A bill (H. R. 24829) granting an increase of pension to William I. Milligan—Committee on Naval Affairs discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KINKAID: A bill (H. R. 25142) to grant an additional right of way to the Chicago and Northwestern Railway Company over and across the Fort Niobrara Military Reservation in the State of Nebraska—to the Committee on Military Affairs.

By Mr. GARDNER of Massachusetts: A bill (H. R. 25143) to provide for the acquisition of a site for the erection of a post-office building at Salem, Mass.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25144) to provide for the acquisition of the site for the erection of a post-office building at Newburyport, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. TOU VELLE: A bill (H. R. 25145) to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war—to the Committee on Invalid Pensions.

By Mr. FULTON: A bill (H. R. 25146) to amend section 8 of chapter 3335 of the acts of the Fifty-ninth Congress, first session, entitled "An act to enable the people of Oklahoma and Indian Territory to form a constitution and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States," approved June 16, 1906, by eliminating from the provisions and operations of said act certain lands therein mentioned—to the Committee on the Territories.

By Mr. HULL of Iowa: A bill (H. R. 25147) to credit certain officers of the Medical Department, U. S. Army, with services rendered as acting assistant surgeons during the civil war—to the Committee on Military Affairs.

By Mr. JENKINS: A bill (H. R. 25148) to parole United States prisoners, and for other purposes—to the Committee on the Judiciary.

By Mr. SMITH of Michigan: A bill (H. R. 25149) to authorize certain changes in the permanent system of highways, District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H . R. 25150) to amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893—to the Committee on the District of Columbia.

By Mr. KINKAID: A bill (H. R. 25151) to amend an act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands"—to the Committee on Irrigation of Arid Lands.

By Mr. FOSTER of Vermont: A bill (H. R. 25152) authorizing and empowering the Secretary of the Department of Commerce and Labor to establish aids to navigation in Alaskan waters—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: A bill (H. R. 25153) concerning wrecks on the Atlantic coast in the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. COUDREY: A bill (H. R. 25154) to parole United States prisoners, and for other purposes—to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: A bill (H. R. 25155) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes"—to the Committee on Insular Affairs.

Also (by request), a bill (H. R. 25156) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes"—to the Committee on Insular Affairs.

By Mr. COUDREY: A bill (H. R. 25157) granting pensions to certain enlisted men, soldiers, and officers who served in all the Indian wars prior to the civil war—to the Committee on Pensions.

By Mr. OLCOTT: A bill (H. R. 25158) authorizing the acceptance of Constitution Island—to the Committee on Military Affairs.

By Mr. HOBSON: A bill (H. R. 25159) to provide suitable civilian clothing and a cash gratuity to naval prisoners on discharge—to the Committee on Naval Affairs.

Also, a bill (H. R. 25160) to provide for the naturalization of aliens who have served or shall hereafter serve five years in the United States Navy or Marine Corps—to the Committee on Naval Affairs.

By Mr. LORIMER: A bill (H. R. 25161) to provide for obtaining lands and other property necessary for the construction, repair, and preservation of certain public works in the interests of commerce and navigation at Sault Ste. Marie, Mich.—to the Committee on Rivers and Harbors.

By Mr. SULZER: A bill (H. R. 25162) to amend and consolidate the acts respecting copyright—to the Committee on Patents.

By Mr. TAYLOR of Ohio: A bill (H. R. 25163) to amend section 178 of an act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872—to the Committee on the Post-Office and Post-Roads.

By Mr. WALDO: A bill (H. R. 25164) to pay certain claims against the Government arising under the Navy Department—to the Committee on Claims.

By Mr. STEENERSON: A bill (H. R. 25165) for the maintenance and improvement of rivers and harbors in the State of Minnesota—to the Committee on Rivers and Harbors.

By Mr. WEEKS: A bill (H. R. 25166) to provide mobile defense for Atlantic coast and Gulf ports—to the Committee on Naval Affairs.

By Mr. HARDY: A bill (H. R. 25167) to prohibit unfair trade discrimination and competition—to the Committee on the Judiciary.

By Mr. SLAYDEN: Resolution (H. Res. 468) asking the Secretary of War for certain information concerning retired officers of the army—to the Committee on Military Affairs.

By Mr. GREENE: Resolution (H. Res. 469) that the Superintendent of the Capitol inquire into and report upon the most practical method of underground transportation to and from the Capitol, etc.—to the Committee on Public Buildings and Grounds.

By Mr. BROWNLOW: Resolution (H. Res. 470) fixing compensation of officers and employees of the House in certain cases—to the Committee on Accounts.

By Mr. HOBSON: Joint resolution (H. J. Res. 220) authorizing a survey of the Locust and Mulberry forks of the Black Warrior River, Alabama—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 25168) granting a pension to John L. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25169) granting a pension to Nathaniel H. Gable—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25170) granting a pension to Mathias House—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25171) granting a pension to Wilson A. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25172) granting a pension to Henry Eller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25173) granting a pension to Robert L. Kirkwood—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 25174) granting an increase of pension to James C. Ayers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25175) granting an increase of pension to David J. Yost—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25176) granting a pension to Mary J. Bailey—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 25177) granting a pension to Robert Wilson—to the Committee on Pensions.

Also, a bill (H. R. 25178) granting a pension to Lula G. Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25179) for the relief of William Postell—to the Committee on Military Affairs.

Also, a bill (H. R. 25180) for the relief of James H. Hendricks—to the Committee on War Claims.

Also, a bill (H. R. 25181) granting an increase of pension to William F. Shoemaker—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 25182) granting an increase of pension to James F. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25183) granting an increase of pension to Roman M. Hawkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25184) granting an increase of pension to David P. Boyd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25185) granting a pension to Sherman Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25186) granting a pension to William M. Faidley—to the Committee on Pensions.

Also, a bill (H. R. 25187) granting a pension to Taylor Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25188) for the relief of Alfred Raines—to the Committee on Military Affairs.

Also, a bill (H. R. 25189) for the relief of the estates of George W. and Richard B. Cooper, deceased—to the Committee on War Claims.

By Mr. BRUNDIDGE: A bill (H. R. 25190) for the relief of the heirs of Simon Rockwell, deceased—to the Committee on War Claims.

By Mr. BUTLER: A bill (H. R. 25191) granting an increase of pension to William McGowan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25192) for the relief of Oliva J. Baker—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 25193) granting a pension to Ingeborg Moeller—to the Committee on Pensions.

Also, a bill (H. R. 25194) granting a pension to Minnie H. Greene—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 25195) granting an increase of pension to Robert W. Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25196) granting an increase of pension to Alonzo R. Sharp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25197) granting an increase of pension to John W. Francis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25198) granting a pension to Emma Moffett—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 25199) granting a pension to Oliver W. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25200) granting an increase of pension to Harrison L. McGinnis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25201) granting an increase of pension to Hugh D. Graham—to the Committee on Invalid Pensions.

By Mr. CAULFIELD: A bill (H. R. 25202) granting a pension to Melissa A. Hawley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25203) to correct the military record of Edward Dodsworth—to the Committee on Military Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 25204) granting an increase of pension to George H. Ward—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 25205) granting a pension to Phoebe A. Pence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25206) granting an increase of pension to Joseph L. Vaughen—to the Committee on Invalid Pensions.

By Mr. COUDREY: A bill (H. R. 25207) for the relief of Phillipina Fishback—to the Committee on Pensions.

By Mr. DALZELL: A bill (H. R. 25208) granting an increase of pension to Thomas H. McIlvain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25209) granting an increase of pension to Benton Burr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25210) granting a pension to Margaret Thompson—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 25211) granting a pension to L. Place Bostwick—to the Committee on Pensions.

Also a bill (H. R. 25212) granting a pension to Minerva Kenney—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 25213) granting an increase of pension to Joel T. Hembree—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 25214) granting an increase of pension to Calista Green—to the Committee on Pensions.

Also, a bill (H. R. 25215) granting an increase of pension to Patrick Riley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25216) granting an increase of pension to Andrew H. Allard—to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 25217) granting an increase of pension to Richard Stokes, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25218) granting an increase of pension to George M. Austin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25219) granting an increase of pension to Andrew J. Taylor—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 25220) granting a pension to Robert Lane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25221) granting an increase of pension to J. H. O. Sutton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25222) granting an increase of pension to Elijah Loback—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25223) granting an increase of pension to Stephen Weathers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25224) to correct the military record of Joseph S. Alexander—to the Committee on Military Affairs.

By Mr. FOCHT: A bill (H. R. 25225) granting an increase of pension to David Funk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25226) granting an increase of pension to Henry Loudenschlager—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25227) for the relief of Michael Nave—to the Committee on Military Affairs.

Also, a bill (H. R. 25228) granting an increase of pension to James Kirkwood—to the Committee on Invalid Pensions.

By Mr. FOELKER: A bill (H. R. 25229) granting an increase of pension to Thomas M. Tibball—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25230) to remove the charge of desertion from the military record of Frederick C. Philpit—to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 25231) granting an increase of pension to Wickham Brodhead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25232) granting an increase of pension to Franklin Aldrich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25233) granting an increase of pension to William Sherwood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25234) granting an increase of pension to Philip Honsinger—to the Committee on Invalid Pensions.

By Mr. FOULKROD: A bill (H. R. 25235) granting a pension to Jenet Hendricks—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 25236) granting an increase of pension to Bridget Hopkins—to the Committee on Invalid Pensions.

By Mr. FULTON: A bill (H. R. 25237) for the relief of the Wichita and affiliated bands of Indians—to the Committee on Claims.

Also, a bill (H. R. 25238) granting an increase of pension to George L. Gilburt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25239) granting an increase of pension to Ephriam C. Parish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25240) granting an increase of pension to Joel Benham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25241) granting an increase of pension to James W. Davis—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 25242) granting an increase of pension to James H. Spring—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25243) granting an increase of pension to George W. Hile—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25244) granting an increase of pension to John B. May—to the Committee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 25245) granting a pension to George Forniss—to the Committee on Pensions.

By Mr. GILHAMS: A bill (H. R. 25246) granting a pension to Levi D. Fry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25247) granting an increase of pension to Florence Buchanan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25248) granting an increase of pension to Martin V. Heffelfinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25249) granting an increase of pension to Martin Connett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25250) granting an increase of pension to Elias Stoneburner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25251) granting an increase of pension to Hiram B. Melendy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25252) granting an increase of pension to Pelig Hull—to the Committee on Invalid Pensions.

By Mr. HACKNEY: A bill (H. R. 25253) granting an increase of pension to Seth Carpenter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25254) granting an increase of pension to Tilman Bayne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25255) for the relief of Allen Pearson—to the Committee on Military Affairs.

By Mr. HAGGOTT: A bill (H. R. 25256) granting an increase of pension to James Noble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25257) granting an increase of pension to Everill J. Hills—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25258) granting an increase of pension to George W. Burnett—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 25259) granting a pension to Katie V. Kellogg—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 25260) granting a pension to Keziah Phlegly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25261) granting an increase of pension to Eli T. Forrester—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 25262) granting an increase of pension to George H. Buehner—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 25263) granting an increase of pension to Alfred H. Hooker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25264) granting an increase of pension to Archibald O. Rose—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 25265) granting a pension to Isabelle C. Woodward—to the Committee on Pensions.

Also, a bill (H. R. 25266) granting an increase of pension to William Goetze—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25267) granting an increase of pension to Thomas Bingham Corey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25268) granting an increase of pension to William P. Squire—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25269) granting an increase of pension to M. Kraszynski—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25270) granting an increase of pension to George Q. Barlow—to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 25271) for the relief of Chief Carpenter Herbert M. Griffiths, U. S. Navy, retired—to the Committee on Naval Affairs.

By Mr. HOLLIDAY: A bill (H. R. 25272) granting an increase of pension to Edwin Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25273) granting an increase of pension to Oscar Reynolds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25274) granting an increase of pension to Oscar Reynolds—to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 25275) granting an increase of pension to William H. Rochelle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25276) granting an increase of pension to James Emmens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25277) granting an increase of pension to George Schoonover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25278) granting a pension to Wilbur Van Houten—to the Committee on Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 25279) for the relief of M. J. Julian—to the Committee on War Claims.

Also, a bill (H. R. 25280) for the relief of the estate of Martha A. Stevens—to the Committee on War Claims.

Also, a bill (H. R. 25281) granting an increase of pension to William W. Baldwin—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 25282) granting an increase of pension to Franklin B. Dorothy—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 25283) granting an increase of pension to Margaret A. Osborn—to the Committee on Pensions.

Also, a bill (H. R. 25284) granting an increase of pension to Marion Farris—to the Committee on Invalid Pensions.

By Mr. JONES of Virginia: A bill (H. R. 25285) for the relief of John H. Jarvis—to the Committee on War Claims.

By Mr. KEIFER: A bill (H. R. 25286) granting an increase of pension to Margaret S. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25287) granting an increase of pension to Madison Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25288) granting a pension to Albert Fletcher—to the Committee on Pensions.

By Mr. LINDBERGH: A bill (H. R. 25289) granting an increase of pension to William H. Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25290) granting an increase of pension to Calvin Boyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25291) granting an increase of pension to Peter Virnig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25292) granting an increase of pension to Frank Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25293) granting an increase of pension to Bailey D. Judkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25294) granting an increase of pension to John A. Reamer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25295) granting an increase of pension to Charles W. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25296) granting an increase of pension to Charles A. Ramsdill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25297) granting a pension to Susan Persons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25298) granting a pension to Deborah H. Riggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25299) granting a pension to Bessie E. Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25300) for the relief of Theodore Bruener—to the Committee on the Public Lands.

Also, a bill (H. R. 25301) to remove the charge of desertion from the military record of Nathan Stewart and grant to him an honorable discharge—to the Committee on Military Affairs.

By Mr. LONGWORTH: A bill (H. R. 25302) granting an increase of pension to Ellen T. Cowen—to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 25303) granting a pension to Eliza Belle Blumer—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 25304) granting a pension to Michael S. Dietrich—to the Committee on Pensions.

By Mr. MADDEN: A bill (H. R. 25305) granting an increase of pension to Albert C. Chamberlin—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 25306) granting an increase of pension to John J. Kane—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 25307) granting an increase of pension to William A. Clemons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25308) granting an increase of pension to John T. Munsell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25309) granting an increase of pension to Albert A. Secord—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25310) granting an increase of pension to John Beckley—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 25311) granting an increase of pension to Thomas A. Conlee—to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 25312) granting an increase of pension to John Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25313) granting an increase of pension to Merritt H. Raymond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25314) for the relief of Robert Coggon—to the Committee on Claims.

By Mr. PRAY: A bill (H. R. 25315) granting a pension to Eddy J. Workman—to the Committee on Pensions.

Also, a bill (H. R. 25316) granting an increase of pension to Lucretia Ritchhart—to the Committee on Pensions.

Also, a bill (H. R. 25317) granting an increase of pension to Denton P. Sheeks—to the Committee on Pensions.

By Mr. PRINCE: A bill (H. R. 25318) granting an increase of pension to Robert Bigger—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 25319) granting an increase of pension to John C. Langford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25320) granting an increase of pension to George H. Tolle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25321) granting a pension to Sciota Jasper—to the Committee on Pensions.

Also, a bill (H. R. 25322) granting an increase of pension to Joseph W. Rowe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25323) granting an increase of pension to John Chenoweth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25324) granting an increase of pension to Madison Norton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25325) granting an increase of pension to Joseph Dugdell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25326) granting an increase of pension to James A. Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25327) granting a pension to Buena Vista Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25328) granting a pension to Walter L. Hart—to the Committee on Pensions.

Also, a bill (H. R. 25329) granting an increase of pension to Thomas Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25330) granting an increase of pension to Thomas J. Hunter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25331) granting an increase of pension to Abner Poore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25332) granting an increase of pension to B. L. Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25333) granting an increase of pension to Delos W. Story—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25334) granting an increase of pension to John G. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25335) granting an increase of pension to Joseph W. Rowe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25336) granting an increase of pension to James Glenn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25337) granting an increase of pension to Daniel F. Jones—to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 25338) granting an increase of pension to John W. Bowman—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 25339) granting a pension to Mary Higgins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25340) granting an increase of pension to R. H. L. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25341) granting an increase of pension to Joseph H. Hadley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25342) granting an increase of pension to Elisha Tourtillott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25343) granting an increase of pension to Lewis H. Mark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25344) granting an increase of pension to George Jeffery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25345) granting an increase of pension to George J. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25346) granting an increase of pension to Alman Sparling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25347) granting an increase of pension to Charles F. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25348) granting an increase of pension to Jacob Vannice—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25349) granting an increase of pension to John Brannan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25350) granting an increase of pension to Alpheus Grovenburgh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25351) granting an increase of pension to G. L. Barr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25352) granting an increase of pension to Victor Lambert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25353) granting an increase of pension to Zachary Fletcher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25354) granting an increase of pension to Edgar D. York—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25355) granting an increase of pension to Garrett Gibson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25356) granting an increase of pension to Stephen O. Tolle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25357) granting an increase of pension to Charles M. Russell—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 25358) granting a pension to Michael O'Leary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25359) granting an increase of pension to Edward C. Frey—to the Committee on Pensions.

Also, a bill (H. R. 25360) granting an increase of pension to Harvey A. P. Doyle—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 25361) for the relief of the heirs of Jenkins & Havens—to the Committee on Claims.

By Mr. STEENERSON: A bill (H. R. 25362) granting an increase of pension to Ernest Buse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25363) granting an increase of pension to John Olson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25364) granting an increase of pension to James Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25365) granting an increase of pension to Robert K. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25366) granting a pension to Louis Larson, alias Lewis Lewis—to the Committee on Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 25367) granting a pension to Henry S. Mansfield—to the Committee on Pensions.

Also, a bill (H. R. 25368) granting a pension to Winfield S. Hicks—to the Committee on Pensions.

Also, a bill (H. R. 25369) granting a pension to Levi H. Mahanna—to the Committee on Pensions.

Also, a bill (H. R. 25370) granting a pension to Jeanette Blandy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25371) granting a pension to Frances E. McKenna—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25372) granting a pension to Sarah E. Wallace—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25373) granting a pension to Walter Scott—to the Committee on Pensions.

Also, a bill (H. R. 25374) granting an increase of pension to Andrew McIlvain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25375) granting an increase of pension to Joshua F. Whipps—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25376) granting an increase of pension to Marcellus M. Pixley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25377) granting an increase of pension to Charles T. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25378) granting an increase of pension to James H. Wean—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 25379) granting an increase of pension to James H. Shafer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25380) granting an increase of pension to William L. Reck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25381) granting an increase of pension to William Briney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25382) granting an increase of pension to Margaret Hiles—to the Committee on Invalid Pensions.

By Mr. WALLACE: A bill (H. R. 25383) for the relief of John B. Maryman—to the Committee on Claims.

By Mr. WEEKS: A bill (H. R. 25384) granting an increase of pension to Herbert E. Whipple—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 25385) for the relief of Marcellus Troxell—to the Committee on Claims.

Also, a bill (H. R. 25386) granting an increase of pension to Alexander Kerr—to the Committee on Invalid Pensions.

By Mr. FULTON: A bill (H. R. 25387) granting an increase of pension to Edward A. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25388) granting an increase of pension to Henry Stinnett—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 25389) granting an increase of pension to Almon B. Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25390) granting an increase of pension to Elnathan Sweet—to the Committee on Invalid Pensions.

By Mr. MANN, from the Committee on Elections No. 1: Resolution (H. Res. 465) in regard to contested-election case between A. F. Lever and Alexander D. Dantzler—to the House Calendar.

Also, from the same committee, resolution (H. Res. 466) in regard to contested-election case between A. P. Prioleau and George S. Legare—to the House Calendar.

Also, from the same committee, resolution (H. Res. 467) in regard to contested-election case between Isaac Myers and J. O. Patterson—to the House Calendar.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petition of Ward A. Bickford and 35 others, of Cliff Island, Me., against Johnston Sunday bill—to the Committee on the District of Columbia.

Also, petition of Newfield and East Madison Grange, favoring a parcels post and for parcels-post delivery on rural routes and for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. ANSBERRY: Petition of Springfield Grange, No. 499, of Williams County, Ohio, favoring a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. BELL of Georgia: Petition of J. R. Homes, against putting timber on the free list—to the Committee on Ways and Means.

By Mr. BINGHAM: Petition of Union League of Philadelphia, favoring increase of salaries of federal judges—to the Committee on the Judiciary.

By Mr. BONYNGE: Petition of citizens of Colorado, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. BRADLEY: Petition of Shawangunk Grange, No. 1018, Patrons of Husbandry, of Minisink, N. Y.; Cronomer Valley Grange, No. 982, of Newburgh, N. Y.; and Minisink Grange, No. 907, Patrons of Husbandry, of Unionville, N. Y., favoring Senate bills 5122 and 6484, in re parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Doyle & Leonard and Hilton, Gibson & Miller, of Newburgh, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. BRUNDIDGE: Paper to accompany bill for relief of Simon Rockwell—to the Committee on War Claims.

By Mr. BURKE: Petition of M. N. Kline Trades League, of Philadelphia, for a 35-foot channel in Delaware River—to the Committee on Rivers and Harbors.

Also, petition of Harry G. Tinker, favoring increase of salaries of United States judges—to the Committee on the Judiciary.

Also, petition of Behrhorst, Grapp & Co., George R. Stevenson & Co., and Ward Mackey Company, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petitions of Library Company of Philadelphia, and Free Library of Philadelphia, against removal of public library books from the free list—to the Committee on Ways and Means.

Also, petition of Fils & Co., of Philadelphia, favoring the naval stores inspection bill introduced into the Senate December 16, 1908—to the Committee on Agriculture.

Also, petition of G. W. Da Cunha, of Upper Montclair, N. J., favoring salary of $100,000 per year for the President—to the Committee on Appropriations.

By Mr. BUTLER: Petition of Russellville Grange, No. 91, Patrons of Husbandry, for a parcels-post system and postal savings banks—to the Committee on the Post-office and Post-Roads.

By Mr. CAMPBELL: Petition of members, teachers, and officers of Sunday school of the First Presbyterian Church of Winfield, Kans., for legislation to prohibit conflict of authority between the National Government and States having prohibitory laws—to the Committee on the Judiciary.

Also, petition of citizens of Kansas, against S. 3940—to the Committee on the District of Columbia.

By Mr. CAULFIELD: Petition of board of directors of St. Louis, Mo., for abolition of duty on books—to the Committee on Ways and Means.

By Mr. CLARK of Missouri: Petition of citizens of Louisiana, Mo., against enactment of a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. COLE: Petition of George W. Ballinger and others, for legislation pensioning ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. COOK of Pennsylvania: Petition of Library Company, of Philadelphia, against imposing duty on public library books—to the Committee on Ways and Means.

By Mr. COUDREY: Papers to accompany bills for relief of Col. Thomas Bayley and John H. Drosselmeier—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of George W. Murray, Phillipina Fishback, and Andrew Houlihan—to the Committee on Invalid Pensions.

By Mr. DARRAGH: Petition of Mrs. O. F. Ballou and 90 other residents of Montcalm County, Mich., against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. DE ARMOND: Paper to accompany bill for relief of George W. Jennings—to the Committee on Pensions.

Also, papers to accompany bills for relief of William K. Trabue, Margaret Huston, M. W. Jacobs, and George W. Wade—to the Committee on Invalid Pensions.

Also, petition of citizens of Missouri, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. ESTOPINAL: Memorial of the general assembly of Louisiana in 1908, favoring legislation to construct a dam across Bayou Courtableau on west bank of Atchafalaya Basin Levee District to protect by levee its arable territory from overflow, legislation granting to the State of Louisiana the public lands of United States in the State, legislation establishing a national standard of classification of the marketable grades of cotton, and legislation for national park on site of the battle of New Orleans—to the Committee on Rivers and Harbors.

By Mr. FLOYD: Paper to accompany bill for relief of Stephen Weathers—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Elijah Loback and J. H. O. Sutton—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of N. P. Hudson (H. R. 25094) and James Keef (H. R. 25095)—to the Committee on Invalid Pensions.

Also, papers to accompany bill (H. R. 24854) for purchase of additional ground in connection with national cemetery at Fayetteville, Ark.—to the Committee on Military Affairs.

Also, papers to accompany bills for relief of Jesse Shewmake and J. M. Cookson—to the Committee on Invalid Pensions.

By Mr. FOCHT: Petition of Civil Service Reform Association, for the competitive test for census employees—to the Committee on the Census.

Also, petition of citizens of Huntingdon, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. FOULKROD: Petition of citizens of Pennsylvania, for legislation to pension members of the Telegraph Corps of the civil war—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Rockford Central Labor Union, of Rockford, Ill., for removal of restrictions on manufacture of oleomargarine—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Bridget Hopkins—to the Committee on Invalid Pensions.

By Mr. FULTON: Petition of citizens of Oklahoma, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. GARNER: Petition of citizens of Texas, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. GILHAMS: Petition of citizens of Indiana, against passage of the Johnston Sunday-rest law—to the Committee on the District of Columbia.

By Mr. GILLETT: Petitions of Granges of Ware, Shutesbury, and Springfield, Mass., for parcels post on rural free-delivery routes and for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAFF: Petition of Alta Grange, No. 1350, favoring a parcels post and postal savings bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Petition of Literary Company of Philadelphia and Free Library of Philadelphia, against taking public-libary books from the free list—to the Committee on Ways and Means.

Also, petition of John Joseph Ruddick, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of Trades League of Philadelphia, favoring a 35-foot channel in Delaware River—to the Committee on Rivers and Harbors.

Also, petition of Harry G. Tinker, favoring increase of salaries for United States judges—to the Committee on the Judiciary.

Also, petition of S. F. McComb, for the creation of a department of public health—to the Committee on Agriculture.

Also, petition of Fils & Co., for naval-stores inspection bill introduced into the Senate December 16, 1908—to the Committee on Agriculture.

By Mr. GRANGER: Petition of Rhode Island State Grange, favoring H. R. 18204, to establish agricultural schools; also for postal savings banks and parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of United States Naval Torpedo Station, favoring retirement of petty officers and enlisted men of the navy after twenty-five years of actual service—to the Committee on Naval Affairs.

By Mr. HAGGOTT: Petition of citizens of Colorado, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. HAMLIN: Papers to accompany bills for relief of Jane Goss, Viola T. Hall, Easter Henson, and Edw. F. Nilson—to the Committee on Invalid Pensions.

By Mr. HAMMOND: Petition of C. M. Yaeger and others, against Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

Also, petition of Watonwan County Medical Society, for legislation creating bureau of health—to the Committee on Agriculture.

By Mr. HARRISON: Petition of Federation of Jewish Organizations, for appointment of a chaplain in the army and navy of the Jewish faith—to the Committee on Military Affairs.

Also, petition of George M. Mallard and others, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. HAYES: Papers to accompany bills for relief of William Goetze, Thomas Bingham Corey, William P. Squire, and George Q. Barlow—to the Committee on Invalid Pensions.

Also, petition of Chamber of Commerce of Los Angeles, Cal., for increase of judges' salaries—to the Committee on the Judiciary.

Also, petition of Local Union No. 55, Western Federation of Miners, of Angels Camp, Cal., for better safeguarding of workers in mines—to the Committee on Mines and Mining.

Also, petition of bar association of Los Angeles, for S. 6973, to increase judges' salaries—to the Committee on the Judiciary.

Also, petition of National Grange, Patrons of Husbandry, for the establishment of a national highways commission—to the Committee on Agriculture.

Also, petition of American Brotherhood of Cement Workers, for more stringent laws against Asiatic immigration—to the Committee on Foreign Affairs.

Also, petitions of board of trustees of Chamber of Commerce of Stockton, Board of Trade of San Francisco, and Chamber of Commerce of San Francisco, favoring improvement of Humboldt Bay—to the Committee on Rivers and Harbors.

Also, petitions of M. G. Slade and 57 other citizens of Palo Alto, George W. Hanson and 21 other citizens of San Jose, and R. G. Hackett and 5 other citizens of Los Gatos, all in the State of California, against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petitions of Bar Association of San Francisco and committee of bar of San Francisco, for increasing salaries of judges—to the Committee on the Judiciary.

Also, petition of State Grange, Patrons of Husbandry, favoring parcels post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of thousands of citizens of sundry towns in California, favoring more stringent laws against Asiatic immigration—to the Committee on Foreign Affairs.

By Mr. HOWELL of Utah: Petition of citizens of Salt Lake City and Park City, Utah, and citizens of Utah, for retention of duty on lead and lead ores—to the Committee on Ways and Means.

Also, petition of Utah County Medical Society, for the creation of a department of health—to the Committee on Interstate and Foreign Commerce.

Also, petition of miners of Eureka, Utah, favoring present tariff on lead and lead ores—to the Committee on Ways and Means.

By Mr. HUBBARD of Iowa: Petition of citizens of Onawa, Blencoe, Stuart, and Sloan, Iowa, against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia)—to the Committee on the District of Columbia.

Also, petition of C. Shenckberg & Co. and Hutchinson Brothers' Company, of Iowa City, Iowa, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. KAHN: Petitions of Olaf Nelson and many other residents of California; T. T. Frank and 41 other residents of State of Maryland; and L. H. Lee and 31 other residents of State of North Carolina, for more stringent laws against Asiatic immigration—to the Committee on Foreign Affairs.

By Mr. LAWRENCE: Petitions of Sheffield Grange, No. 224, Patrons of Husbandry; Grange No. 152, of Long Meadow, Mass.; and Charlemont Grange, for parcels-post delivery on rural mail routes and for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUD: Paper to accompany bill for relief of Joseph Welch—to the Committee on Military Affairs.

By Mr. McDERMOTT: Papers to accompany bills for relief of Sylvester T. Clancy, Frederick Sass, and John Johnson—to the Committee on Invalid Pensions.

By Mr. MANN: Petition of medical society of Osceola County, against passage of H. R. 21982, in re habit-forming and poisonous drugs—to the Committee on Interstate and Foreign Commerce.

Also, petition of Cheyenne Branch, Railway Postal Clerks, against H. R. 21261—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of John J. Kane—to the Committee on Invalid Pensions.

By Mr. NICHOLLS: Petition of West Abington Grange, of Dalton, Pa., favoring a parcels-post and savings-banks law—to the Committee on the Post-Office and Post-Roads.

By Mr. OVERSTREET: Paper to accompany bill for relief of Thomas A. Conlee—to the Committee on Invalid Pensions.

By Mr. PAYNE: Petitions of Norman G. Arnold and others, of Venice Grange, No. 895; William Green and others, of Macedon (N. Y.) Grange, No. 326; and citizens of Newark, N. J., and others, for parcels post on rural-delivery routes and for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. PRAY: Petition against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petition of North Moccasin Mines Union, for legislation providing for investigation of Treadwell Mining Company, of Alaska—to the Committee on Mines and Mining.

By Mr. REEDER: Petition of citizens of Kansas, against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. STEENERSON: Petition of citizens of Becker County, Minn., against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. TALBOTT: Petition of Canned Goods Exchange of Baltimore, favoring removal of duty on fresh pineapples—to the Committee on Ways and Means.

By Mr. WALLACE: Paper to accompany bill for relief of J. B. Maryman—to the Committee on Invalid Pensions.

By Mr. WANGER: Petition of citizens of Pennsylvania, in favor of a parcel post—to the Committee on the Post-Office and Post-Roads.

By Mr. WEEKS: Petition of Massachusetts Reform Club, favoring Senate bill 4825, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

SENATE.

WEDNESDAY, *January 6, 1909.*

Prayer by the Chaplain, Rev. Edward E. Hale.

The Journal of yesterday's proceedings was read and approved.

LINNEKIN V. UNITED STATES.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact, as amended, filed by the court in the cause of Selena A. Linnekin, widow of Thomas J. Linnekin, deceased, *v.* United States, with which is consolidated the cause entitled "Jessie E. Linnekin *v.* United States." (S. Doc. No. 636.) The former findings in case 10942—41 Cong., C. and F., certified to the Senate, December 4, 1906, having been recalled by the court, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Charles L. Green and Samuel T. Green, executors of Charles Green, deceased, *v.* United States (S. Doc. No. 633), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 22306. An act to authorize the Delaware, Lackawanna and Western Railroad Company and the Lackawanna Railroad Company of New Jersey to construct and maintain a bridge across the Delaware River from a point near the village of Columbia, Knowlton Township, Warren County, N. J., to the village of Slateford, Northampton County, Pa.;

H. R. 22340. An act relating to injured employees on the Isthmian Canal; and

H. R. 23711. An act to build a bridge across the Santee River, South Carolina.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

H. R. 17707. An act to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power;

H. R. 22879. An act to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved January 23, 1908; and

H. J. Res. 208. Joint resolution providing for expenses of the House Office Building.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the General Assembly of the Presbyterian Church of the United States, praying for the enactment of legislation requiring all individuals and corporations engaged in interstate commerce to grant their employees fifty-two rest days in each year, which was referred to the Committee on Interstate Commerce.

Mr. PLATT presented a petition of Local Grange No. 1072, Patrons of Husbandry, of Binghamton, N. Y., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of New York City, Brooklyn, the Bronx, Mount Vernon, New Rochelle, Yonkers, and White Plains, all in the State of New York, remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the American Locomotive Works, of New York City, N. Y., and a memorial of the Ramapo Iron Works, of Hillburn, N. Y., remonstrating against the adoption of certain proposed amendments to the interstate-commerce law relating to freight rates, which were referred to the Committee on Interstate Commerce.

Mr. FRYE presented a petition of sundry citizens of Topsham, Me., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT presented a petition of sundry citizens of the State of West Virginia, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Board of Trade of Clarksburg, W. Va., remonstrating against the enactment of any legislation tending to continue or aggravate the agitation against corporate interests, which was referred to the Committee on Finance.

Mr. CURTIS presented a petition of sundry citizens of the State of Kansas, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HOPKINS presented a petition of Local Grange No. 584, Patrons of Husbandry, of Waltham, Ill., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Manufacturers' Association of Rockford, Ill., remonstrating against the enactment of any legislation tending to continue or aggravate the agitation against corporate interests, which was referred to the Committee on Finance.

Mr. PILES presented a petition of Pleasant Hill Grange, No. 101, Patrons of Husbandry, of Castle Rock, Wash., praying for the passage of the so-called "rural parcels-post" and "postal savings bank" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also (for Mr. ANKENY) presented a petition of sundry citizens of Trout Lake, Wash., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also (for Mr. ANKENY) presented a petition of members of the Bar Association of Pierce County, Wash., praying for the enactment of legislation to create an additional judge for the western district in that State, and also to increase the salaries of the United States circuit and district court judges, which was referred to the Committee on the Judiciary.

Mr. BURKETT presented a petition of the Commercial Club of Plattsmouth, Nebr., praying that an appropriation of $500,000,000 be made for the improvement of the rivers and harbors of the country, which was referred to the Committee on Commerce.

Mr. BROWN presented a memorial of sundry citizens of Genoa, Nebr., remonstrating against the enactment of legislation providing for the closing of the United States Indian Industrial School at that city, which was referred to the Committee on Indian Affairs.

Mr. MONEY presented the petition of Frederick Hess, of Pascagoula, Miss., praying for the enactment of legislation to reimburse him for the loss of his title to a part of Round Island, in the Bay of Pascagoula, in that State, which was referred to the Committee on Claims.

Mr. WARREN presented a memorial of the Wool Growers' Association of Big Horn County, Wyo., remonstrating against the enactment of any legislation tending to change the existing land laws of the United States, which was referred to the Committee on Public Lands.

He also presented a memorial of the Cheyenne Branch of Railway Postal Clerks of the State of Wyoming, remonstrating against the enactment of legislation providing for the retirement of superannuated employees in the classified civil service, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of Local Union No. 2282, United Mine Workers of America, of Rock Springs, Wyo., praying for the enactment of legislation providing a sufficient compensation to maintain the families or beneficiaries of those injured in mine disasters, which was referred to the Committee on Mines and Mining.

REPORTS OF COMMITTEES.

Mr. DIXON, from the Committee on Public Lands, to whom was referred the bill (S. 7925) to create an additional land district in the State of Montana, to be known as the "Harlowton land district," reported it without amendment and submitted a report (No. 710) thereon.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (S. 7377) authorizing the creation of a land district in the State of South Dakota, to be known as the "Belle Fourche land district," reported it without amendment and submitted a report (No. 711) thereon.

Mr. SMOOT, from the Committee on Public Lands, to whom was referred the bill (S. 7969) for the relief of Theodore Bruener, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

He also, from the Committee on Patents, to whom was referred the amendment submitted by Mr. NELSON on the 16th ultimo, proposing to increase the salary of the register of copyrights, Library of Congress, from $3,000 to $4,000, intended to be proposed to the legislative, etc., appropriation bill, reported favorably thereon, and moved that it be printed and, with the accompanying paper, referred to the Committee on Appropriations, which was agreed to.

Mr. CULLOM, from the Committee on Foreign Relations, reported an amendment repealing the provision of the diplomatic and consular appropriation law of June 30, 1894, providing that whenever the President shall be advised that any foreign government is represented or is about to be represented in the United States by an ambassador, envoy extraordinary, minister plenipotentiary, etc., he is authorized, in his discretion, to direct that the representative of the United States to such government shall bear the same designation, etc., intended to be proposed to the diplomatic and consular appropriation bill, and moved that it be printed and referred to the Committee on Appropriations, which was agreed to.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 17th ultimo, proposing to increase the salary of the envoy extraordinary and minister plenipotentiary to China from $12,000 to $17,500, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

He also, from the same committee, reported an amendment proposing to appropriate $66,000 to enable the Secretary of State to return to such contributors as may file their claims within two years after the passage of this act the money raised to pay the ransom for the release of Miss Ellen M. Stone, an American missionary to Turkey, etc., intended to be proposed to the general deficiency appropriation bill, and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (H. R. 23351) for the relief of the owners of the Mexican steamship *Tabasqueno*, asked to be discharged from its further consideration and that it be referred to the Committee on Foreign Relations, which was agreed to.

Mr. ELKINS. I am directed by the Committee on Interstate Commerce, to whom was referred the bill (S. 423) to amend section 6 of an act entitled "An act to regulate commerce," approved February 4, 1887, and acts amendatory thereof, to report it adversely.

Mr. FULTON. I understand the Senator will later file a written report.

Mr. ELKINS. I will file a report.

The VICE-PRESIDENT. The bill, with the adverse report, will be placed on the calendar.

Mr. FLINT, from the Committee on Public Lands, to whom was referred the bill (S. 7257) providing a means for acquiring title to private holdings in the Sequoia and General Grant national parks, in the State of California, in which are big trees and other natural curiosities and wonders, reported it with an amendment, and submitted a report (No. 712) thereon.

BILLS INTRODUCED.

Mr. DICK introduced a bill (S. 8183) for the relief of the several States under the act of July 8, 1898, and acts amendatory thereto, which was read twice by its title and referred to the Committee on Claims.

Mr. HOPKINS introduced a bill (S. 8184) granting an increase of pension to Charles G. Sanders, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 8185) granting an increase of pension to George W. Thompson, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 8186) granting an increase of pension to William A. Fry, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 8187) to change the name of the Washington Hospital for Foundlings, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. SMOOT introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8188) granting an increase of pension to Matthew Caldwell;

A bill (S. 8189) granting an increase of pension to John Duke;

A bill (S. 8190) granting an increase of pension to Daniel R. Firman; and

A bill (S. 8191) granting an increase of pension to Charles L. White.

Mr. PILES introduced a bill (S. 8192) permitting Salmon M. Allen to make a second homestead entry, which was read twice by its title and, with the accompanying paper, referred to the Committee on Public Lands.

Mr. PILES (for Mr. ANKENY) introduced a bill (S. 8193) granting an increase of pension to Albert Boon, which was read twice by its title and referred to the Committee on Pensions.

Mr. KNOX introduced a bill (S. 8194) granting an increase of pension to George J. Bond, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CUMMINS introduced a bill (S. 8195) granting an increase of pension to Franklin L. Hays, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 8196) to amend the patent laws of the United States, which was read twice by its title and referred to the Committee on Patents.

He also introduced a bill (S. 8197) for the relief of James L. Bradford, which was read twice by its title and referred to the Committee on Public Lands.

Mr. GUGGENHEIM introduced a bill (S. 8198) granting an increase of pension to William J. Renard, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MILTON introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 8199) for the relief of the estate of George H. Curry, deceased; and

A bill (S. 8200) for the relief of C. M. Cox.

Mr. CULBERSON (by request) introduced a bill (S. 8201) for the incorporation of a company for the benefit of its members, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. BROWN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8202) granting an increase of pension to Moses Bradford;

A bill (S. 8203) granting an increase of pension to Milton H. Bates;

A bill (S. 8204) granting an increase of pension to Mary E. Kellogg; and

A bill (S. 8205) granting an increase of pension to Osmund Mikesell.

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8206) granting a pension to Maria C. Hanay;

A bill (S. 8207) granting a pension to Sarah E. Garner (with the accompanying papers); and

A bill (S. 8208) granting a pension to William H. Jones (with the accompanying papers).

Mr. PENROSE introduced a bill (S. 8209) to increase and fix the pay of petty officers and enlisted men of the United States Navy, which was read twice by its title and referred to the Committee on Naval Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 8210) to grant an honorable discharge to Harry P. Eakin; and

A bill (S. 8211) to grant an honorable discharge to John W. Hayes, alias William Keating.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Military Affairs:

A bill (S. 8212) to grant an honorable discharge to Jacob Aikey; and

A bill (S. 8213) to grant an honorable discharge to George W. Hopkins.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions;

A bill (S. 8214) granting a pension to Jane Elvin;

A bill (S. 8215) granting a pension to Anna M. Reed;

A bill (S. 8216) granting an increase of pension to Cerelle Shattuck;

A bill (S. 8217) granting an increase of pension to James H. Wilson;

A bill (S. 8218) granting an increase of pension to Lewis A. Uhl;

A bill (S. 8219) granting an increase of pension to Hugh Magee; and

A bill (S. 8220) granting an increase of pension to Nancy J. Martin (with accompanying papers).

Mr. BAILEY (by request) introduced a bill (S. 8221) for the relief of Mrs. V. R. Davenport, which was read twice by its title and referred to the Committee on Claims.

Mr. RAYNER introduced a bill (S. 8222) granting an increase of pension to Eliza Mills, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GUGGENHEIM introduced a bill (S. 8223) turning over the Indian school at Fort Lewis, Colo., to the State of Colorado for school purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

AMENDMENTS TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CLARK of Wyoming submitted an amendment proposing to increase the salaries of the Chief Justice of the Supreme Court of the United States and associate justices, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on the Judiciary and ordered to be printed.

Mr. KITTREDGE submitted an amendment proposing to increase the salaries of three examiners in chief, Patent Office, from $3,000 to $4,500 each, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Patents and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 22306. An act to authorize the Delaware, Lackawanna and Western Railroad Company and the Lackawanna Railroad Company of New Jersey to construct and maintain a bridge across the Delaware River from a point near the village of Columbia, Knowlton Township, Warren County, N. J., to the village of Slateford, Northampton County, Pa.; and

H. R. 23711. An act to build a bridge across the Santee River, South Carolina.

H. R. 22340. An act relating to injured employees on the Isthmian Canal, was read twice by its title and referred to the Committee on Interoceanic Canals.

LANDS IN ALASKA.

Mr. FLINT. I am directed by the Committee on Public Lands, to whom was referred the amendment of the House of Representatives to the bill (S. 6418) authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes, to move that the Senate disagree to the amendment of the House and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees to be appointed by the Chair.

The motion was agreed to, and the Vice-President appointed as conferees on the part of the Senate Mr. FLINT, Mr. HEYBURN, and Mr. BANKHEAD.

CONSIDERATION OF THE CALENDAR.

The VICE-PRESIDENT. The calendar under Rule VIII is in order. The Secretary will state the first business on the calendar.

The joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law was announced as the first business on the calendar.

Mr. NELSON. Let the joint resolution go over.

The VICE-PRESIDENT. The joint resolution will go over without prejudice, at the request of the Senator from Minnesota.

The resolution (S. Res. 93) relating to the reorganization of the Northern Pacific Railroad Company was announced as the next business on the calendar.

Mr. NELSON. Let the resolution go over.

The VICE-PRESIDENT. The resolution will go over without prejudice, at the request of the Senator from Minnesota.

The bill (S. 915) to prevent the sale of intoxicating liquors in buildings, ships, navy-yards, and parks, and other premises owned or used by the United States Government was announced as next in order.

Mr. SCOTT. Let the bill go over without prejudice.

Mr. BORAH. I ask that the bill may go over.

The VICE-PRESIDENT. The bill will go over without prejudice.

The bill (S. 6576) to regulate the interstate-commerce shipments of intoxicating liquors was announced as next in order.

Mr. KNOX. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from Pennsylvania.

The bill (S. 7112) for the appointment of an inland waterways commission, with the view to the improvement and development of the inland waterways of the United States, was announced as next in order.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from New Jersey.

Mr. TELLER. I will ask to have it go to the calendar, under Rule IX.

The VICE-PRESIDENT. The bill will go to the calendar, under Rule IX, at the request of the Senator from Colorado.

The bill (S. 5310) to authorize the Kaw tribe of Indians residing in the State of Oklahoma to bring suit in the Court of Claims, and for other purposes, was announced as next in order.

Mr. KEAN. I understand there is no report with the bill, and the Senator from Oklahoma [Mr. OWEN] is not present. So I ask that it may go over.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from New Jersey.

BANKS IN THE DISTRICT OF COLUMBIA.

The bill (S. 6495) to provide for the incorporation of banks within the District of Columbia was considered as in Committee of the Whole.

Mr. BACON. I should like to ask if there is a report accompanying the bill?

The VICE-PRESIDENT. There is a report accompanying the bill.

Mr. BACON. From what committee?

The VICE-PRESIDENT. From the Committee on the District of Columbia.

Mr. CLAY. I should like to ask the Senator in charge of the bill if it is not true that the bill changes the national banking laws of the country as applied to the District of Columbia? I understand that the general national banking law applies to the District of Columbia as it does to any other section of the country. As I caught the reading of the bill, there are certain restrictions and limitations placed upon the national banking law as applied to the District of Columbia and not applied to the balance of the country. I should be glad to have the Senator from Vermont explain it.

Mr. DILLINGHAM. Mr. President, there are doing business in the city of Washington at this time a large number of banking institutions, a considerable number of whom have received their charters from States and have come here under state charters to do business.

The first section of the bill provides that those who seek to do business in this District may organize banks with not less than $100,000 capital, under precisely the same conditions that national banks are organized, having the same number of associates, filing the same certificate, and receiving from the Comptroller of the Currency a certificate that they have complied with the law. It puts them under precisely the same regulations that national banks are under for this District.

When we come to the second section, it provides that the banks that have come from outside with outside charters may convert themselves into banks of the District under precisely the same regulations by which state banks convert themselves into national banks. If the Senator will look at section 2, I think he will find that the provisions are almost precisely the same as those in the national banking act providing for the conversion of state banks.

Then, when we come to section 3, there is the following provision:

That from and after the 1st day of January, A. D. 1909, no company, association, or corporation shall transact a banking business or maintain an office or banking house where deposits or savings are received within the District of Columbia except associations organized under the national banking act, corporations organized under an act of Congress entitled "An act to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia," approved October 1, 1890; except also a branch or branches in the District of Columbia of foreign banking corporations which have branches outside the United States and are engaged in international banking, building associations receiving payments from their own members, and corporations organized under this act, and any person, firm, or copartnership now engaged, or that may hereafter engage in the business of private banking in the District of Columbia.

Then comes a provision that private bankers shall pay a license fee, and they are limited in their right to advertise their business. They are not permitted under any circumstances to advertise that they are a bank.

Mr. CLAY. Will the Senator permit me?

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator From Georgia?

Mr. DILLINGHAM. Certainly.

Mr. CLAY. If this bill shall become a law, as I understand the Senator, banking associations in the District of Columbia hereafter can not do business except under this act.

Mr. DILLINGHAM. Under this act——

Mr. CLAY. And banking associations that have come into the city and engaged in business under state charters or under the existing law will have to comply with this law; otherwise they will have to go out of business?

Mr. DILLINGHAM. They will have to convert themselves into banking associations under this law and become subject to the examination of the Comptroller of the Currency. That is the object of the bill.

Mr. SMITH of Michigan. The provision in section 3 strikes me as a very radical departure from the rules that have heretofore governed in the organization of national banks. I do not know of any good reason why a foreign banking association, not organized under the laws of our country, should be given such a status in the District of Columbia as section 3 provides. I should like to know from the Senator whether there is any banking corporation now doing business in the District of Columbia not organized under the national banking law. Is this provision to cover some present case?

Mr. DILLINGHAM. It is to cover, as I understand it, Mr. President, one particular case. The International Banking Association—I do not know that I give the name correctly—is a corporation which has branches in almost every nation of the earth. They have a branch in this city, the office being just above Willard's Hotel on F street. I understand that it is an institution of the finest character and standing, and one through which our Government does business in some foreign nations. This exception was put in because it is utterly impossible for a bank of that character to make its reports and keep its accounts as other banks, so that they can be inspected at the same time and bring the reports up to specific dates.

Mr. SMITH of Michigan. I should like to ask the Senator under what law the International Banking Association is incorporated.

Mr. DILLINGHAM. I do not know.

Mr. SMITH of Michigan. I should like to know whether it is an incorporated institution at all or whether it is a purely voluntary association, with a big title and no responsibility to any state or any country. If that is the case, I am utterly opposed to opening the door to general banking business by any association not formed under the law, and subject to the strictest supervision that can be imposed by law.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from California?

Mr. DILLINGHAM. Very gladly, if the Senator from California can give any information on that point.

Mr. FLINT. I desire to ask under what rule this bill is being considered, and whether an objection will take it over.

The VICE-PRESIDENT. It is being considered under Rule VIII, and is subject to objection.

Mr. FLINT. I ask that it may go over. A commission is now examining this very question, and it seems to me a mistake to take up the banking question for the District of Columbia when we now have a financial commission considering the whole banking system of the country.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from California.

APPEALS FROM DISTRICT COURT OF ALASKA.

The bill (H. R. 13649) providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit was considered as in Committee of the Whole.

Mr. KEAN. Is there a report accompanying the bill?

The VICE-PRESIDENT. A report accompanies the bill.

Mr. KEAN. Let the report be read. The report is brief.

The VICE-PRESIDENT. The Secretary will read the report.

The Secretary read the report submitted by Mr. FULTON May 18, 1908, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 13649) providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit, having had the same under consideration, respectfully report it back to the Senate and recommend that it do pass.

At the present time practically all appeals from the district court of Alaska must be heard at San Francisco. There is no direct communication between San Francisco and Alaska, and hence the litigant in Alaska in order to attend the court of appeals in San Francisco must pass through Seattle, Wash., or Portland, Oreg., both going to and returning from San Francisco, and must travel about 2,000 miles farther than if the case were heard at Seattle, Wash., or Portland, Oreg. There is now annually held both at Seattle and Portland a term of the circuit court of appeals; hence it will impose no inconvenience on the court to hear at one of those places all cases which the best interests of the Alaska litigants require should be heard there. The Delegate from the district of Alaska strongly favors this bill, which proposes to change the existing law so that the trial court may designate at what place the appeal shall be heard—that is, whether it shall be heard at San Francisco, Cal.; at Portland, Oreg., or at Seattle, Wash. It is provided, however, that at any time before the hearing of the appeal the parties thereto may stipulate at which of the above-named places the same shall be heard.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INLAND WATERWAYS COMMISSION.

The bill (H. R. 21899) for the appointment of an inland waterways commission, with the view to the improvement and development of the inland waterways of the United States, was announced as next in order.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Jersey.

CONDEMNATION OF LAND.

The bill (S. 6626) providing for the condemnation for any public purpose of lands owned or held by the United States was announced as next in order.

Mr. FLINT. Let the bill go over.

The VICE-PRESIDENT. The bill will go over, at the request of the Senator from California, without prejudice.

COL. WILLIAM F. STEWART.

The next business on the calendar was Senate resolution 192, requesting the President to convene a court of inquiry in the case of Col. William F. Stewart.

Mr. FRYE. Let the resolution go over.

The VICE-PRESIDENT. The resolution will go over, without prejudice, at the request of the Senator from Maine.

Mr. LODGE. The resolution has never been to any committee. It went to the calendar, under the rule, at 2 o'clock. I suggest that it be referred to the Committee on Military Affairs. I make that motion.

The VICE-PRESIDENT. The Senator from Massachusetts moves that the resolution be referred to the Committee on Military Affairs.

The motion was agreed to.

CHARLES J. SMITH.

The bill (S. 6586) to correct the military record of Charles J. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Af-

fairs with an amendment to strike out all after the enacting clause and insert:

That Charles J. Smith shall hereafter be held and considered to have been honorably discharged as a private of Company F, Third Regiment New Jersey Volunteer Cavalry, as of date August 1, 1865; and that the Secretary of War be, and he is hereby, authorized and directed to issue to said Charles J. Smith an honorable discharge as of that date: *Provided*, That no pay, bounty, or other emoluments shall accrue or become payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT B. WHITACRE AND FREDERICK T. HILDRED.

The bill (S. 7721) for payment of Robert B. Whitacre and Frederick T. Hildred the sum of $944.97 for blasting powder used by the United States Government to complete the Belle Fourche irrigation project was considered as in Committee of the Whole.

Mr. KEAN. Let the report in that case be read.

The VICE-PRESIDENT. The Secretary will read the report at the request of the Senator from New Jersey.

The Secretary read the report submitted by Mr. CLAPP December 16, 1908, as follows:

The Committee on Claims, to which was referred the foregoing bill, having examined the same, report it favorably and recommend its passage without amendment.

MEMORANDUM.

In 1906 the firm of Widell-Finley Company was engaged in the construction of the irrigation project known as the "Bellefourche project," in South Dakota. While so engaged the claimants furnished, among other things, 800 kegs of blasting powder. Upon the failure of the contractors this powder was unpaid for, and the Government had and used 742½ kegs of said powder, as appears from the letter of the acting director hereto attached. While the contract price for the work amounted to over $100,000, the bond taken by the Government was only $21,500. Upon the failure of the contractors the Government continued the work at a cost of about $65,000, which more than exhausted the bond. The law provides that persons furnishing goods can join in a suit on a bond, but can only participate in the benefits after the charge of the Government has been paid. (See ch. 778 of the Laws of 1905, p. 811, Stat. L., 33, pt. 1.)

Under the rules parties are not furnished information as to the amount of the bond, and therefore naturally rely on the Government taking a sufficient bond.

In further support of the report reference is made to the exhibits hereto attached.

EXHIBIT A.

ST. PAUL, MINN., *November 25, 1907.*

Hon. F. H. NEWELL,
Chief of Bureau of Reclamation, Washington, D. C.

DEAR SIR: We hereby respectfully submit our claim against the United States for $942.97 with interest from March 26, 1906, at 6 per cent per annum.

This amount is the purchase price and reasonable value of 742½ kegs of blasting powder sold and delivered by us to Widell-Finley Company at Bellefourche, S. Dak., on February 1, 1906, and appropriated and used by the United States in the completion of government work at that point. No part of this claim has been paid.

The facts connected with this claim are as follows:

On January 25, 1906, we contracted with Widell-Finley Company to sell and deliver to them at Bellefourche, S. Dak., 800 kegs of blasting powder for $1,016 (freight to be added), to be used in the government work at that place provided for in Schedule No. 2, main supply canal, and to be paid for within sixty days from delivery.

Our claim as originally presented to the United States (see letter No. 4, hereto attached), was for $1,318.61, which covered 800 kegs of powder at $1,016, freight (paid by Widell-Finley Company) $264; fuses returned to us, $38.61.

Previous to our contract for this powder the Widell-Finley Company contracted with the United States to do this work, as we are advised, for $107,000. (See copy of letter of Mr. R. F. Walter, engineer in charge, of July 17, 1906, marked No. 1.)

These contractors furnished a bond, dated April 26, 1905, for $21,500 (copy of which is attached, marked No. 2). We have not been able to secure copy of the contract. (See copy of letter attached, marked No. 3, dated December 6, 1906, from the Assistant Secretary of the Interior.)

On February 14, 1906, a petition of certain creditors was filed in the District Court of the United States at Mankato, Minn., requesting the appointment of a trustee in bankruptcy of the Widell-Finley Company, which petition was heard, and they were adjudged bankrupts on February 25, 1906, and Henry W. Volk, of Mankato, appointed trustee.

The United States then took charge of the work and took possession of and used 742½ kegs of this powder in prosecuting the work. (See letter of June 19, 1906, of Acting Director of Geological Survey, marked No. 4.)

This work was completed by the Government about September 4, 1907, at a cost in excess of the contract price "in the neighborhood of $65,000." (See copy of letter of Mr. Walter, dated September 4, 1907, and marked No. 5.)

It is impossible to determine what, if any, dividend will be paid in this bankruptcy proceedings, but it is safe to say that such dividend, if any, will be absorbed in paying the claim of the United States against Widell-Finley Company on account of this contract, the United States being a preferred creditor.

We were advised by letter of the Acting Director of the Geological Survey, dated June 19, 1906 (copy of which is attached, marked "No. 4"), that persons supplying material in connection with public works are given a "complete remedy" under the terms of the act of Congress entitled "An act for the protection of persons furnishing material and labor in the construction of public works," passed August 13, 1894, and amended February 24, 1905 (32 U. S. Stat., 811).

In this case, however, a bond for only 20 per cent of the contract price was required, although the contract price was entirely inadequate. (See letter of Mr. Walter dated October 19, 1906, marked "No. 6.")

The liability on the bond will be entirely exhausted by the United States as a preferred creditor under this act.

The fact is that Widell-Finley Company at the time of making our contract was insolvent, and must have known that they could not pay for the powder. We are advised by our attorney that if this fact was then known to them, we could avoid the sale and take possession of the powder as against everyone but the United States.

We were, however, powerless to proceed against the Government as we might against a private individual to recover the powder, as the United States can not be sued, and we, therefore, permitted the Government to use our powder, expecting to receive pay for it when the claim was properly presented.

On December 13, 1906, we filed our claim with the trustee in bankruptcy, believing that the Government would expect that we reduce the claim by any dividends that might be paid.

As no liens for material or labor can be filed on government property or in connection with government work, the statute before referred to was passed as we understand it, and as it appears to be understood by government officials (see letter No. 4), to furnish a name by which such claims may be paid in case of default on the part of the contractor.

It seems to us, therefore, clearly the duty of the United States Government to exact a sufficient bond. This they failed to do, taking a bond, as before mentioned, for only 20 per cent of the contract price, which price was, according to Mr. Walter, "much lower than anyone could do the work." (See letter No. 6.)

The act before mentioned, which, according to its terms, is "for the protection of persons furnishing material and labor in the construction of public work," is, of course, entirely ineffectual if the government officials charged with the duty of securing the bond fail to fix an amount sufficiently large to indemnify material men against all contingencies.

Our position and claim for compensation direct from the Government is that the Government used and had the benefit of our powder, and is as much obligated to pay for it as if it contracted directly with us for it.

We also claim the right for compensation on the additional ground that the Government failed to provide a sufficient bond for the benefit of persons supplying material or labor in connection with this work.

Yours, respectfully,

R. B. WHITACRE & CO.

No. 1.

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY, RECLAMATION SERVICE,
Bellefourche, S. Dak., July 17, 1906.

Mr. A. E. HORN,
Room 914 Pioneer Press Building, St. Paul, Minn.

DEAR SIR: I have your inquiry of July 14, and in answer to the questions therein would state that the amount of contract with the Widell-Finley Company for schedule 2, main supply canal, was $107,000. The amount paid them to date by the Government is $57,800. It is impossible to tell what the finishing of the work is going to cost the Government at this time, as the work will not be completed for about three months, but it is certainly going to cost more than the contract price.

Yours, truly,

R. F. WALTER,
Engineer in Charge.

No. 2.

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY, RECLAMATION SERVICE.

BOND.

Know all men by these presents, that we, The Widell-Finley Company, a corporation duly organized under the laws of the State of Minnesota and doing business in Mankato, county of Blue Earth and State of Minnesota, principal, and Adolph O. Eberhart and Thomas R. Coughlan, of Mankato, county of Blue Earth and State of Minnesota, and William G. Hoerr and Frederick Kron, of Mankato, county of Blue Earth and State of Minnesota, sureties, are held and firmly bound unto the United States of America in the sum of $21,500 lawful money of the United States, for which payment well and truly to be made we bind ourselves, and each of us, our and each of our heirs, executors, administrators, and assigns, for and in the whole, jointly and severally, firmly by these presents.

Sealed with our seals and attested by our signatures at Mankato, Minn., this 26th day of April, in the year of our Lord 1905.

The nature of this obligation is such that if the said The Widell-Finley Company, its successors and assigns, or any of them, shall and do in all things well and truly observe, perform, fulfill, accomplish, and keep, all and singular, the covenants, conditions, and agreements whatsoever which, on the part of the said principal, its successors and assigns, are, or ought to be, observed, performed, fulfilled, accomplished, and kept, comprised, or mentioned in certain articles of agreement bearing date the 26th day of April, 1905, between the said principal and E. A. Hitchcock, Secretary of the Interior, concerning the construction and completion of the work provided in schedule 2, main supply canal, Bellefourche project, South Dakota, according to the true intent and meaning of said articles of agreement, and shall promptly make payment to all persons supplying labor and materials for the prosecution of the work provided for, then the above obligation to be void; otherwise to remain in full force and virtue.

In testimony whereof the said principal and sureties have hereunto subscribed their hands and affixed their seals the day and year first above written.

Signed, sealed, and delivered in the presence of—

THE WIDELL-FINLEY COMPANY.

No. 3.

DEPARTMENT OF THE INTERIOR,
Washington, December 6, 1906.

Messrs. R. B. WHITACRE & Co.,
St. Paul, Minn.

SIRS: Referring to your request of the 13th ultimo for a certified copy of the contract and bond of the Widell-Finley Company for the

construction of schedule 2, main supply canal, Bellefourche project, South Dakota, you are advised that under the act of February 24, 1905 (33 Stat., 811), a certified copy of said contract and bond can be furnished only after the expiration of six months from the completion and final settlement of the contract, and then only in case suit on the bond shall not have been instituted by the United States.

For your further information herein I inclose copy of a letter of the 28th ultimo from the Acting Director of the Geological Survey reporting upon your request.

Very respectfully,

THOS. RYAN,
First Assistant Secretary.

EXHIBIT B.

No. 4.

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., June 19, 1906.

Hon. F. C. STEVENS,
House of Representatives.

SIR: Replying further to your letter of May 16, 1906, regarding the claim of R. B. Whitacre & Co., of St. Paul, Minn., for $1,318.61, representing the value of 800 kegs of blasting powder furnished by that company to the Widell-Finley Company for their use in connection with the contract of the latter company on the Bellefourche project, South Dakota, I have to advise you that a statement has just been received from the engineer in charge of the project in regard to the matter.

The contract of the Widell-Finley Company provides that if for any reason the contractors fail to prosecute the work as required under the specifications, the Secretary of the Interior may suspend the contract and take possession of the machinery, material, and animals on the ground, completing the work at the expense of the contractor. The Widell-Finley Company failed to proceed with their work in accordance with the specifications, and the contract was therefore suspended by the Secretary of the Interior, all materials on the ground being taken possession of and used by the Government in the prosecution of the work. Among the material thus taken and used was a quantity of powder, amounting to 742½ kegs.

The engineer states that he does not know by whom this powder was furnished the contractors, or whether any of it was furnished by your correspondents. The protection of the interests of the Government makes it impossible for the United States to make direct payment of claims of the nature presented by Messrs. Whitacre & Co. Persons or companies supplying material or labor for use in connection with the construction of public works are given a complete remedy under the terms of the act of August 30, 1894, as amended by the act of February 24, 1905. (32 Stat., 811.)

Very truly, yours,

H. C. RIZER, *Acting Director.*

No. 5.

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Bellefourche, S. Dak., September 4, 1907.

Mr. A. E. HORN,
Pioneer Press Building, St. Paul, Minn.

DEAR SIR: I have to advise that the work on the Widell-Finley job has been completed by the Government; that the cost of the work in excess of the contract price is in the neighborhood of $65,000. An exact statement of money spent and money due them on the contract and amount due the Government from the Widell-Finley Company is being prepared and will be submitted to the proper authorities within a very short time.

Yours, very truly,

R. F. WALTER,
Engineer in Charge.

No. 6.

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Bellefourche, S. Dak., October 19, 1906.

A. E. HORN,
Attorney at Law, 91½ Pioneer Press Building, St. Paul, Minn.

DEAR SIR: I have your letter of October 11, inquiring as to the Widell-Finley Company contract on the Bellefourche project, and in reply will state that the work is being carried on by force account by the Government, but on account of the scarcity of labor it has not been completed as soon as we expected. It probably will not be completed before next spring. The scarcity of labor has increased the cost of this a great deal, and as the Widell-Finley Company had a very low price bid, in fact much lower than anyone could do the work, it is very probable that the extra cost will be more than the bond, although the exact figures can not be given until the work is completed.

Very truly, yours,

R. F. WALTER,
Engineer in Charge.

STATE OF MINNESOTA, *County of Blue Earth, ss:*

Gustaf Widell, being duly sworn, deposes and says: That he was a member of the company known as the Widell-Finley Company, which entered into a contract on the 26th day of April, 1905, with E. A. Hitchcock, Secretary of the Interior, concerning the construction of main supply canal, Bellefourche project, South Dakota, the same being an irrigation project; that he has read the annexed letter (marked Exhibit A) bearing date November 25, 1907, addressed to Hon F. H. Newell, Chief of Bureau of Reclamation, signed by R. B. Whitacre & Co., but does not confirm its allegation as to knowledge of insolvency; that he has also read the annexed letter (marked Exhibit B) signed by H. C. Rizer, acting director, and addressed to Hon. F. C. Stevens, dated June 19, 1906; that said Whitacre & Co. furnished the powder to be used on said work, as set forth in said letter (Exhibit A), and that the powder referred to in said letter (Exhibit B) as taken and used by the Government to the amount of seven hundred forty-two and one-half (742½) kegs was a part of the powder furnished by said Whitacre & Co., to deponent's knowledge.

GUSTAF WIDELL.

Subscribed and sworn to before me this 23d day of November, 1908.
[SEAL.] A. C. EBERHART,
Notary Public, Blue Earth County, Minn.
My commission expires November 1, 1914.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF PUBLIC LANDS.

The bill (S. 556) to amend an act entitled "An act to amend an act entitled 'An act to amend section 2455 of the Revised Statutes of the United States,' approved February 26, 1895," approved June 27, 1906, was considered as in Committee of the Whole. It proposes to amend the act so as to read as follows:

That it shall be lawful for the Commissioner of the General Land Office to order into market and sell, at public auction at the land office of the district in which the land is situated, for not less than $1.25 per acre, any isolated or disconnected tract or parcel of the public domain less than one-quarter section which, in his judgment, it would be proper to expose for sale after at least thirty days' notice by the land officers of the district in which such land may be situated: *Provided*, That this act shall not defeat any vested right which has already attached under any pending entry or location.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ODD FELLOWS' CEMETERY AT CENTRAL CITY, COLO.

The bill (S. 1197) setting apart a tract of land to be used as a cemetery by the Independent Order of Odd Fellows of Central City, Colo., was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to set apart, from and out of the mineral lands in Eureka mining district, Gilpin County, Colo. (such lands having been heretofore returned to the land office at Central City as mineral lands), a tract of land not exceeding 7 acres in extent, therein described, to be used by the Independent Order of Odd Fellows of Central City, Colo., as a cemetery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAROLE OF UNITED STATES PRISONERS.

The bill (S. 4027) to parole United States prisoners, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments. The first amendment was, in section 1, page 1, line 7, after the word "day," to strike out "other than for life, except as hereinafter mentioned;" and after the word "than," at the end of line 10, strike out "six months" and insert "one year," so as to make the section read:

That every prisoner who has been, is now, or may hereafter be convicted of any offense against the law or laws of the United States and is confined in execution of the judgment of such conviction in any United States penitentiary, prison, or jail for a definite term of over one year and one day, whose record of conduct shows he has observed the rules of such institution and has been confined in same for a period not less than one year, may be released on parole as hereinafter provided.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 2, after the words "with the," to strike out "chief clerk, chaplain, and;" in line 3, before the word "general," to insert the article "a;" in line 6, after the word "clerk," to insert "of such prison;" in line 9, after the word "necessary," to strike out the following proviso:

Provided, That the first meeting shall occur within thirty days after this act becomes operative, and that not more than ninety days shall elapse between the convening days of any two meetings of said board, and that at each meeting they shall act on all such cases that, under the provisions of this act, are entitled to a hearing at such time, and each and every prisoner confined in said prison, and who is within the requirements and meaning of this act, shall be entitled to and permitted to appear before said board at such meetings and apply in person for his release on parole.

And in lieu thereof to insert—

Provided, That in every case where a prison or jail other than a United States penitentiary is used for the confinement of such prisoners it shall be the duty of the Attorney-General to designate the officers of said prison who, together with the general agent of the Department of Justice at Washington, shall constitute such board for said prison.

So as to make the section read:

SEC. 2. That the warden of each United States penitentiary, with the physician of such prison, together with a general agent of the Department of Justice at Washington, D. C., shall constitute a board of parole for such prison, and the warden shall be president and the chief clerk of such prison shall be clerk of said board of parole, and the meetings shall be held at each prison as often as the warden of such prison shall deem necessary: *Provided*, That in every case where a prison or jail other than a United States penitentiary is used for the confinement of such prisoners it shall be the duty of the Attorney-General to designate the officers of said prison who, together with the general agent of the Department of Justice at Washington, shall constitute such board for said prison.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 3, after the word "parole," to strike out "as hereinbefore provided;" in line 6, after the word "parole," to strike out "shall" and

insert "may, in its discretion;" in line 7, before the word "after," to strike out "and;" in line 9, after the words "sum of," to strike out "twenty-five" and insert "one hundred;" in line 13, after the word "conditions," to insert "including personal reports from such paroled person;" and in line 20, after the word "thereto," to insert "the said board shall in any parole granted fix the limits of the residence of the person paroled, which limits may thereafter be changed, enlarged, or limited as in the discretion of the board shall be deemed advisable: *Provided*, That no release on parole shall become operative until the findings of the board of parole under the terms hereof shall have been approved by the Attorney-General of the United States," so as to make the section read:

SEC. 3. That if it shall appear to said board of parole from a report by the proper officers of such prison or upon application by a prisoner for release on parole that there is a reasonable probability that such applicant will live and remain at liberty without violating the laws, then said board of parole may, in its discretion, authorize the release of such applicant on parole, after he has executed a good and sufficient bond in the sum of $100, said bond to become forfeit only in event of such applicant violating the articles of his parole; and he shall be allowed to go on parole outside of said prison walls and inclosure, returning to his former home if he desire, but upon such terms and conditions, including personal reports from such paroled person, as said board of parole shall prescribe, and to remain, while so on parole, in the legal custody and under the control of the warden of such prison from which paroled and until the expiration of the term specified in his sentence, less good time allowed as is or may hereafter be provided for by act of Congress in relation thereto; the said board shall in any parole granted fix the limits of the residence of the person paroled, which limits may thereafter be changed, enlarged, or limited as in the discretion of the board shall be deemed advisable: *Provided*, That no release on parole shall become operative until the findings of the board of parole under the terms hereof shall have been approved by the Attorney-General of the United States.

The amendment was agreed to.

The next amendment was, in section 4, page 4, line 7, after the word "warden," to strike out "or said board or any member thereof," so as to make the section read:

SEC. 4. That if the warden of the prison or penitentiary from which said prisoner was paroled or said board of parole or any member thereof shall have reliable information that the prisoner so on parole has violated his parole and has lapsed into criminal ways, then said warden may issue his warrant for the retaking of such prisoner at any time prior to the period for which said prisoner might have been confined within the prison walls upon his sentence, less good time as is or may hereafter be provided for by act of Congress, which unexpired time shall be specified in said warrant.

The amendment was agreed to.

The next amendment was, in section 5, page 5, line 5, before the word "fund," to insert the article "the," so as to make the section read:

SEC. 5. That any officer of said prison or any federal officer authorized to serve criminal process within the United States, to whom such warrant shall be delivered, is authorized and required to execute such warrant by taking such prisoner and returning him to said prison within the time specified in said warrant therefor. Such officer, other than an officer of the prison, shall be entitled to receive the same fees therefor as upon the execution of a warrant of arrest at the place where said prisoner shall be taken as for transporting a convict from the place of arrest to the prison, such fees of the officer, other than a prison officer, and the expense of a prison officer in executing such warrant shall be paid by the warden and clerk of the prison out of the money received as proceeds from forfeiture of bonds as hereinbefore provided, if sufficient therefor, and otherwise out of the funds of the prison, while any surplus remaining from forfeiture of such bond shall be returned to the fund at such prison or use in other like cases.

The amendment was agreed to.

The next amendment was, on page 5, after line 20, to strike out section 7, as follows:

SEC. 7. Life sentences, sentences of one hundred years, ninety-nine years, and all sentences for a period of more than twenty years, heretofore or hereinafter imposed on any person shall be construed and shall mean twenty years' imprisonment, which shall be the maximum sentence of imprisonment, the minimum sentence of which term of imprisonment shall be the same, less good time allowance, as is, or may hereafter be, provided by act of Congress; and said prisoners shall in all cases be entitled to the minimum sentence, except they forfeit a portion or the whole of said good time by misbehavior, of which a record shall be kept, the cause of the forfeiture and the good time forfeited by such misbehavior.

The amendment was agreed to.

The next amendment was, on page 6, after line 14, to strike out section 9, as follows:

SEC. 9. That whereas an emergency exists for the taking effect of this act at as early a date as information of its provisions can be made known, it is declared that the same shall be in force and effect from and after thirty days after its passage, and it shall be the duty of the Attorney-General to transmit a true copy of this act to the proper authorities within fifteen days of the passage of the same.

The amendment was agreed to.

Mr. HALE. This bill, Mr. President, is one of very great importance as affecting the result of the criminal jurisprudence of the United States. So far as my knowledge goes of legislation of this kind in this country, it is a novelty. I should be glad to have the chairman of the committee reporting this bill to the Senate give the Senate some information as to the extent of the investigation that that committee made into this subject, the precedents, if there are precedents for such a statute, in order that the Senate—and I can speak for myself as needing information on this subject—may be informed.

Take the first section of the bill—

That every prisoner who has been, is now—

It relates not only to future trials, but to present and past ones as well—

That every prisoner who has been, is now, or may hereafter be convicted of any offense against the law or laws of the United States and is confined in execution of the judgment of such conviction in any United States penitentiary, prison, or jail for a definite term of over one year and one day, whose record of conduct shows he has observed the rules of such institution—

All these, to me revolutionary, provisions as to shortening sentence and the release of prisoners are made to depend upon the prisoner observing the rules of the prison.

Mr. BACON. If the Senator will pardon me——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. Certainly.

Mr. BACON. I would suggest that that is to be read in connection with the first part of the third section, on the third page. If the Senator will read that in connection with the portion he has just quoted——

Mr. HALE. I have read that.

Mr. BACON (continuing). He will see that a good deal more is required than observance of the rules.

Mr. HALE. Yes; but that is the foundation. The bill continues:

May be released on parole as hereinafter provided.

I do not know but that it is better, after deliberate and solemn trial in the courts and the imposition of adequate and, it is to be presumed, not too severe punishment by the judge holding the court, who has a knowledge of all the facts and all the circumstances and all the guilt—I do not know but that it is good legislation to interfere with all that and to provide easy ways for the convicts to be entitled first to partial parole; but later in the bill I see provisions allowing complete deliverance from imprisonment and the visiting of homes and families, all upon the discretion and adjudication of narrow, quasi tribunals that are created by the bill to consider a question which has been passed upon by impartial juries and judges. Courts made up of jailors and doctors and minor officials will always have——

Mr. BACON. If the Senator will pardon me again——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. Certainly.

Mr. BACON. I will ask that he read in connection with that particular part upon which he is now commenting the proviso that no finding of this board can be carried into execution without the approval of the Attorney-General.

Mr. HALE. That does not meet my objection; in fact, that is of itself objectionable in conferring upon the Attorney-General a function which should not be placed upon him. The Attorney-General does not try these cases. They are all tried by subordinates. They are passed upon by judges and by juries, and I would not have the Attorney-General burdened with this most onerous new duty that will be imposed upon him.

If this bill passes, Mr. President, the cases that will arise under it will not be numbered by dozens or scores, but by hundreds, and the prisons, the places to which prisoners and convicts are consigned by the law, will naturally and inevitably be the scene of constant efforts to reduce or substantially destroy the punishment that has been imposed by the highest authority.

I have had no time to scrutinize in detail all the provisions of this bill, but I have read it once hurriedly, and I am apprehensive, Mr. President, of great trouble and mischief resulting from the passage of an act of the grave importance of this bill, particularly when the Senate is not full, and will not be full, to-day, and perhaps not to-morrow. I shall be very glad to hear from the chairman of the committee as to some of the considerations that moved that great and conservative committee which has had in charge the investigation of this subject.

Mr. CLARK of Wyoming. Mr. President, I will say for the benefit of the Senator from Maine that the Committee on the Judiciary did not act hurriedly upon this matter. It is a subject which it has had under consideration for more than a year. Neither is it a new departure in the line of reformation or punishment of criminals. The bill, so far as the Government of the United States is concerned, seemed to be called for because of the peculiar condition in the various penitentiaries in which the government prisoners are confined. So far is it from being a new departure that nearly all—I will not say "nearly

all," but a majority—of the States in the Union have seen fit to place upon their statute books parole laws, nearly all of them much more liberal than that proposed by the bill now under consideration. I have here a list of some of the States, which I hurriedly took from my desk when informed that the bill was under consideration in the Senate—Kansas, New Jersey, California, Connecticut, Michigan, Minnesota, New Hampshire, New York, Vermont, Ohio, Iowa, Georgia, Colorado, Idaho, Nevada, Tennessee, Arizona, West Virginia, Massachusetts, Virginia. The roll is quite an extensive one of the States that have adopted laws similar to the one which is now proposed.

The attention of the committee was first called to this by a situation that occurred in Ohio—I have forgotten in which district, but I think in the northern district of Ohio—in which a United States prisoner was sentenced to one of their state reformatory institutions. He asked to be paroled under the operation of the state law and under the law which says that he shall be confined there according to the rules and regulations of that prison. The matter came before the United States district judge, who decided in favor of the prisoner. The United States, however, took no occasion to question that decision any further. The Department of Justice at Washington holds—and consistently has held—that, so far as United States prisons are concerned, the rules and regulations relating to the confinement do not apply to parole.

There are those upon this floor who have been governors of States where the parole system has been in operation and where it has given very great satisfaction.

Mr. HALE. Let me ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Maine?

Mr. CLARK of Wyoming. I do.

Mr. HALE. We have in Maine legislation that mitigates the severity of sentence by a small percentage, dependent upon the good behavior of the prisoner. That law is said to have worked satisfactorily. But it does not take the convict on the say so of any parole board from the prison at any time after six months or a year or whatever time may be fixed in limitation and set him loose. I wish the Senator would tell me whether he has the record of any State that has a provision like this:

SEC. 3. That if it shall appear to said board of parole from a report by the proper officers of such prison or upon application by a prisoner for release on parole, that there is a reasonable probability that such applicant will live and remain at liberty without violating the laws—

A prisoner may be confined for the gravest and perhaps the most infamous of crimes, but if a board shall decide, notwithstanding he may be a hardened criminal, one who has served many terms, that he—

will live and remain at liberty without violating the laws, then said board of parole may, in its discretion, authorize the release of such applicant on parole—

Remove him from prison, and—

after he has executed a good and sufficient bond in the sum of $100.

Any bond. One hundred dollars is of no account. It is not a deterrent.

Mr. CLARK of Wyoming. The Senator will surely understand the reason for that bond. He is certainly not arguing that question seriously.

Mr. HALE. No; I do not think that bond is of any importance.

Mr. CLARK of Wyoming. The occasion of the bond is simply to reimburse the expenses incurred by the Government——

Mr. HALE. Yes.

Mr. CLARK of Wyoming (continuing). In conveying the prisoner back to the prison. I hope the Senator will not give that consideration.

Mr. HALE. I do not believe that the taking of a bond will transform into a good citizen a hardened prisoner who has been sentenced by the courts.

Mr. CLARK of Wyoming. The Senator does not mean to use that as argument against this bill?

Mr. HALE. I think it is of very small importance.

Mr. CLARK of Wyoming. The bond is not intended for that, as the Senator well knows.

Mr. HALE. I do not consider it of any importance.

Mr. CLARK of Wyoming. No.

Mr. HALE. The bill provides:

Said bond to become forfeit only in event of such applicant violating the articles of his parole; and he shall be allowed to go on parole outside of said prison walls and inclosure, returning to his former home if he desire, but upon such terms and conditions, including personal reports from such paroled person, as said board of parole shall prescribe.

Now, I suppose I am old fashioned and too conservative, but a bill that takes the entire body of criminals, who have been convicted in United States courts, and on the say so and the importunity of a small board releases and allows convicts to be let loose upon the community, upon the belief that they will become good citizens, is to me the greatest of innovations and a very dangerous proceeding. I certainly can not vote for any such bill.

Mr. CLARK of Wyoming. The Senator asked me whether I could cite him to any State that had similar provisions. I can not off-hand give the exact provisions of any of the statutes of the States, but it is a safe proposition that all of the States which have passed parole laws have provisions similar to these, because if a parole law is to be passed at all, the parole power must be given to somebody. So far as I know, this measure guards it more strictly than the general state laws guard it, because after the board has acted (and one member of the board is an agent of the Department of Justice of the Government of the United States) the parole does not become operative until the findings have been approved by the Attorney-General of the United States.

Now, to my notion the parole law is simply a modification of the pardon law. There are cases where the President may not want to pardon a man absolutely, where the circumstances of the case and the man's character as it may have developed under punishment or reformation may be such that he would be glad to give him an opportunity to prove that he will be a good citizen. If, when under parole, he passes the surveillance of the Government, within such limits and areas as the board may see fit to impose, he is not molested. If he shows signs of relapsing into evil ways the law again takes control of him.

I can see nothing startling in it. I can see nothing in it that should shock the most conservative; and I think I am as conservative as is the Senator from Maine. But I do believe that we ought not to write over the doors of our reformatories, "He who enters here leaves all hope behind." Wherever such parole laws have been passed in the different States there is no desire to repeal them.

Mr. HALE. My impression is, although I do not set it against the knowledge of the committee—and the chairman says he can not state the experience under the parole laws—that it will be found that there are not many, or any, so complete nullifications of the results of criminal jurisprudence as are found in this bill. I should doubt whether it is good legislation and good policy to extend to convicts and criminals, because the Senator himself must bear in mind and his committee must bear in mind that the crucible through which the Government passes in order to get convictions is of itself of the severest kind. The presumption of innocence is always in favor of the accused. He is not sent to prison at all until that is overcome. The law's delays are all in favor of the accused, and when you have the final result of such trials as we have in this country under our legislation and in our tribunals, Mr. President, you have a class of criminals sent to prison who should not lightly, upon the say so of minor, irresponsible boards, be taken from prison and let loose on the community. The more I think of it the stronger is my objection to the whole proceeding.

Mr. CLARK of Wyoming. I am glad the Senator has at last finally convinced himself, but my impression is that his argument is directed quite as largely and strongly against the pardoning power as it is against the parole bill. In other words, Mr. President, that after a man has once been condemned by a court, that is an end finally to all his hope of restoration to liberty until the expiration of his sentence.

But the Senator wants to know how this system operates. We have as members of that committee Senators who have been governors of great States, where laws of this sort have been in operation, and there are in the Senate others, not members of the committee, who have been governors of States where such a law is in operation. I can say to the Senator that the members of the Senate who have most interested themselves in this bill are those members who have been governors of great States where they have seen such a law in operation, where they have seen its good working for the State, where they have seen its reformatory power upon the prisoner, where they have seen men go out through the portals of the penitentiary and become good and valuable citizens of the Commonwealth.

I should be glad to have the Senator from Minnesota [Mr. NELSON] and the Senator from Alabama [Mr. JOHNSON] express their opinion upon the pending bill.

Mr. NELSON. Mr. President, there is no such novelty or innovation in this proposition as the Senator from Maine [Mr. HALE] seems to indicate. Great Britain years ago, before we ever adopted such a system, adopted it in its criminal jurisprudence. You are all familiar with what they call a "ticket-of-leave" man. They would send their criminals to distant is-

lands—Van Diemen's Land (Tasmania), and other places in the South Pacific—for a definite time, and then they would give them tickets of leave, put them on their good behavior, and in most instances they turned out to be good, faithful, and industrious citizens. Now, years ago——

Mr. HALE rose.

Mr. NELSON. I wish the Senator would listen to me until I get through with my main statement. Then I will answer him.

Mr. HALE. I will wait until the Senator gets through.

Mr. NELSON. I had occasion when I was governor of Minnesota to study this system. We have the parole system there, and I took special pains to examine its workings and ascertain how it operated. We have there a state prison board, consisting at this time, I think, of seven or nine members. After a convict has been in prison for a year, if his record in prison has been good, his case can be brought before the state prison board. If they see fit, or think it is a worthy case, they can let the prisoner out on parole.

Mr. CLAY. Will the Senator let me ask him a question right here?

Mr. NELSON. Certainly.

Mr. CLAY. Suppose a man has been sent up for life, having been guilty of willful murder——

Mr. NELSON. I was coming to such a case.

Mr. CLAY. Just one minute; and he has served one year. Does the Senator think we could afford to release on parole a prisoner who has served only one year and who had been guilty of the offense of murder, simply because his conduct in prison had been proper?

Mr. NELSON. If the Senator had listened to me until I got through with my explanation, I was about to say that our parole law in Minnesota does not apply to life convicts.

Mr. HALE. Take a case of deliberate forgery or of some crime attended with the greatest violence, not murder. Does not the same reason and the same objection that evidently lie in the mind of the Senator from Georgia apply to a case of that kind?

Mr. NELSON. Not at all. There are two views you can take of this matter. If the conviction of a criminal and the sending of him to prison are solely in the nature of punishment—in the nature of revenge, you may say—to make him sweat for his wrong, then of course there is some force in the argument. But the modern idea of criminal legislation is that we impose punishment upon criminals and convicts for the purpose of reforming them and ultimately making them better citizens. If you adhere to the old system, simply that the conviction of a criminal and the sentencing of him to prison is a mere matter of punishment and nothing else, then the doctrine of the Senator from Maine would apply. But if the object of such legislation and of such punishment is to reform the criminal and ultimately to make him a worthy citizen, so that he can earn his own living and not become a burden to society, then I submit that the parole system is justified.

Instead of going into an argument upon the elementary principles of this subject, I was about to explain briefly how it works in the State of Minnesota. In the state prison they had three classes of convicts—first, second, and third class. When a convict came there he was put into the second class immediately; and if in the course of a year or a greater time his behavior was good and exemplary, he was promoted to the first class—the higher class. Then the state-prison board would take his case and consider it; and if upon the facts of the case they thought it was just and proper to let that man out on parole, they would let him out on parole.

Mr. HALE. No matter what his offense may have been?

Mr. NELSON. It did not apply, as I said, to life convicts. I said aside from murder.

Mr. HALE. Outside of that, no matter how great the offense?

Mr. NELSON. In any case.

Mr. HALE. No matter how destructive his offense may have been to the peace of the community?

Mr. NELSON. In any case except where a man was sent to the penitentiary for life.

Mr. HALE. That is, the question which should decide whether or not the punishment should be continued was not the character of the criminal or the nature of the offense, but the fact that he had behaved himself for a year.

Mr. NELSON. Not at all. That was one of the elements. The board considered the record of the prisoner in the state prison; how he had acted and behaved; and in addition to that, the nature of the offense. The whole record was considered by the board. It was discretionary with the board.

Mr. HALE. They could act upon any offense?

Mr. NELSON. They had the jurisdiction to act upon any offense. The board, after a thorough and complete investigation, if they concluded it was a proper case to admit a man to parole, would grant a parole. The condition of the parole in Minnesota was that the man must enter into some useful employment, where he could earn his living, and he must report every month to the state prison board where he was, what he was doing, and what work he was doing, so that they could know exactly whether or not he was complying with the conditions of his parole. The moment he broke his parole in any shape or manner they would rearrest him and bring him back to prison, and he would be compelled to serve out the whole of his term.

Mr. HALE. What was the practical operation of that?

Mr. NELSON. The practical operation of that was that only in a very few isolated cases—they were so few, indeed, that it was an anomaly—did they ever have occasion to take a convict back.

Mr. HALE. They were practically set loose for life?

Mr. NELSON. They were practically set loose for life; and the result shows that they became good, useful, self-sustaining citizens and not a burden to society.

There was one reason in our State at that time—they have since modified the law—why they did not include life convicts, and that was on account of the Younger brothers, who had made an assault upon and killed a banker. On account of that the legislature for years was loath to include life convicts. They have since included them in the law, so that the board can grant paroles——

Mr. HALE. To persons convicted of capital crime?

Mr. NELSON. Yes; to any prisoner.

Mr. HALE. Parole a murderer?

Mr. NELSON. Parole a murderer.

The parole differs from the pardon system on the commutation of sentence in this: When the pardon power exercises its function it is absolute, it is final. If the President or the governor of a State sees fit to commute a sentence—and they often do—or to grant an absolute pardon, that is the end of it, whether the man pardoned or whose sentence is commuted turns out good or bad. But under the parole system it is entirely different. If a man does not behave, if he does not remain a good citizen, if he does not engage in some useful employment, so as not to be a burden to society, he is sent back to serve out his time; and in that respect I think it works far better than the system of the pardoning power.

We all know—and we need not disguise the fact—that criminals of high social standing, wealthy criminals who have powerful and strong friends, can appeal to the pardoning power. In many instances—and I have noticed it in years past—how easy it is for them to get at all events a commutation and a reduction of sentence. But the poor, ordinary convict, the common criminal, the ordinary thief, if you please, has no friends at court, and nobody can give him a show in that direction, and unless you have a law like this, he is in all cases obliged to serve out his term.

Mr. HALE. I do not think the Senator on reflection will say that because a convict has wealthy friends it is a frequent occurrence that they make themselves so powerful that executive clemency comes in and frees those men.

The instances of that kind, Mr. President, are very rare. It is not true that great criminals are often released by pardon because they have at their control money and means of prosecuting their applications. The number of pardons and the number of commutations of sentences by the Executive in the Federal Government and in the state governments, so far as I know, are very small relatively to the number of convictions. I do not think the Senator wants to go on record as saying that the reason for this paroling generally of criminals is because rich criminals can easily get out. I do not think so.

Mr. NELSON. I think wealthy criminals or criminals who have a high social standing and what you may call "friends at court" have a much greater opportunity. I have noticed in recent years as to a large number or a considerable number of men who have been convicted of wrecking banks in one form or another, and where the court has given them a pretty large sentence, how easy it has been to get a commutation of sentence and a reduction of time.

Mr. HALE. Not many.

Mr. NELSON. Oh, a great many; and to my mind the worst criminal is the man who, holding a position of trust, wrecks a bank. I despise and condemn him more utterly than I do the ordinary thief who picks my pocket, because the latter is not in charge of a trust or a duty as is a bank wrecker.

Mr. HALE. I agree with the Senator, but I do not believe that that man ought to be let out on parole.

Mr. NELSON. It is safer to leave it with a board of this kind than it is with a single individual. The prison board or

whatever board has charge of the matter can consider the record. The man has been, as it were, on trial in prison. He has been there for a given period, and they know something about what is the probability of his becoming a reformed man, what is the likelihood of his turning a new leaf. They are better able to determine it than is the President, in the first instance, when the application is made to him. After they have passed upon the case they say to the man practically, by the parole, "We will let you go out. We will let you try to be an honest man and earn your living, and if you make a success of it you shall not serve out your time. If you fail, if you do not become a good citizen, if you are not faithful and do not earn your own living, then we will take you back to serve the balance of your time."

I have here a letter from a poor convict. I do not know the man. He is a federal convict in a state prison in California.

Mr. CLAY. Will the Senator permit me to ask him a question?

Mr. NELSON. Certainly.

Mr. CLAY. I may say to the Senator that I am not hostile to parole legislation, but here is a question that troubles me about the bill: It provides that after a prisoner has served one year and one day, regardless of the offense that he has committed, he may be paroled. Take a man convicted as a bank wrecker and sentenced to the penitentiary for fifteen years. He has committed a very serious offense against society. Under the provisions of this bill he can serve one year and one day and be paroled. You place him on the same footing that you place the ordinary mail clerk who commits an offense and is sent up for two years. He can be paroled at the expiration of one year and one day, and the bank wrecker can likewise be paroled. Should not the parole be fixed in proportion to the offense committed? In other words, if a man has been sentenced to the penitentiary for fifteen or twenty or twenty-five years, where great moral turpitude is involved, should he not be required to serve more than a year before he is paroled?

Mr. NELSON. In practice, that rule is applied by the board. The board simply have the discretion, after a man has served a year, to act; they are given jurisdiction of the case; but, as a matter of practice—that was my experience with our system—they always took into account the crime a man had committed, its character, and also the term for which he had been sentenced to prison. It was not a rule to parole at the end of a year, but they simply had that power. In the case of an ordinary criminal, sent up for two years or so, they might parole at the end of a year. If prisoners had been sentenced for many years, for long terms, having been guilty of serious crimes, they would not parole them.

Mr. HALE. But the discretion was left with the board?

Mr. NELSON. Certainly.

Mr. HALE. They could do it?

Mr. NELSON. Certainly. They had the power. To illustrate the discrimination which exists between state convicts and federal convicts—and I noticed that particularly in our State, because we had a number of federal convicts sent up from the Indian Territory for stealing horses, etc.—I will read a letter I have this morning received from a poor convict in the state prison in California. This is his letter:

SAN QUENTIN, CAL., *December 30, 1908.*

Hon. KNUTE NELSON.

DEAR SIR: On December 19, 1908, of the Sixtieth Congress, second session, bill S. 4027 was reported on, with amendments, by the Judiciary Committee.

This bill appertains to the paroling of federal prisoners, and no doubt will be presented during the coming session of the Senate. I am a federal prisoner in the California state prison, and see men paroled every month by the board of prison directors.

The state convicts there, with whom the federal convicts mix, are paroled from day to day, while the federal convicts in that prison are utterly without hope.

Mr. HALE. Mr. President——

Mr. NELSON. Will the Senator allow me to finish the letter?

Mr. HALE. Will the Senator kindly read that sentence again? My attention was diverted.

Mr. NELSON. He says:

I am a federal prisoner in the California state prison, and see men paroled every month by the board of prison directors.

Mr. HALE. I wanted to get at that. It shows it is going on all the time.

Mr. NELSON. That is in the state prison in California.

Mr. HALE. They are being paroled all the time.

Mr. NELSON. From time to time, but it is a limited number when compared with the whole number of convicts.

Do you not think federal prisoners should have equal rights to parole? The fact that one made a false step in no sense indicates that a career of crime will follow. By the passage of this bill many men will be given an opportunity to start life anew and win the respect of their fellow-citizens. Will you give the merits of the bill your consideration and support?

Respectfully, yours, RAPHEAL CARUSO, *22539.*

Mr. CULLOM. Does the Senator know for what offense he is in prison?

Mr. NELSON. I do not know anything about it. I just got the letter by mail this morning.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Montana?

Mr. NELSON. Certainly.

Mr. CARTER. The letter causes me to ask a question. Does the Senator think the bill should apply to criminals who have been twice convicted for separate felonies, and would it not be applicable thus without amendment?

Mr. NELSON. It has been done under our parole system.

Mr. CARTER. I assume it would be wise to amend the bill so as to make it quite clear that its provisions would not apply to a person convicted more than once.

Mr. CULLOM. In any court?

Mr. CARTER. In any court, federal or state.

Mr. NELSON. This was the rule in our State. I did not go into all the details of it, because I entered into the discussion unexpectedly. If a man were sent to prison for a second or third time—and there were such cases—he did not get any benefit of the parole law. It was applied only to those who were sent there on the first conviction. Then we have in addition to that in our State, which is now a very useful aid in the parole law, a state agent whose business it was in a case where the board was contemplating letting a convict out on parale to find him a place where he could get employment and work and earn wages; and they never would parole a man in our State unless he had a place of employment. He must either find the place himself or get it through this state agent. He must find some man or some company in the State ready to give him permanent employment, and only in those cases could he get a parole.

I want to say to the Senator from Maine that whatever technical objections may be made, yet after all in these matters the best test of this matter is the test we get from practical experience. When I came into the office I was somewhat prejudiced against the system, and yet the more I saw of it and saw of its benefits and how well it worked, the more and more I became convinced that it was a just and proper system. I see my friend here, the former governor of California [Mr. PERKINS], one of my colleagues on this floor; I see before me the Senator from Alabama [Mr. JOHNSTON], who has been governor of that State. I think all Senators who have had occasion to watch and be cognizant of the experience under the parole laws will say that they have worked well and wholesomely, for the good of the State and for the good of the convicts and for the good of society. We are simply inaugurating here in respect to federal business what a large number of the States have already adopted. I do not think that our own great Government of the United States ought to be in the rear in this great column of reform. I think we ought to recognize in our penal legislation and the punishment of criminals some of the modern principles that obtain, and that the great object of punishment is to reform people and make them better citizens.

Mr. BACON. If the Senator will permit me to interrupt him, and if I am correctly informed, there are 34 States which have adopted a law of this character, and among them the State of Maine.

Mr. HALE. No; not of this character.

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Wyoming?

Mr. NELSON. I yield.

Mr. CLARK of Wyoming. In response to the inquiry of the Senator from Georgia as to the State of Maine, I will state that the State of Maine has a parole law in fact. The governor of the State of Maine can issue a pardon with such conditions as he sees fit, which is absolutely a parole law, but it is surrounded by none of the safeguards which are included in the present measure.

Mr. HALE. That is entirely different.

Mr. CLARK of Wyoming. And that includes every crime except only where the party has been impeached.

Mr. HALE. That is essentially different from a proposition which takes it away from the governor, who has the responsibility and who has hearings upon every case. That is entirely a different thing from setting up a minor board, a transitory board, and allowing it the discretion to relieve the convict from his punishment. It is a thing that in Maine is not going on as

lands—Van Diemen's Land (Tasmania), and other places in the South Pacific—for a definite time, and then they would give them tickets of leave, put them on their good behavior, and in most instances they turned out to be good, faithful, and industrious citizens. Now, years ago——

Mr. HALE rose.

Mr. NELSON. I wish the Senator would listen to me until I get through with my main statement. Then I will answer him.

Mr. HALE. I will wait until the Senator gets through.

Mr. NELSON. I had occasion when I was governor of Minnesota to study this system. We have the parole system there, and I took special pains to examine its workings and ascertain how it operated. We have there a state prison board, consisting at this time, I think, of seven or nine members. After a convict has been in prison for a year, if his record in prison has been good, his case can be brought before the state prison board. If they see fit, or think it is a worthy case, they can let the prisoner out on parole.

Mr. CLAY. Will the Senator let me ask him a question right here?

Mr. NELSON. Certainly.

Mr. CLAY. Suppose a man has been sent up for life, having been guilty of willful murder——

Mr. NELSON. I was coming to such a case.

Mr. CLAY. Just one minute; and he has served one year. Does the Senator think we could afford to release on parole a prisoner who has served only one year and who had been guilty of the offense of murder, simply because his conduct in prison had been proper?

Mr. NELSON. If the Senator had listened to me until I got through with my explanation, I was about to say that our parole law in Minnesota does not apply to life convicts.

Mr. HALE. Take a case of deliberate forgery or of some crime attended with the greatest violence, not murder. Does not the same reason and the same objection that evidently lie in the mind of the Senator from Georgia apply to a case of that kind?

Mr. NELSON. Not at all. There are two views you can take of this matter. If the conviction of a criminal and the sending of him to prison are solely in the nature of punishment—in the nature of revenge, you may say—to make him sweat for his wrong, then of course there is some force in the argument. But the modern idea of criminal legislation is that we impose punishment upon criminals and convicts for the purpose of reforming them and ultimately making them better citizens. If you adhere to the old system, simply that the conviction of a criminal and the sentencing of him to prison is a mere matter of punishment and nothing else, then the doctrine of the Senator from Maine would apply. But if the object of such legislation and of such punishment is to reform the criminal and ultimately to make him a worthy citizen, so that he can earn his own living and not become a burden to society, then I submit that the parole system is justified.

Instead of going into an argument upon the elementary principles of this subject, I was about to explain briefly how it works in the State of Minnesota. In the state prison they had three classes of convicts—first, second, and third class. When a convict came there he was put into the second class immediately; and if in the course of a year or a greater time his behavior was good and exemplary, he was promoted to the first class—the higher class. Then the state-prison board would take his case and consider it; and if upon the facts of the case they thought it was just and proper to let that man out on parole, they would let him out on parole.

Mr. HALE. No matter what his offense may have been?

Mr. NELSON. It did not apply, as I said, to life convicts. I said aside from murder.

Mr. HALE. Outside of that, no matter how great the offense?

Mr. NELSON. In any case.

Mr. HALE. No matter how destructive his offense may have been to the peace of the community?

Mr. NELSON. In any case except where a man was sent to the penitentiary for life.

Mr. HALE. That is, the question which should decide whether or not the punishment should be continued was not the character of the criminal or the nature of the offense, but the fact that he had behaved himself for a year.

Mr. NELSON. Not at all. That was one of the elements. The board considered the record of the prisoner in the state prison; how he had acted and behaved; and in addition to that, the nature of the offense. The whole record was considered by the board. It was discretionary with the board.

Mr. HALE. They could act upon any offense?

Mr. NELSON. They had the jurisdiction to act upon any offense. The board, after a thorough and complete investigation, if they concluded it was a proper case to admit a man to parole, would grant a parole. The condition of the parole in Minnesota was that the man must enter into some useful employment, where he could earn his living, and he must report every month to the state prison board where he was, what he was doing, and what work he was doing, so that they could know exactly whether or not he was complying with the conditions of his parole. The moment he broke his parole in any shape or manner they would rearrest him and bring him back to prison, and he would be compelled to serve out the whole of his term.

Mr. HALE. What was the practical operation of that?

Mr. NELSON. The practical operation of that was that only in a very few isolated cases—they were so few, indeed, that it was an anomaly—did they ever have occasion to take a convict back.

Mr. HALE. They were practically set loose for life?

Mr. NELSON. They were practically set loose for life; and the result shows that they became good, useful, self-sustaining citizens and not a burden to society.

There was one reason in our State at that time—they have since modified the law—why they did not include life convicts, and that was on account of the Younger brothers, who had made an assault upon and killed a banker. On account of that the legislature for years was loath to include life convicts. They have since included them in the law, so that the board can grant paroles——

Mr. HALE. To persons convicted of capital crime?

Mr. NELSON. Yes; to any prisoner.

Mr. HALE. Parole a murderer?

Mr. NELSON. Parole a murderer.

The parole differs from the pardon system on the commutation of sentence in this: When the pardon power exercises its function it is absolute, it is final. If the President or the governor of a State sees fit to commute a sentence—and they often do—or to grant an absolute pardon, that is the end of it, whether the man pardoned or whose sentence is commuted turns out good or bad. But under the parole system it is entirely different. If a man does not behave, if he does not remain a good citizen, if he does not engage in some useful employment, so as not to be a burden to society, he is sent back to serve out his time; and in that respect I think it works far better than the system of the pardoning power.

We all know—and we need not disguise the fact—that criminals of high social standing, wealthy criminals who have powerful and strong friends, can appeal to the pardoning power. In many instances—and I have noticed it in years past—how easy it is for them to get at all events a commutation and a reduction of sentence. But the poor, ordinary convict, the common criminal, the ordinary thief, if you please, has no friends at court, and nobody can give him a show in that direction, and unless you have a law like this, he is in all cases obliged to serve out his term.

Mr. HALE. I do not think the Senator on reflection will say that because a convict has wealthy friends it is a frequent occurrence that they make themselves so powerful that executive clemency comes in and frees those men.

The instances of that kind, Mr. President, are very rare. It is not true that great criminals are often released by pardon because they have at their control money and means of prosecuting their applications. The number of pardons and the number of commutations of sentences by the Executive in the Federal Government and in the state governments, so far as I know, are very small relatively to the number of convictions. I do not think the Senator wants to go on record as saying that the reason for this paroling generally of criminals is because rich criminals can easily get out. I do not think so.

Mr. NELSON. I think wealthy criminals or criminals who have a high social standing and what you may call "friends at court" have a much greater opportunity. I have noticed in recent years as to a large number or a considerable number of men who have been convicted of wrecking banks in one form or another, and where the court has given them a pretty large sentence, how easy it has been to get a commutation of sentence and a reduction of time.

Mr. HALE. Not many.

Mr. NELSON. Oh, a great many; and to my mind the worst criminal is the man who, holding a position of trust, wrecks a bank. I despise and condemn him more utterly than I do the ordinary thief who picks my pocket, because the latter is not in charge of a trust or a duty as is a bank wrecker.

Mr. HALE. I agree with the Senator, but I do not believe that that man ought to be let out on parole.

Mr. NELSON. It is safer to leave it with a board of this kind than it is with a single individual. The prison board or

As to the transaction in question, I was personally cognizant of and responsible for its every detail. For the information of the Senate I transmit a copy of a letter sent by me to the Attorney-General on November 4, 1907, as follows:

THE WHITE HOUSE,
Washington, November 4, 1907.

MY DEAR MR. ATTORNEY-GENERAL: Judge E. H. Gary and Mr. H. C. Frick, on behalf of the Steel Corporation, have just called upon me. They state that there is a certain business firm (the name of which I have not been told, but which is of real importance in New York business circles) which will undoubtedly fail this week if help is not given. Among its assets are a majority of the securities of the Tennessee Coal Company. Application has been urgently made to the Steel Corporation to purchase this stock as the only means of avoiding a failure. Judge Gary and Mr. Frick inform me that as a mere business transaction they do not care to purchase the stock; that under ordinary circumstances they would not consider purchasing the stock, because but little benefit will come to the Steel Corporation from the purchase; that they are aware that the purchase will be used as a handle for attack upon them on the ground that they are striving to secure a monopoly of the business and prevent competition—not that this would represent what could honestly be said, but what might recklessly and untruthfully be said. They further inform me that as a matter of fact the policy of the company has been to decline to acquire more than 60 per cent of the steel properties, and that this purpose has been persevered in for several years past with the object of preventing these accusations, and as a matter of fact their proportion of steel properties has slightly decreased, so that it is below this 60 per cent, and the acquisition of the property in question will not raise it above 60 per cent. But they feel that it is immensely to their interest, as to the interest of every responsible business man, to try to prevent a panic and general industrial smash up at this time, and that they are willing to go into this transaction, which they would not otherwise go into, because it seems the opinion of those best fitted to express judgment in New York that it will be an important factor in preventing a break that might be ruinous; and that this has been urged upon them by the combination of the most responsible bankers in New York who are now thus engaged in endeavoring to save the situation. But they asserted they did not wish to do this if I stated that it ought not to be done. I answered that while of course I could not advise them to take the action proposed, I felt it no public duty of mine to interpose any objection.

Sincerely, yours,

THEODORE ROOSEVELT.

Hon. CHARLES J. BONAPARTE,
Attorney-General.

After sending this letter I was advised orally by the Attorney-General that, in his opinion, no sufficient ground existed for legal proceedings against the Steel Corporation, and that the situation had been in no way changed by its acquisition of the Tennessee Coal and Iron Company.

I have thus given to the Senate all the information in the possession of the executive department which appears to me to be material or relevant, on the subject of the resolution. I feel bound, however, to add that I have instructed the Attorney-General not to respond to that portion of the resolution which calls for a statement of his reasons for nonaction. I have done so because I do not conceive it to be within the authority of the Senate to give directions of this character to the head of an executive department, or to demand from him reasons for his action. Heads of the executive departments are subject to the Constitution, and to the laws passed by the Congress in pursuance of the Constitution, and to the directions of the President of the United States, but to no other direction whatever.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 6, 1909.*

SALARIES IN THE EXECUTIVE DEPARTMENTS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 638), which was read and, with the accompanying paper, referred to the Committee on Civil Service and Retrenchment and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a revised statement, prepared by the Committee on Grades and Salaries under the executive order of June 11, 1907, for the reclassification and readjustment of salaries in the executive departments, and estimates of appropriations based thereon.

The reclassification of employees should be authorized now, even if the additional appropriations suggested can not now be made. The existing classification does not meet the needs of the service. The basis of the reclassification is character of work rather than amount of salary; it would avoid the need of special positions and result in much higher efficiency.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 6, 1909.*

POSTAL SAVINGS BANKS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 6484) to establish postal savings banks for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes, which had been reported from the Committee on Post-Offices and Post-Roads with amendments.

Mr. CARTER. I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. The Chair hears no objection and the Secretary will proceed with the reading of the bill.

Mr. RAYNER. I wish to ask the Senator from Montana if he will agree to let the bill go over until next week. I do not object to the reading of it; I do not care about that, but several of us desire to make some remarks on the bill.

Mr. CARTER. I do not expect a vote to-day on the bill. I presume it will go over, necessarily, until next week.

The VICE-PRESIDENT. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Post-Offices and Post-Roads was, in section 1, page 1, line 4, to strike out the word "banks" and insert the word "depositories," so as to make the section read:

That there be, and is hereby, established a system of postal savings depositories, to be under the direction and supervision of the Postmaster-General, in conformity with the provisions of this act.

The amendment was agreed to.

The next amendment was, in section 2, page 1, line 11, to strike out the word "bank" and insert the word "depository," so as to read:

That each and every post-office within the United States which is authorized to issue money orders, and such others as the Postmaster-General in his discretion may from time to time designate, are hereby declared to be postal savings depository offices to receive deposits from the public and to account for and dispose of the same according to this act.

The amendment was agreed to.

Mr. BURKETT. I should like to ask the Senator from Montana a question in reference to this section. Does he prefer to go through the committee amendments first? I should like to ask the Senator why it is that in this section he provides for post-office savings depositories being established in money-order offices, and then later on he provides that the Postmaster-General may establish not only such offices but depositories at offices of the first, second, and third classes. Why would it not be better to be put in the first, second, and third classes in the first place and be through with it?

Mr. CARTER. The peculiar provision referred to at the close of the section has regard to the task of installing the system. In the nature of things, it will be quite impossible simultaneously to install the system in all parts of the country and in all the post-offices. Therefore the Postmaster-General is given by the bill opportunity for the gradual installation in such manner as will not demoralize or injuriously affect the postal service.

Mr. BAILEY. I wish to inquire what is the status of the bill.

The VICE-PRESIDENT. It is before the Senate. The formal reading of the bill was dispensed with by unanimous consent, and the bill is being read for amendment, the committee amendments to be first considered.

Mr. BAILEY. Then a parliamentary inquiry, Mr. President. As I understand it, the bill, of course, after the committee amendments or other amendments are disposed of, would still be open for debate in the Senate?

The VICE-PRESIDENT. That is correct. It will also be open for amendment in the Senate.

Mr. BAILEY. I have no interest myself in the amendments. I have some interest in the general debate. I did not want to lose the opportunity of having a word to say against it. Of course I am perfectly willing, indeed, I would prefer, that the proponent of the measure should perfect it so far as such a measure can be perfected before we come to debate it.

Mr. BURKETT. I desire to ask the view of the Senator from Montana further with reference to the part of the bill just read. In the bill, which I introduced some time ago, I provided that these depositories should be established only in the first three classes.

Now, if I understand the Senator's bill correctly, they can be established in any post-office as soon as the Postmaster-General desires to establish them. That is the situation, if I get the idea of the bill correctly.

Mr. CARTER. The bill provides that all the money-order offices and such other offices as the Postmaster-General may designate shall be postal depositories. The requirement is that the money-order offices shall be provided with postal depository machinery as rapidly as the Postmaster-General can install the same without injury to the service. I hope that answers the question of the Senator from Nebraska.

Mr. BURKETT. Yes; it does. The only object I had in asking the question was that it seems to me probable that this ought to be confined to the first three grades; for, if I understand the organization of the Post-Office Department correctly, the fourth-class postmasters are not under salary. They are not paid a regular salary. They provide their own rooms and their own equipment. It occurred to me that very possibly we

ought to confine this at least to the first three grades and such others as the Postmaster-General may deem necessary.

There may be localities where a smaller place than one having a fourth-class post-office would need a savings bank. But it occurred to me, in framing the bill which I drew, that we ought to confine it to post-offices of the first three grades, because there the postmasters' salaries are paid; their buildings are supplied by the Government, and their equipment is more or less supplied by the Government. I therefore made the inquiry of the Senator if it would not be better to confine them to the three grades and such others as the Postmaster-General might determine, than to make them unlimited.

Mr. CARTER. The Senator from Nebraska will observe that the proviso near the close of section 2 reads:

That the Postmaster-General may, if he deems it necessary or more practical, establish at first postal savings depositories only at the money-order offices of the first, second, and third classes, and thereafter extend the system as rapidly as practicable to all other post-offices named above.

This will include, of course, ultimately a considerable number of fourth-class post-offices. While it is true that such postmasters are not now on the salary list, but are on commission, the bill makes provision for a commission to be paid to the fourth-class postmasters for the transaction of this postal-savings business.

The reading of the bill was resumed.

The next amendment of the Committee on Post-Offices and Post-Roads was, in section 2, page 1, line 11, after the word "savings," to strike out "bank" and insert "depository;" on page 2, line 1, after the word "savings," to strike out "bank" and insert "depository;" in line 4, after the word "such," to strike out "bank" and insert "depository;" and in line 8, after the word "savings," to strike out "banks" and insert "depositories," so as to make the section read:

SEC. 2. That each and every post-office within the United States which is authorized to issue money orders, and such others as the Postmaster-General in his discretion may from time to time designate, are hereby declared to be postal savings depository offices to receive deposits from the public and to account for and dispose of the same according to this act. Every postal savings depository office shall be kept open for the transaction of business every day (Sundays and legal holidays excepted) during the usual post-office business hours of the town or locality where such depository is located, and between such additional specific hours as the Postmaster-General may direct: *Provided*, That the Postmaster-General may, if he deems it necessary or more practical, establish at first postal savings depositories only at the money-order offices of the first, second, and third classes, and thereafter extend the system as rapidly as practicable to all other post-offices named above.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 14, after the word "savings," to strike out the word "bank" and insert "depository," so as to read:

SEC. 3. That accounts may be opened and deposits made in any postal savings depository established under this act by any person of the age of 10 years or over in his or her own name, by a married woman in her own name and free from any control or interference by her husband, by a trustee as such on behalf of another person, by a parent, guardian, or other person for the benefit of a child under 10 years of age.

The amendment was agreed to.

Mr. CARTER. I move, in section 3, page 2, line 16, after the word "name," to insert the word "and."

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. In section 3, page 2, line 16, after the word "name," where is first appears, it is proposed to insert the word "and," so as to read:

SEC. 3. That accounts may be opened and deposits made in any postal savings depository established under this act by any person of the age of 10 years or over in his or her own name and by a married woman in her own name and free from any control or interference by her husband.

The amendment was agreed to.

Mr. CARTER. I move as an amendment to the same section what I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. It is proposed to amend, in section 3, page 2, line 17, by striking out all after the word "husband" and in lieu thereof to insert a semicolon and the words "but no person shall simultaneously have more than one postal savings account."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post-Offices and Post-Roads was, in section 4, page 3, line 1, after the word "savings," to strike out "bank" and insert "depository," so as to make the section read:

SEC. 4. The postmaster at a postal savings depository shall, upon the making of an application to open an account under this act and the submission of an initial deposit, deliver to the depositor a pass book upon which shall be written the name and signature or mark of the depositor and such other memoranda as may be necessary for purposes of identification, in which pass book entries of all deposits shall be made.

The amendment was agreed to.

Mr. CARTER. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. It is proposed to strike out section 5, as follows:

SEC. 5. That at least $1, or a larger amount in multiples of 10 cents, must be deposited before an account is opened with the person depositing the same, but 10 cents, or multiples thereof, may be deposited after such account has been opened, but no one shall be permitted to deposit more than $200 in any one calendar month.

And in lieu thereof to insert:

SEC. 5. That at least $1, or a larger amount in multiples of 50 cents, must be deposited before an account is opened with a person depositing the same, but 50 cents, or multiples thereof, may be deposited after such account has been opened, but no one shall be permitted to deposit more than $100 in any one calendar month: *Provided*, That in order that smaller amounts may be accumulated for deposit any person may purchase from any depository office for 1 cent a postal savings card, to which may be attached specially prepared adhesive stamps, to be known as "postal savings stamps," and when the stamps so attached amount to $1 or a larger sum in multiples of 50 cents, including the 1-cent postal savings card, the same may be presented as a deposit for opening an account, and additions may be made to any account by means of such card and stamps in amounts of 50 cents, or multiples thereof, and when a card and stamps thereto attached are redeemed by any postmaster he shall immediately cancel the same. It is hereby made the duty of the Postmaster-General to prepare such postal savings cards and postal savings stamps of denominations of 1 cent, 5 cents, and 10 cents, and to keep them on sale at every postal savings depository office, and to prescribe all necessary rules and regulations for the issue, sale, and cancellation thereof.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill to the end of section 7, line 24, page 4.

Mr. CARTER. In section 7, I move to insert a period after the word "thereof," in line 14, and then to insert the matter which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. In section 7, page 4, line 14, after the word "thereof," it is proposed to strike out the comma and to insert a period and the following words:

Interest shall not be computed or allowed until the first day of the half year next following the day of such deposit and shall cease on the first day of the half year in which such deposit is withdrawn. Half years shall begin January 1 and July 1, and the computation of interest shall be based on the average balance during the half year: *Provided*, That the balance to the credit of any one person shall never be allowed to exceed $500, exclusive of accumulated interest.

Mr. BURKETT. Mr. President, I do not want to see that amendment adopted, or a part of it at least, by unanimous consent. If I understand the amendment correctly, it provides that deposits shall not begin to draw interest until the beginning of the next half year after they are made, and that they shall cease to draw interest at the beginning of the half year in which they are withdrawn; in short, a depositor might put his money in and not begin to draw interest for five months and all the succeeding days but one of the six months. He might draw his money out and lose his interest for the five months back. It occurs to me that, instead of lengthening that time—the bill as the committee has reported it provides for quarters—we ought at least to draw it down to months. I do not think we ought to let a depositor wait for six months before he begins to draw his interest. I certainly would not want that portion of the amendment adopted. I could not quite catch the importance or the meaning of the rest of the amendment, and I want to understand the object of it; but it seems to me that a depositor ought to draw interest from the beginning of the next month after the deposit is made, and cease to draw interest at the beginning of the month in which it is drawn out.

Mr. CARTER. Mr. President, the determination of the period of time within which interest balances shall be ascertained led to considerable discussion. It was finally determined that we could, without overburdening the department with clerical work, fix the period of one quarter as the basis for interest computation. But the department, upon more mature reflection, concluded that even this would involve almost prohibitive bookkeeping and details.

It must be borne in mind that the primary purpose of this legislation is to enable people to save small sums. We desire to furnish accommodations to that class of persons who are now penalized for safety's sake by being compelled to buy postal money orders at the rate of $3 per thousand in order that they may have their money where they consider it safe.

Interest will not be the main objective point of those patronizing the postal savings banks. If interest is the objective point, much better investments can be found and more remu-

nerative rates of interest can be secured in many directions than in the proposed postal depositories. If we should undertake to compute the interest on each account monthly, the whole fabric here proposed would break down under a mass of details. The accounts will be small, the depositors numerous, and, in consequence, the clerical work would be very great if we undertook to compute interest monthly or quarterly as the bill now proposes.

The amendment gives to the depositor interest on his average balance for the period of six months, and in that it is a fair and just method of computation. We can not give interest on daily balances, nor can we give interest on monthly balances, because of the clerical difficulties to which I have referred.

The amendment which I have sent to the Secretary's desk was prepared by the Postmaster-General, who, after consulting extensively with his enlightened corps of assistants, determined that the bill as it is now framed, providing for the quarterly balancing of interest, would not be workable save at great expense. Hence, we report the amendment providing for a half-year interest period.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from North Dakota?

Mr. CARTER. Yes, sir.

Mr. McCUMBER. Do I understand, as the bill now reads with the proposed amendment, that interest will be allowed for the first six months upon the average balance for those six months?

Mr. CARTER. That is what the amendment proposes.

Mr. McCUMBER. The original bill provided for the payment of interest on the average balance for three months instead of six.

Mr. CARTER. Yes.

Mr. McCUMBER. I should like to ask the Senator now, Why is it proposed to amend this bill so as to provide, not for a 10-cent deposit, but for a 50-cent deposit, and also provide for stamps to be issued which might be deposited after the collection amounted to at least 50 cents? Why would it not be just as well to dispense entirely with a deposit of anything less than $1, so that all computations would be made on the dollar basis, instead of upon the half-dollar basis? That would do away with considerable of the clerical work; would be easy of computation by tables for interest and compound interest, and it seems to me that we would gain just as much, because we already have the provision for the purchase of stamps whenever any person wishes to get 10 cents' worth or even 1 penny's worth until the amount reaches the half-dollar limit.

Mr. CARTER. Mr. President, the 10-cent deposit limit was raised for the purpose disclosed in the statement of the Senator from North Dakota [Mr. McCUMBER] in order to avoid the bookkeeping connected with the receipt of these very small sums. After the bill was framed I took occasion to inquire extensively as to the amount of deposits received in other countries, and found that the franc, or about 20 cents, was the average of deposits received at the postal savings banks; that is, the minimum. Generally speaking, a larger sum is required by other countries for the opening of an account. In fixing the minimum deposit in this bill at 50 cents we will thus fix a minimum that is quite as much or more than the minimum provided by the laws of Canada, England, France, and Italy.

Mr. McCUMBER. I could see, Mr. President, why the minimum might be larger, in view of the fact that the Senator's own amendment has taken another method to meet that question; that is, by allowing in reality deposits from 1 cent up to $1 in the shape of stamps. The Senator must bear in mind that the wages paid to laborers here are from two to three and even four times what they are in France; and that the amounts that are used daily in the little purchases are from three to ten times as much. So I do not conceive that it would be any hardship whatever, especially as they can receive the stamps up to $1, to receive no interest-drawing deposits less than $1.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Illinois?

Mr. CARTER. Yes.

Mr. HOPKINS. I should like to ask the Senator in charge of the bill while he is on the floor to explain why it is, if the Government is to pay interest on postal savings deposits, that the amount on which it can be paid is limited to $500 instead of $1,000?

Mr. CARTER. Mr. President, the opposition to this bill throughout the country springs generally from the banking fraternity. It has been charged everywhere that the bill would become a refuge for debt dodgers; that the bank balances or deposits would be very largely impaired. In nearly every instance where such objection is urged the parties have said that if the maximum sum which would be received at the post-office were reduced, the main, the cardinal, the real objection to the bill would disappear. Yielding somewhat to that sentiment, and upon the urgent request of the Postmaster-General, the amendment reducing the maximum deposit from $1,000 to $500 was proposed and adopted.

Mr. du PONT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Delaware?

Mr. CARTER. I do.

Mr. du PONT. I should like to ask the Senator in charge of the bill a question in regard to this section as amended. When does the interest begin? Assuming that the postal savings bank bill were a law, if a man deposited money in a postal savings depository to-day his interest, as I understand, would not begin until the 1st of next July. Am I correct in that?

Mr. CARTER. That is the correct understanding.

Mr. du PONT. It seems to me that is a long time to wait, and I was hoping that it could be arranged on a quarterly basis, but the previous remark of the Senator from Montana furnishes an answer as to that.

Mr. CARTER. The belief of the Postmaster-General and those with whom he has conferred on the subject is that the half-yearly basis of computation——

Mr. du PONT. I see the difficulty from the clerical standpoint——

Mr. CARTER. Was necessary in order to avoid multiplicity of accounts and statements.

Mr. HOPKINS. Mr. President, I take it from what the Senator says that the enactment of this bill into a law is not so much for the purpose of giving interest to depositors—for the savings banks in the States are open for that purpose—but to draw from hiding money that never finds a place in any of the banks.

Mr. CARTER. The Senator from Illinois states the understanding I have with reference to the main object of this legislation. It can be summed up in two words. We want to extend to the struggling wage-earners and people in every locality in this country an opportunity to deposit their savings, coupled with perfect safety. We are not seeking to enter the commercial field in competition with banks.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. CARTER. With pleasure.

Mr. BURKETT. I do not wish to interrupt the Senator in the midst of what he is saying, but it occurs to me that this is a pretty serious matter. The Senator is quite right in saying that the opposition to this measure comes from the banking fraternity. Attempts have been made to defeat this legislation, but now that it seems it can not be defeated, they have undertaken to make the interest rate 1 per cent. I have had communications from bankers urging if this bill must pass that we cut the interest rate down to 1 per cent; that we delay the time of beginning to pay interest; and all that sort of thing. It seems to me the Congress is liable to do something here that may make the Government appear niggardly and the Congress ridiculous.

Suppose we reduce the interest rate to 1 per cent. No country on the face of the earth pays less than about 2½ per cent. How ridiculous Congress would be in responding to that demand. On the other hand, if we put off the day of beginning to pay interest for six months, that would be ridiculous. If we are going to have a savings-bank system, we can not afford to go before the people and say that because the computation of interest is going to involve some work on the part of the department, we will not begin to pay interest for six months after a deposit is made.

The Senator has confused, in his remarks at least, the time when interest shall be computed and the period during which interest should be paid. I do not know of anybody who expects that interest is going to be computed monthly. It can be computed annually; but we ought to begin to pay interest within less than six months after we take the people's money, if we are going to pay interest at all, and we ought not to refuse to pay interest for six months back when a man withdraws his deposit. Should we do so, we would make this ridiculous, it seems to me. If the Postmaster-General has got it through his head that this is going to make so much work, he should have thought of that, in my opinion, before he started and launched the matter.

If we are going to enact a postal savings-bank law, let us not do these little things that will make the Government appear both niggardly and ridiculous. I do not think we ought to put

a provision in here cutting off interest until six months after the deposit is made and six months before it is withdrawn.

I have not been able to catch, perhaps, the full import of the amendment, and as the Senator does not expect to have the bill passed to-day and the amendment has not been printed, would he object to letting the amendment lie on the table until the bill is taken up the next time? Then the amendment can be printed, and we can all have an opportunity to see it.

Mr. CARTER. Mr. President, it is my desire to have the bill reprinted with the amendments offered to-day and adopted.

Mr. BURKETT. Could not the Senator have it reprinted with this amendment appearing at the proper place in the text and marked as pending?

Mr. CARTER. As pending?

Mr. BURKETT. Yes.

Mr. CARTER. That would be acceptable.

Mr. BURKETT. I do not want the amendment acted upon now.

Mr. CLAY. With the permission of the Senator from Montana, I want to call his attention to page 6. I believe I called attention to this feature in the committee.

The VICE-PRESIDENT. The Chair would suggest that, as he understands it, the Senator from Montana moves to strike out all after the word "thereof," in line 14, down to the end of section 7, and to insert the matter contained in the proposed amendment.

Mr. CARTER. That is the motion of the Senator from Montana.

The VICE-PRESIDENT. That amendment will be regarded as pending.

Mr. CLAY. I desire to call the attention of the Senator from Montana to page 6 of the measure. The Senator will remember that I thought these words ought to go out of the bill when we originally considered it. I have not changed my mind about it.

The words I have reference to are as follows:

After their receipt from depositors they shall be exempt from demand, garnishment, execution, attachment, seizure, or detention under any legal process against the depositor thereof. Such funds shall not be subject to taxation by the United States or any State.

I suggest to the Senator that if a citizen deposits his money with the Government in a State, I doubt whether we have the authority to exempt it from state taxation; and if we do have the authority to do it, I doubt whether we ought to do it.

I come again to the question of debts. Take a citizen who deposits two hundred or three hundred or five hundred dollars of money with the Government. It strikes me that that money ought to be subject to his debts just like the other funds of an individual. And I will say to the Senator that when section 10 is reached I shall propose to strike out those words, and I hope in it to have the support of the Senator from Montana.

Mr. CARTER. I can not promise to support the proposition of the Senator, but I shall address the Senate briefly on the subject when the matter comes up.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. CLAY. With pleasure.

Mr. FULTON. I should like to ask the Senator whether he thinks that by merely striking out that provision, which furnishes a proposal to exempt from garnishment these deposits, he would leave them so that they would be subject to such process?

Mr. CLAY. I hardly think so. I think there would have to be further provision made. I doubt whether one could garnishee or attach funds in the hands of the Government without an express provision.

Mr. FULTON. I think in order to subject money in the hands of the Government to garnishment or attachment there would have to be some direct provision authorizing it. But I call the Senator's attention, if he will permit me——

Mr. CLAY. Certainly.

Mr. FULTON. To this point. One hundred dollars a month may be deposited as a maximum, as I understand, under the bill. Now, is there anything illogical in exempting that from garnishment and attachment, in view of the fact that postmasters' salaries—I guess they will average more than a hundred dollars a month, or that amount, anyway, in money-order offices—are not subject to attachment? Why should we render these deposits subject to attachment?

Mr. CLAY. The Senator will remember that all of the States, so far as I have been able to investigate, have provided exemption laws allowing citizens a certain amount of property—in some States $500 and in others as high as $1,600—and the funds so set apart are not subject to debt.

Now, it is a right serious problem for Congress to undertake to say what property of a citizen in a State shall not be subject to taxation or debt. Each State ought to provide a system of exemption, and each State has done so, and Congress ought not to undertake to say what property shall not be subject to the debts of the citizen or what property shall not be subject to taxation in a State.

Mr. FULTON. I submit to the Senator that that is purely a question of public policy. We are seeking by this bill to bring out of hiding a certain amount of money that we know is in existence but not in commercial channels, not available for commercial use. It is a small amount in the possession of each individual hidden away in some place under his control. At the present time it does not enter into commerce. It is not subject to taxation, because it is not reached. I do not suppose a dollar of the money that will be brought into sight by this bill to-day pays a cent of taxes in any State of the Union.

Mr. CLAY. I doubt that statement, I will say to the Senator.

Mr. FULTON. Let me say to the Senator I think there is probably no character of property which pays so slight a proportion of the burden of taxation as actual money. I think that is the experience of man. It is so easy to hide money, so easy to keep it out of sight, so easy to evade taxation of it that that is the result.

We are appealing by this bill to a vast army of holders of small amounts of money, who are keeping it out of commercial channels, and we are inviting them to deposit it with the Government. I do not see why there is anything illogical in exempting it from taxation. Every State, as the Senator says, does by law provide that certain property shall be exempt from taxation. A certain amount of household property, certain wages earned but not yet paid, are exempt from garnishment; and it is not unreasonable, to my mind, if we enter upon this scheme to invite the small depositors to bring their money out where it can be used, to offer an inducement that it shall not be subject to taxation.

Mr. HOPKINS. I desire to suggest to the Senator that under existing law, if there were nothing whatever in the bill relating to garnishment, the Government could not be garnisheed.

Mr. FULTON. Certainly. The Senator from Georgia concedes that.

Mr. HOPKINS. That has been the policy of the Government from time immemorial.

Mr. FULTON. To exempt from garnishment.

Mr. HOPKINS. So there is no new policy adopted in this bill.

Mr. FULTON. No State or municipality or division of any State, as, of course, we all know, can be subject to garnishment unless there be some positive provision of law therefor.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

Mr. McCUMBER. Before we pass from the subject which has been discussed, I want to understand better the amendment which has been proposed by the Senator from Montana. I understood him to say, in answer to my question, that interest would be computed upon the average balance during the preceding six months; the computation would not be made until the expiration of six months, but when that computation was made, it would be upon the average deposit during those six months. Subsequent inquiries seem to indicate that no interest whatever is to be computed upon the first six months' deposit. Now, is that a correct understanding?

Mr. CARTER. Interest is really computed annually. In order to ascertain the amount of interest due to an individual, however, we divide the year into two parts, the first part extending from the 1st of January to the 1st of July, and then from July to January again. When a deposit is made, if this amendment should be adopted, there will be no computation of interest for a fraction of six months—for that fraction of the six months remaining between the date of the deposit and the beginning of the next half year.

Mr. McCUMBER. I understand there will be no computation for a fraction of six months; but what I want to understand is whether or not, if a man has on deposit an average, say, of a hundred dollars for the first six months, at the end of those six months, the beginning of the next half, he will be given what is equivalent to 1 per cent upon that average balance of $100 during those six months, or whether no computation will be made and no interest will begin until the expiration of the six months.

Mr. CARTER. No credit is made for interest except annually. This amendment must be taken, of course, in connection with that which precedes it:

SEC. 7. That interest at the rate of 2 per cent per annum shall be computed, allowed, and entered in the pass book to the credit of

each depositor once in each year, and shall be added to and become a part of the principal; but such interest shall not be computed or allowed on any amount less than $1 or some multiple thereof. Interest shall not be computed or allowed until the first day of the half year next following the day of such deposit and shall cease on the first day of the half year in which such deposit is withdrawn. Half years shall begin January 1 and July 1, and the computation of interest shall be based on the average balance during the half year.

Mr. McCUMBER. If I understand that correctly, it means for six months there will be no interest whatever, no matter what the deposit is during the first six months. Why is that?

Mr. CARTER. If the depositor withdraws his money before the expiration of the year, he does not receive interest.

Mr. McCUMBER. But that is not what it means, if I understand the reading correctly. It means that whether he withdraws it before the expiration of a year or not no interest will be computed or allowed—because the word is "allowed"—upon the deposit that preceded the second part of the year.

Mr. CARTER. Most assuredly the balance would be increased by subsequent deposits, and interest would be paid on the total deposits, including that which accumulated during the previous six months.

Mr. McCUMBER. For how long a time?

Mr. CARTER. For that year.

Mr. McCUMBER. The way the amendment reads it would not be allowed upon the first half year's deposits.

Mr. CARTER. Not if the deposit had been drawn out.

Mr. McCUMBER. No, even if it had not been drawn out. It would not be allowed upon the first half year's deposit. Will the Senator please read that portion?

Mr. CARTER. Certainly.

Interest shall not be computed or allowed until the first day of the half year next following the day of such deposit——

Mr. McCUMBER. That means if he commences to deposit in January and continues a deposit which amounts on the average to a hundred dollars for the first six months that interest will not be allowed upon the hundred dollars until the beginning of the next six months. It will not be allowed from the beginning, but will commence to be computed at the end of the first six months.

Mr. CARTER. The Senator is referring again, as I understand, to the question of allowing interest for a fraction of the six months which will intervene between the date of the opening of the account and the arrival of the first day of the next half year. We do not allow interest on the fraction of six months.

Mr. BURKETT. Then, let me ask the Senator a question right here. Suppose a man deposits a hundred dollars on the 2d day of January and draws it out on the 30th day of December; how much interest would he get under your amendment?

Mr. CARTER. He would get interest for six months.

Mr. BURKETT. If it does not begin to draw interest until the first day of the next six months and ceases to draw interest on the first day of the six months in which it is withdrawn, I do not see how he would get any interest.

Mr. HOPKINS. In order to get at the proper interpretation of the amendment, I would ask the Senator in charge of the bill to suppose a depositor deposits a hundred dollars on the 1st day of May. As I understand, he does not draw interest until the first day of July. Suppose the deposit is taken out on the 1st day of December. Does he get any interest at all?

Mr. CARTER. There would be no interest on that deposit.

Mr. BURKETT. What is the difference between that man and mine? He puts his in on the 2d day of January and draws it out on the 30th of December. How would he get any interest?

Mr. CARTER. If he deposits his money the 2d day of January and draws it out prior to the arrival of the 1st of the following January, he would get no interest.

Mr. KEAN. I think the Senator will have to change that statement, because the 1st of January is a holiday generally, and I think they would recognize the 2d of January as the first day of the year, and he would get six months' interest.

Mr. CARTER. Under that construction he might be entitled to interest.

The VICE-PRESIDENT. The reading of the bill will be resumed.

The reading of the bill was resumed. The next amendment of the Committee on Post-Offices and Post-Roads was, in section 8, line 3, page 5, to strike out "bank" and insert "depositor."

The amendment was agreed to.

Mr. du PONT. Mr. President, it seems to me the effect of this bill will be to prevent depositors from withdrawing their money when they are absent from the place of deposit, a privilege which is one of the chief advantages of the postal savings-bank system in other countries. Under this bill a depositor away from home would have to return home in order to draw his money at the post-office. The system which obtains in England and France is an immense advantage to all those people who are not permanently domiciled or who are earning their livelihood temporarily away from their homes; for instance, seafaring men, people working for contractors. It applies to a very large class of people who are temporarily domiciled at different points. The system has worked very successfully in England and in France, and there is no reason why it can not be applied here.

Again, by special postal convention between France and Belgium, this state of things exists: A Frenchman who has deposited funds in a French postal saving bank can go to Belgium and withdraw his funds from any postal savings bank in Belgium, and vice versa.

So I think this section should be amended, and I shall propose the amendment which I send to the desk, which I ask may be printed with the bill, to be voted on at the proper time.

The VICE-PRESIDENT. The Senator from Delaware proposes an amendment, which will be stated.

The SECRETARY. On page 5, section 9, line 13, after the word "interest," insert the words:

Either at the postal savings depository where the funds were deposited or at any other such depository.

The VICE-PRESIDENT. The proposed amendment will be included in the reprint of the bill and be regarded as pending.

The reading of the bill was resumed.

The next amendment of the Committee on Post-Offices and Post-Roads was, in section 9, page 6, line 2, after the word "savings," to strike out "bank" and insert "depository," so as to read:

The postal savings-depository system.

Mr. CARTER. I move to amend the section by striking out all after the word "prescribe," in line 22, page 5, and inserting in lieu thereof:

No national bank or other bank in which postal-savings funds shall be deposited shall receive any exchange or any other fees or compensation on account of the cashing or collection of any checks or the performance of any other service in connection with the postal-savings depository system.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Iowa?

Mr. CARTER. Certainly.

Mr. DOLLIVER. Is it the purpose of the Senator from Montana to make provision by amendment for the distribution of these postal deposits in other banks than national banks?

Mr. CARTER. An amendment has been prepared with that object in view. While I am not authorized by the committee to accept the amendment, I can see no objection to it and shall not resist it when offered.

Mr. DOLLIVER. I will say to the Senator that one of the largest sources of criticism of the bill in the West appears to be that it might operate as discrimination against banks outside the national banking system, and if an amendment enlarging the list of banks or institutions in which the deposits are made, properly secured, should be inserted in the bill, it would relieve it of much of the criticism that has arisen in some sections of the country.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Michigan?

Mr. CARTER. I yield.

Mr. SMITH of Michigan. I was going to say, for the benefit of the Senator from Iowa that I have prepared an amendment to section 11 along the line that the Senator suggests, and when that section of the bill is reached I hope to have his attention and his support for the amendment.

Mr. KEAN. Let me ask the Senator from Montana a question.

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Jersey?

Mr. CARTER. Certainly.

Mr. KEAN. Are postal funds at present deposited in other than national banks?

Mr. CARTER. Postal funds are not deposited in other than regular national-bank depositories.

Mr. KEAN. Are any funds of the United States deposited in other than national banks?

Mr. CARTER. I am not aware that that is the case.

Mr. BURKETT. If the Senator is through with his amendment, I want to call his attention to line 14, on page 5:

All the withdrawals of deposits may be made in even dollars unless the account shall be closed.

It seems to me there ought to be inserted there the words "unless it be for accrued interest." I think the bill provides that at the end of each year the interest shall be computed. The depositor may want to draw out the accrued interest, and it may not be in even dollars. It seems to me there should be a provision for withdrawals other than in even dollars, not only in closing an account, but for accrued interest, if the principal is desired to be left.

Mr. CARTER. The Senator from Nebraska will agree that owing to the very large number of accounts and the small amounts that will necessarily be involved—as common experience shows—it is necessary for purposes of ready computation to adhere as strictly as possible to the decimal system.

Mr. BURKETT. I think the Senator does not catch the point I am trying to make.

Mr. CARTER. The even dollars?

Mr. BURKETT. It would save bookkeeping to draw out other than even amounts when it is accrued interest, rather than to leave an uneven amount to go on to the next year. In line 14, on page 5, the bill provides that all the withdrawals must be made in even dollars unless the account shall be closed. My idea is that we should provide for an amount other than even dollars if it is to draw out accrued interest. For example, at the end of the year, let us say that the interest amounts to $4.27. Under the Senator's bill the depositor could draw out only $4 interest and must leave 27 cents to be added to the principal of a hundred dollars, say, and be computed. I think it would be better to permit him to draw out all of his accrued interest at the end of the year if he wants to, even though it is a fraction of a dollar, and leave his principal sum even during the next year.

Mr. CARTER. The bill contemplates the computation of interest annually without any solicitation on the part of the depositor. That will be done by the department as a matter of course. And elsewhere the bill provides that the interest shall be added to and become a part of the principal. I can readily understand the point made by the Senator with reference to odd cents, but the bill of necessity would have to be recast in other directions in order to carry out that suggestion.

Mr. BURKETT. You would only have to say, in line 17, "or it is accrued interest."

Mr. FULTON. I should like to ask the Senator from Montana if as a matter of fact the language as it appears in the bill would not permit the drawing out of all the interest. It seems to me that "all withdrawals of deposits" has reference to the previous sentence. The previous sentence says:

> Any depositor may withdraw the whole or any part of the funds deposited to his or her credit, with the accrued interest.

Then the next sentence says:

> All withdrawals of deposits must be made in even dollars unless the account shall be closed.

But the "even dollars," I take it, refers to the deposit, money actually deposited, and of course the bill has said before that he may withdraw that and the accrued interest as well. So it seems to me that the language as it reads would authorize him to draw out the deposit in even dollars and the interest whether it was in even dollars or not.

Mr. CARTER. That construction might be made.

The VICE-PRESIDENT. The Senator from Montana proposes an amendment, which will be read.

The SECRETARY. In section 9, page 5, line 22, after the words "may prescribe," strike out the remainder of the section and insert:

> No national bank or other bank in which postal savings funds shall be deposited shall receive any exchange or any other fees or compensation on account of the cashing or collection of any checks or the performance of any other service in connection with the postal savings depository system.

The amendment was agreed to.

The Secretary resumed the reading of the bill.

The next amendment was, in section 10, page 6, line 3, to strike out "bank" and insert "depository," so as to make the section read:

> SEC. 10. That postal savings depository funds are hereby declared to be public moneys and subject to the safeguards and preferences provided by statute therefor. After their receipt from depositors they shall be exempt from demand, garnishment, execution, attachment, seizure, or detention under any legal process against the depositor thereof. Such funds shall not be subject to taxation by the United States or any State, and no person connected with the Post-Office Department shall disclose to any person other than the depositor the amount of his or her deposit, unless directed so to do by the Postmaster-General.

The amendment was agreed to.

Mr. CARTER. I move to amend section 10 by inserting in line 10——

Mr. CLAY. I ask the Senator to let the section go over. I want to prepare a new section.

Mr. CARTER. Very good. I desire to offer an amendment to perfect it.

Mr. CLAY. I have no objection to the amendment, but I want to prepare a new section for it.

The VICE-PRESIDENT. The Senator from Montana proposes an amendment, which will be stated.

The SECRETARY. On page 6, line 10, after the word "State," insert the words "county or municipality," so as to read:

> Such funds shall not be subject to taxation by the United States or any State, county, or municipality, and no person connected with the Post-Office Department shall disclose to any person other than the depositor the amount of his or her deposit, unless directed so to do by the Postmaster-General.

The amendment was agreed to.

The VICE-PRESIDENT. Section 10 will be passed over.

The next amendment was, in section 11, page 6, line 15, to strike out "bank" and insert "depository," and on page 7, line 9, to strike out "bank" and insert "depository," so as to make the section read:

> SEC. 11. That the Postmaster-General shall, as herein provided, deposit postal savings depository funds in national banks to be designated by him, at a rate of interest not less than 2½ per cent per annum. Such deposits shall be made in national banks in the States and Territories in which the funds are received, and when possible in the counties in which such funds are received, and, as far as practicable, in the immediate vicinity of the places at which funds are so received. If any bank in which such funds are so deposited shall become insolvent, such funds shall be a prior lien upon its assets and shall be first paid, to the exclusion of all other indebtedness of every kind and nature whatsoever. Where it is not practicable to deposit such funds in the counties, States, or Territories where they are received, they may be deposited in national banks at the nearest practicable points thereto or invested in state, territorial, county, or municipal bonds to be selected by the Postmaster-General with the approval of the Secretary of the Treasury and the Attorney-General. Interest and profits shall be applied first to the payment of interest accruing to depositors in postal savings depositories as hereinbefore provided, and the excess thereof, if any, shall be covered into the Treasury as part of the postal revenues. For the purposes of this act the word "Territory" as used herein shall be held to include the District of Columbia, the district of Alaska, and Porto Rico.

The amendment was agreed to.

Mr. CARTER. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. I desire to offer an amendment to section 11.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Add at the end of the section——

Mr. CARTER. I think it will come in after the word "whatsoever," line 1, page 7.

Mr. SMITH of Michigan. Very well, after the word "whatsoever."

The SECRETARY. On page 7, line 1, after the word "whatsoever," insert:

> Where it is not practicable or desirable to deposit such funds or any part of the same in national banks in the counties, States, or Territories where they are received, they may be deposited in the state banks in such counties, States, or Territories, taking as security therefor, on approval of the Postmaster-General, bonds or other interest-bearing obligations of any regularly organized county, municipality, or State, or of the United States.

Mr. SMITH of Michigan. Mr. President, I desire to propose this amendment because it would not be proper or right to take the funds from local post-offices deposited by the people and deposit them in the national banks remote from the home of the depositor. It would be a discrimination against the community where the deposit originated, and it would be very unfair to the people in that vicinity. I have a telegram from the commissioner of banking in Michigan, showing the character and importance of state banks, which reads as follows:

> LANSING, MICH., *December 15, 1908.*
>
> Hon. WILLIAM ALDEN SMITH,
> *Washington, D. C.*
>
> Michigan has 361 state banks and 6 trust companies. These have a total capital of $21,600,000 and deposits of $206,340,000.
>
> H. M. ZIMMERMAN,
> *Commissioner of Banking.*

Mr. KEAN. Will the Senator state how many savings banks there are in that number?

Mr. SMITH of Michigan. They are all savings banks. There are many communities in our State where there are no national banks. It would be very unfair and very unjust to collect these deposits from the post-offices and then cart them off into rival communities for the purpose of deposit in national banks, when state banks are locally available and equally substantial.

Mr. FULTON. Will the Senator permit me?

Mr. SMITH of Michigan. Certainly.

Mr. FULTON. I will say to the Senator from Michigan that I am in hearty sympathy with the spirit of the amendment he proposes, but it seems to me that it throws too severe restrictions around banks other than the national banks. I really do not see any reason why a national bank should be given any preference over any other bank that the Government thinks is entirely safe and responsible; and I would let them in on an

equal footing, with some safeguards, of course, as to ascertaining their soundness. But the language the Senator has employed rather indicates that only where they can not find satisfactory national banks shall the other banks be given the privilege of receiving these deposits. I do not think that ought to be done.

Mr. SMITH of Michigan. If the Senator will pardon me, I used the language employed in the amendment because it seemed to be the best I could do with the committee having the bill in charge. I talked the matter over with several Senators, and they thought this amendment a great improvement over the original bill, but there are some States where the examinations of state banks are not thorough and not satisfactory, where there is no good system prevailing. In those States lacking appropriate legislation I can conceive of deposits being made without security to the detriment of many of the depositors.

In the State of Michigan we have a system of examination that is far better than the national system. It is more thorough, more complete, and ample time is given to the examination of the state banks. The result is that our banks are prosperous and numerous. As this telegram from the commissioner of banking says, there are $206,000,000 of the people's money in those banks alone. I do not want to have those banks discriminated against in the deposit of these funds, if we can help it.

Mr. FULTON. Has not the Senator discriminated against them?

Mr. SMITH of Michigan. I think not; I want to make all deposits of this fund absolutely safe and secure, whether made in a state bank or a national bank.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Illinois?

Mr. SMITH of Michigan. Certainly.

Mr. HOPKINS. I desire to suggest to the Senator from Michigan, in answer to the inquiry made by the Senator from Oregon [Mr. FULTON], that the Federal Government having no control whatever over these state banks, it would be necessary, if we are to utilize them in this bill, to require restrictions and obligations upon those banks which are not exacted from national banks.

Mr. FULTON. I suggest to the Senator that the restrictions might be placed on some other basis than the language here employed would indicate. For instance, the language is—

> Where it is not practicable or desirable to deposit such funds or any part of the same in national banks.

That puts up a fence against the depositing in a state bank and renders it very rare that it would occur.

Now, to obviate what the Senator suggests—and I suppose there might be no objection to it—let it provide that when they offer approved security, or something of that character, they shall be given an equal opportunity with national banks to get the deposits.

Mr. SMITH of Michigan. Would the Senator from Oregon suggest that such language be employed as would be mandatory upon the Postmaster-General to deposit these funds pro rata in all the banks of the country?

Mr. FULTON. I would not make it mandatory.

Mr. SMITH of Michigan. I simply seek to prevent any discrimination against communities and against state banks properly supervised.

Mr. FULTON. I think language may be framed which would put them on the same footing, the conditions being such as to warrant the deposit.

Mr. HOPKINS. Mr. President, this amendment is too important to be adopted without mature deliberation, and I suggest to the Senator from Michigan that he have his amendment printed, and that this paragraph be passed over for the time, so that we can look into it carefully. Then if we find, as suggested by the Senator from Oregon, that it is imperfect, we will have an opportunity to perfect it before it becomes a part of the bill.

Mr. SMITH of Michigan. I am in thorough sympathy with the state banks' desire for a portion of the deposits, but do not want to commit the Federal Government to a proposition that is merely enterprising and not absolutely safe in its character.

Mr. McCUMBER. I hope the Senator from Michigan will liberalize his amendment very much indeed. I can see no reason why you should discriminate against state banks. I believe upon the whole the examinations in the state banks throughout the United States are just as thorough as they are in the national banks. If it is the object of the bill to keep the money in the town or place where it was collected, and there should be nothing but a state bank in that place, then I can see no reason for exacting from them a security different from what you would exact from the national banks.

Now, if you compel the state banks to get municipal or other bonds, the chances are a hundred to one that they have got to send the money to New York or some other large city in order to purchase the bonds to give the necessary security.

You may allow them to use such security as the Secretary of the Treasury may require, whether it be a bond that is given by individuals or whether it be a bond given by a security company, and then have a mandatory provision that the money shall be deposited in that city or town to the credit of any one of the banks that will take it on the 2 per cent, and in such proportion as their capital may be, or what other provision the Secretary may prescribe by the rules, but I certainly can see no reason why you should exact from the state banks a security and exact from national banks nothing whatever, when in many instances they are not as solvent as the state banks.

Mr. SMITH of Michigan. If the Senator will permit me a word, there is no uniformity either in law or regulation with respect to state banks throughout the country. They vary as the legislation of the various States varies. If there was uniformity of law in their organization, if there was uniformity of rule with reference to their regulation, management, and supervision, we might, by a general provision, liberalize the amendment. But that is not the case. I wish we might have uniformity among the States affecting all banking privileges.

Mr. FULTON. Will the Senator allow me to ask him right there——

Mr. SMITH of Michigan. If the Senator will pardon me, I do not believe there is a state bank under proper supervision and regulation of law that has not in its possession as a part of its assets a very large proportion of its deposits in real-estate mortgages, and bonds of one kind and another.

Mr. McCUMBER. I can answer that in my own State, where we have a great many state banks and national banks, none of them carry municipal bonds in their possession or anything of that character, because the value of money in that section of the country is so much greater, and the interest is so much greater, that all those securities are sent east and find their markets in the great cities of the country.

Mr. SMITH of Michigan. You carry a portion of your assets in real estate?

Mr. McCUMBER. No; they are not allowed to carry their assets in real estate, except for the bank building, and so forth.

Mr. SMITH of Michigan. In our State we are obliged to carry 51 per cent in real-estate security.

Mr. McCUMBER. That is not the rule in most of the States.

Mr. SMITH of Michigan. I think in a good many of the States they are obliged to carry a proportion of assets in tangible real-estate mortgages, and in that respect state banks differ from the national banks.

Mr. McCUMBER. That would not help out any in giving the security necessary to get the deposits. There will be nothing gained if you have got to turn into another channel an equal amount of money in order to get the deposits from that particular post-office.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Oregon?

Mr. SMITH of Michigan. Certainly.

Mr. FULTON. The more I think about it the more I believe it is the only good plan to require the same character of security from all the banks and make no distinction in regard to them.

Mr. SMITH of Michigan. State and national?

Mr. FULTON. National and state, and require each one of them to give approved security for the deposits. Then the one that can make the best showing and offer the best inducement will get the deposits. I do not see why there should be any distinction between state and national banks. As the Senator says, we know that many of the very best banks in the country in every State are what we call private banks or state banks.

Mr. SMITH of Michigan. But there is a distinction between state and national banks, and the bank that bids the most for deposits is not always the safest depository for trust funds.

Mr. FULTON. Certainly, there is a distinction between them.

Mr. SMITH of Michigan. There is an inherent distinction, and a great difference in management.

Mr. FULTON. Very well; but we need not recognize it if they give the same security.

Mr. SMITH of Michigan. But we must recognize it. We are legislators, not bankers.

Mr. FULTON. There is a distinction, of course, but it is not a distinction that need interfere if we require them all to give the same class of security.

Mr. SMITH of Michigan. My sole purpose is to perfect this legislation with impartiality.

Mr. CLAPP. I had supposed that that phase of the question was settled for the present.

Mr. SMITH of Michigan. I do not know how it is settled. It goes over under the rule.

Mr. FULTON. The Senator must have adopted what I said if he thought it was settled.

Mr. CLAPP. I desire to offer an amendment. The suggestion was made that this section should go over, but before that I wanted to offer an amendment to another part of the section when this is disposed of.

The VICE-PRESIDENT. The Senator from Michigan proposes an amendment, which will be read by the Secretary.

The SECRETARY. It is proposed to add, at the end of section 11, the following words:

Where it is not practicable or desirable to deposit such funds or any part of the same in national banks in the counties, States, or Territories where they are received, they may be deposited in the state banks in such counties, States, or Territories, taking as security therefor, on approval of the Postmaster-General, bonds or other interest-bearing obligations of any regularly organized county, municipality, or State, or of the United States.

Mr. HOPKINS. I ask that the amendment be printed and that it go over with the other amendments.

The VICE-PRESIDENT. The proposed amendment will be printed in the reprint of the bill as pending.

Mr. CLAPP. I have talked with the chairman of the committee on this subject. Complaint has come to me that under the bill as it is framed now the department might make the same rule that they make with regard to depositing public funds to-day, limiting the amount of deposit by the capital of the bank. They might not do it in this case, but I think to put it beyond any question I should submit an amendment. It comes in after the word "received," in line 22, page 6.

The VICE-PRESIDENT. The proposed amendment will be read.

The SECRETARY. In section 11, page 6, line 22, after the word "received," insert:

In selecting the bank in which a deposit is to be made, such bank shall be selected without regard to the capital stock thereof.

Mr. KEAN. Ought it not to be the amount of capital stock?

Mr. CLAPP. I will change that.

Mr. HOPKINS. I ask that the amendment may go over.

Mr. BURKETT. I understand that all the amendments are going over that are offered, outside of the committee amendments.

The VICE-PRESIDENT. The amendment will be regarded as pending, under the rule. The amendments can not be acted upon now.

Mr. BURKETT. It is my understanding that all the amendments offered, outside of the committee amendments, are pending, and go over under the rule.

Mr. CUMMINS. It is apparent that we have now met the vital part of the bill, and I have an amendment which I desire to propose. I ask that it be printed and go over.

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. CLAPP. I should like to ask that the words "amount of the" be inserted, so as to read "without regard to the amount of the capital stock thereof."

The VICE-PRESIDENT. That amendment will be included in the reprint. The Senator from Iowa offers an amendment, which will be read.

Mr. CUMMINS. It also refers to section 10, but it may be considered together.

The SECRETARY. It is proposed to strike out all of section 10 and also to strike out section 11 and to substitute therefor the following:

SEC. 10. That the Postmaster-General shall as herein provided deposit postal savings depository funds received at the post-office in any city, town, or village in the bank or banks organized under the national law, or a state or territorial law and doing business in such city, town or village; and if in any such city, town, or village there be no such bank, or if the funds have been received at a post-office not within a city, town, or village, then in the nearest bank or banks in the State or Territory: *Provided, however,* That no depository funds shall be deposited in any bank organized under a state or territorial law unless the laws of the State or Territory in which it is located require public supervision and examination: *And provided further,* That such examination shows the bank to be solvent not only as to creditors but with unimpaired capital.

Before a deposit is made in any bank as above authorized the bank shall agree to pay interest thereon computed upon the daily balance at the rate of not less than 2½ per cent per annum. Each bank receiving deposits under the authority of this act shall, from time to time, give such suitable bond or bonds, with surety or sureties, to be approved by the Postmaster-General, as will indemnify the Government against loss. If the banks herein described as the banks in which the funds are to be deposited refuse to accept a deposit or deposits upon the terms and conditions above prescribed, then and in such case the Postmaster-General may use any bank designated by him and complying with said terms and conditions for such deposit or deposits; or he may invest the same in state, territorial, county, or municipal bonds, to be selected by him with the approval of the Secretary of the Treasury and the Attorney-General. Interest and profits shall be applied first to the payment of interest accruing to depositors in postal savings depositories as hereinbefore provided, and the excess thereof, if any, shall be covered into the Treasury as part of the postal revenues. For the purposes of this act the word "Territory" as used herein shall be held to include the District of Columbia, the district of Alaska, and Porto Rico.

Strike out the figures "12," in line 15, on page 7, and substitute the figures "11."

Strike out the figures "13," in line 25, on page 7, and substitute the figures "12."

Strike out the figures "14," in line 9, on page 8, and substitute the figures "13."

Strike out the figures "15," in line 21, on page 8, and substitute the figures "14."

Strike out the figures "16," in line 8, on page 9, and substitute the figures "15."

Strike out the figures "17," in line 1, on page 10, and substitute the figures "16."

The VICE-PRESIDENT. Does the Senator from Iowa desire to have the amendment printed and lie on the table to be offered later?

Mr. CUMMINS. I desire to have it printed as the other amendments which have been proposed, and that it lie on the table to be considered at a future time.

The VICE-PRESIDENT. The amendment will be printed with the reprint of the bill.

Mr. CARTER. I ask that the bill, as amended, be printed, and that the reprint include the amendment to section 7 marked by brackets so as to indicate that the amendment is pending.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. GORE. I offer the amendment which I send to the desk and ask that it be read and lie on the table.

The VICE-PRESIDENT. The amendment intended to be proposed by the Senator from Oklahoma will be stated.

The SECRETARY. In section 11, page 7, line 1, after the word "whatsoever," it is proposed to insert the following:

Where it is not practicable to deposit such funds in any national bank or banks in the counties, States, or Territories where they are received they may be deposited on the terms and conditions herein above provided in any state bank, savings bank, or other banking association organized under the laws of the State or Territory where the deposits are received, whenever such banking association shall make application therefor and shall furnish security consisting of United State bonds or the bonds of any State, county, municipality, or Territory, or any other security which may be satisfactory to the Postmaster-General.

The VICE-PRESIDENT. The proposed amendment will be printed and lie on the table.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

Mr. ALDRICH. I should like to ask the Senator from Montana if the amendments of the committee have all been adopted?

Mr. CARTER. All except one that will be printed in the text in the appropriate place, marked "pending."

The VICE-PRESIDENT. The Chair would suggest that there are some pending committee amendments to the bill in the paragraphs of the bill not yet reached in the reading. The reading has not been completed beyond section 11.

Mr. CARTER. The committee has no further amendments to offer beyond section 11.

The VICE-PRESIDENT. There are several amendments indicated in the bill.

Mr. CARTER. They are formal amendments, changing the word "banks" to the word "depositories." I ask unanimous consent that those formal amendments be considered as agreed to all the way through the bill.

The VICE-PRESIDENT. Without objection, the formal amendments referred to will be considered as agreed to. The bill will be printed with the pending amendments appropriately indicated.

Mr. ALDRICH. Mr. President, I ask the Senator from Montana to yield to me for a moment. I desire to have printed in the RECORD a statement of the comparative number of banks of all classes in the United States in 1900 and 1908. There seems to be quite a misapprehension in some quarters as to the banking facilities of the people of the United States. We have 25,000 banks in the United States to-day. We had about 11,000 eight years ago. At the present rate of increase, I think there will be but very few communities in the United States which will not soon have adequate banking facilities. I ask that the statement I hold in my hand may be printed in the RECORD and also as a document. I make the same request as to the letter from the Postmaster-General, which I send to the desk.

The VICE-PRESIDENT. The Senator from Rhode Island asks that the table and the letter submitted by him be printed in

the RECORD and also as a document. Without objection, it is so ordered.

The statement and letter (S. Doc. No. 637) referred to are as follows:

Statement showing the number of national and other banks in the United States on or about June 30, 1900, and July 15, 1908, together with increase or decrease of each State.

States, etc.	June, 1900.[a]						July 15, 1908.[b]						Total decrease.	Total increase.
	National.	State.	Loan and trust.	Private.	Savings.	Total.	National.	State.	Loan and trust.	Private.	Savings.	Total.		
Maine	82	-------	17	-------	51	150	77	-------	39	-------	52	168	-------	18
New Hampshire	55	9	-------	-------	58	122	57	9	-------	-------	61	127	-------	5
Vermont	48	-------	-------	-------	41	89	51	-------	-------	-------	48	99	-------	10
Massachusetts	248	-------	34	-------	186	468	198	-------	52	-------	189	439	29	-------
Rhode Island	47	4	6	-------	29	86	22	3	12	-------	18	55	31	-------
Connecticut	83	8	14	-------	88	193	80	7	25	-------	87	199	-------	6
Total New England States	563	21	71	-------	453	1,108	485	19	128	-------	455	1,087	60	39
New York	335	200	59	15	128	737	423	200	88	7	137	855	-------	118
New Jersey	114	20	30	-------	26	190	173	18	75	-------	26	292	-------	102
Pennsylvania	452	95	97	28	14	686	765	130	327	16	14	1,252	-------	566
Delaware	19	2	2	-------	2	25	27	4	8	-------	2	41	-------	16
Maryland	69	26	6	6	18	125	101	54	10	6	17	188	-------	63
District of Columbia	12	-------	4	-------	4	20	11	-------	5	-------	11	27	-------	7
Total Eastern States	1,001	343	198	49	192	1,783	1,500	406	513	29	207	2,655	-------	872
Virginia	40	95	-------	-------	-------	135	105	235	-------	2	-------	342	-------	207
West Virginia	38	83	-------	-------	6	127	95	171	-------	1	1	268	-------	141
North Carolina	30	54	-------	25	9	118	68	260	-------	2	22	352	-------	234
South Carolina	16	27	-------	-------	11	54	29	211	-------	4	18	262	-------	208
Georgia	28	144	-------	9	-------	181	96	458	-------	11	-------	565	-------	384
Florida	15	23	-------	-------	1	39	39	98	-------	7	3	147	-------	108
Alabama	28	20	-------	-------	-------	48	76	187	-------	9	-------	272	-------	224
Mississippi	12	101	-------	-------	-------	113	29	316	-------	-------	-------	345	-------	232
Louisiana	20	56	-------	-------	2	78	36	182	-------	-------	-------	218	-------	140
Texas	207	-------	-------	41	2	250	533	319	-------	37	-------	889	-------	639
Arkansas	7	39	-------	3	-------	49	40	124	-------	-------	-------	164	-------	115
Kentucky	79	219	3	13	-------	314	145	426	26	-------	-------	597	-------	283
Tennessee	48	56	-------	-------	7	111	86	325	-------	-------	-------	411	-------	300
Total Southern States	568	917	3	91	38	1,617	1,377	3,312	26	73	44	4,832	-------	3,215
Ohio	266	164	-------	71	14	515	365	426	-------	196	3	990	-------	475
Indiana	117	96	12	68	5	298	242	257	91	198	5	793	-------	495
Illinois	233	155	-------	135	-------	523	409	417	3	157	-------	986	-------	463
Michigan	81	194	-------	48	-------	323	96	344	-------	56	-------	496	-------	173
Wisconsin	80	137	-------	127	1	345	130	443	12	-------	2	587	-------	242
Minnesota	76	188	6	47	11	328	262	607	4	14	14	901	-------	573
Iowa	177	214	-------	119	226	736	316	261	13	111	571	1,272	-------	536
Missouri	64	510	-------	90	-------	664	121	934	37	59	-------	1,151	-------	487
Total Middle States	1,094	1,658	18	705	257	3,732	1,941	3,689	160	791	595	7,176	-------	3,444
North Dakota	24	129	-------	-------	-------	153	131	421	-------	-------	-------	552	-------	399
South Dakota	26	109	-------	70	-------	205	89	431	-------	-------	-------	520	-------	315
Nebraska	108	405	-------	-------	-------	513	209	598	-------	14	11	832	-------	319
Kansas	103	384	-------	-------	-------	487	208	740	4	9	-------	961	-------	474
Montana	21	15	-------	6	-------	42	40	49	-------	5	-------	94	-------	52
Wyoming	13	9	-------	11	-------	33	30	43	-------	3	-------	76	-------	43
Colorado	37	30	-------	13	-------	80	114	64	11	51	8	248	-------	168
New Mexico	8	6	-------	-------	-------	14	41	26	-------	-------	-------	67	-------	53
Oklahoma	18	71	-------	-------	-------	121	308	494	-------	-------	-------	802	-------	681
Indian Territory	26	-------	-------	6	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------
Total Western States	384	1,158	-------	106	-------	1,648	1,170	2,866	15	82	19	4,152	-------	2,504
Washington	30	27	-------	8	-------	65	62	196	-------	4	-------	262	-------	197
Oregon	27	19	-------	2	-------	48	63	132	-------	6	-------	201	-------	153
California	38	178	-------	19	53	288	139	355	-------	19	133	646	-------	358
Idaho	9	8	-------	6	-------	23	38	114	-------	-------	-------	152	-------	129
Utah	11	20	-------	-------	9	40	20	56	-------	-------	-------	76	-------	36
Nevada	1	4	-------	1	-------	6	9	10	-------	3	-------	22	-------	16
Arizona	5	14	-------	-------	-------	19	13	29	-------	-------	-------	42	-------	23
Alaska	1	-------	-------	-------	-------	1	2	10	-------	-------	-------	12	-------	11
Total Pacific States	122	270	-------	36	62	490	346	902	-------	32	133	1,413	-------	923
Hawaii	-------	2	-------	2	-------	4	4	7	-------	-------	-------	11	-------	7
Porto Rico	-------	-------	-------	-------	-------	-------	1	9	-------	-------	-------	10	-------	10
Philippine Islands	-------	-------	-------	-------	-------	-------	-------	10	-------	-------	-------	10	-------	10
Total island possessions	-------	2	-------	2	-------	4	5	26	-------	-------	-------	31	-------	27
Total United States	3,732	4,369	290	989	1,002	10,382	6,824	11,220	842	1,007	1,453	21,346	60	11,024

NOTE.—Net gain, 10,964.

[a] Reports received from national banks June 29, 1900, and state and other banks on or about June 30, 1900.
[b] Reports received from national banks July 15, 1908, and state and other banks on or about June 30, 1908.

JANUARY 4, 1909.

MY DEAR SENATOR: In accordance with the request made when you called at the department a few days ago, I take great pleasure in sending you herewith a table showing the respective growth during recent years of the postal and other savings deposits of foreign countries.

In order to appreciate thoroughly the significance of the statistics brought together in this table, it is necessary that the rate of interest paid by postal savings banks in each of these countries should be taken into consideration. It will be found that wherever the postal savings banks are operated on a conservative basis the deposits in private savings banks have multiplied with great rapidity—usually much faster than those of the postal savings banks. It should also be borne in mind that the deposits in private banks, as shown in the table, are, except for the United Kingdom, savings deposits only and do not include the vastly larger amounts held on deposit by banks handling commercial accounts.

Mr. A. de Malarce, a political economist, in his "Historical Development of Post-Office Savings Banks," demonstrates that savings institutions fostered by private enterprise may exist and prosper side by side with postal savings banks. He says:

"It is worth mentioning in this connection that in a good many of the aforesaid countries the other well-administered savings banks have not ceased to prosper and to show steady progress, especially among the town populations, for instance in France, where the number of clients of private savings banks has risen from 4,199,228 to over 6,500,000 since the opening of the post-office savings bank in 1882."

I find that postal savings banks cater to a class of people distinct from those who patronize private institutions, and it is probable that a majority of these people would not deposit their savings at all but for the special facilities provided by their governments. To fully elucidate this point, I have only to quote from the 1907 report of the Comptroller of the Currency:

"That postal savings banks are favored by the smaller depositors is shown by comparison of the average deposit in postal savings banks

and all savings banks combined in those countries where both classes of institutions exist. Thus, in Austria the average savings account in the postal savings bank is only $22.39, against $187.32 in all savings banks. In Finland the average deposit in postal savings banks was $18.79, against $100.33 in all savings banks; in France $53.90, against $74.03; in Hungary $24.78, against $239.84; and in Russia $66.95, against $94.13."

If a corroboration of the comptroller's statement were needed, it could be found in this excerpt from L'Union Postale for September, 1904, relating to conditions in Austria, which typify those existing in many other countries:

"If the depositors are classed according to social position and profession, the largest participation is by children, school children, and students, who form 44 (1890, 48) per cent of all the depositors, which agrees with the above-mentioned preponderance of depositors below the age of 30. Artisans and laborers, with 14.3 (1890, 13) per cent, are more numerously represented than any other calling. Domestic servants also, with 8 per cent (as in 1890), form a not inconsiderable fraction of the clientele of the savings bank; 4.5 per cent of the deposit books belong to married women and widows; 2.1 per cent of the depositors are military men. State and parochial officers represent 1.5 per cent. The remaining 25.6 per cent are distributed among the members of a great variety of professions and callings, none of which, however, are especially predominant.

"These statistics prove that the savings bank finds special favor with the young. The number of children and school children who in 1893 made request for deposit books was 54,713.

"Of the above-mentioned books issued to youthful depositors, 432,839 were still in use at the end of 1893. The percentage among these books of accounts closed (39 per cent) is less than the usual percentage of accounts closed (46 per cent), a fact which shows the favorable influence which the impulse to save, given in youth, exerts in promoting constant habits of saving. The gratifying participation of youthful depositors which gives promise of good results in the future is ascribed in no small degree to the thankworthy efforts of the teachers and post-office officials. Namely, the rural letter carriers collect deposits when on their rounds. In 1893 they collected 42,452 separate sums, with a total value of 1,294,041.60 florins; in 1890 27,762 sums, value 962,376 florins."

A copy of a table showing rates of interest paid by the postal savings banks of foreign countries, which was originally compiled for Senator Carter, and formed part of a speech delivered by him in the Senate, is inclosed.

In Sweden alone, so far as I am able to learn, has there been any sustained decrease in postal savings deposits. The table made up for you shows a decrease in seven years of $2,512,445, and in the same time deposits in private savings banks increased $53,032,441. This appears to be primarily due to conditions which are epitomized in the following, taken from page 17 of the last annual report:

"Extract from an official report entitled 'Post-Office Savings Bank of Sweden in 1899:

"'Whereas in each of the fifteen previous financial years the amount of deposits exceeded that of the withdrawals, in 1899, on the contrary, the latter exceeded the former by not less than 6,132,286 crowns (a crown being equal to 26.8 cents). This unfavorable result is due on the one hand to the fact that private banks now also accept small deposits on terms much more advantageous than those of the post-office savings bank, as they allow depositors to withdraw higher sums without giving notice in advance. Accordingly a number of depositors who had invested their savings in the post-office savings bank when the rate of interest was higher than in private banks withdrew their capital to invest in the latter banks.'"

In Japan there has been an apparent decrease in seven years of $12,281,113 in the deposits of private savings banks, but this showing is probably largely the result of important changes in the banking system of Japan and the raising of their war loan.

The composite experience of other countries can not but confirm the wisdom of the provision in the proposed bill for the establishment of postal savings banks, which fixes the rate of interest at 2 per cent per annum.

Believe me,
Faithfully, yours, GEO. V. L. MEYER.

Hon. JULIUS C. BURROWS,
United States Senate.

Mr. PILES. I offer the amendment which I send to the desk, and ask that it be printed and lie on the table.

The VICE-PRESIDENT. The amendment intended to be proposed by the Senator from Washington will be stated.

The SECRETARY. In section 11, page 6, line 22, after the word "received," it is proposed to insert:

Where there are two or more national banks in the immediate vicinity each of such banks shall be designated as a depository, and deposits shall be made therein ratably according to their capital and surplus: *Provided*, That nothing herein contained shall require the Postmaster-General to make such deposits in any bank which he may deem to be unsafe.

The VICE-PRESIDENT. The amendment will be printed and lie on the table.

Mr. CARTER. Mr. President, it is frequently alleged, and I believe bankers sincerely believe, that the postal savings system which we here propose would injuriously affect the existing banks of the country. This is a prediction only, and, in order that the effect of like institutions upon the banks of other countries may be the better understood, I desire to have inserted in the RECORD a statement showing the amount of postal depository funds and the amount of deposits in other banks, from 1898 to 1905, inclusive, in Austria, France, Hungary, Italy, the Netherlands, Russia, Sweden, the United Kingdom, Canada, Japan, New South Wales, and New Zealand. A perusal of this paper will show that in actual experience, where the postal savings system exists, the banks are stronger, measured by their deposits as related to population and wealth, than before the adoption of the postal system.

I have likewise a table containing data showing the rate of interest, the minimum deposit allowed, the maximum deposit drawing interest, and the maximum of one account in the respective countries to which I have just referred. I ask that these tables be printed in the RECORD, following the statement of the Senator from Rhode Island.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Illinois?

Mr. CARTER. Certainly.

Mr. HOPKINS. I ask the Senator also——

Mr. CULLOM. I rise to inquire of the Senator from Montana whether I did not hear him suggest an executive session.

Mr. CARTER. I was about to make that motion, but I yielded to the Senator from Rhode Island.

Mr. CULLOM. If the Senator is going to make that motion I will not do so.

Mr. HOPKINS. Before that is done, I will ask the Senator from Montana if he will also have the figures that he has just presented to the Senate printed as a public document, so that we can have them in more convenient form than in the RECORD.

The VICE-PRESIDENT. Without objection, the tables presented by the Senator from Montana will be printed in the RECORD without reading——

Mr. CARTER. And also as a document.

The VICE-PRESIDENT. And without objection, they will be printed as a public document.

The tables referred to are as follows:

Savings deposits in foreign countries.

Country.	1898.			1905.			Increase.		
	Postal.	Other.	Total.	Postal.	Other.	Total.	Postal.	Other.	Total.
Austria	$24,076,951	$357,127,547	$381,204,498	$42,536,862	$1,044,260,773	$1,086,797,635	$18,459,911	$687,133,226	$705,593,137
France	[a] 162,932,086	[a] 661,429,700	[a] 824,361,786	[b] 258,374,735	[c] 702,125,872	960,500,607	95,442,649	40,693,172	136,138,821
Hungary	5,368,784	130,340,007	135,708,791	13,975,300	506,886,128	520,861,428	8,606,516	376,546,121	385,152,637
Italy	[d] 89,166,000	[d] 344,152,587	[d] 433,318,587	206,224,600	349,609,671	555,834,271	117,058,600	5,457,084	122,515,684
Netherlands	28,144,884	31,643,832	59,788,716	52,231,689	37,061,988	89,293,677	24,086,805	5,418,156	29,504,961
Russia	42,800,963	233,866,307	276,637,270	88,613,475	855,237,197	944,850,672	45,812,512	622,370,890	668,183,402
Sweden	17,161,004	111,337,103	128,498,107	14,648,559	164,369,544	179,018,103	[e] 2,512,445	53,032,441	50,519,996
United Kingdom	599,280,758	[f] 3,598,747,551	4,198,028,309	740,248,862	[f] 4,026,347,440	4,766,596,302	140,968,104	427,599,889	568,567,993
Canada	34,480,938	15,482,100	49,963,038	45,368,321	25,050,966	70,419,287	10,887,383	9,568,866	20,453,249
Japan	10,940,327	46,642,188	57,582,515	27,015,890	34,361,075	61,376,965	16,075,533	[e] 12,281,113	3,794,450
New South Wales	24,459,365	21,679,649	46,139,014	38,702,715	26,986,528	65,689,243	14,243,350	5,306,879	19,550,229
New Zealand	24,126,993	3,840,233	27,967,226	42,153,735	10,875,255	53,028,990	18,026,742	7,035,022	[g] 25,061,764

[a] 1897.
[b] 1906.
[c] 1907.
[d] 1895.
[e] Decrease.
[f] "Joint stock" banks. The banks of the United Kingdom which accept only savings deposits do not report on their operations, so that statistics concerning them are very incomplete.
[g] There is but one bank in New Zealand which may be properly termed a savings bank—the Savings Bank of Victoria—and it is operated in conjunction with the postal savings banks. Concerning this state of affairs a recent British official report states: "On June 30, 1905, the Savings Bank of Victoria, with which have been amalgamated the post-office savings banks, had 54 banks and branches with 328 agencies at post-offices in the States."

Data relating to the postal savings banks of foreign countries.

Country.	Rate of interest.	Minimum deposit.	Maximum drawing interest.	Maximum of one account.
EUROPE.				
Austria	3 per cent	[a] $0.203	$406.00	$406.00
Belgium	3 per cent up to $386; 2 per cent on excess	.193	No limit.	[b] No limit.
Bulgaria	4 per cent	.193	Individuals 386.00; Institutions 965.00	Individuals 386.00; Institutions 965.00
France	2½ per cent	.193	Individuals 289.50; Institutions 2,895.00	Individuals 289.50; Institutions 2,895.00
Hungary	3 per cent	.203	Individuals 812.00; Institutions 1,624.00	Individuals 812.00; Institutions 1,624.00
Italy	2.04 per cent [c]	.193	386.00	No limit.
Netherlands	2.64 per cent	[a] .1005	Individuals 482.40; Institutions 964.80	Individuals 482.40; Institutions 964.80
Sweden	3.6 per cent	.268	536.00	536.00
United Kingdom	2½ per cent	.243	[d] 973.30	973.30
NORTH AND SOUTH AMERICA.				
Bahamas	2½ per cent	.243	973.30	973.30
British Guiana	2.40 per cent	(f)	1,500.00	1,500.00
Canada	3 per cent	1.00	[e] 3,000.00	3,000.00
ASIA.				
British India	3 per cent and 3½ per cent [g]	.081	Adults 648.86; Minors 324.43	Adults 1,622.16; [h] Minors 1,297.73
Ceylon	2.4 per cent	.507	648.86	(i)
Straits Settlements	3 per cent	.487	731.27	731.27
Dutch East Indies	2.4 per cent	.1005	964.80	964.80
Japan	4.8 per cent	.05	249.00	(f)
AFRICA.				
Cape Colony	3 per cent	.243	2,919.90	2,919.90
Egypt	2½ per cent	Initial .989; Later .247	988.60	988.60
Orange River Colony	3 per cent	.243	2,433.25	2,919.90
Sierra Leone	2½ per cent	.243	2,433.25	2,433.25
Transvaal	3¼ per cent	.243	2,433.25	2,919.90
AUSTRALASIA.				
New South Wales	3 per cent	.243	2,433.25	Not given.
New Zealand	3½ per cent up to $1,459.95; 3 per cent on excess	.243	2,433.25	2,919.90

[a] This may consist of stamps of small denominations.
[b] Not more than $965 may be deposited in any period of two weeks by one person.
[c] In 1905. From 1876 to 1878 the interest rate was 3 per cent; 1879 to 1886, 3½ per cent; 1887 to 1895, 3¼ per cent; 1896 and 1897, 3 per cent; 1898 to 1901, 2.88 per cent; 1902 to 1904, 2.76 per cent.
[d] Not more than $243.32 may be deposited in any one year by any person.
[e] Not more than $1,000 may be deposited in any one year by any person.
[f] Minimum deposit not stated. The smallest amount upon which interest is paid is $5.
[g] Interest at the rate of 3 per cent is paid on deposits "at call;" at the rate of 3½ per cent on those requiring six months' notice of withdrawal.
[h] Not more than $389.32 may be deposited in any one year by one person.
[i] $324.43 yearly, or $973.30 in all, may be deposited by one person for investment in government bonds.
[j] Should more than $249 be deposited, the excess is invested in government bonds.

Mr. BURKETT. Mr. President, as I understand, the Senator from Rhode Island [Mr. ALDRICH] asked to have a statement printed in the RECORD. I have a statement which I had made up including not only the number of banks, but also the number of money-order post-offices and the population by States, the number of savings-bank depositors and the average deposits. I should like to have this printed also.

The VICE-PRESIDENT. The Senator from Nebraska asks unanimous consent that the statement presented by him be printed in the RECORD without reading. Without objection, it is so ordered.

The statement referred to is as follows:

Number of savings banks, number of commercial banks, total number of banks, number of money-order post-offices, population (estimated by government actuary), number of savings-bank depositors, and their average deposit in savings banks, by States, as shown by the records of the Comptroller of the Currency on or about June 30, 1908.

State.	Number savings banks.	Number commercial banks.	Total banks.	Money-order post-offices.	Population, estimated by government actuary.	Number savings banks' depositors.	Average to each depositor.
Maine	52	116	168	740	720,000	225,346	$379.43
New Hampshire	61	66	127	388	440,000	186,610	437.49
Vermont	48	51	99	394	351,000	159,841	378.46
Massachusetts	189	250	439	659	3,100,000	1,971,644	358.55
Rhode Island	18	37	55	109	510,000	121,561	547.79
Connecticut	87	112	199	363	1,050,000	539,873	473.75
Total New England States	455	632	1,087	2,653	6,171,000	3,204,875	392.38
New York	137	718	855	2,325	8,560,000	2,719,598	506.78
New Jersey	26	266	292	662	2,310,000	282,014	328.46
Pennsylvania	14	1,238	1,252	2,949	7,175,000	452,638	354.89
Delaware	2	39	41	85	197,000	31,396	281.25
Maryland	17	171	188	556	1,323,000	213,524	367.50
District of Columbia	11	16	27	1	350,000	46,871	129.17
Total Eastern States	207	2,448	2,655	6,578	19,915,000	3,746,041	460.45
Virginia		342	342	1,474	2,020,000		
West Virginia	1	267	268	888	1,118,000	4,858	226.32
North Carolina	22	330	352	977	2,120,000	36,492	157.85
South Carolina	18	244	262	528	1,500,000	21,698	363.71
Georgia		565	565	943	2,540,000		
Florida	3	144	147	624	660,000	4,209	200.09
Alabama		272	272	915	2,098,000		
Mississippi		345	345	811	1,783,000		

Number of savings banks, number of commercial banks, total number of banks, number of money-order post-offices, etc.—Continued.

State.	Number savings banks.	Number commercial banks.	Total banks.	Money-order post-offices.	Population, estimated by government actuary.	Number savings banks' depositors.	Average to each depositor.
Louisiana		218	218	668	1,612,000		
Texas		889	889	1,692	3,739,000		
Arkansas		164	164	854	1,458,000		
Kentucky		597	597	984	2,398,000		
Tennessee		411	411	832	2,239,000		
Total Southern States	44	4,788	4,832	12,190	25,285,000	67,257	$231.89
Ohio	3	987	990	1,622	4,572,000	99,668	541.10
Indiana	5	788	793	1,076	2,813,000	31,393	364.13
Illinois		986	986	1,624	5,675,000	617,782	[a] 293.57
Michigan		493	499	1,193	2,615,000		
Wisconsin	2	585	587	977	2,320,000	5,799	187.10
Minnesota	14	887	901	933	2,120,000	91,718	237.68
Iowa	571	701	1,272	1,239	2,240,000	364,523	364.17
Missouri		1,151	1,151	1,411	3,438,000		
Total Middle Western States	595	6,581	7,176	10,108	25,823,000	1,210,883	332.28
North Dakota		552	552	505	490,000		
South Dakota		520	520	413	490,000		
Nebraska	11	821	832	702	1,076,000	14,862	145.32
Kansas		961	961	989	1,640,000		
Montana		94	94	316	325,000		
Wyoming		76	76	182	110,000		
Colorado	8	240	248	498	640,000	10,775	311.00
New Mexico		67	67	245	226,000		
Oklahoma		802	802	893	1,291,000		
Total Western States	19	4,133	4,152	4,743	6,288,000	25,637	215.00
Washington		262	262	616	650,000		
Oregon		201	201	479	494,000		
California	133	513	646	1,198	1,700,000	451,155	564.54
Idaho		152	152	310	229,000		
Utah		76	76	213	332,000		
Nevada		22	22	119	42,000		
Arizona		42	42	151	153,000		
Alaska		12	12	37	90,000		
Total Pacific States	133	1,280	1,413	3,123	3,690,000	451,155	564.54

[a] Included in abstract of state banks having savings departments.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at 4 o'clock and 10 minutes p. m.) the Senate adjourned until tomorrow, Thursday, January 7, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 6, 1909.

COLLECTOR OF CUSTOMS.

Frederick S. Stratton, of California, to be collector of customs for the district of San Francisco, in the State of California. (Reappointment.)

PROMOTION IN THE ARMY.

INFANTRY ARM.

First Lieut. G. Arthur Hadsell, Nineteenth Infantry, to be captain from December 24, 1908, vice Minus, Sixteenth Infantry, retired from active service.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants, with rank from January 4, 1909.

James M. Anders, of Pennsylvania.
William Easterly Ashton, of Pennsylvania.
L. Webster Fox, of Pennsylvania.
Ernest Laplace, of Pennsylvania.
Charles Alfred Lee Reed, of Ohio.
William Louis Rodman, of Pennsylvania.
John V. Shoemaker, of Pennsylvania.

COAST ARTILLERY CORPS.

Robert Clifton Garrett, of New Mexico, to be second lieutenant, with rank from January 4, 1909.

PROMOTIONS IN THE NAVY.

Asst. Paymaster Leon N. Wertenbaker to be a passed assistant paymaster in the navy from the 8th day of July, 1908, upon the completion of three years' service in present grade.

Second Lieut. Harold H. Utley to be a first lieutenant in the United States Marine Corps from the 10th day of July, 1908, vice First Lieut. Albert N. Brunzell, promoted.

POSTMASTERS.

ARIZONA.

W. Weiss to be postmaster at Clifton, Ariz., in place of Hugh M. Watson, resigned.

COLORADO.

Claude B. Carter to be postmaster at Leadville, Colo., in place of John Alfred, deceased.

CONNECTICUT.

Jerome S. Gainer to be postmaster at Noroton Heights, Conn. Office became presidential January 1, 1909.

GEORGIA.

William C. Cole to be postmaster at Lawrenceville, Ga., in place of William C. Cole. Incumbent's commission expires January 13, 1909.

William R. Watson to be postmaster at Lithonia, Ga., in place of William R. Watson. Incumbent's commission expired December 13, 1908.

ILLINOIS.

Omer N. Custer to be postmaster at Galesburg, Ill., in place of Francis A. Freer, deceased.

George M. Thompson to be postmaster at Bement, Ill., in place of George M. Thompson. Incumbent's commission expires January 11, 1909.

Joel P. Watson to be postmaster at Ashley, Ill., in place of Joel P. Watson. Incumbent's commission expired December 12, 1908.

KANSAS.

John P. Lang to be postmaster at Sylvan Grove, Kans. Office became presidential January 1, 1909.

Floyd E. Richmond to be postmaster at Logan, Kans., in place of Floyd E. Richmond. Incumbent's commission expires January 9, 1909.

Warren D. Vincent to be postmaster at Hoisington, Kans., in place of Warren D. Vincent. Incumbent's commission expired December 13, 1908.

LOUISIANA.

Edgar A. Barrios to be postmaster at Lockport, La. Office became presidential January 1, 1909.

MASSACHUSETTS.

George A. Birnie to be postmaster at Ludlow, Mass., in place of George A. Birnie. Incumbent's commission expires January 23, 1909.

Charles E. Brady to be postmaster at Sandwich, Mass., in place of Charles E. Brady. Incumbent's commission expired December 8, 1908.

MICHIGAN.

Oliver D. Carson to be postmaster at Galesburg, Mich., in place of Oliver D. Carson. Incumbent's commission expired December 12, 1908.

Frank A. Kenyon to be postmaster at East Jordan, Mich., in place of Frank A. Kenyon. Incumbent's commission expired December 12, 1908.

Newton E. Miller to be postmaster at Athens, Mich. Office became presidential January 1, 1909.

MINNESOTA.

William H. Smith to be postmaster at Cambridge, Minn., in place of William H. Smith. Incumbent's commission expires January 23, 1909.

MISSOURI.

Elmer E. Hart to be postmaster at Eldon, Mo., in place of Elmer E. Hart. Incumbent's commission expires January 21, 1909.

Francis M. Jones to be postmaster at Winona, Mo. Office became presidential January 1, 1908.

John A. Knowles to be postmaster at Flat River, Mo., in place of John A. Knowles. Incumbent's commission expires January 14, 1909.

MONTANA.

Emma Dimmick to be postmaster at Eureka, Mont. Office became presidential January 1, 1909.

Henry I. Grant to be postmaster at Columbus, Mont. Office became presidential January 1, 1909.

Benjamin T. Stevens to be postmaster at Harlowton, Mont. Office became presidential January 1, 1909.

NEVADA.

Eugene L. Dutertre to be postmaster at Golconda, Nev. Office became presidential January 1, 1909.

OHIO.

Charles E. Ainger to be postmaster at Andover, Ohio, in place of Charles E. Ainger. Incumbent's commission expired December 13, 1908.

John C. Burrow to be postmaster at Cortland, Ohio, in place of John C. Burrow. Incumbent's commission expired December 13, 1908.

OKLAHOMA.

William T. Barrett to be postmaster at Carmen, Okla., in place of William T. Barrett. Incumbent's commission expires January 9, 1909.

OREGON.

Ella V. Powers to be postmaster at Canyon City, Oreg. Office became presidential January 1, 1909.

PENNSYLVANIA.

Julia C. Gleason to be postmaster at Villanova, Pa., Office became presidential January 1, 1909.

SOUTH DAKOTA.

John D. Cotton to be postmaster at Parker, S. Dak., in place of John D. Cotton. Incumbent's commission expired May 7, 1906.

TEXAS.

Lyman E. Robbins to be postmaster at Quanah, Tex., in place of Lyman E. Robbins. Incumbent's commission expires January 10, 1909.

UTAH.

James Clove to be postmaster at Provo, Utah, in place of James Clove. Incumbent's commission expired December 14, 1908.

VERMONT.

David K. Simonds to be postmaster at Manchester, Vt., in place of David K. Simonds. Incumbent's commission expired December 12, 1908.

WEST VIRGINIA.

Paul H. Metcalf to be postmaster at Williamstown, W. Va. Office became presidential January 1, 1909.

WISCONSIN.

Charles E. Bartlett to be postmaster at Cameron, Wis. Office became presidential January 1, 1909.

Frank K. Havens to be postmaster at Prescott, Wis. Office became presidential January 1, 1909.

Alfred S. Otis to be postmaster at Maiden Rock, Wis. Office became presidential January 1, 1909.

James W. Simmons to be postmaster at Corliss, Wis. Office became presidential April 1, 1908.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 6, 1909.

JUDGES OF THE CIRCUIT COURT OF HAWAII.

John A. Matthewman, of Hawaii, to be judge of the circuit court of the third circuit of the Territory of Hawaii.

J. Hardy, of Hawaii, to be judge of the circuit court of the fifth circuit of the Territory of Hawaii.

Charles F. Parsons, of Hawaii, to be judge of the circuit court of the fourth circuit of the Territory of Hawaii.

PROMOTIONS IN THE NAVY.

The following-named midshipmen to be ensigns in the navy from the 13th day of September, 1908:

Gardner L. Caskey,
John B. Rhodes,
Philip G. Lauman,
Arthur W. Frank,
Albert C. Read,
George H. Bowdey,
Ralph T. Hanson,
Robert A. Theobald,
Richard Hill,
Fletcher C. Starr,
William L. Beck,
Alfred W. Brown, jr.,
Frank Russell,
Guy E. Baker,
John A. Monroe,
William F. Newton,
David A. Scott,
Willis W. Bradley, jr.,
David G. Copeland,
Raymond A. Spruance,
Calvin P. Page,
Earle F. Johnson,
Henry K. Hewitt,
Felix X. Gygax,
Guy E. Davis,
Weyman P. Beehler,
Lemuel M. Stevens,
Warren C. Nixon,
John W. W. Cumming,
Charles R. Clark,
Chester H. J. Keppler,
Charles A. Dunn,
Frederick W. Milner,
Charles G. Davy,
Horace T. Dyer,
Charles C. Gill,
Augustin T. Beauregard,
Damon E. Cummings,
Russell S. Crenshaw,
Robert A. Burford, jr.,
Warren G. Child,
Herbert S. Babbitt,
William H. Lee,
Bryson Bruce,
William P. Williamson,
Randall Jacobs,
Vaughn V. Woodward,
Richard S. Edwards,
Robert T. S. Lowell,
Clyde R. Robinson,
Richard T. Keiran,
Ralph C. Needham,
James B. Howell,
Charles C. Slayton,
John H. Hoover,
Louis H. Maxfield,
Raymond F. Frellsen,
William H. Walsh,
Alfred W. Atkins,
Claude A. Jones,
Harry Campbell,
George W. Kenyon,
Allan S. Farquhar,
Lucien F. Kimball,

Harold M. Bemis,
John M. Schelling, and
Bert B. Taylor.

REAR-ADMIRAL.

Capt. William W. Kimball to be a rear-admiral in the navy.

POSTMASTERS.

CALIFORNIA.

Josiah R. Baker to be postmaster at Antioch, Cal.

FLORIDA.

Enoch E. Skipper to be postmaster at Bartow, Fla.

OREGON.

Jesse N. Baskett to be postmaster at Freewater, Oreg.
Nathan E. Chambless to be postmaster at Arleta, Oreg.
Charles W. Merrill to be postmaster at Bend, Oreg.
George M. Richey to be postmaster at Lagrande, Oreg.

WEST VIRGINIA.

Joseph Williams to be postmaster at St. Marys, W. Va.

WASHINGTON.

Samuel F. Street to be postmaster at Edmunds, Wash.

ARBITRATION WITH ARGENTINE REPUBLIC.

The injunction of secrecy was removed from an arbitration convention between the United States and the Argentine Republic, signed at Washington on December 23, 1908.

ARBITRATION WITH THE REPUBLIC OF SALVADOR.

The injunction of secrecy was removed from an arbitration convention between the United States and the Republic of Salvador, signed at Washington on December 21, 1908.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 6, 1909.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I am directed by the Committee on Appropriations to report the District of Columbia appropriation bill, making appropriations for the expenses of the District for the fiscal year ending June 30, 1910.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 25392) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes.

Mr. BOWERS. Mr. Speaker, I desire to reserve all points of order on the bill.

The SPEAKER. The gentleman from Mississippi reserves all points of order on the bill, which bill is referred to the Committee of the Whole House on the state of the Union.

Mr. GARDNER of Michigan. Mr. Speaker, I desire to give notice I will call up this bill for consideration to-morrow morning.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will proceed to call the next committee.

When the Committee on Military Affairs was called,

ARMY OFFICERS WITH INCREASED RANK.

Mr. HULL of Iowa. Mr. Speaker, I desire to call up the bill S. 653.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 653) to authorize commissions to issue in the cases of officers of the army retired with increased rank.

Be it enacted, etc., That officers of the army on the retired list whose rank has been, or shall hereafter be, advanced by operation of or in accordance with law shall be entitled to and shall receive commissions in accordance with such advanced rank.

Mr. HULL of Iowa. Mr. Speaker, I desire to move an amendment, I do not know the line in the Senate bill, but to insert after the word "Army" the words "Navy and Marine Corps" so that it will read, "officers of the Army, Navy, and Marine Corps."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 3, after the word "Army," insert the words "Navy and Marine Corps."

Mr. MANN. Mr. Speaker, before the amendment is offered I wish the gentleman would give the reasons for the bill.

Mr. PAYNE. I wish he would give the reasons and also the result.

Mr. HULL of Iowa. Under the act of April 23, 1904, officers of the army who have served in the civil war, whether on the active or retired list, were advanced one grade. In other words, a captain became a major, with rank, pay, and allowances. The navy had already passed a bill of this kind affecting the naval active officers and afterwards passed one affecting retired officers. Now, those who are on the active list of the army get this rank, pay, and commission and those on the retired list get the rank and pay, but have no commission. Now, officers of the army on the retired list would like to have a commission. It does not increase the rank or pay. The Naval Committee requested the same action in regard to the officers on the retired list of the navy and the chairman of the Committee on Naval Affairs, and, I think, all the other members of the committee, united in requesting this amendment being offered, and said if I would notify them when it came up they would be glad to offer it. It places all on an equality and has no effect except to give a commission and the rank and pay to which the Congress of the United States has already advanced them.

Mr. MANN. If the Congress has advanced them to this rank, why do not they have a commission? What is the purpose of the bill? I have read this bill and read the report of the War Department, but can not get it through my head yet what they want and why they want it and what good it will do.

Mr. HULL of Iowa. The purpose of the bill is——

Mr. MANN. I can not get it through my head yet what they want.

Mr. HULL of Iowa. It gives them a commission. It gives them no additional pay. It gives them a commission the same as if they had been on the active list.

Mr. MANN. Take the case that was referred to in the newspapers a few days ago, and will the gentleman tell us how it will operate in that case? The papers stated a few days ago that a certain officer of the army had been declared to be incapable physically of promotion in the army, and thereupon he was ordered retired because of his physical incapacity at a higher grade than he then had, in order that he might accompany the President to Africa, where I suppose physical capacity is as much required as in any other place. Is it possible under existing law for such a thing as that to occur, or is that a newspaper mistake?

Mr. HULL of Iowa. I want to say that as far as this bill is concerned it would not affect that case in the slightest degree one way or the other. The man he refers to has no civil-war record. If the gentleman will remember, we passed an act that was approved April 23, 1904, as follows:

That any officer of the army below the grade of brigadier-general, who served with credit as an officer, or any enlisted man in the Regular or Volunteer forces during the civil war prior to April 9, 1865, otherwise than as a cadet, and whose name is borne on the official register of the army, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service, or on account of age or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the army with the rank and retired pay of one grade above that actually held by him at the time of retirement.

Now, the case the gentleman refers to has nothing whatever to do with this bill, and under no circumstances could he be a beneficiary of it.

Mr. MANN. That may be a matter of argument.

Mr. HULL of Iowa. No; it is not.

Mr. MANN. If the gentleman is positive about it, I will take his assurance, and perhaps he will give further assurance then. The statement in the papers was that this man had been retired, on three-quarters pay, I suppose, at an advanced grade; and that he was now ordered to duty at his full pay at the advanced grade in order to accompany the President to Africa. I take it that it is not possible, not intended, and that it was a newspaper story, but I would like the authority of the gentleman.

Mr. HULL of Iowa. I want to say to the gentleman, under the laws of this country, if a man serves up to the time he is entitled to promotion and a vacancy occurs, and he is not able to discharge the duties on account of physical disabilities, he is promoted to that and retired at the grade he has earned by service. That is the case, probably, of this officer. That is the present law. The case we are legislating on now refers to those officers of the Army, Navy, and Marine Corps who had creditable service in the civil war otherwise than as a cadet.

Mr. MANN. I wanted to get the gentleman to deny this libel on the President.

Mr. HULL of Iowa. The gentleman wants me to deny something I do not know anything about.

Mr. MANN. Is it possible under the existing law to advance a man one grade on the ground that he is physically incapacitated, retire him on three-quarters pay, and thereupon immediately order him to accompany an ex-President of the United States, on full pay, at an advanced grade, in some foreign country?

Mr. HULL of Iowa. Mr. Speaker, it is possible to retire him at an advanced grade if he has earned the grade before being retired and served right up to that. It is not possible, in my judgment, to order any retired officer on any duty of that character.

Mr. MANN. Or any officer.

Mr. HULL of Iowa. Or any other officer. No; I should say he had no power, and yet it is hard to tell just where the limitation comes on the power of the President as Commander in Chief of the Army and Navy to order an officer anywhere or a ship anywhere. The President has entire charge of it.

Mr. MANN. No; I do not think the President has issued any such order. I was calling attention to the newspaper report that the present President had ordered an army officer to accompany the ex-President after the President's term had expired.

Mr. HULL of Iowa. I would say not.

Mr. CLARK of Missouri. Perhaps he discovered some miraculous cure after he got his promotion.

Mr. HULL of Iowa. This is a very common thing for officers who have served right up to the time and are entitled to the grade on retiring. The only question, as I understood the gentleman from Illinois, was, Has this order been taken some advantage of? I should say not. I do not believe it has.

Mr. MANN. I do not believe it has. I believe it is a libel on the President.

Mr. HULL of Iowa. I have no information on the subject.

Mr. MANN. I have not heard of anybody being placed in the "Ananias Club" on account of it, and I thought I would ask for information.

Mr. HULL of Iowa. If you should go to work and credit every statement that has been seen in the newspapers, the membership of the "Ananias Club" would be a majority and the rest of us would be in a bad fix. [Laughter.]

Mr. MADDEN. Does this bill deal with officers of the civil war who are not graduates of the Military Academy?

Mr. HULL of Iowa. Oh, yes.

Mr. MADDEN. By this bill do you place all such officers who served in the civil war, on the pay roll of the Government, on the retired list?

Mr. HULL of Iowa. No, sir. Those who served during the civil war and were then appointed to the Regular Army and served in the Regular Army until they were retired are now on the retired list as of the Regular Army.

Mr. MADDEN. Why does not this bill place the men who served in the civil war as officers, and performed valiant services for the country, who were not appointed officers in the Regular Army, but have been making their livelihood by other means since the war—why were they not included in this proposition? Are they not entitled to it?

Mr. HULL of Iowa. It would be impossible to include all the officers that the gentleman speaks of in a bill of this character.

Mr. MADDEN. Why?

Mr. HULL of Iowa. This bill is only to give commissions to men who already have the rank and pay as retired officers. It simply provides for issuing a commission to them, for a position Congress has already given them. The other bill deals with a very different proposition.

Mr. MADDEN. Why?

Mr. HULL of Iowa. It is to create another line of officers on the retired list, practically another retired list. This simply gives these men a commission for a position of which they have the regular rank and pay now.

Mr. MADDEN. So that you have already given them retired pay and now wish to commission them as officers one grade above their rank while in the service. What is the need for that?

Mr. HULL of Iowa. If they had to give up the rank and pay to get the commission, they would say, let the commission go.

Mr. MADDEN. And yet the men in the volunteer service of the country during the civil war, who rendered as valiant service as these men, who were not assigned to the Regular Army and placed in positions similar to the ones they occupied in the civil war, are still ignored and no action taken for their relief.

Mr. HULL of Iowa. I happen to be one of those men myself. There is a bill pending before the Military Committee of the House and Senate creating an additional retired list of the army and navy of the country.

Mr. MADDEN. Why is it that that bill has not been reported?

Mr. HULL of Iowa. Because a majority of the committee did not believe it to the best interests of the Government.

Mr. SLAYDEN. And it would mean ultimately $100,000,000.

Mr. HULL of Iowa. Not that much.

Mr. MADDEN. But you are giving officers already on the retired list additional honors, and yet the men that I have spoken of have not been given any consideration whatever.

Mr. HULL of Iowa. We had passed a bill giving them the increased rank and pay, and the War and Navy departments claimed that it was not necessary to issue them a commission at that time, and this bill is simply for the purpose of issuing them a commission for the position of which they already have the rank and pay.

Mr. MADDEN. I should like to see the veteran officers of the civil war taken care of, and I hope the Committee on Military Affairs will report in favor of placing them on the retired list.

Mr. HULL of Iowa. I shall be delighted to have the eloquent voice of my friend from Illinois raised in defense of that bill when it is up for consideration; but until it comes before the House it is hardly a subject for discussion.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

Mr. HULL of Iowa. Mr. Speaker, I move to amend the title of the bill by inserting after the word "Army" the words "Navy and Marine Corps."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend the title by inserting after the word "Army" the words "Navy and Marine Corps."

The amendment was agreed to.

On motion of Mr. HULL of Iowa, a motion to reconsider the vote by which the bill was passed was ordered to lie on the table.

The SPEAKER pro tempore. The Clerk will resume the call of committees.

The Committee on Indian Affairs was called.

CERTAIN SHAWNEE AND DELAWARE INDIANS.

Mr. SHERMAN. Mr. Speaker, I desire to call up the bill (H. R. 14399) conferring jurisdiction on the Court of Claims to determine the amount due certain Shawnee and Delaware Indians of the United States.

The bill was read, as follows:

Be it enacted, etc., That jurisdiction be, and it is hereby, conferred on the Court of Claims of the United States, subject to appeal to the Supreme Court, to determine the amounts of the losses sustained by the individual Shawnee and Delaware Indians in the years 1861 to 1866, inclusive, by depredations against their property at the hands of United States soldiers and white citizens of the United States while said Indians were peaceably and in amity with the United States occupying their own reservations in Kansas and the Indian Territory.

SEC. 2. That said court in determining said losses shall hear evidence as in other cases within its general jurisdiction and rules, and shall also consider the evidence taken by Indian Agent Abbott mentioned in the letter of date January 23, 1867, by Lewis V. Bogy, Commissioner of Indian Affairs, to Hon. O. H. Browning, Secretary of the Interior, and filed in the Court of Claims in the suit of Johnson Blackfeather, principal chief of the Shawnee Indians, against the United States, No. 1710; and all the evidence duly taken in said suit shall be considered by the Court of Claims in determining said losses.

SEC. 3. That said Indians may within six months from the approval of this act, through a committee of three of their number selected by themselves, after notice of thirty days in the principal newspapers published nearest their homes, file their petition in said court, setting up their losses and sue for the same.

With the following proposed committee amendments:

On line 5, page 1, after the word "to" and before the word "determine," insert the words "find, adjudicate, and."

On line 12, page 1, after the word "Territory," insert the words "and render judgment therefor against the United States in favor of such individual Indian, his or her heirs or legal representatives, as hereinafter provided."

On line 12, page 2, after the word "said," insert the word "individual."

After line 17, page 2, add:

"SEC. 4. In rendering the judgments provided for in section 1 of this act against the United States in favor of the individual Indians, the court shall ascertain and fix the just amount of attorney's fees in each case, under any written contracts by them executed, and in its decree set apart the same out of the amount due to each individual Indian and cause a separate judgment warrant to issue to the claimant and his attorney in full payment for his services in this behalf to such individual Indian, his heirs or legal representatives."

Mr. MANN. Mr. Speaker, I make the point of order against the bill that it does not properly belong on the House Calendar, but does belong on the Union Calendar.

The SPEAKER pro tempore. The Chair will hear the gentleman from Illinois on his point of order.

Mr. MANN. Rule XXIII, clause 3, provides that all bills referring claims to the Court of Claims shall be considered in Committee of the Whole; also, that all motions or propositions involving a tax or charge upon the people shall be considered in Committee of the Whole. The purpose of this bill is to confer on the Court of Claims authority to determine the amounts of losses sustained by certain claimants, and at the top of page 2 the proposed committee amendment says:

And render judgment therefor against the United States in favor of such individual Indian, his or her heirs or legal representatives, as hereinafter provided.

A similar bill was before the House yesterday, except that in that bill there was not a direct reference to the Court of Claims. The Speaker yesterday held that where a bill authorizes a judgment to be entered against the United States it involves a tax upon the people, and hence must be considered in Committee of the Whole; but this bill expressly provides for reference of claims to the Court of Claims and comes within the provisions of clause 3 of Rule XXIII.

The SPEAKER pro tempore. Does the gentleman from New York [Mr. SHERMAN] desire to be heard on the point of order?

Mr. SHERMAN. I do not, Mr. Speaker. I found the bill on the House Calendar. I have not looked at it closely. I intended to yield to the gentleman from Indiana [Mr. CHANEY], the introducer of the bill, and to the gentleman from Oklahoma [Mr. MCGUIRE], who reported the bill, to discuss the merits of it. I had not recently read the bill.

The SPEAKER pro tempore. The Chair sustains the point of order. The bill will be referred to the Union Calendar.

SHAWNEE TRAINING SCHOOL, SHAWNEE, OKLA.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to call up House resolution 384, reported from the Committee on Indian Affairs.

The SPEAKER pro tempore. The gentleman from Texas, a member of the Committee on Indian Affairs, calls up a House resolution, which the Clerk will report.

The Clerk read House resolution 384, as follows:

Resolved, That the Secretary of the Interior is hereby respectfully requested, if not incompatible with the public interest, to furnish the House of Representatives of the United States the names of the employees at the Shawnee Training School, at Shawnee, Okla., giving the sex of each employee and the compensation paid each; the total annual appropriation and expenditure made for the said school; a description of all the buildings at said school and how occupied January 1, 1908; the maximum attendance for 1907; the name of the tribe or band to which each of the several Indian pupils belong; the cost of buildings, and of any water, sewer, or lighting plant; the total number of enrolled Indians under the jurisdiction of the superintendent in charge of said school, and the tribe, sex, and place of residence of each of said Indians; the number of Indian allottees within said jurisdiction who are now citizens of the State of Oklahoma and were actually residing upon their original allotments January 1, 1907, giving the number of each allotment so occupied, and state the number of children said allottees have in said training school, and the counties of their respective residences.

And he is further requested to advise the House whether or not Indians of any other tribe or tribes than the Shawnee, Pottawatomie, and Kickapoos have been enrolled to attend the said school during the years 1906 and 1907; and if so, the number and to what tribe they belong, and whether or not their parents have their lands allotted to them and are voters and citizens of the State of Oklahoma.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to have read the resolution substituted by the Committee on Indian Affairs.

The Clerk read as follows:

The Committee on Indian Affairs, having considered House resolution 384, which reads as follows:

"*Resolved*, That the Secretary of the Interior is hereby respectfully requested, if not incompatible with the public interest, to furnish the House of Representatives of the United States the names of the employees at the Shawnee Training School, at Shawnee, Okla., giving the sex of each employee and the compensation paid each; the total annual appropriation and expenditure made for the said school; a description of all the buildings at said school and how occupied January 1, 1908; the maximum attendance for 1907; the name of the tribe or band to which each of the several Indian pupils belong; the cost of buildings, and of any water, sewer, or lighting plant; the total number of enrolled Indians under the jurisdiction of the superintendent in charge of said school, and the tribe, sex, and place of residence of each of said Indians; the number of Indian allottees within said jurisdiction who are now citizens of the State of Oklahoma and were actually residing upon their original allotments January 1, 1907, giving the number of each allotment so occupied, and state the number of children said allottees have in said training school, and the counties of their respective residences.

"And he is further requested to advise the House whether or not Indians of any other tribe or tribes than the Shawnee, Pottawatomie, and Kickapoos have been enrolled to attend the said school during the years 1906 and 1907; and if so, the number and to what tribe they belong, and whether or not their parents have their lands allotted to them and are voters and citizens of the State of Oklahoma."

reports the same back to the House, with the recommendation that it do pass.

Mr. STEPHENS of Texas. Mr. Speaker, I ask that the resolution just read be substituted for the original resolution.

Mr. MANN. I would like to call the attention of the gentleman from Texas to the fact that this is precisely the same resolution that was read, word for word and letter for letter.

The SPEAKER pro tempore. The proposed amendment is word for word like the resolution.

Mr. STEPHENS of Texas. This was substituted by a subsequent bill.

Mr. MANN. Then this is the amended resolution?

Mr. STEPHENS of Texas. Yes; I ask for the passage of the original resolution.

The SPEAKER pro tempore. Without objection, the amendment will be withdrawn, and the question is on agreeing to the original resolution.

Mr. STEPHENS of Texas. Mr. Speaker, this resolution calls for information as to what is the cost of educating Indians at this special school in Oklahoma. This is a nonreservation school. We are spending a great deal of money in different parts of the United States in these nonreservation schools, and I believe the Government should adopt the policy of transferring the nonreservation schools to the States and Territories where they are situated and make industrial schools of them for the whites as well as the Indians. We can in that way educate the Indians and whites together. A great many of the Indians are already citizens of the United States, or at least their parents are, and some of them are voters and some officeholders. I see no reason why we should make any distinction between the red man and the white man. After the Indian becomes a citizen and voter, the State and not the United States should educate them. Since Oklahoma has been organized as a State this Shawnee nonreservation Indian school, and all other Indian schools having in them children of citizens of the State, should be educated by the State. These schools cost us a great deal of money, and it should be paid by the State, and thereby become a part of the educational system of the State. Let this Government have the same right to control the schools as they are now exercising in the agricultural and mechanical schools in the States where they are situated. I ask for the information mentioned in this resolution in order to base upon it a bill that I propose to bring before Congress for the purpose of transferring these nonreservation schools to the various States and Territories wherever they may be situated. The information is to be directed to that purpose.

Mr. OLMSTED. Will the gentleman allow a question?

Mr. STEPHENS of Texas. Certainly.

Mr. OLMSTED. I would like to ask the gentleman a question. He has stated that he proposes to bring in a bill relating to all nonreservation schools in the country. This resolution applies to only one school.

Mr. STEPHENS of Texas. Yes; but it is for the purpose of getting information relating to the general proposition that we now have under consideration; and I believe its best solution would be to transfer the nonreservation schools to the States and Territories where the schools are situated.

Mr. OLMSTED. What nonreservation schools?

Mr. STEPHENS of Texas. All of the nonreservation schools in the United States. This is one of them, and by getting the information that is here called for we can ascertain what this kind of schools are costing the Government, what kind of buildings they have, and whether it is practicable to transfer them to the States and Territories.

Mr. OLMSTED. Is it the gentleman's idea that data pertaining to this particular school covered by this resolution shall be used as a basis to determine the question as to all nonreservation schools in the United States?

Mr. STEPHENS of Texas. It will give us a great deal of light on that question, because each State has been doing its best to get the largest appropriations and the best buildings possible for Indian schools, and I presume that the cost of educating the children in this Shawnee Indian school would be about an average of the rest of the nonreservation Indian schools in the States and Territories.

Mr. OLMSTED. Can not the gentleman or any of us ascertain, by looking at the published report of the Indian Commissioner, how many pupils there are in a particular school, how much it is costing the Government, and all of these facts pertaining to the schools which the gentleman calls for in this resolution?

Mr. STEPHENS of Texas. That published information would not show whether they belonged to the same tribe or not or whether the parents were citizens of the State.

Mr. OLMSTED. It would show whether it was a reservation or a nonreservation school, and show the cost of maintenance, the cost of the buildings, the number and extent of

the buildings, and all the information which this resolution calls for except the possible question as to how many are Shawnees and how many belong to other tribes.

Mr. STEPHENS of Texas. It would not give all the information we desire, but this resolution would give that information and place the matter more fully before Congress and before the country. It is a matter of great interest to the country. I do not think they are longer needed, and I believe that the proper policy would be to transfer them to the States and Territories in which they are situated and make them industrial schools for the children of whites and Indians alike.

Mr. OLMSTED. Well, this seems to raise the whole question upon a simple resolution to get certain information concerning one school, which information, or most of which, we already have.

Mr. STEPHENS of Texas. I think not. A good deal of it we have not got.

Mr. STAFFORD. Can the gentleman state the number of nonreservation schools?

Mr. SHERMAN. Twenty-seven are specifically appropriated for.

Mr. STAFFORD. Will the gentleman specify the reason why he has singled out this one school in calling upon the Secretary of the Interior for information as to the cost of these nonreservation schools thrughout the country?

Mr. STEPHENS of Texas. Because it would be very hard and it would require a good deal of labor and time to get up the information desired of all the schools, but as to one school it would be much easier to get the information.

Mr. STAFFORD. I understand the purpose of the gentleman in seeking information is to prepare a bill seeking to discontinue the present Indian schools located not on reservations.

Mr. STEPHENS of Texas. Yes; and then to turn them over to the States and Territories in which they are situated and make them industrial schools for whites and Indians alike.

Mr. STAFFORD. Is there any instance in which that course has been adopted up to the present time?

Mr. STEPHENS of Texas. I do not know of any instance of that kind, but I think it should be done. We have no instance in which a citizen of any State or Territory has been educated at the expense of the United States Government, except in Annapolis and West Point.

Mr. STAFFORD. It has always been the policy of the Government, however, to educate the Indians as wards of the nation.

Mr. STEPHENS of Texas. But they are no longer wards of the Nation. That is the point I make, that when their parents become citizens of the State where they live, the children are no longer wards of the Government, but become citizens of the State and Territory where the Indian lives, and we should take our hands from them and let them become part and parcel of the people of the entire State where they live, and let the State control them, and we should take them from under the jurisdiction of the Secretary of the Interior and let them become citizens in fact as well as in name.

Mr. STAFFORD. Do I understand that the gentleman contends that all the pupils in these nonreservation schools are children of Indians who are now full-fledged citizens?

Mr. STEPHENS of Texas. That is what I am trying to find cut. That is the information I want. Some of them are and some not, and I can not state the number.

Mr. STAFFORD. Does the gentleman surmise that the same condition prevails at other nonreservation schools?

Mr. STEPHENS of Texas. It does.

Mr. STAFFORD. What institutions?

Mr. STEPHENS of Texas. Numerous institutions, all nonreservation schools where they send Indians from one part of the United States to another—for instance, Carlisle. In that school you will find Indians from every State and Territory having Indian reservations in its borders.

Mr. STAFFORD. Is not that a typical institution, and should not the gentleman embody an amendment asking for information as to that school?

Mr. STEPHENS of Texas. This resolution is to get the general information in regard to one single school, and in a newly admitted State that had formerly been a Territory. I think that would be a fair illustration of the general policy of the Government relative to these schools.

Mr. CARTER. The gentleman from Texas speaks of introducing a bill to abolish all nonreservation schools. I would like to ask what the purpose of his bill will be? Will it be to abolish them immediately or to abolish them as suggested by the Commissioner of Indian Affairs, a few schools at a time?

Mr. STEPHENS of Texas. I think the nonreservation Indian schools should be transferred to the State or Territory where they are situated. I think it should be placed in the discretion of the Secretary of the Interior to determine what schools are not needed for the education of the Indian children that are not citizens of the United States. Indians of full blood and others that are not citizens of the United States should be educated by this Government, and if there are any nonreservation schools where there is a majority of the students whose parents are citizens of the State, that school should be transferred to the State or Territory in which it is situated and become subject to the jurisdiction of that State and subject to its laws, just exactly as the mechanical and agricultural schools of the various States are now conducted and controlled.

Mr. CARTER. Has not the Secretary of the Interior that authority already without the introduction of a bill?

Mr. STEPHENS of Texas. I think not. I know of no such authority.

Mr. CARTER. Then, I will ask the gentleman from New York, the chairman of the committee [Mr. SHERMAN].

Mr. SHERMAN. No, Mr. Speaker, the Secretary of the Interior has no such authority as the gentleman from Oklahoma inquires about. The Secretary of the Interior was authorized, or the commissioner, I do not remember which, in the last Indian appropriation bill to investigate as to what nonreservation schools could be with advantage to the service dispensed with and to make report to Congress in reference thereto, and the commissioner has made a report in reference to certain schools, particularly one or two schools in Colorado, one school in South Dakota, and I have forgotten where the other schools are, which he says can be dispensed with. He has specifically made a report in reference to one school in Colorado, which should be dispensed with and turned over to the State of Colorado under terms which provide that the State will continue to maintain this school as a school not merely for Indians, but for white children, and that at that school at all times Indian pupils shall be educated without any charge against the National Government.

Now, I did not understand when the gentleman advocated the passage of this resolution of inquiry that he intended it for the purpose which he now says, because had I so understood it I would have asked the gentleman at that time to make the resolution broader in some respects, and to have eliminated from it certain provisions in reference to information which any of us can get by a little research. Now, a major part of the information asked for by this resolution any of us can get who have the industry to plow into the reports and hunt it up. I supposed the gentleman wanted it in order to advise himself in specific details in reference to this special school that are now covered by reports as, for instance, which pupils are the children of Indians who have become citizens. That, for instance, we have no way of ascertaining, nor is it in all cases shown in any report we can get, although the Indian Office could show it, to what tribe a particular pupil belongs. That is not printed; it is a matter of detail that is not of consequence for general use. But a large part of the matter which is contained in this resolution can be obtained by any of us from the regular reports. Now, as an entering wedge for the passage of a bill doing away with all nonreservation schools, I am not in sympathy with the gentleman at all. I do not believe in striking down all nonreservation schools, but I am in sympathy with the general proposition of the Commissioner of Indian Affairs to do away as rapidly as possible with most nonreservation schools, but I do think there are certain schools, for instance, to illustrate, that at Carlisle or Chilocco or Haskell, which should be maintained for a great many years yet to come for the education of certain pupils who show themselves especially apt along higher lines than the ordinary reservation schools educate them.

I do think we ought to maintain for some little time at least the manual training schools, and there is a manual training school as a part of the Haskell School and Hampton School where children are taught in the mechanical arts—girls and boys alike—such commonplace matters as how to laundry, how to make harness, how to shoe a horse, how to build a fence, and everything of that kind, and those divisions of those schools ought to continue, I think, for some little time. Of course that can not be taught by an ordinary day school on a reservation, and is not taught, but as for using this resolution as an entering wedge to do away entirely with the nonreservation schools I am not at all in sympathy with the gentleman's ultimate purpose.

Mr. STEPHENS of Texas. Would you have any objection to have the matter referred to the Commissioner of Indian Affairs and the Secretary of the Interior as to which schools should be abandoned, for instance.

Mr. SHERMAN. We have already done that in the last bill. If I may refresh the gentleman's memory, it says:

The Commissioner of Indian Affairs is hereby authorized, under the direction of the Secretary of the Interior, to ascertain whether and upon what terms it may be possible to dispense with any nonsectarian Indian schools which in his judgment are no longer of value to the Indian Service, and to report the result of his investigation to the next session of Congress.

Now, he has already made that report.

Mr. STEPHENS of Texas. The gentleman will note that does not provide anywhere that there shall be transferred to the State or Territory in which these Indians reside or provide any machinery whatever for taking care of these schools in the future. Those schools should be filled by both whites and Indians and the schools should progress right on where they have left off, and we should let the States and Territories take care of them and not the United States Government.

Mr. SHERMAN. This section in the last appropriation bill does not provide for making other than an investigation and report to Congress. It grants no authority to go as far as the gentleman suggests. What the gentleman suggests is, the moment the Indians become citizens by reason of accepting allotment the United States then withdraws the support for the continuance of their schools. Why, the gentleman knows, because we have been discussing it in the Indian Committee quite recently, we not only provide for the support of the Indian children after the parent becomes a citizen or has taken an allotment, but in the Indian bill for three or four years last past we provide especially for the education of thousands of white children in the Indian Territory, when there is no pretense that there is any Indian blood in them.

Mr. STEPHENS of Texas. That is not the general policy, however, for the rest of the United States outside of the Indian Territory.

Mr. SHERMAN. Oh, no; the general policy is to in no place foster ignorance, which is the mother of crime, but rather to aid the education of either Indians or whites in any way that we legally and constitutionally can. That is the general proposition.

Mr. STEPHENS of Texas. Then I will ask the gentleman this question: Would he have any objection to the passage of this resolution for the purpose of getting the information?

Mr. SHERMAN. I do not object to the passage of it at all, but I do object to the ultimate end that you are attempting to reach; and had I known that was the ultimate end I do not know that I should have so readily acquiesced in the passage of this resolution.

Mr. MANN. Will the gentleman yield for a question?

Mr. SHERMAN. Certainly.

Mr. MANN. There are now between 20 and 30 of these nonreservation schools?

Mr. SHERMAN. Yes.

Mr. MANN. I did not quite catch what the gentleman said about the report under the provision of the law.

Mr. SHERMAN. I said the commissioner had already made a report. It can be found in the document room. I said he had already negotiated with the state officers of Colorado for the disposal to that State of one or two of the school plants there under terms stated in his report, and I think I introduced a bill providing for the carrying out of that agreement.

Now, he also makes report as to one or two other Indian schools. I recollect one particularly in South Dakota. There are perhaps five or six altogether in his report.

Mr. MANN. What I wanted to inquire was whether he had made a report on each of these nonreservation schools or simply reported as to a portion of them?

Mr. SHERMAN. That is all; only as to a portion. The bill last year did not contemplate a report on all of them, but only on such as, in his judgment, could now be disposed of or dispensed with. That was the thought.

Mr. STEPHENS of Texas. Mr. Speaker, I ask for a vote on the resolution.

Mr. OLMSTED. I desire to be recognized, Mr. Speaker, if I may, in my own right.

The SPEAKER pro tempore. The gentleman from Texas [Mr. STEPHENS] is entitled to the floor.

Mr. STEPHENS of Texas. What time does the gentleman desire?

Mr. OLMSTED. Five or ten minutes.

Mr. STEPHENS of Texas. I yield to the gentleman ten minutes.

Mr. OLMSTED. Mr. Speaker, it is manifest from the very frank statement of the gentleman from Texas that the purpose of this resolution is one which does not appear upon its face. This is a simple resolution calling for certain information concerning the training school at Shawnee, Okla. He states that the object of this information is to obtain a foundation for a bill to remove all nonreservation schools, including, of course, the one at Carlisle, in my district—to remove them all onto the reservations.

Mr. STEPHENS of Texas. Will the gentleman permit me?

Mr. OLMSTED. I should like to know, Mr. Speaker, how the determination of the sex of a teacher at Shawnee would affect the question of the removal or nonremoval of the school at Carlisle.

Mr. STEPHENS of Texas. Will the gentleman permit me a question?

Mr. OLMSTED. Yes.

Mr. STEPHENS of Texas. Carlisle is a thousand miles away from the Oklahoma reservations, and would it not cost the Government a great deal of money to transfer the students there?

Mr. OLMSTED. It costs less to educate them there than in other schools.

Mr. STEPHENS of Texas. I suppose nearly all of them are citizens of some State other than Pennsylvania, are they not? And the railroad fare must be paid by the Government?

Mr. OLMSTED. Yes.

Mr. STEPHENS of Texas. Now, why should not the State of Pennsylvania in connection with the United States run and control that school just as much as you do your agricultural and mechanical and other state schools? Have you not one of that kind in your State?

Mr. OLMSTED. We have all kinds of schools in Pennsylvania.

Mr. STEPHENS of Texas. Is not there at least one industrial school where the United States maintains an interest jointly with the State?

Mr. OLMSTED. I know of no such school.

Mr. STEPHENS of Texas. We have one in our State, and there is one in Virginia of that kind. Would the gentleman from Pennsylvania have any objection to his school at Carlisle being controlled the same as the white schools of his State and letting white scholars attend it also?

Mr. OLMSTED. I have no objection to white children being educated there. However, there is hardly room for any. It is full now of Indian pupils. The State of Pennsylvania already attends to the education of all white children.

Mr. STEPHENS of Texas. This idea would not injure Carlisle (the transfer of nonreservation schools to the State where they are situated), but would mix the white children of that State with the Indian students and educate them all together.

Mr. OLMSTED. Perhaps I do not understand the gentleman's idea, but he first stated that he proposed to remove all these Indian schools to the reservations.

That would not only injure the school at Carlisle, but other nonreservation schools. It would do away with them entirely.

Mr. STEPHENS of Texas. All the Indians of full blood and subject to the laws of the United States and belonging to some tribe, I would have educated with the tribe on the reservation where they live; but where they are citizens of some State, I would have the State or Territory where they live educate them.

Mr. OLMSTED. Well, that is a question that can be determined at any time by the House. We would not be assisted at all by this. We would not be assisted by any information called for by this resolution. It seeks to ascertain the names of the employees and the number and sex of the teachers of the Shawnee Training School and the cost of keeping the pupils. All that information any gentleman may get by referring to the printed report of the Commissioner of Indian Affairs. It gives the number of pupils enrolled, the annual attendance, the amount appropriated, the cost of the buildings—gives everything asked for here except, perhaps, the sex of the teacher, which seems to be not highly important in the determination of this great question. I submit, basing my reasons partly upon the reasons so well stated by the chairman of the Committee on Indian Affairs, that there is no necessity for the introduction or passage of this resolution. The information given the department under it would throw no new light on the subject, and could not possibly afford any basis for the removal of any other nonreservation school, and I feel very certain that the gentleman from Texas can obtain from the report published by the Commissioner of Indian Affairs all the information he desires as to this school. That report is exceedingly full and contains a vast amount of information as to all these schools.

Mr. STEPHENS of Texas. I move the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore. The question is on the adoption of the resolution.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. OLMSTED. I ask for a division, Mr. Speaker.

The House divided, and there were—ayes 77, noes 7.

So the resolution was agreed to.

CITIZENSHIP TO PORTO RICANS.

Mr. COOPER of Wisconsin (when the Committee on Insular Affairs was called). Mr. Speaker, I call up the bill reported from the Committee on Insular Affairs, which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman calls up the following bill, which the Clerk will report. [After a pause.] The Chair has not read the bill, but is informed it incurs a charge against the Government. The bill is on the Union Calendar, and of course can not be called up on a call of the committees.

Mr. COOPER of Wisconsin. Has the Speaker the bill that I sent up?

The SPEAKER pro tempore. Only bills that are on the House Calendar can be called up under the call of committees. This bill is on the Union Calendar.

MILITARY ORDERS AND DECREES RELATING TO PORTO RICO.

Mr. PARSONS. Mr. Speaker, I call up House resolution 303, reported by the Committee on Insular Affairs and on the House Calendar.

The resolution was read, as follows:

House resolution 303.

Resolved, That the Secretary of War be, and he is hereby, requested to transmit to the House of Representatives for its information the laws and ordinances of Porto Rico and the military orders and decrees affecting Porto Rico referred to in section 8 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes."

Mr. PARSONS. Mr. Speaker, under the Foraker Act the military orders and decrees and the laws and the ordinances of Porto Rico are made part of the fundamental laws of Porto Rico. They are out of print, and the object of this resolution is to have the War Department transmit them here, so that a new edition can be printed for the convenience of the many that have to look them up.

Mr. MANN. Mr. Speaker, if the gentleman will yield.

Mr. PARSONS. Certainly.

Mr. MANN. These military orders and decrees, if they transmit them here, will only make them public here. There will not be printed more than "the usual number." The War Department will not have a copy it can use; the governor of Porto Rico would have no copy. There would be no copies to send out; but the only copies printed in any case, if printed at all, would be the "usual number," which is one for each Member of the House. If the gentleman wants to have them, why does he not follow the usual course and introduce a resolution to have them printed?

Mr. PARSONS. We will take them this way first.

Mr. MANN. They have been here. They were sent to Congress.

Mr. OLMSTED. They are now in force?

Mr. MANN. I do not think there is any objection at all to having it. They have all been published in a volume. They are not the military orders and decrees now, but only those issued prior to the passage of the Foraker Act, as I understand it.

Mr. PARSONS. That is correct.

Mr. MANN. I would like to see the gentleman accomplish his purpose, but I do not think he will by this resolution.

Mr. PARSONS. Well, let us have it our way this time, and then if we find that does not do we can try it yours. At the time they are transmitted here we can pass another resolution providing for their disposition in another manner. The department is entirely out of them, and has no copies except the copy the department keeps for its own use.

Mr. GAINES of Tennessee. I would like to ask the gentleman from New York a question about this matter. I would like to ask him why they want these copies.

Mr. PARSONS. Anyone who wants to know what the law of Porto Rico is upon any particular point in any particular case would have to have these orders and decrees before him.

Mr. GAINES of Tennessee. Has the gentleman many requests of that nature?

Mr. PARSONS. I have had a few requests, and know that they would be of service to the members of the Committee on Insular Affairs.

Mr. OLMSTED. To be used by members of that committee and Members of the House that wanted to pass upon any measure that came from that committee.

Mr. MANN. The Committee on Insular Affairs certainly has copies of the original papers which are necessary for the consideration of matters coming before the Committee on Insular Affairs. I know if it were a matter which affected the committee of which I am a member we would not only have copies for the committee, but for each member of the committee.

Mr. GAINES of Tennessee. How many copies does the gentleman propose to have printed?

Mr. PARSONS. The "usual number."

Mr. GAINES of Tennessee. I should like to ask the gentleman, What do we want with the military laws of Porto Rico if they have civil laws there?

Mr. PARSONS. Because, under the Foraker Act, the military orders and decrees were made a part of the fundamental law of the land, and we can not find out what the fundamental law of the land is on any particular point unless we know what those military orders and decrees were.

Mr. GAINES of Tennessee. How long have we had a civil government in Porto Rico?

Mr. PARSONS. The gentleman knows as well as I—ever since 1899.

Mr. MANN. April 12, 1900.

Mr. GAINES of Tennessee. And the Committee on Insular Affairs wants the military laws, although we have a civil government down there.

Mr. PARSONS. We have all the laws of Porto Rico except these.

Mr. GAINES of Tennessee. How much will it cost to print these military laws?

Mr. PARSONS. I do not know.

The SPEAKER. The question is on agreeing to the resolution.

The question being taken, on a division (demanded by Mr. GAINES of Tennessee) there were—ayes 43, noes 44.

Mr. PARSONS. I demand tellers.

Tellers were ordered, and the Speaker appointed Mr. PARSONS and Mr. GAINES of Tennessee.

The House again divided and the tellers reported—ayes 68, noes 47.

Accordingly the resolution was agreed to.

CITIZENSHIP OF PORTO RICO.

Mr. COOPER of Wisconsin. Mr. Speaker, I make the point of order that the bill (H. R. 393) providing that the inhabitants of Porto Rico shall be citizens of the United States is improperly on the Union Calendar, and I move that it be transferred to the House Calendar.

The SPEAKER. The Chair understands the gentleman to make the point of order that the bill (H. R. 393) is improperly on the Union Calendar and should be on the House Calendar.

Mr. COOPER of Wisconsin. Yes.

The SPEAKER. The Chair sustains the point of order, and directs that the bill be transferred to the House Calendar.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent to return to the consideration of this bill.

The SPEAKER. The call rests with the Committee on Insular Affairs.

Mr. COOPER of Wisconsin. I call up the bill (H. R. 393).

The SPEAKER. The gentleman from Wisconsin calls up the following bill, which has just been transferred from the Union Calendar to the House Calendar.

Mr. MANN. How was it transferred?

The SPEAKER. It has just been transferred on a point of order. It was on the Union Calendar, and has just been transferred to the House Calendar, and the gentleman from Wisconsin now calls up the bill.

Mr. MANN. I make the point of order that he can not now call up the bill. I did not understand that it had been transferred.

The SPEAKER. The gentleman from Wisconsin made the point of order that the bill was improperly on the Union Calendar. On examining the bill it seems to the Speaker that the point of order is well taken, and the Chair has just ordered the bill to be transferred from the Union Calendar to the House Calendar.

Mr. MANN. My recollection is that it is not in order to transfer a bill from the Union Calendar to the House Calendar and then immediately take it up on the call of committee.

The SPEAKER. Does the gentleman make that point?

Mr. MANN. I make that point of order.

The SPEAKER. The recollection of the Chair is that the rule and the practice is that it shall not be in order to call up a bill on the same day that the transfer is made, or until it has been printed upon the calendar on which it has been placed, the idea being that the House should have notice of the transfer

by the actual transfer and its appearance upon the proper calendar.

Mr. MANN. And that has been the uniform practice, I think, so that the rights of the House may be protected.

The SPEAKER. The point of order is made, and the Chair will sustain it, that it is not subject to the call until it is in fact printed upon its proper calendar, the object being that the House shall have notice.

Mr. OLMSTED. Mr. Speaker, I understood the gentleman from Wisconsin to ask unanimous consent that it be called up now.

Mr. COOPER of Wisconsin. That was my first request.

The SPEAKER. The gentleman asks unanimous consent that the bill referred to may be considered at this time. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman if he does not think we ought to have an opportunity of knowing that the bill is likely to be brought up? This is a very important proposition.

Mr. COOPER of Wisconsin. Mr. Speaker, in reply to the gentleman from Illinois, I quote from the Republican platform of this year:

We believe that the native inhabitants of Porto Rico should be at once collectively made citizens of the United States, and that all others properly qualified under existing laws residing in said island should have the privilege of becoming naturalized.

You had the whole campaign in which to consider it. We have advocated it on the stump and we have promised the people that if we were given the opportunity we would pass a law to put that into effect. I do not know why there should be any necessity for delay.

Mr. MANN. Well, Mr. Speaker, I have as much respect for the Republican platform as has the gentleman from Wisconsin. [Laughter.] I think the matter ought to be delayed for the present, and I object.

DENTAL SURGEONS FOR THE NAVY.

Mr. DAWSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DAWSON. For the purpose of moving that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16620.

The SPEAKER. On the Union Calendar?

Mr. DAWSON. Yes.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

H. R. 16620, authorizing the appointment of dental surgeons in the navy.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CAPRON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint dental surgeons to serve the officers and enlisted men of the Navy and Marine Corps, not to exceed 30 in all. Said dental surgeons shall be attached to the Medical Department of the Navy; shall have the rank and compensation of acting assistant surgeons in the navy; shall be graduates of standard dental colleges, trained in the several branches of dentistry; within the age limits of 24 and 35 years; of good moral character and professional standing, and shall pass a physical and professional examination; and their appointments shall be for a term of years and revocable at the pleasure of the President: *Provided*, That the dentist now employed at the Naval Academy shall not be displaced by the operation of this act.

Mr. DAWSON. Mr. Chairman, the terms of this bill fully explain its purpose and its scope. It simply provides for the appointment of 30 dental surgeons in the navy, with the rank and compensation of an acting assistant surgeon. I might say that the naval service is now without any dental corps such as the army has, and this bill simply seeks to provide a corps in the navy analagous and similar to the one which is now a part of the army organization.

By the terms of this bill these dentists are appointed for a period of years, for such period as the President of the United States may determine, and the appointments are revocable at his pleasure. The bill does not carry the right either of promotion or of age-retirement pay.

The subject of creating a dental corps in the navy is one that has been long and patiently considered by the Committee on Naval Affairs, and has several times been favorably reported to the House, both in appropriation bills and in independent measures. The department is very urgent in its recommendation of the need of such a corps in that service, and I believe it will appeal to the House that such a corps is an essential and a necessity in the naval service. This particular bill has the cordial indorsement of the Secretary of the Navy. In a letter to the chairman of the Naval Committee under date of March 3, 1908, the then Secretary of the Navy recommends the passage of this bill in the following words:

Attention is invited to the bill (H. R. 16620) authorizing the appointment of dental surgeons in the navy, the provisions of which are in line with the department's views on the subject.

For many years the Surgeon-General of the Navy, in his annual report, has pointed out the great need of such a corps in that service. It seems to me it would not be out of place to quote briefly from the report the Surgeon-General of the Navy made last year, in which he says:

Like the eyes, the teeth are coming properly to be regarded as intimately and widely associated with the various organs and functions of the body, and that defective teeth may be responsible for much ill health is recognized by all who keep in touch with the accumulating truths of medical science. The naval surgeon is alert to detect dental disorders early, lest an aggravation of them produce grave illness. He, however, has not that special knowledge required to fit him to cope with diseased teeth in a final manner. He can and often does put in temporary fillings and treats the medical and surgical complications incident to dental disorders and often extracts such teeth as are not worth preserving, but naval surgeons are not expected to deal with dental disorders in a radical manner. The practice of dentistry requires a special education and training.

The teeth and the mouth are indubitably important factors in the causation of certain diseases of bacterial origin. This is not a hypothetical conclusion, for it has been proven beyond doubt that not only are bacteria found in great numbers in uncared for and neglected mouths, but their disease-producing properties are greatly increased, particularly in and about decayed teeth. Much of the tonsilitis and pharyngitis in the navy can undoubtedly be traced to bad teeth, as can also deranged digestion and general physical deterioration. In this connection it is not improbable that the teeth are an important contributory factor in tuberculosis by producing a state of lessened resistance to the disease by the constant absorption of poisonous matter.

In thus indicating the prominent reasons for the navy's need of proper dental services, it may be added that a bad tooth may occasionally give rise to serious complications which may even endanger life.

Surg. W. H. Bell, writing from Camp Elliott, on the Isthmus of Panama, says:

"During February (1905) a problem presented which gave us considerable worry, as there appeared no immediate solution. It concerned some very necessary dental work, which 35 or 40 of the command required to have done. Quarantine was then in force against Panama on account of yellow fever, and that fact, therefore, excluded us from the possibility of sending our men there for dental services, and as there was no dentist in Colon or anywhere else along the line the problem became a difficult one. We tried in vain to persuade one or the other of the American dentists on the Isthmus to come to camp with his outfit, and the only other resort was a native dentist, whose work, as far as it came under our observation, was so inferior that we hesitated to employ his services, but even he finally would not come. It was an experience which forcibly indicated the need of dental surgeons in the service. The end of the whole matter was the detachment of most of the men without having received any but palliative treatment and their transfer to Santo Domingo, where their chance for needed attention was, if possible, worse."

This quotation is only one of many similar reports from the various naval stations and ships, and with reference to our extensive service in equatorial latitudes it is to be pointed out that teeth deteriorate with particular rapidity in the Tropics. The importance of having skilled dentistry within the reach of those on duty in the outlying and isolated stations is evident, and at the large stations, where recruits are assembled and apprentices are trained, the value of the service of such professional attention is of no less moment.

Dental surgeons are needed in the navy quite as much as, if not more than, in the army, which service enjoys free treatment by dentists employed in accordance with law, and it seems an unjust discrimination against the enlisted men of the navy not to provide for similar dental work, especially in view of the universally recognized economic importance of sound teeth in military service.

A similar bill was favorably reported to the House in the first session of the Fifty-ninth Congress by my colleague from Iowa [Mr. COUSINS], who was formerly a member of the Naval Committee (H. Rept. No. 2181), and I desire to insert this report in the RECORD:

The Committee on Naval Affairs, having had under consideration the bill (H. R. 13851) authorizing the appointment of dental surgeons in the navy, report the same without amendment and recommend its passage.

A bill substantially the same as this was recommended by the Navy Department in the following letter:

NAVY DEPARTMENT,
Washington, March 2, 1904.

SIR: Referring to the department's letters of May 29, 1902, January 26 and February 8, 1904, reporting upon bills for the employment of dental surgeons in the navy, and recommending the enactment of a measure authorizing the Secretary of the Navy to employ, under contract, not more than 15 such surgeons, I have the honor to state that after further consideration of the matter the department withdraws its previous recommendations in the premises and recommends instead the passage of the measure of which a draft is inclosed. The main points of difference between the bill heretofore suggested and that now proposed are that the latter authorizes 30 instead of 15 dental surgeons and provides that they shall have the rank and pay of acting assistant surgeons instead of being employed under contract at not to exceed $1,800 per annum.

Acting assistant surgeons, of whom 25 were authorized by the act of May 4, 1898 (30 Stat., 380), to be appointed by the President for temporary service, have the rank of assistant surgeons and receive the pay

provided for the latter by section 1556 of the Revised Statutes, namely: During the first five years after date of appointment, when at sea, $1,700; on shore duty, $1,400; on leave or waiting orders, $1,000; after five years from such date, when at sea, $1,900; on shore duty, $1,600; on leave or waiting orders, $1,200.

Very respectfully, W. H. MOODY, *Secretary.*

HON. EUGENE HALE,
Chairman Committee on Naval Affairs, United States Senate.

At present there is no provision of law under which the department can employ dental surgeons except one for service at the Naval Academy.

Surgeon-General Rixey informs this committee that the dental operations performed by the hospital stewards "are limited to simple procedures and urgent cases," that "this arrangement is a makeshift unsatisfactory to the bureau," that "the necessity of the care of the teeth of the enlisted men existed and its importance to the health of the navy is appreciated," and therefore this makeshift was resorted to "until legislation could be obtained giving advantages to the enlisted men of the navy similar to those which the army has had for several years."

To show the estimate of the importance and value of the service rendered by the dentists in the United States Army the Surgeon-General submitted copies of reports of army officers, from which we quote the following extract from the report of the Surgeon-General of the United States Army:

The energies and resources of the Dental Corps have been taxed to their fullest extent in caring for those officers and enlisted men who have sought their services for the relief of suffering, and this has made it necessary in some instances for the dental surgeons to operate daily from 8 a. m. to 5 or 6 p. m. The great amount of service that has been rendered by the dental surgeons could not have been accomplished but for these long hours of work and the assistance accorded them through the extra details of members of the Hospital Corps.

The tabulation of diseases and injuries of the mouth and jaws, of the teeth and gums, and of operations and treatment which follow shows that a large part of the time and skill of the dental surgeons was expended in giving relief from the suffering caused by dental caries, pulpitis, pericementitis, alveolar abscess, pyorrhea alveolaris, and gingivitis. The comparatively large number of teeth extracted is due to the great prevalence of dental caries of a severe type among the enlisted men who are serving or have served in Cuba, Porto Rico, or the Philippines.

The services of the dental surgeons have been highly appreciated by the officers and enlisted men of the Regular and Volunteer armies, and have proved very satisfactory to the Medical Department, because they have been able to relieve a great amount of acute suffering and to conserve a large number of teeth and restore them to a healthy condition, thus almost immediately returning to duty many cases that were previously carried for several days upon the company's sick report. This has resulted in greatly reducing the loss of valuable time to the service.

[Extract from the Surgeon-General's indorsement of Senate bill 5420.]

The dental surgeons appointed in accordance with the act of February 2, 1901, are rendering excellent service, and their services are highly appreciated by the officers and enlisted men of the army, especially in the Philippines and at the large military posts in the United States. A larger number could be utilized to good advantage, and the permanent retention of dental surgeons as part of the military establishment will, in my opinion, be in interest of the service.

[Extract from the report of General Grant, Department of Texas.]

DENTAL SURGEONS.

* * * * * * *

In my opinion, after careful investigation, the principal needs of the service, with respect to dental surgeons, are: First, more dental surgeons; second, a suitable operating room at each post; third, some positive and practicable methods compelling enlisted men to give proper attention to personal care of the teeth. I believe that there should be three dental surgeons assigned to this department, if possible, but not less than two under any circumstances. It is well known that the Philippine climate has a deleterious effect upon teeth, and every regiment, before being sent to the Philippines, should have careful attention given to dental requirements, while those regiments returning should be no less carefully attended to in this regard.

[Extract from a letter from Col. Marion P. Maus, U. S. Army.]

HEADQUARTERS TWENTIETH U. S. INFANTRY,
Malate Barracks, Manila, P. I., May 20, 1904.

THE MILITARY SECRETARY,
War Department, Washington, D. C.
(Through military channels.)

SIR: I have the honor to invite attention to the importance of dentists in the army, especially at remote stations, in order that officers and enlisted men may have proper treatment.

While in command at Camp Marahui, Mindanao, certain officers, including myself, and a number of enlisted men suffered very much from the want of such service. Later, however, a dentist was provided, and great relief and benefit were realized.

There are times when the services of a dentist are as necessary as that of an army surgeon. From my experience in the service, including all parts of the United States and dependencies, I can testify to the importance of this branch of the service and to much suffering from the want of it.

It would, perhaps, be desirable to have dental surgeons assigned to certain regiments in the same way as chaplains. * * *

I have the honor to be, very respectfully, your obedient servant,

MARION P. MAUS,
Colonel Twentieth U. S. Infantry, Commanding.

There exists in the navy as much, if not more, urgent need of the service of dental surgeons than exists in the army, and quite as potent reasons, both humane and economic, for supplying the need. First, because of the early age at which a large percentage enter the naval service; second, because of the longer periods those at sea are inaccessible to competent dentists.

The apprentice boys in training schools and on ships, who February 1, 1904, numbered 4,519, are taken in the service when the care of the dental surgeon is necessary to protect them from the effects of dental disorders, which either immediately or later, in the absence of such care, affect for life their general health, comfort, longevity, and efficiency.

The Government assumes, in a sense, the guardianship of these boys when it receives them for life service in the navy, therefore for humane reasons nothing so vitally affecting their health and comfort should be neglected.

The attention of this committee was called to charts made by a doctor of medicine and dental surgery, employed as a hospital steward in the naval service, which show the condition of the mouths and teeth of 50 boys now, or recently, in training at the naval training station at Newport. One apprentice, but 16 years of age, had lost every one of the teeth from his upper jaw; another, aged 18 years, exhibited cavities in his 14 upper teeth; another, aged 16 years, had lost practically all of his molar teeth, and the few remaining teeth were imperfect; another, aged 17 years, had lost 7 teeth; and another, aged 18 years, had lost 7 molar teeth. Several others of the 50 cases from 16 to 18 years of age had lost from 3 to 6 teeth. It was said of these cases, in general, that they presented either ordinary cavities of decay; dead teeth; inflamed gums; chronic abscesses discharging pus in the mouth; pus-producing diseases of the teeth, gums, and underlying bone, or germ-laden foreign matter in contact with the gums and teeth. Such conditions cause gastric and intestinal disorders, impair vitality, and make one more susceptible to infectious diseases. Experts in dentistry inform us that, under present conditions, a large percentage of the cases exhibited from this one station must inevitably lose their teeth at an early age, which may render them pensionable under existing law.

There are no available statistics showing the conditions throughout the navy, but the general condition is probably well illustrated by the reports from two vessels, covering in each instance a period of one year, which, summarized, are as follows:

[From the U. S. receiving ship *Wabash.*]

The hospital steward detailed to dental service:

Restored by filling, crowning, etc	teeth	990
Treatment for various diseases	do	502
Extracted	do	92
Simple, chronic, and ulcerated conditions of gums treated	cases	227
Diseased nerves of teeth treated	do	165
Dead teeth treated and filled	do	110

[United States hospital ship.]

* * * I was employed for twelve months by special agreement with the Navy Department to service as a dental surgeon for the officers and enlisted men of the U. S. S. *Yosemite,* and during that time more than 75 per cent of the officers and enlisted men required and received dental service at my hands. Many of the cases were of a more or less serious character, and not a few of them had resulted from incompetent dental service rendered by men who were not educated to dentistry. No class of men are so helplessly in need of skilled dentistry as the men of the United States Navy. I did dental work both while the ship was at anchor in the harbor and while at sea.

ARTHUR R. BENNETT, D. D. S.

As dental conditions in the navy probably differ from those in the army only by reason of the earlier age at enlistment and the longer period of service in the former, we quote from three physicians experienced in army medical service as follows:

[Thomas S. Latimer, M. D.]

There can be no doubt that many soldiers were as effectually disabled by toothache, facial neuralgia, and other ailments, oral and gastric, due to lack of proper treatment, as from any other form of sickness or from gunshot wounds.

Precisely as the exhaustion, exposure, and unsuitability of food incident to an active campaign is the need of good masticatory organs. These being neglected or improperly treated, scurvy, dyspepsia, dysentery, and diarrhea are prone to ensue.

Nor is there any disability from any injury or sickness, even where not directly connected with imperfect mastication, that is not more protracted when mouth complications exist.

I need scarcely say that no ailments occasion greater suffering than toothache and neuralgia arising from decayed teeth. Nor are any more susceptible of prompt and complete relief under proper management. I may add that the regimental surgeon is incompetent to render the service required.

[Thomas Opie, M. D.]

That the health, strength, longevity, and courage of the soldier depend in large measure upon his powers of mastication can not be questioned. The dental specialist is best equipped for dealing with these lesions of the teeth, and surely the man who fights his country's battles has the right to claim the comfort and health which accrues from their being in perfect order.

[W. O. Owens, M. D.]

For seven years I have been giving especial attention to the diseases of the mouth and teeth because of their influence on the general health. During the time in which I was in charge of Corregidor hospital about 300 soldiers, more or less disabled by dental disorders, were under treatment. I recall one case in particular, a diarrheal trouble of several months' standing, which resisted treatment until placed under the care of a dentist, whose treatment, directed to the mouth alone, effected a cure and the restoration of the soldier to active duty in two weeks. There were 15 or 20 similar cases, known as pyorrhea of the sockets of the teeth, with pus bathing the teeth, mixing with food, and entering therewith the alimentary tract. Neglected, such cases cause a pensionable disability.

When men are kept at sea continuously for a considerable time or located at remote stations where dental surgeons are inaccessible, it seems to us an inexcusable hardship, and the neglect of proper treatment for the teeth may ultimately result in great expense through pensions, besides the inhumanity and suffering which necessarily occurs in the absence of prompt and scientific treatment of the teeth when needed. The charts or diagrams of some 50 or more particular cases represented to this committee from a single station at Newport, R. I., is ample proof of conditions which ought not to exist.

We therefore recommend that House bill 13851 be enacted.

It seems to me, Mr. Chairman, that the need of this corps is so self-evident, the navy now being utterly without service of this character, that unless some gentleman desires to ask some question in regard to the bill I will yield the floor and reserve the balance of my time.

Mr. GILLESPIE. I would like to ask the gentleman a question.

Mr. DAWSON. I will yield to the gentleman from Texas.

Mr. GILLESPIE. What is the maximum age limit for these dentists? I understood the reading of the bill to be 35 years.

Mr. DAWSON. The age limit is 24 to 35 years.

Mr. GILLESPIE. What is the necessity of putting that limit so low as 35 years?

Mr. DAWSON. This is a service where the members of it may be sent to sea, and we should have comparatively young men for the service.

Mr. GILLESPIE. I want to express my protest against the Oslerism contained in the bill, that a man over 35 years of age, although he possesses all the qualifications, mental and physical, and stands the examination, yet, because he is over 35 years of age, he shall be turned down.

Mr. DAWSON. That is simply the entrance qualification, the gentleman should understand.

It is not necessary for a man to get out of the service when he reaches the age of 35. That is simply the age limit at entering.

Mr. GILLESPIE. That is what I am speaking of. I do not believe the entrance bars ought to be put up against him simply because he is over 35 years of age.

Mr. DAWSON. I will state to the gentleman that, in my opinion, a dentist who has passed the age of 35 years and who is not receiving an income above that provided in this bill is not the kind of a dentist that we want in the navy.

Mr. OLMSTED. Then, may I ask the gentleman if he thinks any dentist not receiving that income is qualified?

Mr. DAWSON. Not necessarily.

Mr. OLMSTED. In the absence of the gentleman from Massachusetts [Mr. GILLETT], I would like to inquire further whether these dentists are to be appointed after competitive examination, or what examination they will undergo?

Mr. DAWSON. By the terms of the bill it is provided that they shall be graduates of standard dental colleges, trained in the several branches of dentistry, of good moral character and professional standing, and shall pass a professional examination.

Mr. OLMSTED. An examination by whom—the Civil Service Commission?

Mr. DAWSON. No; an examination which is prescribed by the Medical Department of the navy.

Mr. OLMSTED. A young man of 24 would not be very greatly trained.

Mr. DAWSON. No; but the gentleman will recognize that some age limit must be fixed.

Mr. OLMSTED. I agree that the maximum ought to be raised a little above 35 or else the aching teeth of the navy may find themselves in worse condition after this treatment proposed than they are now.

Mr. DAWSON. I think not, after these dentists have passed the examination which the Surgeon-General of the Navy will prescribe for entrance.

Mr. GAINES of Tennessee. Mr. Chairman, I want to ask the gentleman a question. I want to know why the word "acting," in line 8, is used—acting assistant surgeons? What is the significance of that in military law and military society, and so forth? Are these dental surgeons to be more or less ostracized in military and naval society, on the ships and on the land and otherwise, because they are "acting" surgeons?

Mr. DAWSON. Our committee has not endeavored to deal with the social phase of these dentists——

Mr. GAINES of Tennessee. I want to know what the committee means.

Mr. DAWSON. Nor the social status of them. That is a rank in the navy—acting assistant surgeon and assistant surgeon. The rank carries the pay.

Mr. GAINES of Tennessee. But I am afraid it does not carry much of anything else that is social. I fear this and I want to know exactly what we are doing before we do it. I was working for dental surgeons in the army and navy probably before the gentleman came to Congress, and I am glad to know that he has brought a bill in on this subject. I really have heard, and hence I am inquiring, that an "acting" surgeon in the army is not treated with that social deference that the gentleman who is "acting" is entitled to receive, and I want to know what the gentleman knows about that, and I want to know the significance of the term "acting" as here used.

Mr. DAWSON. Under this bill these dentists would be on the same footing as the acting assistant surgeons of the navy now and in other branches of the Medical Corps. It did not seem to our committee to be important to the seaman who had an aching tooth as to what the social status of the dentist might be.

Mr. GAINES of Tennessee. Yes; and he might go and pull all the teeth out of a man's head and save his life, and yet go to a military or navy entertainment that night, and because he did not have epaulettes along his horse's mane he is ostracized. [Laughter.] He is "looked down on." I want you to make a law here, and I want him, if he is a dental surgeon, and a gentleman also, to have a status that will give him that to which he is entitled to have in military and civil life.

Mr. MANN. Plenty of gilt.

Mr. DAWSON. I am sure my friend from Tennessee is a higher authority on social matters than I am.

Mr. GAINES of Tennessee. Well, I am an authority on common sense and justice on land and sea both. [Laughter.]

Mr. DAWSON. I appreciate that also, and I will say to my friend from Tennessee that these dentists would have the same status and the same amount of gold braid, I assume, that any other acting assistant surgeon in the navy would have. I am sure it is not the desire of the gentleman from Tennessee to place these dental surgeons above the other acting assistant surgeons in the navy.

Mr. GAINES of Tennessee. Not at all; but a little prefix to a name goes a long way sometimes, and a little suffix, too, I regret to say.

Mr. MANN. Will the gentleman from Iowa yield to me in order that I may have the gentleman from Tennessee answer a question?

Mr. DAWSON. Certainly.

Mr. MANN. It has been suggested to me by the gentleman from Kentucky [Mr. OLLIE M. JAMES], whether the gentleman really believes that any dentist who would pull all the teeth out of a man's head at one time is entitled to any courtesies at any time.

Mr. GAINES of Tennessee. I do; and I have seen men's lives saved, and I have seen men with no teeth who were as much of a gentleman as is my distinguished and delightful friend from Illinois. What objection would the gentleman from Iowa have to striking out the word "four," in line 10, and instead of having the minimum age limit 24, making it 20, because I know, and the gentleman knows, that we have many excellent dentists graduated in this country at the age of 20. I knew splendid dentists at the age of 18, who had not graduated, but who have since become famous in their profession. I really fear the minimum at 24 is too high. Let us say 20.

Why, we graduate a multitude of magnificent dentists in the city of Nashville, at the Vanderbilt and Nashville universities, and doubtless in your State, who are as capable at 20 years as at 24, because they are capable to start with, and they have had all this cultivation for three years at those great schools. When I attended a medical college and graduated, I only attended it for two years, and I think I am somewhat an authority on the subject.

Mr. BATES. I would like to ask the gentleman from Tennessee if he regards a man as a capable dentist to take care of the teeth of the navy of the United States who knows nothing but merely the narrow confines of dental surgery?

Mr. GAINES of Tennessee. A man can not graduate in dentistry if he does not know all about a man's mouth and head.

Mr. BATES. He should know the anatomy of the whole body.

Mr. GAINES of Tennessee. And, as a rule, he does.

Mr. BATES. He should know the nerves of both the head and the whole body. He should have, in other words, a thorough medical education before——

Mr. GAINES of Tennessee. I want to say that in the dental colleges, certainly in my section, when a man graduates in dentistry he graduates with the knowledge of nerves and the physiology of the whole human body and can, more or less, treat a man for general ailments. But I am not talking about that plan. I am talking about dentists graduated at a dental course——

Mr. DAWSON. Mr. Chairman, when the gentleman gets through asking the question I will be very glad to answer it. I fear if we lower the age limit we could not be able to comply with the terms of the bill, which states they—

Shall be graduates of standard dental colleges, trained in the several branches of dentistry.

Mr. GAINES of Tennessee. They are trained before graduating.

Mr. DAWSON. I do not believe the gentleman can assume a boy of 20 years is trained——

Mr. GAINES of Tennessee. Did the gentleman consider himself a boy at 20 when he was at college?

Mr. MANN. He did not then, but he does now.

Mr. GAINES of Tennessee. No; the gentleman thought himself a man.

Mr. DAWSON. The average boy does not consider he is a man until he is 21.

Mr. GAINES of Tennessee. He considers himself a man long before he comes to Congress.

Mr. DAWSON. Yes.

Mr. GAINES of Tennessee. Sometimes a man is highly entertained when he thinks to himself. Josh Billings, when asked why he talked to himself, said——

Mr. DAWSON. Mr. Chairman, I yielded to the gentleman from Tennessee for a question.

Mr. GAINES of Tennessee. We got into a very delightful colloquy, and I was going to tell what Josh Billings said. Josh Billings was asked why he talked to himself, and he said he did so for two good reasons: One was because he liked to hear a smart man talk and the other was because he liked to talk to a smart man. [Laughter.] Now, Mr. Chairman, I want——

Mr. DAWSON. It would be a great thing if Josh Billings's example was emulated in this House a little more.

Mr. GAINES of Tennessee. Mr. Chairman, that is one of the gentleman's "temporary fillings."

Mr. DAWSON. Mr. Chairman, I move to lay the bill aside with a favorable recommendation.

Mr. GAINES of Tennessee. Mr. Chairman, I want to be heard on the bill.

Mr. DAWSON. Then, Mr. Chairman, I reserve the balance of my time.

Mr. GAINES of Tennessee. Mr. Chairman, I have not the slightest doubt in the world but that this bill is a step in the right direction, and I shall vote for it even if not amended. For about ten years many of the dental colleges and dental associations throughout the United States have been trying to get this kind or some kind of legislation enacted, whereby dentists could be furnished the army and also the navy. Now, I will tell you something that I happen to almost know. Dr. J. Y. Crawford, of Nashville, Tenn., was the first man who mentioned the matter to me, just before or during the Spanish war. He is a distinguished dental surgeon of Nashville, Tenn. He has been three times elected president of the dental association, and they suspended its rules to elect him the third time. He is now one of the great dentists of the country and is an authority on that subject. While our troops were down at Chickamauga Park during the Spanish war he happened to go up to the camp; and just looking around, looking after the sick soldiers, as a doctor would do or any good citizen would do, what did he find? He found three or four soldiers who were in a collapsed condition suffering from their diseased teeth. He examined their teeth for them as a matter of charity and goodness and waited on them and did not charge them a cent. That brought the subject sharply to his attention, and he then brought it sharply to my attention, and I at once set to work in Congress to get some dental legislation for the army and possibly the navy. Subsequently, as you all know, dental legislation was adopted for the army, and you remember, I believe, we passed a bill introduced by the lamented Mr. Otey, a former Member of Congress, now deceased. The law has worked well. Now, I do not see why the navy should not have official dentists. As to whether it is the right kind of a bill or not, we are little prepared to say. We have never heard it discussed before or read it before. We did not know it was to come up. But rather than not have any bill, I am going to vote for it. But I believe it should be amended. I do not like the Oslerized proposition of 35 years. There are soldiers in the army to-day in the Philippines that are far more than 35 years.

Mr. DAWSON. Were they 35 years at the time of their entrance?

Mr. GAINES of Tennessee. There were some who went from Tennessee that fought in the Confederate army. I know one citizen of Tennessee to-day, the Hon. W. J. Whitthorne, a man who is as brave as Julius Cæsar, who went almost at the head of his regiment. He returned with his regiment, emaciated, as others were, but he lives to honor his State and his name. His brother, W. C. Whitthorne, made such a good chairman of the Committee on Naval Affairs at one time that he was afterwards called "Admiral Whitthorne." The late President McKinley on a number of occasions spoke of this regiment in the highest terms. When this regiment started home, and was out on the sea, they heard the cannon of the enemy. The ship was turned around and they went back and fought for the flag, and a lot of their graves are to-day in the Philippine Islands. That is the kind of stuff we send from Tennessee, to fight for the flag.

Talk about 35 years of age. Why, if I were a dentist they would shut me out, and shut out the gentleman from Iowa [Mr. DAWSON] in a few years. It would shut out a third of this House and nearly all of the Senate. Why, a dentist does not have to go out and expose himself to the weather. He is in a tent or in a house. He is well protected and should be. His instruments have to be. He has to have all sorts of anodynes and all sorts of delicate instruments with which to treat the nerves of the mouth with the tenderest care, as we all know. I do think the 35-year limit is too narrow, and I would like to know if there is any way to amend this bill, Mr. Chairman. Can I offer an amendment?

The CHAIRMAN. The bill will be read under the five-minute rule for amendment.

Mr. DAWSON. The time for amendment will come later.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I thank the committee for this indulgence. I happen to know something about this subject, as you see, and something about the legislation we have had, and have made some practical observations that I hope will help pass the bill, amended or not amended.

Mr. MANN. Mr. Chairman, I understood my distinguished friend from Tennessee [Mr. GAINES] to say that they had no notice that such a bill would come up, did not know such a bill was pending, and hence was not prepared upon the bill.

There is no one in the House probably who is more active in watching legislation than the gentleman from Tennessee. The gentleman said we did not have notice of the bill, thereby including other Members than himself. This bill was reported into the House on March 13 last. I read the bill long ago. I am rather surprised that the gentleman from Tennessee had not noticed the bill. It was introduced on February 6 last. Prior to this bill there was a bill reported from this committee on March 3, 1905, and another bill on March 9, 1906, and before that time there had been a bill reported in 1904, and before that time in 1901. And my distinguished friend from Tennessee never caught on to the fact that these bills were pending in the House so that he might be prepared when it did come up.

Mr. GAINES of Tennessee. Were any of those bills debated or considered in the House?

Mr. MANN. Well, does the gentleman from Tennessee wait until a bill has been discussed in the House before he gets any information in regard to it?

Mr. GAINES of Tennessee. Do we know beforehand? Did you know beforehand?

Mr. MANN. Certainly I knew beforehand. I knew this bill might come up. I have had the bill on my desk, marked as to what ought to be done with it. The gentleman from Tennessee ought to be equally vigilant.

Mr. GAINES of Tennessee. But did the gentleman have anybody to help him look up these bills, and give him the information?

Mr. MANN. I have had no one to help me do that.

Mr. GAINES of Tennessee. I want to say, Mr. Chairman, that I believe the gentleman from Illinois is the most industrious man in Congress. I say it seriously; I want to pay him that compliment.

Mr. MANN. I am not as industrious as the gentleman from Tennessee. But we have, neither one of us, any right to complain that we are not familiar with the provisions of the bill so as to be prepared to offer an amendment if we wish to. This bill has been pushed for years, and it had been up for years before it was pushed.

Mr. OLMSTED. It has been on the Union Calendar for some time.

Mr. MANN. Now, Mr. Chairman, I would like to ask the gentleman for some assurance with reference to the future of these dental surgeons, if we may have them. The gentleman from Tennessee believes they ought to be, in the first place, put upon the same plane as other naval officers so far as the social side of life is concerned. That may be true; I doubt not that they will be before very long. But when we pass a bill of this kind—and I am in favor of passing this bill as it stands, without amendment—I would like to know what it will lead to, if I can find out, in the future. The bill provides for the appointment of not to exceed 30 dental surgeons, to have the rank and compensation of acting assistant surgeons in the navy. First, may I ask the gentleman from Iowa, What is the compensation of assistant surgeons of the navy?

Mr. DAWSON. I quote from a recent statement of the Secretary of the Navy. During the first five years after date of appointment an acting assistant surgeon, on leave or waiting

orders receives $1,000 a year; on shore duty, $1,400 a year, and on sea duty, $1,700 a year.

Mr. MANN. And that increases 10 per cent every five years, I think.

Mr. DAWSON. They get the benefit of longevity.

Mr. OLMSTED. And they will finally be put on the retired list at three-fourths or full pay.

Mr. MANN. The gentleman said no, and I assume he is correct upon reading the bill; and yet there may be some doubt. "Shall have the rank and compensation of acting assistant surgeons in the navy." If the President should determine to appoint these dental surgeons for a term of forty or fifty years, which is very likely, when they have served that time they would be entitled to go on the retired list. I do not know that I have any objection to it. One thing is very certain in my mind; that long before that term will have expired, long before any of these dental surgeons would be allowed to go upon the retired list, we will be called upon to pass, and will have passed, a law conferring upon them precisely the same privileges, the same rank, the same power, the same retirement, that we have conferred upon surgeons of the navy. I take it that while this bill, in the first place, does not seek to do all this, it is a mere entering wedge in that respect.

Mr. DAWSON. Mr. Chairman, if the gentleman will permit me——

Mr. MANN. Yes; that is just what I am trying to get you to do.

Mr. DAWSON. I wish to say that the intent and purpose of the committee was to guard against the very thing which the gentleman speaks of, and he will observe in line 13 of the bill that these appointments are revocable at the pleasure of the President as the years go on.

Mr. MANN. Yes; and that is the case with the superannuated clerks in Washington. The gentleman and I are upon the Committee on Reform in the Civil Service, considering pensions for superannuated clerks. Their appointments are revocable. There is not one of them that may not be discharged to-morrow by the President; but will he discharge them? No. Would the gentleman discharge them if he were President? No. Would I discharge them? No.

Mr. DAWSON. And would any President of the United States appoint them for forty years? No.

Mr. MANN. Well, I am not so sure about that. I should say that there would be the same reason for making life appointments for dental surgeons in the navy as there would be for making life appointments for surgeons in the navy.

Mr. BATES. Are those gentlemen, of whom the gentleman from Illinois complains, bettering their condition as time goes on? Are these men appointed for a term of years, as it is contemplated that these acting assistant surgeons shall be appointed?

Mr. MANN. They are not.

Mr. BATES. I think that makes the distinction very clear, that if these men at the end of a term of ten or fifteen or twenty years are inefficient, they will be dropped and new men appointed.

Mr. MANN. Then, I call the attention of the gentleman to this proposition, suggested by his inquiry: Suppose the President appoints these naval surgeons for a period of ten years?

Mr. DAWSON. I should think the appointive term would probably be more likely to be four years than any other.

Mr. MANN. Assume it to be four years, then. I will take the gentleman's statement. If one of them is over 35 years old at the end of the four years, what shall be done with him? Shall he be hoisted out of the navy?

Mr. DAWSON. The thirty-five years limit is at the beginning; simply the entrance limit.

Mr. BATES. That is for his original appointment.

Mr. MANN. Not at all. The first appointment and the second appointment under this bill are on exactly the same terms. The first time a man is appointed postmaster he gets a commission and his term is four years. When his term expires, if he is reappointed, that is a new appointment ab initio.

Mr. OLMSTED. Under this bill if a man is over 35 he can not be appointed again.

Mr. MANN. It is ab initio, a new appointment entirely, and I call the attention of the gentleman to the fact that there is nothing in the bill which authorizes the President to reappoint the same person at the end of his first term if he is over 35 years of age, and the only way in which the President can avoid that is to make a long-term appointment. I shall not criticise him if he does that. I think if you have a good man as a dental surgeon in the navy, you had better keep him; but, plainly, in the end he will ask to be put upon the retired list, and perhaps ought to be.

Mr. DAWSON. The Dental Corps in the Army of the United States was established some years ago. They have no retirement provision in that corps, and it was sought in this bill to place the naval corps upon the same footing.

Mr. MANN. I think the gentleman's committee is right about that at this time, and I would feel better if I could have the assurance of the committee that they were not going to bring in a bill changing it.

Mr. DAWSON. It was pointed out here, I think on yesterday, very distinctly and plainly by the gentleman from Illinois that the present Congress can not bind any future Congress.

Mr. MANN. That is true.

Mr. DAWSON. And of course he will appreciate the fact that one humble member of the Naval Committee could not bind the action of the future Naval Committees of this House.

Mr. MANN. That is true; but the gentleman can make a statement for himself. I have observed that.

Mr. DAWSON. Mr. Chairman, I move that the committee rise and report the bill back to the House with a favorable recommendation.

The CHAIRMAN. If there be no amendment——

Mr. GAINES of Tennessee. I want to offer some amendments.

The CHAIRMAN. The bill will now be read for amendment.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint dental surgeons to serve the officers and enlisted men of the Navy and Marine Corps, not to exceed 30 in all. Said dental surgeons shall be attached to the Medical Department of the Navy; shall have the rank and compensation of acting assistant surgeons in the navy; shall be graduates of standard dental colleges, trained in the several branches of dentistry; within the age limits of 24 and 35 years; of good moral character and professional standing; and shall pass a physical and professional examination; and their appointment shall be for a term of years and revocable at the pleasure of the President: *Provided*, That the dentist now employed at the Naval Academy shall not be displaced by the operation of this act.

Mr. GAINES of Tennessee. Mr. Chairman, I offer an amendment, on line 10, to strike out the word "four" and insert the word "one," so that the age limit shall be 21 instead of 24 years for entrance.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 10, page 1, strike out "four" and insert "one."

Mr. MANN. I hope the gentleman will withdraw that amendment. I would not want a surgeon of 21 taking care of my teeth if they were in bad shape, and I do not think the gentleman from Tennessee would. I do not think we ought to put on board ship, away from where he can have consultation, away from where he can get in touch with another surgeon, a mere tyro, who can know but very little about the practical side of the work in which he is engaged. Twenty-four years is a young enough age limit for a man who may be put aboard ship in the South Sea or some other place a long way from home to take care of the teeth of our sailors.

Mr. GAINES of Tennessee. I fully appreciate what my friend says, but I wish to say to him that a young man 18 or 19 years old, not yet a voter, was the first man who ever practiced dentistry on me. In a few years he worked himself through college and graduated at the head of his class and was the medal man, and is now one of the finest dentists in the country.

Mr. MANN. He may be an exception; but we will not get exceptions in the navy.

Mr. GAINES of Tennessee. I mention this specific instance to show that the argument is not a sound one that a man has got to be 24 years old before he can become a dentist.

Mr. MANN. But the gentleman from Tennessee gives an exceptional case and not an average case.

Mr. GAINES of Tennessee. It is an actual case; and I want to say that the dental curriculum requires a man to give three years and the medical profession has raised it to four years.

Mr. DAWSON. The last statement of the gentleman from Tennessee only emphasizes the fact that the age limit ought not to be reduced below 24 years.

Mr. GAINES of Tennessee. Suppose he graduates at 21?

Mr. MANN. Then let him practice a little while.

Mr. DAWSON. This question of age limit was carefully considered by the committee. The minimum was placed as low as we thought it was safe to place it, and the maximum as high as the committee thought it ought to be placed, taking into account the nature of the service. It is not a service alone at a navy-yard or a shore station. It may be a service in the Tropics or points far distant. The committee considered that phase very

carefully and determined upon the ages of 24 and 35, and I believe the committee ought to be sustained.

Mr. BATES. Mr. Chairman, I hope the amendment offered by the gentleman from Tennessee will not prevail. He says, "Suppose the young man graduates at the age of 21." He ought not to graduate in a training school at the age of 21. If he is to be a well-rounded and well-educated man he ought to have a general education which shall precede the specific education. I believe there is a great deal of truth in the saying that the difference between a training school, like a law school or a dental school or a medical school, and that of general culture in the colleges is the difference that in the one a man is taught to earn his living and in the other he is taught how to live. Both of these teachings ought to be required in a case of this kind, where the young man is to be isolated from his home influences and go into the navy of the United States. He ought to be a well-rounded man, Mr. Chairman, and have some general culture and training such as the American colleges can give. He ought to know something more than simply where the molars are situated and where the specific nerves of the teeth should have treatment. He ought to have general education and then have this dental training; and no man, unless he is an exception to the general rule, can accomplish that before he reaches the age of 23 or 24. In addition to that, Mr. Chairman, he ought to have a little practice, to begin with. He ought to have some general experience or hospital training before he launches out into this career. I hope the amendment of the gentleman from Tennessee will be voted down.

Mr. GAINES of Tennessee. Mr. Chairman, in reply to what the gentleman has just said, I want to say that from the time a dental student enters the dental college he is doing practical work in dentistry. He is doing it day in and day out, and before he graduates he has to stand an examination in practical dentistry. He is not allowed to graduate until he takes that examination. He is not allowed simply to read books and quote what this great doctor has done or what the other great doctor has done and simply to know a little about anatomy; he is required to work day in and day out and graduate in the practical work of dentistry. He can not make a good dentist unless he is a good anatomist, and vice versa.

They do not graduate dentists now and give them a commission to go out and invade people's mouths, who are not practical surgeons when they go out. It is not like the old story you have heard about the dentist who went out with his hammer and pair of tongs as long as your arm, but now he must be a scientific surgeon when he leaves the great dental colleges of this country, even if he graduates at 16. Why, Mr. Chairman, Story was on the bench when he was a younger man than is the gentleman from Pennsylvania, and the gentleman from Pennsylvania is a fairly good lawyer and of course he has quoted Story time and again.

Now, I say that the young man who has graduated at our great dental universities is a skilled surgeon when he graduates. He is skilled in the general knowledge of the dental business; he is skilled in the practical knowledge, and goes out into the world a full-fledged, scientific, and practical surgeon, capable of attending to anybody's needs, whether he is on land or on sea.

Why, Mr. Chairman, I happen to know something about this. I live, unlike the gentleman from Pennsylvania, in a city that is studded with colleges, male and female, black and white. [Laughter.]

Mr. BATES. Mr. Chairman, I want to ask the gentleman if he lives in a city, as I do, where there is a theological seminary——

Mr. GAINES of Tennessee. I do; and they do us more good, I have no doubt, than they do the people of the gentleman's city. [Laughter.]

Mr. BATES. And I want to ask him if he has four institutions of learning in his city as I have in mine? A college—Allegheny—where the late President McKinley was educated, and of which I have the honor of being a trustee; a college of music; and a business college?

Mr. GAINES of Tennessee. Yes; I think there are five or six in mine, and more coming [laughter], and universities. You can hardly keep them out. I am satisfied that if the gentleman from Pennsylvania would come down to Nashville he would want to stay there. I would introduce him to some of the greatest dentists in this country. I would introduce him to one of the greatest dentists this country has ever seen.

Mr. BATES. How old is he?

Mr. GAINES of Tennessee. He is noted all over the country and is consulted by people from all over the country. He is Dr. J. Y. Crawford.

Mr. BATES. Is he not over 20 years of age?

Mr. GAINES of Tennessee. Yes, he is over 20 years of age; but he went to an ordinary dental college, and since that time has founded colleges.

Mr. BATES. Will the gentleman from Tennessee not admit that his distinguished friend was a better dentist at the age of 24 than he was at the age of 21? [Laughter.]

Mr. GAINES of Tennessee. I do not know. He is good all the time. [Laughter.]

Mr. BATES. If he admits that, he gives away his amendment.

Mr. GAINES of Tennessee. He is good all the time. He is a natural-born dentist. [Laughter.] In addition to that, Mr. Chairman, my colleague [Mr. SIMS] says that he was born and reared in his district, and that should be absolute proof of the truth of what I have said.

Mr. Chairman, concluding this matter, I really do think that we are shutting out a lot of splendid young surgeons who would be glad to come into the service and do good service, and that being the case I want to give everybody under proper limitations a good chance. I am against monopoly of all sorts, and I want, wherever I can, to give everybody a chance; not hope only, but a practical chance.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. DAWSON) there were—ayes 21, noes 42.

So the amendment was rejected.

Mr. GAINES of Tennessee. Mr. Chairman, I offer another amendment, to strike out in the same line, including line 11, the words "thirty-five," and insert in lieu thereof the word "forty."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, lines 10 and 11, strike out "thirty-five" and insert "forty."

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. GAINES of Tennessee) there were—ayes 27, noes 40.

So the amendment was rejected.

Mr. DAWSON. Mr. Chairman, I now renew my motion that the committee rise and report the bill favorably to the House.

The motion was agreed to.

Accordingly the committee arose; and the Speaker having resumed the chair, Mr. CAPRON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16620) authorizing the appointment of dental surgeons in the navy, and had directed him to report the same back with a recommendation that the bill do pass.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. DAWSON, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will call the next committee.

The Clerk proceeded with the call of committees.

PROMOTION OF INDUSTRIAL PEACE.

Mr. BARTHOLDT (when the Committee on Labor was called). Mr. Speaker, I call up the bill (H. R. 19662) to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace," which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 2 of an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace," approved March 2, 1907, be amended so as to read as follows:

"SEC. 2. That it shall be the duty of the trustees herein mentioned to invest and reinvest the principal of this foundation, to receive any additions which may come to it by gift, bequest, or devise, and to invest and reinvest the same; and to pay over the income from the foundation and its additions, or such part thereof as they may from time to time apportion, to a committee of 16 persons, to be known as the "industrial peace committee;" said committee to consist of the 7 trustees and 9 other persons to be selected by the trustees, 3 of whom shall serve as members of the committee for the period of one year, 3 as members for the period of two years, and 3 as members for the period of three years; 3 of the 9 members thus selected by the trustees to be representatives of labor, 3 to be representatives of capital, each chosen for distinguished services in the industrial world in promoting righteous industrial peace, and 3 members to represent the general public. Any vacancies which may occur in this committee shall be filled by the selection and appointment in the manner prescribed for the original appointment of the committee, and when the committee has first been fully selected and appointed each member thereafter appointed shall serve for the period of three years or for the unexpired portion of such term."

SEC. 2. That section 3 of the said act be amended so as to read as follows:

"SEC. 3. That the industrial peace committee herein constituted shall arrange for such meetings and conferences in the city of Washington,

D. C., as it may deem advisable, of representatives of labor and capital for the purpose of discussing industrial problems with the view of arriving at a better understanding between employers and employees. It shall call such conferences in case of great industrial crises and take such other steps as in its discretion will promote the general purposes of the foundation, subject, however, to such rules and regulations as may be prescribed by the trustees. The committee shall receive suggestions for the subjects to be discussed at the meetings and conferences, and be charged with the conduct of the proceedings at such meetings and conferences, and shall also arrange for the publication of the results of such meetings and conferences."

Mr. BARTHOLDT. Mr. Speaker, the purpose of the amendments by which this bill seeks to amend an act passed in the last Congress is perhaps best explained in a letter which I have received from Hon. Oscar S. Straus, the Secretary of Commerce and Labor, and which I desire to have read from the desk.

The Clerk read as follows:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, March 19, 1908.

MY DEAR CONGRESSMAN: At the last joint meeting of the trustees and the committee of the Foundation for the Promotion of Industrial Peace a resolution was adopted recommending that section 2 of the act of March 2, 1907, be so amended as to effect a change in the membership of the Industrial Peace Committee, and I was instructed to bring the matter to the attention of Congress, with the view of securing the amendment of the act in question.

Knowing your personal interest in the beneficent purpose contemplated by Congress in making provision for the use of the Nobel prize, I have the honor to submit herewith a draft of the proposed amendment to section 2, with the request that should it meet with your approval you introduce the same in the House and use your good offices in securing its enactment.

The amendment provides that the Industrial Peace Committee shall consist of 16 members instead of 9 as now provided, and shall include the 7 trustees created by the act. It is believed that the cooperation of the trustees with the committee appointed by them will place a practical responsibility upon the trustees commensurate with the importance of the trust, and that the unification of the two bodies will best subserve the interests involved.

Upon my own responsibility I have also drafted an amendment to section 3, which does away with the necessity of calling an annual conference of the representatives of capital and labor for the purpose of discussing industrial problems. I am convinced that a compulsory annual meeting between the representatives of capital and labor is not advisable, and that better results will be accomplished by leaving it within the discretion of the committee to call meetings when deemed necessary.

A draft of these proposed changes has been sent to Hon. JOHN W. DANIEL, of the Senate, in order that consideration of the matter may be had by that body.

Very truly, yours,

OSCAR S. STRAUS, *Secretary.*

HON. RICHARD BARTHOLDT,
House of Representatives, Washington, D. C.

Mr. BARTHOLDT. Mr. Speaker, as appears from this letter, the amendments which are here proposed to the original act are merely technical in character. They provide that instead of two bodies which are to administer this fund only one body is to be created, consisting of 7 trustees, namely, the Chief Justice of the United States, the Secretary of Agriculture, and the Secretary of Commerce and Labor, 1 person to represent capital, 1 person to represent labor, and 2 persons to represent the general public. Those 7 persons are the board of trustees. There are to be added to these 7 persons 9 citizens of the United States, 3 to represent capital, 3 to represent labor, and 3 to represent the general public. Under the terms of the original act the board of trustees had really no functions to perform excepting to turn over the money which is to be collected under this law to the committee of 9 as a working committee. The trustees and the committee of 9 held a meeting last spring, and upon due consideration of the whole subject they came to the conclusion that it would be more advantageous and secure a more efficient administration of the trust if the two bodies can be unified and placed upon the same footing, so that the fund is to be administered by a committee or a board of 16 persons. That is the first amendment.

The second amendment merely provides that the meetings which are to be held for the discussion of questions affecting labor and capital shall not be compulsory, but shall be held in the discretion of the board of trustees. The Committee on Labor has carefully considered these amendments and has reported this bill favorably to the House, and I ask its passage at this time. Unless some Member desires to ask any questions, I shall reserve the balance of my time.

Mr. MANN. Will the gentleman tell what, if anything——

Mr. BARTHODLT. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. Does the gentleman from Missouri yield?

Mr. BARTHOLDT. Certainly.

Mr. MANN. What, if anything, has been done under the act which was passed in the last Congress?

Mr. BARTHOLDT. The only thing, as I understand, Mr. Speaker, that has been done was a meeting of the gentlemen appointed by the President of the United States under this bill, namely, the seven trustees and the committee of nine. They held a meeting in this city in March last, and after carefully considering the whole subject came to the conclusion that it would be necessary to pass this amendment in order to more effectually carry out the purposes of the donor, the President of the United States.

Mr. MANN. The law has been in operation now nearly two years with a very impressive title, "An act to establish the foundation for the promotion of industrial peace." They have the money and the title. Have they done anything in two years' time toward accomplishing the purpose?

Mr. BARTHOLDT. Mr. Speaker, I do not think that the total amount of money which was contained in the donation will go very far in the direction of establishing industrial peace in this country, but money is probably not the essential thing.

Mr. MADDEN. Will the gentleman yield——

Mr. BARTHOLDT. In a moment; I wish to answer this first. In fact, according to the terms of this bill, not the original fund but only the interest of the fund can be used for the purposes of this legislation. The idea was, of course, that American philanthropists might be induced to add to that nucleus of $40,000, which was created by the generous donation of the President, so that eventually a larger fund might be had for the noble purpose of promoting industrial peace.

Mr. MANN. I might say to the gentleman I am not asking for idle curiosity. Our committee had the Townsend bill pending in the House, which was discussed for a day in reference to the appointment of arbitration boards, and I asked because I thought the gentleman would be informed as to what really had been done. They have had the interest for some portion of time on this money. I understand the principal was $40,000. Now, what, if anything, has been done under the provisions of that act except meeting and saying they wished further legislation?

Mr. BARTHOLDT. That is about right. They could do nothing and could not properly organize until Congress could enact this additional legislation.

Mr. MADDEN. Will the gentleman yield?

Mr. BARTHOLDT. Yes, sir.

Mr. MADDEN. Does the committee have a permanent organization, and does it attempt to collate data in relation to the industrial situation?

Mr. BARTHOLDT. As I understand, Mr. Speaker, nothing has yet been done in that direction, but it is undoubtedly proposed to do that very thing. In fact, if the expressed purposes of the gentlemen who are interested in this matter are to be carried out, this organization will in the course of time, probably, take the place of what is now called the "Civic Federation."

Mr. MADDEN. There is no power before the committee under the law to force any settlement of any industrial difficulty.

Mr. BARTHOLDT. No, sir; there is nothing of that kind in the bill.

Mr. MADDEN. What is the special function of the committee?

Mr. BARTHOLDT. I take it, Mr. Speaker, that the discussions, which will be carried on under the provisions of this bill, will be more or less in the nature of academic discussions of questions of capital and labor.

Mr. MADDEN. Educational in their character.

Mr. BARTHOLDT. Educational in their character; and if some great occasion might arise of great difficulties between those two powerful factors, why, probably, this organization might be called into action.

Mr. MADDEN. Would the gentleman consider this committee as being of as much importance in the settlement of industrial difficulties as any proposed committee of compulsory arbitration that might be created under the law?

Mr. BARTHOLDT. Well, this board would surely not be as effective, because they have not the power to arbitrate.

Mr. MADDEN. Would anybody have the power, even though it might be delegated to them by law?

Mr. BARTHOLDT. I do not think this Congress would have the jurisdiction to provide compulsory arbitration.

Mr. MANN. Will the gentleman yield further?

Mr. BARTHOLDT. Yes, sir.

Mr. MANN. The bill provides that they shall arrange for the publication of the results of the meetings and conferences. Is there anything in the former law requiring a report to Congress?

Mr. BARTHOLDT. Mr. Speaker, I think it might be well if the original act be read—it is short—for the information of the House, and I send it to the Clerk's desk.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Chief Justice of the United States, the Secretary of Agriculture, and the Secretary of Commerce and Labor, and their successors in office, together with a representative of labor and a representative of capital and two persons to represent the general public, to be appointed by the President of the United States, are hereby created trustees of an establishment by the name of the "Foundation for the Promotion of Industrial Peace," with authority to receive the Nobel peace prize awarded to the President and by him devoted to this foundation, and to administer it in accordance with the purposes herein defined. Any vacancies occurring in the number of trustees shall be filled in like manner by appointment by the President of the United States.

SEC. 2. That it shall be the duty of the trustees herein mentioned to invest and reinvest the principal of this foundation; to receive any additions which may come to it by gift, bequest, or devise, and to invest and reinvest the same; and to pay over the income from the foundation and its additions, or such part thereof as they may from time to time apportion, to a committee of 9 persons, to be known as "The industrial peace committee," to be selected by the trustees, 3 members of which committee shall serve for the period of one year, 3 members for the period of two years, and 3 members for the period of three years; 3 members of this committee to be representatives of labor, 3 to be representatives of capital, each chosen for distinguished services in the industrial world in promoting righteous industrial peace, and 3 members to represent the general public. Any vacancies which may occur in this committee shall be filled by selection and appointment in the manner prescribed for the original appointment of the committee, and when the committee has first been fully selected and appointed each member thereafter appointed shall serve for a period of three years or the unexpired portion of such term.

SEC. 3. That the industrial peace committee herein constituted shall arrange for an annual conference in the city of Washington, D. C., of representatives of labor and capital for the purpose of discussing industrial problems, with the view of arriving at a better understanding between employers and employees; it shall call special conferences in case of great industrial crises and at such other times as may be deemed advisable, and take such other steps as in its discretion will promote the general purposes of the foundation; subject, however, to such rules and regulations as may be prescribed by the trustees. The committee shall receive suggestions for the subjects to be discussed at the annual or other conferences and be charged with the conduct of the proceedings at such conferences. The committee shall also arrange for the publication of the results of the annual and special conferences.

SEC. 4. That all expenditures authorized by the trustees shall be paid exclusively from the accrued income and not from the principal of the foundation.

SEC. 5. That the trustees herein named are authorized to hold real and personal estate in the District of Columbia to an amount not exceeding $3,000,000, and to use and dispose of the same for the purposes of this foundation.

SEC. 6. That the principal office of the foundation shall be located in the District of Columbia, but offices may be maintained and meetings of the trustees and committees may be held in other places, to be provided for in by-laws to be adopted from time to time by the trustees, for the proper execution of the purposes of the foundation.

SEC. 7. That the Foundation for the Promotion of Industrial Peace is hereby authorized and empowered, at its discretion, to cooperate with any institutions or societies having similar or like purposes.

SEC. 8. That this act shall take effect immediately on its passage.

Mr. BARTHOLDT. I believe that answers the question of the gentleman from Illinois [Mr. MANN].

Mr. HUGHES of New Jersey. Will the gentleman yield to a question?

Mr. BARTHOLDT. Yes, sir.

Mr. HUGHES of New Jersey. Who makes the appointments now?

Mr. BARTHOLDT. The President makes the appointments.

Mr. HUGHES of New Jersey. And the purpose of this act is to have seven trustees to make the appointments?

Mr. BARTHOLDT. The gentleman will find an answer to his question in the first section of the original act, which says:

That the Chief Justice of the United States, the Secretary of Agriculture, and the Secretary of Commerce and Labor, and their successors in office, together with a representative of labor and a representative of capital and two persons to represent the general public, to be appointed by the President of the United States, are hereby created trustees—

No; section 2 is the proper section. I will read:

That it shall be the duty of the trustees herein mentioned to invest and reinvest the principal of this foundation, to receive any additions which may come to it by gift, bequest, or devise, and to invest and reinvest the same; and to pay over the income from the foundation and its additions, or such part thereof as they may from time to time apportion, to a committee of nine persons, to be known as "The Industrial Peace Committee," to be selected by the trustees, three members of which committee shall serve for the period of three years, three members for the period of two years, and three members for the period of three years; three members of this committee to be representatives of labor, three to be representatives of capital, each chosen for distinguished services in the industrial world in promoting righteous industrial peace, and three members to represent the general public.

So that the committee of nine is to be appointed by the trustees.

The SPEAKER. Is there an amendment?

Mr. BARTHOLDT. There is no further amendment.

Mr. HUGHES of New Jersey. Mr. Speaker——

The SPEAKER. Does the gentleman from Missouri [Mr. BARTHOLDT] yield to the gentleman from New Jersey?

Mr. BARTHOLDT. I yield with pleasure.

Mr. HUGHES of New Jersey. There was some opposition to this bill before the committee; rather serious opposition on the part of some members of the committee who are not present in the House at this time. The main objection seems to have been that it created a sort of a self-perpetuating body and that little could be expected as the outcome of this amendment. Under the language of the amendment the several trustees become members of the commission. Now their functions consist simply of their conduct as custodians of this fund, to invest and reinvest it and turn it over as it may be required to pay the expenses of the members of the commission. This amendment makes these seven trustees, together with nine other persons to be selected by the trustees, members of this commission. At the time the amendment was offered and supported in committee by the distinguished gentleman from Missouri [Mr. BARTHOLDT], who has called up this bill, this objection was made to it. I regarded it as a serious objection then, and some of my colleagues on the committee regarded it as a serious objection also. I think it is a departure from the main object of the bill, which is to have the gentlemen named as trustees responsible only for the funds so as to have two separate and distinct bodies, one body caring for the fund and the other body carrying on the functions of the commission. It is true that it is a harmless sort of proposition, and nothing seems to have been done under it since it came into existence, and there is not very much chance that anything much will be done under it. Nobody has yet seen fit to leave any great sums of money to the commission, but it seems to me that the original act was better than the act will be if this proposed amendment is adopted.

Mr. SLAYDEN. Does it contemplate any ultimate charge on the Public Treasury?

Mr. BARTHOLDT. No; this amendment does not contemplate any ultimate charge on the Treasury.

Mr. MANN. May I ask the gentleman a question? The trustees, or a majority of them, or a portion of them, at least, are officials in Washington—the Chief Justice, the Secretary of Agriculture, the Secretary of Commerce and Labor, and perhaps some others. When I read this bill I took it that the real reason for the bill was because it was impossible to get a quorum here of the nine other persons selected by the trustees. Having some officials in Washington who are trustees would aid the commission in getting a quorum of the commission once in a while by getting the officials here in Washington and two or three from the outside. Is there anything else to it than that?

Mr. HUGHES of New Jersey. Well, I do not know. That reason is not set out in the letter of Secretary Straus, and has not been urged here.

Mr. MANN. That is a reason they could not very well give in public, I suppose. I happen to be one of the Regents of the Smithsonian Institution, and I am quite sure that half the time if there were no officials on the board they would have no quorum to transact business. It is easy for the officials to go to the meetings, but it is very difficult for people to come from abroad sometimes to attend a meeting. Very often they may want to transact some business.

Mr. HUGHES of New Jersey. The reason of the gentleman from Illinois [Mr. MANN] does not seem to me to be an impelling one.

Mr. MANN. I only asked if that were not the reason. That is the only reason I can see for doing it.

Mr. HUGHES of New Jersey. The House a little while ago voted down one of these arbitration propositions, and I find that both classes of supposed beneficiaries of these arbitration acts are against these so-called "benefits" that people are wishing to thrust upon them. Neither the manufacturers nor those engaged in manual labor have any desire to have these acts passed which provide machinery for arbitration of disputes. They can get together any time they want without any act of Congress and without any state laws.

I do not know of any state board of arbitration that has ever done any practical good to anybody except to themselves. We have had one in our State, recently abolished, which, for a good many years, performed the physical and manual labor of signing their salary vouchers and performed no other useful service. Now, if it is impossible to appoint a commission that will take sufficient interest in this matter to meet, why should we make it easy for the commission to meet? These six or seven trustees, in accordance with the views suggested by the gentleman from Illinois, would be sitting here all the time, out of touch with industrial conditions throughout the country. Such a commission would be considered to be in touch if appointed in accordance with the idea of the original act. They would be promulgating their views, and publishing them perhaps. But under the original bill and the original idea they were supposed to have absolutely nothing to do with the board except to ad-

minister the funds. Now it is proposed to make them a permanent existing quorum in the city of Washington.

Mr. COX of Indiana. Will the gentleman allow me to ask him a question for information?

Mr. HUGHES of New Jersey. Yes; certainly.

Mr. COX of Indiana. I believe the gentleman is a member of the committee which reported this bill.

Mr. HUGHES of New Jersey. I am.

Mr. COX of Indiana. In the original organic act giving life to the measure were there any duties imposed upon those who were appointed on the board of trustees?

Mr. HUGHES of New Jersey. Not according to my understanding of the terms of the original act, which I do not happen to have by me. The duties of the trustees were limited to the administration of the funds. Now, this amendment contemplates making the trustees a part of the commission and having them appoint nine other members of the commission, so that they become at once a self-perpetuating body, over whom nobody has any control—a body that may become out of touch with the industrial conditions; and if the commission was made up of men appointed who live throughout all the country, nobody will attend except the trustees. These trustees are not selected for their personality. They obtain their positions as trustees by virtue of the offices for which they are selected—as the Secretary of Commerce and Labor, the Chief Justice of the Supreme Court, and so on. They were selected not because they were particularly fit men to discharge functions of this kind, but particularly and peculiarly fitted to administer a trust fund, which was altogether the purpose of the original law.

Mr. COX of Indiana. The gentleman some few moments ago said there was very strenuous opposition to this amendment before the committee. Upon what was the opposition based?

Mr. HUGHES of New Jersey. The opposition of every representative of organized labor who has spoken to me on the subject was based on the ground that it was likely to cause the commission to be out of touch with industrial conditions. I will say, however, that they were not in favor of the original proposition as it remains if this amendment should be defeated. I will say that I simply rose to debate this amendment in order that I might have an opportunity to register my opposition to it and say to the House that some of my colleagues on the committee not here at this time also opposed this amendment at the time.

Mr. BARTHOLDT. I now yield five minutes to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I did not intend to take the floor; but the reason that the gentleman from New Jersey opposes the amendment seems to me is not a sufficient reason. The purpose of the bill is very plain to me. When the Nobel prize was awarded to the President, he donated that money to carry out the purpose of the law to which this bill is an amendment. Probably that law was not very carefully scrutinized in the House. I do not know how perfect it may have been, but it had one effect. It provided for the appointment by the trustees of nine members of the committee, scattered necessarily throughout the country. It is not easy to get these nine members here together. Of the nine members it takes five to make a quorum. I do not know what the usual practice has been, but if the usual practice was followed it would be very difficult to obtain a quorum of the committee here, unless there could be added to that committee some gentlemen living in Washington. That is easily done if half a dozen of the trustees who named the other nine members themselves constituted a part of the committee.

Mr. HARRISON. Will the gentleman allow me to ask him a question?

Mr. MANN. Certainly.

Mr. HARRISON. Does not the gentleman fear that this self-perpetuating permanent body if assembled here in Washington all the time might become so industrious as to become engaged in undesired and undesirable interference in labor disputes?

Mr. MANN. It is perfectly impossible for this commission or committee to be assembled here all the time with the amount of money they now have or with the amount of money they will be likely to have for many years.

The reason I speak about this is because I happen to be one of the Regents of the Smithsonian Institution. That Board of Regents is composed of the Chief Justice, the Vice-President, 3 Members of the House, 3 members of the Senate, 2 residents of the District of Columbia, and a number of other gentlemen scattered throughout the country. Whenever they have important matters to consider, the members throughout the country are notified and most of them attend; but very often it is impossible for some of them to be here, and it is quite often the case that a majority of the members scattered throughout the country away from Washington are unable to attend a meeting; and unless there were at the meeting members located in Washington, it would be very difficult to obtain a quorum for ordinary meetings of the board. The commission affected by this bill have no large sum of money on hand, and in my view are not likely to have any enormous sum of money.

Mr. WALDO. How much?

Mr. MANN. They have $40,000, of which they can use the interest. If they ever do obtain a large sum of money, it will be within the power of Congress to amend the law under which they act, and it seems to me it is perfectly proper to give them what they are asking for.

Mr. BARTHOLDT. Mr. Speaker, I ask for a vote.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. BARTHOLDT, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will resume the call of committees.

The Committee on the Militia was called.

MILITIA IN THE DISTRICT OF COLUMBIA.

Mr. STEENERSON. Mr. Speaker, I call up the bill (H. R. 21926) for the organization of the militia in the District of Columbia.

The SPEAKER. Is the bill on the House Calendar?

Mr. STEENERSON. The bill is on the House Calendar.

The SPEAKER. The gentleman from Minnesota calls up the following bill, which the Clerk will report.

The bill (H. R. 21926) for the organization of the militia in the District of Columbia was read.

Mr. STEENERSON. Mr. Speaker, in explanation of this bill, which you will observe is quite a long one, I will say that the Militia of the District of Columbia was organized under an act passed in 1889. As you will recall, Congress in 1903 passed the Dick law, which provides that before the militia of any State, Territory, or the District of Columbia can share in the appropriations made by the Congress for the militia, they must conform in organization, armament, and discipline to the Regular Army within five years from the date of that act. Last year we extended the time two years, so that the time within which the militia of all the States, Territories, and the District of Columbia must conform in organization to the Regular Army expires next year. This makes it necessary to rewrite many of the sections of the organic act of the Militia of the District of Columbia. The first nine sections did not require any change, but most of the subsequent sections did.

The Committee on Militia had this bill under consideration for many months, and we heard representatives of the militia and of the War Department, and gave the subject very careful consideration. Every section was considered by itself, and the act as a whole was carefully considered. The report of the Committee on Militia is unanimous.

The officers and men of the Militia of the District of Columbia are very anxious to conform in their organization to that of the Regular Army, but are unable to do so until Congress passes this or a similar act. If it be not passed within a year, they will be deprived of their quota. We know of no reason why this bill should not pass. I will not detain the House with any further statement, but will be glad to answer any questions, and will yield to the gentleman from Massachusetts [Mr. AMES], the author of the bill.

Mr. AMES. Mr. Chairman, I am glad to make any explanation that may be desired. The object of the bill is to conform to the requirements of the Dick law. In order that the militia of the several States may derive benefit from the appropriation made by Congress, it is required that prior to such participation the organization of the militia in the various States shall conform to a general plan.

This bill is to make the Militia of the District of Columbia conform to the regular-army standard set by the department. There are but two changes of moment, one in reference to the pay of militia when ordered on duty and the other in reference to courts-martial. The courts-martial sections are 50 and 50 a, b, and c and are almost self-explanatory. The bill has been most carefully gone over by the War Department, the Judge-Advocate-General; General Drain, the head of the National Guard Association of the country, and General Brett, for many years at the head of the militia in the District. There has been no criticism that I have heard from any of the officers and men in the militia of the bill providing for the promotion in the line or in the staff. I understand there has been some criticism of that part of the bill on page 2, providing as

to what shall constitute the organization of the National Guard. The criticism was to the provision—

That the President of the United States, the Commander in Chief, shall have power to alter, divide, annex, consolidate, disband, or reorganize the same whenever in his judgment the efficiency of the forces will be thereby increased.

That was put into the bill after long debate and consideration with the department to simplify the act and make it possible in time of peace for the President and Commander in Chief to reduce to a necessary and proper minimum in order that the organization might continue without a disbandment, necessary under a fixed rule of strength.

Mr. COX of Indiana. Will the gentleman state whether or not the same provision is found in the organic law of which he speaks as that on page 2 of this bill, giving the power to the President to change conditions?

Mr. AMES. It is not. When I stated that this conformed to the organic law I intended to say that it conformed as nearly as it seemed possible to make it. There are two or three minor details, and this is considered one of the maximum, that differ from the organic law.

Mr. COX of Indiana. Is this the chief difference?

Mr. AMES. Yes; this is one of the main differences.

Mr. COX of Indiana. The gentleman said a moment ago that there was some difference in the pay.

Mr. AMES. When the law was originally drawn it provided that the pay of the militiaman should be the multiple of his pay when called on extra duty.

Mr. STEENERSON. I think the gentleman is mistaken about that; the difference is in the original bill.

Mr. AMES. In the original bill it was three times, and this is twice as much.

Mr. STEENERSON. The organic act provided for the same pay as the Regular Army. In the bill introduced by the gentleman from Massachusetts the original bill provided for three times the pay. Between the time that that first draft was reported and the reporting of this substitute bill Congress had passed a bill increasing the pay of the army, so that we thought it was necessary to cut this down in order to make it harmonious, and that is the explanation that ought to be made.

Mr. KEIFER. Mr. Speaker, I am not familiar with this bill, and it is too long to understand it from the reading at the desk. But I want to make some inquiry in relation to it. What does the gentleman from Massachusetts mean by "the organic law" that he refers to?

Mr. AMES. I refer to the Dick law.

Mr. KEIFER. That is what I supposed it was.

Mr. STEENERSON. By the organic law I refer to the law of 1889. That is the organic act for the District Militia.

Mr. KEIFER. Then there is a difference among the members of the committee as to what is meant by the organic law?

Mr. AMES. That is the organic law, and this is to comply with the Dick law.

Mr. KEIFER. What difference is there allowed in the case of the militia in case the militia should be called into actual service under this and the Dick law, or is there any?

Mr. STEENERSON. The Dick law does not cover that point.

Mr. AMES. That is a detail which is not provided for in the Dick law.

Mr. KEIFER. The Dick law does provide what shall be done with the militia in a State in case they are called into actual service for any purpose—they would get the pay of officers and men in the Regular Army.

Mr. HULL of Iowa. Yes; because there is no other pay provided.

Mr. KEIFER. Precisely; because there is no other pay provided. Does this change that and fix a pay that is different from that of the Regular Army?

Mr. STEENERSON. In case of a riot it does, and so does the law of every State in the Union; it prescribes a higher pay for the men when called out in case of riot.

Mr. KEIFER. When there is danger.

Mr. STEENERSON. Well, the gentleman is aware that the ordinary pay of civilians is several times that of the pay of a soldier, and it was thought just that they should be allowed twice the pay in these cases where the militia is called out to quell riot, tumult, or breach of the peace, or in aid of the civil authorities.

Mr. KEIFER. My understanding has been that soldiers in actual service are always called where there is some danger, but here an exception is made in case of riots and they are to be paid more. Is that the understanding?

Mr. AMES. Pay them double the pay.

Mr. KEIFER. What struck me from hearing the bill read—hearing a part of it only—was that this was giving an undue preference to the Militia of the District of Columbia over the militia of the different States, and in that respect it was magnifying——

Mr. MANN. Oh, in our State we pay more than is provided for in this bill.

Mr. STEENERSON. New York pays three times as much.

Mr. KEIFER. Not in the matter of payment alone, but in the matter of preference, in giving the militia of this District an organization that will be out of proportion to the militia of the different States, taking into consideration the population and the power and influence.

Mr. STEENERSON. Oh, I think not. There is nothing in that objection. This militia is not any larger than it ought to be.

Mr. KEIFER. It seems to me that there is provided here a very considerable army, and a very considerable army of officers, sufficient to go to the field to wage a very considerable battle, altogether made up of the Militia of the District of Columbia.

Mr. STEENERSON. There is no increase over the present strength, except as to the coast artillery.

Mr. KEIFER. It is an increase in the organization, if not in numbers; but it provides for an organization of a very large force, with general officers and colonels and staff officers of very high grade, and it seems to me from hearing it read that staff officers had a rank very much out of proportion to the number of the militia that would be in the ranks.

Mr. STEENERSON. We had hearings on that subject, and the Assistant Secretary of War, General Oliver, was there, and it was asserted—and I have no doubt it is correct—that it simply corresponds in organization with the corresponding organization of the Regular Army. There are no superfluous officers provided for. They are all necessary in order to correspond.

Mr. KEIFER. I am not going to oppose the bill, but I am inclined to think that when we come to organize under this law the Militia of this District, we will have a very considerable army in the city of Washington under the head of militia and under the directions, of course, of the Secretary of War or the President of the United States, the Commander in Chief of the Army and the Navy.

Mr. STEENERSON. I will say to the gentleman that if we do get a greater strength it would be a consummation devoutly to be wished, because certainly if there is any place in the country that needs a militia it is the seat of government.

Mr. KEIFER. I thought there was always kept about the seat of government, especially over here at Fort Myer, a very considerable number of Regulars.

Mr. STEENERSON. There is no coast artillery here.

Mr. KEIFER. So that we would not be at the mercy of rioters without aid near at hand.

Mr. STEENERSON. Mr. Speaker, I reserve the balance of my time.

Mr. MANN. Mr. Speaker, I want to ask a question, as to whether it would be a benefit generally to have the militia of the different States organized along the same lines, and if so, whether it would be desirable to have the District Militia organized along the same lines as the state militia.

Mr. KEIFER. I was under the impression, Mr. Speaker, that we ought to have uniformity in the organizations of the militia in all the States, the District, and the Territories, and not have two systems of organization in case we should have to call them out generally.

If this were an organization merely for the protection of the city of Washington or the District of Columbia, and that was all, it would not make very much difference whether there was uniformity or not; but there may come a time when we would expect to call, in case of war, for volunteers, and it is supposed—and that is a theory of the Dick bill—that the first to be called would be the organized militia of the different States; and it would be somewhat unfortunate, I think, if the Militia of the District of Columbia and of the different States, and so on, stood upon a different basis as to rank, if you please. We have generals provided for under this bill.

Mr. HULL of Iowa. Only one here.

Mr. MANN. As I understand, the Dick bill was passed with the idea of having not only the States accept its provisions, but make their own statutory provisions conform with it, and that the purpose of this bill was to do that in the District of Columbia, under our control, which we expect the state legislatures to do in the States.

Mr. KEIFER. I think we probably go here a good ways beyond what the States generally will do, but I am not now speaking with great confidence, for I am not very familiar with this bill, to be candid about it.

Mr. COX of Indiana. On page 2 of the bill reported by the committee I see section 11 is struck out and another section 11 is incorporated. Now, as I understand that section 11, as found in the bill, it is a new section. Is that correct?

Mr. STEENERSON. Well, there are only a few new words in it. It is substantially the old section, with a few new words, so as to fit it to the present situation.

Mr. COX of Indiana. Then let me ask you. I find in section 11, on page 2, of the bill now pending before the House, in a proviso, the following:

Provided, That the President of the United States, the Commander in Chief, shall have power to alter, divide, annex, consolidate, disband, or reorganize the same whenever in his judgment the efficiency of the forces will be thereby increased—

And so forth.

Is that new language incorporated in this section 11, or is that language to be found in the original section 11, as found in the old organic law?

Mr. STEENERSON. I think that is new.

Mr. AMES. That is new.

Mr. COX of Indiana. If that is new, why was it incorporated in this bill?

Mr. STEENERSON. The gentleman will understand that this section first undertakes to enumerate the different organizations constituting the militia, and then it gives a blanket authority to the President to change the organizations where they are required in the future. The regular army organization might be modified next year, and instead of coming to Congress, which is a very slow body to act, as we found it in this case especially—we have been waiting for six years now to get this bill passed—they could simply go to the President of the United States or to the War Department for a modification of the organization. If there was a different designation, if a captain should be called something else or a wagoner should be called a drayman or something like that—they have certain terms in the army organization, and in order to draw the pay while the militia is in the service of the United States they must be known by the same titles—and therefore it might occur in the future that a title would change from what is described in this section 11, and the War Department could then modify this act by an executive order giving the change of title, so that it would not need another act of Congress in order to pay them under their proper designation. That is the explanation.

Mr. COX of Indiana. Well, I am seeking information. One question further. I understand the purpose of this bill is to enable the Militia in the District of Columbia to conform as near as practicable to the Dick bill. Is that correct?

Mr. STEENERSON. That is correct. In this instance the House of Representatives simply acts the same as the legislature of a State would do, like the legislature of Indiana, Ohio, or Minnesota, in conforming their local statutes to the Dick law. That is all.

Mr. COX of Indiana. I am seeking information——

Mr. STEENERSON. And I hope you are getting it.

Mr. COX of Indiana. And I desire to know whether or not there is anything in the Dick bill which empowers the President to change organizations such as you propose in this bill.

Mr. STEENERSON. Oh, no; that would not be in the Dick bill.

Mr. GAINES of Tennessee. Now will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. GAINES of Tennessee. Suppose the governor of a State calls out the troops of the State to quell a riot and they are for some time in service in doing so. Does the United States, under the existing law, the Dick law—that is what I have in mind—pay these troops or does the State pay them?

Mr. STEENERSON. The State pays them.

Mr. KEIFER. That is a State matter.

Mr. GAINES of Tennessee. They do not, when called out by the governor of a State, in that case become Regulars or a part of the United States Army, but they are troops of the State and amenable to the laws of the State.

Mr. KEIFER. They stand exactly as though there had been no Dick law.

Mr. STEENERSON. I think the quick way to explain the Dick law to the gentleman would be to say that Congress appropriates so much money and makes it a condition for any state or district militia to participate in that appropriation, whether of money or uniforms or ammunition, that they conform in their organization to the organization of the Regular Army. Now, that conformity is a condition precedent to their sharing in the appropriation. All the rest of the regulation for the militia is devolved upon the States. The local law of the State, Territory, or District must prescribe an organization to conform with that of the army.

Mr. GAINES of Tennessee. And even though their organization conforms to the Dick law, and the governor calls them out to quell a riot or under other conditions, the State pays the troops.

Mr. STEENERSON. The State pays them in the instance I cited. There are cases where money comes out of the United States Government.

Mr. GAINES of Tennessee. Of course they would not pay them if called out by the President. Then who would pay them?

Mr. STEENERSON. The United States.

Mr. GAINES of Tennessee. They would be paid as regular troops?

Mr. STEENERSON. They would be paid as regular troops—the same as regular troops.

Mr. KEIFER. Called out on federal duty.

Mr. GAINES of Tennessee. I wanted to get that clear. The Dick law, as I understand it, did not affect anything at all that relates to purely state matters, and did not affect them over what they were before it was passed, so far as they were concerned.

Mr. FLOYD. Will the gentleman yield to me for a statement?

Mr. STEENERSON. Certainly.

Mr. FLOYD. In regard to section 11, which has been under discussion, I desire to explain the matter as I understand it. It states that the President—

Shall have power to alter, divide, annex, consolidate, disband, or reorganize the same whenever in his judgment the efficiency of the forces will be thereby increased.

This is limited by the following portion of the section:

So as to conform to any organization, system of drill, or instruction now or hereafter adopted for the Army of the United States or the organized militia, and for that purpose the number of officers—

And so forth—

may be increased to the extent made necessary by the new positions thus created.

The power is limited so as to make the militia organization conform to the organization of the Regular Army, and the purpose of this bill, as I understand it, is simply to make the District Militia conform in organization, armament, and discipline to the Regular Army, so that in case of war the two forces may be brought together, and, being trained in the same school of military tactics, would better harmonize. That is what I understand to be the purpose of the bill and the sole purpose of it.

It is true that under the provisions of the Dick bill, before a State or the District of Columbia can participate in the funds appropriated under that bill, it must conform to the requirements of that law, but the general purpose of the bill, of far greater importance than to get the money that is appropriated, is to put all the military forces of the United States, both of the States and in the District, and in the army, in an organization that is harmonious as to armament, discipline, and as to the organization.

Mr. KEIFER. Will the gentleman allow me?

Mr. FLOYD. Certainly.

Mr. KEIFER. Does not the language of section 11 state the principal ground upon which the President may act, and that is to make the militia more efficient?

Mr. FLOYD. I think so; but he would be limited in his power in this, that he could make no change except to make it conform to the regulations and changes that are subsequently made in the Regular Army under authority of law after the passage of this act.

Mr. KEIFER. With a view to its increased efficiency?

Mr. FLOYD. With a view to its increased efficiency. That is the way I understand the section, and I see no objection whatever to it.

Mr. HULL of Iowa. Mr. Speaker, there is no question in my mind but some bill of this character should pass—that there should be a bill passed by the Congress of the United States giving the District Militia the right of organization as now prescribed for the Regular Army. The bill, to my mind, is much better than the first bill introduced, and is, for all I know, a most excellent one as it stands. There are some things about it that I do not entirely approve, but the Committee on Militia undoubtedly have more information than I have. I see that they have changed the court-martial provision so as to remove the most objectionable feature of the bill as first reported. In that bill, as I remember now, they provided that the court-martial could take absolute jurisdiction of any wit-

ness and sentence him to jail for nonappearance in the court-martial, without having the federal court pass upon whether he was guilty of contempt or not. Now they put it the same as the Regular Army court-martial in that respect.

Mr. STEENERSON. The gentleman will recall that this was submitted to the gentleman and was at his suggestion, and is written now exactly as the gentleman from Iowa wished it to be.

Mr. HULL of Iowa. The court-martial feature is the same as provided in the Regular Army.

Mr. STEENERSON. The original bill provided that the District Militia have a court-martial just the same as the state militia, but at the suggestion of the gentleman from Iowa [Mr. HULL] we took away that power.

Mr. HULL of Iowa. I think they ought to have the power to punish, but through the courts. It is too much power for a military court to punish a civilian.

Mr. STEENERSON. It ought to be satisfactory, because we followed the suggestion of the gentleman from Iowa.

Mr. HULL of Iowa. It is satisfactory; and I think the gentleman from Minnesota cordially approved the change.

Mr. STEENERSON. The committee was very glad to have the assistance of the gentleman.

Mr. HULL of Iowa. Mr. Speaker, there are a large number of provisions here in regard to staff. They may be absolutely necessary. I have no doubt but they are or the gentleman from Minnesota would not have reported them. But you have in the District of Columbia two regiments and one battalion and provision for a small force of coast artillery.

Mr. STEENERSON. Two battalions.

Mr. HULL of Iowa. That is not nearly a brigade, and yet you have an adjutant-general's department. Remember, Mr. Speaker, that in each regiment we have a full staff, and in each battalion we have an adjutant and a quartermaster and a commissary. We have an adjutant and quartermaster for each of the battalions in addition to the regimental adjutant, quartermaster, and commissary in the regular army organization. Now, we have here a staff that seems to me exceedingly top-heavy in that particular. They have two adjutant-generals, one of the rank of lieutenant-colonel and one of the rank of major, and so on through the staff. Now, if it is required here that they shall be the same as the organization of the army, that is all right. I would like to have the committee to make section 11, page 2, of the bill, a little more comprehensive than they have it, and after the word "artillery," in line 11, insert "to be organized by the President as provided for the Regular Army by existing law or regulations."

That would give him the right to organize these staff corps as the law requires the Regular Army to be organized. You go beyond that, and provide below that he can change their organization at his pleasure. Now, Mr. Speaker, when you put that amendment in there are four or five pages of this bill that are absolutely useless. In other words, after giving the President the right to change all this organization at his pleasure, to promote the efficiency of the Regular Army, you establish by law these staff corps, that every man in this House must know is exceedingly large for the size of the force. This was based, as I understand it—and if I am not mistaken I will be glad to be corrected by my friend from Minnesota—on the law of the State of New York. The State of New York has over eight times as many troops as we have here, and therefore would necessarily need a larger staff. Now, you have as large a staff here, to care for two regiments, as they have in the largest State in the Union. When they are called into service the present law provides that these organizations of the national guard shall go into the service as organized, does it not?

Mr. KEIFER. Yes.

Mr. HULL of Iowa. Now, my friend from Minnesota will readily see that the Government of the United States would never think of giving to two regiments and one battalion a staff corps equal to that of a division, and yet you give it in this bill. Now, if you think this language, authorizing the President to organize the Militia of the District of Columbia in accordance with the law prescribing the organization of the Regular Army, I can not see what harm would be done if you do it that way. I want at the proper time to move to strike out all of the provisions for this staff corps. Then you follow that with your proposition as it is in the bill, giving the President the right to alter or change, subdivide, and do as he pleases with this organization.

Now, if we are going to fix by law a staff corps as expressed by Congress, this would do; but then you ought not to give the President the right to disband that organization whenever he desired to change it. If Congress absolutely fixes the staff corps, only Congress should change it. In other words, it may be that this organization would be carried and paid by the War Department; but as one Member of Congress, I would rather the War Department should be responsible for such an organization as that for two regiments than be responsible for it myself.

Mr. KEIFER. Before you go from that. Are there not a considerable number of staff officers provided for in the bill to which you refer that are unknown to the Regular Army?

Mr. HULL of Iowa. I think not.

Mr. KEIFER. I do not mean staff officers who relate to regiments, but to details in making up organizations. Are there not a number there——

Mr. HULL of Iowa. No; in the War Department there are adjutants-general, quartermasters-general, inspectors-general, judge-advocates-general, and all these staff officers.

Mr. KEIFER. They are detailed officers, are they not?

Mr. HULL of Iowa. They are detailed officers.

Mr. KEIFER. But this provides for separate officers.

Mr. HULL of Iowa. This provides for a permanent corps. They are not detailed.

Mr. KEIFER. No; these are not detailed at all.

Mr. HULL of Iowa. No; they are not detailed. I notice another thing here, if the gentleman will pardon me, and I say this not in any spirit of criticism, but merely from a desire to get the best we can for the militia; because I realize, as does the gentleman and every other Member of the House, that our Regular Army is small. It is only the very first line of defense of the country, and the national guard and the unorganized militia back of them, still more powerful, are the great fighting arm of this Government and always will be; but I notice on page 20 it provides that each mounted officer shall be paid a reasonable per diem compensation for horses actually furnished.

Now, the Regular Army does not get that. Every field officer is compelled to be mounted, and his pay is fixed on the basis of being a mounted officer, and he furnishes his horse. Now, if you will put in this bill an amendment, "below the grade of major," you will make it conform to the regular army organization. I am not talking about your pay for men. I think you ought to pay them more than the regular pay of the enlisted men in the army; but the pay of officers is ample for those who go out in case of riot, or for any other purpose. Every time you have an annual encampment all officers provided for in this bill are ordered out for the maneuvers. You say, "ordered out in case of riot or for any any other cause." They are ordered out for maneuvers two weeks each year. Every colonel, lieutenant-colonel, and major would receive what is called "a reasonable per diem" for his horse. Now, that would be fixed by whom? By the Secretary of War? It evidently means that Congress believes that, in addition to his pay as a major or a lieutenant-colonel or colonel or brigadier-general, he ought to have extra pay for being mounted, when his pay is fixed by the pay of officers of the same grade in the Regular Army, who have to keep their horses without any extra pay. If he is below the grade of major, the regular army pay provides that a captain shall have so much if he has 1 horse, and so much additional for 2, and nothing if the Government furnishes the horses. It seems to me this ought to correspond with that.

Mr. AMES. Will the gentleman permit an inquiry?

Mr. HULL of Iowa. Yes.

Mr. AMES. I have served with a light battery in the Massachusetts Militia, and I think I am very safe in saying that there was never an officer in the Massachusetts State Militia who did not spend a good deal more than he received, furnishing this, that, and the other thing for the benefit of his organization. So, although an officer's pay is a little larger than that of the enlisted men, it is paid out many times over in the course of a year simply for the good of the militia. He gets nothing at all out of it except love of the work and his desire to promote the efficiency of the organization.

Mr. HULL of Iowa. When the gentleman was a member of the Massachusetts Militia, did the State do all the paying, or did the Federal Government pay a part and the State a part?

Mr. AMES. The State paid all, except what the officers gave out of their own private purse.

Mr. HULL of Iowa. Very well. This is a proposition for the Federal Government to pay. Now, what does a major get?

Mr. AMES. The Federal Government is paying for the militia in the District just what it is paying in each of the States.

Mr. HULL of Iowa. What pay did the State of Massachusetts give a major when the gentleman from Massachusetts was a member of the Massachusetts Guard?

Mr. AMES. My recollection is that it was the pay when called out on duty.

Mr. HULL of Iowa. What pay? It was fixed by the State, I suppose. My State paid the officers and privates the same pay, $2 a day, some years ago. I do not know what now.

Mr. AMES. They paid in proportion.

Mr. HULL of Iowa. You would have to get at that to know the justice of it. Here the officers are given the pay of the Regular Army. A major gets $3,000 and a colonel gets $5,000 a year. Now, he gets his pay while there and his pay is graded as a mounted officer, because he is a mounted officer when he becomes a field officer. There is no extra pay for a field officer in the army because the law requires him to be mounted.

Mr. KEIFER. The captain on mounted service gets a different pay.

Mr. HULL of Iowa. Yes; but last session we provided that where a captain was required to be mounted and did not furnish his own horse he got no extra pay. Where he furnishes a horse he gets the pay of $150 a year for 1 horse and for 2 horses he gets $200 a year.

Mr. AMES. I can explain a little further, perhaps, to the gentleman. When we went out as a light battery to Framingham we had to hire horses for a week or ten days. We went to the livery stables and got bids. The horses we had to take were horses poor in character, and we became more or less responsible, for we had to guarantee that they would be brought back in as good condition as when taken, and we had to pay an enormous price for that, so much so that the pay allowed by the State would not begin to pay for the horses. If a mounted officer is called out he is not going to take a horse that he has been boarding all the year round, but he has to go to some livery stable and get a good horse and pay a very large price for him, sufficient to cover accidents, etc.

Mr. MANN. And that would be a reasonable amount?

Mr. AMES. Yes; a reasonable amount.

Mr. HULL of Iowa. No matter what it is, you have to pay anything that the commanding officer certifies as to the amount. Now, going back to page 11, it seems to me that the commanding officer is given too much power in section 23b.

That whenever, in the opinion of the commanding general of the Militia of the District of Columbia, an officer of the said militia has become incapacitated for the performance of duty for any reason, the commanding general shall submit the name of such officer to the Secretary of War, with a view to his being ordered before a board of examination, to be appointed by the said commanding general, which board shall examine said officer as to his physical, mental, and military qualifications.

Now, why not make the board appointed by the Secretary of War? The commanding general may have a prejudice against any officer of his command, and he prefers the charges and appoints the board to try him, and can turn out every member of the board under the same machinery if they do not do what he wishes them to. I am not criticising the commanding general. I think he is able and efficient, but he may not live forever; they may get another. But no matter who the man is I would not give him the privilege of preferring charges against a man and then authorize him to appoint the court to try the officer, holding the power to discharge those whom he does not want and who do not do what he orders them to do, whether right or wrong. It ought to be changed so as to give some man, either the Secretary of War or the President, the power to appoint the board that tries the officer. Let the commanding general make the charges, for he is the proper one to do it.

Mr. STEENERSON. I am willing to accept that suggestion.

Mr. KEIFER. The President can do it in the Regular Army.

Mr. HULL of Iowa. Oh, yes; he does. I think that ought to be guarded. Now, I do not care to antagonize this committee. I am a member of the Committee on Militia and proud of it, although I do not work much at it. I will say that when the Secretary of War and the chairman of the committee and myself were discussing that they thought this amendment would be all right. But the committee decided that they would not accept it. I feel like testing the opinion of the House, and at the proper time I shall move, on page 2, after the words "field artillery," to insert "to be organized by the President, as provided for the Regular Army by the present law or regulations." Mr. Speaker, I reserve the balance of my time.

Mr. STEENERSON. Mr. Speaker, as to the first objection of the gentleman from Iowa, it is true that the original bill was reported. It struck me to be a very easy way out of the matter—that is, to strike out all of that page and simply give the authority of the President to prescribe the organization. The gentleman from Iowa [Mr. HULL] is correct in stating that I at first thought I would favor that when the Assistant Secretary of War and myself went and called upon the gentleman in his committee room; but upon consideration, when the full committee was in attendance, with the exception of the gentleman from Iowa, who was too busy with his Committee on Military Affairs to attend, we came to the conclusion that it was a mistake to act upon that suggestion, and for this reason—and I think the House and the gentleman from Iowa, if he will give me his attention, will see it:

The act of 1889 prescribes the organization for the District Militia. That is a statute; it is an act of Congress. To change that act of Congress requires another act of Congress. That is the object of the present proposed act of Congress. In this act we can propose that for the future the President may change the organization prescribed. We can authorize the President of the United States to change the organization herein prescribed by a future order, an executive order; but it would hardly be competent for us in this act to authorize him by executive order to repeal the act of 1889. This bill with that part stricken out which the gentleman proposes to strike out will leave the old sections of the act of 1889 regarding organization unrepealed. Furthermore, the logical and correct way is to prescribe by act of Congress what the organization of the District Militia shall be, and then to give this authority to the President, for the future, to change it where change may become necessary, in order to make it conform to the changing conditions and organizations of the Regular Army. We in effect would authorize a repeal by executive order.

Mr. HULL of Iowa. Mr. Speaker, right on that point, the gentleman says that we can not let the President change the present organization. We have got to fix a specific organization in order to allow him to have the power to change. Now, you have a specific organization here. You provide in this bill that the National Guard shall consist of certain officers and men, certain organizations. I want to ask the gentleman this question: If we put right in this law this language—

To be organized by the President as now provided for the Regular Army by law or regulation.

Are we not repealing everything that now stands as to the organization; and when the President acts, is it not as lawful to change the old organization as the provision below there which says that the President of the United States shall have power to alter, divide, consolidate, disband, and reorganize? Is it not the same power to now make the organization as prescribed by law for the Regular Army—is it not giving him absolute power just as you gave him power below to change all that we now enact?

Mr. STEENERSON. This matter was considered by the committee, and we have some eminent lawyers on that committee. I am very sorry that we did not have the benefit of the opinion of the gentleman from Iowa, but we did not agree with the gentleman from Iowa.

Mr. HULL of Iowa. This is all good natured with all of us. I am not antagonizing, but I want to ask the gentleman now if you can give power, from section 12 down, to the President to change every organization in the bill, can not you give him power, when we enumerate what we have given to him—the organization now provided by law? Then, if there is any variation in the organization we are not responsible for it.

Mr. STEENERSON. As a prelude to that, I would ask the gentleman if he conceives a difference between authorizing the President to do a thing for the future and authorizing the President to repeal an act of Congress?

Mr. HULL of Iowa. We repeal the act by this language. He does not repeal the act of Congress; we do it. He is acting under authority of law. Let me make it a little clearer. The law now requires all military militia organizations to comply with the organization of the Regular Army.

The President is Commander in Chief of the Army and Navy, and he is Commander in Chief of the District Militia. If we authorize him to organize the District Militia, he can not do it without this language, because the law fixes it. He has to have power to change that in order to do it. By adopting this language, do we not give him power to organize it as now prescribed by the Regular Army, so as to comply with the Dick bill, and when that is done you have no use for 5 or 6 pages of this bill.

Mr. STEENERSON. What is the objection to doing what we ought to do? We ought to prescribe by act of Congress what the organized militia shall consist of, and it seems to me that the only object which can be attained by the gentleman's suggestion is to save a few sections or a few words.

Mr. HULL of Iowa. We would save about 4 or 5 pages here that this House is not at all familiar with and which it does not know whether it complies with the Regular Army or not. But there is one thing certain. If we adopt this, it is the law, and Congress is responsible.

Mr. STEENERSON. I will say to the gentleman from Iowa that we tried very hard to get him to be present at the committee meeting.

Mr. HULL of Iowa. That is very true, and it was purely my fault.

Mr. STEENERSON. Not only that, but we sent for him and notified him, and the chairman of the committee took it upon himself to go to the gentleman with the Assistant Secretary of War and with the adjutant-general of the District of Columbia and explain this matter to him, and he expressed himself as satisfied, as I recall it, though he thought it was more convenient to have a short bill than a long bill; but the gentleman from Iowa did not suggest then that there was anything wrong about these provisions.

Mr. HULL of Iowa. No; the gentleman from Iowa simply suggested this—that here was a large staff that looked to him like it was too large. The gentleman from Iowa is not going to criticise, but the gentleman from Iowa and the Members of the House are not certain that a division of the national guard as small as is the District of Columbia Militia should have such a staff as this. The gentleman from Iowa is perfectly willing to leave that to the War Department, under the law regulating the organization of the Regular Army. If the Regular Army will then require it, let them do it.

Mr. STEENERSON. The gentleman from Iowa will understand and admit that the Assistant Secretary of War expressly stated that this was exactly the same organization he would wish if he were allowed blanket authority to do so. You recollect that.

Mr. HULL of Iowa. Oh, certainly.

Mr. STEENERSON. Now, what is the objection——

Mr. HULL of Iowa. My point is, I would rather for them to do it than Congress.

Mr. STEENERSON. I would rather Congress would stand up like a man and pass its own bills.

Mr. HULL of Iowa. If I had my way I would not make the staff so large for such a small organization.

Mr. AMES. There are several considerations to be considered in a measure of this sort, and one was that such a bill would be a model for the States to follow in conforming to the Dick law. Now, with your proposed amendment you say several of these pages would become unnecessary, did you not?

Mr. HULL of Iowa. I did, and I would propose, if this is adopted, to strike them out.

Mr. AMES. The committee decided, regretting your forced absence, that we wanted to frame a bill such as would serve as a model for other States in conforming their militia legislation to the Dick bill, and so these several pages became specifications of what should be done. Put in your amendment to strike this out, and it ceases to be a model for other States.

Mr. HULL of Iowa. Let me ask the gentleman a question. Is not this simply following the New York law?

Mr. AMES. I do not understand so.

Mr. HULL of Iowa. My understanding from the chairman of the committee and others is that it is.

Mr. AMES. The committee was informed this was following the desires and recommendations of the War Department, and not New York State.

Mr. HULL of Iowa. My understanding is that you form a model on a model by readopting a model.

Mr. STEENERSON. I will say to the gentleman from Iowa that we had before the Committee on Militia not only the laws of New York, but 15 or 20 different statutes. We had a collection of statutes, including even the statutes of Iowa, Minnesota, Massachusetts, and New York, and this matter was gone over very carefully, and, as I understood, the gentleman from Iowa was perfectly satisfied with the provision.

Mr. HULL of Iowa. I have never been satisfied to reenact into positive law such a staff organization and I have expressed myself this way. If we strike out the other and give the President absolute power—of course he acts through the War Department, and their decision then would conform to the laws of the Regular Army—I would be satisfied with their organization.

Mr. STEENERSON. The gentleman from Iowa admits, then, if we strike this out then and leave to the War Department the authority to prescribe what the organization shall be that they would immediately issue an order prescribing exactly the same organization and same staff corps as are provided for here.

Mr. HULL of Iowa. If the law requires it, I suppose they would. But it seems to me, in all fairness, I will say to my friend from Minnesota, that the staff organization provided for in this bill is so exceedingly top-heavy that the War Department would hesitate a long time before they would become responsible for issuing the order.

Mr. STEENERSON. I beg to differ with the gentleman. It is not top-heavy, and General Oliver stated in the gentleman's presence he would issue an order prescribing exactly the same organization and same staff. The objection was suggested to him by the gentleman from Iowa, and he answered it was not top-heavy, that it was only in conformity with the organization of the Regular Army, and he would issue an order prescribing exactly the same thing.

Mr. HULL of Iowa. Then I will ask the gentleman, who is very familiar with military matters, if he does not regard an organization top-heavy with an adjutant-general, an assistant adjutant-general, in addition to an adjutant-general of the regiment and three battalion adjutants of the regiment; that is ten adjutants for two regiments. Now, is not that a little top-heavy?

Mr. STEENERSON. I will answer the gentleman from Iowa that the gentleman from Minnesota does not pretend to be an expert on military affairs; but he does realize this, that "a little learning is a dangerous thing," and there are some people on the floor of this House that know so much about military matters that nobody can understand them.

Mr. HULL of Iowa. I have no doubt of that. It is the hardest work in the world for a fellow to understand himself. Remember that each regiment has a quartermaster and 3 battalion quartermasters. You have 4 quartermasters to a regiment. And then you have a quartermaster's department, which will consist of 1 quartermaster with the rank of major, and 1 quartermaster with the rank of captain, and 2 post quartermaster-sergeants. You have a quartermaster-sergeant in every company in the regiment.

Mr. STEENERSON. Would it not be necessary if you wanted to have a larger militia in the District of Columbia?

Mr. HULL of Iowa. If you had enough to form a full brigade, then I would concede that your model might be all right. Suppose we have war to-morrow. That is what this militia is for—to form the first line of defense. All of these staff officers would be taken into action, and the organized Guard of the District of Columbia would be compelled to go with some other State in order to form a brigade, and then you would have a double force of staff officers all through.

Mr. STEENERSON. I think the gentleman is entirely mistaken when he says the staff officers would be taken out in the field in case they are called out by the United States Government.

Mr. HULL of Iowa. The law requires that they shall be taken in case of war.

Mr. STEENERSON. You have your own staff corps when you organize your army.

Mr. HULL of Iowa. A volunteer army, yes. There is another bill for that purpose that is entirely independent of the national guard measures.

Mr. STEENERSON. You would not use this staff corps at all?

Mr. HULL of Iowa. You go into camp here with the ten-day maneuvers and you have got all of these different staff officers in the field, and also in case of riot. They are of no value to the officers of the army. It does not amount to very much, but it is a top-heavy organization, and I would prefer, as I said before, for the War Department to be responsible for it than for Congress to solemnly enact it into law.

Mr. STEENERSON. I would like the House to understand the gentleman's position. He prefers to have the War Department prescribe what the organization shall be instead of having it done by act of Congress. That is, we ought to shirk our duty in legislating for the militia.

Mr. HULL of Iowa. The gentleman is entirely mistaken in that. What I propose here is to give the President the power to organize this guard under the provision's regulation. They have the same force as law, as the gentleman knows. I would give him absolute power to conform to this, but you propose to enact into law the entire staff corps on the theory that it is required by law. Now, if that is true, if your contention is correct that this absolutely conforms to the organization of the Regular Army, no harm can be done by my amendment. If you should happen to be mistaken in that the War Department and the President are limited by the law requiring an organization on the regular army basis, when they come to make the organization they have got to lop off some of these things.

Mr. STEENERSON. Does the gentleman know that the State of Iowa has a similar provision, first prescribing what the organization of the militia shall be, and then giving the blanket authority to the governor?

Mr. HULL of Iowa. Yes; and the gentleman from Iowa further knows that we have a full brigade in Iowa, so we are entitled to a brigade organization.

Mr. STEENERSON. Massachusetts has the same thing. It seems to me that here we ought to have a skeleton big enough so that we can fill it up. This does not cost anything. We

ought to have the machinery. The State of New York, the State of Ohio, and every other State having a law governing the militia has a similar provision. This is only a technicality, and it seems to me rather too critical an objection.

Mr. HULL of Iowa. Not critical at all. I am liberal.

Mr. STEENERSON. We certainly tried to satisfy the gentleman, but it seems to be impossible. I will say that I can not believe the suggestion is a wise one. I think it would hurt the bill very much to accept the suggestion.

The SPEAKER pro tempore. The Clerk will read the bill by section.

The Clerk read as follows:

Be it enacted, etc., That the following amendments are hereby made to an act of Congress entitled "An act to provide for the organization of the Militia of the District of Columbia, and for other purposes," approved March 1, 1889:

Strike out the whole of section 10 and insert in lieu thereof the following:

"SEC. 10. That the organized militia shall be composed of volunteers, and shall be designated the National Guard of the District of Columbia."

Strike out the whole of section 11 and insert in lieu thereof the following:

"SEC. 11. That the national guard shall consist of one brigadier-general, an adjutant-general's department, an inspector-general's department, a judge-advocate-general's department, a quartermaster's department, a subsistence department, a medical department and hospital corps, a pay department, a corps of engineers, an ordnance department, a signal corps, a coast artillery corps, 2 regiments and 1 separate battalion of infantry, 4 companies of coast artillery, a troop of cavalry, and 1 battery of field artillery: *Provided*, That the President of the United States, the Commander in Chief, shall have power to alter, divide, annex, consolidate, disband, or reorganize the same whenever in his judgment the efficiency of the forces will be thereby increased, and he shall at any time have power to change the organization of departments, staff corps, regiments, battalions, companies, troop, and battery so as to conform to any organization, system of drill, or instruction now or hereafter adopted for the Army of the United States or the organized militia, and for that purpose the number of officers and non-commissioned officers of any grade in departments, staff corps, regiments, battalions, companies, troop, and battery may be increased to the extent made necessary by the new positions thus created."

Mr. HULL of Iowa. I do not desire to debate the bill any further, but I move to amend by inserting after the word "artillery," in line 11, page 2, the words "to be organized by the President as now provided for the Regular Army by law or regulation."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 11, after the word "artillery," insert "to be organized by the President as now provided for the Regular Army by law or regulation."

Mr. AMES. Mr. Speaker, I hope this amendment will not prevail. The Committee on Militia is a full-grown committee. Its members are conscientious. It attends to its duties. It regrets that the chairman of the Committee on Military Affairs can not be present at its deliberations. It did its best to get his cooperation and assistance, and in its judgment and in the judgment of the War Department, and of the head of the National Association of Militia, and of Colonel Brett, who for a long time was in command of the militia, a regular army officer, it was believed that this was the proper form for the bill. In addition to that it made it a model for other States to follow in the alteration of their militia laws, so that they might conform to the requirements of the War Department. This bill represents the wisdom of the department and the wisdom of the committee. I think perhaps there may have been a slight feeling among the members, in their refusal to go against their first judgment to meet the suggestion of the gentleman from Iowa, a feeling of proper pride in their own capacity to do what was right and what seemed best, all things considered, when the gentleman from Iowa, a member of the committee, could not appear and be with them in their deliberations. I think if he had, and if he had gone into the matter as carefully as we did, he would have felt the justice of the position of the committee and would not have raised this opposition.

Mr. FLOYD. I am opposed to the amendment suggested by the gentleman from Iowa, and I desire to state my reasons for my objections.

The Committee on Militia have carefully considered this bill, and we have made it conform to the regulations of the Regular Army as nearly as may be. Now, the proposition of the gentleman from Iowa, as I understand it, is to eliminate these sections and give this power to the Secretary of War. I think that would be a dangerous proceeding. It would totally change the purposes of this section.

This section gives the President of the United States the authority to make certain changes in order to make the militia organizations conform to those of the Regular Army, but Congress must first define and determine what these organizations shall be in the Regular Army. Then we delegate to the highest officer in the country the authority to change these militia organizations to the extent of making them conform to those of the Regular Army and no further; but it seems to me that the amendment offered by the gentleman from Iowa gives the whole power to the Secretary of War in regard to these organizations, and takes away from Congress the power to fix these regulations. I am opposed to the amendment.

Mr. KEIFER. Mr. Speaker, I was not disposed to further interpose in this discussion. My impression was, on hearing the bill read, that it was top-heavy—that it had too much staff and too little militia at the bottom. A gentleman—Mr. Shallenbarger, who served with the greatest distinction in this House many years ago—told me of an incident that took place between himself and President Lincoln the night before he was shot, and it has some application here. Mr. Shallenbarger went to see President Lincoln about an appointment in the army. The war was about over. He went late at night and found the President sitting in his library, with his legs wrapped around each other, twisted in his not unusual way, with a toe under his ankle, as was usual, and he seemed to be very morose. Mr. Shallenbarger said he felt ashamed to intrude on him at that hour, and told him he would be glad to be excused. The President said to him: "Tell what you came for." Mr. Shallenbarger said: "Mr. President, I came to ask you to appoint a man in the staff of the army." Thereupon the President unwound himself, changed to a cheerful mood, arose, and said: "Your suggestion reminds me of a story." And he proceeded in his mimical way to relate it. It may have been his last story.

"There was a lady came upon the Sangamon River in Illinois at an early day that had the reputation of being able to make a white shirt with a collar and a bosom to it. An Irishman, who was about to get married, applied to her to make him a white shirt. She made it and starched it." I am abridging the story. "She took it to him and he put it on wrong end up. He then went back with it and said to her he wanted a shirt not all collar." Mr. Lincoln then said, "Now, Mr. Shallenbarger, you want all staff and no army." We have got a great deal of staff here in this District of Columbia militia bill; a great deal of collar, and very little shirt. And that is my objection to this bill. It would be partly corrected, largely perhaps, if the amendment of the gentleman from Iowa [Mr. HULL] were adopted. It happens under the modern system of camping and drilling for instruction that the Regular Army is often called out with the militia; and it is a wise mode of instruction, for the militia especially. Now, if we have any such establishment as this bill provides for, staff officers of such high rank, with large numbers of adjutants-general, inspectors-general, quartermasters, and so on, we will find that there will be a conflict, and that the staff of this militia will outrank the staff of the Regular Army in these annual drills. I have said enough to show that I am in favor of the amendment offered by the gentleman from Iowa.

Mr. STEENERSON. Mr. Chairman, I hope this amendment will not prevail. It not only does not improve the bill, but injures it. The bill as drawn provides for the organization of a staff that is no more than is necessary, corresponding with the army organization. If there should be any more, under this authority to abridge and discontinue organizations the President or Secretary of War can discontinue any office that may be thought to be more than necessary. But there is not any such. And it is admitted by the propounder of this amendment that the Secretary of War stated, and it is an undisputed fact, if the authority was left blank instead of prescribed, as it is in this bill, that he would issue an order creating these staff corps exactly as they are here.

Mr. SLAYDEN. I will ask the gentleman if it is not a fact, if the amendment offered by the gentleman from Iowa shall prevail, that then the organization of the District Militia will absolutely and exactly conform to the organization of the Regular Army?

Mr. STEENERSON. It will; and whether we accept it or not will not affect that.

Mr. SLAYDEN. If that is all you want, and it is absolutely certain under the amendment, why stickle for the language in the bill?

Mr. AMES. It not only does that, but does some other things.

Mr. STEENERSON. I do not think it leaves the matter clear. The gentleman from Iowa's amendment does not leave any discretion whatever in the President of the United States. It gives him the power to organize the District Militia as prescribed by law for the Regular Army organization. It is not

a dangerous power, because with it you give the President of the United States the right to change every one of the provisions of this bill if he desired to.

Mr. SLAYDEN. In the two clauses at the end of the paragraph?

Mr. STEENERSON. Why, certainly.

Mr. HULL of Iowa. My amendment simply makes it certain that the organization of the District Militia shall conform to the organization of the Regular Army, and your proposition makes it so that if it is the action of the Congress the President will say Congress declared that they desired it that way, and he will act accordingly. [Cries of "Vote!"]

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. STEENERSON. Division!

The House divided; and there were—ayes 27, noes 16.

So the amendment was agreed to.

Mr. HULL of Iowa. Now, Mr. Speaker, I move to strike out all of pages 3, 4, 5, 6, 7, 8, and down to the end of line 10 on page 9.

Mr. KEIFER. That will be in conformity with the amendment.

Mr. HULL of Iowa. Absolutely, and allow the entire organization to be made in accordance with that of the Regular Army.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read, as follows:

Strike out all of pages 3, 4, 5, 6, 7, 8, down to the end of line 10 on page 9.

Mr. MANN. These provisions which the gentleman from Iowa proposes to strike out now provide in detail for the officers of the militia?

Mr. HULL of Iowa. Yes.

Mr. MANN. And the gentleman's amendment would leave it so that the officers will be in accordance with those provided for in the Regular Army?

Mr. HULL of Iowa. Yes; both the regimental, battalion, and staff corps. In these provisions the organization of all the branches was provided for.

Mr. MANN. And this amendment will make it conform purely to the law organizing the Regular Army?

Mr. HULL of Iowa. Yes. These provisions were only a rehash of what is in the law with reference to the Regular Army, as far as the regimental, battalion, and staff organization was concerned.

Mr. STEENERSON. I would like to ask the gentleman from Iowa in what situation it will leave the organic act?

Mr. HULL of Iowa. You have repealed all of the organic act by my amendment.

Mr. STEENERSON. I think, in view of the adoption of the amendment, that this would necessarily follow.

Mr. HULL of Iowa. We have repealed the organic act prescribing the organization by the amendment which has just been adopted, placing it in the hands of the President.

Mr. STEENERSON. I think this ought to be stricken out.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 23 b. That whenever, in the opinion of the commanding general of the militia of the District of Columbia, an officer of the said militia has become incapacitated for the performance of duty for any reason, the commanding general shall submit the name of such officer to the Secretary of War, with a view to his being ordered before a board of examination, to be appointed by the said commanding general, which board shall examine said officer as to his physical, mental, and military qualifications.

Mr. HULL of Iowa. Mr. Speaker, I move to strike out the words "said commanding general," in line 16 of section 23 b, and insert the words "Secretary of War."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 11, line 16, strike out the words "the commanding general" and insert the words "Secretary of War."

Mr. AMES. Mr. Speaker, I would like to ask the gentleman from Iowa, chairman of the Committee on Military Affairs, if he is not a little bit inconsistent? By the force of his argument we have stricken out several pages on the plea that it was top-heavy, and now he is topping a little militia organization in the District of Columbia with the Secretary of War instead of the commanding general.

Mr. HULL of Iowa. Is the gentleman from Massachusetts through with his question?

Mr. AMES. Yes.

Mr. HULL of Iowa. I would say, Mr. Speaker, that that question seems not to have been well considered before it was asked. The other matter was with reference to the organization. The object of the bill is to make the Regular Army and the District of Columbia National Guard conform exactly. Here is a proposition by which the commanding general prefers charges against the officers or men of his command, and under the provisions of the law drawn by the gentleman from Massachusetts and reported by the committee the same commanding general appoints the judges to try the men, and I say it is placing altogether too much power in the hands of the commanding general.

Mr. AMES. Can not the Secretary of War do the same thing?

Mr. HULL of Iowa. No; the Secretary of War has none of the prejudices that come from intimate association such as the commanding general might have. I have no doubt that the commanding general would give a fair trial, but he might not; his prejudices might be so great that he might do the accused an injustice. The Secretary of War being above and beyond the associations with these officers, he can appoint a board and give them a fair trial.

Mr. AMES. I have no objection to the amendment; I am simply pointing out that the Secretary of War might do just what the gentleman says the commanding general would do.

Mr. HULL of Iowa. No; that is inconceivable; he has not the same associations.

The question was taken, and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

Following section 49 insert the following additional section:

"SEC. 49 a. That whenever the National Guard of the District of Columbia shall be ordered to duty in case of riot, tumult, breach of the peace, or whenever called in aid of the civil authorities, all enlisted men who do duty shall be paid at the rate equivalent to two times the pay of enlisted men of the Regular Army of like grade. Commissioned officers who do duty shall be entitled to and shall receive the same pay and allowances as commissioned officers of like grade of the Regular Army. Each mounted officer and enlisted man shall be paid a reasonable per diem compensation for each horse actually furnished and used by him: *Provided*, That when the National Guard of the District of Columbia is called into the actual service of the United States the officers and enlisted men shall, during their time of service, be entitled to the same pay and allowances as are or may be provided by law for the Regular Army."

Mr. HULL of Iowa. Mr. Speaker, on line 1, page 20, I move to insert, after the word "officer," the words "below the grade of major," so that it will conform to that of the Regular Army.

The Clerk read as follows:

On page 20, line 1, after the word "officer," insert the words "below the grade of major."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 54 b. That no action or proceeding shall be prosecuted or maintained against a member of a military court, or officer or person acting under its authority or reviewing its proceedings, on account of the approval or imposition or execution of any sentence, or the imposition or collection of fine or penalty, or the execution of any warrant, writ, execution, process, or mandate of a military court.

SEC. 54 c. That the jurisdiction of the courts and boards established by this act shall be presumed, and the burden of proof shall rest on any person asking to oust such courts or boards of jurisdiction in any action or proceedings.

Mr. DE ARMOND. Mr. Speaker, I wish to move to strike out sections 54 b and 54 c. I will, however, make my amendment in separate form.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, strike out section 54 b.

Mr. DE ARMOND. Mr. Speaker, there may be a good reason for that provision, and if there is I would be glad to hear what it is. It seems to entirely exempt from all sort of remedial procedure anybody and everybody connected with one of these courts-martial, whether it is proceeding regularly or in good faith or the reverse. Some member of the committee doubtless can explain the purpose and scope of it, and I would be glad for one to hear from him.

Mr. STEENERSON. I yield to the gentleman from Massachusetts [Mr. AMES].

Mr. AMES. Mr. Speaker, this was suggested by General Davis, of the War Department. This has all been gone over most carefully by the department. All actions by courts-martial, summary courts, and others are reviewed by the commanding general or Secretary of War, the President of the United States, if you please, and this is to prevent, on the face of it, action against a man performing what he considers to be his duty as a member of a court. It is simply preserving the integrity of a court. That is all it is for and all it is meant for.

Mr. DE ARMOND. It seems to me it goes too far. There is no such exemption to those who act in the civil courts. There might be such a thing as an entirely unwarranted proceeding.

Mr. STEENERSON. I would say that I believe similar provisions are in all of the state laws, including the State of Missouri.

Mr. DE ARMOND. That may be, but that is not a very strong presumptive suggestion. I do not know whether it is true or not.

Mr. HULL of Iowa. Mr. Speaker, I think my friend from Missouri will readily admit that it is rather an unusual thing to give permission to sue a court. If the court-martial unjustly sentences a man, it does not deprive the convicted party of his rights under the law to immediately appeal and be relieved of any punishment, but if you can harrass the court all the time, men would hesitate to sit on a court-martial, I should imagine.

Mr. DE ARMOND. I understand that, but it seems to me this is too broad. This might be a case, exceptional, if you please, where the prosecution would be malicious, or where there would be inflicted upon the person prosecuted, in the course of the prosecution, hardships and wrongs for which there would be no warrant. It might be a case where there was a finding or an execution of a finding or an attempt at execution of a finding, which would amount to great and malicious oppression and wrong, and yet the language is broad enough to entirely protect the willful wrongdoers from any prosecution or suit for damages.

Of course I understand that one dealing with causes in a judicial capacity or an administrative capacity in the military courts or in the civil courts is ordinarily, and ought to be, protected from any prosecuton, civil or criminal; but it seems to me that this section ought in itself to negative and ought to leave as an exception oppressive conduct, unwarranted conduct, conduct that clearly is not within the scope of duty or law. Under this provision I take it that in the grossest kind of a case, in a case of the grossest abuse or the grossest assumption of power, there would be no redress whatever. That surely is not the intention. By modifying this a little all abuse might be entirely avoided and obviated. What I suggest is that the provision is too broad. The language not only covers the numerous cases which it ought to cover, but it is broad enough to cover cases which it ought not to cover.

Mr. STEENERSON. The gentleman from Missouri certainly will agree with me that we could not take away any right that a man might have where the court acts beyond its jurisdiction.

Mr. DE ARMOND. I do not know about that. We ought not to assume to do it.

Mr. STEENERSON. We are simply protecting the members of the court.

Mr. DE ARMOND. We ought not to assume to do it. The question of whether we can do it or not is a question that would arise if there were an abuse. We ought not to assume or attempt to do it.

Mr. STEENERSON. We have a right, and we ought to protect the members of the court from harassing suits.

Mr. DE ARMOND. That is true.

Mr. STEENERSON. And it will never be construed to mean to take away a man's constitutional right to remedy if he has been wronged by a trespasser who acted beyond the authority of the court.

Mr. DE ARMOND. The language is just as broad as it can be:

> No action or proceeding shall be prosecuted or maintained against a member of a military court, or officer or person acting under its authority or reviewing its proceedings on account of the approval or imposition or execution of any sentence, or the imposition or collection of fine or penalty, or the execution of any warrant, writ, execution, process, or mandate of a military court.

Mr. STEENERSON. Is not that right?

Mr. DE ARMOND. It is too broad.

Mr. STEENERSON. It can not be any less broad and serve the purpose. Has the gentleman looked into this matter especially?

Mr. DE ARMOND. No.

Mr. STEENERSON. Well, it is the only way you can protect the members of the court.

Mr. DE ARMOND. My colleague [Mr. ALEXANDER] suggests that an improvement be made by inserting the phrase "in the absence of malice or oppression." That certainly would improve it very much, I think, and yet it would answer every proper purpose.

Mr. STEENERSON. I do not see that the insertion of the word "malice" would make any difference.

Mr. DE ARMOND. It would make a lot of difference.

Mr. STEENERSON. Suppose a court-martial might sentence a man to be shot. You would not want the men who did the shooting—who were ordered to do it as a matter of duty—to be indicted and prosecuted for that, because they would be entirely following orders.

Mr. DE ARMOND. Of course not.

Mr. STEENERSON. This provision is not a new provision to this bill. It is an old provision that is inserted in all laws regarding court-martial statutes for the militia. I do not believe that the suggested amendment would improve it. I think it would distort it very much.

Mr. DE ARMOND. Well, I think not; but I do not care to take more time, and I will just let the motion stand to strike out 54 b.

The SPEAKER pro tempore. The question is upon agreeing to the amendment of the gentleman from Missouri.

The question was taken, and the amendment was rejected.

Mr. DE ARMOND. Mr. Speaker, I move to strike out section 54 c.

The SPEAKER pro tempore. The gentleman from Missouri moves an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out section 54 c, page 21.

Mr. DE ARMOND. Mr. Speaker, it will be observed that that section follows and supplements the preceding section, 54 b, which the committee voted not to strike out. Section 54 c provides—

> That the jurisdiction of the courts and boards established by this act shall be presumed, and the burden of proof shall rest on any person asking to oust such courts or boards of jurisdiction in any action of proceedings.

Now, I admit I have not studied this subject and am not very intimately acquainted with it, so the reasons for this do not exactly occur to me, and I will be glad for some member of the committee to state them.

Mr. STEENERSON. I will say that this is not a new provision to this bill. It is contained in every act governing the militia of the different States, and I think it is reasonable that the courts be presumed to be legal and not the reverse, and it seems to me it is a proper protection around a court-martial.

Mr. DE ARMOND. It is a pretty good protection for the court, possibly, but it is not so good for the persons brought before the court.

Mr. STEENERSON. Oh, yes. Of course we could not make it conclusive presumption; it can be overcome by evidence.

Mr. DE ARMOND. I understand.

Mr. STEENERSON. It is the same presumption that prevails in fact in any civil court. They are presumed to be legal and to have jurisdiction, and if you allege want of jurisdiction you must show it, and it is the same thing here.

Mr. DE ARMOND. Mr. Speaker, it will be seen that this provision is, as this entire law is in fact, for the District of Columbia Militia. Now, then, in time of peace, or in any time, in any proceeding in which any board or commission may take cognizance of a case, if this provision stands, it is to be presumed that there is jurisdiction.

Now, I can understand how in time of war, in the army and in the army organization, where arbitrary means might seem to be necessary, there might be such a provision as that incorporated and possibly be valuable, but for an ordinary regulation for the militia in time of peace to presume when a militia organization, a court, or board assumes to take jurisdiction of a matter that it has jurisdiction, so that every one over whom it attempts to exercise this jurisdiction has placed upon him the burden of showing that it has not jurisdiction, that seems to me to be going a long way. Now, whether this be found in other enactments or not is not conclusive of the question whether it should be here. It is all well enough to provide for the militia; it is all well enough to have these courts-martial and boards, but it is going a little far, it seems to me, when they can be called into existence so easily, when they may be called into existence when there is no occasion for them, owing to some pique or some little disturbance incident to the organization, to conclude or to go a long way toward concluding the question of jurisdiction by presuming it.

The question of jurisdiction is one that ought to be open and one which very fairly could be well left, it seems to me, to be disposed of when it arises. The question being raised with this provision in, the board or court-martial says: "We have jurisdiction; that is presumable. If you question our jurisdiction, convince us, if you can, that we haven't it."

It seems to me this is an unnecessary thing. It does not add to the efficiency of the militia, and it tends to lessen the rights of the individual militiaman, who is a citizen, who is not in the army except in a tentative way, who is in civil life, who is in the course of preparation for the duties of army life, if there be occasion for it. Whatever is given to the board, whatever is given to the court-martial, is that much taken from him, the citizen, and it seems to me that there is no necessity for taking so much from him.

If it meets any particular cases, which I suppose we could easily imagine and which might readily arise, it might prove to be burdensome upon the citizen and of no benefit to the organization. If this bill be passed or be not passed, the efficiency of the militia will certainly not be lessened by the elimination of this provision. On that theory I move to strike it out.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Missouri [Mr. DE ARMOND].

Mr. STEENERSON. I hope the amendment will be voted down. It is simply giving this court the presumption that is given to all other courts, and this change is not asked for, as I understand it, by members of the militia. The members of the militia and officers have expressed themselves satisfied with the provision as it stands.

Mr. MACON. I dislike to disagree with the gentleman from Missouri [Mr. DE ARMOND] on a legal proposition. I know his judgment is always good, but he, like other men, can sometimes get an idea in connection with a thing that does not agree with the ideas of others. In this particular instance he has advanced a proposition that does not accord with my idea of the correct thing to do in connection with this matter.

I do not understand why this court should be deprived of its jurisdictional presumption when it is allowed to all other courts. The jurisdiction of civil and criminal courts are presumed, and when attack is made upon any matter pending before them on jurisdictional grounds the burden necessarily rests upon the attacking party to show that the court has not the jurisdiction that it assumes. And so it would be here. When the military court undertook to act and an objection was raised to its jurisdictional right to proceed, all that would have to be done would be to show, just as it would have to be shown in other courts, that it did not have proper jurisdiction of the matter before it. But until that was done it looks like the presumption ought to remain that the court is proceeding within its jurisdictional right.

Mr. DE ARMOND. Mr. Speaker, just one word more. The question here really is whether there is to be any presumption indulged. Now, as suggested by the gentleman from Arkansas [Mr. MACON], the question of jurisdiction may be raised in any court. The further question is, What happens when it is raised? Do you presume that it exists, or do you not indulge any presumption about it? I am taking the position that as to a matter of this kind there ought not to be any presumption indulged, neither a presumption that jurisdiction does not exist or does exist.

I think the line in regard to presumptions as applied to courts is about this: That as to courts of general jurisdiction, when that kind of a court takes cognizance of any proceeding, the presumption in favor of its jurisdiction lies because its jurisdiction is general, and the presumption is that that particular case and the particular persons with whom it would deal in that case fall within the lines of that general jurisdiction. But as to an inferior court, no presumption of jurisdiction ever lies in favor of it. The question being raised, it has to be determined without any presumption, or if there be any presumption involved, it is against jurisdiction, because the court has only a limited and special jurisdiction, and, therefore, so far as presumptions go, it is presumed not to have jurisdiction of the particular case or the particular person. Now, if that philosophy be applied here, there ought to be no presumption in favor of this kind of an inferior court having jurisdiction. Here is a militia court, and not only a militia court, but a militia board. And the question arising as to whether it has jurisdiction of a particular person or of a particular matter, the proposition is to provide by law that jurisdiction shall be presumed. I think, applying the principles that we apply ordinarily in our courts, that this presumption ought not to be indulged here, and certainly it ought not to be enforced by an enactment such as this would propose. It is an inferior tribunal if it is a militia court-martial. It is still more inferior if it is a militia board—some anomalous, indefinite sort of thing, inferior to a court-martial. Now, then, whether it has jurisdiction or not is a question that ought to be determined, subject to review, if that question arises. I do not ask a presumption against its jurisdiction. The question of jurisdiction can take care of itself. I think the provision is not in harmony with the general principles governing such matters, and that in some instances it might be dangerous, provided it be valid. If it be not valid, it ought not to be put into the law; and if it be valid and objectionable, for that reason it ought not to be put into the law.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken, and the Speaker pro tempore announced that the noes seemed to have it.

Mr. DE ARMOND. Mr. Speaker, I would like to have a division on that.

The House divided; and there were—ayes 19, noes 27.

So the amendment was lost.

The Clerk read as follows:

Following section 63 insert the following additional sections:

"SEC. 64. That a reserve corps of the National Guard of the District of Columbia is hereby organized, to consist of honorably discharged officers and men of the Army, the Navy, and the Marine Corps of the United States, honorably discharged officers and men of the organized militia of any State or Territory who are residents of the District of Columbia, and honorably discharged members of the National Guard of the District of Columbia whose military training and physical condition shall conform to the standard determined by regulations to be promulgated by the President of the United States: *Provided*, That the term of enlistment in the reserve and the military duties and obligations required of reservists shall be determined by regulations to be promulgated by the President of the United States: *Provided further*, That when called out for military duty reservists shall receive the same pay and allowances as officers and men of like grade on the active list of the National Guard of the District of Columbia.

Mr. DE ARMOND. Mr. Speaker, this word "reservists." I know not what that means, and I move to strike it out, and insert whatever the committee may suggest.

Mr. AMES. Members of the national guard leaving the service are reservists. They are on the reserve corps.

Mr. STEENERSON. It is the proper term.

Mr. AMES. I do not know of a better term.

Mr. DE ARMOND. I withdraw my amendment. The gentlemen seem to be entirely satisfied with the term, and I would not desire to interfere with them.

The Clerk resumed and concluded the reading of the bill.

The bill was ordered to be engrossed for third reading, and being engrossed, it was accordingly read the third time and passed.

On motion of Mr. STEENERSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution and bills:

H. J. Res. 208. Joint resolution providing for expenses of the House Office Building;

H. R. 17707. An act to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power; and

H. R. 22879. An act to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved January 23, 1908.

HARRIMAN V. THE INTERSTATE COMMERCE COMMISSION.

The Speaker pro tempore laid before the House the following message from the President of the United States (S. Doc. No. 634), which was read, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed:

To the Senate and House of Representatives:

The recent decision of the Supreme Court of the United States in Harriman *v.* The Interstate Commerce Commission seems to render advisable further legislation in the way of amendments to the existing law which will confer upon the Interstate Commerce Commission, so far as the Congress has constitutional power to do so, the authority claimed for it in the case recently decided against it by the Supreme Court. Mr. Justice Day, in delivering the dissenting opinion, concurred in by Mr. Justice Harlan and Mr. Justice McKenna, says in part:

"The function of investigation which Congress has conferred upon the Interstate Commerce Commission is one of great importance, and, while of course it can only be exercised within the constitutional limitations which protect the individual from unreasonable searches and seizures and unconstitutional invasions of liberty, the act should not be construed so narrowly as to defeat its purposes."

Apparently the language of the act is such that there is danger lest the last-mentioned result will unavoidably ensue upon the authoritative construction placed thereon by the Supreme Court, and it is therefore obvious that the Congress should amend the act and change the language so as explicitly to empower the commission to require by subpœna the attendance and testimony of witnesses and the production of all books and papers relating to any matter under investigation, and this by virtue of the powers conferred upon the said commission by any section of the law under which it is acting, or of any act amendatory thereof, so as to aid it in ascertaining facts upon which it can recommend any additional legislation in reference to the regulation of commerce that it may conceive to be within the power of the Congress to enact.

I further recommend that the commission be explicitly empowered by order to postpone the application of any increase of rates by any

railroad pending examination by the said commission into said increase to see whether or not it is justified. The regulation of the railroads should be put as completely as possible in the hands of the commission, for it can only be rendered effective by being put completely under the control of some branch of the National Executive, the action of this branch to take effect immediately.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 6, 1909.*

PANAMA RAILROAD COMPANY.

The SPEAKER pro tempore also laid before the House the following message from the President (S. Doc. No. 632), which was read and, with the accompanying document, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:.

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress, the Fifty-ninth Annual Report of the Board of Directors of the Panama Railroad Company for the fiscal year ended June 30, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 5, 1909.*

SALARIES IN THE EXECUTIVE DEPARTMENTS.

The SPEAKER pro tempore also laid before the House the following message from the President (S. Doc. No. 638), which was read and, with the accompanying document, referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a revised statement, prepared by the Committee on Grades and Salaries under the executive order of June 11, 1907, for the reclassification and readjustment of salaries in the executive departments, and estimates of appropriations based thereon.

The reclassification of employees should be authorized now, even if the additional appropriation suggested can not now be made. The existing classification does not meet the needs of the service. The basis of the reclassification is character of work rather than amount of salary; it would avoid the need of special positions and result in much higher efficiency.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 6, 1909.*

ADJOURNMENT.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a statement of travel by officers and employees of his department for the year ended June 30, 1908 (H. Doc. No. 1284)—to the Committee on Expenditures in the Treasury Department and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for the Marion Branch of the Soldiers' Home (H. Doc. No. 1285)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a list of books and papers of no further use in his department (H. Doc. No. 1286)—to the Select Committee on Disposition of Useless Executive Papers and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Sophronia A. Woods, administratrix of estate of Isaac Johnson, against The United States (H. Doc. No. 1287)—to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25391) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1820), which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 25409) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1822), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 19373) granting an increase of pension to James Bond—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24812) granting a pension to Hugh Morgan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24991) granting a pension to Louis Miller—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24994) granting pay to heirs of Tyre Kelly—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 25133) granting a pension to Clarence S. Johnson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24133) granting an increase of pension to Eleanor A. McCardell—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 25192) for the relief of Oliva J. Baker, widow of Julian G. Baker, late quartermaster, United States Navy—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GARDNER of Michigan, from the Committee on Appropriations: A bill (H. R. 25392) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes—to the Union Calendar.

By Mr. STURGISS: A bill (H. R. 25393) to establish a fish-cultural station in Tucker County, in the State of West Virginia—to the Committee on the Merchant Marine and Fisheries.

By Mr. JENKINS: A bill (H. R. 25394) amending chapter 591 of the United States Statutes at Large, Fifty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis."—to the Committee on the Judiciary.

By Mr. SHERMAN: A bill (H. R. 25395) granting and ceding to the State of Colorado certain lands heretofore included in the Fort Lewis Military Reservation—to the Committee on Indian Affairs.

By Mr. NEEDHAM: A bill (H. R. 25396) for the relief of applicants for mineral surveys—to the Committee on Mines and Mining.

By Mr. HAWLEY: A bill (H. R. 25397) appropriating money to operate and maintain the dredge on the coasts of Oregon and Washington—to the Committee on Rivers and Harbors.

By Mr. HUGHES of New Jersey: A bill (H. R. 25398) to establish a fish-cultural station in the State of New Jersey—to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH of Michigan: A bill (H. R. 25399) for the extension of Franklin street NE. from its present eastern terminus east of Twenty-fourth street to the Bladensburg road—to the Committee on the District of Columbia.

By Mr. KAHN: A bill (H. R. 25400) to change the name of the Washington Hospital for Foundlings—to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas: A bill (H. R. 25401) authorizing the Secretary of the Interior to complete the final rolls of the Choctaw and Chickasaw tribes of Indians in Oklahoma—to the Committee on Indian Affairs.

By Mr. HUBBARD of Iowa: A bill (H. R. 25402) providing for the erection of a federal building at Le Mars, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. CLARK of Florida: A bill (H. R. 25403) to provide for the purchase of sites and for the construction of post-office buildings in certain towns in the United States, and to provide for the issuance and sale of interest-bearing certificates for the creation of a fund for the purchase of such sites and the construction of such buildings—to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of Alabama: A bill (H. R. 25404) to authorize the construction and operation of a ship canal or channel along the western shore of Mobile Bay—to the Committee on Rivers and Harbors.

By Mr. GAINES of Tennessee: A bill (H. R. 25405) to change and fix the time for holding the circuit and district courts of the United States for the eastern and middle districts of Tennessee—to the Committee on the Judiciary.

By Mr. JONES of Washington (for Mr. CUSHMAN): A bill (H. R. 25406) authorizing the settlement or adjustment of legal disputes concerning tide lands adjacent to the harbor of the city of Tacoma—to the Committee on Indian Affairs.

By Mr. VOLSTEAD: A bill (H. R. 25407) transferring the Indian school at Morris, Minn., to the State of Minnesota for an agricultural school—to the Committee on Indian Affairs.

By Mr. SABATH: A bill (H. R. 25408) to provide compensation for injuries to employees while solely engaged in interstate and foreign commerce, the handling, dispatching, or sorting of the mail or postal matter on cars or vessels, to which the regulative power of Congress extends under the Constitution of the United States, and to create a commission of injury awards, and granting powers and an appropriation to said commission—to the Committee on the Judiciary.

By Mr. MORSE: A bill (H. R. 25410) to prevent the destruction of forests by fire from locomotive engines—to the Committee on Interstate and Foreign Commerce.

By Mr. LORIMER: A bill (H. R. 25411) to provide for obtaining lands and other property necessary for the construction, repair, and preservation of certain public works in the interests of commerce and navigation at Sault Ste. Marie, Mich.—to the Committee on Rivers and Harbors.

By Mr. SLEMP: A bill (H. R. 25412) for the incorporation of a company for the benefit of its members—to the Committee on the District of Columbia.

By Mr. ANDREWS: Resolution (H. Res. 471) providing for compensation for a clerk in the office of disbursing clerk—to the Committee on Accounts.

By Mr. LASSITER: Resolution (H. Res. 472) directing the Secretary of War to furnish the House with certain information concerning Cuba—to the Committee on Foreign Affairs.

By Mr. GARDNER of Massachusetts: Resolution (H. Res. 473) providing for amendment of the rules of the House—to the Committee on Rules.

By Mr. CASSEL: Resolution (H. Res. 474) providing for the payment of a stenographer to the Clerk of the House—to the Committee on Accounts.

By Mr. HAWLEY: Joint resolution (H. J. Res. 221) providing for the operation of the dredge to increase channel widths and depths in the inner harbor of Coos Bay, Oregon—to the Committee on Rivers and Harbors.

By Mr. LANGLEY: Joint resolution (H. J. Res. 222) authorizing the Secretary of War to present a sword to Capt. George M. Jackson—to the Committee on Military Affairs.

By Mr. SMITH of California: Joint resolution (H. J. Res. 223) to allow the city and county of San Francisco to exchange lands for reservoir sites in Lake Eleanor and Hetch Hetchy valleys in Yosemite National Park, and for other purposes—to the Committee on the Public Lands.

By Mr. BURKE: Joint resolution (H. J. Res. 224) proposing an amendment to the Constitution of the United States relating to the election of President and Vice-President—to the Committee on Election of President, Vice-President, etc.

By Mr. LOWDEN: Joint resolution (H. J. Res. 225) authorizing the selection of a site and the erection of a pedestal for the Alexander Hamilton memorial in Washington, D. C.—to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. DIXON, from the Committee on Invalid Pensions: A bill (H. R. 25391) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. DRAPER, from the Committee on Pensions: A bill (H. R. 25409) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war and to widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. ADAIR: A bill (H. R. 25413) granting a pension to William W. Layton—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of Missouri: A bill (H. R. 25414) granting an increase of pension to Jacob E. Westfall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25415) granting an increase of pension to Solomon F. Brown—to the Committee on Invalid Pensions.

By Mr. BANNON: A bill (H. R. 25416) granting an increase of pension to Jane Pool—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25417) granting an increase of pension to George W. Schachleiter—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 25418) granting an increase of pension to Stephen S. Mann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25419) granting an increase of pension to Edwin Shelmadine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25420) granting an increase of pension to Thomas B. Evans—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: A bill (H. R. 25421) granting an increase of pension to Pierce J. Reynolds—to the Committee on Pensions.

By Mr. BOYD: A bill (H. R. 25422) granting an increase of pension to William C. Webber—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 25423) granting an increase of pension to Henry Hale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25424) granting an increase of pension to William J. Smalling—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 25425) granting an increase of pension to Ruel Merrill—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 25426) for the relief of the heirs of the late John W. Massey—to the Committee on Claims.

Also, a bill (H. R. 25427) for the relief of Christian Christensen—to the Committee on Claims.

By Mr. CALDER: A bill (H. R. 25428) to pay Herman A. Delius for services rendered in and about the burial of certain 17 soldiers who died at Camp Wykoff, Long Island, New York, in August and September, 1898—to the Committee on Claims.

By Mr. CANNON: A bill (H. R. 25429) granting an increase of pension to Joel W. Babb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25430) granting an increase of pension to John Barber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25431) granting an increase of pension to Austin Henderson—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 25432) to authorize the honorable discharge of Theodore F. Colgrove, late lieutenant-colonel of the One hundred and forty-seventh Regiment Indiana Infantry—to the Committee on Military Affairs.

By Mr. COLE: A bill (H. R. 25433) granting an increase of pension to Marion P. Downey—to the Committee on Invalid Pensions.

Also a bill (H. R. 25434) granting an increase of pension to William F. Galbreath—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 25435) granting an increase of pension to Hiram Pile—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25436) granting an increase of pension to Elijah L. Shipley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25437) granting an increase of pension to Henry T. Blair—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 25438) granting an increase of pension to Addison N. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25439) granting an increase of pension to Michael Fetter—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 25440) granting an increase of pension to Charles A. Gilman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25441) granting an increase of pension to Elbridge G. Arlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25442) granting an increase of pension to Warren C. Heath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25443) granting a pension to Henry B. Thomas—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 25444) granting an increase of pension to George H. Beck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25445) granting an increase of pension to Nathan W. Fitz Gerald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25446) granting an increase of pension to George H. Church—to the Committee on Pensions.

By Mr. DE ARMOND: A bill (H. R. 25447) granting an increase of pension to George W. Wolfe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25448) to carry into effect the findings of the Court of Claims in the matter of Elijah B. Hammontree, administrator of the estate of John Hammontree, deceased—to the Committee on War Claims.

By Mr. DWIGHT: A bill (H. R. 25449) granting an increase of pension to Thomas B. Smeaton—to the Committee on Invalid Pensions.

By Mr. FOELKER: A bill (H. R. 25450) granting an increase of pension to Samuel B. Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25451) granting an increase of pension to Matthew Connell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25452) granting an increase of pension to Sarah L. Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25453) to pay certain claims of G. W. Howland—to the Committee on War Claims.

By Mr. FULLER: A bill (H. R. 25454) granting an increase of pension to John F. Lakins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25455) granting an increase of pension to James Carrington—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennesse: A bill (H. R. 25456) for the relief of the heirs of Hiram Wilhite, deceased—to the Committee on War Claims.

By Mr. GARRETT: A bill (H. R. 25457) granting an increase of pension to Henry Mooneyham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25458) granting an increase of pension to Michael Shoffner—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 25459) granting a pension to Louis Legune—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25460) granting an increase of pension to William E. Lawrence—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 25461) granting a pension to Mary Robinson—to the Committee on Pensions.

Also, a bill (H. R. 25462) granting an increase of pension to Charles P. Worthley—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 25463) granting a pension to Mary Gentry—to the Committee on Pensions.

Also, a bill (H. R. 25464) granting an increase of pension to Milford Clemons—to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 25465) granting a pension to Bedy Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25466) granting a pension to Robert L. Ford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25467) granting an increase of pension to Sarah A. Stephenson—to the Committee on Invalid Pensions.

By Mr. OLLIE M. JAMES: A bill (H. R. 25468) granting an increase of pension to Mat Smith—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 25469) granting a pension to William S. Davidson—to the Committee on Pensions.

Also, a bill (H. R. 25470) granting an increase of pension to Charles Bishop—to the Committee on Pensions.

By Mr. KÜSTERMANN: A bill (H. R. 25471) granting an increase of pension to Nehemiah S. Chase—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 25472) for the relief of the estate of Horace L. Kent, deceased—to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 25473) granting a pension to Nace Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25474) granting a pension to John A. Combs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25475) granting a pension to Louie E. Downard—to the Committee on Pensions.

Also, a bill (H. R. 25476) granting a pension to Lemuel Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25477) granting a pension to Simpson Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25478) granting a pension to Sylvester B. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25479) granting a pension to Caroline Kidd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25480) granting a pension to Winston Conley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25481) granting a pension to Cornelius Meek—to the Committee on Pensions.

Also, a bill (H. R. 25482) granting a pension to John Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25483) granting a pension to Georgia A. Brooks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25484) granting an increase of pension to James Haddix—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25485) granting an increase of pension to B. F. Dorsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25486) granting an increase of pension to Dale Treadway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25487) granting an increase of pension to James H. Clark—to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 25488) granting a pension to Catherine Konnermann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25489) granting an increase of pension to Eli W. Bennett—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 25490) granting a pension to George F. Willard—to the Committee on Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 25491) granting a pension to John Webb—to the Committee on Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 25492) granting a pension to Hannah M. Smith—to the Committee on Invalid Pensions.

By Mr. MADISON: A bill (H. R. 25493) to restore John F. Lewis to the United States Army with the rank of captain of infantry and place him upon the retired list—to the Committee on Military Affairs.

Also, a bill (H. R. 25494) granting an increase of pension to George W. Reed—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 25495) granting an increase of pension to Jesse D. Bond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25496) granting an increase of pension to John H. Riley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25497) granting an increase of pension to Richard Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25498) granting a pension to Margaret Dickson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25499) granting an increase of pension to George W. Cox—to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 25500) granting an increase of pension to Florence J. O'Sullivan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25501) granting an increase of pension to William T. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25502) granting a pension to Mary Neal—to the Committee on Invalid Pensions.

By Mr. SMITH of Arizona: A bill (H. R. 25503) granting an increase of pension to Reubin Allred—to the Committee on Pensions.

By Mr. SMITH of Missouri: A bill (H. R. 25504) granting a pension to Alexander J. Souden—to the Committee on Pensions.

By Mr. SPERRY: A bill (H. R. 25505) for the relief of the heirs of Jenkins & Havens—to the Committee on War Claims.

By Mr. STAFFORD: A bill (H. R. 25506) granting an increase of pension to Christian Reuter—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 25507) granting an increase of pension to George M. Evans—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 25508) granting an increase of pension to Thomas J. Meeks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25509) granting an increase of pension to Charles Henry McLane—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 25510) granting an increase of pension to Thomas Brannan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25511) granting an increase of pension to Ransom Quimby—to the Committee on Invalid Pensions.

By Mr. WALDO: A bill (H. R. 25512) to pay certain claims of citizens of foreign countries against the United States and to satisfy certain conventional obligations of the United States—to the Committee on Claims.

By Mr. WILSON of Pennsylvania: A bill (H. R. 25513) granting an increase of pension to George W. Buckbee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25514) granting an increase of pension to John H. W. Lawrance—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25515) granting an increase of pension to Matthias Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25516) granting an increase of pension to Peter B. Smith—to the Commitee on Invalid Pensions.

Also, a bill (H. R. 25517) granting an increase of pension to Harry T. Peet—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25518) granting an increase of pension to John Abott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25519) granting an increase of pension to David Rorabaugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25520) granting an increase of pension to John Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25521) granting an increase of pension to Peter Dayton, alias William Ross—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 25522) granting an increase of pension to Evelyn F. Banzhaf—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 25523) granting an increase of pension to Allen C. Rose—to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 25524) granting an increase of pension to William Vincent—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25525) granting an increase of pension to Charles O'Donnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25526) granting an increase of pension to Walter S. Twaddle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25527) granting an increase of pension to David M. Roseberry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25528) granting an increase of pension to Benjamin M. Hutchins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25529) granting an increase of pension to Michael Emig—to the Committee on Pensions.

Also, a bill (H. R. 25530) granting an increase of pension to John Plummer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25531) granting an increase of pension to John A. Allfie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25532) granting an increase of pension to Newton W. Botts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25533) granting an increase of pension to Stephen Kennedy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25534) granting an increase of pension to Henry C. Sutton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25535) granting an increase of pension to Michael Bindhammer—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 25536) granting a pension to Charles Wilson—to the Committee on Invalid Pensions.

By Mr. LANING: A bill (H. R. 25537) granting an increase of pension to S. A. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25538) granting an increase of pension to Clarence L. Church—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25539) granting an increase of pension to Samuel Johnson—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 25540) granting an increase of pension to Richard Wait—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 25541) granting an increase of pension to Alexander Johnson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Papers to accompany bills for the relief of John W. Crismond (H. R. 21540), John Rittenhouse (H. R. 24493), Joshua B. Ward (H. R. 21541), Jonas Siegrist (H. R. 22910), T. M. Smith (H. R. 23983), Robert L. Kirkwood (H. R. 25173), Henry Eller (H. R. 25172), Mathias House (H. R. 25170), and Wilson A. Martin (H. R. 25171)—to the Committee on Invalid Pensions.

Also, petition of W. H. Cappack and others, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. BANNON: Paper to accompany bill for relief of John Dufour—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: Petition of David Kahn and others, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. BINGHAM: Petition of ex-letter carriers of Philadelphia, Pa., asking that all letter carriers be paid for extra time over eight hours—to the Committee on Claims.

By Mr. BURKE: Paper to accompany bill for relief of James Bond (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

Also, petition of S. E. McCreary and Baur Brothers Company, of Pittsburg, Pa., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of A. E. Yoell, for enactment of a more effective exclusion law against Asiatics—to the Committee on Foreign Affairs.

Also, petition of Standard Underground Cable Company, for H. R. 12890 (increased efficiency of the Signal Corps of the Army)—to the Committee on Military Affairs.

Also, petition of William H. Mercur, Edward A. Weisser, and Robert E. Davison, for legislation creating a national department of public health—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Grange, Patrons of Husbandry, for highway improvement (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Pittsburgh Idaho Company, favoring retention of duty on lead and lead ore—to the Committee on Ways and Means.

By Mr. CAPRON: Paper to accompany bill for relief of John J. Coughlin (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. CHANEY: Paper to accompany bill for relief of Lieut. Col. Theodore F. Colgrove—to the Committee on Military Affairs.

By Mr. COLE: Petition of citizens of Ohio, for a parcels-post law and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. COOPER of Pennsylvania: Petition of citizens of Pennsylvania, against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petition of Jefferson Grange, No. 1330, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. COUDREY: Paper to accompany bill for relief of John H. Drosselmeier (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of George W. Murray (previously referred to the Committee on Invalid Pensions)—to the Committee on Claims.

By Mr. CURRIER: Petition of Excelsior Grange, of Marlow, N. H., and John T. Smith, favoring the parcels-post system—to the Committee on the Post-Office and Post-Roads.

Also, petition of New Hampshire Baptist convention, for legislation diminishing Sunday work of railway employees as much as practicable—to the Committee on Interstate and Foreign Commerce.

Also, petition of Robert P. Skinner, George Blakely, and others, for the creation of a national highways commission (S. 15837)—to the Committee on Agriculture.

By Mr. DWIGHT: Petition of Anna E. Rhodes and others, for a parcels-post and postal savings bank law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Helena Stevens and others, of Freeville, N. Y., favoring Davis bill (H. R. 18204), for national cooperation in technical education—to the Committee on Agriculture.

By Mr. ENGLEBRIGHT: Petition of San Francisco Bar Association and Los Angeles Chamber of Commerce, favoring increase of salaries of circuit and district judges—to the Committee on the Judiciary.

Also, petition of M. A. Camp and others, against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

Also, petition of San Francisco clearing house, favoring reference of postal savings banks subject to the Currency Committee—to the Committee on the Post-Office and Post-Roads.

By Mr. FOCHT: Paper to accompany bill for relief of James Kirkwood—to the Committee on Invalid Pensions.

By Mr. FULLER: Papers to accompany bills for relief of Henry C. Peterman and James Carrington—to the Committee on Invalid Pensions.

Also, petition of Cheyenne Branch of Railway Postal Clerks, against H. R. 21261 (retirement plan for superannuated employees)—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of John F. Lakins—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: Papers to accompany bills for relief of heirs of Samuel Brockman, heirs of Hiram Wilhite, estate of William Denike, and estate of George W. Hutchison—to the Committee on War Claims.

By Mr. GARRETT: Papers to accompany bills for relief of Michael Shoffuer and Henry Mooneyhan—to the Committee on Invalid Pensions.

By Mr. GORDON: Papers to accompany bills for relief of Bank of West Tennessee and Thomas Hunt—to the Committee on War Claims.

By Mr. GOULDEN: Petition of Charles H. Knauff, Andrew Peterson, and John Schannhoeffel, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, memorial of town mass meeting at Gettysburg, Pa., favoring H. R. 22339, providing for a Lincoln memorial highway—to the Committee on Appropriations.

Also, petition of Frank H. May, C. E. Lewis, F. H. Kruse, T. E. Stonehouse, Charles R. Heron, and others, of New York City, favoring legislation to secure fair consideration of railway measures, to discourage purely antirailroad legislation, and to favor such an adjustment of transportation rates as will be adequately remunerative to the railroads and assure maintenance of the wage scale—to the Committee on Interstate and Foreign Commerce.

Also, petition of memorial committee of the Grand Army of the Republic of New York City, favoring H. R. 220, preventing desecration of United States flag—to the Committee on the Judiciary.

By Mr. GRAHAM: Petition of Lawyers' Club of Philadelphia, favoring increase of judges' salaries—to the Committee on the Judiciary.

Also, petition of L. W. Miller, of Pittsburg, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of physicians of Tarentum, Pa., favoring creation of a national department of public health—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Grange, Patrons of Husbandry, praying for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. HAMLIN: Papers to accompany bills for relief of Eli T. Forrester and Kiziah Phligly—to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of Sacramento Valley Development Association, favoring improvement of navy-yard at Mare Island—to the Committee on Naval Affairs.

Also, petitions of W. A. Linville and 40 other citizens of Kernersville, N. C.; August Welch and 75 other citizens of San Francisco, Cal.; W. H. Martin and 41 other citizens of Gold Hill, N. C.; R. L. Glover and 25 other citizens of Hurlock, Md.; William B. Gerken and 47 other citizens of Brooklyn, N. Y.; A. J. Hertzberger and 48 other citizens of Evansville, Ind.; J. A. Rettew and 18 other citizens of Wilmington, Del.; J. Sheehy and 108 other citizens of San Francisco, Cal.; H. N. Allen and 163 other citizens of San Jose, Cal.; Lester Follett and 96 other citizens of Richmond, Ind.; Charles A. Cessua and 120 other citizens of San Francisco, Cal.; Frederick T. Rasmusor and 125 other citizens of San Francisco, Cal.; John P. Brewer and 48 other citizens of Williamsport, Cal.; James P. White and 153 other citizens of San Francisco, Cal.; and William Thomas and 190 other citizens of San Jose, Cal., favoring an effective exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HENRY of Connecticut: Petition of Suffield Grange, favoring a parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of New Jersey: Petition of Anchor Grange, No. 173, Patrons of Husbandry, favoring parcels-post and postal savings-banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of Utah: Petitions of citizens of Silver City, Salt Lake City, Ogden, and Beaver County, Utah, against reduction of duty on lead and lead ores—to the Committee on Ways and Means.

By Mr. HULL of Iowa: Petitions of citizens of Story, Polk, Marion, Warren, and Madison counties, Iowa, against legislation favoring any parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. KAHN: Petitions of W. J. Shroads and 25 other residents of Sacramento, Charles E. Helmig and other residents of Eureka, Robert Probst and 46 other residents of Trinidad, George W. Hinds and 144 other residents of San Jose and Santa Clara, C. H. Fincent and 46 other residents of San Diego, N. H. McLean and 149 other residents of San Francisco, John Maurice and 185 other residents of San Francisco, and J. A. Hubert and 9 others, all of the State of California, favoring an Asiatic exclusion law against all Asiatics except merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of California Board of Trade for the improvement of Humboldt Bay, California—to the Committee on Rivers and Harbors.

By Mr. KNAPP: Petition of residents of De Kalb Junction, N. Y., against parcels post on rural free-delivery routes—to the Committee on the Post-Offices and Post-Roads.

Also, petition of residents of the Twenty-eighth New York Congressional District, favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

Also, petition against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. LAW: Petition of Buck Brothers & Co. et al., of Brooklyn, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of Cheyenne Brotherhood of Railway Postal Clerks, against H. R. 21261 (retirement provision for superannuated employees)—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDBERGH: Petition of St. Cloud Trade and Labor Council, of St. Cloud, Minn., against sentence of Judge Wright imposed on Gompers, Mitchell, and Morrison—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of Frederick Hemminger and others, of Brooklyn, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of Frank W. Bell, favoring legislation for more equitable treatment of railroads—to the Committee on Interstate and Foreign Commerce.

By Mr. McLAUGHLIN of Michigan: Papers to accompany bill for the relief of Hannah M. Smith—to the Committee on Invalid Pensions.

By Mr. MADISON: Petition of citizens of Kansas, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. MALBY: Petition of residents of De Kalb Junction, N. Y., against enactment of a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Petition of American Prison Association, for legislation to provide for work of the International Prison Commission—to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Papers to accompany H. R. 23820, for the relief of the heirs of James C. Connor—to the Committee on War Claims.

Also, papers to accompany H. R. 3571, for the relief of T. R. Harris, and bill for the relief of Sarah E. Henoy—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of San Francisco clearing house, favoring reference of subject of postal savings banks to the Currency Committee—to the Committee on the Post-Office and Post-Roads.

Also, petition of Sacramento Valley Development Association, favoring improvement of navy-yard at Mare Island—to the Committee on Naval Affairs.

Also, petition of hundreds of residents of California, against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia)—to the Committee on the District of Columbia.

Also, petitions of Stockton Chamber of Commerce; of producers, merchants, shippers, and consumers at meeting in Stockton; and of producers, merchants, shippers, and consumers at meeting in Santa Cruz, held on rate day, favoring reference of all changes in railway rate making to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of King City, Cal., against a parcels post on rural delivery routes and parcels-post legislation in any form—to the Committee on the Post-Office and Post-Roads.

Also, petition of Tulare Grange, No. 198, Patrons of Husbandry, of Tulare City, Cal., favoring bill (S. 5122) providing for a system of parcel delivery on rural mail routes, and bill (S. 6484) for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. PRAY: Petition of Belt Local Union, No. 770, United Mine Workers of America, for legislation to investigate the Treadwell Mining Company, of Alaska—to the Committee on Mines and Mining.

By Mr. PUJO: Paper to accompany bill for relief of Alonzo L. Boyer—to the Committee on War Claims.

By Mr. RAINEY: Petition of John Duntgen and 54 other soldiers of the civil war, favoring $1 per day pensions for veterans of civil war—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Petition against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. SMITH of Iowa: Petition of citizens of Guthrie County, Iowa, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. SMITH of Texas: Petitions of citizens of Alpine, Eastland, Shackelford, Gordon, Callahan, Jones, Haskell, Nolan, and Taylor, all in the State of Texas, against a parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENS of Texas: Paper to accompany bill for relief of H. R. Bill—to the Committee on Military Affairs.

By Mr. STURGISS: Petition of citizens of town of Davis, in public meeting, favoring establishment of a fish hatchery on

the Blackwater River—to the Committee on the Merchant Marine and Fisheries.

By Mr. TAYLOR of Alabama: Petition of citizens of Alabama, against Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. THOMAS of Ohio: Petition of citizens of Barberton, Ohio, against a parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. WALLACE: Paper to accompany bill for relief of J. B. Maryuan (previously referred to the Committee on Invalid Pensions)—to the Committee on Claims.

By Mr. WEEMS: Paper to accompany bill for relief of James G. Theaker—to the Committee on Invalid Pensions.

Also, petition of Alden Lee and others, for a parcels-post and postal savings bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of Pennsylvania: Petition of William Auglemyer and 21 others, residents of Jersey Shore, Lycoming County, Pa., protesting against the passage of the Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

Also, petition of A. F. Swerley, S. P. Brewster, Joel Baker, August Noelk, B. B. Baitey, R. L. Burditt, George T. Robinson, and others, for the passage of a parcels-post and postal savings bank bill—to the Committee on the Post-Office and Post-Roads.

By Mr. YOUNG: Petition of citizens of Twelfth Congressional District of Michigan, against passage of Senate bill 3940—to the Committee on the District of Columbia.

SENATE.

THURSDAY, *January 7, 1909.*

Prayer by the Chaplain, Rev. Edward E. Hale.

The Journal of yesterday's proceedings was read and approved.

COMMITTEE SERVICE.

Mr. SUTHERLAND was, on his own motion, excused from further service upon the Select Committee to Investigate Trespassers upon Indian Lands.

Mr. HALE submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That Mr. SUTHERLAND be appointed to fill the vacancy in the chairmanship of the Committee on Industrial Expositions (Select).

Mr. HALE submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That Mr. PAGE be appointed to fill the vacancies in each of the following committees:

Chairmanship, To Investigate Trespassers Upon Indian Lands (Select);

On Fisheries; and

On the Revision of the Laws of the United States.

Mr. HALE submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That Mr. CUMMINS be appointed to fill the vacancies in each of the following committees:

On the University of the United States;

On Public Health and National Quarantine; and

On Additional Accommodations for the Library of Congress (Select).

LAWS RELATING TO INSULAR POSSESSIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a compilation prepared by the Bureau of Insular Affairs, War Department, embracing all legislation enacted by the Fifty-ninth Congress relating to Alaska, Cuba, Guam, Isthmian Canal Zone, Hawaii, the Midway Islands, the Philippine Islands, Porto Rico, etc., together with all treaties and conventions entered into by the United States during that period affecting any of these insular and Isthmian possessions, and also all proclamations issued by the President during this period concerning any of these possessions, etc., which, with the accompanying papers, was referred to the Committee on Printing.

ELECTORAL VOTES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, authenticated copies of the certification of the final ascertainment of electors for President and Vice-President appointed in the States of Mississippi, Michigan, and Oregon, which, with the accompanying papers, was ordered to be filed.

DISPOSITION OF USELESS PAPERS.

The VICE-PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a schedule of useless papers, books, etc, on the files of the office of the Auditor for the Post-Office Department, which are not needed in the transaction of public business and have no permanent value or historical interest. The communication and accompanying papers will be printed (H. Doc. No. 1286) and referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Chair appoints as the committee on the part of the Senate the Senator from Texas [Mr. BAILEY] and the Senator from Tennessee [Mr. FRAZIER]. The Secretary will notify the House of Representatives of the appointment of the committee on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 653) to authorize commissions to issue in the cases of officers of the army retired with increased rank, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 16620. An act authorizing the appointment of dental surgeons in the navy;

H. R. 19662. An act to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace;" and

H. R. 21926. An act for the organization of the militia in the District of Columbia.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Chamber of Commerce of Boston, Mass., remonstrating against the adoption of the provision in the census bill providing for the appointment of employees in the Census Office without a competitive examination, which was ordered to lie on the table.

Mr. PLATT presented memorials of sundry citizens of Brooklyn, New York City, Pocantico Hills, and Tarrytown, all in the State of New York, remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which were referred to the Committee on Interstate Commerce.

He also presented a petition of Local Grange No. 840, Patrons of Husbandry, of Mahopac, N. Y., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KEAN presented petitions of sundry citizens of Windsor, Cedarville, Moorestown, Woodstown, Rutherford, Medford, Vincentown, and Mickleton, all in the State of New Jersey, praying for the passage of the so-called "rural parcels-post" and "postal savings-banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of J. S. Collins & Son, of Moorestown, N. J., remonstrating against the passage of the so-called "rural parcels-post" bill, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Newark, Paterson, Ridgewood, Elizabeth, Westfield, Boonton, Rochelle Park, West Hoboken, Jersey City, East Orange, Orange, and Bayonne, all in the State of New Jersey, and of New York City, N. Y., remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which were referred to the Committee on Interstate Commerce.

He also presented the petition of George W. Smith, of Phillipsburg, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all government buildings, ships, and grounds, and also to prohibit the interstate transportation of intoxicating liquor into prohibition districts, which was referred to the Committee on Public Buildings and Grounds.

Mr. BURROWS presented a petition of Pleasant Lake Grange, No. 693, Patrons of Husbandry, of Cadillac, Mich., and a petition of sundry citizens of Onsted, Mich., praying for the passage of the so-called rural parcels-post and postal savings-banks bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURNHAM presented petitions of sundry citizens of West Brookefield, Carroll, Sutton, Leavitts Hill, Laconia, and Marlow, all in the State of New Hampshire, and of Phelps and Niobe, in the State of New York, praying for the passage of the so-called "Burnham rural parcels-post" bill, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Engineering Society of the Carolinas, of Charlotte, N. C., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was ordered to lie on the table.

Mr. BURKETT presented a memorial of sundry citizens of Genoa, Nebr., remonstrating against the enactment of legislation discontinuing the United States Indian Industrial School

at that city, which was referred to the Committee on Indian Affairs.

Mr. ELKINS presented a memorial of the Board of Trade of Clarksburg, W. Va., remonstrating against the enactment of any legislation tending to continue or aggravate the agitation against corporate interests, which was referred to the Committee on Interstate Commerce.

Mr. SMITH of Michigan presented a petition of sundry citizens of Leland, Mich., praying for the enactment of legislation providing for a preliminary survey of Lake Michigan to determine the probable cost of a breakwater for a harbor of refuge at that city, which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 7381) authorizing and directing the Secretary of the Interior to pay to the Flandreau tribe of Indians in South Dakota certain funds to the credit of said Indians, reported it without amendment and submitted a report (No. 715) thereon.

He also, from the same committee, to whom was referred the bill (S. 7641) setting apart certain lands in the Standing Rock Indian Reservation, in the State of South Dakota, for cemetery purposes, reported it with an amendment and submitted a report (No. 716) thereon.

Mr. PILES, from the Committee on Commerce, to whom was referred the bill (S. 7862) to extend the privileges of the first section of the act of June 10, 1880, to the subports of Blaine and Sumas, in the State of Washington, and allowing the Secretary of the Treasury to fix the compensation of the deputy collectors at Seattle and Tacoma, reported it without amendment and submitted a report (No. 717) thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 7472) transferring the Indian school at Morris, Minn., to the State of Minnesota for an agricultural school, reported it with amendments and submitted a report (No. 718) thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 719), accompanied by a bill (S. 8254) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 76. Josiah Fishback;
S. 93. Washington M. Shields;
S. 408. James Arney;
S. 582. Oscar H. Carus;
S. 692. Abdial McKonly;
S. 827. Bariah B. Champlin;
S. 896. Thomas M. Meritt;
S. 1032. Mary Robbins;
S. 1246. John N. Chase;
S. 1281. Frisby D. Hutchinson;
S. 1310. Josephus Gorby;
S. 1350. Samuel E. Hull;
S. 1488. John J. Gangwer;
S. 1623. Henry H. Pennington;
S. 2043. Lewis Carbino;
S. 2091. Daniel Lewis;
S. 2504. Albert Harris;
S. 2609. Rezin Warfield Hall;
S. 2637. Horace S. Lowry;
S. 2701. Robert A. Mears;
S. 2703. Charles Adams;
S. 3594. Jasper N. Milliken;
S. 3603. George Paul;
S. 3652. Charles Paul;
S. 3818. Allyne C. Litchfield;
S. 3913. Joseph Norris;
S. 3949. Charles P. Betts;
S. 4106. Eldridge S. Lyons;
S. 4163. Samuel J. Kent;
S. 4258. George F. Thayer;
S. 4285. Rebecca E. Collins;
S. 4586. John L. Nason;
S. 4875. Stephen H. French;
S. 4929. John H. Allbee;
S. 5231. James S. Yates;
S. 5270. Jackson Ramsey;
S. 5314. Samuel D. Knight;
S. 5319. Lehaven Long;
S. 5423. John S. McCammon;
S. 5738. Francis M. Van Tress;
S. 5797. Chester H. Felton;
S. 5798. John Eger;
S. 5874. Samuel H. McCurdy;
S. 5881. William J. King;
S. 5923. William H. Wiseman;
S. 5929. Alexander Gardner;
S. 5964. William D. Gaby;
S. 6164. Jeremiah Robbins;
S. 6204. George Robinson;
S. 6317. Austin Gill;
S. 6362. William F. Roberts;
S. 6385. George Dengler;
S. 6401. Con Hadley, alias Cornelius Sessions;
S. 6402. Frank E. Howard;
S. 6483. Edward Ash;
S. 6485. William R. Penn;
S. 6499. Wesley C. Wells;
S. 6514. Elmer K. Coppock;
S. 6517. Elisha Sackett;
S. 6633. William W. Barton;
S. 6671. Jesse H. Hockett;
S. 6678. Benjamin Flahart;
S. 6734. Clifford A. Lake;
S. 6736. Washington Deem;
S. 6745. John W. Richards;
S. 6759. James W. Brown;
S. 6789. Robert Zeek, alias Robert Sick;
S. 6811. Stephen Corwin;
S. 6829. Willard Morris;
S. 6858. Goodwin Y. Atlee;
S. 6965. Nathan F. Barrett;
S. 6977. Reuben C. Philbrick;
S. 6979. Eliza Custis;
S. 7016. George W. Baker;
S. 7024. Reuben Ray;
S. 7026. Mary Etta Wittich;
S. 7149. Nannie M. Lowe;
S. 7161. Sedley A. Lowd;
S. 7163. Benjamin F. Pettingill;
S. 7286. Rufus E. Rounds;
S. 7290. John French;
S. 7291. Emma T. Nash;
S. 7301. Anson Buxton;
S. 7328. Rhoda J. Chase;
S. 7335. Robert R. Bratton;
S. 7352. George W. Sisson;
S. 7355. Harrison Presson;
S. 7367. James H. Valentine;
S. 7392. Miers B. Betts;
S. 7410. Clark S. Devoe;
S. 7413. George W. Hawkins;
S. 7415. Lyman H. Leach;
S. 7416. George Soder;
S. 7418. Elizabeth Cook;
S. 7425. Peter D. Melville;
S. 7433. Edwin Martien;
S. 7457. Henry Tobin;
S. 7458. Samuel McMurry;
S. 7460. James L. Fitzgerald;
S. 7491. Henry C. Walker;
S. 7492. James N. Titus;
S. 7504. Julius J. Kean;
S. 7505. Daniel Thornton;
S. 7508. Evin K. Hegland, alias Evin Knudson;
S. 7530. Tollef Olsan Strand, alias Tollef Olsan;
S. 7536. Marcellus B. Kent;
S. 7537. Andrew J. Shipley;
S. 7542. Rowland Fisher, alias Thomas Smith;
S. 7563. Adelbert Gardner;
S. 7565. George L. Masters;
S. 7582. Solomon S. Kirkpatrick;
S. 7611. James McEnany;
S. 7617. Nora Davis;
S. 7622. John Harper;
S. 7623. Ann Bacheller;
S. 7625. Charles W. Dinsmore;
S. 7646. Marquis D. Lillie;
S. 7649. Louis Gilstrap;
S. 7723. Harriet A. Kelliher;
S. 7728. Benjamin F. Simpson;
S. 7805. William A. Ferrel;
S. 7811. Eugene S. Austin;
S. 7838. Ensign L. Calkins;

S. 7881. George W. Fertig;
S. 7905. Wesley Trafford;
S. 7923. Jeremiah Dotter;
S. 7948. Harlon S. Willis; and
S. 7970. Elisha B. Wood.

Mr. ALDRICH, from the Committee on Finance, reported an amendment proposing to increase the salary of the President of the United States from $50,000 to $100,000, to increase the salary of the Vice-President of the United States from $12,000 to $20,000, and that the salary of the Speaker of the House of Representatives shall hereafter be $20,000 per annum, intended to be proposed to the legislative, etc., appropriation bill, and moved that it be printed and referred to the Committee on Appropriations, which was agreed to.

Mr. BAILEY subsequently said: Mr. President, I simply desire to put in the RECORD the statement that while the report of the Senator from Rhode Island to increase the salary of the President appears, as in all such cases it does, to be a unanimous report of the Committee on Finance, I do not myself assent to it. I make this statement for the purpose of having it appear in the RECORD that I am opposed to that increase, and at the proper time I shall take occasion to express myself with respect to it.

Mr. HOPKINS, from the Committee on Commerce, to whom was referred the bill (S. 7210) to authorize an exchange of the present site of the light-house at the mouth of the Kalamazoo River, in Michigan, for a new site therefor on the new channel now being the outlet of said river into Lake Michigan, reported it with amendments and submitted a report (No. 720) thereon.

Mr. PENROSE, from the Committee on Commerce, to whom was referred the bill (S. 8154) to amend section 19 of the act granting the Lake Erie and Ohio River Ship Canal Company rights to construct, equip, maintain, and operate a canal or canals and appurtenant works between the Ohio River, in the State of Pennsylvania, and Lake Erie, in the State of Ohio, approved June 30, 1906, reported it without amendment and submitted a report (No. 721) thereon.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 4th instant proposing to appropriate $50,000 for the participation of the United States in the Eighth International Prison Congress to be held in the city of Washington in 1910, etc., intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 7785) relative to outward alien manifests on certain vessels, reported it with an amendment and submitted a report (No. 714) thereon.

INTERNATIONAL EXPOSITION AT TOKYO, JAPAN.

Mr. FRYE. I report back favorably from the Committee on Foreign Relations, with amendments, the bill (S. 7992) to amend an act entitled "An act to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912," approved May 22, 1908, and I submit a report (No. 713) thereon.

In order to stop unnecessary expenditure of the public money, I shall feel it my duty at the earliest possible moment to call up the bill for consideration. The Senator from Texas [Mr. CULBERSON] does not seem to be present. If he will examine the report which accompanies the bill, he will find, I think, all the facts he desired information in relation to in a resolution which was referred to the Committee on Foreign Relations.

Mr. CULBERSON entered the Chamber.

Mr. FRYE. The Senator is now present. I made a report from the Committee on Foreign Relations touching the Tokyo exposition, and I think the report contains all the information the Senator from Texas desired in a resolution which was referred to the Committee on Foreign Relations. I wish he would examine the report, because at the earliest possible moment I desire to call up the bill for consideration in order to stop unnecessary expenditure of the public money.

Mr. CULBERSON. I will be glad to do so at the first opportunity, Mr. President.

The VICE-PRESIDENT. The bill will be placed on the calendar.

CHANNEL IMPROVEMENT AT NORFOLK NAVY-YARD.

Mr. MARTIN, from the Committee on Commerce, to whom was referred concurrent resolution No. 54, submitted by himself December 10, 1908, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the channel from the sea to the Norfolk Navy-Yard, with a view to widening and straightening the same and increasing the depth thereof to 35 feet at mean low water, with width of present project, and to submit estimates for such improvement to that depth.

SEC. 2. That an examination and survey be made and estimates submitted for a channel 22 feet deep at mean low water from the Norfolk Navy-Yard to a point about 1 mile above Gilmerton.

SEC. 3. That an examination and survey be made and estimates submitted with a view to providing ample anchorage room abreast of and above Lamberts Point, between Lamberts Point and Pinners Point.

CHANNEL IMPROVEMENT AT FORTRESS MONROE.

Mr. MARTIN, from the Committee on Commerce, to whom was referred concurrent resolution No. 53, submitted by himself December 10, 1908, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the channel from Fortress Monroe to Newport News, with a view to providing for a depth of 35 feet at mean low water and a width of 800 feet, and to submit estimates for such improvement.

IMPROVEMENT OF COLUMBIA RIVER, OREGON.

Mr. PILES, from the Committee on Commerce, to whom was referred concurrent resolution No. 58, submitted by Mr. FULTON on the 5th instant, reported it without amendment, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimates to be made for a project of improvement of the Columbia River, in the State of Oregon, in front of the town of Hood River, and report the same to the Congress.

Mr. FULTON. I ask permission to have the resolution just reported by the Senator from Washington considered at the present time.

The concurrent resolution was considered by unanimous consent and agreed to.

IMPROVEMENT OF THE COLORADO RIVER IN CALIFORNIA.

Mr. PERKINS. I am directed by the Committee on Commerce, to whom was referred the bill (S. 7784) to cause a preliminary examination or survey to be made of the Colorado River in the vicinity of Needles, Cal., to report as a substitute a concurrent resolution. I call the attention of my colleague to the substitute

Mr. FLINT. I ask unanimous consent for the present consideration of the concurrent resolution just reported by my colleague.

The concurrent resolution (S. C. Res. 59) was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War is hereby directed to cause preliminary examination or survey to be made of the Colorado River in the vicinity of the city of Needles, Cal., with a view to protecting the said city from encroachment of the said river.

The VICE-PRESIDENT. Senate bill 7784 will be indefinitely postponed.

IMPROVEMENT OF SIUSLAW RIVER, OREGON.

Mr. PERKINS, from the Committee on Commerce, to whom was referred concurrent resolution No. 56, submitted by Mr. FULTON December 14, 1908, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause such survey and examination to be made at the mouth of the Siuslaw River in Oregon as may be necessary in order to determine what project for its improvement can be completed by the expenditure of $100,000 in addition to a like amount to be provided by the residents of that locality.

W. H. REAGAN.

Mr. FULTON, from the Committee on Claims, reported the following resolution (S. Res. 244), which was considered by unanimous consent and agreed to:

Resolved, That the claim of W. H. Reagan (S. 4763) now pending in the Senate, together with all accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and commonly known as the "Tucker Act." And the court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. BURNHAM introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8224) granting an increase of pension to Irene A. Cochrane;

A bill (S. 8225) granting an increase of pension to William Cody;

A bill (S. 8226) granting an increase of pension to John W. Currier;

A bill (S. 8227) granting an increase of pension to Augustus P. Horne;

A bill (S. 8228) granting an increase of pension to Merrill Johnson;

A bill (S. 8229) granting an increase of pension to Dana H. McDuffee; and

A bill (S. 8230) granting an increase of pension to John Ryan.

Mr. PERKINS introduced a bill (S. 8231) to authorize the Secretary of the Treasury to cause to be erected a suitable building or buildings for marine-hospital purposes on the present marine-hospital site at San Francisco, Cal., and to remove all or any of the present structures on said site, which was read twice by its title and referred to the Committee on Commerce.

Mr. HOPKINS introduced a bill (S. 8232) granting an increase of pension to Samuel Young, which was read twice by its title and referred to the Committee on Pensions.

Mr. RICHARDSON introduced a bill (S. 8233) for the relief of Christian Christensen, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 8234) granting pensions to soldiers, sailors, and certain militiamen who are incapacitated for the performance of manual labor, and providing pensions for widows and minor children, which was read twice by its title and referred to the Committee on Pensions.

Mr. FRAZIER introduced a bill (S. 8235) to change and fix the time for holding the circuit and district courts of the United States for the eastern and middle districts of Tennessee, which was read twice by its title and, with the accompanying paper, referred to the Committee on the Judiciary.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 8236) for the relief of the heirs of Elizabeth Brinkley, deceased;

A bill (S. 8237) for the relief of heirs or estates of R. H. Groomes, James Cavert, and Obediah Hurt, late of the firm of Groomes, Cavert & Co., and others;

A bill (S. 8238) for the relief of Mrs. Lottie Bowman, widow and heir of Thomas R. Bowman, deceased, and others; and

A bill (S. 8239) for the relief of the heirs or estates of John Derryberry and Kiziah Derryberry, deceased, and others.

Mr. GUGGENHEIM introduced a bill (S. 8240) for the relief of heirs of W. W. Lemmon and Elizabeth Chinn Lemmon, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. OWEN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Indian Affairs:

A bill (S. 8241) to authorize the establishment of an Indian home in the State of Oklahoma, and for other purposes; and

A bill (S. 8242) for the relief of the Wichita and affiliated bands of Indians.

Mr. CLAPP introduced the following bills, which were severally read twice by their titles and referred to the Committee on Indian Affairs:

A bill (S. 8243) to authorize the Secretary of the Interior to reserve power sites on the Colville Indian Reservation, in the State of Washington;

A bill (S. 8244) authorizing the Secretary of the Interior to inscribe the name of Joseph P. T. Fish upon the rolls of the Quapaw Agency as a Quapaw Indian, and require his full recognition as such; and

A bill (S. 8245) to authorize appeals to be taken from the judgments of the Court of Claims to the Supreme Court of the United States in certain cases now pending before the Court of Claims, and for other purposes.

Mr. SMITH of Michigan introduced a bill (S. 8246) to remove the charge of desertion from the military record of Joseph Neveau, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8247) granting a pension to Margaret A. Barker;

A bill (S. 8248) granting an increase of pension to George M. Peaslee (with an accompanying paper);

A bill (S. 8249) granting an increase of pension to John M. Randell; and

A bill (S. 8250) granting a pension to Mary E. Smith.

Mr. SCOTT introduced a bill (S. 8251) granting an increase of pension to Joseph E. Insco, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 8252) for the relief of Elizabeth G. Martin, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 8253) granting an increase of pension to Melvina White, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM submitted an amendment proposing to appropriate $4,200 for grading and macadamizing the east side of Wisconsin avenue, from Woodley road to Macomb street, and Macomb street, from Wisconsin avenue to Thirty-fifth street, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. ELKINS submitted an amendment proposing to increase the number of telephone operators at the headquarters of the Metropolitan police of the District of Columbia from 6 to 9, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on the District of Columbia and ordered to be printed.

Mr. DEPEW submitted an amendment proposing to appropriate $41,900 to pay the salaries of the chief justice, associate justices, etc., of the supreme court of the District of Columbia, intended to be proposed by him to the legislative, executive, and judicial appropriation bill, which was referred to the Committee on the Judiciary and ordered to be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. KEAN submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

Mr. DEPEW submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

POSTAL SAVINGS DEPOSITORY FUNDS.

Mr. McCUMBER. I submit an amendment intended to be proposed by me to Senate bill 6484, to establish postal savings banks, and so forth, which I ask may be read and printed and lie on the table.

The proposed amendment was read and ordered to be printed and to lie on the table, as follows:

Amendment intended to be proposed by Mr. McCUMBER to the bill (S. 6484) "to establish postal savings banks for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes."

Amend section 11 by striking out all of said section from the beginning thereof down to and including the words "Attorney-General," on page 9 of the bill as reprinted on January 6, 1909, and insert in lieu thereon the following:

"SEC. 11. That the Postmaster-General shall, as herein provided, deposit postal-savings depository funds in such national or state banks in the immediate vicinity of the place where such funds are received, and when possible in the counties in which such funds are received, as will accept such funds and agree to pay for the use thereof 2½ per cent per annum, and give such security for repayment thereof as may be required by the Postmaster-General, with the approval of the Secretary of the Treasury. Where there are two or more banks in the immediate vicinity that will accept such deposits at such rate of interest, the said Postmaster-General shall deposit in each of said banks, as nearly as practicable, in proportion to the capital stock and surplus of each: *Provided*, That before depositing such funds in any bank, the Postmaster-General shall be satisfied that the bank is solvent, that neither its capital stock nor its surplus is in any manner impaired, and that its business is conducted in accordance with the laws of the United States or the state laws governing such banks: *And provided further*, That said Postmaster-General may accept as guaranty for such repayment the assurance obligation of any surety company of good standing. Where it is not practicable to deposit such funds in the counties, States, or Territories where they are received, they may be deposited in such national or state banks at the nearest practicable points thereto or invested in state, territorial, county, or municipal bonds of such State, Territory, county, or municipality, to be selected by the Postmaster-General, with the approval of the Secretary of the Treasury. But no such investments shall be made in case the said banks in the State or Territory where such funds are collected are willing to receive such funds at said rate of interest and upon the conditions hereinbefore provided."

WITHDRAWAL OF PAPERS—FRANCESCO KREBS.

Mr. MONEY. I send up an order which I ask to have considered now. It is to withdraw certain papers accompanying a former bill for the purpose of preparing a new bill. The bill passed both Houses and was vetoed by the President, under, I think, misinformation.

The order was read and agreed to, as follows:

Ordered, That the papers in the case of Francesco Krebs, accompanying Senate bill S. 5531, Fifty-ninth Congress, second session, be withdrawn from the files of the Senate, there having been no adverse report thereon.

IMPROVEMENT OF LAKE TRAVERSE, SOUTH DAKOTA.

Mr. KITTREDGE submitted the following concurrent resolution (S. C. Res. 61), which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimates to be made for a project of improvement and lighting Lake Traverse, in the State of South Dakota and county of Roberts, and report same to the Congress.

IMPROVEMENT OF CHINCOTEAGUE BAY.

Mr. MARTIN submitted the following concurrent resolution (S. C. Res. 60), which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the shoal or bar at the entrance to Chincoteague Bay, with a view to the removal of said shoal or bar, and providing for a channel depth of 15 feet at that point, and to submit estimates for such improvement.

IMPROVEMENT OF LAKE MICHIGAN.

Mr. SMITH of Michigan submitted the following concurrent resolution (S. C. Res. 62), which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made on the shores and waters of Lake Michigan at Leland, Leelanaw County, Mich., with a view to determining the advantage, best location, and probable cost of a breakwater to form a harbor of refuge at that point, and submit a plan and estimate for such improvements.

HOUSE BILLS REFERRED.

H. R. 16620. An act authorizing the apointment of dental surgeons in the navy was read twice by its title and referred to the Committee on Naval Affairs;

H. R. 19662. An act to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace" was read twice by its title and referred to the Committee on the Judiciary; and

H. R. 21926. An act for the organization of the militia in the District of Columbia was read twice by its title and referred to the Committee on Military Affairs.

COMMISSIONS TO RETIRED OFFICERS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 653) to authorize commissions to issue in the cases of officers of the army retired with increased rank.

The amendments were on line 3, after "army," to insert the words "Navy and Marine Corps," and to amend the title so as to read: "An act to authorize commissions to issue in the cases of officers of the Army, Navy, and Marine Corps retired with increased rank."

Mr. WARREN. I move that the Senate concur in the amendments of the House.

Mr. FRYE. There is no reason why the revenue-cutter officers should not be included with officers of the Navy and Marine Corps.

Mr. WARREN. The intention of the proposed law as originally introduced was merely to grant the power to the Executive to issue commissions to such officers of the army as by law received a higher grade upon retirement. The Senator from Maine calls the attention of the Senate to the fact that officers of the Revenue-Cutter Service are left out. I think myself, since the House proposed to include officers of the Navy and the Marine Corps, which they had a right to do, and which is entirely satisfactory, we should also include those of the Revenue-Cutter Service.

So I move to amend the amendment of the House by including the officers of the Revenue-Cutter Service, and I ask that the amendment as amended may be concurred in.

The VICE-PRESIDENT. The amendment proposed by the Senator from Wyoming will be stated.

The SECRETARY. After the words "Navy and Marine Corps" insert "and of the Revenue-Cutter Service."

The amendment was agreed to.

The amendment as amended was concurred in.

On motion of Mr. WARREN, the title was amended so as to read:

An act to authorize commissions to issue in the cases of officers of the Army, Navy, and Marine Corps, and of the Revenue-Cutter Service, retired with increased rank.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. FORAKER. Mr. President, I give notice that on Monday next, immediately after the routine morning business, I shall make some remarks on the latest phases of the Brownsville matter, with the indulgence of the Senate, and I give further notice that at that time I shall move to make the bill I introduced for the relief of the discharged soldiers the unfinished business, and that I shall press it constantly, in season and out, until it is disposed of.

TENNESSEE COAL AND IRON COMPANY.

Mr. CULBERSON. Mr. President, I desire to introduce a resolution, which I will read:

Resolved, That the Committee on the Judiciary be, and it is hereby, directed to report to the Senate as early as may be practicable whether, in the opinion of the committee, the President was authorized to permit the absorption of the Tennessee Coal and Iron Company by the United States Steel Corporation, as is shown by the message of the President in response to Senate resolution No. 240, this session.

Before I ask its consideration, Mr. President, I wish the indulgence of the Senate for a few moments with reference to the purpose of the resolution.

On January 4 of this year the Senate, on my motion, adopted the following resolution:

Resolved, That the Attorney-General be, and he is hereby, directed to inform the Senate—

First. Whether legal proceedings under the act of July 2, 1890, have been instituted by him or by his authority against the United States Steel Corporation on account of the absorption by it in the year 1907 of the Tennessee Coal and Iron Company, and if no such proceedings have been instituted state the reason for such nonaction.

Second. Whether an opinion was rendered by him or under his authority as to the legality of such absorption, and if so attach a copy, if in writing, and if verbal state the substance of it.

It will be seen that the resolution was addressed to the Attorney-General of the United States and asked, in substance, whether he had proceeded under the Sherman antitrust law against the United States Steel Corporation on account of the absorption of the Tennessee Coal and Iron Company, and if he had not proceeded, to state the reason for his nonaction. He was also directed to inform the Senate whether he had given an opinion as to the legality of this merger and to attach a copy of the opinion if in writing, and if not, to state the substance of it.

The answer is made to the resolution by the President, and not by the Attorney-General, as Senators understand and know from the message read yesterday, and which appears in the RECORD this morning.

With reference to one phase of this response of the President, I will to-day have comparatively little to say—that is, with reference to his protest against the passage of the resolution by the Senate.

The response of the President is a full and complete answer to the resolution of the Senate. It shows that no action has been taken by the Department of Justice, and that none has been taken because the President took the matter in his own hand, as is not infrequently the case.

It shows further that one more arbitrary and lawless act of an important nature has been traced to the Chief Magistrate of the country, who is solemnly obligated by the Constitution not only to obey the law himself, but to take care that it is faithfully executed by others.

It is true he protests that the Senate has no right to direct the head of a department by a resolution of inquiry or to seek the reason for a course pursued by the head of any of the departments.

That should surprise nobody, Mr. President. It is characteristic of the distinguished occupant of the White House. It is but a natural and logical corollary of the main dogma of his message, that he is absolved from any legal restraint whatever.

I have already stated that upon that proposition at this time I shall have very little to say; and I will content myself for the present with reading from the opinion of Attorney-General Cushing, in the sixth volume of the Opinions of the Attorneys-General of the United States, a paragraph to which I invite the especial attention of Senators:

Upon the whole, then, heads of departments have a threefold relation, namely: 1. To the President, whose political or confidential ministers they are, to execute his will, or rather to act in his name and by his constitutional authority, in cases in which the President possesses a constitutional or legal discretion. 2. To the law; for where the law has directed them to perform certain acts, and where rights of individuals are dependent on those acts, then, in such cases a head of department is an officer of the law, and amenable to the laws for his conduct. (Marbury *v.* Madison, I Cranch, 49–61.) And 3. To Congress, in the conditions contemplated by the Constitution.

This latter relation, that of the departments to Congress, is one of the great elements of responsibility and legality in their action. They are created by law; most of their duties are prescribed by law; Congress may at all times call on them for information or explanation in matters of official duty, and it may, if it sees fit, interpose by legislation concerning them, when required by the interests of the Government.

But, Mr. President, however important may be the question to which I am at this time adverting, I do not intend this morning to be diverted from the proposition that the President of the United States has permitted by his positive and affirmative action a violation of the law of the United States. Senators will remember that in the fall of 1907 there was frequent talk that

the Tennessee Coal and Iron Company had been merged into the United States Steel Corporation. Later, the distinguished senior Senator from Minnesota [Mr. NELSON] referred to it in a speech in this body. But no direct information upon the subject was then obtained. In a published letter by the Attorney-General of the United States, dated Washington, October 13, 1908, this language is used by him:

My department has administered these laws as it found them, in their letter and in their spirit; when you say it "acquiesced" last year in some action taken by the steel "trust" "in the teeth of the law" you speak without knowledge. I do not know, and during my term of office have never known, of any such action by the corporation or cluster of corporations to which you refer; and as I did not and do not know of it, I could not and did not "acquiesce" in it. If you or anybody else will show me now legal proof establishing that the steel trust or anybody else has committed a crime under the Sherman law, or any other federal statute, I will do all I can to bring the culprit to justice.

And yet, Mr. President, according to the message of the President of the United States, read here yesterday, the Attorney-General had received from the President himself a letter dated November 4, 1907, in which he told him that it was contemplated to merge the Tennessee Coal and Iron Company into the United States Steel Corporation, and that, so far as he was concerned, he did not see fit to interfere with such action on the part of these corporations. The President stated fully, in the letter, his reasons for that course.

That is not all, Mr. President. At the very time the President wrote this letter to the Attorney-General that official had already filed in the United States circuit court for the southern district of the State of New York, through special assistants, a petition asking a dissolution of the tobacco trust on the ground that it had absorbed some of its rivals in the business, and, in effect, that it did not matter how many corporations had been absorbed or how much business was being done by the corporations absorbed by the Tobacco Company.

Not only that, sir, but the President had directed the Attorney-General to institute that proceeding against the tobacco trust based upon the ground that it was absorbing corporations engaged in the business and that the absorption amounted to a destruction of competition.

Now, if I may refer in support of this to the correspondence, quite voluminous on the part of the President last fall, I invite the attention of the Senate to the fact that the President himself in a letter to a distinguished citizen of Nebraska stated that his administration ought to have credit for the institution of the suit against the Tobacco Company. Let us see further about that. Here is a copy of the brief of the United States in the tobacco case, and here is what the Attorney-General says in his brief, filed in the circuit court of the United States for the southern district of New York in that case:

Again, all the authorities agree that, in order to vitiate a contract or combination, it is not essential that its result should be a complete monopoly; it is sufficient if it really tends to that end and to deprive the public of the advantages which flow from free competition.

That is the broad proposition of law laid down by the Attorney-General, Mr. President, and I take it to be correct. Now, what does he say in his brief the Tobacco Company was doing to bring it within the prohibition of that general proposition of law?

With expanding purpose to dominate the tobacco industry, they have progressively absorbed competitors in interstate and foreign commerce, taking from the active parties agreements to refrain from engaging therein.

At another place in the brief the following is said:

After the foregoing general recitals the petition states with particularity the steps by which the purpose has been carried out and shows results accomplished.

From 1891 to 1898, inclusive, the American Tobacco Company purchased property, plants, businesses, and good will of many competing concerns located in different States engaged in commerce as purchasers, manufacturers, sellers, and distributors of tobacco leaf and its products, taking from the owners, stockholders, and others stipulations not to engage for periods varying from ten to twenty years in such businesses.

That brief was filed in May, 1908, by special counsel, under direction of the Attorney-General, who took the broad ground that absorption by the tobacco company of competing companies not amounting to the creation of a monopoly was a violation of the act of 1890 and the provisions of the Wilson law and the Dingley law on the same subject.

That case was presented to four circuit judges, and the Attorney-General considered it so important to have an early decision that he certified to the court its importance and asked that it be heard by the circuit judges. And it was heard, instead of by one, by four circuit judges of the United States—Judges Lacombe, Coxe, Noyes, and Ward. Here is the decision. The substance of what I want to call to the attention of the Senate is embodied in the opinion of Judge Lacombe, agreed to by all the other judges except Judge Ward.

I will read, Mr. President, for the benefit of the Senate, two or three extracts from this opinion showing that under the law, as construed by the Supreme Court of the United States and by the circuit judges in New York, it is not a question of whether the absorbing company produces 60 per cent of the output of any commodity, as suggested by the President in his letter to the Attorney-General, in which he refers to Messrs. Gary and Frick. It is not a question of the size of the corporation absorbed, nor the amount of its business; not at all. But if one corporation absorbs any other corporation engaged in the same business it is a violation of the act of Congress, and the people are entitled to have the action restrained.

I do not know whether many Senators have read this opinion, and consequently, Mr. President, as I have already indicated, I will read two or three extracts. This opinion was delivered on the 7th of November, 1908. It was delivered, it is presumed, in pursuance of the argument made by the Attorney-General, who, the President says, gave him an oral opinion in 1907 that it was not a violation of the law for the steel trust to do the thing which in his brief he said it was a violation of the law for the tobacco trust to do.

Let me read from the opinion:

Disregarding various dicta and following the several propositions which have been approved by successive majorities of the Supreme Court, this language is to be construed as prohibiting any contract or combination whose direct effect is to prevent the free play of competition, and thus tend to deprive the country of the services of any number of independent dealers, however small.

Again, Mr. President—

The act as above construed prohibits every contract or combination in restraint of competition. *Size is not made the test.* Two individuals who have been driving rival express wagons between villages in two contiguous States, who enter into a combination to join forces and operate a single line, restrain an existing competition, and it would seem to make little difference whether they make such combination more effective by forming a partnership or not.

The President, in his letter to the Attorney-General referring to Messrs. Gary and Frick, suggests that the public has not been injured, and that therefore this absorption was permitted and acquiesced in by him. Judge Lacombe says:

During the existence of the American Tobacco Company new enterprises have been started—some with small capital—in competition with it, and have thriven. The price of leaf tobacco—the raw material—except for one brief period of abnormal conditions, has steadily increased until it has nearly doubled, while at the same time 150,000 additional acres have been devoted to tobacco crops and the consumption of the leaf has greatly increased. Through the enterprise of defendant and at large expense new markets for American tobacco have been opened or developed in India, China, and elsewhere. *But all this is immaterial; each one of these purchases of existing concerns complained of in the petition was a contract and combination in restraint of a competition existing when it was entered into, and that is sufficient to bring it within the ban of this drastic statute.*

So, Mr. President, we have this character of case presented to us: The administration instructs the Attorney-General to proceed against the tobacco trust because it had absorbed rival corporations, setting up substantially that it did not matter whether they were extensive or were conducting an inappreciable business, and at about the same time expressly authorizes the steel trust, for some reason unknown to me and upon which I will not at this time speculate, to absorb its principal competitor in the United States.

Mr. HOPKINS. Mr. President, will the Senator allow me to interrupt him?

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Illinois?

Mr. CULBERSON. Yes.

Mr. HOPKINS. It seems to me that in that statement the Senator is doing the President an injustice. The message we have before us does not, in my judgment, bear out the construction the Senator from Texas puts upon it. The letter the President embodied in his report to the Senate says that the proposition was submitted to him that a financial crisis existed in the city of New York; that the securities of the Tennessee Coal and Iron Company were held by a firm that was about to fail, and that unless this stock was taken over it would precipitate financial trouble, the end of which nobody could see at that time. Now, under those conditions the President says:

I felt it no public duty of mine to interpose any objection.

He does not say that he approved of it. He remained noncommittal, as he says. It seems to me that under those conditions the President is not subject to the criticism the Senator from Texas is indulging in.

Mr. CULBERSON. I call the attention of the Senator from Illinois to the language of the President in his message at the top of page 544.

As to the transaction in question, I was personally cognizant of and responsible for its every detail.

The President did not only acquiesce in it, but he declares that he was cognizant of and responsible for its every detail.

Mr. HOPKINS. That statement of the President, in my judgment, does not relate to the point the Senator is now discussing. In order to get at the position of the President, it is necessary to consider the letter to the Attorney-General under date of November 4, 1907, in which he informs the Attorney-General that a crisis is impending and that the facts have been brought to him by the two gentlemen named in the letter. Then, under those conditions, he says:

I felt it no public duty of mine to interpose any objection.

But he does state that he was noncommittal upon the subject. He neither affirmed nor denied; he neither encouraged nor dissuaded them from taking action. That was the position of the President. They acted on their own initiative. That is the point I am making with the Senator—that he is doing the President an injustice when he says that the President approved of the action of these people.

Mr. CULBERSON. Mr. President, the substance of the statement of the Senator from Illinois, as I understand, is that the President merely acquiesced. The President, however, in his message to the Senate, long after the letter to which the Senator refers, states that he was "cognizant of and responsible for" the entire transaction.

Now, so far as I am concerned, I do not care. The Senator can take either phase of the proposition; he may say that the President directed the Attorney-General to allow this, or he may say that the President sat quietly and saw the law violated, although the Constitution says that he will take care to see that the laws are faithfully executed.

Mr. HOPKINS. Will the Senator allow me right there?

Mr. CULBERSON. Wait until I get through with one other proposition.

The Senator has referred to the letter of the President about the panic. In order to refresh the recollection of the Senator I desire to read a short extract from a speech made in this Chamber by a Senator to whom we all look on account of his courage, his intelligence, and his sturdy manhood, a man who never speaks upon any question unless he is advised of the facts. The speech was made by the Senator from Minnesota [Mr. NELSON] on the 26th of February, 1908, and, as the extract is short, I will read it myself.

It appears that in the midst of the panic it was found that certain banks and trust companies carried stock of the Tennessee Coal and Iron Company. They had made loans on it. Those institutions in some way were pressed; they were badly crowded and they held that stock.

I remember reading in the papers at the time that there was a meeting in the house of a prominent banker in New York, an all-night meeting, in which the question was up of relieving the monetary stringency, and it was said that at that meeting plans were adopted that would relieve the acuteness of the tension and stringency. But what was the result of that all-night meeting? The result of it was this: The next morning the people who held the stocks of the Tennessee Coal and Iron Company were given the blessed privilege of exchanging it for the 5 per cent bonds of the steel trust.

In other words, the Steel trust was to relieve the financial stringency by exchanging its 5 per cent bonds for the stock of the Tennessee Coal and Iron Company, and in that way the Steel trust succeeded in absorbing its only rival and competitor of any consequence. No cash passed in the transaction, and yet it was supposed to relieve the currency famine.

If they had taken that stock and paid cash for it, I can see how they might have helped the poor banks that held the stock and given them a supply of cash. They compelled the banks to exchange that stock and take the bonds of the steel trust, the 5 per cent bonds; and of course those bonds could only bring cash to the parties who thus obtained them by a sale on the New York Stock Exchange. That was the way the financial stringency was relieved in that instance. I remember reading about that incident. I was here in the city at the time. I remember that a couple of gentlemen connected with the steel trust came down here from New York at that time to bushwhack around—

I suppose the Senator would be glad to withdraw that remark now since they visited the White House and made the agreement direct—

I remember that a couple of gentlemen connected with the steel trust came down here from New York at that time to bushwack around and ascertain whether that merger would stand and would be let alone.

I think they went away satisfied. I refer to this as an incident showing how the financial stringency was relieved on this occasion, and how much credit certain men assumed for relieving the financial stringency in that way.

Mr. President, in an issue of this kind between the Senator from Minnesota and the President of the United States, I stand with the Senator. I believe he is borne out by contemporaneous history. But whether he is or not, what warrant is there in law or in conscience for an officer of the United States to permit a statute to be violated openly and plainly to accomplish anything, whether it be to relieve a financial stringency or what not?

Now, Mr. President, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

Mr. CLARK of Wyoming. I ask that the resolution lie over.

Mr. LODGE. I ask that the resolution be read. It has not, I think, been read from the desk. I should like to have it read.

The VICE-PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 243), submitted by Mr. CULBERSON, as follows:

Resolved, That the Committee on the Judiciary be, and it is hereby, directed to report to the Senate, as early as may be practicable, whether, in the opinion of the committee, the President was authorized to permit the absorption of the Tennessee Coal and Iron Company by the United States Steel Corporation, as is shown by the message of the President in response to Senate resolution No. 240, this session.

Mr. CLARK of Wyoming. I ask that the resolution lie over.

The VICE-PRESIDENT. The resolution will be printed and lie upon the table.

Mr. CULBERSON. I ask unanimous consent that the message of the President of the United States which was received on yesterday in response to the resolution of the Senate be appended to my remarks.

The VICE-PRESIDENT. The Senator from Texas asks that the message of the President of the United States be appended to his remarks. Without objection, it is so ordered.

The message is as follows:

Message from the President of the United States, transmitting a letter from the Attorney-General to the President and from the President to the Attorney-General relative to the institution of legal proceedings against the United States Steel Corporation.

To the Senate:

In connection with the following resolution of the Senate, passed January 4, 1909—

"*Resolved*, That the Attorney-General be, and he is hereby, directed to inform the Senate—

"1. Whether legal proceedings under the act of July 2, 1890, have been instituted by him or by his authority against the United States Steel Corporation on account of the absorption by it in the year 1907 of the Tennessee Coal and Iron Company, and if no such proceedings have been instituted state the reason for such nonaction.

"2. Whether an opinion was rendered by him or under his authority as to the legality of such absorption, and if so, attach a copy if in writing, and if verbal state the substance of it."

I transmit herewith the following letter from the Attorney-General:

OFFICE OF THE ATTORNEY-GENERAL,
Washington, January 6, 1909.

SIR: In accordance with your instructions, I have the honor to inclose you a certified copy of the resolution adopted by the Senate, wherein I am directed to inform the Senate whether legal proceedings under the act of July 2, 1890, have been instituted by me or by my authority against the United States Steel Corporation on account of the absorption by it, in the year 1907, of the Tennessee Coal and Iron Company. As you are aware, no such proceedings have been instituted.

I remain,

Yours, most respectfully and truly,

CHARLES J. BONAPARTE,
Attorney-General.

THE PRESIDENT,
The White House.

As to the transaction in question, I was personally cognizant of and responsible for its every detail. For the information of the Senate I transmit a copy of a letter sent by me to the Attorney-General on November 4, 1907, as follows:

THE WHITE HOUSE,
Washington, November 4, 1907.

MY DEAR MR. ATTORNEY-GENERAL: Judge E. H. Gary and Mr. H. C. Frick, on behalf of the steel corporation, have just called upon me. They state that there is a certain business firm (the name of which I have not been told, but which is of real importance in New York business circles) which will undoubtedly fail this week if help is not given. Among its assets are a majority of the securities of the Tennessee Coal Company. Application has been urgently made to the steel corporation to purchase this stock as the only means of avoiding a failure. Judge Gary and Mr. Frick inform me that as a mere business transaction they do not care to purchase the stock; that under ordinary circumstances they would not consider purchasing the stock because but little benefit will come to the steel corporation from the purchase; that they are aware that the purchase will be used as a handle for attack upon them on the ground that they are striving to secure a monopoly of the business and prevent competition—not that this would represent what could honestly be said, but what might recklessly and untruthfully be said.

They further inform me that as a matter of fact the policy of the company has been to decline to acquire more than 60 per cent of the steel properties, and that this purpose has been persevered in for several years past, with the object of preventing these accusations, and as a matter of fact their proportion of steel properties has slightly decreased, so that it is below this 60 per cent, and the acquisition of the property in question will not raise it above 60 per cent. But they feel that it is immensely to their interest, as to the interest of every responsible business man, to try to prevent a panic and general industrial smash-up at this time, and that they are willing to go into this transaction, which they would not otherwise go into, because it seems the opinion of those best fitted to express judgment in New York that it will be an important factor in preventing a break that might be ruinous; and that this has been urged upon them by the combination of the most responsible bankers in New York who are now thus engaged in endeavoring to save the situation. But they asserted they did not wish to do this if I stated that it ought not to be done. I answered that while of course I could not advise them to take the action proposed, I felt it no public duty of mine to interpose any objection.

Sincerely, yours, THEODORE ROOSEVELT.

Hon. CHARLES J. BONAPARTE,
Attorney-General.

After sending this letter I was advised orally by the Attorney-General that, in his opinion, no sufficient ground existed for legal proceedings

against the steel corporation, and that the situation had been in no way changed by its acquisition of the Tennessee Coal and Iron Company.

I have thus given to the Senate all the information in the possession of the Executive Department which appears to me to be material or relevant on the subject of the resolution. I feel bound, however, to add that I have instructed the Attorney-General not to respond to that portion of the resolution which calls for a statement of his reasons for nonaction. I have done so because I do not conceive it to be within the authority of the Senate to give directions of this character to the head of an executive department or demand from him reasons for his action. Heads of the executive departments are subject to the Constitution, and to the laws passed by the Congress in pursuance of the Constitution, and to the directions of the President of the United States, but to no other direction whatever.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 6, 1909.*

THE CALENDAR.

The VICE-PRESIDENT. The calendar, under Rule VIII, is in order. The Secretary will state the first business on the calendar.

The bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the "Bowman" and "Tucker" acts, was announced as first in order.

Mr. KEAN. Let that bill go over.

The VICE-PRESIDENT. The bill will go over, without prejudice, at the request of the Senator from New Jersey.

The joint resolution (S. R. 74) suspending the commodity clause of the present interstate commerce law was announced as next in order.

Mr. KEAN. Let that go over, also.

The VICE-PRESIDENT. The joint resolution will be passed over, without prejudice, at the request of the Senator from New Jersey.

Senate resolution 93, relating to the reorganization of the Northern Pacific Railroad Company, submitted by Mr. HEYBURN February 6, 1908, and reported by Mr. BURKETT, from the Committee on Pacific Railroads, April 7, 1908, was announced as next in order.

Mr. KEAN. Let that also go over.

The VICE-PRESIDENT. The resolution will go over without prejudice, at the request of the Senator from New Jersey.

The bill (S. 915) to prevent the sale of intoxicating liquors in buildings, ships, navy-yards, and parks and other premises owned or used by the United States Government, was announced as next in order.

Mr. McCUMBER. I ask that that bill go over.

The VICE-PRESIDENT. The bill will be passed over without prejudice, at the request of the Senator from North Dakota.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 1 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 8, 1909, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 7, 1909.

COLLECTOR OF INTERNAL REVENUE.

George E. Work, of West Virginia, to be collector of internal revenue for the district of West Virginia.

POSTMASTER.

TEXAS.

Jerra L. Hickson to be postmaster at Gainesville, Tex.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 7, 1909.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

COEUR D'ALENE INDIAN RESERVATION.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill which I send to the Clerk's desk (H. R. 21458), authorizing sales of land within the Coeur d'Alene Indian Reservation to the Northern Idaho Insane Asylum and to the University of Idaho.

The SPEAKER. The gentleman from Idaho asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the following bill, and that the same be considered in the House.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, to sell to the State of Idaho, for the use of the Northern Idaho Insane Asylum, land not to exceed in area four sections, to be selected by the governor of the State, within the limits of the Coeur d'Alene Indian Reservation, upon the approval of the Secretary of the Interior, said State to pay therefor, upon receiving a grant thereof, such price per acre as shall be fixed by the Secretary of the Interior. The moneys derived from said sale shall be deposited in the Treasury of the United States for the benefit of the Indians of said reservation.

SEC. 2. That the Secretary of the Interior is hereby authorized, in his discretion, to sell to the regents of the University of the State of Idaho, for the use of said university, land not to exceed 640 acres in area, to be selected by the said regents of the said university within the limits of the Coeur d'Alene Indian Reservation, upon the approval of the Secretary of the Interior, said regents to pay therefor, upon receiving a grant thereof, such price per acre as shall be fixed by the Secretary of the Interior. The moneys derived from said sale shall be deposited in the Treasury of the United States for the benefit of the Indians of said reservation.

Mr. FRENCH. There are three proposed amendments to the bill.

The Clerk read the amendments, as follows:

Page 1, line 11, insert after the word "Interior" the words "but which shall not be less than $2.50 per acre."

On page 2, line 4, insert after the word "Interior" the words "but which shall not be less than $2.50 per acre."

Line 10, page 2, strike out the words "per acre."

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I should like to ask the gentleman a question for information.

The SPEAKER. Does the gentleman yield?

Mr. FRENCH. I yield.

Mr. UNDERWOOD. Mr. Speaker, I should like to ask the gentleman, first, as to the amendments he proposes to offer. Do these amendments come from the Committee on Public Lands?

Mr. FRENCH. The bill is from the Committee on Indian Affairs, and the amendments have the approval of the chairman of the committee, together with that of the ranking member on the Democratic side. All that the amendment does is to provide a minimum price, below which the land may not be sold. That was the objection raised a couple of days ago when I asked unanimous consent, and this meets with the approval of the Members who raised that objection, as well as the approval of the chairman of the committee and the leader of the Democratic side upon the committee.

Mr. UNDERWOOD. What I wanted to find out was whether the amendment was the gentleman's own amendment or whether it came from the committee.

Mr. FRENCH. Oh, it is my own amendment, with that indorsement.

Mr. UNDERWOOD. The members of the committee have been informed and consent to it?

Mr. FRENCH. The chairman of the committee, together with the leader of the minority side upon the committee.

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

SALE OF ISOLATED TRACTS OF LAND ON NEZ PERCÉ INDIAN RESERVATION.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the consideration of the following bill, which I send to the Clerk's desk, and that it be considered in the House with amendments.

The SPEAKER. The gentleman from Idaho asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the consideration of the following bill, with amendments, which the Clerk will report, and that the same be considered in the House.

The Clerk read as follows:

A bill (H. R. 19095) authorizing the Secretary of the Interior to sell isolated tracts of land within the Nez Percé Indian Reservation.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell at public auction any isolated and unappropriated public lands embraced within the Nez Perce Indian Reservation in the same manner as isolated tracts within the public domain are sold under the general law providing for the sale of isolated tracts: *Provided,* That for agricultural lands purchasers under this act shall pay not less than $3.75 per acre, and for lands valuable for stone and timber they shall pay not less than $5 per acre.

The Clerk read the amendments, as follows:

Strike out lines 3, 4, 5, 6, 7, and the words "the sale of isolated tracts," of line 8, page 1, and insert in lieu thereof the following:

"That the law providing for the sale of any isolated or disconnected tract or parcel of the public domain is hereby extended and made applicable to any isolated and unappropriated public lands embraced within the Nez Perces Indian Reservation."

Mr. MANN. I would like to ask the gentleman if those are the amendments agreed upon yesterday?

Mr. FRENCH. Yes.

Mr. MONDELL. Does the amendment in any way affect the minimum price provided for in the bill?

Mr. FRENCH. Not at all.

Mr. WALDO. Will the gentleman state how much land this bill covers?

Mr. FRENCH. That is hard to get at. There are a few patches here and there. They could be acquired under the homestead law without the payment of a cent. This land has no considerable value, and it is to enable the department to dispose of the land for the benefit of the Indians.

Mr. WALDO. Can not the gentleman give the House some idea of the amount of land to be disposed of?

Mr. FRENCH. We have a general isolated land-tract law applying to all the public lands of the United States. This simply extends the provisions of that law to this reservation, the same as the provision has been made in all of the recent bills opening reservations. The law opening the Nez Perces Reservation was passed fourteen or eighteen years ago, and at that time no provision was made whereby isolated tracts could be disposed of. We want the same law to apply to this as applies to all the other public domain of the United States. There is a minimum number of acres that may be acquired by each individual; it can not exceed 160 acres.

Mr. WALDO. I understand that part of it, but I have failed yet to get an answer to my question whether the gentleman has any idea of how much land he is trying to dispose of.

Mr. FRENCH. I have no definite information upon that point.

Mr. WALDO. Whether it is 100 acres or 1,000,000 acres or 1,000 acres?

Mr. FRENCH. Only a small area. I do not know exactly. The department approves of this bill. There is a general law, as I have stated, providing for the disposition of isolated tracts, which applies to all public lands in the United States. Similar provision has been included in all recent laws opening Indian reservations. That provision was omitted when this bill was passed fourteen or fifteen years ago. We simply want the same law extended to this reservation, with the exception that the committee insist on having a larger minimum price than that which prevailed elsewhere, because the bill as first passed contained a larger minimum price, and it is to meet that.

Mr. WALDO. It seems to me that the gentleman ought to be able to inform the House how much land he is trying to dispose of, or, at least, to give some idea of it.

Mr. FRENCH. I do not see how that bears upon the question, because the isolated land-tract law applies to the entire domain of the United States.

Mr. WALDO. But not to this particular tract?

Mr. FRENCH. No; because it is not regarded as public domain.

Mr. WALDO. It seems to me that before disposing of this land in this reservation we ought to know how much we are trying to dispose of.

Mr. FRENCH. The land within the reservation is practically entirely settled now. There are a few little corners here and there that could be acquired to-day under the homestead law without the payment of a single cent, yet they remain untaken, Because of the fact that the Government can not dispose of these lands, this bill was introduced to try to sell them for not less than $3.75 per acre. The money goes into the Public Treasury.

Mr. WALDO. Can the gentleman inform us whether it is asked for by the department, or some one who desires to acquire all of these tracts?

Mr. FRENCH. The department approves of the legislation.

Mr. MONDELL. Is it not true that all the recent Indian treaties contain a provision which allows just such a sale as this to dispose of these remaining lands after a certain number of years? Since the Government changed its policy in regard to the Indian lands whereby they no longer become the purchaser of the land, but become the agent of the Indians for their sale, it is necessary, if the Indians are to be paid for the odd pieces of not valuable lands remaining after the homesteader takes all he wants, that there shall be some provision whereby the remaining tracts shall be sold. This bill applies to the isolated-tracts law to this reservation as it applies to the same conditions elsewhere on the public domain.

Mr. WALDO. Can the gentleman inform us whether this land now belongs to the Government or to the Indians?

Mr. FRENCH. Why, the land belongs to the Government; yes.

Mr. WALDO. And it is the understanding of the gentleman that the department, in addition to the gentleman's friends who desire to get this land, advise the sale of it.

Mr. FRENCH. The department approves of it in their report, which I have here.

Mr. GAINES of Tennessee. Is this the same bill that the gentleman had up yesterday?

Mr. FRENCH. It is the same bill, with the modification that was made, to meet the objection raised by the gentleman from Illinois [Mr. MANN].

Mr. GAINES of Tennessee. The same changes suggested are now in the bill?

Mr. FRENCH. It contains the exact modification; yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The question was taken and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

The SPEAKER. Without objection, the title of the bill will be amended so as to read "Nez Perces."

There was no objection.

On motion of Mr. FRENCH, a motion to reconsider the votes by which the two foregoing bills were passed was laid on the table.

DETAIL OF RETIRED ARMY OFFICERS.

Mr. SLAYDEN. Mr. Speaker, I call up the following privileged House resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 468.

Resolved, That the Secretary of War be requested to inform the House of Representatives what efforts have been made to carry out the present law looking to the detail of retired officers on certain duties now performed by officers detached from their proper commands or duties in line or staff.

And the Secretary of War is further requested to report the number and grades of officers taken from the active list who are now on duties which, under existing law, could be performed by capable and experienced officers if detailed from the retired list, thereby insuring the return of such active officers to their proper commands or duties.

The SPEAKER. The gentleman reports the resolution from the Committee on Military Affairs?

Mr. SLAYDEN. I do. Mr. Speaker, this resolution simply calls on the Secretary of War for information as to the service now being done by officers of the active list of the army detailed to work not properly in the line of the military vocation. It also asks the Secretary of War to supply the House with a list of the number and grades of officers that are taken from the active list and now on duty which, under the existing law, may be performed by capable and experienced officers on the retired list, and the purpose of it is to see if it be not possible to meet the shortage of active officers in regular military work by detailing, as the law provides, certain officers on the retired list to do that work. The committee passed the resolution unanimously and authorized me to have it called up. If the information to be sent to the House by the Secretary of War is such as I have reason to believe it will be, I think it will obviate the necessity for a large increase in the number of officers on the active list which is being asked for by the War Department.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 25392, making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes, and pending that motion I ask unanimous consent that the time for general debate be divided equally between the majority and the minority of the House, the time of the minority to be controlled by the gentleman from Texas [Mr. BURLESON], the ranking member of the minority subcommittee, and the time on the majority side to be controlled by myself.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the time for general debate be divided equally between the two sides of the House, to be controlled by the gentleman from Michigan and by the gentleman from Texas [Mr. BURLESON]. Is there objection?

Mr. GARDNER of Massachusetts. Mr. Speaker, reserving the right to object, I should like to know how much time it is proposed to occupy in general debate.

Mr. GARDNER of Michigan. Mr. Speaker, the time is a little indefinite. There are three or more hours asked for at this moment, and other gentlemen desire to be heard, I am told.

Mr. GARDNER of Massachusetts. How much time can the gentleman give me?

Mr. OLMSTED. The gentleman from Michigan does not ask for any limitation of time.

Mr. GARDNER of Massachusetts. I would like to have half an hour.

Mr. GARDNER of Michigan. Very well.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the motion of the gentleman from Michigan that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the District of Columbia appropriation bill.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the District of Columbia appropriation bill, with Mr. OLMSTED in the chair.

Mr. GARDNER of Michigan. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. GARDNER of Michigan. Mr. Chairman, I desire to postpone a statement with regard to the bill until just before it is taken up under the five-minute rule—in other words, after the close of general debate. It had been my purpose to call upon the present occupant of the chair to occupy time. Time is now allowed to the gentleman from Pennsylvania [Mr. OLMSTED] of one hour, or such other time as he may choose to occupy.

Mr. OLMSTED. Mr. Chairman, in no parliamentary body on earth is there allowed greater latitude and freedom in debate than in our Committee of the Whole House on the state of the Union. We are permitted to speak upon any and every possible subject. Therefore I may wander from the subject-matter of the pending bill and discuss, to some extent, the rules of this House.

When a Congressman fails to secure the passage of a bill in which some or all of his people are interested he is very apt to go home and say that he could not catch the elusive eye of the Speaker, or that the Committee on Rules sat down upon him, or that by the rules of the House he was so cribbed, cabined, and confined that he could accomplish nothing. As many thousands of bills fall every year without discussion or consideration, these reiterated excuses have had a wide effect, and there has come about a great deal of criticism of the Speaker and the Committee on Rules, but more particularly of the rules themselves—not any particular rule, but just "the rules." They have come to be looked upon by a good many people outside of Congress as framed for the express purpose of preventing legislation and preventing the discussion of proposed legislation. There may be also some gentlemen upon this floor who feel that in some way they are being deprived of some of their rights.

Our present rules are substantially the same as those of the Fifty-first Congress, presided over by Thomas B. Reed. In discussing the question of their readoption by the present Congress when it organized on the 2d day of December, 1907, a very distinguished Democrat is recorded, upon page 8 of the RECORD, as having said:

> We shall hope that the time is not far distant when those who are chosen to represent free men in the greatest legislative body, as we frequently hear, upon the face of the earth shall stand forth in the glory of a noble trust, possessed of the powers of the real Representative, not by permission of anybody, responsible alone to his God above him and his constituents behind him.

Then a little later, upon the 24th of January, 1908, another gentleman upon that side of the House, from the same State, said:

> This is not the place for a lock-step march. It is the place where every man ought to be permitted to express the sentiments of his own people as he understands them, responsible only to the God who observes what he does and to the people who gave him their support.

In the course of the same speech he also said:

> Give these Representatives their rights upon this floor. Let every man have the privilege to rise in his place and present what he chooses for the consideration of this House, and then let that matter be disposed by a free and untrammeled expression of the representatives of the people.

The same gentleman had previously said, on the 5th of March, 1906:

> Every Member of this House who was elected to come here should be allowed to raise his voice and cast his vote in behalf of those measures his people are interested in.

On the 5th of February, 1908, a Member upon this side of the Chamber said, as reported at page 1650 of the RECORD:

> The adoption of the rules places manacles upon the legislative hands of the Member, places a gag upon his tongue and clamps upon his brain for all the purposes of vital legislation in the interest of the people.

Upon that occasion he expended just fifty minutes in fluent speech and graceful oratory in his endeavor to convince us that he had a gag upon his tongue as well as the manacles and clamps referred to. [Laughter.]

Then next we had Mr. Bryan's national convention at Denver, on the 18th of July last, unanimously adopting as one of the planks of his platform the following:

> The House of Representatives, as controlled in recent years by the Republican party, has ceased to be a deliberative and executive body, but has come under the absolute domination of the Speaker, who has entire control of its deliberations and powers of legislation.
>
> We demand that the House of Representatives shall again become a deliberative body, controlled by a majority of the people's representatives and not by the Speaker, and we pledge ourselves to adopt such rules and regulations to govern the House of Representatives as will enable a majority of its Members to dictate its deliberations and control legislation.

But the latest, the most unexpected, and perhaps the most serious attack upon the rules of this House was made by a gentleman whose service here began with my own. In the first year we served upon the same committee, and have been very good friends ever since. In fact, everybody here is his friend. I refer, of course, to the gentleman from Tennessee [Mr. GAINES], who only a few days ago, upon the 15th of last month, said:

> I want to say, gentlemen, I have been a kicker for twelve years, and if I should stay in this Congress until I arrive at the age of 144 years, I would kick against the rules of this or any House that suppress free speech.

[Laughter.]

This is "the most unkindest cut of all," coming, as it does, from a gentleman who, in the first session of the present Congress, delivered no less than 209 speeches, covering the widest possible range of topics, from the Kongo Free State to the postal service on Mount Eagle, Tenn.; from clean money to campaign contributions; from fish culture to ship subsidy; from wood pulp to the Ladies' Hermitage Association; from tariff revision to the prevention of tuberculosis; from fierce and warlike denunciation of the tobacco trust to the tender memories which cluster about the mistletoe bough, in whose defense against the onslaughts of the gentleman from Texas [Mr. BURLESON] he even quoted poetry. [Laughter.] My distinguished and handsome friend not only made 209 speeches himself, but he assisted nearly every other Member in making his.

Having so often overwhelmed us with the whirlwind of his eloquence and his emotions; so often instructed, enlightened, and charmed us; so often intoxicated us by the exuberance of his entrancing and epidictic oratory, he is a living illustration of the fact that free speech is not entirely suppressed—not entirely.

Referring to the Democratic platform, I venture to assert that the present rules do "enable a majority of its Members to dictate its deliberations and control legislation" to a vastly greater extent than any other body of rules ever in force in this House. In the adoption of the so-called Reed rules, which now obtain, the changes from former rules were made with the declared intention of preventing a minority, frequently a very small one, from controlling the time of the House and preventing the transaction of business. They were made for the express purpose of enabling the majority to dictate its deliberations and control legislation. They were adopted in 1890 in the Fifty-first Congress, presided over by Thomas B. Reed. That Congress made, however, only four material changes in the rules as they had previously existed. But those changes were very important.

That some who were not present in those days and have not stopped to look up the history and reason for the changes then made may the more readily understand their necessity, I shall call attention to a few illuminative public statements. For instance, an editorial in the New York Times, published during the last session of the Democratic Fiftieth Congress, contained this language:

> By a gradual process of evolution, the theory that the rules may be properly overturned in the defense of political minority has developed into a doctrine that any minority, however small, on any question pending or likely to come up, may put a stop to all business until a contract is entered into by the majority, or by the Speaker, that some measure of business will not be considered. This is filibustering run mad. The idea that all public business may be stopped because at some future, undefined time the majority of the House may pass a bill which is opposed by a few Members, revolutionizes all theories of the (one line of copy illegible). It places the power of the legislative branch of the Government in the discretion of one man. It offers a bribe to corruption. It is a premium upon indolence and stupidity. A bribe taker may effectively stand in the way of all legislation until

he kills the bill which he is paid to oppose. A lazy or stupid Member may defeat a measure by brute force, simply because he is unable to conduct an honest and intelligent opposition when the measure is under consideration.

On the first Monday of this month it was expected that the public business in Congress would proceed. It was the day on which motions by individual Members to suspend the rules are in order. The proceeding, however, follows the call of States for the introduction of bills. Some weeks since an effort was made to do away with the call of States on Mondays, when motions to suspend the rules are in order. The Committee on Rules reported a resolution to that effect, but the filibusters resorted to dilatory tactics and defeated the attempt. It was the failure of this rule that made it possible for a minority of five to waste a day on which much of importance might have been accomplished. * * *

Five men controlled the House and prevented legislation which two-thirds of the members favored. Never before had the art of obstruction reached such perfection. Government by the minority was in the ascendant, and the minority was so small that the next step in the evolution of Mr. Randall's theory is irresistible. Unless the evil which prevailed on the first Monday of February is cured, the time is soon coming when all legislation in the House of Representatives must be by unanimous consent, which is possible only in the case of unimportant bills or of universal log-rolling schemes.

That is the kind of "deliberative body" which the Denver platform demands that the House shall "again become." Here is a sample of that kind of deliberation, from the CONGRESSIONAL RECORD of January 9, 1889:

HOUSE OF REPRESENTATIVES.

Wednesday, January 9, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. Milburn, D. D.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will read the Journal.

Mr. WEAVER. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WEAVER. Clause 1 of Rule I provides that—

"The Speaker shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at the last sitting, immediately call the Members to order, and on the appearance of a quorum cause the Journal of the proceedings of the last day's sitting to be read, having previously examined and approved the same."

I make the point of order that the Journal can not be read until it is ascertained that a quorum is present.

The SPEAKER. That point of order was made during the last session of Congress and the Chair sustained it. It is not only a rule of the House, but the Constitution itself provides that it shall require a majority of the Members-elect to transact business; and the reading and approval of the Journal is the transaction of business, because the Journal is nothing more than memoranda made by an officer of the House, until it is approved by the House.

The Clerk will call the roll.

The roll was called, and the following Members answered to their names:

(Here follows the list of names, which it took forty-five minutes to call.)

The SPEAKER. Two hundred and three gentlemen are present, and there is a quorum.

Mr. WEAVER. I move the House adjourn; and pending that motion, I move that when the House adjourn to-day it be until Friday next.

Mr. RANDALL. I suggest that the roll call, as directed by the Speaker, was for the purpose of knowing whether there was a quorum present, and when the Speaker found a quorum present the next requirement is that the Journal be read.

The SPEAKER. The requirement is, the Speaker shall direct that the Journal be read. The Chair thinks the House may adjourn to prevent the reading of the Journal at any time it thinks proper. Such motions have been made before, and the House has adjourned without the reading of the Journal.

The question was taken on adjournment until Friday; and the Speaker announced that the noes seemed to have it.

Mr. WEAVER. Division.

The House divided; and there were—ayes 3, noes 139.

Mr. WEAVER. No quorum.

The Chair appointed Mr. WEAVER and Mr. CRISP as tellers.

Mr. JACKSON. I demand the yeas and nays.

Mr. CRISP (to Mr. JACKSON). Do not do that; we will get a quorum presently.

Mr. JACKSON. I will withdraw the demand for the yeas and nays.

After some time spent in counting, the tellers reported—ayes none, noes 139.

The SPEAKER. No quorum has yet voted.

The tellers continued the count, and finally reported—ayes none, noes 163.

So the motion that when the House adjourn to-day it adjourn to meet on Friday next was disagreed to.

Mr. WEAVER. I move that when the House adjourn to-day it be to meet on Saturday next.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. WEAVER. Division.

The House divided; and there were—ayes none, noes 115.

Mr. WEAVER. No quorum.

Mr. WEAVER and Mr. CRISP were appointed tellers.

The House again divided; and the tellers reported—ayes none, noes 106.

The SPEAKER. No quorum has yet voted.

Mr. GROSVENOR. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSVENOR. I want to know whether during the attempt to obtain a quorum it would be in order for Mr. CRISP to address the House on the rights of a minority being protected under our form of government. [Laughter.]

The SPEAKER. It would not.

The tellers again reported—aye 1, noes 163; so the motion to adjourn till Saturday was not agreed to.

Mr. WEAVER. I move that when the House adjourn to-day, it be to meet on Monday next.

Mr. CRISP. I make the point of order that that is more than three days.

The SPEAKER. It is four days.

Mr. WEAVER. Then I move that the House take a recess until half past 2 o'clock.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. WEAVER. Division.

The House divided; and there were—ayes 3, noes 153.

Mr. WEAVER. No quorum.

Mr. WEAVER and Mr. CRISP were appointed tellers.

The House divided; and the tellers reported—ayes none, noes 90.

The SPEAKER. No quorum has yet voted.

Mr. REED. Mr. Speaker, I would like to inquire of the gentleman from Georgia [Mr. CRISP] whether there is anything else that can be done to protect the rights of the minority. [Laughter.]

Mr. CRISP. Mr. Speaker, the gentleman from Georgia has said nothing to indicate that he was at all objecting to this.

Mr. PAYSON. How does the minority feel about it?

Mr. ROGERS. There is no minority.

Mr. WEAVER. This is a fight for the rights of the majority.

Mr. PAYSON. I think we ought to be advised as to how "the minority" himself [Mr. WEAVER] feels as to his own situation. [Laughter.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced the passage of a bill and joint resolution of the following titles:

A bill (H. R. 9211) for the relief of Jesse Durnell; and

Joint resolution (H. Res. 246) authorizing the Secretary of War to loan to the committee on inaugural ceremonies flags, etc.

It also announced disagreement to the amendment of the House to the bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua, asked a conference on the disagreeing votes of the two Houses, and had appointed as managers of said conference on its part Mr. Sherman, Mr. Edmunds, and Mr. Morgan.

It further announced the adoption of a resolution, in which the concurrence of the House was requested, for printing the report of the National Academy of Sciences for 1887.

ORDER OF BUSINESS.

The SPEAKER. Upon the pending question, the tellers report—ayes 2, noes 161. The noes have it and the motion is not agreed to.

Mr. WEAVER. I move that the House take a recess until half past 1 o'clock.

The question was taken; and the Speaker declared that the noes seemed to have it.

Mr. WEAVER. I ask for a division.

The House divided; and there were—ayes none, noes 81.

Mr. WEAVER. No quorum.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from Georgia [Mr. CRISP] and the gentleman from Iowa [Mr. WEAVER].

The House divided; and the tellers reported—ayes none, noes 117.

The SPEAKER pro tempore [Mr. HATCH]. No quorum has voted. There is evidently a quorum present in the House, and the Chair hopes members will come forward and vote.

Mr. STEELE (at half past 1 o'clock p. m.). Mr. Speaker, I make the point of order that the time named in the pending motion to take a recess has arrived, and that the motion therefore falls, and I now call up the bill (S. 944) to increase the pension of Mrs. Elizabeth Scott.

Mr. WEAVER. Regular order.

The SPEAKER pro tempore. The Chair will state to the gentleman from Indiana [Mr. STEELE] that the House is dividing and no quorum has voted.

Mr. STEELE. But the time during which it was proposed that the House should take a recess has expired.

The SPEAKER pro tempore. The question is under consideration, and it is for the House to determine. The Chair will again remind members that no quorum has voted. There is obviously a quorum present and the Chair hopes that gentlemen will come forward and vote and make a quorum.

Mr. STEELE. But the hour to which the gentleman from Iowa [Mr. WEAVER] moved to take a recess having expired is it not in order to make that point?

The SPEAKER pro tempore. That is a matter for the House to determine. The Chair will state to the gentleman [Mr. STEELE] further that even if that question were determined his motion would not be in order, because the Journal of yesterday's proceedings has not yet been read. No motion is in order until after the Journal has been read.

Mr. STEELE. I wish to discuss that point of order, but I yield now to my friend from Michigan [Mr. BREWER].

The SPEAKER. The gentleman is not in order.

Mr. WHITE of New York. Mr. Speaker, would it be in order to inquire if protection to the rights of the minority is the palladium of our liberties to-day? [Laughter.]

The SPEAKER pro tempore. The Chair does not think that is a parliamentary inquiry. If members who are present desire that the business of the House shall proceed they will come forward and vote and make a quorum. It is for them to determine whether the business of the House shall be blocked in this way or not.

The tellers reported—ayes none, noes 152.

Mr. WEAVER. No quorum.

Mr. MCCREARY. I move a call of the House.

Mr. MCCULLOGH. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MCCULLOGH. When a motion is made, and upon a vote the ayes are none, does not the motion fail?

The SPEAKER pro tempore. Not unless there is a quorum. The gentleman from Iowa [Mr. WEAVER] insists upon the point that no quorum has voted. The question is on the motion of the gentleman from Kentucky [Mr. MCCREARY] that a call of the House be ordered.

A call of the House was ordered—ayes 73, noes 5.

The roll was called, when the following Members failed to answer to their names:

(Here follows the list of names again, the calling of which took another forty-five minutes.)

The SPEAKER pro tempore (Mr. HATCH). The roll call discloses the presence of 232 Members, being more than a quorum.

Mr. MCCREARY. As a quorum is present, I move to dispense with further proceedings under the call.

The motion of Mr. MCCREARY was agreed to.

Mr. WEAVER. I move that the House take a recess until forty minutes after 2 o'clock.

The SPEAKER pro tempore. There is already a motion pending which must be determined. The tellers will resume their places. The question is on the motion submitted by the gentleman from Iowa [Mr. WEAVER] that the House take a recess until half past 1 o'clock to-day.

Mr. WASHINGTON. I make a point of order——

The SPEAKER pro tempore. The point of order which the Chair understands the gentleman desires to make has already been overruled. This is a question which must be determined by the House.

Mr. WASHINGTON. I call the attention of the Chair to the fact that it is now 2 o'clock.

The SPEAKER pro tempore. That is a matter for the House. The motion having been made must be voted upon. The House is dividing on the question.

Mr. WEAVER. I make the point that the vote must now be taken de novo.

The SPEAKER pro tempore. The Chair so holds.

Mr. BUCHANAN. I rise to a parliamentary inquiry. I understand the pending motion is that the House take a recess until half past 1 o'clock.

The SPEAKER pro tempore. It is.

Mr. BUCHANAN. It now being half an hour past that time, what would be the effect of this motion if adopted?

The SPEAKER pro tempore. The Chair will determine that when the House votes upon the proposition.

Mr. BUCHANAN. But my point is this: If the motion were adopted, would it not throw us over until half past 1 o'clock to-morrow? I ask the question in good faith.

The SPEAKER pro tempore. The Chair will state to the gentleman from New Jersey that such would not be the effect.

The House again divided; and after some time the tellers reported—ayes 1, noes 162.

So the motion of Mr. Weaver was not agreed to.

Mr. WEAVER. I move that the House take a recess until fifteen minutes past 3 o'clock.

The SPEAKER (having put the question). The noes seem to have it.

Mr. WEAVER. I call for a division.

The question being again taken, there were—ayes 3, noes 34.

Mr. WEAVER. No quorum.

Mr. CRISP. I call for the yeas and nays.

The yeas and nays were ordered, 48 voting therefor.

So the question was taken; and it was decided in the negative—yeas 3, nays 184, not voting 136, as follows:

(Here follows the list of names again, another forty-five minutes having been consumed in calling them.)

So the House refused to take a recess.

During the roll call,

Mr. Crisp moved that the second reading of the names be dispensed with.

Mr. Weaver objected.

The following pairs were announced:

Until further notice, on all political questions:

* * * * * * *

The vote was then announced as above recorded.

Mr. WEAVER. I have no objection to the Journal being read.

The SPEAKER. The Clerk will read the Journal.

The Journal of yesterday's proceedings was read and approved.

A quorum was present all the time, but enough Members, by refusing to answer to their names, made it possible that two men could, and did, hold up the entire House for more than three hours before they would permit even the reading of the Journal of the previous day's proceedings. It was after 3 o'clock before there could be had a final vote upon a motion to take a recess until half past 1. [Laughter.] And yet it is demanded that the House "again become a deliberative body" of that kind.

A majority of Republicans had been elected to the Fifty-first Congress, which was about to assemble in December, 1889. On the 7th of October in that year the following appeared in the Washington correspondence of the New York Sun:

CONGRESSMAN MILLS ON THE SITUATION—A WISE, SAFE, AND TRULY DEMOCRATIC PROGRAMME ANNOUNCED BY THE TEXAS STATESMAN.

WASHINGTON, *October 6.*

Hon. Roger Q. Mills, of Texas, is in the city. It is the first time that Mr. Mills has been here since the adjournment of Congress. He is looking well and claims to be cheerful. While Mr. Mills will not be the leader of the Democratic side during the coming session, the chairman of the Ways and Means Committee will surely be heard from.

In conversation to-day, Mr. Mills said that though in the minority the Democrats were fully conscious of their power, and would use it. "We do not propose," said he, "that the Republican majority shall pass a single measure without our consent * * *. In other words, we propose to exercise the control of the House just as much as though we were still in the majority, because we know our minority is strong enough to make us the virtual rulers.

Whether or not Mr. Mills uttered those words, he and others certainly endeavored to carry out that programme. They were defeated by changing the rules so as to give the majority control.

Under the old rules it frequently happened that more time was taken up with roll calls than with debate; more by dilatory motions than in the transaction of the public business. One hundred or more gentlemen might be present, some or all making motions to adjourn, points of no quorum, calls for the yeas and nays, etc., and yet when the roll was called, refusing to answer, they were treated as not present. Though actually present, they were constructively absent, and a full quorum had to be obtained without them, although they sat there in their seats.

It was stated in debate, and not denied, that in the Fiftieth Congress one Member, Mr. Weaver, of Iowa, had for three days, under the rules of the House, stood out against 324 Representatives, and virtually said to them that they should not enact any matter of legislation unless they first agreed with him that a certain bill in which he was interested should be considered. Upon one occasion business had been delayed by alternating 128 times the motions to adjourn and to adjourn to a certain time. Conditions had become absolutely intolerable. Therefore it was that in the Republican Fifty-first Congress the House made certain amendments. The substantial and important changes made in the rules at that time were:

First. The prevention of dilatory motions.

Second. Counting of quorum.

Third. Making 100 a quorum in Committee of the Whole.

Fourth. Daily order of business under Rule XXIV.

The rule as then made, and now existing, is that "no dilatory motion shall be entertained by the Speaker." It was, and is, also distinctly provided that Members present but not voting shall nevertheless be counted in making up the constitutional quorum. These two changes were looked upon by the Democrats of that day as tyrannous. Because of his advocacy and enforcement of them, Speaker Reed was denounced as a "czar," and much more roundly abused than the present Speaker has ever been. These two were the only changes made in the past fifty years enlarging the power of the Speaker. He has the power to determine when a motion shall be considered dilatory. It is not, however, a power which can be used to suppress legislation. The Speaker can not, by declaring any motion dilatory, prevent or retard the passage of a bill. On the contrary, the object and effect of placing this power in his hands is to prevent the unnecessary and intentionally wasteful consumption of time, to prevent unfair obstruction, and to put it within the power of the majority to legislate.

The provision for counting a quorum is equally imperative and important. This is a very large body. The Constitution requires a majority of all its Members to constitute a quorum. It was an outrageous proposition which so long obtained that Members physically present, taking part in debate and demanding roll calls, could by sitting mute when their names were called break a quorum without leaving their seats, and thus delay legislation.

The Supreme Court of the United States has sustained the constitutionality of counting all Members present in ascertaining a quorum, and nobody would be willing to go back to the old plan.

The third important change was in making 100 a quorum in Committee of the Whole House. Under the old rules the requirement of a majority of the entire membership, and the use of dilatory motions, had made the transaction of business in Committee of the Whole at times impossible.

THE MAJORITY IN CONTROL ALL THE TIME.

The fourth change, being in the order of business, as prescribed by Rule XXIV, gives the majority much greater opportunity than it had before to reach such business as it desires to transact. This rule is apparently so much misunderstood, or rather so little understood, that I insert it here as part of my remarks:

RULE XXIV.

ORDER OF BUSINESS.

1. The daily order of business shall be as follows:

First. Prayer by the Chaplain.

Second. Reading and approval of the Journal.

Third. Correction of reference of public bills.

Fourth. Disposal of business on the Speaker's table.

Fifth. Unfinished business.

Sixth. The morning hour for the consideration of bills called up by committees.

Seventh. Motions to go into Committee of the Whole House on the state of the Union.

Eighth. Orders of the day.

2. Business on the Speaker's table shall be disposed of as follows:

Messages from the President shall be referred to the appropriate committee without debate. Reports and communications from the heads of departments, and other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred to the appropriate committee in the same manner and with the same right of correction as public bills presented by Members; but House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House be disposed of in the same manner on motion directed to be made by such committee.

3. The consideration of the unfinished business in which the House may be engaged at an adjournment, except business in the morning hour, shall be resumed as soon as the business on the Speaker's table is finished, and at the same time each day thereafter until disposed of, and the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rules.

4. After the unfinished business has been disposed of the Speaker shall call each standing committee in regular order, and then select committees, and each committee when named may call up for consideration any bill reported by it on a previous day and on the House Calendar, and if the Speaker shall not complete the call of committees before the House passes to other business he shall resume the next call where he left off, giving preference to the last bill under consideration: *Provided,* That whenever any committee shall have occupied

the morning hour on two days, it shall not be in order to call up any other bill until the other committees have been called in their turn.

5. After one hour shall have been devoted to the consideration of bills called up by committees, it shall be in order, pending consideration or discussion thereof, to entertain a motion to go into Committee of the Whole House on the state of the Union, or, when authorized by a committee, to go into the Committee of the Whole House on the state of the Union to consider a particular bill, to which motion one amendment only, designating another bill, may be made; and if either motion be determined in the negative it shall not be in order to make either motion again until the disposal of the matter under consideration or discussion.

6. On Friday of each week, after the unfinished business has been disposed of, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; and if this motion fails, then public business shall be in order as on other days.

I call particular attention to the sixth and seventh clauses of the first paragraph. As the standing committees are called in regular order, and one of them calls up a bill, any gentleman who desires that it shall not at that time be discussed can raise the question of consideration. The question would then be put by the Speaker (as provided in Rule XVI), "Will the House now consider the bill?" Should a majority vote in the negative, the call of committees would be proceeded with, and other bills called up might be similarly treated until the desired bill could be reached.

At the end of the call of committees any Member may move to go into Committee of the Whole House on the state of the Union for consideration of bills on the Union Calendar, or for the consideration of a particular bill, when authorized by a committee. Another Member, preferring another bill, could move it by way of a substitute amendment. If a majority desired to take up either bill, they would vote accordingly; but if not, then a vote in the negative would end that matter, and a motion to go into Committee of the Whole House on the state of the Union to consider some other bill would be in order.

We have certain days for suspension of the rules and every Friday it is in order to go into Committee of the Whole House for bills on the Private Calendar. But the majority may rule otherwise and take up public business, if it shall so prefer. This is a very flexible rule, well intended to place the business of the House within the control of the majority of its Members. The business is within the control of the majority all the time.

Mr. GARDNER of Massachusetts. Before the gentleman gets off the subject of the change of order of business in the Fifty-first Congress, I want to ask him whether it is not true that in providing for the new form of order of business it was also provided that it was in order for any committee that had reported a bill to move to suspend the rules and fix a day for its consideration, such motion to be carried by a majority vote?

Mr. OLMSTED. Well, it is not in the rules now.

Mr. GARDNER of Massachusetts. It is not in the rule, and has not been since the Fifty-first Congress.

Mr. OLMSTED. I do not remember that I stated that it was.

Mr. GARDNER of Massachusetts. But if the gentleman will excuse me, the gentleman said that the Reed rules as adopted in the Fifty-first Congress were substantially those of to-day.

Mr. OLMSTED. Substantially.

Mr. GARDNER of Massachusetts. He does not think it an important thing whether a committee shall have power to move to suspend the rules and fix a day for consideration of a bill they have reported.

Mr. OLMSTED. Why, the chairman or any member of the committee can make a motion of that kind.

Mr. GARDNER of Massachusetts. But it has to be carried by a two-thirds vote, while only a majority vote was required under the Reed rule.

Mr. OLMSTED. If he wants it to go to a future day he need not call it up to-day at all. He can let the call go to the next committee and call up the bill for consideration when his committee is needed again. No two-thirds vote is required for that.

Mr. GAINES of Tennessee. Will the gentleman allow me to interrupt him?

Mr. OLMSTED. Certainly.

Mr. GAINES of Tennessee. Do you think the Speaker should say, "No, Mr. GAINES" or "Mr. OLMSTED," "I will not recognize you to bring up that bill," and by that refusal deny the House, and, I may say, deny the Senate, the right to consider that bill and pass it or not pass it on its merits? That is what I have been kicking against.

Mr. OLMSTED. That is a very pertinent question, and I will endeavor to answer it a little later.

Mr. GAINES of Tennessee. That is why I have made 200 or 300 speeches, as the gentleman estimates, and I would make 5,000,000 of them before I would finally surrender to that way of doing.

Mr. OLMSTED. If I overlook it, I hope the gentleman will again bring it to my attention.

Now, just a word as to the power of the Speaker under the old rules.

POWER OF THE SPEAKER UNDER THE OLD RULES.

In advocating the changes in the Fifty-first Congress, a distinguished Member, who had seen long service, said:

Before I refer to these rules particularly I want to say that for many Congresses I have sat in my place as a Member of the House and have seen, under the rules of former Houses, the Speaker, frequently without the aid of even a minority of one but frequently with the aid of a minority of one, or at least of a small minority, absolutely hold at arm's length the great majority of the Representatives of the people upon both sides of the House. So far as former Congresses are concerned, especially those of recent date, you may search the whole range of parliamentary history and nowhere in any English-speaking country will you find such instances of absolute power as that exercised by the Speaker of those Congresses under the code of rules which then prevailed, with or without the aid of a minority of the House of Representatives.

The old rules placed in the hands of the Speaker more power to prevent, the new rules more power to expedite, legislation.

The adoption of these changes was upon the one side styled "tyrannical." The other contended that, if so, it was the tyranny of the constitutional majority of the House and preferable to the tyranny of an irresponsible minority, sometimes consisting of only one Member, which made it impossible to carry out the theory of majority rule, upon which our Constitution and form of government are based.

There was no misunderstanding or doubt as to the object and effect of these changes in the rules. Mr. Mills, of Texas, who led the opposition, admitted that upon one occasion a minority had held the majority at bay by alternating 128 times the motion to adjourn and the motion to fix a day to which the House should adjourn. He said:

Pass these rules and there remains no limitation of the power of the majority.

Well, they were passed, and they are the rules of the House to-day. The entire Democratic party upon this floor voted against them because they put it in the power of the majority to do business, and yet so ignorant of their operation and effect were the members of Mr. Bryan's Denver convention that they, in their platform, demanded that this House "shall again become a deliberative body, controlled by a majority of the people's Representatives." "Again" must refer to conditions before the adoption of the present rules, to which conditions neither this House nor the country would be willing to return.

DEMOCRATIC INCONSISTENCY.

While some of our Democratic friends are complaining that even now all desired legislation can not be reached for consideration, I call their attention to the change in their position since 1890, when they were led by Mr. Mills, who said upon this floor, during the discussion of these changes:

They (the people) do not want a great library of laws passed. Our fathers built this Government upon the theory that the people who are least governed are best governed; that the fewer the laws, the better. * * * We believe with our fathers that we do not want many laws and we do not want them rapidly made.

And he quoted approvingly Henry Thomas Buckle, the author of the "History of English Civilization," who had laid it down as a rule that there is but one wise act that any legislative body can pass, and that is an act to repeal some former act.

Mr. Chairman, when our Democratic brethren are in the minority they kick against these rules; when they are in the majority, they adopt them. It was perhaps the proudest moment in the life of Thomas B. Reed when, as the leader of the minority in a subsequent Congress, presided over by Speaker Crisp, he made it impossible for the majority to do business under the old rules and compelled the adoption by that Democratic Congress of the very rules against which the recent Democratic national convention ignorantly inveighed. If they were again in the majority, they would again adopt these rules substantially as they now exist.

It is undeniable that their object and effect has been, and is, not to take power from, but to give it to, the majority in this House.

RESULTS COMPARED.

The Republicans advocated and adopted the changes in 1890, because they gave additional power to the majority. The Democrats opposed them for that very reason.

That the present rules do not retard but, on the other hand, do expedite business, readily appears from the RECORD.

Under the old rules the Forty-ninth Congress (1885–1887), sitting three hundred and thirty days, passed 424 public and 1,031 private acts and resolutions, a total of 1,455.

The Fiftieth Congress (1887–1889), under the old rules, sitting four hundred and twelve days, passed 570 public and 1,257 private acts and resolutions, a total of 1,827.

The last, or Fifty-ninth Congress (1905–1907), sitting only three hundred days, under the present rules, passed 774 public and 6,249 private acts and resolutions, a total of 7,023.

That these rules have not curtailed debate may be gathered from the pages of the CONGRESSIONAL RECORD itself.

The debates of the Forty-ninth Congress, sitting three hundred and thirty days, occupied 11,592 pages of the CONGRESSIONAL RECORD.

The Fiftieth Congress, sitting four hundred and twelve days, occupied 13,205 pages, largely taken up with lists of yeas and nays.

The Fifty-ninth Congress, sitting three hundred days, covered 14,490 pages, comparatively few of them being taken up by calls of the yeas and nays. In the matter of debate, as well as in legislation accomplished, the advantage is clearly with the present rules.

Mr. GAINES of Tennessee. Will the gentleman yield? How many of those bills were pension bills?

Mr. OLMSTED. None of the 774 public acts were pension bills.

Mr. GAINES of Tennessee. How many were bills to pay just claims against the Government?

Mr. OLMSTED. I do not know how many of them. I assume that they were all just, because they were passed. I presume they were all just bills that were passed.

Mr. COCKRAN. Does the gentleman consider this extraordinary multiplicity of laws a proof of merit of the system that facilitates their enactment?

Mr. OLMSTED. It is at least a denial of the proposition that by the present rules legislation is prevented. Whether or not it is desirable to prevent it is another question.

Mr. HULL of Iowa. He is discussing the platform now.

Mr. GAINES of Tennessee. One more question, since the gentleman has alluded to me pretty generally—and that is all right. The gentleman has quoted from Mr. Mills the old doctrine that that people is best governed that is least governed. Does the gentleman approve of that?

Mr. OLMSTED. I am not discussing that question.

Mr. GAINES of Tennessee. You quoted it. Do you approve that?

Mr. OLMSTED. A discussion of that would carry me too far. I am not called upon to approve Democratic doctrines.

Mr. GAINES of Tennessee. You quoted a Democrat.

Mr. OLMSTED. I quoted him as against you. [Laughter.]

Mr. GAINES of Tennessee. Now I quote your own reading against you.

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. GAINES of Tennessee. Just a moment more. If that Democratic doctrine was good when pronounced, then it is good to-day, and it is a reason why we should not give so much power to the Speaker, whether a Democrat or a Republican, to govern this House and thereby govern the people of this country.

Mr. OLMSTED. If you want to stop legislation, go back to the old rules. They certainly did put it in his power to prevent it to a great extent—much greater than the present rules.

Mr. DE ARMOND. Will the gentleman yield for a question?

Mr. OLMSTED. I will yield to the gentleman from Missouri.

Mr. DE ARMOND. Is not the objection, not that there are not a sufficient number of bills passed, but that the Speaker is clothed with and exercises the power to determine what bills shall not have an opportunity to pass—what bills shall not have a chance for consideration? Is not that the objection?

Mr. OLMSTED. That is a pertinent query to which I will come very soon, and if I overlook it I will be glad to be reminded of it. I prefer to reach it in the order as arranged in my mind.

WHY EVERY MEMBER CAN NOT SPEAK AT PLEASURE AND HAVE ALL HIS BILLS CONSIDERED—A MANIA FOR LEGISLATION.

But, it will be asked, Why is it—if the present rules do tend to expedite business—why is it that every Member can not have an opportunity to rise in his place "not by the permission of anybody, but responsible alone to his God above him and his constituents behind him," and "present what he chooses for the consideration of this House? The only way to accomplish that would be for all of us to speak at once and consider all our bills simultaneously. Speaking one at a time and considering one bill at a time it can not be done under any rules. Life is too short.

The trouble lies in the large number of Members, one having just as much right to be heard as another, and in the overwhelming number of bills.

The American people seem to have a perfect mania for legislation.

Not only are there 46 state legislatures grinding out laws, but we are expected to pass more than all of them combined.

The business before Congress has doubled within the past ten years.

There were more than 4,300 bills offered in this House upon the opening day of this session.

In the last, or Fifty-ninth, Congress there were offered in this House 25,897, and in the Senate 8,627 bills, a total of 34,524.

In the present Congress at the close of business on the 5th of January there had already been offered in the House 26,127, and in the Senate 8,594 bills and resolutions, a total of 34,721. And the end is not yet.

We have upon this floor 391 Members and enough Delegates to make in round numbers 400. Knock off a few thousand bills and for convenience call it 30,000.

If we allow an average of one minute for each of the 400 Members to debate each of the 30,000 bills that would allow for debate alone 12,000,000 minutes or 200,000 hours, equal to 20,000 days of 10 hours each. Allow 300 working days to the year and we have 66⅔ years as the requisite time for debate of the pending business. The reading of the bills, roll calls, etc., would carry us beyond three score and ten, the allotted life of man. But the life of a Congress is only two years.

PRIVILEGED MATTERS.

The impossibility of considering all proposed measures and the absolute necessity of passing some of them has made it imperative that certain classes of business shall have the right of way over others. The Government itself could not continue without appropriations for the expenses of its various departments. The great appropriation bills, therefore, are and must be given precedence over other business. The rules provide that reports from the committees having these bills in charge may be presented and the bills themselves be in order at any time after the reading of the Journal. These bills call for more than a billion of dollars in every session of Congress. Perhaps no greater duty is imposed upon us than that of carefully scrutinizing and pruning down in the interest of economy these vastly important and often exceedingly complicated measures. This takes time. We have seen sometimes five or six weeks consumed in the consideration of a single appropriation bill.

The appropriations when made can not be paid unless the Government Treasury be supplied with revenue for that purpose. Therefore, reports and bills from the Ways and Means Committee are always in order after the reading of the Journal, unless interfered with by some matter even more highly privileged.

Business reported from the Elections Committees touching the rights of Members to their seats are privileged, and so are matters touching the rules and order of business when reported by the Committee on Rules.

The business of the Committee on Enrolled Bills is, of course, privileged, and conference reports touching matters in dispute between the two Houses. Then we have questions of personal privilege, touching the rights, safety, dignity, or integrity of the proceedings of the House collectively, or the rights, reputations, or conduct of Members individually. These are most highly privileged, having precedence of all other questions, except a motion to adjourn.

A resolution of inquiry addressed to the heads of any of the executive departments of the Government, having been referred to the appropriate committee, becomes privileged, unless reported to the House by that committee within one week.

All these matters, and others which might be mentioned, consume a great amount of time and take precedence of the great mass of pending bills of other kinds. The Speaker is required, and never fails, to recognize anyone calling up any of these privileged matters. Thus it was that a few days ago, when the gentleman from Massachusetts [Mr. GARDNER] rose in his place and called up a resolution he had offered, calling upon the Secretary of State for certain information touching the rules of the British House of Commons, he was at once recognized by the Speaker and the matter taken under consideration.

THE SPEAKER'S EYE.

The Speaker is as much bound by the rules as anybody else. When a Member rises to a privileged matter the Speaker can not, in a parliamentary sense, allow his visual organ to rest upon any Member who may desire to call up a matter not privileged. Hence the familiar inquiry, "For what purpose does the gentleman rise?"

The Speaker's eye is controlled and his vision directed, not merely by the written rules, but also by what may be termed the "common law" of the House. In very many matters he is by the unwritten rule bound to recognize the minority leader in preference to any other Member upon that side of the House,

although they may all be upon their feet clamoring to be heard. He would consider himself equally bound to recognize the chairman of the Committee on Ways and Means, who, by virtue of holding that position, is tacitly considered to be the leader of the majority upon the floor.

In the case of a bill coming from any committee he would recognize the chairman or other committee member reporting the bill before any other Member of the House. He would next recognize the ranking Member of the minority party upon that committee. Other members of the committee would then be recognized in order, unless the committee were practically all in favor of the bill, in which event Members opposed, but not on the committee, would be recognized, alternating with committee members who favored the bill.

The attempt of the Speaker to abrogate these customs would precipitate a riot. My friend from Wisconsin [Mr. COOPER], chairman of the Committee on Insular Affairs, under whom I have the honor to serve, would feel justly outraged if I were recognized in preference to himself upon a matter reported from that committee. In the same way the gentleman from Virginia [Mr. JONES], the ranking Democratic member upon that committee, would be justly offended if he were not recognized next after the chairman.

Mr. CANDLER. Will the gentleman yield for a question?

Mr. OLMSTED. Yes. If the gentleman will excuse me for a moment, I will yield.

The eloquent voice of the distinguished gentleman from Iowa [Mr. HEPBURN], chairman of the great Committee on Interstate and Foreign Commerce, whom we all love and admire, would make this Chamber ring with his denunciation of the Speaker if he were to ignore him and prefer another Member of the House in the discussion of a bill reported by him from that committee.

The gentleman from Michigan [Mr. TOWNSEND], who was instructed by that committee recently to report, and was thus placed by it in charge of the bill relating to the appointment of commissions of inquiry in cases of certain labor disputes, was without question recognized by the Speaker, not only to call it up for consideration, but also to be first heard in debate thereon.

From these things it will be seen that in the matter of recognizing gentlemen to call up the most important matters for our consideration and in recognizing Members for debate it is by no means a matter discretionary with the Speaker, dependent upon his choice of the measures they desire to call up, or his preference for one person over another in the matter of debate. This partly answers the gentleman from Tennessee [Mr. GAINES] and the gentleman from Missouri [Mr. DE ARMOND].

Mr. CANDLER. I want to ask where we find the authority in the rules that require us to go to the Speaker's room in advance and ask for his permission to call up the bill upon the floor of the House?

Mr. OLMSTED. Except in the case of local or private bills, nobody need do that. I am just coming to that.

Mr. CANDLER. What is the authority in the rules that justifies any such course as that?

Mr. OLMSTED. As to a certain class of legislation not of general importance there is perhaps a justification in the convenience—I might almost say actual necessity—of the thing. I have already stated that as to the most important matters coming before us, either for consideration or debate, there is no arbitrary exercise of discretion by the Speaker. He decides or recognizes according to the written rules and the common law of the House, to which I have referred. Now, there is a class of business in which he has a wider discretion. That consists of motions for suspension of the rules and requests for unanimous consent to call up bills out of order ahead of all other bills, which can be done only by unanimous consent, any single Member having the right to object.

Mr. CANDLER. Will the gentleman point out in the rules anywhere where the Speaker is authorized to exercise his discretion on the floor of the House in the recognition of a Member?

Mr. OLMSTED. What on earth would he exercise if not his discretion in recognizing a Member when many are clamoring to be heard at the same time? Somebody has to do it. There are 400 of us, and we would all be getting up at once and speaking at once if it were not for the requirement that a Member must be recognized before he can speak. Now, I come directly to the inquiries of the gentleman from Missouri and the gentleman from Tennessee.

There are certain other matters over which, when no privileged questions intervene, the Speaker may, under the rules and the practice, exercise certain power and discretion. These are mostly private or local bills, which, by reason of the great pressure of business, can only be reached by being taken up out of order ahead of all other business, either by unanimous consent or by a two-thirds vote under a suspension of the rules. In recognizing Members to call up such bills the Speaker invariably alternates between the majority and minority sides of the House. Ordinarily he does not recognize any Member to secure the passage of a bill by unanimous consent, unless it is one which has been the subject of a unanimous committee report and is not likely to have opposition or to consume time in debate. It would be unfair to other Members should he do so.

Mr. CANDLER. But——

Mr. OLMSTED. If the gentleman will excuse me, I will try to answer the question he is about to ask. When I first came to Congress I was very indignant at Speaker Reed because he had refused to recognize me to ask for unanimous consent to consider an important measure in which my people were all very much interested. He said, "I am opposed to your bill." "Well," said I, "is it fair, just because you are opposed to it, that it shall not have an opportunity to pass? If I call it up, I may by my eloquence and reasoning persuade the majority of the House that it ought to pass, notwithstanding your opposition." "Yes," he said, "that is all right. You will have that privilege when you reach it in due order; but you are asking to obtain unanimous consent to take it up out of order, ahead of all other legislation. Unanimous consent means that every Member must agree to it, and that a single objection defeats your motion. Any Member has the right to object. Now, I have not lost my rights as a Member by reason of my speakership, and I object now, to save the time of the House. [Laughter.] If I did not object, some other Member would, as the committee's report is not unanimous."

It is only for a few minutes at a time, at irregular intervals, that such motion can be entertained in any event, and I have never known the power of recognition to be arbitrarily or unfairly exercised in the selection either of Members or of bills for unanimous consent. There must be lodged somewhere the right to discriminate, otherwise we should have three or four hundred Members on their feet at every opportunity, each clamoring for recognition for himself and his bill. In England local and private bills can not be introduced at all except upon the recommendation of referees appointed by the Speaker.

Mr. CANDLER. I would like to pursue my inquiry further, if the gentleman will permit.

Mr. OLMSTED. I yield.

Mr. CANDLER. I want to ask under what rule of the House the Speaker is authorized to exercise his discretion in choosing between two Members who may arise at practically the same time on the floor of the House asking for recognition. If one of them rises a little in advance of the other and addresses the Speaker, why should he not recognize that one?

Mr. OLMSTED. Oh, that was thrashed out long ago. Years ago, in the early days, if the Speaker recognized one man somebody else could appeal from that recognition and move that somebody else be heard. But that did not work. There were too many demanding recognition at the same time. It was found better to allow that discretion to rest with the Speaker. It has been left there for the last fifty years, and I apprehend that it will always be.

Mr. GARDNER of Massachusetts. Will the gentleman yield?

Mr. CANDLER. Will the gentleman yield?

Mr. OLMSTED. I yield to the gentleman from Mississippi.

Mr. CANDLER. Does the gentleman believe that the rules ought to justify the Speaker in recognizing one man in advance of the others when he arises on the floor of the House, representing the same number of population of the United States that any other Member does, and rises in advance of the other Member?

Mr. OLMSTED. Oh, if it will please the gentleman any better, I will say that the Speaker ought to recognize the whole 400 of us at once and let us all speak.

Mr. CANDLER. Then, the gentleman believes that the Speaker should be left in absolute control of the whole situation on the floor of the House?

Mr. OLMSTED. Oh, no.

Mr. CANDLER. Leaving legislation——

Mr. OLMSTED. He is not left in control of legislation.

Mr. CANDLER. Will the gentleman permit me to ask my question?

Mr. OLMSTED. I have permitted the gentleman to ask quite a number.

Mr. CANDLER. But I have not finished my question.

Mr. OLMSTED. Very well; ask it. I yield.

Mr. CANDLER. I want to ask if the gentleman believes that the Speaker ought to have the power on the floor of this House to absolutely control legislation by refusing to recognize

the representative of the people of the United States of America, for whom he stands on the floor of this House, and in that way direct legislation absolutely according to his own will and power?

Mr. OLMSTED. I do not think that any Speaker ought to have that power or ever did have that power or ever attempted to exercise that power.

Mr. CANDLER. Does not the Speaker exercise that power on the floor of the House at this time?

Mr. OLMSTED. Oh, no.

Mr. CANDLER. I thank the gentleman for his courtesy.

Mr. GARDNER of Massachusetts. Mr. Chairman, I invite the gentleman's attention to Rule XIV, clause 2, which is as follows:

When two or more Members rise at once, the Speaker shall name the Member who is first to speak.

Now, we will suppose the gentleman from Iowa is in charge of the military appropriation bill. It is considered in the Committee of the Whole House on the state of the Union. The committee rises, and the Chairman reports the findings of the Committee of the Whole. The gentleman from Missouri, pending the passage of the bill and after the ordering of the previous question on the passage, moves to recommit with certain instructions. The gentleman from Iowa does not awake to the situation, but springs to his feet when he is prompted and moves to recommit without instructions. Which would the Speaker recognize? I am assuming now where they were not on their feet at the same time—at once. Which does he recognize?

Mr. OLMSTED. Well, I have seen him recognize the gentleman upon the other side of the Chamber.

Mr. GARDNER of Massachusetts. I have never seen him do so.

Mr. OLMSTED. Under the practices of the House, I think he ought to recognize the gentleman in charge of the bill.

Mr. GARDNER of Massachusetts. In spite of the rule which says—

When two or more Members rise at once he shall decide who is first to speak.

Mr. OLMSTED. There is nothing there which abrogates the unwritten rule and general practice that the gentleman in charge of the bill is entitled to the first recognition. I do not think anybody would want that provision abrogated—that unwritten law.

Mr. GAINES of Tennessee. Does the gentleman think the Speaker of this House last session did right to refuse to allow any Member from either side of the House to bring up for consideration a free wood-pulp bill, when a majority of this House wanted to pass a free wood-pulp bill?

Mr. OLMSTED. I will say to the gentleman that if upon his side of the House there had not been so much filibustering by his party last session there would have been opportunity for discussion of a free wood-pulp bill and a good many other bills. [Applause.]

Mr. GAINES of Tennessee. I asked the gentleman seriously, and I know he can answer it seriously. Did the Speaker do right, in that matter, to shut off this House as he did?

Mr. OLMSTED. I think the gentleman from Tennessee did more to shut off business than the Speaker. [Laughter and applause.]

Mr. GAINES of Tennessee. I am opposed to the Speaker, whether Democrat or Republican, having any such power to exercise, and I have opposed it inside the House and out of it.

Mr. SIMS. I would like to ask the gentleman a question.

Mr. OLMSTED. Certainly.

Mr. SIMS. I regard the gentleman as an authority on this question——

Mr. OLMSTED. I do not claim to be.

Mr. SIMS. On the subject of unlimited debate. I recognize that each Member of this House can not speak perhaps as long as he wants, and there must be some limitation, but is it not fair to the country and the House and fair to the proper consideration of the legislation of the House as a whole to have opportunity to use as much time in debating a bill as the Senate has upon the same measure?

Mr. OLMSTED. Why, Mr. Chairman, the House can debate and take all the time it wants. There is nothing in the rules to prevent it, unless a majority of the House decides otherwise. We are in Committee of the Whole House now, and there is no end of debate. We can not stop debate in Committee of the Whole House on the state of the Union when our most important legislation is affected. There is no previous question here. Debate here can be stopped only by rising, going to the House, and there by a vote of a majority of the House in the House itself this general debate can be limited. There is no trouble about debating as long as the majority is willing. Now, one minute upon the subject of recognition to ask unanimous consent for a private bill to be taken up out of order. The Speaker, I think, has the same right to object to unanimous consent that any of us has. He exercises the authority to recognize anybody only in the case, usually, of a bill which has behind it a unanimous committee report and one which would not be likely to involve debate.

Mr. PAYNE. Will the gentleman allow me?

Mr. OLMSTED. Certainly.

Mr. PAYNE. So far as private bills are concerned, as a Member of House I am more to blame than the Speaker is for there not being recognition for unanimous consent, because some six or eight years ago under Speaker Henderson, when private bills were coming up here in the morning, every morning, without an opportunity for the House to consider them, and we having days set apart especially for the consideration of private bills, and having to object to a great many of them after their merits or want of merits had been stated to the House, I notified the Speaker that thereafter whenever recognition was asked for a private bill I should object. "Well," the Speaker said, "that being the case I might as well tell gentlemen that there is no use of their being recognized for unanimous consent on private bills, because objection will be made." He adopted that rule during the remainder of his term—I think he served part of two terms after that—and when Speaker CANNON was elected I told him of the arrangement I had made with Speaker Henderson and the reason why, and then I told him I would object to the consideration of private bills when public business was waiting, but would remand them to their rights—to the days which they had in the House.

Mr. OLMSTED. As I have stated, it is only at irregular times when such motions could be recognized in any event. In England bills of that class could never be introduced at all except by permission of referees appointed by the speaker, so that his power here is apparently less than in the Commons.

COMMITTEE ON RULES.

During the last session a gentleman, speaking of the Committee on Rules, said:

It can nullify all rules. It can even prescribe beforehand the details of a measure to the crossing of a "t" or the dotting of an "i."

There never was a greater mistake. The Committee on Rules, of which the Speaker is ex officio chairman, can not do anything of the kind. It can not change a rule, nor pass a bill, nor prescribe the details of any bill. It may, and occasionally does, report to this House for its consideration a rule or order providing for the taking up of a particular measure of great public importance not among any of the privileged classes of legislation and which, but for some special action giving it precedence over others, would not likely be reached for consideration. When the Committee on Rules reports such an order, the House itself takes action thereon. If a majority vote in its favor, the order suggested by the committee becomes the order of the House. Otherwise it is of no effect. The Committee on Rules merely recommends. Whatever action is taken is the action of the majority of the House. This function of the committee is exercised to expedite and secure legislation, and not for its defeat. A case in point is that of the currency bill, which was taken up and passed at the last session in pursuance of such an order, recommended by the Committee on Rules and adopted by a majority of the House.

The complaints against the Committee on Rules are usually that they do not bring in orders for the immediate consideration of all the other bills in which we or any considerable number of Members are interested. It will readily be seen that if this committee should recommend, and the House should adopt, such orders in favor of many measures, it could be done only by retarding the great volume of absolutely essential legislation privileged under the rules, as I have pointed out. It is, therefore, only in rare and unusual cases that the committee makes a recommendation in favor of a particular measure. If it should make very many of them it would become the duty of the House to vote them down.

What I started out to say, however, is that the functions of the Committee on Rules are not to defeat, but to help to expedite, important general legislation. The powers of this committee are just the same as they have been for many, many years. They were not enlarged by the present rules.

The great controlling reason why we can not all be heard whenever we may wish, and have all our bills called up and considered, lies in the fact that there are so many of us and so many bills that the consideration of all of them is an absolute impossibility within the life of a Congress, or, indeed, within the life of an ordinary human being.

AMERICAN CONGRESS AND BRITISH PARLIAMENT COMPARED.

I have sometimes heard the wish expressed that our rules were more like those of the House of Commons. A distinguished and justly celebrated Englishman, having observed us for a time from the gallery, is reported to have thought our procedure complicated and technical. It occurs to me that some comparison may prove not uninteresting.

Our House of Representatives consists of 391 Members.

The House of Commons contains 670 members.

Our Constitution requires a majority of all our Members, or 196, a quorum, to do business.

In the House of Commons 40 constitute a quorum.

With us if there are less than 196 Members present and the point of no quorum is made, all business is suspended until a quorum is secured.

In the Commons, when a point of no quorum is made and less than 40 members are present, the whole House does not stand idle, but that particular bill stands over until the next sitting, the House in the meantime proceeding to the next bill, unless the point of no quorum is made against that also.

Speaker Reed was called a czar, and his conduct revolutionary, because in determining a quorum he insisted upon counting all Members present, including those who had not voted.

The speaker of the House of Commons is by rule expressly authorized to count a quorum, and to include himself to make a quorum.

The speaker of the House of Commons, like the Speaker of this House, possesses and exercises the power to refuse to put a dilatory motion.

Here a Member desiring to present a bill, either private or public, may do so without permission of anybody. He simply puts it in the basket upon the Clerk's desk, and it is at once referred to the proper committee for its action.

In the House of Commons a member desiring to bring in a public bill must first obtain leave to do so.

Mr. GARDNER of Massachusetts. Is leave ever refused?

Mr. OLMSTED. It is often refused.

Mr. GARDNER of Massachusetts. Not with the present rules.

Mr. OLMSTED. He must move for such leave at the commencement of public business, on Tuesdays and Wednesdays. If the motion is opposed, it is optional with the speaker whether debate shall be allowed.

If the main object of a bill is to impose a charge upon the public revenues of the United Kingdom or upon the people, or to appropriate any money so charged, or to release or compound money due the Crown, its introduction must be authorized by the Committee of the Whole House and agreed to by the Crown.

Our rules, as I have already explained, allow a certain privilege or precedence to revenue and general appropriation bills and certain other matters.

In the House of Commons government business has precedence at every session, with certain specified exceptions. The government arranges the order of its own business as it sees fit, and His Majesty's managers have the right to place its orders of business in the orders of the day.

When private bills are reached, unopposed private bills have precedence of opposed private bills.

Here there is no restriction upon the presentation of private or local bills, but it is a very difficult thing to secure the introduction of one in the House of Commons or the House of Lords. Before such a bill can even be introduced there must be presented a petition setting forth the character and terms of the proposed measure. Even before that can be done there must have been compliance with the terms of no less than 68 standing orders, the filing of notices to the various departments or municipalities, corporations or individuals which are or may be interested in the bill, etc. All these 68 standing orders must have been complied with before December 17. Upon the 18th of January examiners appointed by the Speaker begin the examination of the petitions for the introduction of such bills. Before these examiners there must be made specific proof of compliance with each one of the 68 standing orders. The promoters of private bills are heard by the examiners; usually by agents or by counsel.

If the examiners appointed by the Speaker find that the 68 standing orders have been complied with, the bill then goes before referees appointed by the Speaker. The real fight on a private bill is before these referees. Counsel and parliamentary agents are heard by them. If they finally grant the petition, then, and not until then, may the bill be introduced into the House. Even then the presiding officers of the two houses and their counsel have supervision over them and meet and determine which of them shall be offered in the House of Lords and which in the House of Commons, so that there may be no duplication.

Sir Thomas Erskine May, in the eleventh edition of his Parliamentary Practice, published in 1906, says:

> The persons by whom the promotion of private bills, and the conduct of proceedings upon petitions against such bills, are actually carried out, are parliamentary agents; and the conference between the two chairmen or their counsel in January is attended by the agents concerned in the bills proposed to be introduced into either house.

When the bills have finally passed the examiners and the referees and have been introduced into the House, the order in which they shall be taken up for consideration is determined by ballot.

The proceedings with reference to the introduction and passage of a private bill are so complicated that no one would think of attempting to secure such an enactment without the aid of a parliamentary agent, and would usually require counsel also.

Volumes have been written upon parliamentary practice with relation to private bills.

FEES FOR PASSAGE OF PRIVATE BILLS.

Very heavy fees are charged and taxed as costs by the proper officers in the House of Commons and in the House of Lords.

Wheeler's Practice on Private Bills, published in 1900, shows that the fees to be paid upon deposit of the petition is £5; that there must be paid £5 for each day occupied by the examiners; £5 upon the presentation of the bill in the House; £5 upon the first reading of the bill; £15 on second reading of the bill; £15 upon report from the committee; £15 on third reading; and £10 for each day's sitting of referees. There are certain other fees, so that the average to be paid in the House of Commons for each such bill is not less than £100, or $500. To the House of Lords about the same amount of fees must be paid.

Gentlemen who complain that through failure to obtain recognition or otherwise they fail to get their private or local bills through this House may receive some consolation from considering these difficulties in the House of Commons.

The methods of procedure and the difficulties in the way of introducing public bills in the House of Commons, and the still greater difficulties and great expense attendant upon the introduction and passage of private bills, all tend to lessen the flood of legislation, so that the British Parliament is not called upon to consider one-twentieth part of the business which presses upon us in the American Congress.

Through the power of appointment of examiners and referees it seems to me that the power of the speaker over that class of legislation is greater than that possessed by the Speaker of this House.

Mr. LANDIS. Who pays that expense?

Mr. OLMSTED. The person who wants to get the bill passed. These fees or costs are for local or private bills, like our bills permitting a railroad to cross a navigable river, and every kind of private bill.

Mr. WILLIAMS. Local bills, are they not?

Mr. OLMSTED. Yes; certainly.

Mr. HARDWICK. I do not understand the gentleman to consider that in the British House of Commons £100, or $500, is charged in fees for a public bill?

Mr. OLMSTED. Oh, no; not on a public, general bill. On those there are no fees at all. Now, in the matter of debate over there.

DEBATE.

As a general proposition there is not as much freedom of debate in the House of Commons as in this House. Recognition by the speaker is as essential there as here. Formerly, if the speaker in the Commons recognized one member, a motion might be made that another member should speak. That was not found satisfactory, and now the question of recognition is there, as here, left entirely with the speaker. When recognized by the speaker, a member of the House of Commons must at all times confine himself to the question before the House. If he does not he is very promptly called down. He is not permitted to read his speech or to read from books or papers. If he speaks tediously or with iteration or reiteration it is held not to be not only within the authority but also the duty of the speaker to call him to order and compel him to discontinue. Just think of that! The speaker may stop a man if he speak tediously. [Laughter.] I fear that I should be called down before concluding these remarks.

A member there may not even discuss, or refer to, another pending bill. He must stick closely to the one before the House. The same rules obtain in committee of the whole. They do not have there any such freedom or latitude as we have here in Committee of the Whole House on the state of the Union, where a Member, having obtained the floor, can talk upon any subject he pleases. If he has offered, or is interested in, some measure of public importance he may speak upon that subject and bring it to the attention of the country. Our debate in Committee of the Whole is not all heedless rhetoric; not all as water poured

upon sand. Great issues are brought to the attention of the House and to the country, and if supported by the people are ultimately brought to fruition here. The currency question, abuses of railroad and other great corporations, the regulation of trusts, the question of tariff revision, are all instances of great questions which have been discussed here in Committee of the Whole until practical results have followed. When a bill is read by paragraphs our rules confine debate very closely to the question in hand or to amendments which may be offered. In no parliamentary body is discussion had more directly upon the points at issue than here when the bill reaches that stage. Our pro forma amendment to strike out the last word gives everybody an opportunity to be heard upon the merits of the paragraph as it is reached in the reading of the bill.

CLOSURE OF DEBATE.

In Committee of the Whole we have no previous question—no procedure for closing general debate. In the House, when it is demanded before any debate has been had, the rules allow twenty minutes upon either side.

In the House of Commons the closure, as they call it, may be demanded immediately the question is put. If it carries, all debate is cut off.

Their divisions, so called, take the place of our roll calls, but their speaker may, if he sees fit, declare the result at once without naming tellers.

TECHNICALITIES.

Our rules are 45 in number. The rules or standing orders of the House of Commons are no less than 249. Some of them are much more difficult of comprehension, and in their construction and enforcement more technical than ours. In taking a division they require all members to leave the floor and take positions which in our Hall would be equivalent to going behind the rail. Those desiring to vote "aye" return to the chamber through one gateway; those opposed through another gateway. Two tellers are stationed at each passage to take down the names of those passing through. These tellers then march down the aisle and report to the speaker. It is customary for the tellers whose side has triumphed to march on the right so that members seeing them may know at once which side is victorious. On one occasion when they marched down there was great cheering from the supposed victorious side, but the tellers announced a tie. Thereupon there was a great uproar and several hours of debate, at the conclusion of which it was held that the tellers should have marched down the aisle mixed. [Laughter.] They were made to come down a second time in that order. Upon another occasion serious and protracted debate arose as to the voting status of certain members who, when the question was put, had been in the room or space behind or partly beneath the seat occupied by the speaker. It was a sort of retiring room for him and was called "Solomon's porch." The dispute was as to whether a member who, presumably trying to get the speaker to agree to recognize him, had been in "Solomon's porch" when the question was put, was entitled to vote.

A SQUINTING SPEAKER.

Apparently they have the same difficulty as here in catching the eye of the speaker. We at least have been spared the confusion which arose from the fact that a celebrated speaker of the House of Commons had such a squint, or crossing of the visual organs, that upon one occasion two members, in different parts of the house, were equally confident of having "caught his eye."

If we now and then feel annoyed by some ruling or other action of the speaker we have at least never reached such a stage of rage as that recorded by Lord Halbertson of a member who, in a fit of passion, shook his fist at the speaker of the House of Commons and called him "a damned, insignificant little puppy." [Laughter.]

While there are many points of advantage in our favor, I have not been able to discover any upon the side of the member of Parliament, except that under their rules he may second a motion by simply lifting his hat, without rising or speaking. That is not very important, as with us very few motions require a second. That legislation was not always speedily accomplished there is evident from the recorded instance of the inquiry by the Queen, "Now, Mr. Speaker, what has passed in the lower house?" To which the speaker laconically replied: "If it please Your Majesty, seven weeks." [Laughter.]

The CHAIRMAN. The hour of the gentleman has expired.

Mr. GARDNER of Michigan. I should like to know what further time the gentleman would desire.

Mr. GAINES of Tennessee. I ask unanimous consent that the time of the gentleman may be extended until he finishes his speech.

Mr. OLMSTED. I shall require only a few minutes more.

Mr. GARDNER of Michigan. If there is no objection, the gentleman can have all the time he desires, until he concludes his speech.

Mr. GAINES of Tennessee. Will the gentleman yield?

The CHAIRMAN. How much time does the gentleman yield?

Mr. GARDNER of Michigan. So much as the gentleman may desire, even if it is an hour, if he wants it.

The CHAIRMAN. The gentleman from Michigan yields one hour to the gentleman from Pennsylvania.

Mr. GAINES of Tennessee. Will the gentleman yield for an inquiry?

Mr. OLMSTED. Certainly.

Mr. GAINES of Tennessee. Does the gentleman think that the Speaker, whether Democrat or Republican, always should have the sole power to name the committees of the House? And if you say "yea," please inform the House and the country—because everybody is going to read your good speech—how the Senate appoints its committees?

Mr. OLMSTED. Well, Mr. Chairman, it was once tried here or contemplated that the House name the committees. I think they tried it only in the case of a few select committees. There was so much dissatisfaction that they went back to the old plan and authorized the Speaker to appoint them all. The Senate is somewhat different, because of the fact that the Vice-President, the presiding officer, is not a member of the body at all.

Mr. HULL of Iowa. And it is a continuing body.

Mr. OLMSTED. Also it is a continuing body.

Mr. GAINES of Tennessee. They could authorize the Vice-President to appoint the members of the committees.

Mr. OLMSTED. Oh, yes; they could authorize the President.

Mr. GAINES of Tennessee. But they never have.

Mr. OLMSTED. No; and I do not suppose they ever will.

Notwithstanding the great advantage of a smaller quorum, legislation is accomplished with much greater difficulty in England than here.

The British Parliament in its session of 1907 passed 56 public general acts, 176 local and private acts (including public acts of a local character), and 7 acts relating to divorces, etc., styled "Private acts not printed," making a total of 239 acts passed.

In the same period of time the American Congress passed 276 public acts, 29 joint resolutions, and 2,675 private or local acts—a total of 2,980 measures passed by our Congress as against 239 by the British Parliament.

The committee which reported the changes in our rules in 1890 in its report declared that it had "to the best of its ability prepared and reported a code of rules under which the will of the majority of the House shall be ascertained and expressed with accuracy and with the utmost expedition consistent with fair and due debate and consideration."

They have certainly demonstrated their right to be considered the best set of rules under which this House has ever acted. They may not be perfect. They may not be entitled to endure unchanged to the day of judgment, but they deserve protection against a possible day of no judgment. There should be no hasty and ill-considered change. If a revision is required, or when it is attempted, it should be accomplished only after the most thorough and careful consideration, comparison, and study to the end that no good rule may suffer the fate of the good old colored preacher who, according to the statement of one of his elders, was "cut down in the height of his zenith." [Laughter.]

The Fifty-ninth and the present Sixtieth Congress, acting under the present rules, will be found to have passed not only more in number, but also more important remedial and beneficial public laws than any other two Congresses since the war, if, indeed, the record was ever equaled during any period within the history of the country.

During these two Congresses President Roosevelt will have had more recommendations enacted into law than any of his predecessors in that high office. The present rules have not prevented but have assisted in bringing about these results.

They are certainly entitled to defense against the unjust and ignorant aspersion of the recent Democratic convention and its demand that the House of Representatives shall "again become" what it was in the Fiftieth Congress, before the rules were changed. The matter was succinctly and well put by Theodore Roosevelt, who, in an article printed in The Forum in 1895, said: "Speaker Reed, by reason of his action as Speaker in the Fifty-first Congress, rendered a great service to the American Republic. In order that the Republic may exist there must be some form of representative government, and that government must include a legislature. If the practices to which Mr.

Reed put a stop had been allowed to continue representative government would have become an impossibility." [Applause.]

I ask unanimous consent to extend my remarks in the RECORD by appending an article upon the rules and business of the House under them prepared by the gentleman who stood at the Speaker's table in 1890 when they were changed, has been there ever since, and is the best qualified of any man in the United States to speak concerning them, Mr. Asher C. Hinds. [Applause.]

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The article referred to is one recently published, and is as follows:

ORDER OF BUSINESS IN THE HOUSE.

[By Asher C. Hinds, clerk at the Speaker's table.]

The rules of the House are subject to great misunderstandings, for the reason that they are necessarily somewhat complicated, and because of the necessity of adjusting with approximate fairness and equity the interests and rights of a large membership—a membership really larger than that of the House of Commons, because of the size of our quorum—and the necessity of handling a great amount of business. The belief has been widely inculcated that the rules are obstructive of the free course of business and that they concentrate too much power in the hands of a few. This criticism would have been true twenty years ago, but in 1890 the rules were reformed for the very purpose of expediting the course of business and destroying the obstructive power of the few. The reforms of that period have been generally overlooked, because of the fact that the great battle over filibustering absorbed public attention and divided the House and even the country into two political camps. The great improvements made in the rules for the order of business are almost always overlooked by those who recall the conflicts of 1890.

The House of Representatives now has a system which lists all the business reported by committees on three calendars of the House, and these calendars are acted on, not according to the arbitrary will of any man, officer, or committee, but according to certain rules of precedence intelligently and equitably framed. It is true that this order of business is subject to interruptions principally by the highly privileged classes of business pertaining to the general appropriation bills and revenue bills. It is absolutely essential that these bills shall have precedence, because their consideration is the main business of the House of Representatives, and of every other legislative body that represents a free people.

But this rule of precedence for revenue and appropriation bills is by no means ironbound. If the House at any time feels that the appropriation bills are taking up time which ought to be devoted to other bills on the calendars, it may at once set aside these appropriation bills; and it is not necessary to evoke any obscure or troublesome machinery in order to do this, because the Committee on Appropriations in taking up its bills must every day move to go into the Committee of the Whole for the purpose of considering appropriation bills. If the House does not wish to do this, a majority need only vote "no" instead of "yes" when such a motion is made. If the appropriation bills absorb an undue measure of time, the fault rests absolutely and entirely with the membership of the House.

Assuming, then, that the House does wish to set aside an appropriation bill, in order to consider other matters, the way is easy and plain after the motion to go into the Committee of the Whole has been voted down. Some one member (any one member) has only to demand the regular order, and the regular order would be to call the committees for bills on the House Calendar, unless some miscellaneous privileged matter should obtrude itself on the House. In that case, which would not ordinarily happen, the matter could be brushed aside by the raising of the question of consideration, which may be done by any Member, and the House at once would vote without debate whether it would consider or not consider the intruding matter. If it voted not to consider it, the demand for the "regular order" would next bring the call of committees. The call of committees would carry the House to the House Calendar, whereon are all public bills which do not carry appropriations of money. The House could remain upon this call of committees, bringing up bill after bill for an hour, or for the whole day's session; and if it still wished to consider more bills of this character, the House could take a recess until the next day, and on the next day could go on with this same order until it cleaned up the entire calendar.

If the House should not wish to remain on the House Calendar, and should want to consider the calendar of the Committee of the Whole House on the state of the Union—in order to take up public bills requiring an appropriation, and not having the privilege of general appropriation bills—it could at any time, after the call of committees has proceeded for sixty minutes, allow a Member to move to go into the Committee of the Whole House on the state of the Union, and any Member has the absolute right to make this motion. If a majority sustain the motion, and the House goes into the committee, the bills on the calendar may be taken up in order, or if the committee do not wish to take them up in order, a motion may be made, and carried by a majority vote, to take up any particular bill. If when the day is done the House still wishes to further proceed with that calendar, a recess may be taken until the next day, and the House may then continue to consider these bills. This not only may be done, but has been done.

Private bills are also taken up with equal facility on Fridays of each week. It is true that Friday is often taken up for public business, but this never can be done except by a majority vote of the House.

In other words the House, and the House alone, has absolute control of its order of business, and there is no bill anywhere on any calendar of the House that a majority may not freely take up without undue trouble.

In the earlier days of the House the order of business had not been arranged with so much skill as is embodied in the present form of the rules. There often arose at that time an occasion when the House could not, even though it earnestly desired to do so, get to some particular portion of its business. To obviate that a system was devised of suspending the rules in order to take up any particular business which could not be reached under the regular order. That this motion to suspend the rules might not be abused it was necessary to put some restriction on it, and that restriction was the requirement that there should be a two-thirds vote to set aside the regular order.

It is obvious that this was at best a clumsy device, because many important matters of legislation, which could easily command a majority vote, could not pass because of party or other differences. A remarkable illustration of this occurred at the outbreak of the civil war, when Thaddeus Stevens submitted a resolution asking information of President Buchanan's administration as to whether it had taken any means to put in a state of defense the forts and arsenals in the harbor of Charleston, S. C. Here was a matter which it would seem as though the rules of the House should have given an easy method of passing upon. The rules to-day would do so; but in those halcyon days, to which the critics of the present system of rules look back for their imaginary liberty of action, the two-thirds vote was required, and Mr. Stevens failed to command it, even in that patriotic House. Such a failure would not be possible under the present system of rules.

The House suffered under this awkward device to relieve what might be called "jams" in the current of its business until 1883, when a device, by means of a report from the Committee on Rules, was evolved whereby the motion to suspend the rules was relieved of the two-thirds requirement. In order to prevent abuse of the new device and to prevent its destroying entirely the regular and orderly procedure, the restriction which was taken off the final vote was put upon the making of the motion, and it was required that a motion to suspend the rules in order to take up a special bill must be first passed on by the Committee on Rules before it could be made on the floor and agreed to by a majority. This was the origin of the "special order," which became an excellent instrumentality, inasmuch as it enabled the House to consider the business jammed in the regular order by a majority vote. The necessary use of the special order was continued until 1890, when for the first time the flexible and efficient order of business now in vogue was put in operation. This new rule for the order of business would have been sufficient at that time to do away with the use of the special orders from the Committee on Rules had it not been that the habit of obstruction was rife in the House, and the special order continued in use as a means of thwarting that obstruction by providing a fixed method of consideration upon a particular bill and by shutting out dilatory and obstructive motions. The use of the special order has continued, although it has not been so much used in later years, and business has proceeded more according to the regular order. The function of the Committee on Rules is remedial. Most of the bills which it assists might be passed in another way. To use a commonplace illustration, the Committee on Rules, by the special order, takes a bill up on the elevator instead of requiring it to be carried up by the stairs. But in every case a special order is of no effect until agreed to by majority vote of the House.

There is another method of taking up business out of the regular order, and that is by the unanimous consent of the House. It is used for matters to which there is no opposition. This method is very convenient, because it is simple and expeditious, involving no votes, no waste of time in roll calls, and no contentions. But obviously it serves for a limited class of business only.

Perhaps the greatest criticism of the rules rises over the recognitions by the Speaker. It is plain to anyone who understands the rudiments of general parliamentary law that it is necessary that any Member who proposes to make a motion to the House, or who proposes to make a speech, should address the Speaker and be recognized by him before proceeding. In a House as large as this, it is equally necessary that there be no appeal from this recognition by the Speaker. Formerly there was an appeal and the possibility of a yea-and-nay vote to determine whether one man or another should be entitled to the floor. But thirty years ago, during the Speakership of Samuel J. Randall, the House had grown so large that it was found necessary by Speaker Randall to deny this right of appeal on a question of recognition. He did this in rulings, and it seems quite evident that those rulings met the general approval of the House, since there was little of complaint at the time.

But it does not follow because there is no appeal that the Speaker's right of recognition is absolute. With two exceptions, which will be considered later, it is far from absolute. The Speaker, both for motions and debate, recognizes in accordance with certain fixed principles, which he would not think of violating; and it is absolutely essential for the ordinary conduct of business that he should not violate these principles. The public business, under the rule for the order of business, is flowing on through the House continually, in accordance with the methods prescribed for that rule. And manifestly, the Speaker must recognize for each motion in accordance with the necessities of this stream of business. This means that at each turn he must recognize the Member who, by his committee position, or by his relation to the business about to come before the House, is best qualified to make the motion for its disposition.

On the day when the order of business brings up a matter, for instance, from the Committee on Ways and Means, the Speaker must recognize Mr. PAYNE, the chairman of that committee, because that gentleman is in charge of the business coming before the Ways and Means Committee, and under the rules and usages of the House to recognize anyone else would be to substitute confusion and disorder for order and progress. If the order of business gives the time to the Appropriations Committee, the Speaker must recognize Mr. TAWNEY for the same reason. And after the matter is once under debate the usage is absolute that he must recognize the senior member of the majority contention on the committee having charge of the pending bill; and after that the senior member on the minority side of the contention has the preference. And thus he must alternate down through the entire committee. But if, as rarely occurs, the debate extends beyond the ranks of the committee and into the general membership of the House, the Speaker must still preserve the alternation between the majority and minority sides—not necessarily the political majority and minority, but the majority and minority sides of the pending question at issue. Outside of this limitation, at this point of the debate the Speaker does have an arbitrary power of selecting men who shall speak, providing there is a great press for time by Members. But a situation like this rarely happens. It happened not over twice, probably, during the last session of Congress. Usually in such cases the House by unanimous consent gives to the two men in charge of the majority and minority sides of the bill the right to control and divide out the time, thus taking it from the Speaker entirely; but, as a matter of fact, the criticism of the Speaker's power of recognition never rises out of a situation like this.

The truth is, the real complaint of the Speaker's power of recognition comes from his recognitions for motions to suspend the rules and for unanimous consent. The very nature of unanimous consent shows that the rules may not be justly criticised for any arbitrary recognition on the part of the Speaker; because when a Member asks unanimous consent, what he really demands is that the rules of the House be set aside in order to take up some bill that is not in order at the time under the rule. It is therefore evident that under any system of rules recognition would have to be arbitrary. The Speaker has the same right to

object that any Member has, but his method of objecting is to refuse to recognize for unanimous consent. If this is an arbitrary power, it is an arbitrary power that any Member of the House may thwart him in the use of; for after the Speaker recognizes for unanimous consent any Member may object, thus doing away with the procedure and permitting the House to proceed under its order of business.

There does exist an arbitrary recognition on the motion to suspend the rules. Formerly the Speaker was compelled to recognize any Member who first got his attention on the motion to suspend the rules. The result was that the motion was greatly abused. Men would prepare resolutions on subjects of no practical standing in the House, sometimes so artfully worded as to be political traps, condemning many Members to political danger in their districts, whether they voted for or against them. Members therefore did not naturally like to run the risk of such pitfalls or to be put on record upon questions not of practical moment to the the United States or which might involve local prejudices in their homes, and thus destroy their usefulness without any compensating good. So it happened that frequently the House on suspension day adjourned in order to escape this snare, and in 1880 the number of suspension days were reduced to two a week, so as to make the dangers of the day as little as possible.

About that time Mr. Speaker Randall, without complaint of the House, began to exercise the right to determine when he would recognize for the motion, thus still further placing it under control. If the motion to suspend the rules were essential to the business of the House, this usurpation by Mr. Speaker Randall would have had bad consequences, but in 1883 and in 1890 the rules were improved by enlarging the functions of the Committee on Rules and by improving the rule for the order of business, so that bills in an unfavorable position might be gotten out by a majority vote, without recourse to the older and clumsier method of suspending the rules. And to-day the motion to suspend the rules is used two days in the month to supplement the proceeding by unanimous consent. There are many bills which can not get through by unanimous consent, because two or three Members may be opposed. In such cases the motion to suspend the rules affords a convenient and easy method of dealing with them.

In the last session of Congress a peculiar situation arose, caused by the determination of the entire minority side of the House to obstruct the public business, and immediately a form of martial law was declared in the House, and the motion to suspend the rules was used daily and upon the arbitrary recognition of the Speaker. But this was only a temporary condition, brought about by urgent necessity in order that the public business might be transacted. Such an occasion had not arisen before for five years, and then only for a very limited time, and in all probability will not arise again for another five or ten years.

In conclusion, it is not impertinent to protest against the assumption made in some magazines and newspapers that the House of Representatives is an inefficient legislative body. It is, on the contrary, highly efficient, not surpassed in this respect by any other body of similar size and constitutional limitations.

Mr. BURLESON. Mr. Chairman, I have agreed to yield to the gentleman from Massachusetts [Mr. GARDNER] one hour, but the gentleman from Massachusetts has not certain data at hand which he desires to use, and so I have agreed to yield to him his hour at 3.30 oclock. I now yield to the gentleman from Texas [Mr. SHEPPARD] one hour, or so much thereof as he may desire to use.

Mr. SHEPPARD. Mr. Chairman, from the hour of the enactment of the present Republican tariff law, Democrats in Congress and out of Congress have revealed its tyrannies, its inaccuracies, its absurdities. Repeatedly we have shown the necessity of thorough and scientific revision both for the relief of the consumer and for the extension of our foreign trade. For eleven years we have demanded the revision of the tariff; for eleven years the Republicans have ridiculed and ignored us. With every pretext that gifted and powerful leaders could devise, they have opposed and postponed revision. Before elections they would claim that business might be disturbed; after elections they would say that existing conditions had been indorsed. Not till the golden bowl of national prosperity had been broken were they compelled reluctantly to undertake what the Democrats had urged for many years. To-day the Republican members of the Ways and Means Committee of the House of Representatives are engaged in an apparent effort to revise the tariff.

The hurried and incomplete preparations for revision vindicate the Democratic contention that the Republican party is both unwilling and unable to make a sincere and effective rearrangement of the Dingley rates. James W. Van Cleave, president of the National Association of Manufacturers, and one of the most prominent Republicans and business men of the time, has already repudiated the methods adopted by the Republican party in framing a new tariff bill, stating in a recent letter to the gentleman from New York [Mr. PAYNE], the Republican chairman of the Ways and Means Committee, that these methods are "radically, absurdly, fatally wrong." So disgusted was Mr. Van Cleave with the whole tariff procedure of his party that he declined to testify before the Ways and Means Committee. H. E. Miles, another leading manufacturer and Republican, is reported in the daily press to have said, after appearing before the Ways and Means Committee in the course of the recent tariff hearings, that while the committee was apparently disposed to get all the facts, it was without any machinery to aid in this end; that it was unable to secure the absolute truth; that it placed a premium on falsehood; and that it had collected nothing but Treasury tabulations and the statements of interested parties. A short excerpt from the testimony of Mr. Carnegie before the Ways and Means Committee will show the lack of accurate information and experience on the part of Republicans in charge of tariff revision and the inadequacy of the methods they have pursued:

Mr. LONGWORTH. You would not advocate the taking off of the duty on any American article without justification for it. I, personally, admitting that I know very little about the costs of steel, am inclined to think that we can substantially reduce the tariff on steel without injury to the American industry, and yet before I vote for it, if I should vote for it, I want to feel that I am justified in so doing. I do not know of any other way that I can personally feel justified, unless I know or have some opportunity of finding out something about the difference between the cost abroad and the cost at home. Is there any way that you can suggest to me—as a member of this committee, with practically every facility, the right to summon all witnesses, the facilities that this Government has, without the practical experience, and without the means of getting it, because we must act as promptly as possible—of finding out those things?

Mr. CARNEGIE. In reply, Mr. LONGWORTH, I know of only one way that this committee can arrive at anything approaching the real truth of the difference in cost, and that is to have men belonging to the steel industry—men familiar with it, who are not interested in either the foreign or the American works; experts of the highest character and ability—to be charged with visiting the works of Europe, selecting in each country the best works, because you will be greatly misled if you select works that are not properly managed.

It is hardly necessary to add that the suggestion of Mr. Carnegie as to the only proper way in which to investigate the steel situation applies with equal force to all the other schedules, but has not been followed by the Republican party. It took 32 experts five years to do for Germany what the gentleman from New York [Mr. PAYNE] and his Republican associates on the Ways and Means Committee, who know infinitely more of practical politics than of political economy, propose to do for the United States in five months. The public hearings before the Ways and Means Committee covered a period of six weeks, beginning Tuesday, November 10, and closing Tuesday, December 22. There are 14 schedules in the present tariff act and a free list, and over 4,000 commodities are involved. Thus the hearings did not average three days to a schedule.

Almost all the parties who appeared before the committee in the course of these hearings, either personally or by letter, had a direct pecuniary interest in the matter about which they testified. While on the subject of interested witnesses let me again quote from Mr. Carnegie's testimony:

Mr. CARNEGIE. My dear sir, allow me to tell you just what happened about that. I purposely refrained from reading the statements of interested parties. They are incapable of judging justly. No judge should be permitted to sit in a cause in which he is interested; and you make the greatest mistake in your life if you attach importance to an interested witness. You would not do it in a court of justice, would you? If the judge were interested in a cause, would you respect his decision? (No response.) Silence in the court. [Great laughter.] Upon my word, I must laugh at you people.

And it might be added that the whole country is laughing, too. [Laughter.]

It may well be said that almost all the testimony adduced at these hearings is without practical value. When we recall the fact that there are 216,262 manufacturing establishments in the United States, exclusive of neighborhood industries and hand trades, and compare with this number the discredited handful that addressed the Ways and Means Committee, we begin to appreciate the farcical character of the entire Republican tariff proceeding. The failure of the Republican party seriously to approach or sincerely to undertake the revision of the tariff should occasion no surprise.

A party that in time of peace enacted a tariff law embodying a higher range of taxes than the emergency charges of the civil war, taxes which it has permitted to remain in undisturbed and merciless operation for more than eleven years, taxes that have exhausted our people, obstructed our trade abroad, and forced us to the rear in the commercial march of the world, can not be expected to have either the courage or the disposition to institute a proper readjustment of the tariff. [Applause on the Democratic side.]

While the Republicans are engaged in pretended revision it may not be out of place again to direct the attention of the American people to the barbarous features of the present tariff law. Perhaps the most illuminating event in the history of the Dingley tariff is the demand of the American manufacturer, so long its principal beneficiary, for its thorough revision. In February of last year a central committee representing practically every industrial interest in the United States, including the National Association of Manufacturers, the National Grange, the Farmers' National Congress, the boards of trade of New York, Chicago, St. Louis, Boston, Baltimore, and so forth, appeared before the Ways and Means Committee of the present Congress and pleaded in vain, to use the exact language of the

chairman of the central committee, Mr. H. E. Miles, the well-known Republican and manufacturer before alluded to—

> For relief from the infinite grasp and hurt of the present tariff; a tariff that is not a protective tariff in any sense; a tariff that is in truth and in fact a bastard tariff, many of the schedules having no relation whatever to the principle of protection, or if related, then misapplying and abusing them.

Nothing could discredit more completely the comparatively few manufacturers who at the recent tariff hearings sought to retain or to increase existing schedules than this official demand on the part of the great body of American manufacturers for tariff relief. In an article in the North American Review of last January, published the month before he came to Washington as the representative of the industrial interests of the country, Mr. Miles said:

> We make small objection to the three hundred millions of tariff revenue that went last year into the Government Treasury, but we make very great objection to the five hundred millions or more that went into the pockets of the favored few who collected the revenue for their personal and private gain, with the connivance and approval of Congress, in products made within this country.

Contemplate for a moment the significance of this statement; grasp, if possible, its shocking import. This Republican, this manufacturer, this protectionist, and withal this critical student of public affairs tells us that the Dingley system is taking from the American people in sheer plunder five hundred millions a year or more.

It is probable that this statement, coming from a beneficiary of the system and a member of the party that sustains it, is extremely modest. On the basis of this Republican and protectionist estimate we may safely say that the Dingley tariff taxes during the eleven years of their operation have wrung from the American people over five and a half billion dollars for the enrichment of individuals, a sum over five times the size of our entire national indebtedness, a sum greater by almost a billion dollars than has been expended during the last eleven years on the navies of Great Britain, Germany, Russia, Italy, France, and the United States combined, a sum nearly three times as great as has been expended on the American Navy during the last one hundred and seven years, a sum five times as great as the war indemnity exacted by Germany from France, the most colossal war spoil in history, a sum representing nearly $1,700,000 for every day in the year. Think of it! Under the flag of the free practically the sum of $1,700,000 is taken from the American people through exorbitant tariff taxes between the rising and the setting of every sun. And yet President Roosevelt and the Republican party have permitted this inhuman system to flourish unrestrained. In his eight annual messages to Congress the President has mentioned the tariff in but two, the second and seventh, in 1902 and 1907, in the former ridiculing the idea that the trust evil could be corrected by the reduction of duties and suggesting revision in the vaguest terms, in the latter, after five years' silence, stating briefly that it is probably well the tariff should be carefully scrutinized every dozen years or so.

While his messages have almost shrieked with denunciations of men who have extorted millions through traffic pools and stock manipulations, they have been strangely dumb as to the men who have taken billions through the tariff. But perhaps it is unfair to criticise him for inactivity as to the tariff when we remember that his explosive energies seem to have been principally devoted to the dignified and statesmanlike occupation of organizing the most distinguished "Ananias Club" in history. [Laughter.] The chief difficulty of his biographers and apologists will be the explanation of his course on the subject of the tariff. And as the administration of this most remarkable man nears its close the one fact that stands out most prominently above all others, the fact that will put a question mark in front of his name for all coming time, is that while he kept astir a characteristic agitation against wrongdoing in public and private life he never for once lifted his powerful arm against the chief evil of his time, the Republican tariff. Indeed the practical result of his crusades for civic righteousness has been to divert attention from the tariff vandals, to give them eight years of plunder without serious interference. Whether this was his intention I do not know; I believe in all earnestness, however, that no man in American history represents so profound a combination of the subtlety of Louis XI and the audacity of Charles the Bold.

In the article before referred to Mr. Miles states further that the one underlying principle which alone justifies protection is that the schedule shall cover the difference between the cost of production in this country and the cost of production abroad, thereby maintaining a higher wage here and standard of living. He then states that this principle has never been practically applied by the so-called "tariff legislators" at Washington; that most of the Dingley schedules were made in utter disregard of any such principle, having no reference to the difference of cost, however liberally figured, and that in many cases they increase the difference in cost of manufacture at home and abroad from 5 to 1,000 times. He shows how the Standard Oil trust is sheltered and supported by the Dingley law. He points out that while the Dingley law places 42 kinds of oil on the free list it provides that if there be imported into the United States crude petroleum or its products produced in any country that imposes a duty on petroleum products exported from the United States there shall in such cases be levied a duty equal to the duty exacted by the country importing. He shows that the only country able to ship petroleum in any considerable quantity to this country is Russia and that Russia levies duties on crude petroleum and its products ranging from 100 to 200 per cent.

He says that when the Dingley law was being framed the Standard Oil representatives sought direct protection and failed, but that the effect of this proviso was to give the most rapacious of all the trusts from three to five times what it had openly asked. Thus Theodore Roosevelt, William H. Taft, and the Republican party, in maintaining the present tariff law, are as responsible for the rapacities of Standard Oil as John D. Rockefeller himself. [Applause on the Democratic side.] Mr. Miles proceeds to say that, as a result of the above proviso, the American people pay from 37 to 60 per cent per gallon more for oil than Europeans, and that were we to try to import oil we would find it safeguarded by a tariff tax of 150 per cent or more. This Republican, this manufacturer, this protectionist, this tariff beneficiary, proceeds to show that dozens of trusts enjoy a similar shelter, and says that the Dingley tariff is graft masquerading as protection. He shows that American borax can be bought abroad for 2½ cents per pound, but retails in America at 7½ cents per pound, the difference representing the Dingley borax rate of 5 cents per pound, and that the Dingley steel rates exceed the total wage cost of making steel in the United States, although steel is made here as cheaply as anywhere else in the world. He says that the present tariff system exerts a corrupting influence in the country, making dishonesty profitable, virtue and self-denial contemptible.

Evidently divining the fact that a continuance of the Dingley system would so weaken and impoverish the people that the home market would become a thing of the past, and that they could not permanently render tribute to the tariff kings; recognizing the necessity of rearranging and liberalizing our tariff relations abroad in order that foreign markets might be developed on a scale commensurate with American capabilities, this accredited representative of the protective interests becomes the severest critic of the Dingley system.

Where may we find a more complete vindication of the Democratic attitude as to the tariff? During the eleven years of the Dingley Act we have repeatedly exposed its oppressions, its errors, its crimes. Repeatedly we have shown it to represent a revival of the most vicious economic superstitions of the past. Repeatedly we have shown that the Democratic conception is the true conception of tariff legislation, because we apply to this problem, as to all others, the deathless doctrine of equal rights. Repeatedly we have summoned history to show that probably at the only period when protection was justifiable from an economic view point, the period following the war of 1812, when an influx of European goods threatened to engulf the young industries developed by a decade of isolation resulting from the Napoleonic struggles, a period when American industry was in a genuine, not pretended, infancy, the Democratic party supplied the needed assistance through the 20 per cent Madison tariff of 1816, four decades before the Republican party came into being.

Repeatedly we have pointed to the tariff annals of the succeeding thirty years to show that the American people discussed and tested every phase of the tariff question to accept the 36 per cent Democratic tariff of 1846 as its permanent solution, a tariff so universally satisfactory that the hostile Whig administration of 1848 did not alter it, so completely embodying the judgment of the first sixty years of American fiscal discussion and experience that the tariff ceased to be an issue. Repeatedly we have shown that Alexander Hamilton, in his famous report on manufactures, the very fountain of the protective theory, advocated import duties only on the basis of temporary necessity and retaliation for high charges abroad, stating that the continuance of bounties on manufactures long established must always be a questionable policy, because a presumption will arise in every such case that there were natural and inherent impediments to success. Repeatedly we have shown that Henry

Clay and the early defenders of protectionism regarded it only as a means of sheltering new industries until they could become self-supporting, not as an instrument of perpetual loot. Repeatedly we have shown that the emergencies of the American civil war restored the system of excessive tariff taxes, and that they were then permitted only on the theory of an unprecedented national peril, with the passing of which they were to be permanently reduced.

Repeatedly we have shown that the Republican party, repudiating the memory and the spirit of Abraham Lincoln, emerged from that memorable strife arm in arm with the interests its emergency tariffs had enriched, and that it has continued the wicked partnership by increasing instead of removing the war charges, until to-day it burdens the American people with the highest tariff taxes mankind has ever known in time of peace. Repeatedly we have pointed to the numerous trusts the Dingley tariff has developed—to the oil and borax trusts described by Mr. Miles; to the steel trust, with a capital approaching a billion and a half, a consolidation of 213 manufacturing and transportation concerns, exporting steel rails, billets, blooms, plates, bridges, barbed wire, wire nails, tin plate, tubes, and pipes to all the world at prices greatly below the prices at home, dominating the basic industry of the United States; to the meat trust, which controls the whole domestic market; to the paper trust, which exacts from American newspapers a tribute of sixty millions a year; to the linseed trust, the lead trust, the match trust, the sugar trust, the tobacco trust, the machinery trust, the hide and leather trust, the woolen trust, and hundreds of other trusts, including almost every phase of industry and production.

Repeatedly we have shown that these trusts condemn the vast mass of toilers to mere employeeship and charge the American people, through the aid of the Dingley tariff, for food and raiment, for the implements of trade and occupation, for nearly all the essentials of life, prices in many cases equal to those of four or five decades ago; although steam, electricity, and machinery have reduced the cost of production probably fiftyfold, prices in all cases so high as to constitute financial despotism. Repeatedly we have pointed out that the very period of the most unlimited power and enrichment of the trusts has been and is to-day the period filled with the smoke and thunder of the Roosevelt sham battles against them. After years of clamorous pretense not one of the great industrial trusts has been permanently dissolved; not one trust official has been made to feel or fear the imprisonment feature of the national law against monopolies in restraint of trade. Repeatedly we have shown that the trusts have increased the prices of raw materials to certain American manufacturers while selling the same materials at less price to foreigners, thus enabling the latter to undersell our own manufacturers with our own raw materials in the markets of the world, and that this fact, combined with the fact that other nations are erecting retaliatory tariffs on account of our obstinate adherence to the Dingley schedules, is as surely driving an important class of American manufacturers out of the United States to foreign countries where such intolerable conditions do not prevail as the oppressions of Philip II and Louis XIV drove the Flemish and Huguenot weavers from the Netherlands and France forever.

Already the Singer Machine Company has located an extensive plant at Kilbowie, in England, and large factories on the Continent; the Babcock and Wilcox companies a great plant at Renfrew, England. The Westinghouse Company has established at Trafford Park, in England, one of the largest factories of the Eastern Hemisphere, and other plants at St. Petersburg and Havre. The Chicago American Tool Company has extensive interests at Frazerburg, Scotland, while the Western Electric Company has built large factories in London, Paris, Antwerp, and Berlin. The General Electric Company has five great factories in Europe and a large new plant which it has recently constructed at Rugby, England; the Hoe Company and the American Linotype Company are operating in many foreign capitals; the Draper Company is operating in the cotton manufacturing districts of England, equipping English factories with the Northrop loom. The American Locomotive Company and the Bullock Electric Works, of Cincinnati, have already established plants in Canada. It is not improbable that many of our immense flour mills will in time be transferred to Canada to secure access to its infinite fields, unless the Dingley tax on flour is removed or reduced. The same thing may be said as to our paper mills. Already many Canadian cities have created a new municipal officer, whose special duty it is to hasten the removal of American manufactories to various parts of Canada. Repeatedly we have shown the falsity of the Republican cry that high tariffs mean high wages; have shown that in truth the American workman, considering the value of his product, is paid under the Republican protective system the lowest wage on earth.

Hear the testimony of A. Maurice Lowe, the eminent protectionist, in his recent book entitled, "Protection in the United States:"

> We have the authority of all competent observers in America that one of the reasons to explain the secret of American prosperity is the great productive power of the American workingman, his output being so much larger than those of his foreign competitors that the cost of the American product is less than that of any other workman.

Repeatedly we have shown that not over 10 per cent of American laboring men are engaged in protected industries, and that in these the increase in wages has not equaled the increase in the price of the trust-controlled necessaries of life. It is the estimate of Carroll D. Wright that 17½ per cent of the value of manufactured articles goes to the laborer. The average duty on foreign articles competing with domestic articles is about 50 per cent. The American manufacturer gets 50 per cent of an article's value to equalize the difference between foreign and domestic labor cost when the entire domestic labor cost is only 17½ per cent of the domestic article's value. How long will such deception flourish? Repeatedly we have shown that under the Dingley system the farmer sells his surplus abroad in competition with the cheapest production in the world and buys the implements of labor and the necessities of existence in the trust-ridden, tariff-locked markets of the United States; that under the Dingley system the American farmer gets the lowest and pays the highest prices on earth.

Repeatedly we have shown that the Republican protective system has driven American shipping from the seas. It is now impossible to build an American ship to be operated without loss in the foreign trade in competition with the world on account of the rapid increase in price of ship material under the present tariff system. Said Mr. Orlott, a prominent American shipbuilder, before the United States Commission of Mercantile Marine in 1904:

> There is a difference of about 40 per cent (in the foreign and domestic cost of shipbuilding) on account of the tariff. * * * Because everything in the way of material entering into the construction of a ship is highly protected here. It is not only the steel that forms the hollow of the vessel that is affected in price; it is every conceivable item that goes into a ship.

What more humiliating spectacle could have been devised than that of our fleet of 16 battle ships parading the seas with all its fuel transported of necessity in foreign ships under foreign flags? What more embarrassing situation in the event of war could be conceived? Repeatedly we have shown that under this system the wealth of the country has been wrested from the many by the few, 1 per cent of the families in the United States now owning, according to Spahr, 99 per cent of the Nation's substance, and less than 5,000,000 of the 16,000,000 families of the United States, according to the last census, owning their homes entirely free from incumbrance, nearly 9,000,000 American families owning no homes at all.

Repeatedly we have shown that under this system more women and children are driven from the fireside and the school into the battle for bread than ever before in our history. Five million American women, nearly 2,000,000 American children, are to-day, through pressure of the increased cost of living, among the pale numbers of daily toil.

> She leaves her babe to others,
> To climb the factory stair;
> She creeps home at night to her children
> Too weary to bind her hair.
> With the sacred chrism of motherhood
> In her tired and careworn hands,
> Through her they must come with souls born dumb,
> The men who shall rule our lands.

And yet they tell us that this is an American system; we deny it. They tell us that it is for the protection of Americans. We say that those who profit by such a system cease to be Americans when the first dollar coined from women's sighs and children's tears, from the bent backs of men, touches their polluted hands. [Applause on the Democratic side.]

Repeatedly we have shown the utter hopelessness of tariff relief through Republican agencies. The Republican party has never touched the tariff except to make it more oppressive. Not content with defeating every attempt to lower the emergency rates of the civil war, it has increased them to such an extent that the war taxes which were tolerated only as temporary expedients in an unparalleled national crisis are modest when compared with the Dingley taxes of to-day. In 1867, in 1870, in 1872, and in 1882 pretended readjustments were undertaken by the Republican party, with the invariable result that the privileged classes retained complete possession of the power to despoil. The gentleman from Pennsylvania [Mr. DALZELL], one of the most powerful members of the little stand-pat group that dominates the Republican party, a member of the present

Ways and Means Committee, and a man who will exert greater influence in shaping the character of the tariff changes now in progress than all the other members of the committee combined, said in his keynote speech in the House of Representatives last February that personally he did not believe there was any necessity for a general revision of the tariff. In view of these facts, in view of the careless and unscientific preparation for readjustment, can anyone doubt that the present Republican revision will be as faithless and ineffective as the Republican revisions of the past? Let it be said here that the Democratic party alone has shown sufficient ability to make a just and comprehensive revision of the tariff. It revised the high tariffs of 1828 and 1842 with conspicuous fairness and skill. [Applause on the Democratic side.]

But there is another and equally fundamental phase of the tariff question. Not only must the tariff be reconstructed from the standpoint of internal conditions, it must also be rearranged with a view to the promotion of advantageous trade relations abroad. In the latter respect, as well as in the former, the Republicans have been fatally neglectful. For eleven years they have permitted the Dingley tariff rates to stand without attempting generally to modify them either for the deliverance of our own people from domestic extortion or for the cultivation of friendlier trade relations with the world. That the framers of the Dingley tariff contemplated the development of our foreign trade through the reduction of its schedules in return for reciprocal concessions abroad is shown by the terms of sections 3 and 4 of the Dingley law, section 3 providing a limited and temporary, section 4 a permanent and fundamental, system of reciprocity. Although section 3 affected but little more than a dozen among the thousands of articles scheduled in the Dingley law, these few articles being mainly the products of other countries, namely, argols, brandies, champagne and other sparkling wines, still wines, vermuth, paintings, statuary, tea, coffee, tonquin, tonka beans and vanilla beans, still the concessions obtained from other countries, such as Germany, France, Italy, Portugal, through a modification of the rates on these few articles, show what immense opportunities were lost through the failure of the Republican Senate to ratify the treaties formulated under section 4, which provided for a 20 per cent reduction on every schedule and every article in return for like favors abroad.

Since the passage of the Dingley law in 1897 many foreign countries have made practical application of the principle of section 4 through a system of dual and triple tariffs, with which they have mobilized the trade of the world, while we have taken hardly a single step forward in this general advance. Thus we who announced the principle of reciprocity through the enactment of section 4 have allowed it to perish by limitation and nonaction, while other nations have appropriated it to our discomfiture. Eleven reciprocity treaties were negotiated by the American commissioner under section 4, which, had they been ratified before the passing of the two-year limit laid down in the Dingley law, would have enormously increased our trade with Germany, France, and other nations. Having permitted these reciprocity treaties to die, having adhered to avaricious schedules for eleven years while the world about us has been undergoing a general commercial readjustment, having reached a point in our internal development where foreign markets are imperative, confronting countries impatient beneath the high rates we impose on their products while we claim the most disproportionate concessions from them, we are face to face with the double crisis of a domestic population wearied beyond endurance by oppressive tariff taxes and the probable loss of what few advantages we now possess in foreign trade.

Does anyone imagine that Germany will long submit to the temporary agreement with the North Commission, by which she saves about $208,000 annually on her exports to the United States, while we save through the enjoyment of her minimum tariff rates about six and a half millions every year on our exports to Germany? Already the tariff rates of many leading nations, including France, Venezuela, British South Africa, Canada, and others have been raised on our goods in especial retaliation against the Dingley Act. It is only a matter of time when the maintenance of the Dingley rates will excite the permanent hostility of mankind. We can not recall too often the words of William McKinley, who appointed the commissioner to negotiate the neglected reciprocity treaties under section 4, who looked upon them as the peculiar glory of his administration, and who regarded their destruction in the Republican Senate with peculiar disappointment; the words he uttered in September, 1901, at Buffalo, in his last public address; words composing an eloquent and now pathetic plea for reciprocity. And yet the Republican platform of 1908 does not mention reciprocity. In four national platforms preceding 1908 the Republican party lauded reciprocity as one of the cardinal features of its tariff doctrines; to-day it scorns the historic policy for the extension of trade, with which the name of McKinley will be forever connected. What stronger proof could be had of the impotence and insincerity of the present Republican party than the silence of last year's platform on the great subject of reciprocity? It is true the Republican platform of 1908 advocates maximum and minimum rates, but it specifically restricts the function of the maximum rate to the prevention of discrimination. It would make the maximum and minimum system a weapon of retaliation, so far as foreign trade is concerned; nowhere does it speak of utilizing the system for the expansion of trade. The Republican idea is to use the maximum rate as a club with which to compel the acceptance by foreign countries of the present enormous schedules, or of schedules representing what the Republican platform calls a normal measure of protection at home. The moment such a system is put in practice it will mean universal commercial war. True reciprocity involves an interchange of substantial concessions; under the new definition of the Republican party it means, "take what we say or fight."

It is not possible that the Republican members of the Ways and Means Committee, who are now framing the new tariff law, could have taken up in the short time at their disposal this most difficult and complicated phase of the tariff question with anything like adequate investigation or preparation. During the public hearings this phase received but little consideration.

The Democratic platform of 1908 contains an earnest plea for such reciprocity arrangements as will extend our trade abroad, and do no violence to present wage scales and standards of living.

There is nothing more humiliating to patriotic Americans than certain features of our relative position in the wealth and commerce of the world after fifty years of Republican rule. And yet Republican platforms and speeches are swollen with panegyrics on the development of the United States in wealth and commerce under Republican guidance. Republicans have pointed to the preponderance of exports during decade after decade of high protective tariffs. They have shouted prosperity until the word has become a mockery in the ears of millions of unemployed. They have pointed to the endless procession of commodities to alien shores from field, from forest, and from mine. They tell us in partisan exaggeration that we are sending coal to Newcastle, files to Sheffield, olives to Spain, Rhine wine to Germany, Budweiser to Berlin, sauerkraut to Hamburg, and shillalahs to Ireland. [Laughter.] They tell us of American bridges across the Amazon, the Ganges, the Danube, and the Nile. They tell us that the shriek of the American locomotive shakes the silence of the Pyramids. They tell us of the whir of American reapers in the fertile reaches of Canada and the Argentine, of the click of American typewriters and cash registers in London, Tokyo, Madrid, Buenos Aires. They tell us that the staffs supporting the yellow flag above the palace of the Mikado and the Union Jack on Windsor Castle were hewn from the pines of Puget Sound.

They forget that the acquisition of such articles as these is a greater tribute to the purchaser than to the seller. They tell us of what they are pleased to term a wonderful foreign trade. The Republican platform of 1908 challenges American intelligence by attempting a comparison of our national wealth with that of Great Britain and with that of Germany and France; it also boasts of our foreign trade. Now, what is the real position of the United States in the world's wealth and trade? It is true that, with an area of continental sweep and unequaled resource, our wealth in mere bulk exceeds that of every other country, being estimated at one hundred and ten billions. Yet Great Britain, with less than one-twentieth the area of the United States, smaller than the single State of California, with infinitely fewer raw commodities, and a soil worn by fifteen centuries of cultivation, with a population about half our own to feed, has a wealth of over fifty-eight billions, or more than half our own. France and Germany, each with less than one-seventeenth our territory, each smaller than the single State of Texas, the one with almost half, the other with almost two-thirds our population to sustain, both with soil and resources depleted by more than a dozen centuries of constant exploitation, of bloody and substance-draining wars, have each an approximate wealth of fifty billions, almost half our own.

These three countries—Great Britain, Germany, and France—with an aggregate area about one-sixth of ours, with all the other inequalities I have specified, supporting a population larger by sixty millions than our own, have a total wealth approximating one hundred and sixty billions, nearly a third more than the wealth of the United States. The practically contiguous countries of Great Britain, France, Belgium, the Nether-

lands, Germany, Switzerland, Austria-Hungary, Italy, Spain, and Portugal, with a combined area less than a third of ours and far poorer in resources, an area that had sustained the burdens of civilization a thousand years when Columbus first saw Salvador, with a population of two hundred and sixty-five millions struggling for subsistence, have a total wealth of over two hundred and ten billions, nearly twice that of the United States. These countries have so skillfully husbanded their powers and so successfully developed reciprocal trade relations that, according to Harold Bolce, they—

have more than twice as much money as the United States invested in transportation, nearly half a billion more than we have invested in mining, and almost 100 per cent more in manufacturing than America with its almost incredible energy can boast, and 200 per cent more agricultural wealth than the United States.

Great Britain, although smaller than California, has a foreign trade of over four and three-fourths billions against our foreign trade of three and one-fourth billions. British shipowners receive from three hundred to five hundred millions every year for transporting foreign goods and passengers, while we pay foreign shipowners an amount estimated all the way from fifty to two hundred millions annually for the conveyance of our external trade. Be this as it may, Great Britain has almost 50 per cent of the sailing and steam tonnage of the world, a ton to less than every three inhabitants, and carries more than 60 per cent of her own foreign trade in British bottoms.

Mr. BATES. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Texas [Mr. SHEPPARD] yield to the gentleman from Pennsylvania?

Mr. SHEPPARD. Certainly.

Mr. BATES. Is not the gentleman aware, Mr. Chairman, that in spite of this iniquitous tariff of which he complains, the export trade of the United States has steadily increased instead of diminished, until it is larger than in all history or in all contemplation of those who framed the present tariff laws?

Mr. SHEPPARD. It is not as large as it should be in view of our immense resources and our immense energies and opportunities, and I propose to demonstrate that fact in a few minutes.

Mr. BATES. One other question, if it will not interrupt the gentleman.

Mr. SHEPPARD. I want the gentleman to remember that I will answer his first question at length by giving the figures.

Mr. COOPER of Texas. If my colleague will permit, I will state that one of the reasons is that we are selling domestic products cheaper abroad than we are selling them to our home folks.

Mr. BATES. So I have heard. Is it not true that some delegation from the gentleman's own State of Texas has appeared before the Ways and Means Committee asking a revision of these iniquitous rates on certain articles in which they have an interest, to wit, lumber and hides?

Mr. SHEPPARD. I am not now discussing the merits of any particular rate.

Mr. BATES. Let us get down to something specific. The people of the State of Texas desire to have free hides—to have the present tariff, or any tariff at all, off of hides?

Mr. SHEPPARD. What point does the gentleman attempt to make?

Mr. BATES. I am merely asking for information. Do the people of the great State of Texas desire free hides?

Mr. SHEPPARD. Some of the people desire free hides, and if you put shoes on the free list, we will all be in favor of it. [Applause on the Democratic side.]

Mr. BATES. The neighboring State of Missouri is here asking for tariff on zinc, is it not?

Mr. RUCKER. No.

Mr. SHEPPARD. Some of the gentlemen from Missouri can answer that question better than I can.

Mr. CLARK of Missouri. Let me ask the gentleman a question. Suppose it should turn out that some fellow from Missouri came up here and asked for a tariff, what has that got to do with it?

Mr. BATES. It would prove to a certain extent what the late presidential candidate, Mr. Hancock, stated, namely, that in some respects, after all, it is a local issue. It depends upon what industry is being affected. It proves that the South is waking up and beginning to look to her true interests.

Mr. CLARK of Missouri. I know, but because one man in Missouri or a hundred men in Missouri want the tariff on zinc, it does not bind the people of Missouri as wanting that tariff. However, I do not want to take up the time of the gentleman from Texas [Mr. SHEPPARD].

Mr. SHEPPARD. I prefer now to pursue the course of my remarks.

Mr. BATES. If they looked to the interests of their State, possibly they would want the tariff on zinc and on other things.

Mr. CLARK of Missouri. Suppose you look to the interests of the whole State?

Mr. BATES. That is what I mean.

Mr. CLARK of Missouri. That is exactly what I am doing.

Mr. SHEPPARD. The gentleman's remarks do not affect the line of argument I am pursuing now. I am now speaking of the destructive effect of your whole tariff system, and I say that your belated attempt at revision is a vindication of the position we have taken from the hour the Dingley tariff was enacted.

The gentleman asked if our exports had not increased wonderfully under the Dingley tariff. I contend that our trade opportunities abroad have been sadly overlooked. Of the $1,000,000,000 of imports entering France to-day, we furnish less than 10 per cent; of the one and three-fourths billions entering Germany to-day, we furnish less than 14 per cent; of the three billions of exports entering Great Britain, we furnish less than 22 per cent; and of the thirteen and a half billions of exports entering all the other countries of the world, we furnish less than 15 per cent. What a field we view through the prison bars of a stand-pat tariff!

Mr. BATES. If it will not interrupt the gentleman, may I ask him another question? In order to compete with foreign ships we will have to build our ships cheaper than they are built abroad, will we not? That fact is evident; and in order to do that we will have to pay lower wages than we now pay, both to construct them and to run them.

Mr. SHEPPARD. Not at all; not relatively; because if you lower your extortionate tariff which makes it impossible to build American ships in competition with other countries and establish advantageous trade relations with these countries, you will so increase our foreign trade as to create such a demand for American ships that labor will have increased rather than diminished profits. [Applause on Democratic side.]

Mr. BATES. Is not it a fact that the chief element in the cost of a ship is not the material, but the labor; that seven-eighths or nine-tenths of the cost is based on the price of human labor, and the element of wages is the element that must be taken into consideration most of all?

Mr. SHEPPARD. I have already quoted from the testimony of one of the most prominent shipbuilders in this country—Mr. Orlott—showing that it is the increase of the tariff to the extent of 40 per cent on the materials that go into a ship that has made it impossible to build an American ship in competition with the world. I think I have answered my friend's interrogation as to the element of labor. I yield to no one in a desire to advance the cause and promote the interest of the hosts of toil.

Mr. HUGHES of New Jersey. I will ask the gentleman from Texas to yield to me to allow me to suggest to the gentleman from Pennsylvania if it is not true that the shipyards of Great Britain are run under an eight-hour law, whereas we exact ten hours a day from men in this country?

Mr. LANDIS. I am simply asking for information, but it is my impression that material imported for the purpose of building American ships under the Dingley law comes in free of duty.

Mr. GILLESPIE. But the ship can only be used in foreign trade.

Mr. LANDIS. Ships built in the United States, to engage in foreign commerce. My understanding is that the material imported into the United States for their construction comes in free.

Mr. SHEPPARD. There is a provision for the free admission of this material, but it is nullified by a further provision practically restricting ships so built to foreign trade and by a law which forbids ships in the foreign trade to touch at more than one American port in assembling a cargo. This condition practically paralyzes the industry of building American ships for the foreign trade.

Mr. LANDIS. I think the gentleman will ascertain, if he investigates the Dingley law, that my statement is true.

Mr. SHEPPARD. It is, with the limitation already stated.

Mr. BATES. The most important element that enters in is labor.

Mr. HUGHES of New Jersey. That is not protected. Labor comes in free.

Mr. HARDY. What was the controversy between the gentleman from Massachusetts [Mr. LOVERING] and the gentleman from Pennsylvania [Mr. DALZELL]? Did it not grow out of the fact that a drawback is not allowed on shipbuilding material?

Mr. GRAHAM. Is not the gentleman aware that trade has been encouraged by subsidies granted by these foreign countries, which subsidies have not been granted by Congress?

Mr. SHEPPARD. These foreign subsidies are insignificant when compared to the total volume of the foreign trade of these countries and to the total capital invested in merchant ships. They can have but little effect. I proceed now with the comparison of our position in the world's shipping and trade with that of Great Britain. I referred to the fact that Great Britain had nearly half the foreign tonnage of the world.

The United States, once foremost under Democratic policies in the world's ocean trade, with its flag in every port, carrying not only the larger part of the world's trade but nearly 90 per cent of its own imports and exports in American ships, has to-day, after nearly half a century of Republican ascendency, not 12 per cent of the world's tonnage, taking into account our enormous coastwise trade, which is reserved for American vessels and which exceeds our foreign-trade tonnage in the ratio of 5 to 1. We do not average a ton to every 20 inhabitants, carrying to-day less than 15 per cent of our imports, less than 10 per cent of our exports, in American bottoms, and the American flag has practically disappeared from the great trade routes of the seas. Leading the world in the production of coal, iron ore, pig iron, steel, copper, lead, borax, petroleum, cotton, wheat, corn, oats, and cattle, in the invention and employment of labor-saving machinery, possessing unrivaled facilities for manufacturing in general, with a water frontage of 7,300 miles, our bays and rivers giving easier access to the interior than those of any other continent or country, we ought easily to lead the world in shipping and in trade. And yet to-day one of Germany's steamship lines, the Hamburg-American, has 100,000 more tons than the entire mercantile marine of the United States engaged in foreign trade. Germany, with all its inferiorities of age, area, and resource, has a foreign trade of over three billions, almost equaling ours. France, one-seventeenth our size and far behind us in natural wealth, has a foreign trade two-thirds as large as ours. The little country of the Netherlands, not much larger than the State of Maryland, more than 225 times smaller than the United States, with about one-fifteenth our population, has a foreign trade more than half as large as ours.

The ten European countries before alluded to, with a total territory less than a third our own and vastly inferior to us in natural wealth, with a population less than three and one-half times as large as ours, have a combined foreign trade of nearly fourteen and three-fourths billions, more by one and three-fourths billions than four times our own. Thus the little outworn countries of the Old World are leading us in the race for national wealth and international trade when, by a sensible employment of our superior resources and energies, we should be leading them.

Mr. BATES. Does the gentleman from Texas mean to assume that that proves anything in the contention he is making? Does not the contiguity of these nations—the proximity of one to the other, the dependence of one upon the other, the lack of independence and means, such as surround us in the United States—have almost everything to do with the figures he is quoting? The fact whether they are free trade or protection or tariff for revenue only has very little, if anything, to do with the figures he is quoting.

Mr. SHEPPARD. I am endeavoring to show that the relative progress of this country under Republican policies has been lamentably slow and that other countries are outstripping us in the race for wealth and trade.

Mr. BATES. What country does the gentleman cite as leading us in national wealth? Name one.

Mr. SHEPPARD. I was speaking of trade; but there are several relatively greater than we are in wealth.

Mr. BATES. Name one.

Mr. SHEPPARD. Take Great Britain, to which I have already referred. It is less than one-twentieth of our size, smaller than the single State of California, with a population about half our own, and yet the total wealth of Great Britain is more than half as large as ours.

Mr. BATES. But what is the condition of her people to-day? Does not the gentleman know that in one city alone there are more unemployed than there are in all the rest of the cities of the United States?

Mr. SHEPPARD. Her supremacy in shipping and wealth and trade, despite these conditions, makes the tribute all the greater to her energies.

But let us examine our foreign trade more closely. Of our total exports during the last fiscal year, manufactured articles comprised less than 60 per cent, including foodstuffs partly or wholly prepared, which equaled nearly 20 per cent of the whole, and counting pig iron, unwrought leather, lumber, kerosene, and copper ingots, bars, and slabs as manufactures. Of Great Britain's annual exports, manufactured articles, not including foodstuffs, comprise over 80 per cent; of those of Germany, over 65 per cent; of those of France, over 55 per cent. We are shipping our foodstuffs and raw materials in foreign bottoms to western Europe, there to be converted into finished products that are resold to us at a profit or utilized to outstrip us in the markets of the world. We are denuding our forests, disemboweling our mountains, and exhausting our soil to send a stream of raw commodities to Europeans, with which they rebuild the waste and strain of centuries and humiliate us in the marts of earth. We are the day laborers, the serfs, and helots of modern commerce. With our copper Germany has electrified the world. Producing almost all the raw cotton suitable for manufacture, possessing unequaled means for its conversion into the finished product, we export over 62 per cent of the raw crop to be manufactured in foreign countries at a stupendous profit. Great Britain imports about $280,000,000 worth of raw cotton annually, about two-thirds of which comes from the United States, and sells it in manufactured form for $500,000,000 or more to other countries, ours included.

The portion of the $380,000,000 worth of American raw cotton annually taken by Great Britain, Germany, and France, which these countries convert into manufactured articles, they sell to other countries, ours included, for $675,000,000. The total farm value of our cotton crop of 1907 was a little over $613,000,000. Thus these three distant countries, producing not a pound of raw cotton, with fuel high and scarce, with a freight haul of over 3,000 miles across stormy seas, are making more money out of American cotton than the American producer himself. We export less than fifty millions of manufactured cotton, ten times less than Great Britain, much less than Germany and France. Practically monopolizing the raw product, we import more of the manufactured article than we export. If our tariffs had been framed with a view to the proper development of foreign markets and the cultivation of more amicable trade relations abroad, this condition would not exist. But this is not all. Our part in the trade of the world, of which Republicans boast, is really insignificant. Of our annual fifteen billions of manufactured goods we sell about one billion abroad, including foodstuffs. Of the billion-dollar industrial trade in the southern half of this hemisphere our share is pitifully small.

It is computed that Argentina alone buys more textiles from Europe than we sell to the whole world, and that the value of these textiles bought by Argentina exceeds the value of American commerce of every description going into all the ports south of the Isthmus of Panama. Great Britain's exports to Argentina alone in 1907 were more than $3,000,000 in excess of our exports to the entire continent of South America. We get the glory of the Monroe doctrine in South America and Europe gets the trade; we get a Republican platform on the subject of American supremacy and Europe gets the cash. Facing the Orient, both Asia and Oceania, with thousands of miles of seacoast, the Orient, where is located a majority of the world's population, we have less than 9 per cent of the Orient's foreign trade, a trade greater in totals than our own. We maintain the open door in the East, but European goods pass through. Great Britain's exports to China and Japan in 1907 were larger by more than twenty millions than our exports to the entire continent of Asia. Great Britain's exports to the Cape of Good Hope alone in 1907 were larger by twenty-six millions than our exports to the entire continent of Africa. And yet we pose as the commercial leaders of mankind. These boasting Republicans have made the United States the economic jest of the earth. Summarizing the tariff situation, it may be justly said that the Republican party, after nearly fifty years of almost uninterrupted control, has driven our ships from the seas, overlooked the proper development of our share in the trade of the world, challenged the commercial hostility of the earth, subjected its own members to the domination of the standpatters, and erected within our borders a system of fiscal tyranny that is slowly paralyzing the nation's energies. [Applause on the Democratic side.]

Mr. CAMPBELL. Will the gentleman from Texas yield for a question?

Mr. SHEPPARD. Certainly.

Mr. CAMPBELL. To what specific policy of the Republican party, or what phase of that policy, does the gentleman from Texas attribute our want of supremacy in the commercial world?

Mr. SHEPPARD. One of the principal reasons is the failure of the Republican Senate to ratify the reciprocity treaties negotiated under section 4 of the Dingley law with France, Ger-

many, and other important countries by which our trade would have been enormously increased.

Mr. CAMPBELL. Well, after all, do not you think that there is still something to boast of in the fact we have such a large internal commerce?

Mr. SHEPPARD. Certainly, we could not help from being great on that account. There has been no high protective law to obstruct the development of internal trade. While a tariff on foreign imports is essential from the standpoint of revenue it should not be so exorbitant as to impede our trade relations with the world.

Mr. GRAHAM. Is not the gentleman aware that his whole argument is one that was offered when we had up the question of a ship subsidy, when it was shown clearly that that was the only point where America did not protect; that the shipping of America lacked the protection of the Republican party? Now, when we urged your side of the House to help us pass a bill giving a little relief to this question in the way of a ship subsidy the gentleman cried out, "Another subsidy! Another payment of money to help these men grow rich, to help a trust!" And they voted the question down, when it was shown what we needed in South America to obtain that trade was an increase in our shipping.

Is the gentleman not aware that our goods from America have to go to Germany, France, and even to Spain, and then be retransferred to South America, because we have not the lines and vessels to convey them direct?

Mr. SHEPPARD. And who is responsible for that condition?

Mr. GRAHAM. I think the Democratic party, for opposing our policy. [Laughter on the Democratic side.] We have urged assistance from the Democratic party, with a few Republicans, and they have failed to give that protection to American shipping that it is entitled to. It is the only thing that has not been protected by the Republican party, and as a consequence has declined.

Mr. SHEPPARD. The gentleman can not shift responsibility for governmental policies to the minority. You can not claim credit for what you think is good, and blame us for what you think is bad in the conduct of the Government.

Mr. GRAHAM. I can not see it.

Mr. SHEPPARD. Perhaps the gentleman refuses to see it. Furthermore, we claim our trade could be increased in far greater degree by the negotiation of trade treaties with foreign countries than by an attempt at creating a subsidy. We assert that the Republican party has failed to secure for us the position in the world's commerce to which our unequaled resources entitle us. And yet this is the party which William Howard Taft would have the South embrace!

In a recent speech Mr. Taft practically asserted that the people of the South are moved in their political affiliations, not by conviction following the serious study of governmental problems, but by prejudice or sectionalism or tradition, that they think one way and vote another. Mr. Taft was never more widely in error. The people of the South are Democratic because they believe that Democratic principles are best for our common country, regardless of section—for Maine as well as Texas, for Michigan as well as Georgia.

Mr. BATES. Does not the gentleman from Texas think, and does he not admit that as the southern people find the race question eliminated from politics, it is for their advantage to embrace the William Howard Taft policies and the Republican policy of protection, and was not that evidenced in the last campaign by the election of a Republican Congressman in the State of North Carolina to a seat made vacant by the resignation of Governor KITCHIN when the sole question submitted to the voters was the question of a protective tariff, and in the State of North Carolina, in a normally Democratic district, the Republican candidate won on that issue?

Mr. SHEPPARD. How about Democratic candidates who won in northern communities?

Mr. WILSON of Illinois. Never on that issue.

Mr. BATES. Was not that experience duplicated in the State of Missouri, when in a Democratic district a Republican candidate ran on a Republican ticket, spoke on Republican tariff policies, and because of the desire of the people to carry on the zinc industry in that district, because of their interest in the development of that industry and other interests, they elected a Republican candidate solely on the tariff proposition? These were two normal Democratic districts.

Mr. SHEPPARD. I will answer the gentleman. The gentleman inquires if the South will probably not become Republican as the race issue or other issues become less important.

Mr. BATES. Yes.

Mr. SHEPPARD. I want to say to the gentleman from Pennsylvania that the Southern people were, almost without exception, Democratic before the race issue was ever dreamed of and before the civil war was even a remote possibility. There are States in the North that were solidly Democratic before the civil war, but which have been solidly Republican since. Which section has been influenced by war and prejudice?

Mr. BATES. What was the condition of labor in the South prior to the civil war?

Mr. SHEPPARD. It had no influence upon this tariff question.

Mr. BATES. With the emancipation of labor in this country, and the higher rate of wages paid to labor, is there not a steady Republican gain in all the Southern States wherever the Republican doctrines are enunciated and made generally known?

Mr. SHEPPARD. There is not. I will state to the gentleman that certain States in the South were Whig States before the war. Instead of a development toward Republicanism, there has been a steady retrogression from it.

Mr. BURLESON. In that same connection I would state to the gentleman from Pennsylvania that Mr. Taft in 1908 received fewer Republican votes in Texas than Mr. McKinley did in 1896, twelve years prior thereto.

Mr. SHEPPARD. And I want to state further——

Mr. GAINES of Tennessee. I want to state that the gentleman's own State of Pennsylvania voted for Polk and Dallas, and Dallas cast the deciding vote in the Senate that made the tariff act of 1846 possible, under which his State prospered in the mining and coal business.

Mr. BATES. On the cry of "Polk, Dallas, and the tariff of '42," and then the very man who was elected went back on his pledges.

Mr. GAINES of Tennessee. No; he carried out his pledges, and said so at the time he cast his vote.

Mr. SHEPPARD. Let me say again, that the people of the South are Democratic because they believe that Democratic principles are best for the country, regardless of section.

Mr. KAHN. Is it not a fact that Democratic Members of this House have appeared before the Ways and Means Committee, sitting at the present time, listening to tariff discussions, requesting that duties be levied on commodities that are raised in the South?

Mr. SHEPPARD. We have gone over that entire subject, if the gentleman will permit. The same question was asked twenty minutes ago.

Mr. KAHN. I did not happen to be in the House at the time of the gentleman's answer.

Mr. SHEPPARD. Perhaps it was the gentleman's misfortune that he was not here during my entire remarks.

I want to call further attention to this remarkable speech of Mr. Taft. In it he ridiculed the southern people for loyalty to northern Democrats, and at the same time invited them to the support of northern Republicans. Are northern Democrats any the less Americans because they are Democrats?

Do they not support the Government with their treasure and defend it with their blood? Let no man say that the Democracy and the South are not an essential part of this Republic. The hope of free government in this country lies not so much with the seven millions who won at the last election, as with the six millions who lost and accepted the result with true American good will.. [Applause on the Democratic side.] It is a matter of especial pride, let me say while we are on this subject of sectionalism, that the Democratic party can not succeed unless every section of the country is represented in its triumph. The side of this House most typically American is undoubtedly the Democratic side, where Members from Massachusetts and Virginia, from New York and Mississippi, from Illinois and the Carolinas, from every part of the Union, unite to advance the national good. What spectacle could more forcibly appeal to Americans everywhere than that of the famous Union general on this side, joining hands with his former antagonists of the battlefield to restore the landmarks of American liberty, wearing his 74 years like an armor of steel, ISAAC R. SHERWOOD of Ohio. [Loud applause on the Democratic side.]

Mr. BATES. Will the gentleman indulge me with one further question?

Mr. SHEPPARD. Certainly.

Mr. BATES. The gentleman will admit that there has been for some thirty years a solid South, and that in most of those States it would be hopeless to espouse any other ticket than the Democratic ticket. In most congressional elections nomination is equivalent to an election. That has never prevailed in what are called the "Northern" or the "Western" States. Almost every State of the North, East, and West is a debatable State, often electing a Democratic governor and voting for a Republican President on the same day. Was it not the desire of the President-elect, Mr. Taft, that there should be an opportunity

for every man to express his preference and have that preference counted, and have it of some effect in the South as well as in the North?

Mr. SHEPPARD. And that is exactly where Mr. Taft was unjust to the South; there is every opportunity in the South for free speech and untrammeled suffrage. His speech and your remarks here encourage the belief that such is not the case.

Mr. BATES. Does the gentleman mean to say that he indorses a policy which makes the result of an election like a sealed book before the votes are even cast, and that no Republican party need apply——

Mr. SHEPPARD. It is not a sealed book.

Mr. BATES (continuing). And nominate their candidates as if already elected?

Mr. SHEPPARD. We invite you to come South with arguments, and if you can not meet us with arguments you ought not to complain.

Mr. BATES. The manifest desire of President-elect Taft was that there should be an opportunity, at least, for each party to present its candidates and its policy in every State and in every congressional district in this Union, if need be, and allow the people to exercise the right of franchise.

Mr. SHEPPARD. There is such an opportunity, and there has always been such an opportunity, and when the gentleman speaks of a solid South I refer him to the fact that there is practically a solid North.

Mr. BATES. Oh, no. New York and Ohio have had Democratic Senators and governors every decade for the last forty years.

Mr. SHEPPARD. The gentleman's argument establishes nothing so far as national elections are concerned.

Mr. BATES. And for that reason the Northern States are better governed, because there is fair chance for both parties. Even in the great State of Pennsylvania there have been Democratic governors and a treasurer elected several times in the last ten years.

Mr. SHEPPARD. How many times has Pennsylvania gone Democratic in the last forty years?

Mr. BATES. The Democrats have elected two governors in the State in the last twenty years and two or three treasurers. The term of our governors is four years.

Mr. SHEPPARD. You had two Democratic governors in the last forty years?

Mr. BATES. In the last twenty years.

Mr. SHEPPARD. You have had two Democratic governors since the war, and Texas and every other Southern State has had Republican governors since that great contest.

Mr. BATES. We elected them in the last twenty years. California has had three Democratic governors in recent years; Massachusetts also. Almost every Northern State wavers from Republicanism occasionally; but the point I make is that there is a good healthy opposition party in every Northern State and practically none in most of the Southern States. This is what Mr. Taft, in the interest of good government, seeks to have corrected.

Mr. SHEPPARD. There is every opportunity for any political party to express its views, formulate its platforms, and register the votes of its adherents in the South, as much so as in any other part of the country.

Mr. BATES. Minnesota has gone Democratic three times. That is all President-elect Taft desired—that there should be an opportunity presented for the candidates and for the policies of both parties or all parties not only to the people of the South, but to the people of the North as well.

Mr. SHEPPARD. And he did the South an injustice when he stated that there was no such opportunity now.

Mr. BATES. The gentleman must know that in many of the Southern States there is no such opportunity.

Mr. SHEPPARD. That is not the fact.

Mr. BATES. Read the reports of the Congressional Directory and you will see——

Mr. SHEPPARD. I state on my responsibility as a citizen of the country and as a citizen of the South that the gentleman is in error.

Mr. BATES. The gentleman knows that in many of the congressional districts there is no candidate in the opposition and no vote recorded.

Mr. SHEPPARD. For what reason? Not because there is no opportunity.

Mr. BATES. Just for that very fact.

Mr. SHEPPARD. The gentleman persists in doing us serious injustice.

Mr. HARDY. I wish to say that it is a strange position for a gentleman from Pennsylvania, a State that went Democratic before the war, and that has never gone Democratic in a national election since the war, to talk about the solid South.

Mr. SHEPPARD. Exactly; and that is the statement which I made at the beginning, that before the war the South was almost wholly Democratic.

Mr. BATES. Oh, no.

Mr. SHEPPARD. And many Northern States were Democratic.

Mr. BATES. The gentleman said that they were Whig States. Tennessee and Mississippi were Whig States.

Mr. SHEPPARD. I did not say the South was solidly Democratic before the war. I said that almost without exception it was Democratic.

Mr. BATES. I do not wish to do the gentleman or his section any injustice, but I do insist that the manifest desire of the President-elect was that there should be a fair presentation of the issues of the Republican and Democratic parties before all the people of this country, in every State in the Union and every portion of every State in the Union, in the interest of fair play and to enable the people of this country to vote for their best interests, as they believed. He advised this without reference to any party at all or without intimating which party they should espouse.

Mr. SHEPPARD. I say again that entire opportunity exists to-day, and has always existed, for the fair and unprejudiced presentation of issues in the South. My people are as liberal, as tolerant, and as patriotic as any other people in the world.

Mr. BATES. Then there is an improvement over the conditions of twenty or thirty years ago.

Mr. HARDY. Has there been any improvement in Pennsylvania? Is not Pennsylvania a part of the solid North?

Mr. BATES. There is no district in Pennsylvania that does not present opposition candidates, and in many of them the elections are carried by only two to five thousand majority. Several districts alternate between the two parties even on national questions.

Mr. HARDY. Was not Pennsylvania Democratic before the war, and has she ever been since the war?

Mr. BATES. Certainly.

Mr. HARDY. Has she ever elected a Democratic governor?

Mr. BATES. She did in 1900.

Mr. HARDY. Except when there was some local issue of corruption or something of that kind?

Mr. BATES. On national issues I am proud to say that she has always gone Republican.

Mr. HARDY. Is she, therefore, to be blamed on that account?

Mr. BATES. And I wish to say, further, that as long as the people of Pennsylvania retain their good sense, they will vote the Republican ticket on national questions. [Applause on the Republican side.]

Mr. HARDY. Then, do we understand that they had no good sense before the war?

Mr. BATES. They have improved in their attitude on national questions.

Mr. BEALL of Texas. The good sense you refer to is cents in the pocket and not sense in the head, is it not? [Laughter.]

Mr. BATES. Both. They have improved intellectually, morally, and financially. "Go thou and do likewise." [Applause on the Republican side.]

Mr. SHEPPARD. The people of the South will be guided by their convictions, and I desire to emphasize the fact that Mr. Taft did the South a serious injustice when he insinuated that fair opportunity did not exist for the exercise of the suffrage in the South.

Mr. OLLIE M. JAMES. I think the fairness that Mr. Taft was talking about not existing in the South was in the Republican conventions down there. [Laughter on the Democratic side.]

Mr. SHEPPARD. Mr. Chairman, the people of the South are devoted to the Democracy not alone for the soundness of its economic and constitutional tenets. They love the Democracy because it is essentially a national party. I referred a few moments ago to General SHERWOOD; let me say further that his speech in this Congress against the militarism of the Republican party has been quoted with approval by d'Estonnelles de Constant in the Senate of France. Only a short space away from General SHERWOOD sits the Confederate brigadier, the noted GORDON, of Tennessee, and when SHERWOOD and GORDON, veteran heroes of opposing factions in one of the bloodiest conflicts of time, meet under Democratic standards in the American Congress, who will deny that the Democracy is the supreme refuge of a reconciled and devoted people? [Loud applause on the Democratic side.]

Resting on the universal principle of equal rights, the Democratic party is the party of the Nation, the party of brother-

hood. The ambition that illumines its entire career is to make this Government so just, so pure, that it shall say to the humblest toiler in the land, "You shall not build and another inhabit; you shall not plant and another eat." When we contemplate the character and record of the Republican party we can not avoid the conclusion that it is too strongly in the grasp of the interests it has enthroned to provide substantial remedies for the people's ills, to make sincere and adequate revision of the tariff, or to restore our lost supremacy in the commerce of the world. From the beginning of its partnership with protected wealth the Republican party has drifted away from the sympathy and brotherhood that marked the aspirations of Abraham Lincoln. To-day it openly proclaims loyalty to Alexander Hamilton, the disciple of privilege and class rule, the champion of aristocratic tendencies, who regarded the British monarchy as the model system of the world. It would be difficult to conceive of two more contradictory schools of political thought, two ideals of government more antagonistic, than those of Alexander Hamilton and Abraham Lincoln.

Indeed, Lincoln accepted the doctrines of Jefferson, the founder of the Democratic party and the fundamental antagonist of Hamilton. In reply to an invitation from Boston in April, 1859, to attend a celebration in honor of Jefferson's birthday, Lincoln concluded as follows:

> All honor to Jefferson, to the man who in the concrete pressure of a struggle for national independence by a single people had the coolness, forecast, and capacity to introduce into a merely revolutionary document an abstract truth, applicable to all men and all times, and so to embalm it there that to-day and in all coming days it shall be a rebuke and a stumbling block to the very harbingers of reappearing tyranny and oppression.

Sublimer tribute never fell from human lips. [Applause.] Such was Lincoln's estimate of the man whom Roosevelt ridicules and DALZELL decries. I can not find that Lincoln cared enough for Hamilton's political views to attempt a single public analysis of them. It is not possible that Alexander Hamilton and Abraham Lincoln could be the founders of the same political party. Hamilton was for the class; Lincoln for the mass. As the Republican party becomes more and more the party of Alexander Hamilton it becomes less and less the party of Abraham Lincoln. If the notable speech of last February by the gentleman from Pennsylvania [Mr. DALZELL], the most ingenious defense of the Republican party delivered in recent years, establishes anything, it establishes the fact that Hamilton is regarded by the Republican party as its doctrinal founder.

Through its alliance with privilege, the Republican party now reflects the principles of Hamilton; purified by fifty years of heroic struggle, the Democratic party to-day embodies the teachings of Jefferson, whose ideals were the ideals of Lincoln. Our leader in three national contests, reflecting these ideals in life and thought and speech, representing the purest type of American manhood, is greater in defeat than the Titan of the golf links in victory. [Laughter and applause on the Democratic side.] His is a higher place in history than official honors can ever bestow. And, oh, sir, when the American people shall lift the party of brotherhood above the party of dollarhood, the party of equality above the party of privilege, the party of progressive trade relations above the party of restriction, the party of economy above the party of extravagance, the party of local self-government above the party of centralization, the party of the Nation above the party of a section, then, and not till then, shall we witness the rebirth of this Republic on a basis as broad as human patriotism, as deep as human love, the reconsecration of 85,000,000 American citizens to the doctrines that established liberty, the return to original paths and principles of that rejoicing host whose arms shall rise in mighty unison to "break the jaws of the wicked, and from between his teeth to take away the prey." [Loud and prolonged applause on the Democratic side.]

Mr. RUSSELL of Missouri. Mr. Chairman, the impression prevails that this Congress will not pass any appropriation bill for the improvement of rivers and harbors, and, if true, I desire here and now to record my emphatic protest against such a policy.

We are advised or led to infer that the revenues of the Government are at this time not sufficient to justify this expenditure. I admit that the country is to-day confronted by an annual deficit of perhaps $140,000,000, due to the unparalleled extravagance of this Congress; but it is most unfortunate for the district that I represent, and I believe for the general good of the whole country, that the necessity for economy in the expenditures of the public money should be discovered just in time to defeat or to defer action upon a bill for the improvement of our waterways.

It may seem presumptuous and even unbecoming in me as a new Member, and one with a brief tenure of office, to attempt to criticise the actions of this Congress, and it is not my purpose to do so in an unfriendly or a disrespectful way, but I represent one of the largest and most populous districts represented in this House, and one that is deeply interested in the question of river improvements, and I can not be true to my own convictions, nor faithful to the interests of my constituents, without expressing upon this floor my disapproval of the indefinite postponement of such legislation, especially in view of the fact that this Congress, as I understand, bases such action upon insufficient revenues, which was brought about by its own extravagance.

This Congress has appropriated, or will appropriate, for other purposes more than two thousand million dollars, which is far in excess of the appropriations of any preceding Congress in the history of the country, and of this enormous expenditure I beg to remind you that over eight hundred million is, or will be, for the support of the military arm of the Government.

No one with the same power and opportunity will go further than I in upholding the honor of our country, nor in providing the necessary means for its defense, whenever its integrity as a nation is assailed or the safety of its citizens is imperiled by foreign foes; but I love more the paths of peace, with their benevolence and achievements, than I do the bloody battlefields of war, with their brutality and sacrifice of human lives. We are now at peace with all the world, for which let God be praised, and for my part I hope, with some confidence of its fruition, that the time will soon come when all the disputes between civilized nations will be amicably adjusted by a court of international arbitration, or other civil methods, instead of by the arbitrament of the sword. I have but little sympathy with the oft-repeated quotation made by those who favor extravagant appropriations for increased battle ships or large standing armies, "In time of peace prepare for war." It would be more in harmony with my own feelings and ambitions and more in keeping with our advancing civilization and the Christian spirit of the age to say, "In time of war prepare for peace."

More than 200 miles of the district that I represent borders upon the Mississippi River, and within the interior of that district is found the St. Francis River, Black River, Current River, and Little River, all navigable in law, and with proper protection and improvement by the Government would be navigable in fact, and the benefits enjoyed by the fertile sections through which they run and the benefits contributed to the commerce of the country would be far in excess of the necessary expenditure.

The construction of the Panama Canal, which we are promised will be completed within six years, makes the improvement of the Mississippi River and its tributaries of more vital importance to the country than ever before. About 65 per cent of our exports to foreign lands, averaged for the last eighteen years, have been the products of the farm, and about two-thirds of this, as nearly as can be ascertained, were produced in the Mississippi Valley. That fertile section has sometimes been called "the granary of the world." The farmers of that valley produce annually a large surplus of cotton and grain that are required to feed and clothe the inhabitants of the other parts of the world, and next in importance to the producing of these commodities is the facilities for transporting them to the place of consumption. Water transportation is the cheapest known to our commercial life, and the cheapest railroad rates known to shippers are between water competing points.

For these reasons I favor a complete and a comprehensive plan of improved waterways navigation, including a deep channel from the Lakes to the Gulf, if feasible, and I understand the government engineers have so decided. I hope that many of my constituents will live to see the day that their cotton, corn, and wheat, and other products of the soil, will be loaded along our own borders in vessels destined without change to all the ports of the civilized world.

To me it sometimes seems that the action of the Government toward its navigable rivers is not consistent. In the district that I now have the honor to represent are a number of rivers that are in law navigable, but which have been so neglected by the Government that navigation upon them has been very much impeded, and in many cases practically suspended; among them the St. Francis River, upon which I recently traveled more than 100 miles within my own district by steamboat, on a tour of inspection with a board of commissioners appointed by the governor of the State of Missouri. I made this personal tour of inspection at the suggestion of the distinguished chairman of the Rivers and Harbors Committee [Mr. BURTON], for whom I have the highest regard. I at that time hoped to report the facts to the committee over which he presides at this session of Congress in support of a bill introduced by me, asking for an appropriation for the improvement of that river; but, as I now understand there will probably

be no river bill reported or passed at this session of Congress, my efforts in that matter will, I fear, be of no avail.

This river, with an expenditure of a very reasonable sum of money, could be cleaned out and its channel improved so as to be made navigable at nearly all seasons of the year, thereby furnishing a much-needed means of transportation for a large and fertile territory. The Government will not permit the construction of bridges across that river by individuals or corporations without its express sanction, on the ground that it would be an obstruction and an interference with navigation; still it was practically abandoned in the last Congress, when that district was represented by my predecessor, Mr. Tyndall, by incorporating in the rivers and harbors bill a section discontinuing all appropriations for that river in Missouri and repealing all laws providing for its improvement.

At the last session of this Congress, at the urgent request of my constituents living along and near the James River, I succeeded in getting passed by this House a bill authorizing the construction of a dam in that river so as to utilize the water power, to the great advantage of that locality in developing its latent resources and adding to its wealth. A short time thereafter the President, by special message to Congress, announced that he was opposed to that character of legislation, and indicated that he would not give his approval to any bills of that sort without they expressly reserved the right of the Government to tax the use of the water power. His opposition delayed the consideration and passage of that bill in the Senate, but it passed that body two days ago and is now in the hands of the President. I hope and believe that when he fully understands all of the facts in connection with that river that he will give this bill his approval. James River is wholly within the State of Missouri; not a drop of water flows through that stream that does not come from the districts represented by my colleague, Mr. HAMLIN, and myself. It is a rapidly running mountain stream and is not navigable, except to float downstream at certain seasons of the year, which may be done with great rapidity.

The Government never did expend a cent upon this river, and it is safe to say it never will, and hence I do not particularly appreciate its deep concern over its welfare or its disposition to control the use of its water. In my opinion it should belong to the abutting landowners or be controlled by the State.

The appropriations heretofore made by Congress for the Mississippi, from the mouth of the Missouri to the mouth of the Ohio, have not been commensurate with the necessities of that important stretch of the river. It has been urged as a reason for reducing the appropriations for that part of the river that the tonnage transported over it has grown less. The same character of reasoning would forbid the administering of remedies to an afflicted man who by reason of disease is unable to render full service. If the channel of that river were improved, and its capacity for navigation thereby increased, the freight tonnage over it would also be largely increased.

It is something like the story of the Dutchman's wife, who was sick and placed in a hospital. The Dutchman called on Monday morning to inquire of her condition, and was informed that she was improving, and again on Tuesday morning and Wednesday morning, and on all occasions was informed that she was improving, but when upon inquiry on Thursday morning he was informed that she was dead he went over to the nearest saloon to "drown his sorrow in the cup." Inviting his friends about him to drink with him, he said, "My vife is dead." They asked him the trouble, and he said, "My vife tied of imbrovements." [Laughter.]

The appropriations for the Mississippi River from St. Louis to Cairo have been so meager and inadequate that, almost like the Dutchman's wife, it has died of improvements.

Since a Member of Congress, at the request of constituents deeply interested in that part of the river, I have urged upon the proper authorities the importance of improvements for the protection of caving banks, and to prevent the destruction of levees, and threatened cut-offs, all of which would be for the better maintenance of the channel and the protection of navigation. The reply has invariably been that the work was badly needed, but that there was insufficient funds, or no funds, available for that purpose. Within the last year serious damages have been done, and greater damages are now threatened, by caving banks, not only to private property but to public levees, and to state and interstate commerce. At Prices Landing, where about $30,000 was expended a few years ago in revetment, with splendid effect, and with great benefit, it is now being destroyed by reason of caving banks around and behind either end of the improvement, which could be protected with a small expenditure.

At Birds Point, where great quantities of interstate freight has been handled by means of transfer boats, the terminus of two railroads—the Iron Mountain and Cotton Belt—about 20 acres of land has gone into the river within the last eight months. The inclines, depot grounds, terminal yards, and tracks of both railroads have been destroyed, and a great part of the town washed away. The public has suffered great inconvenience by the interference with the ordinary means of travel, and the United States mails and interstate commerce have been greatly interrupted and delayed. The damages sustained by the Iron Mountain Railroad alone at that place has been $125,000, as the following letter from Mr. C. S. Clark, vice-president of that company, will show:

ST. LOUIS, *December 9, 1908.*

Hon. J. J. RUSSELL,
Washington, D. C.

DEAR SIR: Your letter of the 1st instant, addressed to our superintendent, has been referred to me.

Our company is interested to the same extent as other property owners in preventing further erosion, and the consequent damage resulting therefrom, at Birds Point, and is ready and willing to join the other property owners and interests affected in taking whatever steps may appear to be desirable or necessary to secure government aid.

Our facilities at Birds Point have practically been destroyed, entailing a loss to our company of over $125,000, and we have been forced to make our transfers from another point, which involves a delay of approximately one day to interstate freight handled.

I trust that the meeting at Washington may be attended with favorable results, and desire to thank you for the interest which you have manifested.

Yours, truly,

C. S. CLARKE,
Vice-President St. L., I. M. & S. Ry.

When, at my request, last summer the government engineers made a tour of inspection of that part of the river, they called the attention of the Representative of the Cairo district in this House, Mr. THISTLEWOOD, and myself, to a threatened cut-off through what is known as Big Lake Bayou. The engineers all agreed that this was a grave problem and that such a result would not only very seriously affect the channel of the river and its navigation by greatly shortening the river and increasing the current, but by turning the mouth of the cut-off directly opposite and fronting the Illinois banks at Cairo with increased velocity and force the current would be a serious menace to that growing and important commercial center.

At the cities of New Madrid and Caruthersville the Government a few years ago did some very necessary and useful work in protecting the river banks of these important commercial cities, but I am advised that further work is now necessary for additional protection and to save from destruction or damage the work already done. Upon that point I ask to read the following letter from the mayor of New Madrid, Mo., Doctor O'Bannon:

NEW MADRID, MO., *December 24, 1908.*

Hon. J. J. RUSSELL,
Washington, D. C.

DEAR MR. RUSSELL: Your favor of the 24th instant received.

The work already done needs protection—that is, the top of the bank needs to be rocked, as the high water during strong winds cuts away that part of the bank above the point reached by the rock.

The bank just above the revetment, or where rocks stop, and just below the mouth of the St. Johns Bayou, is caving, and will, we fear, in time cut in behind the rock, thereby seriously endangering the whole of the work already done. The cause of this bank caving at this point is on account of the current of the river from the Kentucky point striking at this point.

My judgment is that what is most needed at this time is this additional work, for, as above stated, this caving endangers the work already done.

Yours, very truly,

WELTON O'BANNON,
Mayor of the City of New Madrid.

I have importuned the Mississippi River Commission for relief against these erosions, actual and threatened, and while the necessity is not questioned, the reply, as usual, is "no available funds." I ask to have read and included as a part of my remarks a part of a letter from Colonel Bixby, the president of the Mississippi River Commission:

ST. LOUIS, MO., *November 30, 1908.*

Hon. J. J. RUSSELL,
Charleston, Mo.

DEAR SIR: Yours of November 20 is duly at hand, regarding the work which you think is desirable in the St. Francis basin from Cape Girardeau down to Cairo.

The work between Big Bayou and Thompsons Landing can not properly come under the Mississippi River Commission, but must be handled by my river and harbor district (formerly under Lieutenant-Colonel Casey), which has the Mississippi River from the mouth of the Missouri to the mouth of the Ohio, for the reason that the levee systems which the Mississippi River Commission can control from Cairo up to Cape Girardeau, as it would be located by the commission, must necessarily disregard the land in any loop such as that at Thompsons Point and must go back from the river far enough to get entirely back of Big Lake and entirely back of all the other bayous and sloughs between Cairo and Commerce.

The St. Louis river and harbor district, controlling the Mississippi River from the Missouri to the Ohio, might possibly consider the protection of Thompsons Point in order to prevent a cut-off; but its funds are so limited by the recent acts of Congress that it can only spend a few thousand dollars a year on bank protection and cut-off protection, and the small amount left for bank work at the end of the season is nowhere near enough to maintain existing works, so that any existing appropriations for the Mississippi River between St. Louis and Cairo must go into other work than bank work down at Thompsons Point.

and I can do nothing in this direction until Congress makes special appropriations for this particular locality.

Possibly you can help on such work by getting the next Congress to insert in its river and harbor bill a special provision for an "examination of the Mississippi River from Philadelphia Point to Greenfield Landing, with a view to preventing a cut-off into Big Lake or across Thompsons Point," adding any other feature of the work which you think necessary. This will have to be special work, all by itself, and will require special mention in the last paragraph (that for examination and surveys) in the next river and harbor bill. I think you will have no great difficulty in having such provision inserted in that paragraph. But the examination can not be made and reported before the present Congress adjourns, and so, even with a favorable report, you could not get any actual appropriation before the session of 1909–10. Yet this is about all you can do under the present practice of Congress and of its River and Harbor Committee.

The Mississippi River Commission in its last annual report recommended $3,000,000 for its use in 1909, and the present prospects are that this will be cut down in Washington to $2,000,000. If so, your neighborhood will stand little chance of getting any work done in 1909. Your chances would be far better if you could persuade Congress to add the extra $1,000,000 recommended by the commission; but this will require a special item to that effect in the river and harbor bill of this session.

Regretting that other urgent work has delayed my answer,

Very truly, yours,

W. H. BIXBY,
Colonel, Corps of Engineers, United States Army;
President Mississippi River Commission;
Also Officer in Charge River and Harbor District,
Mouth of Missouri to Mouth of Ohio.

If these improvements are such as are proper for the Government to make—and about that there seems to be no dispute—then I submit that they should be made promptly, not only as a protection to private property, but for the protection of the navigation of the river and the commerce of the country. I know that there are those who hold that the General Government can not properly appropriate money to prevent the caving of banks when nothing is involved but the loss of private property, but I insist that if the Government has the power to spend its money to dig dirt out of the river to improve the channel, it has the right to spend money to prevent dirt from falling into the river that will fill up the channel.

I do not assume to be in any sense an expert upon this question, but I do venture to give it as my own opinion that the only way to open and successfully and permanently maintain at a reasonable expense a 14-foot channel from St. Louis to the Gulf will be to stop the caving in of acres of land, by revetment or other permanent structures.

It has been the hope of all the people of my section that this Congress would appropriate the money necessary to enable the proper authorities to enter upon the prosecution of a comprehensive plan for the improvement of the Mississippi River and its tributaries. The importance of these waterways have in the recent past been better understood and more appreciated than formerly.

The proposition of river improvement is to-day favored by all political parties and the majority of leaders among public men. At the Deep Waterways convention, in Chicago, a few weeks before the late presidential election, I heard both of the candidates of the two leading political parties in that contest—Mr. Taft, now President-elect, and Mr. Bryan—express favorable opinions of the justice and importance of such improvements.

The platforms of both the Republican and Democratic parties also strongly favored the improvement of our waterways. I read the following extract from the Republican platform:

In the line of this splendid undertaking is the future duty equally imperative to enter upon a systematic improvement upon a large and comprehensive plan, just to all persons of the country, of the waterways, harbors, and Great Lakes, whose natural adaptability to the increasing traffic of the land is one of the greatest gifts of benign Providence.

The Democratic platform, from which I also read an extract, was even stronger and more insistent, as follows:

Water furnishes the cheaper means of transportation, and the National Government, having the control of navigable waters, should improve them to their fullest capacity. We earnestly favor the immediate adoption of a liberal and comprehensive plan for improving every water course in the Union which is justified by the needs of commerce, and to secure that end we favor, when practicable, the connection of the Great Lakes with the navigable rivers and with the Gulf through the Mississippi River.

The trip of President Roosevelt down the Mississippi River in October, 1907, we hoped would give new impetus to the cause of river transportation and river improvements. This great flotilla of 18 boats, parading from St. Louis to Memphis in orderly procession, was the most imposing spectacle ever witnessed in the history of Mississippi River navigation. The President, in one of his speeches on that trip, spoke of our inland waterways as one of the greatest assets of the nation, and expressed the opinion that they should be well and promptly improved. Since that time he has frequently urged Congress, by his messages, to provide at once for their improvement, and in his message at the opening of this Congress he said:

Action should be begun forthwith during the present session of Congress for the improvement of our inland waterways, action which will result in giving us not only navigable but navigated rivers.

Mr. Chairman, my constituents are deeply interested and deeply concerned in the matter of the improvement of these rivers, and as they are annually producing a large surplus of cotton and grain, desired for food and raiment by others, they, too, as consumers, are interested in facilitating the means of distribution. Facility of transportation stimulates production, and increased production promotes the welfare of mankind and adds to the wealth of the world.

In behalf of my constituents and the great army of industrious farmers and producers of the Mississippi Valley, and for the good of the whole people and the commerce of the country, I respectfully urge this Congress to give prompt and favorable consideration to this vital question—the immediate and adequate improvement of our internal waterways. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose, and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 13649. An act providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7721. An act for payment to Robert B. Whitacre and Frederick T. Hildred the sum of $944.97 for blasting powder used by the United States Government to complete the Belle Fourche irrigation project;

S. 6586. An act to correct the military record of Charles J. Smith;

S. 1197. An act setting apart a tract of land to be used as a cemetery by the Independent Order of Odd Fellows of Central City, Colo.; and

S. 556. An act to amend an act entitled "An act to amend an act entitled 'An act to amend section 2455 of the Revised Statutes of the United States,' approved February 26, 1895," approved June 27, 1906.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 6418) authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

Mr. GARDNER of Massachusetts. Mr. Chairman, the gentleman from Pennsylvania [Mr. OLMSTED] this morning devoted some time to the enumeration of the various benefits which have accrued to this House under the Reed rules. So far as I know, no one to-day denies the beneficial results consequent on the abolition of the untrammeled obstruction which previously was so common. The gentleman pointed out to us that those great reforms were instituted in order to prevent that obstruction, and, furthermore, that under the Reed rules the order of business was completely changed. I myself believe that the Reed reforms were beneficial in almost every way; but when the gentleman from Pennsylvania says that the rules of the Fifty-first Congress, the Reed rules, are the rules of this Congress to-day, he is utterly and entirely mistaken. The rules of this House are not alone those 45 sections which we see in the manual. The decisions of this House and of its Speakers also go to make up our body of parliamentary law. Since the time of the adoption of the Reed rules the decisions of the Speaker have modified our parliamentary law to a degree that the Members do not appreciate.

I called the attention of the House this morning to the fact that under the Reed rules any committee had a right to move to suspend the rules and by a majority vote—not a two-thirds vote—set a day for the consideration of any measure which they chose. I could see that the gentleman from Pennsylvania was saying to himself:

Yes, if the Speaker admitted the motion; but not otherwise.

I grant that that is true, but, nevertheless, at the time the Reed rules were adopted Members believed that a privilege was conferred on committees in permitting them, by a majority instead of by a two-thirds vote, to secure a day for action. I wish to read to the Chair and to the Members from the book which I hold in my hand. It contains a discussion of the reasons for the adoption of the Reed rules. Listen to this:

Rule XXVIII, relating to suspension of rules, is so modified that the House, at the request of a committee, may, by a majority vote, set down a bill for action of the House.

Mr. Chairman, such was the explanation given for the change in Rule XXVIII. Surely at the time Members were justified

in supposing that the privilege accorded was real and not imaginary. I am perfectly aware that many of you might say:

Why, on the floor of this House Members often make explanations which later are found to be illusory.

Any Member may arise and interpret a rule incorrectly, it is true, but that which I read you was no unauthorized comment. That statement was made in the report of the member of the Committee on Rules who reported the Reed rules to the House, the Representative from Danville, Ill. Valuable or not, the privilege I have just been discussing has been dropped from our code.

Now, as to this question of the rules being changed by decisions. Speaker Reed, unless I am very much mistaken, invariably held, when the Committee on Rules reported a rule to the House, that after the previous question was ordered it was then in order to move to recommit with instructions. Just think of the value of that power which the House had under the Reed rules while Mr. Reed was the Speaker. We have it no longer. It is not the rule of the House to-day. Mr. *Speaker Henderson* discarded the Reed ruling, and he has been followed by the present Speaker. It is no longer possible to recommit with instructions of any sort after the previous question has been ordered on a report from the Committee on Rules. Perhaps some one will say: "But if you have the majority vote to recommit, you have also the majority vote to refuse the previous question." Oh, no, Mr. Chairman; Members may vote the previous question up or down without leaving a legible trace on their records. The significance of that motion does not appear on the surface. The ordinary citizen does not understand its effect. On the other hand, if a Member votes down a motion to recommit with definite instructions, the fact stands in his record. He must explain it, if he can.

I have just shown you one example, perhaps the most important, of the way in which the hands of the Speaker and of the Committee on Rules have been strengthened since the days of Speaker Reed. Now, I will show you another. It was held in the beginning of the Fifty-ninth Congress, and again in the first session of this Congress, that the motion to suspend the rules and pass a bill is not divisible. Yet the rules say distinctly that any Member may demand the division of a question if, when that question is divided, a substantive proposition remains. That would be a very valuable privilege, if we only had it. So far as I know—although I have heard it stated to the contrary—the decisions of this question in this Congress and in the last rest on nothing better than some doubtful rulings about forty years old; decisions, by the way, which only considered whether or not it was in order to demand the division of the propositions presented, not whether the motion itself was separable.

Since the adopting of the Reed rules, if I am not mistaken, the functions of the Committee on Rules have been widely extended, while the committee itself has been further protected by the adoption of a clause which now appears at the end of paragraph 61, Rule XI.

The examination of all the precedents presents such a stupendous task that I hesitate to state for a certainty that which I believe to be a fact, namely, that only very recently has the Committee on Rules held it to be within their province to report a rule making an amendment in order which, under the rules and practice of the House, is clearly out of order. With the same hesitation I state it as my belief that Speaker Reed would have declined to admit, under suspension of the rules, any order making it possible on a future day, not a suspension day, to suspend the rules in order to attain some particular purpose.

I believe it is an entirely new practice for a Speaker to hold that the question of consideration may be dilatory, although a decision to that effect is noted in the Digest as having been made in the Fifty-third Congress. I think the citation is incorrect. Perhaps I should not criticise this decision, however, as I am afraid that in my ignorance I have voted to sustain it.

It is useless to go further in citing changes in the Reed rules wrought by decisions. I think I have said enough to throw some doubt on the correctness of the view that we are now acting substantially under those rules.

Now, a word about the growth of the practice of moving the previous question. Again and again we are told that no man should speak to the House without its consent, and that the previous question is a beneficent motion to stop debate. Formerly that motion was adopted for the purpose of curtailing debate, and in England to-day on the rare occasions when the speaker entertains it, such is its purpose. In this House, however, nowadays the chief function of the motion is to prevent awkward amendments.

Formerly the theory was that a special report from the Committee on Rules was introduced in order to facilitate the discussion of a measure. To-day over and over again a report from the Committee on Rules is—I do not say intentionally—so framed as to limit debate on a measure of great importance and, what is still more undesirable, to limit amendment.

I come now to the question of catching the Speaker's eye.

Mr. KEIFER. Before passing from that, I understand your criticism is upon the House, which constituted the Committee on Rules, in limiting debate. Is that objectionable, or is that to be avoided?

Mr. GARDNER of Massachusetts. Mr. Chairman, it certainly is to be avoided, and it certainly is objectionable that a rule should be adopted limiting to three hours the consideration of a great measure like the bill to reorganize the whole immigration laws of the United States, to say nothing of the fact that the rule in question permitted amendment and debate on only 2 of the 41 sections of the bill.

Mr. KEIFER. Will the gentleman allow me, then, to suggest the lecture ought to be delivered to the Members of the House in not voting to lengthen debate and not a protest against the rules or the Speaker.

Mr. OLMSTED. May I interrupt the gentleman?

Mr. GARDNER of Massachusetts. Certainly.

Mr. OLMSTED. Did not the gentleman himself yesterday introduce a resolution changing the rules so as to permit the previous question in the Committee of the Whole House?

Mr. GARDNER of Massachusetts. He did.

Mr. OLMSTED. After forty minutes' debate.

Mr. GARDNER of Massachusetts. He introduced a rule that will compel this House to stay in session at certain times, just as the House of Commons of Great Britain is forced to do.

Mr. OLMSTED. Whether it wants to or not?

Mr. GARDNER of Massachusetts. Yes; just exactly so.

Mr. OLMSTED. I simply want to ask whether your resolution in regard to the previous question would not apply to that immigration bill after forty' minutes debate?

Mr. GARDNER of Massachusetts. I did not catch the question.

Mr. OLMSTED. Would not this rule you proposed, if adopted, authorize the previous question to be called in the Committee of the Whole House, or in the whole House, on the immigration bill of which you have spoken after forty minutes of debate?

Mr. GARDNER of Massachusetts. Only once a week.

Mr. OLMSTED. Well, whenever it comes up.

Mr. GARDNER of Massachusetts. Not if it came up under the rule——

Mr. OLMSTED. But when it did come up.

Mr. GARDNER of Massachusetts. Only once a week.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. GARDNER of Massachusetts. The gentleman will yield for as many questions as he can have time to answer.

Mr. MADDEN. Does the gentleman contend that the Committee on Rules could bring in any rule which would be enforceable unless approved by a majority of the Members of the House?

Mr. GARDNER of Massachusetts. No; he does not; but it has always been held in legislative bodies that propositions shall not be presented in such a form that Members must choose between two evils and take the lesser, but that the Chamber shall have the right to amend a measure in any way it sees fit. In that way, and in that way only, may measures be reduced to suitable shape. Such is the whole essence of the doctrine of amendment.

Mr. MADDEN. Would not a majority of the membership of the House have the right to repudiate a rule recommended by the Committee on Rules?

Mr. GARDNER of Massachusetts. A majority of the House would undoubtedly have the right to repudiate it; but they might not wish to repudiate, whereas, if the opportunity arose, they might amend it. I am not aware that I have said anything that would lead any gentleman to think anything to the contrary.

Mr. MADDEN. I understood the gentleman to say the Committee on Rules forced the House to act.

Mr. GARDNER of Massachusetts. The gentleman from Massachusetts said that in modern practice the Committee on Rules forces the House to act without reasonable opportunity for amendment on a proposition which it presents and on which it asks for an answer, yes or no. Under Speaker Reed's rulings it was in order for the House to move to recommit, with instructions, a report from the Committee on Rules even after the previous question was ordered. In that way Members might be put on record before their constituents. To be sure, you may say that if the House wishes to amend a report from the Committee on Rules the previous question may be voted down. But how can the House tell whether it wishes to

amend or not until it has heard an amendment suggested? Debate is allowed for less than an hour, and the entire control of the time rests with the Committee on Rules. The Reed rules were adopted in no such fashion. Each rule was voted on separately, and full opportunity for amendment was accorded.

Now, a word with regard to the eye of the Speaker. I quite agree that there has been a great deal of loose criticism with regard to this matter. I have never, so far as I can remember, been to the Speaker and asked for leave to move to suspend the rules.

I have, however, asked to be recognized for unanimous consent. Formerly I inclined to the belief that the Speaker has the same right to deny unanimous consent as has any other Member of the House. I do not to-day feel so sure of the fact. Unquestionably he has the right to deny unanimous consent if he stands in his place and says so. I do not think that any Member or group of Members who are anxious to deny unanimous consent, but do not wish to arise and say so, should be protected by the Speaker. Certainly they should not be protected in such a way that the fact does not appear in the RECORD. In the Journal I believe that the name of the Member objecting need not appear; but such is not necessarily the case in the RECORD.

I am perfectly in accord with those gentlemen who say that there will be unlimited confusion if you try to take from the Speaker the right of recognition, or if, as was the old plan, an appeal were admitted on the question of recognition. I have never known the present Speaker to deny me the right to recognition, provided I had a privileged motion to present. No Member should for an instant submit without the strongest protest, if recognition is denied him when he wishes to offer a privileged matter or a motion accorded precedence under the rules.

I have never undertaken to go to the Speaker and ask him for recognition under such circumstances, nor need anyone else do so. I have first ascertained whether I had or had not a superior right to anyone else who might claim recognition, and I have always found that the Speaker would recognize me or deny me recognition in accordance with the practice of this House, if not in accordance with the theory of parliamentary law. With regard to all those motions for which more than one man has an equal right to recognition, no system, in my opinion, can be devised which will with propriety take from the Speaker the power of deciding between the claimants.

Now, as to the motion to suspend the rules. In that regard the right of the Speaker to deny recognition is based on a long series of rulings. There is no time under the rules as they stand when it is unqualifiedly in order to move to suspend the rules—not one single moment. We are always faced with an order of business, and nowhere in that order of business can be found authority for such a motion. By implication it is held that the Speaker *may* entertain the motion at certain times; but the rules are silent on this point beyond forbidding him, except on Monday and during the last six days of the session, to entertain a motion to suspend the rules. So it is held that at the times just specified he may entertain the motion if he see fit.

Personally, I believe the practice regarding suspension has been unjust for nearly a quarter of a century. I do not believe that such an opportunity for discrimination between measures should be given to any Speaker. Yet, under Speaker Carlisle and Speaker Randall, and under every recent Speaker, including, no doubt, the honorable gentleman from Ohio [Mr. KEIFER], it has always been held that the rules give no man the right to make a motion to suspend the rules, and that therefore it is optional on Mondays and on the last six days of the session whether or not the Speaker shall entertain the motion. While I believe that this rule ought to be entirely changed, for the reason that it is unequal and gives the Speaker too much power, yet I am not one of those who think that he does not lawfully possess the power of discrimination at the present speaking.

Mr. KEIFER. On that point, if the gentleman will allow me—and I am not controverting his proposition—I want to state that formerly motions to suspend the rules were made by Members in the order in which they got on the list that was kept by the Speaker's clerk; and when he made the motion, he made a motion to suspend the rules on any bill or matter that he saw fit, and it was not a question of disclosing in advance what his motion was to relate to.

Mr. GARDNER of Massachusetts. Precisely. I am very glad that the gentleman called the attention of the Members to that fact. With regard to the opportunity for debate, I have never heard any serious criticism to the effect that there is not plenty of time allowed. I have, however, often heard the criticism that sufficient time for debate is not allowed *except on matters not before the House.* I know there is plenty of time to debate any question that is not before the House, but the difficulty is to get time to debate contentious matters at a time when debate will count.

Of those who defend the present rules of the House there are two groups of men. One group absolutely denies that the Speaker has the autocratic power which I maintain that he possesses, and the other group holds that, as the chosen representative of the majority party, he ought to be clothed with power, and that it is quite just and proper that he should exercise it. Inasmuch as the gentleman from Pennsylvania [Mr. OLMSTED] has taken the position that the Speaker, as a matter of fact, is not clothed with autocratic power, I shall discuss this question in opposition to that contention. I shall not only try to show that the Speaker possesses autocratic power, but I shall also point out the particular rules, decisions, and practices under which he is empowered to exercise it.

Generally speaking, I believe that this power arises out of the Speaker's great control over the order of business, a control so complete that he can leave any highly contentious measure pending on the calendar at the time of adjournment.

Every Member of this House knows how a bill is introduced. Every Member knows how it is left to a committee. Every Member knows how it comes out of committee and goes to the calendar, there to await its turn for consideration, if, perchance, that turn ever comes. But not all Members of the House clearly understand the part that privileged legislation plays in blocking the way to attempts to get any given bill off the calendar. When I say "any given bill," I mean any given contentious bill, on which a considerable number, if not a majority, of the Members do not wish to go on record.

There are two principal rules of this House which give privilege to legislative proposals. The first rule is contained in clause 61 of Rule XI and the other in clause 9 of Rule XVI. Certain classes of business are privileged under Rule XI, while appropriation bills and revenue bills are given higher privilege under Rule XVI.

In an attempt to elucidate this complicated matter of privilege I shall speak of conditions as they have obtained in the last six years. Conditions have been somewhat different this session. The calendar has been surprisingly easy of access, for the very good reason that there is not now nor has there been on the calendar a single bill of such an awkward nature as to make its consideration embarrassing to any of us. The present state of affairs is by no means normal, and for that reason I shall depict the state of affairs which has prevailed during the six previous years of my membership in this body.

The rule of daily procedure provides that when the sixth order of business is reached there shall be a call of the calendar, and that at the end of another hour the seventh order of business may be reached on a motion to go into the Committee of the Whole House to consider unprivileged matters. Until this session, I have never except once known that seventh order of business to be reached. On that single occasion a certain agricultural bill, brought in by Mr. Adams of Wisconsin, was considered and passed, but most of the time for debate was occupied with the discussion of an entirely different subject. The reason why awkward measures on the calendar can not be reached is this: All important, highly contentious bills, bills that Members strongly favor or oppose, can easily be delayed in committee. Even if I am a minority of only one in the committee, I can ask for hearings on a bill, or I may employ other legitimate methods of delay, with the result that the session is far advanced before that bill comes out of committee and takes its place on the calendar. Meanwhile many a privileged matter has been reported, and the calendar is already choked with unimportant or unopposed bills which enjoy no privilege.

General appropriation bills, too, are fast coming in. There are a dozen of them at every session, and they take up an infinite amount of time, what with general debate and also with debate and amendment under the five-minute rule. While one appropriation bill is being discussed there is generally another ready to claim the next chance for consideration, and thus a procession of privileged bills results in the shutting out of all opportunity to reach unprivileged matters. Once in a while, at the end of a session—for instance, at the end of the first session of the last Congress—when all appropriations have been dealt with, when we are waiting for the Senate to act or waiting for the completion of the work of engrossment, a time comes when it would seem to be appropriate to go to the calendar for some of this unprivileged business patiently awaiting our attention.

What happened when this situation presented itself in 1906? There was then on the calendar an unimportant bill with regard to custom-houses. It had nothing to do with the raising of revenue; but under an old decision it was clothed with privilege, and so it served its purpose. It was taken off the calendar and all the spare time remaining was exhausted in general debate upon that bill.

Mr. OLMSTED. Will the gentleman allow me to interrupt him?

Mr. GARDNER of Massachusetts. Always.

Mr. OLMSTED. Would it not have been in order for the gentleman from Massachusetts, if he desired, to say to the Speaker, "I raise the question of consideration." Whereupon the Speaker would have said, "The question is, Will the House consider the bill?" and then the House consider it, or go to the calendar.

Mr. GARDNER of Massachusetts. Precisely. I am coming to that later. Naturally, I had anticipated that some one would point out the possibility of raising the question of consideration.

So far as I know, there was no attempt made to pass that bill either then or since—no real attempt, I mean. I am not absolutely certain of the fact, for, unfortunately, I was not here in the last part of the last session, but a hasty inspection of the Journal leads me to suppose that I am correct. The only purpose which was served in calling that bill from the calendar at that particular time at the end of the session, if I am not mistaken, was that of providing a "blocking" measure.

Now I come to the difficulty just raised by the gentleman from Pennsylvania: First, I should like to ask him whether the matter which he filed this morning at the end of his address was an article on the rules prepared by Mr. Asher C. Hinds, and published in part in various papers about a month ago?

Mr. OLMSTED. The same one.

Mr. GARDNER of Massachusetts. Mr. Chairman, Mr. Hinds was kind enough to give me a complete copy of that article. As it has now become a matter of record, I can best meet the difficulties of the gentleman from Pennsylvania——

Mr. OLMSTED. I have no difficulties.

Mr. GARDNER of Massachusetts. I meant his objection recently raised. I can best meet it by discussing the article of which I speak. Mr. Hinds claims that when a majority of the House really wishes to reach any measure on the calendar, no matter how much privileged business intervenes, all that is required is to vote down the consideration of intervening matters. He even pointed out, what is perfectly true, that this very step has been successfully taken in the past. The last time that the attempt was successful, so far as I can find, was in 1898, a decade ago. The bill reached under this process of elimination was the Hawaiian bill, to which Mr. Speaker Reed was certainly opposed. It is perfectly true that in its earliest stages he used all the means in his power to prevent its consideration.

However, it is very evident, upon consulting the RECORD, that as soon as Mr. Reed and his personal representatives, the Committee on Rules, saw that the House in all probability had made up its mind to reach the Hawaiian bill, they no longer interposed for purposes of delay the various parliamentary devices at their disposal.

Since that time, so far as I know, there has been no successful attempt to repeat the mode of procedure then adopted. I may, of course, be mistaken, but if I am right it must be admitted that a precedent 10 years old only goes to prove the rule. If the process of reaching unprivileged bills by elimination has not succeeded more than once in a decade, it certainly is not a very practical method.

Let us confront the situation as we usually find it, and we shall quickly see the narrowness of the opportunity which Mr. Hinds suggests. Suppose that it is desired to reach a highly contentious but important bill on the Union Calendar, and that there are plenty of intervening bills more favorably placed. Some Member of the House thinks that a majority wishes to consider this bill. He would like the House to vote down the motion to go into Committee of the Whole to consider some appropriation bill; but he has no opportunity to explain his purpose, because that motion is not debatable. Generally the House does not understand what he is driving at.

But suppose that he has a chance to explain his plans before the motion is made, and suppose that the House sees their full bearing. Even so, Members will think a long time before voting down the consideration of one of the great supply bills of this Government, especially when they are told, as they will be told, and as they were told the only time I ever saw elimination attempted, that there would be plenty of time later on to reach the desired measure.

Not only is it true that Members will hesitate to vote down the consideration of a general appropriation bill, but, even if they should do so, it takes a long time for a yea and nay vote. Then comes the call of the calendar. That exhausts an hour more, but at last a chance comes to reach the Union Calendar. All committees at this stage have equal right of recognition. Suppose that committee after committee is recognized and that one intervening bill after another is brought up. To each of them in turn consideration must be refused by a yea and nay vote, if demanded. How often under these circumstances would the House be persuaded to vote down adjournment? In other words, it might be necessary to take recesses for several days before a majority, no matter how determined, could reach the desired bill. Meanwhile many a bill will have intervened against whose consideration Members will not care to vote. Members will say to themselves: "If I vote down the consideration of that bill, after I go home I shall be obliged to spend all my time in explaining why I did so."

In short, if they vote down all intervening measures, Members will find themselves in the unenviable position of being misunderstood and misrepresented to their constituents. We all know the lengths to which any one of us will go to avoid being placed on the defensive in a campaign.

Granting, for the sake of argument, that a majority can, by pushing everything else aside, get at some particular measure, even then the argument is not concluded. There will always be plenty of Members from districts politically close who will be only too glad to postpone indefinitely the consideration of an awkward bill, if they can do so without leaving a trace behind them. By the indirect but simple method of voting to consider some other bill they can easily accomplish their object. Their timidity with regard to their own fortunes will lead them, even when they favor an awkward measure, to take advantage of any opportunity presented by which its indefinite postponement may be secured, especially if the measure is of such a nature that opinion at home is seriously divided on its merits.

After all, it is an absurdity to maintain that the proper way to test the desire of the House to consider a particular bill is to take a vote on the consideration of some other bill. The proper way to prevent the consideration of a bill or to defeat a bill is by a majority vote against the consideration or against the passage of the bill itself, and not by the indirect method of a majority vote in connection with some other bill or on some side issue.

Mr. KEIFER. I wish to understand the gentleman's last proposition. Would the gentleman favor a rule (I understand that to be his ultimatum) that would allow a Member to call up a bill against which a question of consideration could not be raised at all?

Mr. GARDNER of Massachusetts. Mr. Chairman, unless I have entirely failed to convert my thoughts into words, that certainly is not what I said.

Mr. KEIFER. But the gentleman's last sentence incorporated the idea that the only way to get rid of a bill was to vote upon its merits.

Mr. GARDNER of Massachusetts. The gentleman is mistaken.

Mr. KEIFER. That is exactly what the gentleman said, as I understood it. Now, I understand, he would like to have any pet measure called up that any Member might have, and then no question of consideration be made against it at all. Otherwise the difficulty he has just been so ably stating of having some other bill put in opposition to it would apply to that bill after you had reached it.

I understand the rule has always been, even in contested election cases—matters of the highest privilege—that the question of consideration could always be raised.

Mr. GARDNER of Massachusetts. Is that a question? It is the longest question that I ever undertook to answer. I repeat that the right way to defeat the consideration of a bill or to defeat its passage is to vote on these questions as related to the bill itself, and not to vote on the consideration or on the merits of some other bill.

Mr. OLMSTED. May I ask the gentleman a question?

Mr. GARDNER of Massachusetts. Certainly.

Mr. OLMSTED. Would the gentleman favor a rule which would compel the majority to take up and consider a measure which the majority did not wish to take up?

Mr. GARDNER of Massachusetts. I favor a rule compelling the House to vote on the question of consideration of any bill on the calendar that a committee chooses to bring forward. That is the purpose of my proposed rule for calendar Tuesday, which the gentleman has in his hand. Under that rule the

House can not escape a vote on the consideration of any bill of interest to the whole country which a committee calls up.

Mr. OLMSTED. Your rule would compel them to vote on the merits and does not admit of any question of consideration at all.

Mr. GARDNER of Massachusetts. I do not preclude the question of consideration which can always be raised in Committee of the Whole.

Mr. OLMSTED. It can not be raised at all in Committee of the Whole.

Mr. WILLIAMS. If the gentleman from Massachusetts will pardon me, does he not think that the object which he wishes to attain could be better attained by putting one more rule in our body of rules to this effect, that whenever a majority of the membership of the House requests in writing that a given public bill shall be voted upon at a certain time, it shall become, by virtue of the petition itself, the order of the day for that day? There you have a majority of the House in favor of consideration, no doubt about the fact, and you merely make it the order of the day for the day designated, unless some other bill, by a similar process, has been made the order of the day for that day.

Mr. GARDNER of Massachusetts. Mr. Chairman, I have given some thought to the suggestion of the gentleman from Mississippi, but the proposed rule for "Calendar Tuesday" seems to me to meet the situation a little better. I am not prepared to assert that the criticism of the gentleman from Pennsylvania [Mr. OLMSTED] is not correct as to the question of consideration on days when we are discussing the Union Calendar, but my opinion is that he is mistaken. If he is in the right, however, I shall be very glad to have the rule amended so as to permit the raising the question of consideration in Committee of the Whole.

As I have said, it may often be the case that a majority of the House wishes to conceal its attitude. I am sorry to say that at times I, myself, have been in that state of mind. Like everyone else, I have often been only too glad when bills were smothered and have been as ready as the next man to take advantage of any situation which could prevent the consideration of some awkward measure. For all that, it is a great question whether rules ought to be drawn in such a way as to protect Members, like myself, who are timorous as to their individual fortunes. [Laughter and applause.]

It is a great question whether rules should be drawn so that we can conceal our attitudes from our constituents. We are not sent here to conceal our attitudes, but, when the appropriate time comes, to reveal them. As long as the rules are in their present form, when it is to my interest to do so, I shall try to conceal my attitude just as much as any other Member in this House. I contend that after a measure of great public importance has been thoroughly thrashed out in committee and has been favorably reported to the House the time has come for Members to reveal their attitudes.

I am perfectly aware that throughout the United States there has been a great deal of unreasonable criticism of the present Speaker of the House of Representatives. I am well aware that he is blamed for refusing to let down the bars in order to admit legislation badly placed on the calendar. I am well aware that in a certain sense that criticism is not always, nor even usually, deserved. But the Speaker must take that blame, because, under the present state of affairs, with his influence over the Committee on Rules and with the appointment of all committees in his hands, in reality the final responsibility rests with him. For example, I know very well that a measure in which I was interested a few years ago, a measure providing an educational test for immigrants into the United States, was very embarrassing to most of the Members. I know that the Speaker was doing nothing more than carrying out the will of a large majority of this House in not permitting the consideration of that bill except under such conditions as precluded a demand for a yea-and-nay vote on its significant clauses. I appreciated the Speaker's difficulty, for I knew that many Members, who otherwise would be glad to vote for that educational test, found themselves between two fires in their own constituencies. As there was an election approaching, they feared defeat whichever way they voted. I question whether it is proper that the rules should be so drawn as to permit Members, no matter how precarious their position, to avoid a yea-and-nay vote on so important a matter.

Mr. GAINES of Tennessee. Will the gentleman permit a question? I am listening with a great deal of pleasure to what the gentleman has to say, but I want to ask this question to get the matter clear in my mind. Is the gentleman's idea about the question of consideration this, that a Member wanting to bring up a bill should rise in his place and address the Speaker and ask for consideration of the bill, without being compelled, as the rule now compels us to do, to go and beg the Speaker to let us rise and address him and bring the matter up?

Mr. GARDNER of Massachusetts. Mr. Chairman, I believe that a committee should have that right. I am not sure that I believe that an individual Member should be permitted to throw a bomb of that sort. I fear, if that privilege were given to each of us individually, that it would be abused and that a great many bills would be projected into this House out of pure malice—impracticable bills on liquor questions, for instance—bills that had no chance of becoming a law, but of such a nature that Members from close districts would find themselves in serious difficulty whether they voted "yea" or "nay."

Therefore I am contending that this privilege should rest with committees or with a responsible group, or, as the gentleman from Mississippi [Mr. WILLIAMS] suggests, with a majority of Members on petition rather than with individuals.

Mr. GAINES of Tennessee. Suppose a gentleman rises and the Speaker recognizes him and puts the question this way, that if by viva voce vote the House agrees to take it up, then they shall take it up. I do not mean a record vote.

Mr. GARDNER of Massachusetts. Mr. Chairman, the trouble is that in most cases the Constitution provides for a yea-and-nay vote, if demanded by a sufficient number. A yea-and-nay vote may always be demanded, except when we are acting in Committee of the Whole or when a second is sought on suspension of the rules.

The Speaker of this House has a prerogative which is given to no presiding officer in Europe. He has the privilege of selecting committees. In every parliamentary body throughout Europe, with the exception of the Bundesrat, the upper house of the German Parliament, and with the possible exception of the Russian and Turkish chambers—I have not been able to get the rules of those two parliamentary bodies—committees are chosen indirectly by the House itself. Usually the chamber is, by lot, divided into sections or bureaus, and each section chooses its own member of each committee.

In the British House of Commons members of select committees are chosen either directly by the House or by a committee of selection, while standing committees are exclusively chosen in the latter way. The standing committees of the British House of Commons, however, have functions entirely different from those of our standing committees. In reality they are subdivisions of the committee of the whole. They consist of from 60 to 80 members, examine no witnesses, and are not supposed, theoretically, to consider contentious measures.

The military and marine committees of the Bundesrat are named by the Emperor. Other committees of that body are chosen in the usual continental way.

As a result of our system of choosing committees, we have given our Speaker great legislative power in addition to the judicial power which every Speaker ought to have. In England the speaker has even more judicial power than in the United States, for his decisions may not be overruled, neither need he put a motion to close debate unless he sees fit. Many people think that the time has come to separate the judicial from the legislative powers of our Speaker; in other words, to take from him the right to appoint the committees. I have not definitely made up my mind on that question, because I believe that there is a reform which stands out preeminent above it, a reform which should be adopted at once, a reform of such a nature that any revision of the rules which does not include it is bound to be a failure.

I believe that some definite time should be set apart when nothing is in order except matters which are not at present privileged under the rules. I think that the most imperative reform which presses is the provision of a day when unprivileged measures and unprivileged measures only shall be in order so long as any that a committee wishes to call up remain on the calendar. I am aware that such a rule as I propose would violate our time-honored ideas as to the right of adjournment and would seriously inflame various other parliamentary vermiform appendices inherited from the past.

I have not as yet heard anybody suggest that Members of this House should no longer have the right of criticism nor have I heard anybody suggest that they should not have the right to defeat a bill. I have, however, often known the position to be taken that the chief function of a Member of the House of Representatives ought to be to act as a component part of a sort of electoral college for the choice of Speaker, that the Speaker so chosen as a representative of the majority should appoint a small Committee on Rules, and that they, acting together, should decide on all legislation to be presented to the House. People

who take that view are very fond of pointing to the situation in the British House of Commons.

There is no question that the individual member of the House of Commons has even less chance than the individual Member of this House to press a contentious bill, or, in fact, any bill, to a successful issue. Unless the treasury bench, which is the name usually given to the ministry, chooses to adopt the proposition of a private member, or at all events, places no obstacles in its way, it has no chance of becoming a law. Even if the treasury bench is indifferent, the bill of the private member usually fails to reach the final stages. Members ballot for the opportunity to introduce bills. The time is limited for their introduction. I am told that when a momentous measure is earnestly sought by a large group, many members put down their names intending to present the same bill. In that way they obtain a greater chance for its consideration. I have not as yet verified this information.

It is this exclusive control by the treasury bench to which defenders of the speaker's transcendent power are wont to point.

They entirely overlook the other side of the picture. While the treasury bench is indeed all powerful, at the same time during every hour of the session, on penalty of resignation, it is responsible to the majority of the House. Unless in every respect the ministry satisfies that majority, resign it must. Whether they present a bill or oppose an amendment, if the matter is of the least importance the treasury bench must show a majority on pain of death. The consequence is that they are very, very careful indeed always to yield to the wishes of a majority of the House.

On the other hand, our Committee on Rules is responsible but once in every two years, and then only indirectly, just as a Senator is responsible to the people only indirectly through the legislature. The House does not appoint the Committee on Rules. Its members may or may not be reappointed by the Speaker, but in any event at no time are they directly responsible to the House.

Turning once more to the House of Commons, not only is the ministry responsible for every measure it brings forward, but it is likewise responsible for any omission from its legislative programme. Proceedings of each session of the Commons are opened by the King's speech, in which the legislation to be enacted is outlined. If any measure is omitted which a group of members believes should have been mentioned, an opportunity presents itself when the time comes for the House to adopt its reply. The motion is made to amend the reply by advocating the measure which the Government did not see fit to include in the speech from the throne. Thereupon a vote is taken, and, if the ministry is defeated, if an important amendment is carried against it, resignation must follow. In fact, one of Lord Salisbury's ministries went down on just such an occasion. Since then no ministry has been bold enough to omit from its programme any measure which the people really desire to see enacted. Now, the gentleman from Pennsylvania *this morning*——

Mr. KEIFER. Mr. Chairman, before the gentleman leaves that point I want to inquire if the gentleman will state what proportion of the business of the House of Commons was projected to the body by the ministry?

Mr. GARDNER of Massachusetts. All the important business.

Mr. KEIFER. Was it not a very large part of all the business they do?

Mr. GARDNER of Massachusetts. Substantially so.

The gentleman from Pennsylvania this morning told us of the great difficulty experienced in understanding British procedure. I think he called our attention to the fact that there are 96 rules of the House of Commons, while we have but 45. That is true. There are 96 rules, but then there are 62 clauses in one of our rules. I hold in my hand the standing orders relating to public business in the House of Commons. There are 16 pages of rules in this book in my hand, as against 35 pages of our manual occupied by the rules of the House of Representatives, to say nothing of the space taken up by Jefferson's Parliamentary Law.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GARDNER of Michigan. Mr. Chairman, how much more time does the gentleman from Massachusetts desire?

Mr. GARDNER of Massachusetts. The gentleman from Massachusetts wishes to adjust himself to the probable desire of the House to hear from other speakers.

Mr. GARDNER of Michigan. Does the gentleman know how much time he desires?

Mr. GARDNER of Massachusetts. The gentleman from Massachusetts thinks he may take twenty minutes more, but it is very hard for him to say.

Mr. GARDNER of Michigan. I suggest that the gentleman have thirty minutes.

The CHAIRMAN. The gentleman from Massachusetts is recognized for thirty minutes.

Mr. OLMSTED. Mr. Chairman, if I may interreupt the gentleman, the gentleman referred to 96 rules of the House of Commons pertaining to public business; I merely suggest that the total rules, including those relating to private business, number 249.

Mr. GARDNER of Massachusetts. Mr. Chairman, private bills in England are generally matters affecting corporations or municipalities. Much of the work is accomplished by permanent officials before Parliament meets. There is practically a separate code of private-bill procedure, but few members of the house need to concern themselves with it. Private bills relating to Scotland are considered in that part of the Kingdom. Private business such as we find on our Private Calendar is exceedingly unusual.

The gentleman made some observations as to the introduction of bills, holding that it is a much-restricted privilege in the House of Commons. To a certain extent that is true especially in the case of bills involving expenditure. But it is very hard to compare their system with ours. When a private member of the House of Commons wishes to introduce a bill he obtains, usually from the public-bill office, a blank form called a "dummy." To this he affixes a short title, but nothing else. After obtaining leave he introduces it and the bill takes its first reading. Until shortly before the time comes for its second reading he can change the contents at will so long as the provisions inserted conform to the title and to any statement he may have made to the house. Our system is so different as to defy comparison.

The gentleman also contended that in no case can extraneous matters be discussed when a bill is before the House of Commons for consideration. That also is true, but he did not point out that there exists a "motion to adjourn for the purpose of discussing a definite matter of urgent public importance." This motion opens the way for the discussion of extraneous matters. There is also ample field for debate on every subject under the sun in the two or three weeks which are usually occupied in formulating the reply to the King's speech.

If, later in the session, occasion arises for general debate, it takes place on that motion to "adjourn for the purpose of discussing a definite matter of urgent public importance." When the mover finishes his remarks, as I understand it, he usually withdraws that motion.

Mr. OLMSTED. While it is pending he must discuss that particular bill of urgent importance.

Mr. GARDNER of Massachusetts. I think the gentleman is mistaken. I do not understand that any bill need be before the House.

Mr. COCKRAN. I would like to ask the gentleman a question. I want to know if I understood him correctly. Did the gentleman state that on the debate in reply to the address it is usual to withdraw motions that are offered by members?

Mr. GARDNER of Massachusetts. I did not mean to be so understood. I meant to say that it was usual to withdraw the motion to "adjourn for the purpose of discussing a definite matter of urgent public importance."

If the gentleman from Pennsylvania [Mr. OLMSTED] will give me his attention for a minute, I will read:

> Great latitude was formerly permitted in the discussion of motions to adjourn. Taking advantage of this fact, it became the habit to create an opportunity for debating some matter that could not be brought forward in the ordinary course of procedure by moving the adjournment before the orders of the day had been taken up, and the object being merely debate, the motion was almost always withdrawn after it had served its purpose.

Mr. OLMSTED. That says "formerly."

Mr. GARDNER of Massachusetts. I think the same custom exists to-day, or an analogous one. I believe that opportunities for making the motion are now more restricted, and that the discussion may only take place at the evening session.

I hold in my hand the calendar of the House of Commons of Wednesday, May 13, 1908. It is the perfection of clearness when once explained, and the explanation takes but a few minutes. Members can see exactly what is coming up every day. They can keep track of measures. They can be on hand for divisions whenever any are likely to take place. That is a reform, which I hope some day we may be able to adopt.

One word more. I have heard a good many criticisms of my suggestion that Republican Members, who feel that the rules should be changed, ought to take no part in the usual caucus held at the opening of Congress. At all events, I feel

that we should leave the caucus before discussion of the rules begin. I have heard it said that such refusal to participate shows disloyalty to the party. I think not. In the first place, any man who votes in a caucus is bound by the result of that vote. He should, therefore, be very careful, indeed, to ascertain whether it is in truth a party matter on which he is asked to caucus.

I wonder how gentlemen are to be persuaded that the adoption of rules at the beginning of Congress is a party measure? If the subject had been mentioned in our national platform, it might be different. Even so, I know of no way to determine definitely whether this or that matter is or is not a party measure. I conceive, Mr. Chairman, that if the Republican national platform declares in favor of a particular proposition, and if the President of the United States, supposing that he is a Republican, includes the matter in a message, and if, in response, the Senate passes the legislation desired, then when the bill comes over to the House I should hold it to be a party question. That is sound, is it not? I hear no remarks to the contrary. That very situation arose in the spring of 1906. Yet I saw one of the Republican members of the Committee on Rules act as teller in opposition, and I saw the Speaker of this House pass at the head of the column between the tellers in opposition to the measure of which I speak. With the recollection of that scene still fresh in my memory, I refuse to be alarmed at the cry of party disloyalty, and I await with eagerness a better definition than that which I have just given you as to what a party question may be. [Loud applause.]

EXHIBIT A.

Proposed new rule for the House of Representatives.

RULE XLVI.

CALENDAR TUESDAY.

First. Except during the last six days of a session, or after the adoption by both Houses of Congress of a concurrent resolution for adjournment sine die, each Tuesday that the House of Representatives is in session, whether or not it is reckoned in the Journal as Tuesday, shall be set apart as provided by this rule and shall be known as "Calendar Tuesday."

Second. On Calendar Tuesday, except as provided in clauses 8 and 9 of this rule, no business shall be in order except prayer by the Chaplain, reading and approval of the Journal, business on the Calendar of the Committee of the Whole House on the state of the Union, and business on the House Calendar: *Provided*, That business clothed with privilege under clause 61, Rule XI, or under clause 9, Rule XIV, shall not be in order.

Third. On the first Calendar Tuesday in each month preference shall be given to business on the House Calendar and on all other Calendar Tuesdays in each month the Speaker shall leave his chair after appointing a Chairman to preside, and the House shall resolve itself into a Committee of the Whole House on the state of the Union.

Fourth. On Calendar Tuesday the Speaker or the chairman of the Committee of the Whole House on the state of the Union, as the case may be, shall call each standing committee in regular order, and then select committees, and each committee when named may call up for consideration any bill reported by it on a previous day and on the House Calendar or on the Calendar of the Committee of the Whole House on the state of the Union, as the case may be, but it shall not be in order for any committee to call up more than two bills before the other committees have been called in their turn. If the call of committees shall not be complete before the House passes to other business, it shall be resumed at the point where discontinued, preference being given to the last measure under consideration.

Fifth. On Calendar Tuesday no motion to adjourn, to take a recess, or that the Committee of the Whole House on the state of the Union do rise, shall be in order before 4.45 p. m. unless all business in order under clause 4 of this rule has been disposed of.

Sixth. On Calendar Tuesday in Committee of the Whole House on the state of the Union, at any time after the exipration of forty minutes devoted to the consideration of a measure, it shall be in order to move to close general debate and this motion shall be decided without debate.

Seventh. On Calendar Tuesday, at 4.45 p. m., or earlier if the call of committees provided for in clause 4 of this rule has been completed, the Committee of the Whole House on the state of the Union, if sitting, shall rise and the Chairman shall at once report its findings to the House. Should adjournment intervene before the report is fully disposed of, it shall be in order for any Member to call it up for consideration under the same rules and under the same conditions that are prescribed for reports from the Committee on Rules in clause 61, Rule XI; but no motion for adjournment shall be entertained until the Chairman shall have made his report.

Eighth. On Calendar Tuesday, either in the House or in the Committee of the Whole House on the state of the Union, at any time when no measure is under consideration, it shall be in order to move that further proceedings under this rule be suspended for the day; but this motion may not be entertained when, in the opinion of the Speaker or Chairman, its purpose is clearly dilatory.

If two-thirds of the Members voting take the affirmative, but not otherwise, proceedings under this rule shall be suspended for the day: *Provided*, That if at the time this motion prevails the Committee of the Whole House on the state of the Union is sitting, it shall immediately rise, the Chairman shall report its findings, and that report shall be fully disposed of before the vote for suspension becomes effective.

Ninth. On the completion of all business in order under the foregoing clauses, this rule shall cease to be operative for the day.

EXHIBIT B.

Page 1. Private business.
Page 3. Notices of motions (returns, etc.).
Page 3. Questions for oral answer (76).
Page 14. At the commencement of public business.
Page 14. Orders of the day.
Page 14. Notices of motions relating to orders of the day.
Page 16. Questions not for oral answer.
Page 23. Public committees.

AT A QUARTER PAST 8 O'CLOCK.

Page 21. Notices of motions.
Page 21. Orders of the day.
Page 22. Notices of motions relating to orders of the day.

Wednesday, May 13, 1908.

PRIVATE BUSINESS.

CONSIDERATION OF LORDS' AMENDMENTS—BILL WITH AMENDMENTS.

Derby gas bill.

CONSIDERATION OF BILL ORDERED TO LIE UPON THE TABLE.

Norwich Fire Insurance Society bill (Lords).

PROVISIONAL ORDER BILLS.

SECOND READINGS.

Private legislation procedure (Scotland) act, 1899.

1. Loch Leven water power order confirmation bill.
2. Electric lighting provisional orders (No. 2) bill. (By order.)

NOTICES OF PRESENTATIONS OF BILLS AT THE TIME OF PRIVATE BUSINESS.

1. Mr. MASTERMAN. Local government provisional orders (No. 7). Bill to confirm certain provisional orders of the local government board relating to Abergavenny, Newport, Newton, Abbot, Stockport, and Waterloo with Seaforth, and the Wirral joint hospital district.

2. Mr. MASTERMAN. Local government provisional order (No. 8). Bill to confirm a provisional order of the local government board relating to Crewe.

Wednesday, May 13, 1908.

NOTICES OF MOTIONS (RETURNS, ETC.).

1. Mr. WHITELEY. Port of London bill. That the select committee do consist of five members, to be joined with a like number of lords.

That the following be members of the committee: Mr. Ashley, Sir William Bull, Mr. Russell Rea, Sir Albert Spicer, and Mr. Archibald Williamson.

That all petitions against the bill presented on or before the 25th day of May, 1908, be referred to the committee; that the petitioners praying to be heard by themselves, their counsel, agents, or witnesses be heard against the bill, and counsel heard in support of the bill.

That the committee have power to send for persons, papers, and records.

That three be the quorum.

2. Mr. WHITELEY. Police forces (weekly rest day). That a select committee be appointed to inquire and report whether, having regard to the conditions of service in police forces in the United Kingdom, it is desirable that provision should be made, by legislation or otherwise, for granting to every constable one full day off duty in seven; what, if any, alterations in the conditions of service and police administration should accompany this change; what would be the cost, and how it should be borne so as not to increase the charge on imperial funds:

That Mr. Armitage, Mr. Cochrane, Mr. Charles Duncan, Mr. Hedges, Mr. Herbert Lewis, Colonel Lockwood, Mr. Nannetti, Mr. W. E. B. Priestley, and Mr. Rogers be members of the committee.

That the committee have power to send for persons, papers, and records.

That three be the quorum.

QUESTIONS FOR ORAL ANSWER.

* 1. Captain CRAIG. To ask the chief secretary to the lord lieutenant of Ireland whether he is aware that cattle drives took place on Sunday, the 3d May last, from the farm of Mr. Robert Blake, Ballyglunin Park, Tuam, from the grass farms of Moyne, belonging to Mr. R. W. Waithman, and of Mullaghmore, owned by Mr. O'Rorke, as well as from other farms in the neighborhood; whether numerous droves of horses, cattle, and sheep were found on the road from Tuam to Moylough, making it almost impassable for vehicular traffic, on Monday morning, the 4th May, from the farm of Mr. O. C. Donelan, Sylane, near Tuam, on the same date from the lands of Southill, Mitchelstown, and Robinstown, Delvin district of county Westmeath, when 200 head were driven, and on Tuesday, the 5th May, from Gralla farm, near Loughrea; how many arrests were made in each case, and can the police attribute any motives for the outrages; whether he can make a statement as to what steps, if any, the Government intend to take to meet the very grave state of affairs which at present exists, and whether he will lay the whole facts before the cabinet, with a view to bringing into force the crimes act.

* 2. Captain CRAIG. To ask the chief secretary to the lord lieutenant of Ireland whether he is aware that Mr. Peter O'Ryan's stables, Carrowreagh, near Elphin, county Roscommon, were burned to the ground on Sunday, 3d May last; whether the police reports attribute the outbreak to incendiarism; and, if so, can they give any reason for the outrage.

* 3. Captain CRAIG. To ask the chief secretary to the lord lieutenant of Ireland whether he is aware that an extensive cattle drive took place on Sunday morning, 3d May last, at Knockalaghla, near Ballintubber, 5 miles from Castlerea, county Roscommon; can he state how far from the farm the cattle were when discovered by the police and in what condition; can the police attribute any reason for the outrage, and how many arrests have been made.

* 4. Mr. BOLAND. To ask the chief secretary to the lord lieutenant of Ireland whether his attention has been called to the actual terms of the purchase agreement entered into between the late Mr. J. W. Leahy and his Aghatubrid estate tenants on 8th January, 1907; whether he is aware that the tenants have fulfilled their side of the agreement, but that since the death of Mr. Leahy all efforts to have the purchase agreement carried into effect have been blocked by the new agent of the estate; can he state how many communications have passed between the agent and the estates commissioners on the subject of the completion of the sale; and whether, in view of the fact that by the terms of the agreement the fixing of the purchase price was left unconditionally in the hands of the estates commissioners, he will now state what further steps will be taken by the estates commissioners.

* 5. Mr. BOLAND. To ask the chief secretary to the lord lieutenant of Ireland whether he can now state what answer has been received by the estates commissioners from the agent of the estate of the late Mr. J. W. Leahy, at Aghatubrid, near Cahirciveen, with reference to the

purchase negotiations; whether the terms of the agreement signed by the late Mr. Leahy and the honorable member for South Kerry, acting on behalf of the tenants, will now be carried into effect by Mr. Leahy's representatives, and what steps have been taken by the estates commissioners since this house adjourned for the Easter recess.

* 6. Mr. MACNEILL. To ask the chief secretary to the lord lieutenant of Ireland whether he is aware that in calculating the percentages of illiteracy in Ireland, officially given to the public in every census report, every child of 5 years old and upward is counted as an illiterate if unable to read and write, and that this age limit, adopted on the authority of the census commissioners of 1841, has been continued in every census since that time; why, having regard to the fact that according to the compulsory clauses of the Irish education act of 1892 6 years is the age at which children are bound to attend school, is every child who happens to be 5 years old on the day of the census entered as illiterate if unable to read and write; and whether, inasmuch as this age limit for illiteracy is calculated to convey an erroneous impression, the census commissioners will be directed in their next census report to adopt 10 years as the limit of age for illiteracy, or, if it be judged desirable to keep, for the purposes of comparison with former census returns, the percentage of illiteracy on the old lines of 5 years old and upward, will directions be given to the census commissioners to furnish a new column giving the percentage of illiteracy on a new basis of counting only the population 10 years of age and upward.

* 7. Mr. MACNEILL. To ask the chief secretary to the lord lieutenant of Ireland whether he is aware that since 1841 the percentages of illiteracy in Ireland have been officially given to the public in every census report, but that no corresponding percentages of illiteracy have been published by the census commissioners of England and Scotland; why, having regard to the desirability of an official record of the state of education in Ireland as regards illiteracy, has a similar information of the state of education in England and Scotland as regards illiteracy been withheld from the public; and what is the reason that the favor extended to Ireland in having an official record of illiteracy is not conferred on England and Scotland.

* 8. Captain CRAIG. To ask the chief secretary to the lord lieutenant of Ireland whether the cost of car hire for conveying extra police to and fro in connection with cattle driving and other agrarian outrages is charged to the county concerned; and, if so, what has been the charge under this head for the various disturbed counties during January, February, March, and April of this year, respectively.

* 9. Captain CRAIG. To ask the chief secretary to the lord lieutenant of Ireland whether any instructions have been issued by the executive to the effect that in cases of cattle driving and other agrarian offenses where arrests are made, that the prisoners are only to be bound over to keep the peace and not be more severely dealt with, pending the passage through this house of the Irish universities bill; and whether he will now adopt more stringent methods to vindicate the law in Ireland and secure the lives and property of law-abiding persons.

* 10. Mr. LONSDALE. To ask the chief secretary to the lord lieutenant of Ireland whether he has information respecting a shooting outrage at the house of a farmer at Rathcanning, near Midletown, county Cork, on the 4th instant; and whether any arrests have been made in connection with the occurrence.

* 11. Mr. BOLAND. To ask the chief secretary to the lord lieutenant of Ireland whether his attention has been called to the published correspondence which has passed between the president of St. Patrick's Training College Drumcondra, and the Irish registrar-general with reference to the returns for illiteracy in the census; and whether, in view of the fact that no records of illiteracy are included in the reports of the English and Scotch education departments, he will take into consideration the advisability of changing the age limit from 5 to 10 years, in order to secure greater accuracy and to prevent the inclusion, as illiterates, of children who are not compelled to attend school until they have reached the age of 6 years.

* 12. Mr. JOHN REDMOND. To ask the chief secretary to the lord lieutenant of Ireland whether he will lay upon the table the correspondence that passed between the commissioners of Kingstown Harbor and the London and Northwestern Railway Company on the question of the dues to be paid by the latter for the use of Carlisle pier.

* 13. Mr. THOMAS O'DONNELL. To ask the chief secretary to the lord lieutenant of Ireland whether he is aware that the laborers' cottage inquiry, finished in Killarney on the 17th January, 1908, and the inspector's report was due on the 17th February, but that the same has not been received yet, which means that the cottages can not be built this year, as, when the report comes down, there is a month for appeal, and between the arbitration and the three weeks' notice of sitting, that would take till the 1st of September, and a contractor can not be got to do the work in the winter; and whether steps will be taken to have the inspector's report sent on at once.

* 14. Mr. LONSDALE. To ask the chief secretary to the lord lieutenant of Ireland whether he has received a report of the riotous proceedings at Loughrea on Friday last; how many times had the police to charge the crowd with batons; and what was the cause of these disturbances.

* 15. Mr. LONSDALE. To ask the chief secretary to the lord lieutenant of Ireland whether he has received particulars of an assault committed by a crowd of men upon a farmer named Nolan and his two boys near Ballinasloe; whether he is aware of the reason for this attack; whether any policemen were present; and how were they treated by the crowd.

* 16. Mr. LONSDALE. To ask the chief secretary to the lord lieutenant of Ireland whether he will state how many acres of grazing land have been purchased by the estates commissioners during the past fifteen months for division among the applicants for small holdings; in how many cases had cattle been driven off these lands; and how many persons who have shared in the division of the lands are known to have taken an active part in cattle driving.

* 17. Mr. LONSDALE. To ask the chief secretary to the lord lieutenant of Ireland whether he is aware that 16 men, charged at Tuam with having driven the cattle of Patrick Newell off his farm at Woodquay, admitted the offense; whether these men were in negotiation for the sale of this farm; and whether, in accordance with the pledge that persons who have taken part in cattle driving will not be permitted to share in the distribution of lands, he will draw the attention of the estates commissioners to the fact that these men are disqualified.

* 18. Mr. CHARLES MACVEIGH. To ask the chief secretary to the lord lieutenant of Ireland whether the attention of the local government board has been called to the application of James Deveney, of Lismonaghan, Letterkenny Union, county Donegal, Ireland, and for whom the rural district council selected a site for a laborer's cottage on the farm of Robert Wylie, of Carrygauley, which site was visited and approved by the local government board inspector during an inquiry held in Letterkenny in November, 1907; whether he is aware that the farmer, Wylie, brought an action against Deveney at quarter sessions, which was defended by the rural council, and Judge Cook gave Deveney the site by giving judgment in his favor; if he can state why the arbitrator, in the face of the approval of the inspector and the judgment of the court, has failed or refused to give the site to Deveney; and will he direct that steps be taken to provide a cottage for this man.

* 19. Mr. JEREMIAH MACVEAGH. To ask the chief secretary to the lord lieutenant of Ireland whether he can say if any complaints have reached the police as to the injury to trees on a plantation at Finvoy, near Ballymoney, county Antrim; whether he can state the names and addresses of the landlord and of the lessee; and whether notice has been given of any claim for compensation.

* 20. Captain CRAIG. To ask the chief secretary to the lord lieutenant of Ireland whether he is aware that, on Monday, 4th May last, a cattle drive took place off a farm grazed by Mr. T. Lynskey, of Ballytrasna, Tuam, county Galway, and off Balreagh farm, between Elphin and Carrick-on-Shannon; what arrests have been made; and what sentences, if any, have been passed on the perpetrators of these outrages.

* 21. Captain CRAIG. To ask the chief secretary to the lord lieutenant of Ireland whether he is aware that a cattle drive took place off Mr. McClintock's farm, Riverstown, County Leitrim, on Sunday, May 3 last, and off a farm in the neighborhood of Bohs, Tulsk, on the same day, and off the farm of Mr. John Macnamara, of Gort, Coxtown, on Monday, May 4, and off the farm of Mr. Flynn, of Caroreagh, near Ballinasloe, County Roscommon, and off the farm of Mr. Dolan, in the same district and on the same date; and what arrests have been made.

* 22. Captain CRAIG. To ask the chief secretary to the lord lieutenant of Ireland whether he is aware that the dwelling house of a farmer named William Colbert, of Rathcanning, near Midletown, County Cork, was fired into on Tuesday, May 5 last; whether the police evidence goes to show that injury was intended to the sleeping inmates, or whether the direction of the shot merely indicates an intention to intimidate; and what steps have been taken to bring the perpetrators to justice.

* 23. Mr. VINCENT KENNEDY. To ask the chief secretary to the lord lieutenant of Ireland if he will say whether the Enniskillen No. 2 rural district council has yet lodged a scheme under the laborers' (Ireland) act, 1906; and if so, how many cottages and extra allotments does it propose to deal with; and when will the inquiry be held.

* 24. Mr. JOYCE. To ask the chief secretary to the lord lieutenant of Ireland whether, where fishermen have held a several fishery under lease for a long term of years, and where such lease has expired, still held a tenancy from year to year, and where such tenancies have even been held for over one hundred years facilities will be given to such fishermen who may so desire to purchase those fisheries, under the land act of 1903, as if they were estates within the meaning of the act.

* 25. Mr. O'SHEE. To ask the chief secretary to the lord lieutenant of Ireland whether the estates commissioners have an application from Edward Coleman, an evicted tenant of the Grant estate, County Waterford, for reinstatement on their files; how long have they had the application; whether he is aware that Mr. Coleman has died since the application was lodged, and that his children are still awaiting restoration to his former holding; whether the same is in the possession of the owner; and what steps have been taken to acquire the lands in order to reinstate them.

* 26. Mr. LARDNER. To ask the chief secretary to the lord lieutenant Ireland whether the estates commissioners have received an application for reinstatement from John Greenan, of Cladowen, an evicted tenant on the Wall estate, County Monaghan; and if so, the date on which it was received, and if the commissioners have considered the application; and has an inspector been sent to visit the holding from which John Greenan was evicted.

* 27. Mr. BOTTOMLEY. To ask the chief secretary to the lord lieutenant of Ireland whether he can state the number of arrests for drunkenness on Sunday last in Dublin and Belfast, respectively.

* 28. Mr. HAZLETON. To ask the chief secretary to the lord lieutenant of Ireland whether he will state the average marks obtained on the special papers set in algebra at the Irish intermediate examinations in June, 1907; whether a number of honor men, prize men, exhibitioners, and at least one medalist taking algebra as a main subject failed to score a single mark on the special algebra paper; and whether, in view of the provisions of the intermediate act, intended to encourage the study of mathematics in intermediate schools, he proposes to take any, and if any, what action in the matter.

* 29. Mr. COURTHOPE. To ask the under secretary for the colonies what grants are made by colonial governments to rifle associations and other organizations for the encouragement of rifle shooting.

* 30. Mr. SUMMERBELL. To ask the under secretary of state for the colonies if he can state the cost to the colony of Trinidad of prosecutions of East Indian indentured immigrants in cases of felony and murders for the years 1905, 1906, 1907, 1908; and also the number of such immigrants convicted and acquitted for the same period.

* 31. Mr. SUMMERBELL. To ask the under secretary of state for the colonies if he can state the exact quantity of sugar on which duty has been paid by sugar planters of Trinidad employing indentured East Indian immigrants toward the reimbursement of expenses for their collection and introduction during the years 1905, 1906, and 1907; the exact quantity of cane cultivated by cane farmers and sold during these years to sugar factories in which such immigrants are employed; and whether separate accounts are kept in such factories of the quantity of sugar manufactured and exported, and an account given to the local government of such portion in which indentured labor is not employed.

* 32. Mr. SUMMERBELL. To ask the under secretary of state for the colonies if he has received from the annual assembly of the Jamaica Baptist Union a communication protesting against the continued introduction of East Indian indentured coolies into Jamaica, and pointing out that the laboring and small settler classes, who contribute the bulk of the revenue of the colony, are unable to obtain regular and paying employment on the sugar estates and fruit plantations, and are therefore under the necessity of emigrating to Central America and other places to seek work, and that thereby a great injustice is done to these classes and the island generally in taxing them to introduce East Indians to compete with the superabundant labor market of the country; and if so, can he state whether it is the intention of the Government to restrict the introduction of such coolies, and to place the entire cost of the same on the planters requiring such labor.

* 33. Sir GILBERT PARKER. To ask the under secretary of state for the colonies what is the record of service of Dr. C. Lane Sansom in the Transvaal; what positions has he held during the last seven years; what pension or compensation has been granted him; and whether employment will be found for him in the colonial service or in some department of state in this country.

* 34. Sir GILBERT PARKER. To ask the under secretary of state for the colonies whether anyone has been appointed to take the position of superintendent or controller of the native health department for the Transvaal, from which Dr. C. Lane Sansom was lately retrenched; and

whether, in view of the results produced by Doctor Sansom in reducing native mortality and in bettering the condition of the natives in the mines, this Government is satisfied that the abolition of his appointment, made upon grounds of economy, is in the best interests of that native population for whose well-being, under the constitution of the Transvaal, it is directly responsible.

* 35. Mr. HAROLD COX. To ask the under secretary of state for the colonies whether his attention has been drawn to the Transvaal Government Gazette extraordinary of the 30th of March, 1908, containing the draft of the new gold law of that colony, and particularly to sections 127 and 128; and whether the effect of the proposed new law will be to deprive colored persons, including British Indians, of the right they now possess to trade and reside in the mining districts of Johannesburg, Boxburg, and Krugersdorp, and compel them to remove for both trade and residence into compounds, locations, or bazaars.

* 36. Mr. COURTHOPE. To ask the president of the board of education when the notice under section 8 of the education act, 1902, was given in respect of the proposed council school at Llandaff, and what were its terms; whether the proposed school is to be provided on the ground that it is necessary; and if so, why a grant is being made toward it from the £100,000 voted for new schools last year.

* 37. Sir GEORGE WHITE. To ask the president of the board of education whether he will publish, uniform with the list of public elementary schools in single-school parishes [Cd. 3990], a list of schools in parishes where there is only one public elementary school available for boys, or for girls, or for infants, but which are not single-school parishes as defined by section 3 of the elementary education (England and Wales) bill, 1908, because the departments for boys, girls, or infants are in separate buildings and are recognized by the board of education as separate schools.

* 38. Sir GEORGE WHITE. To ask the president of the board of education whether he will publish, in continuation of the list of public elementary schools in single-school parishes [Cd. 3990], a similar list of schools which would be in single-school parishes as defined by section 3 of the elementary education (England and Wales) bill, 1908, but for the fact that the parish is an urban district or municipal borough, and therefore technically is not a rural parish as mentioned in that section.

* 39. Mr. T. F. RICHARDS. To ask the president of the board of education whether he has any control over the methods of punishment adopted at Queen Mary's Grammar School, Walsall; whether he is aware that one form of punishment is flogging; and seeing that this form of punishment is prohibited in the army and navy and is only allowed in His Majesty's prisons, and that then the infliction is administered to criminals, he proposes to take steps to secure more humane methods by those responsible for the above school.

* 40. Mr. CLYNES. To ask the postmaster-general if he is aware that men are employed in connection with the new sorting warehouse, Newton street, Manchester, doing the work of concretors at 6½d. and less per hour; whether the rules of the master builders' association in the district provide for the payment of 8d. per hour for such work as the men named are engaged on; and if so, can some step be taken to bring the contractor within the scope of the fair-contracts regulations and secure for the workmen the recognized rates of pay.

* 41. Mr. COURTHOPE. To ask the first lord of the Admiralty whether any or all of the contracts for the supply of Portland cement to the Admiralty this year have yet been completed; whether all the firms and companies which have supplied cement to the Admiralty during recent years were invited to tender; if not, for what reason the omissions were made; and whether such firms or companies will be allowed to tender before the contracts are completed.

* 42. Major ANSTRUTHER-GRAY. To ask the first lord of the Admiralty whether he can now state if Scotch or foreign granite is to be used for Rosyth docks.

* 43. Mr. TIMOTHY DAVIES. To ask the first lord of the Admiralty what was the annual cost during the three years ended 31st March, 1908, of keeping the harbor and breakwater of Alderney in serviceable condition and repair; and what use is made of the harbor by the vessels of His Majesty's navy.

* 44. Mr. VINCENT KENNEDY. To ask the first lord of the Admiralty if he will say whether the number of accidents to ships and other craft of war during maneuvers is on the increase, and what are the causes alleged; will he state what is the total Admiralty loss in men and money due to accidents during maneuvers and generally for the past seven years.

* 45. Mr. BOTTOMLEY. To ask the prime minister whether the public trustee is still a director of any public company.

* 46. Mr. NIELD. To ask the first lord of the Admiralty whether the coast-guard stations in Scotland have an average coast line of 10 miles to look after, and that several of such stations are and have for two years past been 50 per cent short of their proper complement; and whether he will take steps to bring up these stations to their proper strength without delay.

* 47. Mr. NIELD. To ask the first lord of the Admiralty what coast-guard stations there are in the United Kingdom, excluding detachments, whose complements have been reduced by 33 per cent or more, either temporarily or permanently, with the names of each class, respectively; and whether it is in the contemplation of the Admiralty at some future date, and approximately how soon, to have these stations filled up to their proper complements.

* 48. Mr. NIELD. To ask the first lord of the Admiralty when the respective coast-guard stations, excluding detachments whose complements have been reduced by 33 per cent and upward, were so reduced, respectively; and whether, in the opinion of the Board of Admiralty, the continuance of these stations in their present state of reduced numbers is compatible with the efficient performance of the many important and arduous duties which devolve upon the service.

* 49. Mr. WATT. To ask the secretary for Scotland whether his attention has been called to an epidemic of typhoid fever in Kelvinside, Glasgow; whether this outbreak has been traced to the selling of milk from a farm where there was a typhoid patient; at what date did his department or the local authority become aware of these facts; on what date was the first action taken to stop the sale of milk from that farm; and whether, in view of the number of deaths that have resulted, he will issue instructions which will in future prevent delays between the knowledge of the facts and the action resulting from them.

* 50. Mr. BOTTOMLEY. To ask the secretary for Scotland whether he can state the number of arrests for drunkenness on Sunday last in the cities of Glasgow and Edinburgh, respectively.

* 51. Mr. BOWERMAN. To ask the president of the board of trade whether his attention has been called to the fact that in 1907 93,410 less cattle than in 1905 were imported for slaughter into Great Britain from North America, and 20,824 less during the four months ended 30th April, 1908, compared with the same period in 1907; whether he is aware that consequently the supply of hides and offals of freshly slaughtered animals used as raw material in many manufactures has very seriously decreased to the detriment of British trade, to the loss of work and wages of thousands of British workmen, and to the rise in prices to the consumer of all commodities affected; and whether he will cause inquiry to be made into the remedies for increasing the supply of hides, offals, and freshly killed meat of imported foreign animals, with especial reference to the plan for establishing a foreign animals wharf and abattoir in the island of Alderney, and to the advisability of relaxing the restrictions now placed on the landing at the foreign animals wharves at Deptford and Birkenhead of all animals except those from North America.

* 52. Mr. HAROLD COX. To ask the president of the board of trade whether he can give the house any information with regard to the reductions about to be made in the Danish tariff; and whether he will issue a memorandum comparing the duties levied on important articles of British manufacture by Denmark under the new tariff with the duties levied upon British goods of the same class by Canada, Australia, and New Zealand.

* 53. Mr. SEAVERNS. To ask the president of the board of trade if he is aware that in the debate on the second reading of the port of London bill no expression of views was given by those representing importers, exporters, and manufacturers, upon whom the entire financial burden of improving the port is to fall; whether he will see that these interests are represented upon the joint committee appointed to consider the bill; and whether he will consider the advisability of placing a portion of the burden upon other interests which are equally to profit by the improvement of the port.

* 54. Mr. HAVELOCK WILSON. To ask the president of the board of trade whether he will cause instructions to be issued to the officers of the board of trade to prevent Chinese boarding-house keepers from having access to the board of trade premises for the purpose of supplying crews of Chinamen to British ships; whether he is aware that it has been the practice for many years to prevent British seamen and others from using the waiting rooms of mercantile marine offices unless they can produce certificates of discharges to prove that they are bona fide seamen; and whether he will cause this rule to be stringently applied to Chinamen in the same manner that it is applied to other seamen.

* 55. Mr. HAVELOCK WILSON. To ask the president of the board of trade whether his attention has been called to the excitement which prevailed amongst British seamen at the mercantile marine office, Poplar, on Saturday and Sunday, in consequence of the owners of the steamships *Zambesi* and *Strathness* endeavoring to ship crews of Chinamen; whether he is aware that the Chinamen in question were unable to pass the language test, as required by the merchant shipping act; whether it has been brought to his notice that when Chinese crews are being signed on duly qualified and independent interpreters are not provided by the owners; whether he is aware that these crews are being found by well-known Chinese crimps, and what action, if any, does the board of trade intend to take to put an end to these practices.

* 56. Mr. BOWERMAN. To ask the honorable member for South Somerset, as representing the president of the board of agriculture, whether his attention has been called to the report of the markets' committee of the corporation of the city of London, in which it is stated that fewer live cattle are coming from Canada and the United States, causing a reduction in the quantity of freshly killed meat, which is made up by increased importations of preserved and frozen products, and lessening the circulation of wages in the meat-producing and kindred industries; and whether he will cause independent inquiry to be made as to relaxing the regulations of the board with regard to the landing of animals for slaughter in Great Britain, and as to other methods of increasing, with due regard to the safety of native flocks and herds, the supply of freshly killed meat to British markets.

* 57. Mr. MCHUGH. To ask Mr. Attorney-General for Ireland whether the bill promised in relation to committals for contempt of court has been drafted; and can he say when it will be introduced.

* 58. Mr. LONSDALE. To ask the vice-president of the department of agriculture (Ireland) whether he can name the counties in Ulster in which it is intended to install new agricultural schools and experimental farms.

* 59. Viscount CASTLEREAGH. To ask Mr. Attorney-General whether he is aware that the hearing of several cases in the chancery division of the high court in which he is made a party has had to be postponed indefinitely owing to the delay in the appointment of a junior counsel to the treasury in chancery matters, and when the vacancy is likely to be filled.

* 60. Mr. PATRICK O'BRIEN. To ask the secretary to the treasury whether any public announcement was made of the resignation of the late treasury remembrancer for Ireland, and if so, when, where, and how was it announced; what was the date of the resignation and the date of the appointment of Mr. Newby to the vacancy; if no public announcement was made of the vacancy, what opportunity had Irishmen to apply for the position; whether he will inquire if this may be the reason why no Irishman applied, and will he see that in future such vacancies are duly announced and reasonable time afforded for Irishmen to apply.

* 61. Mr. CHARLES ROBERTS. To ask the secretary to the treasury if he will state the average number of hundredweights of sugar and its equivalents used in brewing for the last three years for which the figures exist, and the annual sum which on this average the brewing trade stands to gain by the reduction of the sugar duty proposed in the budget.

* 62. Mr. MULDOON. To ask the secretary to the treasury what was the date of the retirement of Mr. Holmes, lately treasury remembrancer for Ireland, and on what date was his resignation accepted; what was the date of the appointment of his successor and whether any person responsible for the government of Ireland was consulted before the present remembrancer was appointed, and, if so, what person.

* 63. Mr. VINCENT KENNEDY. To ask the secretary of state for the home department if he will say whether the Police Gazette contains a list of firms which have been connected with fraudulent transactions or are specially noted in the Gazette for exceptional police attention; and will he supply a list of the names and location of these firms?

* 64. Mr. HAVELOCK WILSON. To ask the secretary of state for the home department whether he has received any report from the police authorities with regard to the disturbances which have occurred at the mercantile marine office, Poplar, in consequence of the contemplated engagement of crews of Chinamen for the steamships *Zambesi* and *Strathness;* if he can state the number of inspectors and policemen who were on duty in this connection; whether he is aware that the police prevented British seamen from having access to the waiting room of the mercantile marine office, whilst the Chinamen were freely

admitted, and whether he can state who gave the police instructions to prevent British sailors from using this waiting-room.

*65. Mr. BOTTOMLEY. To ask the secretary of state for the home department whether he can state the number of arrests for drunkenness on Sunday last in London, Swansea, and Cardiff, respectively.

*66. Mr. GEORGE GIBBS. To ask Mr. Chancellor of the Exchequer whether, in view of the fact that many merchants have heavy stocks of sugar on which duty has already been paid, he can extend the time to June 1.

*67. Mr. JOYNSON-HICKS. To ask Mr. Chancellor of the Exchequer if his attention has been drawn to the hardships which will be incurred by many traders in sugar owing to his proposal that rebate on duty-paid stocks of sugar unsold on the 18th instant will not be allowed; if he is aware that in consequence of insufficient accommodation for bonding duties have already been paid on large quantities of sugar which otherwise would have remained in bond; whether, under the circumstances, he can prolong the period of ten days, or else allow a drawback upon stocks held on the 18th of this month, and whether he would be prepared to receive representations on the subject from the traders affected.

*68. Mr. LEVERTON HARRIS. To ask Mr. Chancellor of the Exchequer whether a person who is in receipt of an annuity or pension from a friendly society or insurance company which will bring up his total income to over £26 a year will be excluded from participating in the proposed scheme of old-age pensions.

*69. Mr. DUNDAS WHITE. To ask the undersecretary of state for India whether he will consider the advisability of maintaining the rights of general use in any Indian garrison church which has been recently consecrated merely by permission of the Indian government and without any undertaking as to its future use, unless and until those who claim the exclusive use of that church have established that claim in the courts of law.

*70. Mr. DUNDAS WHITE. To ask the undersecretary of state for India whether, in view of recent events, he will now take the opinion of the law officers of the Crown, or of any independent counsel of suitable standing, as to whether the ecclesiastical law of England as to the effects of consecrating churches applies in British India, and as to whether, according to the law of British India, the fact that a government church has been consecrated with the permission of the government confers the exclusive right to use it for Anglican services, placing before Parliament these opinions and the reasons on which they are based.

*71. Mr. DUNDAS WHITE. To ask the undersecretary of state for India how many Indian government churches have been consecrated since January 1, 1901, stating in each case the place of the church, the date of the consecration, whether that consecration was effected at the request or merely with the permission of the Indian government, and in view of the reference to private subscriptions in the recent memorandum, whether private subscriptions for the building or maintenance of the church had been asked from and received from Presbyterians and other non-Anglicans, and whether in the applications for those subscriptions it was stated that the church was to be used exclusively for Anglican services.

*72. Mr. BYLES. To ask the secretary of state for war whether his attention has been called to a public lecture lately delivered in Newcastle by Lieutenant-Colonel Baden-Powell of an alarmist character and couched in language likely to be offensive to a friendly power, and whether he will do anything to restrain such utterances by senior officers in His Majesty's army.

*73. Mr. CECIL HARMSWORTH. To ask the secretary of state for war if he is now in a position to say what aciton, if any, is proposed to be taken by the war office to relieve George Ravenhill, V. C., who is, or was recently, an inmate of Erdington workhouse, of the necessity of taking advantage of public charity.

*74. Mr. BOWLES. To ask the secretary of state for war if he will state of how many persons the army council consists, what is the official designation of each of its members, and how many of its members are soldiers and how many civilians.

*75. Mr. BOWLES. To ask the secretary of state for war whether he can state, in case a difference of opinion arises among the members of the army council as to any matter of military policy or administration, how the decision of the council on that matter is arrived at; is it ascertained by a vote of the majority of all its members, by a vote of the majority of the members present, or how otherwise; and, if by vote how many votes are allotted to the secretary of state, and how many to each of his fellow-members.

*76. Lord BALCARRES. To ask the secretary of state for war what weight of cordite known to contain mercuric chloride has been issued by his department to the troops during the last twelve months.

AT THE COMMENCEMENT OF PUBLIC BUSINESS.

NOTICE OF PRESENTATION OF BILL.

1. Mr. FFRENCH.—Coroners (Ireland).—Bill to provide for the appointment of deputy coroners in counties and boroughs in Ireland.

ORDERS OF THE DAY.

[Those marked thus * are government orders of the day.]

*1. Prosecution of offenses (amendment) bill. Third reading.
*a2. Public offices sites (extension) bill (to be referred to a select committee). Second reading.
*a3. Post-office savings bank bill. Second reading.
*a4. Telegraph (construction) bill. Second reading.
*5. Friendly societies bill. Second reading.
*6. Fatal accidents (damages) bill [Lords]. Second reading.
*7. Election of aldermen in municipal boroughs bill. Second reading.
*a8. London paving expenses bill. Second reading.
*a9. Costs in criminal cases bill. As amended (by the standing committee), to be considered.
*a10. Children [expenses]. Report thereupon.
*11. Ways and means [May 7]. Report.
*12. Ways and means. Committee.
*13. Supply. Committee.

NOTICES OF MOTIONS.

NOTICES RELATING TO ORDERS OF THE DAY.

(2) Mr. HARCOURT. After second reading of public offices sites (extension) bill, to move that the bill be committed to a select committee of five members, three to be nominated by the House, and two by the committee of selection.

That all petitions against the bill presented five clear days before the meeting of the committee be referred to the committee; that the petitioners praying to be heard by themselves, their counsel, or agents be heard against the bill, and counsel or agents heard in support of the bill.

That the committee have power to send for persons, papers, and records.

That three be the quorum.

(3) Mr. HAROLD COX. After second reading of post-office savings bank bill, to move, that the bill be referred to a select committee to consider and report by what means the taxpayer can be secured against the recurrence of the losses recently incurred by the Post-Office Savings Bank.

(4) Mr. HAROLD COX. On second reading of telegraph (construction) bill, to move, that it is undesirable to give larger powers to the post-office until the House has been placed in possession of fuller information as to the financial results of the management of telegraphs and telephones by the post-office.

Mr. COURTHOPE. On second reading of telegraph (construction) bill, to move, that it be read a second time upon this day six months.

Mr. GEORGE GIBBS. On second reading of telegraph (construction) bill, to move, that it be read a second time upon this day six months.

Mr. LANE-FOX. On second reading of telegraph (construction) bill, to move, that it be read a second time upon this day six months.

(8) Mr. DUNDAS WHITE. On second reading of London paving expenses bill, to move, that this House declines to proceed with a measure which would constitute a further indirect endowment of places or religious worship at the expense of the ratepayers.

Mr. MCCALLUM. On second reading of London paving expenses bill, to move, that this House declines to proceed with a measure which would constitute a further indirect endowment of places of religious worship at the expense of the ratepayers.

ON CONSIDERATION OF COSTS IN CRIMINAL CASES BILL, AS AMENDED.

(9) Mr. RAWLINSON:

Page 1, leave out clause 1.

Clause 1, page 1, line 20, leave out "county."

Clause 1, page 2, line 12, at end add:

"(4) No expenses to witnesses, whether for the prosecution or defense, shall be allowed at a court of assize or quarter sessions before which any indictable offense is prosecuted or tried, if such witnesses are witnesses to character only, and if called for any other purpose then only the expenses shall be allowed of those witnesses who shall have been bound over to appear and give evidence by recognizance or by subpœna, but the court may allow the expenses of any witness, other than to character, that may be called by order of the court or whose evidence being material, in the opinion of the court, shall have attended to give evidence without a subpœna.

"(5) No expenses shall be allowed by the examining justices to any witness if such witness is to character only."

Mr. RAWLINSON:

Clause 3, page 2, line 26, after "due," insert "for traveling or personal expenses."

Mr. RAWLINSON:

Clause 4, page 3, line 31, leave out "county."

Clause 4, page 3, line 42, at end, add "and to remain in attendance for that purpose during the sitting of the court, or until such hour as the court shall direct.

"(4) The county, city, or borough authority, where any court of assize or quarter sessions is held, shall provide at or near the court a room or office (other than any room, office, or place used by the clerk of assize or the clerk of the peace for the purpose of carrying on the business of the court) to be used for the payment of the expenses allowed to witnesses and other sums included in any order as mentioned in subsection 3 of this section of the act."

Mr. RAWLINSON:

Clause 6, page 4, line 16, leave out subsection (1).

ON REPORT OF CHILDREN (EXPENSES).

(10) Sir FREDERICK BANBURY:

Line 3, leave out from "incurred," to "under."

Captain CRAIG:

Line 4, leave out "any," and insert "an."

Sir FREDERICK BANBURY:

Line 5, at end, add "such payment not to exceed £5,000 in any one year."

As an amendment to Sir Frederick Banbury's proposed amendment:

Captain CRAIG:

Leave out "any one," and insert "the first."

QUESTIONS NOT FOR ORAL ANSWER.

1. Mr. O'SHAUGHNESSY. To ask the chief secretary to the lord lieutenant of Ireland if the estates commissioners have taken any action to have Mrs. Mary Casey, of Ballygran, in the county of Limerick, evicted tenant on the estate of C. F. Drew, reinstated; and, if so, with what result.

2. Mr. O'SHAUGHNESSY. To ask the chief secretary to the lord lieutenant of Ireland if the estates commissioners have considered the case of Mrs. Mary McDonnell, of East Wood, Glin, in the county of Limerick, evicted tenant on the estate of the Knight of Glin; and, if so, with what result.

3. Mr. O'SHAUGHNESSY. To ask the chief secretary to the lord lieutenant of Ireland if he can say what has been the cause of the delay on the part of the estates commissioners in reinstating Michael Hartnett, evicted tenant, on the estate of C. F. Drew, of Ballygran, in the county of Limerick.

4. Mr. O'SHAUGHNESSY. To ask the chief secretary to the lord lieutenant of Ireland if the estates commissioners have considered the claim of John FitzGerald, of Clounriesk, Askeaton, in the county of Limerick, representative of Maurice FitzGerald, deceased, evicted tenant, for some untenanted land in lieu of his evicted farm.

5. Mr. O'SHAUGHNESSY. To ask the chief secretary to the lord lieutenant of Ireland whether he will bring under the notice of the estates commissioners the case of a poor man named James Power, of Kilbreedy, Kilcornan, in the county of Limerick, who was evicted on title about nine years ago by the Earl of Dunraven from a holding consisting of about 27 acres of bog land, which the former was in occupation of for over forty years, and on which he spent years of toil endeavoring to reclaim, and for which he paid a rent of £5 annually; and whether, having regard to the fact that Lord Dunraven subsequently gave this land to a man named Millar, and further to the hardship of the case, he will cause the estates commissioners to at once favorably consider the claim of Power for some untenanted land in the county.

6. Mr. O'SHAUGHNESSY. To ask the chief secretary to the lord lieutenant of Ireland if he can say what has been the result of the estates commissioners' investigation into the case of Patrick Creedon, of Mone-

gay, in the county of Limerick, evicted tenant on the estate of the Earl of Devon.

7. Mr. JOHN MURPHY. To ask the chief secretary to the lord lieutenant of Ireland if he proposes to introduce a bill dealing with school attendance in Ireland this session, in accordance with the numerous requests made to him to do so.

8. Mr. JOHN MURPHY. To ask the chief secretary to the lord lieutenant of Ireland if the estates commissioners are now in a position to deal properly with the claims of Messrs. Timothy Buckley and Morty Buckley, two evicted tenants on the Morrogh Bernard estate, county Kerry, who have been reinstated by the landlord.

9. Mr. JOHN MURPHY. To ask the chief secretary to the lord lieutenant of Ireland if he will consider the question of adding a fair number of persons directly connected with Irish primary education on the first senates and governing bodies of the proposed new universities and their constituent colleges; and whether he is aware that the omission of any such representatives in the published lists is likely to lead to dissatisfaction.

10. Mr. SLOAN. To ask the chief secretary to the lord lieutenant of Ireland if he is aware that the local government board received a deputation of veterinary surgeons in reference to the appointment of a central veterinary authority to look after the dairies and cow sheds in Ireland; and if it is contemplated to appoint a veterinary surgeon for this purpose, or is it intended to transfer this department of the board's work over to the veterinary branch of the board of agriculture.

11. Mr. O'SHAUGHNESSY. To ask the chief secretary to the lord lieutenant of Ireland if he can say whether an agreement has now been come to between Mrs. Shelton, the owner of the untenanted lands at Beaufort, in the county of Limerick, and the estates commissioners for the purchase thereof.

12. Mr. FIELD. To ask the postmaster-general whether he is aware that the late Miss Ida Watson, of the postal-order branch of the money-order department, with only three or four years' service, visited the official female medical officer on the 30th of March last on the ground that she felt seriously ill; that, instead of granting her sick leave, she was sent back on duty; that this young lady felt worse during the following week, culminating in collapse, having to be assisted by a colleague to complete her average on Saturday, the 4th of April; that she was on that day granted three weeks' sick leave by her own private medical practitioner, and that on that night she fell into a state of unconsciousness and remained so for three weeks until she died on the 28th of April; that two specialists gave independent opinions in this case that death was brought about by suppressed influenza, and that if she had been properly treated at first she would likely be now alive; and whether, seeing that when the deceased entered the post-office and up to the time of her fatal illness she was a bright, healthy girl, he will say what are the medical qualifications of the official lady doctor to whom the deceased submitted herself for treatment; and whether, in view of the expenses incurred by the deceased's relatives in Ireland in connection with this case, he will order an independent inquiry into it with a view to prevent a recurrence of similar cases, and grant some compensation to the deceased's relatives.

13. Mr. FIELD. To ask the postmaster-general whether he is aware that the late Miss Houston, of the postal-order branch of the money-order department, had, prior to her sudden death on the 20th of March last, been ailing for some time and attending the official female medical officer, who treated her for dyspepsia and indigestion; that she saw this official doctor specially about a week before her sudden death, on the ground that she felt seriously ill; and that, instead of granting her sick leave, she was ordered back on duty; and, seeing that the deceased died suddenly on the 20th of March from supposed heart disease, will he take similar steps as requested in the case of the late Miss Watson.

14. Mr. FIELD. To ask the postmaster-general whether instructions have been issued to the effect that post-office officials of certain ranks who may receive sick certificates from a certain duly qualified private medical practitioner in the northwestern district of London shall be allowed sick leave but no pay; will he say whether this medical officer had any charge preferred against him in which he was given an opportunity of defending himself; if not, will he say why these instructions have been issued; and, seeing that the post-office medical officers have frequently been in conflict with private medical practitioners on the question of sick leave of post-office officials, and that several cases of deaths have occurred in which these official medical officers have refused sick leave shortly preceding such deaths, will he now grant an inquiry into this subject.

15. Mr. LOUGH. To ask the president of the board of trade what is the number of sugar refineries and the number of hands employed therein in the United Kingdom in the years 1902 and 1908, respectively, and what is the annual cost of conducting these refineries in bond.

16. Mr. LOUGH. To ask the president of the board of trade what was the quantity of raw beet sugar produced during the year 1907 in the foreign countries set out in Table IV of the Sugar return, No. 334, issued in August, 1907; the imports of unrefined and refined sugar as shown in Table V (A); the total estimated consumption per head of the population as shown in Table VI (B); the British West Indian exports as shown in Table IX; and the declared average value of raw and refined sugar imported into the United Kingdom for the year 1907, as shown in Table X, and the same average prices for each month of the year 1908.

17. Mr. TIMOTHY DAVIES. To ask the president of the board of trade if he can give any official information as regards the alleged dumping of 8,000 tons and 15,000 tons of hops from the United States in this country; and will he give the quantity in tons of hops received from America in the month of April, also for the four months of this year?

18. Mr. MCARTHUR. To ask the secretary to the treasury whether the board of customs have received three petitions from the examining officers, second class (1881–8 entrants), drawing attention to the inequalities in pay and prospects of the petitioners in comparison with other entrants; whether he is aware that at an interview on 6th November, 1907, a representative deputation complained to the board that through a series of reorganizations the conditions of their entrance to the service had been altered to their detriment; and whether, in view of the failure of the present classification to provide satisfactory advancement for the petitioners, the treasury will give effect to the ameliorative measures suggested by the examining officers' representatives in their recent communications with the secretary to the board of customs.

19. Lord BALCARRES. To ask the president of the board of education if he will state upon what date the plans to carry out the requirements of the board as regards the provision of a playground and cloakroom for East Hardwick School, West Riding, were submitted to the board; on what date were the plans in question returned; and what has been the explanation of the delay.

20. Mr. MOND. To ask the secretary of state for the home department what are the total number of new licenses granted since the licensing act of 1904; what number of such licenses were granted for one year and what number for seven years; what was the amount received for monopoly value for such licenses; and what was the average amount received for the monopoly value of the new licenses granted annually.

21. Mr. ASHTON. To ask Mr. Chancellor of the Exchequer what is the present amount of the unfunded debt, of what issues does it consist, and what exchequer bonds are now current issued for capital expenditure and classed among other capital liabilities; and what was the amount of the like issues at the same time last year.

NOTICES OF MOTIONS.

AT A QUARTER PAST 8 O'CLOCK.

1. Mr. ALDEN, native affairs (South Africa). To call attention to native affairs in South Africa in connection with federation proposals, and to move that this house, recognizing signs of a growing opinion on the part of the self-governing colonies of South Africa in favor of safeguarding the rights and future of the natives in any scheme of political unification or federation, expresses its confidence that His Majesty's Government will welcome the adoption of provisions calculated to render possible the ultimate inclusion of the whole of British South Africa in federal union.

2. SIR CHARLES DILKE, native affairs (South Africa). To call attention to native affairs in South Africa in connection with federation proposals and to move that this house, recognizing signs of a growing opinion on the part of the self-governing colonies of South Africa in favor of safeguarding the rights and future of the natives in any scheme of political unification or federation, expresses its confidence that His Majesty's Government will promote the adoption of provisions calculated to render possible the ultimate inclusion of the whole of British South Africa in federal union.

3. Sir GILBERT PARKER, native affairs (South Africa). To call attention to native affairs in South Africa in connection with federation proposals and to move that this house, realizing the insuperable difficulties in the way of dealing effectively with the native question, except under a scheme of political confederation, and recognizing the responsibility of His Majesty's Government for the well-being of the natives of the British subcontinent, expresses its hope that His Majesty's Government will support and endeavor to advance the movement for federal union for the colonies of British South Africa.

ORDERS OF THE DAY.

1. Weekly rest-day bill, second reading.
2. Prohibition of medical practice by companies bill, second reading.
3. Town tenants (Ireland) act (1907) amendment bill, second reading.
4. Trade disputes bill, second reading.
5. Bankruptcy (Scotland) bill, second reading.
6. * Nurses' registration (No. 2) bill, second reading.
7. Education (continuation schools) bill, second reading.
8. Waste lands (Ireland) improvement bill, second reading.
9. Whaling stations bill, second reading.
10. Home work bill, second reading.
11. Education of afflicted children (Ireland) bill, second reading.
12. Railway and canal traffic bill, second reading.
13. Public health acts amendment (markets) bill, second reading.
14. Coal mines (eight hours for winding enginemen) bill, second reading.
15. Municipal corporations (election of aldermen) bill, second reading.
16. Public health bill, second reading.
17. Sale of whisky bill, second reading.
18. Absent voters bill, second reading.
19. Coroners' inquests (railway fatalities) bill, second reading.
20. Sale of intoxicating liquors on Sunday bill, second reading.
21. Luggage (definition) bill, second reading.
22. Infant life protection (No. 2) bill, second reading.
23. Dogs (exemption) bill, second reading.
* 24. Dogs' protection bill, adjourned debate on second reading (26th February).†
25. Exportation of horses bill, second reading.
26. Rabbits on commons bill, second reading.
27. Metropolitan sewers and drains bill, second reading.
28. Poor law (compulsory contribution exemption) bill, second reading.

NOTICES OF MOTIONS.

NOTICES RELATING TO ORDERS OF THE DAY.

(6) Mr. ANNAN BRYCE. On second reading of nurses' registration (No. 2) bill, to move that it be read a second time upon this day six months.

Mr. RAWLINSON. On second reading of nurses' registration (No. 2) bill, to move that it be read a second time upon this day six months.

(24) Mr. MOONEY. On second reading of dogs' protection bill, to move that it be read a second time upon this day six months.

Mr. HAVILAND-BURKE. On second reading of dogs' protection bill, to move that it be read a second time upon this day six months.

Mr. HAYDEN. On second reading of dogs' protection bill, to move that it be read a second time upon this day six months.

Mr. BOLAND. On second reading of dogs' protection bill, to move that it be read a second time upon this day six months.

Mr. KETTLE. On second reading of dogs' protection bill, to move that it be read a second time upon this day six months.

PUBLIC COMMITTEES FOR WEDNESDAY, 13TH MAY, 1908.

1. Debtors (imprisonment), at half past 11, room 12;
2. Police and sanitary (A), at half past 11, room 8;
3. Police and sanitary (B), at half past 11, room 9;
4. Home work, at quarter before 12, room 15; and
5. Kitchen and refreshment rooms (House of Commons) (Subcommittee at 4 o'clock), at half past 4, room D, on Terrace.

† Dogs' protection bill, order for second reading read; motion made and question proposed, "That the bill be now read a second time."

Mr. BURLESON. I yield thirty minutes to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Chairman, I have been highly edified by this discussion. I think it is one of the most wholesome manifestations of parliamentary independence and parliamentary intelligence that has been witnessed on this floor during my service. I congratulate the gentleman from Massachusetts [Mr. GARDNER] on having raised the question and the debate to a high plane of parliamentary excellence. I do not rise to take either side of this controversy, but rather to suggest a middle ground which I think the House could afford to take with great advantage to its own procedure and with great benefit to the country at large.

I can not agree with the gentleman from Pennsylvania [Mr. OLMSTED] that the present rules are all that the House can require for an efficient and prompt discharge of business, nor do I sympathize with those gentlemen who are constantly criticising the rules as the fons et origo, the fountain and origin of all the defects with which legislation can be charged.

I speak from an experience of the House somewhat extensive, running back to the filibuster described by the gentleman from Pennsylvania, and embracing the quite recent performance under its present organization, when a financial measure affecting the commerce of this country more deeply than any passed since the Sherman law was driven through this body with only an hour's debate, without a copy of the bill being in the hands of a single Member, while our only knowledge of its provisions was such memory as we were able to preserve of words read from the desk.

Now, Mr. Chairman, while I have witnessed all these various phases of our parliamentary evolution, I venture——

Mr. OLMSTED. I would like to ask the gentleman if he also witnessed and remembers the occasion when the Wilson tariff bill, with 634 amendments, was put through the Democratic Congress on an hour's debate?

Mr. COCKRAN. Perfectly; I recall both performances. I protested against both, and voted against both. [Applause.] But there was this difference between the performance when the Wilson bill was passed and that which marked the passage of the last financial bill: When the motion to concur in the amendments of the Senate to the Wilson bill was before the House I was heard to denounce the proposal, as well as to vote against it. When this last performance was accomplished nobody was allowed time to criticise it or point out its defects.

But I am not here to compare offenses of one party with offenses of the other against what I conceive to be sound principles of procedure. I am here to suggest, if I can, a method by which all offenses against fairness and fullness of discussion can be obviated and prevented, whichever party may happen to be in the ascendancy.

Now, I want to state here in the beginning that, in my judgment, differences of views between both sides of this question are not nearly so wide as they would seem. I think they are more vehement in expression than they are wide in extent. I venture this prophecy now: If the Speaker were to appoint a committee of four, six, or eight Members, equally distributed between both parties, to consider whether changes in the rules be desirable, their report would very likely be unanimous and the amendments or changes they might recommend would be very few in number.

I am willing to admit with the gentleman from Pennsylvania that it is impossible to attempt a discussion of all measures that are brought before this House. I agree with him that it is the right of the majority absolutely to control the proceedings of this body. I supported that right, sir, when it involved almost a test of party loyalty, for I defended the Reed rules on this floor when the Reed rules, still a fresh experiment, were objects of denunciation by Democrats and of execration by a large part of the people of this country. I recognized then, as I acknowledge now, that it is impossible to conduct the business of a parliamentary body unless the majority have complete control of its procedure and exercise it in their own way. That I concede absolutely and unreservedly; but the corollary of that proposition is equally true. There must be no doubt that it is a majority which actually exercises control. The majority must always be ready to establish the fact that it is a majority. It has no warrant for control except the fact that it is the majority. Now, sir, under existing conditions, the majority is never required to establish the fact that it is the majority but once, and that is on the opening day of the session, when a motion is carried that the rules of the last House be made the rules of this one. That is carried by a majority vote, and the moment that vote is recorded the control of this body passes from its actual majority—that is to say, from a majority of the House or even from a majority of the majority—into the hands of a majority of the Committee on Rules.

That is the practical effect of the rules as they stand. Well may the gentleman from Massachusetts [Mr. GARDNER] state, and no man can question it, that under this system Representatives can shield themselves behind the procedure of the House while quietly stifling legislation which they would not dare oppose openly in full view of their constituents.

Mr. ALEXANDER of New York. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to his colleague?

Mr. COCKRAN. Certainly.

Mr. ALEXANDER of New York. Will the gentleman illustrate by cases in his own mind where the majority, the moment that we have adopted the rules of the House, passed their power to the Committee on Rules, and that power was taken away from the majority of the House?

Mr. COCKRAN. My only objection to doing that is that it will consume a lot of time in establishing facts which I think must be obvious to the gentleman.

Mr. ALEXANDER of New York. Will the gentleman state one?

Mr. COCKRAN. What I stated, Mr. Chairman, was this, to begin with; not that the majority have absolutely lost control of the House in the sense that any action can be taken against its will or without its consent. That is a totally different proposition. Any affirmative action by the House of course requires the vote of a majority. But to defeat a measure effectively, to prevent absolutely any chance of its being enacted, or even considered, it need but encounter the hostility of the Committee on Rules, or rather of its majority. Nay, to render its prospects hopeless the Committee on Rules need not be actively hostile; it is enough that a majority of that committee is indifferent. What I do state is that there are no means known to our procedure by which, when a proposal of legislation submitted by me is arrested, deprived of any prospect that it can be enacted into law, I can challenge the opposition to show that it is a majority of the House which antagonizes it.

Mr. MANN. Will the gentleman yield for a question?

Mr. COCKRAN. Certainly.

Mr. MANN. Does the gentleman recall any case under the rules where the Committee on Rules can do anything without appealing to a majority of the House?

Mr. COCKRAN. That is quite true, Mr. Chairman. It can not do anything, but it can refuse to do everything; and its refusal is of deadly effect to legislative propositions. Let us see just exactly what occurs. Gentlemen here on both sides have challenged me to give an instance where the procedure of the House enabled opponents of measures to defeat them without opposing them openly on the floor. I will give one or two. There is one that has been mentioned here time and again, the proposition to put wood pulp on the free list. I myself have offered, again and again, measures against which I know there could not have been five votes recorded in this House, and yet these measures have never come before the House. Why? Because under the procedure of the House not merely the Committee on Rules, but all the other committees, are sitting upon them with an effect of weight and inertia that is absolutely immovable. [Laughter.] There is not a gentleman here, including the gentleman from New York, my colleague [Mr. ALEXANDER], who can not go back to his constituency to-morrow and protest his earnest enthusiasm for my measures and blame his refusal to vote for them upon the procedure of the House. Now, that is an abuse and a serious one. Anything that can be interposed between the discharge of a Representative's duty and full knowledge by his constituents of how he discharges it is a grave abuse upon the representative system.

The gentleman from New York [Mr. ALEXANDER] and the gentleman from Illinois [Mr. MANN] have asked me to explain how this procedure stifles the voice of the House. I have introduced a measure here for the publicity of campaign expenses before elections, which will serve to illustrate the abuse of which I complain. Now, what was the procedure there? It went to a committee appointed by the Speaker. There it slumbers. All my efforts to arouse it have but sufficed to provoke some expressions of weariness from the Members whom I importuned. But let us suppose I could have moved that committee, assuming that the Speaker is hostile to it, what then? Suppose I could have moved that committee appointed by the Speaker to report a measure favorably which the Speaker condemns. What good would it do me?

Mr. MADDEN. Will the gentleman yield for a question?

Mr. COCKRAN. Undoubtedly.

Mr. MADDEN. Would the gentleman take away from the Speaker the power to appoint the committees?

Mr. COCKRAN. No, sir; I would not. As I stated at the beginning, notwithstanding the existence of these defects in our rules that can not be disputed, the change in procedure

which any sensible committee could recommend would, in my judgment, be exceedingly slight and narrow, and yet I think some changes would be very effective and very salutary. Now, I said, when a measure goes before a committee, the Speaker being hostile to it, the committee, it may fairly be assumed, will sit upon it. But suppose the committee should be moved by a virtuous independent impulse and should report it favorably. How far have I got then? Why, I have reached the tail end of the calendar, where I have just about as much chance of getting that measure before this House without affirmative action by the Committee on Rules as I have of being translated to heaven like the Prophet Elijah. [Laughter.] But suppose even that the Committee on Rules should break away from the Speaker—and I do not think that such an event is conceivable. I do not believe it is thinkable. [Laughter.] I want to say, in all candor, I do not think it would be honorable.

I think when a Member of the majority accepts from the Speaker a place on the Committee on Rules, he takes an honorable obligation to exercise the power such an appointment bestows on him to keep the Speaker's control of the House absolute. I am quite willing to concede that. But suppose the Committee on Rules, or a majority of it, did break away from the Speaker, how much further would that bring me? I would still be far from a certainty of securing consideration for the measure. I would still find it necessary to devise some manner of chain or fetter which I could fasten on the Speaker's eye and hold it until the member of the Committee on Rules desiring to present its report had obtained the floor to move consideration and adoption of its recommendation that my measure be taken up for consideration and that a vote be taken on it. If anyone can suggest a method by which the Speaker's eye can be caught, fastened, held for a purpose which he himself condemns, I shall be glad to give that ingenious person the floor, that he might enlighten us and gladden us. And so we can not escape the conclusion that, so far as affirmative action is concerned, this House is absolutely in the hands of the Speaker. For such a condition I do not think there is precedent or parallel anywhere at any time. We have heard during the debate a great deal about the procedure of the House of Commons and much about the greater attention given to its debates and the greater consequence enjoyed by its members.

Mr. Chairman, these differences are inherent; they do not spring from any difference in rules. The inherent difference between the two bodies is that the House of Commons controls absolutely the executive department of the English Government. It is itself, through one of its committees, the executive, as well as the legislative, department. By the exercise of a single vote it can overthrow a government and immediately effect a complete change of administration, for the Government itself is only a committee of the house.

This body can not discharge from his office a single executive officer. It certainly can not overthrow a Cabinet or force the resignation of a single Cabinet minister.

Some people say that the distinction between these two bodies is that we are governed or managed by committees, and the House of Commons is not. Why, in all its legislation of a public character the House of Commons is managed by one committee. That committee is the Government. So far as legislation is concerned we have simply divided among several committees the powers which in that body are held by one.

Mr. ALEXANDER of New York. Will the gentleman yield?

Mr. COCKRAN. Certainly.

Mr. ALEXANDER of New York. The gentleman suggests having a majority of the Committee on Rules.

Mr. COCKRAN. I did not suggest it. The gentleman is mistaken. I have not come to my suggestions yet; I have not got past my criticisms. [Laughter.] The gentleman is entirely mistaken if he thinks I have suggested anything.

Mr. ALEXANDER of New York. Will the gentleman come to his suggestions?

Mr. COCKRAN. If the gentleman will allow the committee and myself to decide when we shall come to suggestions, I will be delighted to say yes. But if he means that I must come to them now, I beg him to let me reach them in my own way.

Mr. ALEXANDER of New York. I ask the gentleman to yield for a question.

Mr. COCKRAN. With pleasure.

Mr. ALEXANDER of New York. If the Committee on Rules agreed with the gentleman that his bill should be brought before the House, what would occur next?

Mr. COCKRAN. I hope the gentleman from New York would vote for it; in point of fact, I am sure he would. [Laughter.]

Mr. ALEXANDER of New York. Would I get a chance to vote for it?

Mr. COCKRAN. I can only reecho the question propounded years ago in a Republican convention, "What are we here for?" What are you here for? [Laughter.]

Mr. ALEXANDER of New York. If I had a chance to vote for it, then the Speaker would not be controlling the action of the House.

Mr. COCKRAN. I confess, Mr. Chairman, that I can not follow the gentleman to his conclusions. His manner of proceeding from a premise which has been undisclosed to a conclusion which is preposterous is far beyond the reach of my intellectuals. [Laughter.] I beg the gentleman to realize that what I say is in perfect good faith and with the utmost affection for him personally. [Laughter.]

Mr. ALEXANDER of New York. I suggest that the gentleman is very likely right that it would be preposterous, but that was his own suggestion at the outset which I desired him to come back to. In his supposition he got to the Committee on Rules, and then he branched off on something else. I simply desire to call him back to his original suggestion that if he obtained a majority of the Committee on Rules to allow him to bring his measure before the House and Members had a chance to vote upon it, would it not show that the House, at that time at least, was not controlled by the Speaker?

Mr. COCKRAN. Mr. Chairman, if my suggestion was preposterous, I can only say that its character in that respect did not become conspicuous until the gentleman undertook to deal with it. [Laughter.] As a matter of fact, I made no such suggestion as the gentleman imputes to me. What I did state was this: If the Committee on Rules became so far independent as to break away from control of the Speaker, and actually undertook, against his wish, to report a rule providing for consideration of that measure, they could not get the floor until the Speaker recognized them, and, under such conditions, he would not recognize them. That was what I stated. Even assuming the Committee on Rules favored the measure there was but one way in which it could be brought before the House and that was by finding some device or some plan to catch the Speaker's eye and hold it long enough to get recognition.

If the gentleman has discovered a modus by which that tremendous feat can be accomplished, he will do very much toward simplifying this discussion and smoothing away all discontent. [Laughter.]

Mr. ALEXANDER of New York. I thank the gentleman for answering my question at last.

Mr. MADDEN. Will the gentleman from New York [Mr. COCKRAN] concede that the Committee on Rules has the right to the floor, and that its report is privileged?

Mr. COCKRAN. Yes; privileged provided the Speaker will recognize them.

Mr. OLMSTED. And it being a privileged matter, the visual organ of the Speaker is bound to rest on the chairman of that committee, and no Speaker would dare to do otherwise.

Mr. COCKRAN. Now, the gentleman makes two statements. He says the visual organ is bound to do something, and that no Speaker would dare do otherwise. Any man who can bind that visual organ has succeeded in accomplishing a feat to which I can not hope to aspire. [Laughter.]

Mr. OLMSTED. I do not think any Speaker's eye has ever failed to rest on a man who rose to a privileged matter.

Mr. COCKRAN. There the gentleman is speaking of something that is usual. I am speaking, not of what may be usual, but of what is possible.

Mr. OLMSTED. It is required by the rules.

Mr. COCKRAN. I differ with the gentleman. It is not, and I can not conceive how rules could be framed which would inform the Speaker when a Member gets up on the floor whether he is charged with a privileged resolution or any other motion. Certainly there is nothing in the existing rules providing for any cut of his garments, any arrangement of his hair, or peculiarity of attitude that would be accepted as indicating decisively whether he is rising to a question that is privileged or one that is simply interesting to himself.

Mr. MANN. The gentleman must be aware that a statement that a matter is privileged calls the attention of the Speaker to it, and under the rule if the Speaker should not recognize a matter that is privileged it is the right under the rule for any Member of the House to appeal from the decision of the Chair, and a majority of the House can sustain the appeal. So it does not rest with the Speaker to determine——

Mr. COCKRAN. I do not care to waste time in discussing an abstraction like that. The gentleman from Illinois [Mr. MANN] knows perfectly well that the situation he describes is so improbable that it is not a practical subject of discussion. Neither is the suggestion made by the gentleman from Pennsylvania [Mr. OLMSTED] in his speech this morning, that it

always remains with a majority of the House to set aside every other measure on the calendar—refuse to consider any bill whatever—until the one which the majority is anxious to dispose of should be reached. That we all know is theoretically possible, but practically it is impossible and unthinkable. Nor does that cover the point which the gentleman from Massachusetts [Mr. GARDNER] has made so forcibly. It does not compel the majority, if there be one, which opposes the measure to come out openly and vote against it. You can not present to this House the direct question, Shall these various measures be set aside so as to take up House bill so-and-so? You can not put such a motion.

The question of consideration, if raised against a measure, can not be presented in such a form. The only question that can be submitted to the House is the naked one, Shall such a measure be considered—not shall it be considered in preference to some other measure that is pending, or shall it and all others be set aside, that some particular bill far down on the calendar may first be taken up and passed. To accomplish practically what the gentleman from Pennsylvania suggests, Members must vote to set aside every other bill, including bills which they themselves have introduced, not, so far as the record would show, for the purpose of passing some particular measure of capital importance, but without explanation of any kind. The condition of exercising this power, which the gentleman from Pennsylvania considers effective, is that many a man must write himself down disloyal to his own measures. That is a condition which can not be met. When the gentleman describes it he shows conclusively that the remedy of which it is an essential feature is beyond the reach of practical or actual application.

I am perfectly willing to concede the force of much—indeed, of most—that has been said by the gentleman from Pennsylvania [Mr. OLMSTED]. I realize that it would be impossible to have every measure introduced by Members here considered or to take a vote upon each one. I do believe, however, that some means should be provided by which any substantial portion of the House could challenge the majority to a vote on any proposal of public importance, so that it would either be passed into law or else the Members who defeated it must oppose it openly and record their opposition.

I think it is little short of an outrage upon our representative system that the files of our committees should be piled high with measures which the Members here would not dare vote against on the floor, but which they can aid in stifling by sitting silent behind the Committee on Rules and the machinery of the House. That is the one defect in our procedure which I think can be remedied completely by an amendment of the rules.

The gentleman from Mississippi [Mr. WILLIAMS] suggests that a majority of the House in writing should be empowered to demand consideration of a measure. That certainly would be an improvement on existing conditions, but I do not think it would be a complete reform. I think something more effective and less cumbersome in the way of ascertaining the existence of a majority should be provided.

When a number of Members equal to that required to order the yeas and nays second a motion to take up a measure for consideration, that of itself should be sufficient to insure a vote—not a debate—but a vote on the proposal. Whether any discussion be allowed on any subject is absolutely within the discretion of the majority. The minority are not entitled to debate or to anything except the right to be counted—to be assured that they are but a minority. The House alone has the right to say whether debate is necessary or desirable for its enlightenment. If it believes debate is essential to the proper exercise of its functions, then debate should be ordered. But the ordering of debate or the refusal to permit it, the extent to which it should be allowed when it is ordered, is always a matter of discretion for the House, and therefore a matter to be decided by the majority. But, again, I repeat it must be always clear that it is a majority—an actual majority—on a particular proposal that determines its disposition.

It is not enough to say that the Members sitting on this side of the House are a majority of it, and that they voted to establish the Committee on Rules. There is no such thing as a permanent majority contemplated by a parliamentary system. In contemplation of the Constitution this body approaches every question submitted to it free from any tie or limitation, political or personal, on its action—deciding every motion on its own merits. A majority has no prescribed term of existence. It exists just as long as its members cooperate. But the only way continuance of this cooperation, and, therefore, continued existence of a majority or minority, can be shown is by a vote. Where power to demand a vote on any measure is denied, it is impossible to ascertain whether it is a majority or a minority that obstructs its passage. This disposition to assume the existence of a permanent majority or minority here has always bred much confusion of thought. When the Reed rules were under discussion here we heard a great deal about the majority and the minority, especially about "the rights of the minority."

I was not a Member of the Fifty-first Congress where the Reed rules were first adopted, but I did serve in the Fifty-second, and I well remember the extended debate upon a motion to adopt the same rules. The Republican membership had then shrunk to a very small minority. The dividing line between the parties here was not the center of the House, but this aisle where I am standing. The minority offered a resolution that the rules of the former House, known as the "Reed rules," should apply to that Congress. The debate that followed turned largely on what was described as "the rights of the minority." Now, in that debate I ventured to point out what I think is equally true now, that you can not vest the minority with rights which the majority do not enjoy and still keep it a minority. For if the minority have rights which the majority are denied, Members would all hasten to join the minority, which would then become a majority and lose at once its identity as a minority and its rights. [Laughter.]

The moment you attach anything like permanence to a majority or a minority you emasculate, if you do not destroy, the vigor of a parliamentary body. A majority should be held to exist only while it is able to show that it exists. No representative chamber can be considered properly organized for legislation while its procedure is controlled, not by a majority of all its members, but by a majority of a small subcommittee. It seems to me there should be no objection to such an amendment of the rules as would enable a vote to be obtained on any important public question when the motion to consider it is seconded by a substantial portion of our membership. If it be considered that it would take too much of the time essential for legislation were one-fifth of those present empowered to secure a roll call upon a given question, then at least this power should be conceded to the whole body of the minority in its entirety. I believe it is absolutely essential to the representative character of your House that the minority, through its recognized leader, should have the right, within proper restrictions, to demand a vote upon any proposal submitted to this House.

Sir, many bills submitted to this House since I have been here that failed of passage would have been approved by substantial majorities if a vote upon them could have been taken. The gentleman from Michigan [Mr. TOWNSEND] can probably recall one or two that few Members would have ventured to vote against, but which were stifled in committee. They failed, not because the House was opposed to them; not because a majority of the House was not eager to vote for them; but because all power of the House to deal with them was strangled in its own machinery. If any gentleman here would like me to specify some of those bills which, though favored by a majority, were never suffered to reach a vote let him rise in his seat and I will undertake to mention one for which he himself would have voted if an opportunity had been given the minority to challenge the sense of the House upon every question of public importance that had been offered for its action.

Mr. Chairman, I am far from saying or insinuating that the decline in importance which has undoubtedly overtaken this legislative body is due entirely to its rules.

Legislative bodies have declined in importance and in consequence everywhere. That seems to be in obedience to a general law. It would appear as though every instrumentality which society has found effective at some stage of its progress begins to decline when the great purpose for which it was peculiarly qualified has been accomplished. The last century and the last quarter of the preceding century were periods in which grave questions affecting radically the structure of government were subjects of excited debate everywhere throughout Christendom. The right of kings to hold their thrones; the right of classes to be exempt from certain burdens of the state; the right of some individuals to hold public offices of power and consequence by inheritance rather than by any merits of their own; the right of some men to enjoy privileges denied to their fellows; all those were questions for the settlement of which representative bodies were peculiarly well qualified. But to-day they are settled. They are no longer issues over which men or societies are divided. Equality of fundamental rights is now the law governing nations everywhere throughout Christendom.

The great business of legislative bodies—the establishment of this equality—has been accomplished. The function of legislation in the future must necessarily be less important. It must be confined largely to matters of administration and to problems purely economic. For that reason we can not reasonably expect to see another Henry Clay develop in this body, since

there are no longer controversies like those affecting the extension of slavery over new territories of vast extent to be compromised. We can not expect to hear great debates on the nature of our Union, now that its indissolubility is forever established beyond question or discussion.

But there remains this wide field of administrative and economic problems upon which legislative powers can still be exercised with decisive advantage to the country and very considerable credit to this House. Surely, sir, as the gentleman from Massachusetts [Mr. GARDNER] well says, to fix the conditions under which functions so important shall be exercised should not be deemed a party question. In all our proceedings we are playing for a great stake. We are striving for popular approval and for the success which follows it. Both parties in this House are laboring to win a majority in the next House. They are contending for a noble prize when they seek to gain control of the popular branch of the Government. But surely we should have no differences about the conditions under which the contest is to be waged. It is well that we should contend earnestly for the prize, but it is absolutely necessary that we agree upon rules which will make that prize worth the winning, whichever party be successful in achieving it.

I am soon to leave this body. I shall carry out of it, I think, the pleasantest recollections of my whole life. I shall always recall with pride the fact that I have been honored with membership in it. For I believe firmly that if it were given a fair chance to show the qualities it possesses, there is not a representative body in all the world that could compare with it in its ability to discuss questions, its wisdom in considering them, its virtue in dealing with them. [Applause.] If to-morrow it were placed in control of its own procedure, so that its actual majority could decide what questions would be considered, within such limits, of course, as to prevent misuse and waste of time, this House might not become as important or as interesting as the Congresses that preceded the war, but it will become the first representative body in all Christendom. [Applause.]

The main argument—the only argument—in favor of transferring control of the House from the majority of all its Members to a majority of the Committee on Rules is the necessity of providing some method for economizing time. Mr. Chairman, if the time that is wasted in this House were employed properly, there is not one question of importance that could not receive all the consideration it merited. In what we are doing at this moment we offer a striking illustration of the imbecility to which the House has been reduced by some of its rules and the waste of time that follows inevitably. The matter that is pending before the House at present is the District of Columbia appropriation bill. Here we have been engaged in a discussion full of interest—outside of my own contribution to it—yet it does not touch a question that is before the House or that can come before it, except by grace of the Committee on Rules. We can not record a vote on this most important proposal, however thoroughly convinced we may be of its urgency; a proposal, sir, whose significance was never more clearly established than by you this afternoon standing in your place on the floor.

Now, I am aware this House is very sensitive about curtailing the limits of general debate. But I think we should remember general debates on appropriation bills had their origin in a condition and a system that we have abolished. General debate in the English House of Commons on an appropriation bill turns upon every question of administration. How? Because as each item is presented to the House it furnishes an occasion for debate as to conditions that may be imposed upon it. Sometimes, and it is a very common way of expressing disapproval, a motion is made that the salary of a cabinet minister be reduced. When the motion prevails, it is accepted as a vote of censure on the Government, entailing almost invariably its overthrow. Sometimes a law of paramount importance is passed in the form of a condition attached to an appropriation. I may say, going back further in parliamentary history, that all the prerogatives of which the Crown has been shorn were all taken from different Kings through conditions imposed on appropriation bills.

Quite naturally general debate on the whole state of the Kingdom became a feature of each application for the means to carry on government when every shilling granted was accompanied with the strictest scrutiny of the purposes for which it was to be expended and frequently made the subject of conditions imposed by Parliament.

But, sir, this power of imposing conditions on grants of money for the support of government we have surrendered by our own act.

We have abolished by rule the power to incorporate any new legislation in appropriation bills. With us general debate has therefore come to be merely an occasion where Members ventilate their views on various matters for the edification of their constituents, but seldom, if ever, with reference to any measure actually before the House. By regulating those general debates so that matters of actual importance should take precedence of abstract irrelevant discussions, ample time would be afforded, not merely to take a vote where the existence of a majority was challenged by a responsible source, but ample time for such discussion as would suffice to make clear the nature of any proposal on which the judgment of the House was challenged.

For my part, I would be perfectly willing to vote for a rule prohibiting absolutely any discussion that did not touch some proposition actually pending before the House. [Applause.] We are not here to debate abstractions or waste time listening to irrelevant orations, but we are here to consider proposals of legislation affecting the general welfare of the community. If there be nothing for us to do but vote appropriations upon which we refuse to impose any conditions, then it is due to the peace of the country that this potential disturbance to business incidental to every session of Congress and the consequent widespread fear of new legislation should be removed by prompt adjournment. [Laughter.]

I have little sympathy with schemes that merely facilitate legislation. I must say that the statistics presented by the gentleman from Pennsylvania, now occupying the chair, showing that 10,000 measures passed through the last Congress, to me was a display of activity not inspiring, but alarming—almost shocking.

Mr. SIMS. I should like to ask the gentleman to address himself to what seems to me an inevitable and terrible abuse, and that is the passing of omnibus pension bills and omnibus claims bills, in which most vicious sections must be taken or the whole bill be defeated.

Mr. COCKRAN. The gentleman is more familiar with that sort of legislation than I am. Abuses of that character will creep into the operations of a parliamentary body. The gentleman can describe them better than I. I am confining myself to a single suggestion for amending the rules, consideration of which, I think, would be particularly appropriate at this time. There has never been a time when party issues seemed to be so faint as at this moment.

I congratulate the majority on holding the offices of this Government while at the same time preparing to enforce our views and principles—at least to a great extent. [Laughter.] If the new tariff bill to be reported by the Committee on Ways and Means prove as radical a measure of reform as stated by the newspapers, and as the speeches of the President-elect have foreshadowed, and I may say as the bearing of the majority members of the committee indicated during the hearings just concluded, party distinctions are fainter than I recollect them to have been during the last generation. Surely this is an opportune season for considering impartially the rules by which the House is governed. When we realize the great masses of capital embarked in corporate enterprise, and the concentration of vast interests in the hands of a very few, raising more complex questions of government than the human race has ever considered, surely the moment has arrived when the House should make at least an impartial inquiry as to whether its procedure can be improved, made more effective for wholesome legislation. I repeat I do not contend that the power of the majority to control ought to be curtailed in the slightest degree.

I believe it is absolutely essential to any parliamentary form of government that control of the majority be absolute and unchecked; that only one condition should be imposed upon it. It should be required to show that it is actually a majority at the time it is undertaking to exercise control—not merely that it had been a majority on the first day of the session. If machinery can be provided by which the existence—the continued existence—of a majority is established, then, sir, it is proper and necessary that full responsibility for every exercise of power should be left with that majority. [Applause.] Nay, more, exercise of that power should be fastened on the majority; not merely conceded, but imposed upon it.

Thus only can the country be placed in a position where it can require from its servants full account of the stewardship with which they have been intrusted.

One gentleman asked me a question which at the time I was prevented by an interruption from answering fully: Would I abolish the power of the Speaker to appoint committees? No, sir; I would not. There must be a leadership of every body. Leadership of the Speaker would be evolved from the inherent powers of his office by the very nature of human beings if it were not established by any special rule. There never have been any number of human beings charged with a common function where some one or two of them did not assume leadership and practically decide, subject to approval by the others, the

course finally pursued. Any gentleman who has ever tried a case before a jury knows that when a verdict is recorded it is usually the verdict of one man, approved by the others. Where there is a hung jury, it means that two men of such mental strength that neither one would give way to the other met in the jury room and clashed, with the result that the body divided into followers of one or the other and did nothing. We must have leadership if we are to do anything. We can not act with 395 heads and pairs of hands all moving and talking at the same time. We must act through one of our number, and that one is the medium or agent by which the power of the House is made effective.

It would not improve the present condition if, in addition to electing the Speaker and charging him with judicial functions, as the gentleman from Massachusetts [Mr. GARDNER] suggests, we elected another man to serve as leader upon the floor in legislative matters. That would be simply choosing two men to perform the work that one performs a great deal better. I do not think any man here has a right to complain of the equipment or constitution of the committees. The powers they possess may well be criticised. I do not think that the personnel could be improved by a change.

Mr. GAINES of Tennessee. I should like to hear the gentleman on this question: Should the power be lodged in the Speaker, whether Democrat or Republican, to say that, although a majority of this House wants to take up and consider a bill, the Speaker shall refuse to give recognition and thus prevent consideration of the bill?

Mr. COCKRAN. I am afraid the gentleman must have been out of the Chamber when I was discussing that very question.

Mr. GAINES of Tennessee. I am sorry to say that I was not able to be present during the fore part of the gentleman's remarks.

Mr. COCKRAN. Well, it would have been just as well if the gentleman had asked a neighbor whether the matter had been discussed before propounding his question. I have been discussing it at very great length, and what I have been contending for is this——

Mr. GAINES of Tennessee. Anything the gentleman from New York says will bear repeating. I should like to hear him repeat it.

Mr. COCKRAN. Mr. Chairman, I do not quite know how to take that; but, considering its source, which I know to be always a fountain of benevolence and joy, I believe it is said with the most complimentary intention, and as such I accept it. [Laughter.]

Mr. Chairman, for the benefit of the gentleman from Tennessee, let me repeat here that while I believe the power of the Speaker should not be curtailed, so far as the appointment of committees is concerned, and so far as charging him with responsibility for the accomplishment of legislation, yet I think it is an outrage upon representative government that any man or men, any Speaker or a majority of the Committee on Rules, can prevent this House from ascertaining, somehow or other, at some time or other, whether any measure offered for its consideration is opposed or approved by a majority of its membership.

Mr. GAINES of Tennessee. As a matter of fact, in the public building bill——

Mr. COCKRAN. The gentleman from Tennessee must realize that suppression of the desire of a majority to consider that bill is one among the things of which I complain; and my whole argument is that if that one abuse could be remedied, the procedure of this House is about as good as could be devised. I began with the statement and I close with it, that I think it would conduce to the excellence of the work to be performed by this House, it would increase the consequence of the Speaker, it would facilitate his task in organizing the next House, if a committee were appointed now, representing both sides of the Chamber, composed of the most experienced parliamentarians, and charged with the duty to report, either to this House or to the next, an entire system of rules. I doubt whether there would be any change in the existing rules, except possibly the one that I suggest.

Mr. Chairman, I do not for one moment insist that the remedy suggested by me is the one that should be adopted. It might be that such a committee would evolve a much better plan for reaching the same end. All that I suggest is and all that I care about is this: Some plan should be devised by which the House can always ascertain if the force claiming to control it is actually a majority; that majority should not be ascertained at the beginning of a session and then presumed for the rest of the session; it should be established by a vote on every proposal when any sensible proportion of our membership challenges its existence.

I think that the number requisite to order the yeas and nays should be considered sufficient to call for a vote on any question; but if that be considered extravagant, then certainly it would conduce enormously to the dignity of the House and to the value of its procedure if, on motion of the leader of the minority, any measure of public importance could be called up and a vote taken on the question of considering it. If such a motion be defeated, it would be defeated by the majority; if the measure be set aside, it would be set aside by the majority. I do not even insist that the measure should be actually considered by the House; all that I do insist is that the proposal to consider it should be submitted to the House for its action; that the leader of the minority could, on a certain notice, move that a certain measure be considered, and on that be entitled to a vote after such debate or discussion as the majority chose to allow. With that amendment, I believe, Mr. Chairman, these rules would be found entirely effective for the conduct of the House and that the work of the House would enjoy added value in the eyes of the community as it became more clearly, distinctly, and unmistakably the product, not of a small committee operating by cunningly devised machinery, but of free, untrammeled, spontaneous action by a majority of the membership of the House. [Loud applause.]

Mr. GARDNER of Massachusetts. Mr. Chairman, I ask unanimous consent to incorporate in my remarks this calendar of the British House of Commons, together with House resolution 473, to which the gentleman from Pennsylvania called attention.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection?

There was no objection.

Mr. GARDNER of Michigan. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; accordingly the committee rose, and Mr. PAYNE having assumed the chair as Speaker pro tempore, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25392, the District of Columbia appropriation bill, and had instructed him to report that it had come to no resolution thereon.

BILLS LAID UPON THE TABLE.

The SPEAKER pro tempore. The Chair will lay before the House three bills on the House Calendar which have already been passed; and, without objection, those bills will lie on the table. The Clerk will read the titles.

The Clerk read as follows:

The bill (H. R. 119) providing and creating a new division of court for the northern judicial district of Texas at Amarillo, Tex.

The bill (H. R. 11792) to authorize a commission to issue in the cases of officers of the army retired with increased rank.

S. 6487, to govern sea-going barges.

There was no objection, and the bills were ordered to lie on the table.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 13649. An act providing for the hearing of cases on appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth district.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 7721. An act for payment to Robert B. Whitacre and Frederick T. Hildred the sum of $944.97 for blasting powder used by the United States Government to complete the Belle Fourche irrigation project—to the Committee on Claims.

S. 6586. An act to correct the military record of Charles J. Smith—to the Committee on Military Affairs.

S. 1197. An act setting apart a tract of land to be used as a cemetery by the Independent Order of Odd Fellows of Central City, Colo.—to the Committee on the Public Lands.

S. 556. An act to amend an act entitled "An act to amend an act entitled 'An act to amend section 2455 of the Revised Statutes of the United States,' approved February 26, 1895," approved June 27, 1906—to the Committee on the Public Lands.

LEAVE TO WITHDRAW PAPERS.

Mr. LORIMER, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Charles O. Brown (H. R. 20283), Sixtieth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. HOUSTON, by unanimous consent, was granted leave of absence indefinitely, on account of sickness in his family.

ADJOURNMENT.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for instruments, apparatus, etc., for the Geological Survey (H. Doc. No. 1288)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for post-office building at Westfield, Mass. (H. Doc. No. 1289)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, recommending certain legislation in connection with an appropriation for the public building at Buffalo, N. Y. (H. Doc. No. 1290)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting a proposition of legislation to facilitate cooperative work between the Office of Indian Affairs and other bureaus (H. Doc. No. 1291)—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a statement of the receipts and expenditures of the insular government of Porto Rico (H. Doc. No. 1293)—to the Committee on Insular Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting the annual report of Porto Rico (H. Doc. No. 1292)—to the Committee on Insular Affairs and ordered to be printed.

A letter from the Secretary of Agriculture, transmitting a statement as to appointments, promotions, and other changes made in salaries paid from lump sums—to the Committee on Expenditures in the Department of Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutoins were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 219) to accept the gift of Constitution Island, in the Hudson River, New York, reported the same without amendment, accompanied by a report (No. 1823), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 4836) granting to the Norfolk County Water Company the right to lay and maintain a water main through the military reservation on Willoughby Spit, Norfolk County, Va., reported the same with amendment, accompanied by a report (No. 1825), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 25298) granting a pension to Deborah H. Riggs, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 25542) relating to liens on vessels for repairs, supplies, or other necessaries—to the Committee on the Judiciary.

By Mr. ANDREWS: A bill (H. R. 25543) authorizing the Secretary of the Interior to allot agricultural lands in the Mescalero Apache Indian Reservation to the Indians resident therein, and setting aside the remainder of said reservation as a national park, and for other purposes—to the Committee on Indian Affairs.

Also, a bill (H. R. 25544) to amend an act entitled "An act to prohibit the passage of local or special laws in the Territories, to limit territorial indebtedness, and for other purposes"—to the Committee on the Territories.

By Mr. SMITH of Texas: A bill (H. R. 25545) to provide for the enlargement of Fort Bliss, near El Paso, Tex.—to the Committee on Military Affairs.

Also, a bill (H. R. 25546) to provide for a public building at Ballinger, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. ENGLEBRIGHT: A bill (H. R. 25547) relating to the regulation of hydraulic mining by the California Débris Commission in California—to the Committee on Mines and Mining.

By Mr. BURNETT: A bill (H. R. 25548) giving rural mail carriers holiday on the 25th day of December in each year—to the Committee on the Post-Office and Post-Roads.

By Mr. GOULDEN: A bill (H. R. 25549) authorizing commitment to rescue homes in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RODENBERG: A bill (H. R. 25550) for the purchase of the Oldroyd collection of Lincoln relics, and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. PAYNE: A bill (H. R. 25551) for the relief of certain surgeons, passed assistant surgeons, and assistant surgeons, United States Navy, retired—to the Committee on Naval Affairs.

By Mr. BARCHFELD: A bill (H. R. 25552) to amend an act entitled "An act to amend an act entitled 'An act to authorize the construction of a bridge across the Monongahela River in the State of Pennsylvania by the Liberty Bridge Company,' approved March 2, 1907," approved March 16, 1908—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 25553) for the relief of the Alaska Pacific Railway and Terminal Company—to the Committee on the Territories.

By Mr. CLARK of Florida: Resolution (H. Res. 475) seeking information as to rents paid by the Government for post-office purposes for the fiscal year ended June 30, 1908—to the Committee on Expenditures in the Post-Office Department.

Also, resolution (H. Res. 476) seeking information from the Attorney-General as to the employment and uses of special agents by the Department of Justice—to the Committee on the Judiciary.

By Mr. LASSITER: Resolution (H. Res. 477) directing the Secretary of War to furnish to the House certain information as to damages inflicted upon public work, etc., by freshets in the Appomattox River—to the Committee on Rivers and Harbors.

By Mr. LONGWORTH: Joint resolution (H. J. Res. 226) authorizing the Secretary of War to loan certain tents for use at the festival encampment of the North American Gymnastic Union, to be held at Cincinnati, Ohio, in June, 1909—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 25554) granting a pension to Jacob J. Runkel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25555) granting a pension to Rezin F. Mumma—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25556) granting a pension to David Whitehead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25557) granting a pension to William Fording—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25558) granting a pension to William H. Richardson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25559) granting a pension to William H. Armstrong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25560) for the relief of Joseph Heaton—to the Committee on Claims.

By Mr. ACHESON: A bill (H. R. 25561) granting an increase of pension to William A. Bane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25562) granting an increase of pension to Taylor M. McFarland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25563) to correct the military record of Henry Applegate—to the Committee on Military Affairs.

By Mr. AMES: A bill (H. R. 25564) granting a pension to Inez M. Brigham—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 25565) granting a pension to H. C. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25566) granting a pension to John J. Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25567) granting a pension to Francisco Montoya—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25568) granting a pension to William Sweeney—to the Committee on Pensions.

Also, a bill (H. R. 25569) granting a pension to Bernard Higgins—to the Committee on Pensions.

Also, a bill (H. R. 25570) granting a pension to Sarah A. Geck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25571) granting a pension to Eli Newsoms—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25572) granting a pension to George W. Mossman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25573) granting an increase of pension to Amanda Paxton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25574) for the relief of Ventura Maestas—to the Committee on Claims.

Also, a bill (H. R. 25575) for the relief of H. C. Smith—to the Committee on War Claims.

Also, a bill (H. R. 25576) to remove the charge of desertion from the military record of Joseph D. Depue—to the Committee on Military Affairs.

Also, a bill (H. R. 25577) to remove the charge of desertion from the military record of Francisco Medina—to the Committee on Military Affairs.

Also, a bill (H. R. 25578) for the relief of the estate of William Le Blanc, deceased—to the Committee on Claims.

Also, a bill (H. R. 25579) for the relief of the estate of Martin Vigil, deceased, and the administrator of the said estate, Eslavio Vigil, of Albuquerque, N. Mex.—to the Committee on Claims.

By Mr. ANDRUS: A bill (H. R. 25580) granting an increase of pension to George W. Ackerly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25581) for the relief of the estate of Lydia A. Oakley, deceased—to the Committee on Claims.

Also, a bill (H. R. 25582) for the relief of the heirs of Hannah F. Traynier—to the Committee on War Claims.

By Mr. ANSBERRY: A bill (H. R. 25583) granting an increase of pension to Jacob J. Bohner—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 25584) granting an increase of pension to Michael Sowers—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 25585) granting an increase of pension to Elizabeth Truax—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 25586) granting an increase of pension to John S. Osborn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25587) granting an increase of pension to John T. Vanlandingham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25588) granting an increase of pension to Marshall Caldwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25589) granting an increase of pension to John F. Campbell—to the Committee on Pensions.

Also, a bill (H. R. 25590) granting an increase of pension to John Harvey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25591) granting an increase of pension to Alexander Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25592) granting an increase of pension to James A. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25593) granting an increase of pension to Robert Haywood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25594) granting an increase of pension to George M. Adkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25595) for the relief of the estate of William M. Caskey—to the Committee on War Claims.

Also, a bill (H. R. 25596) granting an increase of pension to Albert Applegate—to the Committee on Pensions.

By Mr. BINGHAM: A bill (H. R. 25597) for the relief of Nathan Van Beil and others—to the Committee on Claims.

By Mr. BOUTELL: A bill (H. R. 25598) granting an increase of pension to Thomas Conley—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 25599) for the relief of J. W. Murry, sr.—to the Committee on War Claims.

Also, a bill (H. R. 25600) granting an increase of pension to James McClellan—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 25601) granting an increase of pension to George W. Coffey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25602) granting an increase of pension to Luther R. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25603) granting an increase of pension to Joseph Lyons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25604) granting a pension to Simon Shaw—to the Committee on Pensions.

By Mr. CAULFIELD: A bill (H. R. 25605) granting a pension to Anna Wykel—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 25606) granting an increase of pension to Francis M. Neel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25607) granting an increase of pension to William H. Phipps—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 25608) granting an increase of pension to John R. Madison—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 25609) granting an increase of pension to Hartwell Pate—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 25610) for the relief of Jacob S. Young—to the Committee on Claims.

By Mr. DENVER: A bill (H. R. 25611) granting an increase of pension to George A. Ritchey—to the Committee on Pensions.

By Mr. DIXON: A bill (H. R. 25612) granting an increase of pension to Thomas W. Williamson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25613) granting an increase of pension to Albert S. Graves—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 25614) granting an increase of pension to Albert J. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25615) granting an increase of pension to Willard F. Pardee—to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 25616) granting an increase of pension to William B. Ellett—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 25617) granting an increase of pension to Charles T. Ostrander—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 25618) granting an increase of pension to Andrew Granger—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 25619) granting an increase of pension to James E. Tier—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 25620) granting an increase of pension to George C. Stevens—to the Committee on Invalid Pensions.

By Mr. FULTON: A bill (H. R. 25621) granting an increase of pension to William Hardenbrook—to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 25622) granting a pension to Oliver T. Shepherd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25623) for the relief of Augustus Hines—to the Committee on Military Affairs.

By Mr. HALE: A bill (H. R. 25624) granting an increase of pension to James Underwood—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 25625) granting an increase of pension to Henry A. Billow—to the Committee on Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 25626) granting an increase of pension to Ferdinand H. Wurdemann—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 25627) granting an increase of pension to Joseph M. Billings—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 25628) granting a pension to William R. Chaffin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25629) granting a pension to Samuel D. Houston—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 25630) to amend and correct war records so as to muster in and muster out of service in United States Army W. H. Parker, of Gibson County, Tenn., and to grant to him an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 25631) granting an increase of pension to William Henders—to the Committee on Invalid Pensions.

By Mr. OLLIE M. JAMES: A bill (H. R. 25632) granting an increase of pension to Fletcher Harrison—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 25633) for the relief of Thomas J. Pottinger—to the Committee on War Claims.

By Mr. KELIHER: A bill (H. R. 25634) granting a pension to Sarah A. Tasker—to the Committee on Pensions.

By Mr. LAFEAN: A bill (H. R. 25635) granting an increase of pension to Florencia M. Noel—to the Committee on Invalid Pensions.

By Mr. LAMAR of Missouri: A bill (H. R. 25636) granting an increase of pension to James W. Mires—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 25637) granting an increase of pension to James K. Winant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25638) granting an increase of pension to David Borton—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 25639) granting a pension to Martin Purcell—to the Committee on Pensions.

Also, a bill (H. R. 25640) granting a pension to Benjamin F. Hicks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25641) granting a pension to Luther L. Kauffman—to the Committee on Pensions.

By Mr. McLAIN (by request): A bill (H. R. 25642) for the relief of the administrator of the estate of Haller Nutt, deceased—to the Committee on War Claims.

By Mr. MALBY: A bill (H. R. 25643) to correct the military record of William Beardsley—to the Committee on Military Affairs.

By Mr. NEEDHAM: A bill (H. R. 25644) granting an increase of pension to Isaiah Clarke Steele—to the Committee on Invalid Pensions.

By Mr. NELSON: A bill (H. R. 25645) granting an increase of pension to William J. Gleason—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25646) granting an increase of pension to William F. Martch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25647) granting an increase of pension to Mark Tomlinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25648) granting a pension to Edward P. J. Spragg—to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 25649) granting an increase of pension to James L. Harvey—to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 25650) granting an increase of pension to Volney Mudge—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 25651) granting a pension to Elmer A. Rodkey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25652) granting an increase of pension to Sellers Raugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25653) granting an increase of pension to George W. Berkey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25654) granting an increase of pension to Jacob R. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25655) granting an increase of pension to Albert Sanders—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 25656) granting an increase of pension to Martha Harrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25657) granting an increase of pension to Samuel C. Parker—to the Committee on Pensions.

By Mr. SMITH of Texas: A bill (H. R. 25658) granting an increase of pension to William H. Newsom—to the Committee on Invalid Pensions.

By Mr. SOUTHWICK: A bill (H. R. 25659) granting a pension to George Hallenbeck—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 25660) granting an increase of pension to Jane D. Peyton—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 25661) granting an increase of pension to L. F. Morse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25662) granting an increase of pension to John O. Durall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25663) granting an increase of pension to John A. Burgner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25664) granting an increase of pension to Adrian Paul—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25665) granting an increase of pension to Andrew J. Lolless—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25666) granting an increase of pension to Michael D. Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25667) granting an increase of pension to Anderson Pryon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25668) to remove the charge of desertion from the record of William Millis—to the Committee on Military Affairs.

By Mr. TOU VELLE: A bill (H. R. 25669) granting a pension to Scott Wilkins—to the Committee on Pensions.

By Mr. WASHBURN: A bill (H. R. 25670) granting an increase of pension to Frank L. Curby—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 25671) granting an increase of pension to Gershom C. Hires—to the Committee on Invalid Pensions.

By Mr. KIMBALL: A bill (H. R. 25672) granting an increase of pension to John Kiger, jr.—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 25673) granting an increase of pension to Silas B. Card—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of National Woman's Christian Temperance Union, for legislation to protect prohibition territory against liquor traffic through interstate commerce—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Tailor M. McFarland—to the Committee on Invalid Pensions.

Also, petition of Trades League of Philadelphia, for appropriation to construct a 30-foot channel in the Delaware River—to the Committee on Rivers and Harbors.

Also, petition of J. P. Hammond and others, favoring a parcels-post and savings bank law—to the Committee on the Post-Office and Post-Roads.

Also, petition of R. A. McCoy, of New Brighton, Pa., for legislation prohibiting sale of intoxicants on all property controlled by the United States Government—to the Committee on the Judiciary.

Also, petition of Dairy Grange, No. 1308, of West Brownsville, Pa., favoring establishment of postal savings banks and a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of William A. Bane—to the Committee on Invalid Pensions.

Also petition of American Prison Association, for appropriation to assist work of the International Prison Commission—to the Committee on the Judiciary.

By Mr. ADAIR: Petition of T. B. Davis and others, against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of Lewis Mack—to the Committee on Military Affairs.

By Mr. ALEXANDER of New York: Petition of International Brotherhood of Stationary Firemen, Local No. 11, of Buffalo, N. Y., favoring H. R. 16880—to the Committee on the District of Columbia.

By Mr. ASHBROOK: Paper to accompany bill for relief of Gifford Ramsey—to the Committee on Invalid Pensions.

Also, petition of Joseph H. Hosteter and others, of Canal Dover, Ohio, against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. BANNON: Papers to accompany bills for relief of Jane Pool, guardian of Frank Pool, and George W. Schachleiter—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: Petition of American Prison Association, for appropriation to aid preparatory work of International Prison Commission, etc.—to the Committee on the Judiciary.

Also, petition of R. W. Switzer and others, for a parcels-post system and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. CHAPMAN: Petition of citizens of Gallatin and White counties, Ill., for appropriation to render safely navigable the Wabash River—to the Committee on Rivers and Harbors.

By Mr. COUDREY: Paper to accompany bill for relief of Phillipina Fishback (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. CRAVENS: Paper to accompany bill for relief of Amanda E. Daly and Farrell Daly—to the Committee on War Claims.

By Mr. DIXON: Petition of W. C. Vinson and 11 other citizens of Grayfords, Ind., favoring a parcels post and a postal savings banks law—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIS of Oregon: Petition of M. S. Raup and 24 others, of Milton; Arthur Moon and 14 others, of Baker City; George Milner and 7 others, of Freewater, all in the State of Oregon, against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. ENGLEBRIGHT: Petition of Oscar J. Braner and others, against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. FAIRCHILD: Petitions of Vega Grange, No. 1025; Elk Creek Grange, No. 506; and Hugenot Grange, No. 1028, favoring a parcels-post and postal savings bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. FOCHT: Paper to accompany bill for relief of Henry Loudenschlager—to the Committee on Invalid Pensions.

By Mr. FULLER: Paper to accompany bill for relief of George Stevens—to the Committee on Invalid Pensions.

Also, petition of A. C. Bartlett, against parcels post on rural free-delivery routes—to the Committee on the Post-Office and Post-Roads.

Also, petition of F. P. Bartlett and members of Wactham Grange, No. 584, Patrons of Husbandry, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of American Wire and Iron Works, of Rockford, Ill., against decision by Interstate Commerce Commission "relative to goods shipped in car lots if not all owned by one consignor"—to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON: Petition of citizens of Cimarron County, Okla., for legislation permitting homesteaders in Cimarron County to make final proof upon a showing of one year's residence and cultivation without paying for the land—to the Committee on the Public Lands.

By Mr. GARRETT: Paper to accompany bill for relief of William H. Hender—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of W. H. Parker—to the Committee on Military Affairs.

By Mr. GOULDEN: Petition of J. W. Lewis and other residents of New York City, favoring legislation to secure fair consideration of railway measures, to discourage purely antirailroad legislation, and to favor such an adjustment of transportation rates as will be adequately remunerative to the railroads and assure maintenance of the wage scale—to the Committee on Interstate and Foreign Commerce.

By Mr. HARDWICK: Petition of Southern States Fertilizer and Phosphate Company, favoring repeal of duty on sulphate of ammonia—to the Committee on Ways and Means.

By Mr. HASKINS: Petition of G. W. Shaw and others, of Woodstock, Vt., for a postal savings bank and parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petitions of James Devery and 143 other citizens of Santa Clara, Cal.; Jules M. Sahlein and 208 other citizens of San Francisco, Cal.; F. W. Turpe and 97 other citizens of Richmond, Cal.; L. Mathis and 59 other citizens of Monterey, Cal.; J. McKay and 29 other citizens of Eureka, Cal.; G. Merla and 12 other citizens of Melitta, Cal.; George Little and 8 other citizens of Oakland, Md.; Walter Beck and 103 other citizens of Picture Rocks, Pa.; Nick Castillo and 212 other citizens of San Jose, Cal.; Frank E. Barrington and 49 other citizens of Baltimore, Md.; Charles Woodbridge and other citizens of San Jose, Cal., as follows: W. P. Carey, F. T. Wright, Herman W. Buhry, P. D. Culbertson, W. R. Lipsett, Frank Peris, George A. Davis, Ralph Harper, J. A. Magistuth, C. Crowder, Frederick Hernandey, W. F. Carroll, P. T. Bayard, Thomas D. Manhire, S. W. Smith, W. A. Salsbury, R. M. Squire, L. G. Sonthurst, Frank Spizelle, J. E. Byers, J. W. Trousdell, R. W. Craig, F. J. Hepp, W. T. Murray, Frank Hernandy, C. Shannon, O. H. Carl, H. M. Johnson, A. M. Sallour, S. P. Soberanis, P. McIntyre, Asa G. Davis, F. B. Cavalli, M. Coreia, L. Frietsch, R. W. Ebey, and Mathew Knoeppel; citizens of Santa Clara, Cal., as follows: John L. Frost, R. B. Jones, C. E. Lear, John Smith, and W. C. Carter; A. Mazzoline and E. H. Misner, of 51 East Park street, San Francisco; Andy Dunning, of Milpitas, Cal.; and A. W. Buchanan, of Sunnyvale, Cal., all for an effective Asiatic exclusion law relative to all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petitions of F. B. Ringlop and 124 other citizens of San Jose, Cal.; G. F. Taylor and 20 other citizens of High Point, N. C.; A. E. Bell and 48 other citizens of Mooreville, N. C.; George H. Karns and 47 other citizens of Cumberland, Md.; D. H. Murray and 22 other citizens of Long Corner, Md.; Harry J. Rothrock and 9 other citizens of New Castle, Del.; citizens of San Jose, Cal., as follows: Louis Lightston, August Rubin, L. R. Bornhardt, E. J. Shook, A. M. Sutton, J. Hannam, Philip J. Manning, D. H. Goachan, L. R. Nash, L. E. Bordman, and S. Coley; citizens of Milpitas, Cal., as follows: N. H. Whealen, George Shoemaker, John Brown, Thomas F. Brien, James Marrs, John F. Collins, F. A. Brandis, W. F. Snow, J. J. Costigan, James O'Brien, Fred Althouser, J. B. Walters, and Charles W. Gates; and John W. Kelly, of San Francisco, all for a more effective law against immigration of Asiatics, save merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HENRY of Connecticut: Petition of Farmington Grange, No. 49, Patrons of Husbandry, for parcels post on rural free-delivery routes and for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of Mary Robinson (H. R. 25461)—to the Committee on Pensions.

Also, paper to accompany bill for relief of Charles P. Worthley (H. R. 25462)—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: Petitions of citizens of Silver City, Salt Lake City, Robinson, and Eureka, Utah, asking for retention of existing tariff on lead and lead ores—to the Committee on Ways and Means.

By Mr. KNAPP: Petition of Great Bend Grange, No. 642, of New York, favoring the parcels post and postal savings bank system—to the Committee on the Post-Office and Post-Roads.

By Mr. LANING: Petition of Milford Grange, of Centerburg, Ohio, favoring parcels-post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDSAY: Petition of Woman's Christian Temperance Union convention in Denver, for legislation to protect prohibition territory against liquor traffic through interstate commerce, etc.—to the Committee on the Judiciary.

Also, petition of National Negro Fair Association, favoring an appropriation in aid of National Negro Exposition near the city of Mobile—to the Committee on Industrial Arts and Expositions.

Also, petition of American Prison Association, for appropriation in aid of preparatory work of International Prison Commission—to the Committee on the Judiciary.

By Mr. McCREARY: Petition of General Assembly of the Presbyterian Church, for legislation to secure fifty-two full rest days to all employees engaged in interstate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. McHENRY: Petition of citizens of Sullivan County, Pa., favoring parcels-post and savings banks laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of union meeting of 6 churches of Mount Carmel, Pa., favoring bill prohibiting importation, manufacture, and sale of opium in the whole jurisdiction of the United States Government, except guardedly for proper medicinal purposes—to the Committee on Ways and Means.

By Mr. MALBY: Paper to accompany bill for relief of William Beardsley—to the Committee on Military Affairs.

By Mr. MANN: Petition of Asiatic Exclusion League of North America, for effective law against Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of wholesale association of Detroit, favoring free trade with Canada—to the Committee on Ways and Means.

By Mr. PAYNE: Papers to accompany bills for relief of Elnathan Sweet and Almon B. Cooper—to the Committee on Invalid Pensions.

Also, petition of J. J. Bardue and others, for enactment of parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany S. 7254 (the army elimination bill)—to the Committee on Military Affairs.

By Mr. PEARRE: Petition of Harris & Filler, of Frederick, Md., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. PRAY: Petition of citizens of Butte, Mont., for legislation pensioning members of the United States Telegraph Corps in the civil war—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: Paper to accompany bill for relief of Sellars Raugh—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Albert Sanders, Jacob R. Miller, and George W. Berkey—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Petition of various residents of Vienna, N. Y., against passage of the Johnston Sunday rest bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. SMITH of Michigan: Petitions of David Muir and 14 other citizens of Duluth, and Tobias Chenulson and 21 other citizens of West Duluth, Minn., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. TOU VELLE: Petition of Thomas Duffield & Sons and J. Boyd Douglass, of Lima, Ohio, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of Jackson Grange, No. 341, of Ada, Ohio, for a parcels post on rural free-delivery routes and for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. WALDO: Petition of Frederick J. Kreutzel, Max R. Stein, Leo Haber, George Hayman, P. J. Colger, and Voss Brothers, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. WASHBURN: Petition of citizens of Worcester, Mass., against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petition of H. L. Wheeler and others, of Pomona Grange, representing 700 Patrons of Husbandry, in favor of a parcels-post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Frank L. Kirby—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *January 8, 1909.*

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. LODGE. I ask that the further reading of the Journal be dispensed with.

Mr. CULBERSON. I object, Mr. President.

The VICE-PRESIDENT. Objection is made. The Secretary will resume the reading of the Journal.

The Secretary resumed and concluded the reading of the Journal, and it was approved.

MANUFACTURED PRODUCTS IN FOREIGN MARKETS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, stating, by direction of the President and in response to a resolution of the 16th ultimo, that the Department of Commerce and Labor possesses no data which would enable the preparation of a statement of all manufactured products of the United States sold or exported to be sold in foreign markets at lower rates than like articles are sold in American markets (S. Doc. No. 640), which was referred to the Committee on Finance and ordered to be printed.

ELECTORAL VOTES OF OKLAHOMA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, an authenticated copy of the certification of the final ascertainment of electors for President and Vice-President appointed in the State of Oklahoma, which, with the accompanying paper, was ordered to be filed.

REPORT OF AMERICAN INSTRUCTORS OF THE DEAF.

The VICE-PRESIDENT laid before the Senate, pursuant to law, the report of the convention of American Instructors of the Deaf (S. Doc. No. 645), which was referred to the Committee on Education and Labor and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of T. F. Gough, administrator of the estate of Mary A. Gough, deceased, *v.* United States (S. Doc. No. 643); and

In the cause of William E. Floyd, administrator of the estate of Asa Crow, deceased, *v.* United States (S. Doc. No. 642).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 19095. An act authorizing the Secretary of the Interior to sell isolated tracts of land within the Nez Percé Indian Reservation; and

H. R. 21458. An act authorizing sales of land within the Coeur d'Alene Indian Reservation to the Northern Idaho Insane Asylum and to the University of Idaho.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill, and it was thereupon signed by the Vice-President:

H. R. 13649. An act providing for the hearing of cases on appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth district.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented petitions of the Synod of Ohio; the Synod of Baltimore, Md.; the Synod of California; the Synod of Illinois, and the Synod of Indiana, all of the Presbyterian Church of the United States, praying for the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Synod of Ohio; the Synod of Kansas; the Synod of Baltimore, Md., and the Synod of California, all of the Presbyterian Church of the United States, praying for the enactment of legislation requiring all individuals and corporations engaged in interstate commerce to grant their employees fifty-two rest days in each year, which were referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Wood County, Ohio; of Gaffney, S. C.; of Cass County, Mo.; of Udora and Omega, Okla.; of Iron River, Mich.; and of Clyde, San Marcial, and San Antonio, N. Mex., remonstrating against the passage of the so-called "Johnston Sunday-rest bill for the District of Columbia," which were referred to the Committee on the District of Columbia.

He also presented a petition of the Central Labor Union of the District of Columbia, praying for the enactment of legislation providing a new form of government for the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of Local Grange No. 28, of New Hope, N. Y.; of Resort Grange, No. 341, of Emmet County, Mich.; of Emerald Grange, No. 789, of Conewango Valley, N. Y., all Patrons of Husbandry, and of sundry citizens of the State of Ohio, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Typographical Union No. 8, American Federation of Labor, of St. Louis, Mo., praying for the enactment of legislation to arrest the tendency of federal courts to invade the rights of the citizens, which was referred to the Committee on the Judiciary.

Mr. SCOTT presented a memorial of sundry citizens of Masontown, W. Va., remonstrating against the passage of the so-called "postal savings banks" bill, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DILLINGHAM presented petitions of sundry citizens of the State of Vermont, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS presented a petition of sundry citizens of Central Lake, Mich., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PILES presented a petition of sundry citizens of Camas, Wash., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented a memorial of sundry citizens of Princeton, Minn., remonstratnig against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Trades and Labor Assembly of Minneapolis, Minn., remonstrating against any steps being taken by the United States Government for the delivery of Jan Pauren and Christian Rudowitz to the Russian Government, and praying for the discharge of Martin Juraw from imprisonment in Chicago, Ill., which was referred to the Committee on Foreign Relations.

Mr. WARNER presented the petition of Eliza Smith, of Liberty, Mo., praying that she be reimbursed for property taken by United States troops during the civil war, which was referred to the Committee on Claims.

He also presented the petition of Benjamin F. McCallum, of Missouri City, Mo., praying that he be granted a pension, which was referred to the Committee on Pensions.

He also presented the petition of Samuel T. Skidmore, of Jackson County, Mo., praying that he be reimbursed for property taken by United States troops during the civil war, which was referred to the Committee on Claims.

He also presented the petition of Catherine La Brash, of Kansas City, Mo., praying that she be granted a pension, which was referred to the Committee on Pensions.

He also presented the petition of Emily S. Applegate, of Birmingham, Mo., praying that she be granted a pension, which was referred to the Committee on Pensions.

He also presented the petition of John Allen, of Jackson

County, Mo., praying that he be granted a pension, which was referred to the Committee on Pensions.

He also presented the petition of Theodore Holrscher, of Concordia, Mo., praying that he be granted a pension, which was referred to the Committee on Pensions.

He also presented the petition of Patterson McGeehon, of Kansas City, Mo., praying that he be granted a pension, which was referred to the Committee on Pensions.

He also presented the petition of Martha A. Young, of Kansas City, Mo., praying that she be granted a pension, which was referred to the Committee on Pensions.

Mr. WETMORE presented a petition of sundry citizens of East Greenwich, R. I., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KEAN presented a petition of the Woman's Christian Temperance Union of Haddonfield, N. J., praying for the enactment of legislation to establish a federal children's bureau, which was referred to the Committee on Education and Labor.

He also presented a petition of Shrewsbury Grange, No. 161, Patrons of Husbandry, of Red Bank, N. J., praying for the passage of the so-called "parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Paterson, Nutley, Hasbrouck Heights, Bogota, Weehawken Heights, Hawthorne, Ridgewood, Jersey City, Woodridge, Leonia, and Rutherford, all in the State of New Jersey, remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which were referred to the Committee on Interstate Commerce.

He also presented the petition of Walter E. Reinhart, of Cranford, N. J., praying for the enactment of legislation to classify assistant postmasters, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HEMENWAY presented petitions of sundry citizens of Grayford, Laporte, and Macy, all in the State of Indiana, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BULKELEY presented petitions of New London County Pomona Grange, No. 6, of New London; of Preston City Grange, No. 110, of Norwich; of Farmill River Grange, No. 130, of Shelton; Chester Grange, No. 158, of Chester; Whigville Grange, No. 48, of Bristol; Plymouth Grange, No. 72, of Plymouth; Natchang Grange, No. 68, of Chaplin; Clinton Grange, No. 77, of Clinton, and of Suffield Grange, No. 27, of Suffield, Patrons of Husbandry, all in the State of Connecticut, praying for the passage of the so-called "parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CLAPP presented petitions of sundry citizens of Brainerd, St. Paul, Duluth, Cass Lake, Red Wing, and Minneapolis, all in the State of Minnesota, praying for the adoption of certain amendments to the present Sherman antitrust law, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a memorial of the Chamber of Commerce of Red Bluff, Cal., remonstrating against the increase in overland freight rates and praying that the jurisdiction of the Interstate Commerce Commission be increased, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Stockton, Cal., remonstrating against the proposed increase in freight rates and praying that the Government establish a line of steamships on the Pacific Ocean in connection with the Panama Railroad, which was referred to the Committee on Commerce.

BATTLEFIELD PARK AT NEW ORLEANS.

Mr. FOSTER. I present concurrent resolutions adopted at the session of the general assembly of Louisiana in 1908, favoring the enactment of legislation for the establishment of a national park on the battlefield of New Orleans, etc. I ask that the concurrent resolutions be printed in the RECORD and referred to the Committee on Military Affairs.

The concurrent resolutions were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Senate and house concurrent resolutions memorializing the Congress of the United States, adopted at the session of the general assembly of Louisiana in 1908, and requiring the secretary of state to send copies thereof to the United States Senators and Representatives from Louisiana.

[Act No. 78. House concurrent resolution 27. By Mr. Roy, of St. Bernard.]

Whereas the great victory achieved by the American arms at the battle of New Orleans on the 8th day of January, 1815, whereby an invading army was driven from our shores, the far-reaching result of which redounded to the glory and expansion of the country; and

Whereas through the valor of American arms the State of Louisiana, as well as the vast territory west of the Mississippi River, was saved from the grasp of monarchial government; and

Whereas it is deemed of the highest importance to preserve the memory of this victory and to impress upon the youth of our country the national importance of the momentous issues involved: Therefore be it

Resolved by the house of representatives (the senate concurring), That the Congress of the United States be, and are hereby, requested to enact legislation necessary to establish and maintain a national park on the scene of this historic battle; and be it further

Resolved, That the secretary of state is hereby instructed to transmit a copy of this resolution, together with its preamble, to the Congress of the United States and to each of the United States Senators and Congressmen of the State of Louisiana.

Approved June 30, 1908.

[Act No. 175. House concurrent resolution 30. By Mr. Roy, of St. Bernard.]

Whereas New Orleans ranks in the forefront of the great and important seaports in the world and is endowed with unsurpassed advantages and modern and extensive shipping facilities, by reason of which fact the southern metropolis stands unexcelled as a commercial center; and

Whereas New Orleans is the gateway of the vast Mississippi Valley and the rich and productive territory contiguous to it, which supplies, to a large extent, domestic and foreign markets with indispensable commodities; and

Whereas it is deemed advisable and wise that the defenses of the Mississippi Valley at Forts St. Philip and Jackson, near the mouth of the Mississippi River, be modernized and enlarged, so as to keep pace with the increasing wealth, commercial importance, and prestige of the large expanse of territory constituting the Mississippi Valley and to afford proper and adequate protection from invasion by a foreign foe in the event of hostilities; and

Whereas it is desirable and imperative that the armament recommended by the Coast Defense Board in 1905, which includes new disappearing guns, mine defenses, power plants, and the modernizing of old emplacements, involving an expenditure of nearly a million dollars, be constructed as soon as practicable: Therefore be it

Resolved by the general assembly of the State of Louisiana, That the honorable the Secretary of War of the United States be requested to use his best efforts to carry out, with the least delay possible, the plans submitted and approved by the Coast Defense Board of the United States and to bring about the consummation of all the improvements at Forts St. Philip and Jackson, in accordance with the recommendations of the said Coast Defense Board: Be it further

Resolved, etc., That the secretary of state be requested to transmit a copy of this resolution, with its preamble, to the honorable the Secretary of War and to each of the Senators and Congressmen of the State of Louisiana.

Approved July 3, 1908.

[Act. No. 222. Senate concurrent resolution 11. By Mr. Marks.]

Be it resolved by the senate of the State of Louisiana (the house of representatives concurring), That the Congress of the United States be, and is hereby, memorialized to cause to be closed and to erect a dam across Bayou Courtableau, on the west bank of the Atchafalaya Basin levee district, for the purpose of enabling the said Atchafalaya Basin levee district to protect, by levee and otherwise, its arable territory from overflow: Be it further

Resolved, etc., That a copy of this memorial be forwarded without delay by the secretary of state to the two United States Senators and all the Representatives in Congress from this State.

Approved July 8, 1908.

[Act No. 272. Senate concurrent resolution 12. By Mr. McCulloh.]

Be it resolved by the senate of Louisiana (the house of representatives concurring), That our Senators and Members of Congress be, and they are hereby, memorialized and requested to present to Congress at its next session, and to endeavor to have passed through that body, a bill granting to the State of Louisiana the public lands of the United States situated in this State, the proceeds of the sale thereof to be used in the support of the common schools of Louisiana, and the grant, if made, not to affect or interfere with the claim of any person who has anterior thereto initiated a homestead claim, to proceed as if the grant had not been made, and title to the land included in the homestead to rest in the State of Louisiana only in case the homestead be, and for any cause, canceled.

Approved July 9, 1908.

Memorializing the Congress of the United States to pass a law that will correct the abuses of cotton-future trading and insure a fair and honest contract for the delivery of cotton.

[Act No. 312. House concurrent resolution 33. By Mr. Smith.]

Be it resolved by the house of representatives of the State of Louisiana (the senate concurring), That our Senators and Representatives in Congress be, and they are hereby, memorialized to urge Congress to enact a law establishing a national standard of classification of the marketable grades of cotton, upon which standard all arbitrations on contract deliveries must be made, prohibiting any contract on which can be delivered unmarketable cotton, or useless stuff, or cotton of a value uncertain and not readily ascertainable, and providing that all cotton delivered on contract shall be paid for on the basis of actual difference in the spot value of the grades delivered on the market and at the time of delivery: Be it further

Resolved, That a copy of these resolutions be sent by the secretary of state to the several Senators and Congressmen from the State of Louisiana in the Congress of the United States.

Approved July 9, 1908.

REPORT ON RELATIONS BETWEEN SENATE AND DEPARTMENTS.

Mr. LODGE. I desire to ask for a reprint of Senate Report No. 135, Forty-ninth Congress, first session, being the Edmunds report from the Committee on the Judiciary in regard to the message of President Cleveland about transmitting papers.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That Senate Report No. 135, Forty-ninth Congress, first session, being Mr. Edmunds's report from the Committee on the Judiciary, minority report, and President Cleveland's message, be reprinted.

WITHDRAWAL OF AMENDMENT.

Mr. LODGE. Yesterday I reported an amendment from the Committee on Foreign Relations by mistake. I took up one which had not been acted upon by the committee instead of the one I intended to report. I reported an amendment in regard to the embassy in China, and it was referred to the Committee on Appropriations. That amendment has not been acted on by the Committee on Foreign Relations, and I reported it merely by error and accident. I desire to withdraw it.

The VICE-PRESIDENT. The Senator from Massachusetts asks unanimous consent to withdraw the amendment relating to the embassy in China referred to the Committee on Appropriations, the same having been submitted inadvertently. Without objection, it is so ordered.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 17th ultimo, proposing to appropriate $400,000 for the purchase of a building and grounds, or of a site and the erection of a building thereon, in the city of Paris, France, for the use of the embassy and for the residence of the ambassador at that capital, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. SMOOT, from the Committee on Patents, to whom was referred the amendment submitted by Mr. KITTREDGE of the 6th instant, proposing to increase the salaries of three examiners in chief, Patent Office, from $3,000 to $4,500 each, intended to be proposed to the legislative, etc., appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 7073) to compensate H. D. Chapman and J. W. Hicks, patentees of certain improvements in sight adjustments for guns which were used by the United States without their permission or consent, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims, which was agreed to.

Mr. FRAZIER, from the Committee on Military Affairs, to whom was referred the bill (S. 3164) to correct the military record of Paul Sinock, reported it with an amendment and submitted a report (No. 726) thereon.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (H. R. 23711) to build a bridge across the Santee River, South Carolina, reported it without amendment.

WILLIAM T. ROSSELL, JR., AND HARRY G. WEAVER.

Mr. LODGE. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 7486) authorizing the President to reinstate William T. Rossell, jr., and Harry G. Weaver as cadets in the United States Military Academy, to report it favorably with amendments, and I submit a report (No. 724) thereon. I call the attention of the Senator from Alabama [Mr. JOHNSTON] to the bill.

Mr. JOHNSTON. That is a very short bill. It has the unanimous approval of the committee and the recommendation of the Secretary of War. I ask for its present consideration.

Mr. SCOTT. I should like to ask the Senator from Alabama what class these cadets belong to? I was not at the meeting of the Military Affairs Committee yesterday.

Mr. JOHNSTON. They are of the first class. There is an amendment to the bill as reported by the Senator from Massachusetts which puts these cadets on the same terms as the other cadets.

The VICE-PRESIDENT. The Senator from Alabama asks unanimous consent for the present consideration of the bill.

Mr. SCOTT. I should like to have the Senator from Alabama state the reasons for reinstating these cadets. I was not present at the meeting of the committee yesterday, but I have a letter in which there is great objection urged to reinstating cadets when they have once been suspended or dismissed.

Mr. LODGE. I merely desire to say that the report of the committee was unanimous.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. DICK. I ask that the bill may go over.

The VICE-PRESIDENT. The bill will go to the calendar.

INAUGURAL CEREMONIES.

Mr. SCOTT. I am directed by the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 106) authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect on March 4, 1909, and so forth, to report it favorably with an amendment, and I submit a report (No. 725) thereon. I ask for the immediate consideration of the joint resolution.

The Secretary read the joint resolution.

Mr. McCUMBER. I ask the Senator what is the necessity for haste in the consideration of this measure.

Mr. SCOTT. The Inaugural Committee want to know where they are going to have space so as to have the arrangement made in time. The joint resolution is in conformity with joint resolutions that have been passed ever since 1885. It follows the exact language of the former measures.

Mr. LODGE. My attention was diverted for a moment, and I did not catch the purport of the bill.

The VICE-PRESIDENT. It is a joint resolution reported by the Senator from West Virginia [Mr. SCOTT] from the Committee on the District of Columbia.

Mr. LODGE. May I ask that it be read again, if it is not very long?

Mr. SCOTT. It is a long bill.

Mr. LODGE. Does it relate to the arrangements for the inauguration?

The VICE-PRESIDENT. It does.

Mr. LODGE. Then it ought to be referred to the Committee on Rules, because they have charge of all the arrangements here. It ought to go to that committee.

Mr. SCOTT. Let it go to the Committee on Rules, Mr. President.

Mr. LODGE. It is a report from a committee?

The VICE-PRESIDENT. It is reported from the Committee on the District of Columbia.

Mr. LODGE. The Committee on Rules, as is well known, have charge of all the inaugural ceremonies at the Capitol.

Mr. SCOTT. This does not relate to the ceremonies at the Capitol.

Mr. LODGE. I withdraw my suggestion if it does not relate to arrangements here.

The VICE-PRESIDENT. It does not relate to arrangements at the Capitol.

Mr. SCOTT. If the Senator from Massachusetts will allow me a minute, I will state that it is a facsimile of measures that have been passed for every inaugural occasion since 1885. I was so informed this morning. There is an addition of $3,000, which is asked for in order to protect the city and the visitors here during the time of the inauguration.

Mr. LODGE. Does the Senator object to letting it go over so that we can look at it?

Mr. SCOTT. Not at all.

The VICE-PRESIDENT. The joint resolution will be placed on the calendar.

CHICAGO AND NORTHWESTERN RAILWAY.

Mr. OVERMAN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 8143) granting to the Chicago and Northwestern Railway Company a right to change the location of its right of way across the Niobrara Military Reservation, to report it favorably without amendment, and I submit a report (No. 722) thereon. I call the attention of the senior Senator from Nebraska [Mr. BURKETT] to the bill.

Mr. BURKETT. I ask unanimous consent that the bill may have present consideration.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID R. B. WINNIFORD.

Mr. FOSTER. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 4490) to correct the military record of David R. B. Winniford, to report it favorably with an amendment, and I submit a report (No. 723) thereon. I call the attention of the senior Senator from Oregon [Mr. FULTON] to the bill.

Mr. FULTON. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Louisiana.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The SECRETARY. The committee report to strike out all after the enacting clause and to insert:

That David R. B. Winniford shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a first lieutenant of Company D, Eighth Tennessee Volunteer Infantry, on October 24, 1864. And the Secretary of War is hereby authorized to grant to said David R. B. Winniford an honorable discharge as of that date: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DELAWARE RIVER BRIDGE.

Mr. MARTIN. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 22306) to authorize the Delaware, Lackawanna and Western Railroad Company and the Lackawanna Railroad Company of New Jersey to construct and maintain a bridge across the Delaware River from a point near the village of Columbia, Knowlton Township, Warren County, N. J., to the village of Slateford, Northampton County, Pa.

Mr. KEAN. That is a bridge bill; the work is ready to progress, and we would like to keep as many people employed at the present time as possible. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 8255) for the relief of the Alaska Pacific Railway and Terminal Company, which was read twice by its title and referred to the Committee on Territories.

Mr. ELKINS introduced a bill (S. 8256) fixing the salaries of the chief justice and judges of the United States Court of Claims, which was read twice by its title and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. BULKELEY introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8257) granting an increase of pension to Charles H. Lester; and

A bill (S. 8258) granting an increase of pension to James Burtis Merwin.

Mr. PERKINS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Commerce:

A bill (S. 8259) providing for the construction of a light and fog signal at Army Point, Suisun Bay, California;

A bill (S. 8260) providing for the erection of a coal shed on the light-house wharf at Humboldt Bay, California; and

A bill (S. 8261) providing for the remodeling and reconstruction of the light tower and keeper's dwellings at Alcatraz, Island, Bay of San Francisco, California.

Mr. PERKINS introduced a bill (S. 8262) granting an increase of pension to John H. Edge, which was read twice by its title and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 8263) for the relief of Henry Altman, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 8264) to permit change of entry in case of mistake of the description of tracts intended to be entered, which was read twice by its title and referred to the Committee on Public Lands.

He also introduced a bill (S. 8265) to regulate examinations for promotion in the Medical Corps of the army, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 8266) to require life-preservers on motor vessels, which was read twice by its title and referred to the Committee on Commerce.

Mr. FULTON introduced a bill (S. 8267) to satisfy certain claims against the Government arising under the Navy Department on account of the collision between the U. S. S. *Mayflower* and the schooner *Menawa* in Long Island Sound on July 22, 1908, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. PILES introduced a bill (S. 8268) to provide for the appointment of an additional district judge in and for the western district of Washington, which was read twice by its title and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. BURROWS introduced a bill (S. 8269) granting an increase of pension to James W. Smith, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McENERY introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 8270) for the relief of the heirs or estates of Joseph Leftwich and of Eliza Leftwich, deceased, and others;

A bill (S. 8271) for the relief of the heirs or estate of Henry Doyle, deceased, and others; and

A bill (S. 8272) for the relief of the heirs or estate of Mrs. Martha B. King, deceased, and others.

Mr. DIXON introduced a bill (S. 8273) to amend an act approved May 30, 1908, entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment," which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 8274) granting an increase of pension to John Zimmerman, which was read twice by its title and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 8275) granting a pension to Mary Nolan, which was read twice by its title and referred to the Committee on Pensions.

Mr. BURKETT. At the last session the Senate, by resolution, directed the Commissioners of the District of Columbia to submit a report with reference to the present condition of the policemen's and firemen's relief funds. The Commissioners of the District made a report and incorporated as a part of it the draft of a proposed bill. I desire to introduce the draft and have it referred to the Committee on the District of Columbia.

The bill (S. 8276) for the creation of the police and firemen's relief fund, to provide for the retirement of members of the police and fire departments, to establish a method of procedure for such retirement, and for other purposes, was read twice by its title and referred to the Committee on the District of Columbia.

Mr. HOPKINS introduced a bill (S. 8277) granting an increase of pension to William Crews, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARNER introduced a bill (S. 8278) for the relief of Sanger and Moody, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 8279) removing the charge of desertion from the military record of James Carroll, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CLAPP introduced a bill (S. 8280) for the relief of Hugh Thompson, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 8281) granting a pension to Caroline Oliver, which was read twice by its title and referred to the Committee on Pensions.

Mr. HALE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8282) granting a pension to Arthur W. Smith; and

A bill (S. 8283) granting an increase of pension to Stephen Robinson (with the accompanying papers).

Mr. HEMENWAY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8284) granting an increase of pension to Francis X. Busam;

A bill (S. 8285) granting an increase of pension to Benjamin Hopkins;

A bill (S. 8286) granting an increase of pension to Samuel S. Weaver;

A bill (S. 8287) granting a pension to Mary E. Shrewsbury;

A bill (S. 8288) granting an increase of pension to Nancy Ulen; and

A bill (S. 8289) granting an increase of pension to A. P. De Bruler.

Mr. ALDRICH introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8290) granting an increase of pension to James S. Davis;

A bill (S. 8291) granting an increase of pension to William Bernhard; and

A bill (S. 8292) granting an increase of pension to George W. Stoddard.

Mr. RAYNER introduced a bill (S. 8293) for the relief of the heirs of Solomon Dowden, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 8294) granting a pension to Horace Daniels, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 8295) for the relief of the heirs of William A. Elmore, deceased, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 8296) for the relief of the trustees of the Morris Methodist Episcopal Church South, of New Kent County, Va., which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 8297) authorizing the Secretary of the Navy to contract with the receivers of the Jamestown Exposition Company, and any other parties in interest, for the purchase of certain lands on Hampton Roads, in Norfolk County, Va., and the buildings, structures, and improvements thereon, for the use of the Navy Department of the United States as a naval training station, and for other governmental purposes, which was read twice by its title and referred to the Committee on Naval Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CARTER submitted an amendment proposing to appropriate $30,000 for replacing granite or Belgian block with asphalt on Nineteenth street NW., from Pennsylvania avenue to N street, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on the District of Columbia and ordered to be printed.

Mr. SUTHERLAND submitted an amendment proposing to appropriate $8,500 for salaries of cashier, clerk, first assistant assayer, etc., at the assay office at Salt Lake City, Utah, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. FRYE submitted an amendment intended to be proposed by him to the omnibus claims bill, which was referred to the Committee on Claims and ordered to be printed.

Mr. PILES submitted an amendment intended to be proposed by him to the omnibus claims bill, which was referred to the Committee on Claims and ordered to be printed.

Mr. McENERY submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Claims.

Mr. TELLER submitted two amendments intended to be proposed by him to the omnibus claims bill, which were ordered to lie on the table and be printed.

AMENDMENT TO POSTAL SAVINGS BANKS BILL.

Mr. FULTON submitted an amendment intended to be proposed by him to the bill (S. 6484) to establish postal savings banks for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes, which was ordered to lie on the table and be printed.

IMPROVEMENT OF SAN FRANCISCO BAY, CALIFORNIA.

Mr. PERKINS submitted the following concurrent resolution (S. C. Res. 63), which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of the bar of San Francisco Bay, in the State of California, to confirm the depths shown on the charts of the Coast and Geodetic Survey, and to cause estimates to be made for a project of improvement of the North, or Bonita Channel, by the removal of Centissima and Sears rocks, and report the same to Congress.

IMPROVEMENT OF OAKLAND HARBOR, CALIFORNIA.

Mr. PERKINS submitted the following concurrent resolution (S. C. Res. 64), which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause to be made a resurvey of Oakland Harbor, Alemeda County, Cal., with a view of improving the same to meet the present and future demands of commerce, and to submit estimates of cost of the following three projects: Project No. 1: A channel 700 to 800 feet wide and 25 feet deep from San Francisco Bay to the foot of Tenth avenue extended, thence around Brooklyn Basin 500 to 700 feet wide and 25 feet deep at low tide. Project No. 2: Same as project 1, except that depth be 30 feet at low tide. Project No. 3: Same as projects Nos. 1 and 2, except that the whole of Brooklyn Basin be dredged to pierhead line at a uniform depth of 25 or 30 feet at low tide.

IMPROVEMENT OF WARROAD HARBOR, MINNESOTA.

Mr. NELSON submitted the following concurrent resolution (S. C. Res. 65), which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made for deepening the channel and the entrance to same of Warroad Harbor, Minnesota, and protecting the channel and entrance to the same by means of a dike or otherwise.

REPORT ON HAWAII.

Mr. PERKINS submitted the following resolution (S. Res. 245), which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Senate and delivered to the Senate document room, three thousand (3,000) copies of the report on Hawaii, made by the Director of the Reclamation Service.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Indian Affairs:

H. R. 19095. An act authorizing the Secretary of the Interior to sell isolated tracts of land within the Nez Perces Indian Reservation; and

H. R. 21458. An act authorizing sales of land within the Coeur d'Alene Indian Reservation to the Northern Idaho Insane Asylum and to the University of Idaho.

CONSTITUTION ISLAND, NEW YORK.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 639), which was read and, with the accompanying papers, referred to the Committee on Military Affairs:

To the Senate and House of Representatives:

I transmit herewith, with my approval of the recommendations contained therein, a communication from the Secretary of War, transmitting draft of an item authorizing the Secretary of War to accept the donation, subject to certain conditions, of the property known as "Constitution Island," opposite West Point, N. Y., containing 250 acres of upland and 50 acres of meadow, as an addition to the West Point Military Reservation, for use of the Military Academy, which was tendered as a gift by Mrs. Margaret Olivia Sage and Miss Anna Bartlett Warner under date of September 4, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 8, 1909.*

REPORT OF PRESIDENT'S HOMES COMMISSION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 640), which was read and, with the accompanying papers, referred to the Committee on the District of Columbia:

To the Senate and House of Representatives:

I transmit herewith reports by the President's Homes Commission on improvement of existing houses and elimination of insanitary and alley houses, on social betterment, and on building regulations, together with resolutions and recommendations adopted by the commission, and ask that they receive the careful consideration of the Congress.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 8, 1909.*

GAS SUPPLY IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 641), which was read and, with the accompanying papers, referred to the Committee on the District of Columbia:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a letter from the Attorney-General and accompanying papers, and call particular attention to the copy of the communication of United States Attorney Baker under date of January 5. The situation in reference to the composition of illuminating gas furnished in the District of Columbia is one that would seem to require immediate action.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 7, 1909.*

TENNESSEE COAL AND IRON COMPANY.

The VICE-PRESIDENT. The morning business is closed.

Mr. CULBERSON. I call up the resolution that went over under objection yesterday.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from yesterday, which will be read.

The Secretary read Senate resolution No. 243, submitted yesterday by Mr. CULBERSON, as follows:

Resolved, That the Committee on the Judiciary be, and it is hereby, directed to report to the Senate, as early as may be practicable, whether, in the opinion of the committee, the President was authorized to permit the absorption of the Tennessee Coal and Iron Company by the United States Steel Corporation, as is shown by the message of the President in response to Senate resolution No. 240, this session.

The VICE-PRESIDENT. The question is, Shall the resolution pass?

Mr. HOPKINS. Mr. President, upon looking over the resolution, I confess that I fail to see any reason for its adoption by the Senate or in sending it to the committee. The letter of the President, accompanying his message, covers the matter fully, and the resolution states something that is at variance with the letter of the President. The resolution requests an opinion from the Committee on the Judiciary as to whether the President was authorized to permit the absorption of the Tennessee Coal and Iron Company. The letter of the President denies that he permitted any such thing. In his letter he says in reference to that:

I answered that while, of course, I could not advise them to take the action proposed, I felt it no duty of mine to interpose any objection.

The President was entirely noncommittal on that. It seems to me that no information or good can come from the adoption of this resolution. I therefore move to lay it on the table.

Mr. CULBERSON. On that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE]. As he is not in the Chamber, I withhold my vote.

Mr. MARTIN (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. CULLOM]. In his absence, I withhold my vote. I should vote "nay," if he were present.

The roll call was concluded.

Mr. CLARK of Wyoming. As I stated, I have a general pair with the Senator from Missouri [Mr. STONE], but I transfer that pair to the senior Senator from Indiana [Mr. BEVERIDGE], and will vote. I vote "nay."

Mr. DANIEL. I have a general pair with the Senator from North Dakota [Mr. HANSBROUGH], and therefore withhold my vote. If he were present, I should vote "nay."

The result was announced—yeas 14, nays 47; as follows:

YEAS—14.

Burkett	Depew	Kean	Richardson
Carter	Dixon	McCumber	Warner
Cummins	du Pont	Penrose	
Curtis	Hopkins	Platt	

NAYS—47.

Aldrich	Dillingham	Long	Rayner
Bacon	Foraker	McCreary	Scott
Bankhead	Frazier	McEnery	Simmons
Borah	Frye	McLaurin	Smith, Md.
Bulkeley	Fulton	Money	Stephenson
Burnham	Gamble	Nelson	Sutherland
Burrows	Gary	Newlands	Taliaferro
Clapp	Gore	Overman	Taylor
Clark, Wyo.	Hale	Page	Teller
Clay	Johnston	Paynter	Warren
Culberson	Kittredge	Perkins	Wetmore
Dick	Lodge	Piles	

NOT VOTING—31.

Ankeny	Crane	Gallinger	Milton
Bailey	Cullom	Guggenheim	Nixon
Beveridge	Daniel	Hansbrough	Owen
Bourne	Davis	Hemenway	Smith, Mich.
Brandegee	Dolliver	Heyburn	Smoot
Briggs	Elkins	Knox	Stone
Brown	Flint	La Follette	Tillman
Clarke, Ark.	Foster	Martin	

So Mr. HOPKINS's motion to lay Mr. CULBERSON's resolution on the table was not agreed to.

The VICE-PRESIDENT. The question recurs on the passage of the resolution of the Senator from Texas.

Mr. CLAPP. Not having been in the Chamber when the resolution was read, I should like to hear it read.

The VICE-PRESIDENT. The resolution submitted by the Senator from Texas will be read.

The Secretary read the resolution submitted by Mr. CULBERSON on yesterday, as follows:

Resolved, That the Committee on the Judiciary be, and it is hereby, directed to report to the Senate, as early as may be practicable, whether, in the opinion of the committee, the President was authorized to permit the absorption of the Tennessee Coal and Iron Company by the United States Steel Corporation, as is shown by the message of the President in response to Senate resolution No. 240, this session.

The VICE-PRESIDENT. The question is on the adoption of the resolution.

The resolution was agreed to.

THIRTEENTH AND SUBSEQUENT CENSUSES.

The VICE-PRESIDENT. The calendar under Rule VIII is in order.

Mr. LONG. I ask unanimous consent for the present consideration of House bill 16954.

The VICE-PRESIDENT. The Senator from Kansas asks unanimous consent for the present consideration of the bill named by him, the title of which will be stated.

The SECRETARY. A bill (H. R. 16954) to provide for the taking of the Thirteenth and subsequent decennial censuses.

The VICE-PRESIDENT. Is there objection to the request?

Mr. CLARK of Wyoming. Mr. President, I have no objection to the consideration of the bill, but the Senator from Kansas will remember that the bill upon the calendar immediately preceding this has been read and fully discussed, and it occurs to me that that bill should be disposed of.

Mr. LONG. I asked for unanimous consent to take up the bill I have named. We were not upon the calendar.

Mr. CLARK of Wyoming. I want to call the attention of the Senator to the fact that I am not objecting to the census bill, but I think I shall object to considering any bill by unanimous consent, after this important bill is out of the way, until the bill which, as I have indicated, has already been considered shall be acted upon.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill asked for by the Senator from Kansas?

Mr. LONG. I did not understand that the Senator from Wyoming objected.

Mr. CLARK of Wyoming. I did not object.

Mr. CLAY. Mr. President, what is the bill for which the Senator from Kansas asks consideration? Is it the census bill?

The VICE-PRESIDENT. It is the census bill.

Mr. TELLER. Let the bill be read for information.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

Mr. LONG. I ask unanimous consent that the formal reading of the bill be dispensed with; that it be read for amendment, the committee amendments to be first acted upon.

The VICE-PRESIDENT. The Senator from Kansas asks unanimous consent that the formal reading of the bill be dispensed with; that it be read for amendment, the committee amendments to be first considered.

Mr. TELLER. I do not wish to object to that; but I think the orderly method is, when a bill comes up under Rule VIII, to have it read for the information of the Senate, and after it is read is the proper time to object to its consideration, unless Senators see fit to object before. If this bill is to be read in that way, subject to objection, I think that is perfectly proper—not that I expect to object to it, but I want to proceed in an orderly manner.

The VICE-PRESIDENT. Without objection, the formal reading of the bill will be dispensed with, the bill will be read for amendment, and the committee amendments will be first considered. The bill will be considered as in Committee of the Whole, subject to objection.

The Secretary proceeded to read the bill, which had been reported from the Committee on the Census with amendments.

The first amendment was, in section 3, page 2, line 9, after the word "statistician," to insert "a geographer;" and in line 17, after the word "President," to insert "by and with the advice and consent of the Senate," so as to make the section read:

SEC. 3. That after June 30, 1909, and during the decennial census period only, there may be employed in the Census Office, in addition to the force provided for by the act of March 6, 1902, entitled "An act to provide for a permanent Census Office," an assistant director, who shall be an experienced practical statistician; a geographer, a chief statistician, who shall be a person of known and tried experience in statistical work, an appointment clerk, a private secretary to the director, 2 stenographers, and 8 expert chiefs of division. These officers, with the exception of the assistant director, shall be appointed without examination by the Secretary of Commerce and Labor upon the recom-

mendation of the Director of the Census. The assistant director shall be appointed by the President, by and with the advice and consent of the Senate.

The amendment was agreed to.

The next amendment was, in section 5, page 3, line 23, before the word "dollars," to strike out "two thousand seven hundred and fifty" and insert "three thousand," so as to make the section read:

SEC. 5. That during the decennial census period the annual compensation of the officials of the Census Office shall be as follows: The Director of the Census, $7,500; the private secretary to the Director, $2,500; the Assistant Director, $5,000; the chief statisticians, $3,500 each; the chief clerk, $3,000; the disbursing clerk, $3,000; the appointment clerk, $3,000; the geographer, $3,000; the chiefs of division, $2,250 each; and the stenographers provided for in section 3 of this act, $2,000 each.

The amendment was agreed to.

The next amendment was, in section 8, page 6, line 6, before the word "school," to insert "whether or not employer or employee;" in line 8, after the word "army," to strike out "and" and insert "or;" and in the same line, after the word "navy," to insert "and for the enumeration of institutions, shall include paupers, prisoners, juvenile delinquents, insane, feeble-minded, and inmates of benevolent institutions;" so as to read:

SEC. 8. That the Thirteenth Census shall be restricted to inquiries relating to population, to agriculture, to manufactures, and to mines and quarries. The schedules relating to population shall include for each inhabitant the name, relationship to head of family, color, sex, age, conjugal condition, place of birth, place of birth of parents, number of years in the United States, citizenship, occupation, whether or not employer or employee, school attendance, literacy, and tenure of home and whether or not a survivor of the Union or Confederate army or navy; and for the enumeration of institutions, shall include paupers, prisoners, juvenile delinquents, insane, feeble-minded, and inmates of benevolent institutions.

The amendment was agreed to.

Mr. LONG. In that paragraph there is a committee amendment not shown in the text of the bill. In section 8, page 6, line 4, after the word "birth," I move to insert the word "race."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 8, page 6, line 4, after the word "birth," it is proposed to insert the word "race."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BACON. Mr. President, I desire to offer an amendment to that section, but I understand the committee prefers to complete the committee amendments first.

Mr. LONG. Yes. The Senator will have an opportunity later on when we recur to the section to present his amendment.

Mr. BACON. I will withhold it until the committee amendments shall have been disposed of.

The reading of the bill was resumed.

The next amendment of the Committee on the Census was, in section 8, page 6, line 13, before the word "name," to strike out "all persons engaged in agricultural pursuits;" in the same line, after the word "name," to insert "and color;" in line 14, after the word "farm," to strike out "color of occupant" and insert "and number of persons engaged in agricultural pursuits;" and after the word "ranges," at the end of line 18, to strike out "and the acreage of crops as of the date of enumeration," so as to read:

The schedules relating to agriculture shall include name and color of occupant of each farm and number of persons engaged in agricultural pursuits, tenure, acreage of farm, value of farm and improvements, value of farm implements, number and value of live stock on farms and ranges, number and value of domestic animals not on farms and ranges, and the acreage of crops and the quantity and value of crops and other farm products for the year ending December 31 next preceding the enumeration.

Mr. LONG. On behalf of the committee, I desire to modify that amendment by withdrawing the proposed amendment in line 14, inserting the words "and number of persons engaged in agricultural pursuits," and also withdrawing the amendment in line 19, striking out the words "and the acreage of crops as of the date of enumeration."

The VICE-PRESIDENT. The amendment as modified will be stated.

The SECRETARY. In section 8, page 6, line 13, before the word "name," it is proposed to strike out "all persons engaged in agricultural pursuits;" in the same line, after the word "name," to insert "and color;" and in line 14, after the word "farm," to strike out "color of occupant," so as to read:

The schedules relating to agriculture shall include name and color of occupant of each farm, tenure, acreage of farm, value of farm and improvements, value of farm implements, number and value of live stock on farms and ranges, number and value of domestic animals not on farms and ranges, and the acreage of crops as of the date of enumeration, and the acreage of crops and the quantity and value of crops and other farm products for the year ending December 31 next preceding the enumeration.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on the Census was, in section 8, page 7, line 15, after the word "at," to strike out "five hundred" and insert "one thousand;" in line 19, after the word "neighborhood," to strike out the word "or;" and in the same line, after the word "household," to insert the words "and hand," so as to read:

The census of manufactures and of mines and quarries shall relate to the year ending December 31 next preceding the enumeration of population, and shall be confined to mines and quarries and manufacturing establishments which were in active operation during all or a portion of that year and had a product valued at $1,000 or more. The census of manufactures shall furthermore be confined to manufacturing establishments conducted under what is known as the factory system, exclusive of the so-called neighborhood household and hand industries.

The amendment was agreed to.

The next amendment was, in section 8, page 7, after line 20, to insert:

The inquiry concerning manufactures shall cover the production of turpentine and rosin, and the report concerning this industry shall show, in addition to the other facts covered by the regular schedule of manufactures, the quantity of crude turpentine gathered, the quantity of turpentine and rosin manufactured, the sources, methods, and extent of the industry.

The amendment was agreed to.

The next amendment was, in section 9, page 8, line 11, before the word "prior," to strike out "one year" and insert "six months," so as to read:

SEC. 9. That the Director of the Census shall, at least six months prior to the date fixed for commencing the enumeration at the Thirteenth and each succeeding decennial census, designate the number, whether one or more, of supervisors of census for each State and Territory, the District of Columbia, Alaska, the Hawaiian Islands, and Porto Rico, and shall define the districts within which they are to act.

The amendment was agreed to.

Mr. LONG. In section 9, page 8, after the word "act," I offer on behalf of the committee the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 9, page 8, line 17, after the word "act," it is proposed to strike out the period and to insert a semicolon and the following words:

Except that the Director of the Census, in his discretion, need not designate supervisors for Alaska and the Hawaiian Islands, but in lieu thereof may employ special agents as hereinafter provided.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Commitee on the Census was, on page 10, section 11, line 8, after the word "receive," to strike out:

A sum based upon the population of his district, in accordance with the following rates for each thousand or major fraction of a thousand: One dollar and fifty cents per thousand in each district having more than 750,000 inhabitants; $2 per thousand in each district having 500,000 to 750,000 inhabitants; $2.50 per thousand in each district having 400,000 to 500,000 inhabitants; $3 per thousand in each district having 300,000 to 400,000 inhabitants; $3.50 per thousand in each district having 200,000 to 300,000 inhabitants; and $4 per thousand in each district having less than 200,000 inhabitants. In addition to such compensation each supervisor shall receive the sum of $500, which sum, in the discretion of the Director of the Census, may be paid to any supervisor prior to the completion of his duties in one or more payments, as the Director of the Census may determine, such sums to be in full compensation for all services rendered and expenses incurred by him: *Provided*, That if the aggregate compensation of any supervisor as herein provided for amounts to less than $1,200 the Director of the Census shall pay such supervisor a sum sufficient to make his compensation amount to $1,200.

And insert:

The sum of $1,500 and, in addition thereto, $1 for each thousand or majority fraction of a thousand of population enumerated in his district, such sums to be in full compensation for all services rendered and expenses incurred by him: *Provided*, That of the above-named compensation a sum not to exceed $600, in the discretion of the Director of the Census, may be paid to any supervisor prior to the completion of his duties in one or more payments, as the Director of the Census may determine.

So as to read:

SEC. 11. That each supervisor of the census shall, upon the completion of his duties to the satisfaction of the Director of the Census, receive the sum of $1,500 and, in addition thereto, $1 for each thousand or majority fraction of a thousand of population enumerated in his district, such sums to be in full compensation for all services rendered and expenses incurred by him: *Provided*, That of the above-named compensation a sum not to exceed $600, in the discretion of the Director of the Census, may be paid to any supervisor prior to the completion of his duties in one or more payments, as the Director of the Census may determine.

Mr. BURKETT. I should like to ask the chairman of the committee what that provision means or what its object is.

Mr. LONG. The purpose of the amendment striking out the provision as it was in the bill and inserting the provision reported by the Senate committee is to give the Director of the Census a little more leeway or authority in determining the compensation of supervisors. It slightly increases the compensation of supervisors over the provision in the bill as it came from the House and over the compensation received at the last census; and it is the opinion of the director and of the committee that the compensation can be more accurately determined under this provision than under the provision as contained in the House bill.

Mr. BURKETT. Perhaps the Senator did not understand just the point on which I wanted information. As I understand the Senate committee amendment, it is to pay the supervisors $1,500 for their work, plus $1 for each thousand or majority fraction thereof enumerated in the district, and then the provision is that the Director of the Census may pay $600 of this salary before the work is completed.

Mr. LONG. Yes.

Mr. BURKETT. I wish to know why it is that the committee has put in that provision, making it possible in the first place that he may do this and limiting it to $600.

Mr. LONG. That is as to the partial payments which may be made. These payments include not only compensation for services, but also expenses; and the partial payment may be made, in the discretion of the director, so that the expenses of the supervisors may be paid at such time as he may deem proper during the progress of the work.

Mr. BURKETT. It is the idea of the proposed law then, to have the supervisor go ahead and finish his work before he receives any pay unless the director decides to pay him $600.

Mr. LONG. Yes; that is correct.

Mr. BURKETT. I should like to ask the chairman if that has been customary in times past?

Mr. LONG. I am not advised as to that, but I think it has been.

Mr. BURKETT. The thought occurred to me that that might be rather an injustice to the supervisor. I recall that in the last census the supervisor's work hung on for a good while. Long after the work had been practically finished he could not close up; and to hold out his salary is rather an injustice to him. It may be a year——

Mr. LONG. If he closes his work, he is entitled to his salary. This provides for a partial payment in advance of the completion of his work.

Mr. BURKETT. I remember that the supervisors' term of work was a good deal longer than that of the enumerators.

Mr. LONG. Certainly.

Mr. BURKETT. The point I am trying to get at is that it seems to work an injustice to keep him out of his salary until he is all through. It may take him a year. It did before, if I remember correctly.

Mr. LONG. The purpose of this amendment is to permit the director to make partial payments in advance of the completion of the work.

Mr. BURKETT. Not to exceed $600.

Mr. LONG. Yes.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on the Census was, on page 11, section 11, after the word "provided," in line 17, to strike out "further."

The amendment was rejected.

The reading of the bill was resumed and continued to the end of section 11.

Mr. TELLER. I wish to ask the chairman of the committee, who has the bill in charge, whether there is any provision by which the Director of the Census may compensate enumerators who have to travel long distances at a good deal of expense, and get only a few names. In the western country, in Colorado and some of the other States in the West, there are isolated communities where it will be necessary for the enumerators to go, and this compensation does not seem to me to be such as to justify them in going there. Having that in view, I should like to have put in the bill something by which the director may on such occasions give a proper compensation. I think it is very important that we should get all that information in the western country; and the pay will be practically nothing. The expense attendant upon making the enumeration will be four or five or ten times as much as the enumerator would get. I have looked over the bill only casually, and I have not seen anything that quite covers it.

Mr. LONG. In answer to the inquiry of the Senator from Colorado, I wish to call his attention to the provision of the bill found on page 15, line 18. We have not yet reached it in the consideration of the bill. It begins in line 18, where authority is given "in other subdivisions," using the language of the bill, for the director to pay a per diem rate to the enumerator. That will cover cases such as the Senator refers to.

Mr. TELLER. I have not given particular attention to the bill except as to one provision about which I consulted the chairman. I do not know but that the clause referred to will do it, although it is not a very high rate of pay—$2 a day, where a common laborer gets $3. But I shall not make any point upon it.

Mr. LONG. It says that it shall not be less than $3 nor more than $6 per day, as the Senator will observe.

Mr. TELLER. Where is that?

Mr. LONG. In line 24, page 15.

Mr. TELLER. I had not noticed that provision.

Mr. LONG. I think it covers exactly what the Senator desires.

The VICE-PRESIDENT. The reading of the bill will be resumed.

The reading of the bill was resumed. The next amendment of the Committee on the Census was, in section 13, on page 13, line 23, after "enumerator," to strike out:

But the district or districts assigned to any enumerator shall not include more than 2,000 inhabitants, according to estimates based on the preceding census or other reliable information.

So as to make the section read:

SEC. 13. That the territory assigned to each supervisor shall be divided into as many enumeration districts as may be necessary to carry out the purposes of this act, and, in the discretion of the Director of the Census, two or more enumeration districts may be given to one enumerator, and the boundaries of all the enumeration districts shall be clearly described by civil divisions, rivers, roads, public surveys, or other easily distinguishable lines: *Provided*, That enumerators may be assigned for the special enumeration of institutions, when desirable, without reference to the number of inmates.

The amendment was agreed to.

The next amendment was, in section 16, page 15, line 12, after the word "industry," to insert:

reported. In other subdivisions the Director of the Census may fix a mixed rate of not less than one nor more than two dollars per day and, in addition, an allowance of not less than 1 nor more than 3 cents for each inhabitant enumerated, and not less than 15 nor more than 20 cents for each farm and each establishment of productive industry reported.

So as to read:

SEC. 16. That the compensation of enumerators shall be determined by the Director of the Census as follows: In subdivisions where he shall deem such remuneration sufficient, an allowance of not less than 2 nor more than 4 cents for each inhabitant; not less than 20 nor more than 30 cents for each farm reported; 10 cents for each barn and inclosure containing live stock not on farms, and not less than 20 nor more than 30 cents for each establishment of productive industry reported. In other subdivisions the Director of the Census may fix a mixed rate of not less than one nor more than two dollars per day and, in addition, an allowance of not less than 1 nor more than 3 cents for each inhabitant enumerated, and not less than 15 nor more than 20 cents for each farm and each establishment of productive industry reported.

The amendment was agreed to.

The next amendment was, in section 20, on page 18, line 13, after the word "made," to insert "except those relating to paupers, prisoners, juvenile delinquents, insane, feeble-minded, and inmates of benevolent institutions," so as to read:

SEC. 20. That the enumeration of the population required by section 1 of this act shall be taken as of the 15th day of April; and it shall be the duty of each enumerator to commence the enumeration of his district on that day, unless the Director of the Census in his discretion shall defer the enumeration in said district by reason of climatic or other conditions which would materially interfere with the proper conduct of the work; but in any event it shall be the duty of each enumerator to prepare the returns hereinbefore required to be made, except those relating to paupers, prisoners, juvenile delinquents, insane, feeble-minded, and inmates of benevolent institutions, and to forward the same to the supervisor of his district within thirty days from the commencement of the enumeration of his district.

The amendment was agreed to.

The next amendment was, in section 22, on page 20, line 1, after the word "make," to insert "a false test schedule," so as to read:

Or if he shall willfully and knowingly swear to or affirm falsely, he shall be deemed guilty of perjury, and upon conviction thereof shall be imprisoned not exceeding five years and be fined not exceeding $2,000; or if he shall willfully and knowingly make a false test schedule, a false certificate, or a fictitious return, he shall be guilty of a misdemeanor.

The amendment was agreed to.

The next amendment was, in section 23, on page 21, line 14, after the words "permit of," to insert "the collection of statistics for census purposes, including," so as to read:

And it shall be the duty of every owner, proprietor, manager, superintendent, or agent of a hotel, apartment house, boarding or lodging house, tenement, or other building, when requested by the Director of the Census, or by any supervisor, enumerator, special agent, or other employee of the Census Office, acting under the instructions of the said director, to furnish the names of the occupants of said hotel, apartment house, boarding or lodging house, tenement, or other building, and to give thereto free ingress and egress to any duly accredited representative of the Census Office, so as to permit of the collection of statistics for census purposes, including the proper and correct enumeration of all persons having their usual place of abode in said hotel, etc.

The amendment was agreed to.

The next amendment was, in section 27, on page 23, line 19, after the words "the purchase of," to insert "manuscripts," so as to read:

SEC. 27. That the Director of the Census may authorize the expenditure of necessary sums for the actual and necessary traveling expenses of the officers and employees of the Census Office, including * * * the purchase of manuscripts, books of reference and periodicals, etc.

The amendment was agreed to.

The next amendment of the Committee on Census was, in section 28, page 24, after line 17, to insert the following proviso:

Provided, That whenever in the opinion of the Director of the Census the Public Printer does not produce the printing and binding required under the provisions of this act with sufficient promptness, or whenever said printing and binding are not produced by the Public Printer in a manner satisfactory to the Director of the Census in quality or price, said Director is hereby authorized to contract with private parties for printing and binding, after due competition.

Mr. LONG. At the suggestion of the Senator from Colorado [Mr. TELLER], I desire to modify the proposed amendment. In line 24, after the word "authorize," I move to insert "with the approval of the Secretary of Commerce and Labor."

Mr. BURKETT. Mr. President——

Mr. HOPKINS. Before that is adopted, I should like to ask the chairman in charge of the bill——

The VICE-PRESIDENT. The Chair has recognized the Senator from Nebraska.

Mr. BURKETT. I do not want to interpose an objection to anyone trying to perfect the amendment; I have not any objection to the adoption of the amendment of the Senator from Kansas to the amendment; but before the entire amendment is adopted I think we had better stop and consider the matter. I thought, perhaps, it would be better to lay it aside, if the Senator wished, until we got through with the reading of the bill.

Mr. PENROSE. I should like to have the proviso go over unless the Senator from Kansas can explain the purpose of it and show why it should be inserted in the bill.

Mr. LONG. How long does the Senator desire to have the amendment go over? To what time?

Mr. PENROSE. Until the Senate has had some opportunity to consider it. I merely want to consult the convenience of the Senator from Kansas as to whether it shall go over now and be discussed later.

Mr. HALE. Let it go over until the end of the bill is reached. Of course it is desirable to get the bill through to-day, if possible.

Mr. PENROSE. Very well.

The VICE-PRESIDENT. The amendment will be passed over.

Mr. LONG. Has the amendment I suggested to the amendment been adopted?

The VICE-PRESIDENT. Is there objection to the present consideration of the amendment proposed by the Senator from Kansas to the amendment of the committee?

Mr. HOPKINS. I think it had better go over with the proviso.

Mr. LONG. Very well.

The VICE-PRESIDENT. The amendment will be passed over and the amendment proposed to the amendment will be pending when its consideration is resumed.

The reading of the bill was continued. The next amendment was, in section 32, page 26, line 7, before the word "returns," to insert "or agricultural," so as to read:

That the Director of the Census is hereby authorized, at his discretion, upon the written request of the governor of any State or Territory, or of a court of record, to furnish such governor or court of record with certified copies of so much of the population or agricultural returns as may be requested, upon the payment of the actual cost of making such copies, and $1 additional for certification.

The amendment was agreed to.

The reading of the bill was continued to line 18, page 26.

Mr. CLAY. I want to call the attention of the Senator in charge of the bill to section 33.

Mr. LONG. It has not yet been read.

Mr. CLAY. I will read it, with the Senator's permission.

Mr. LONG. It has not yet been read by the Secretary. It has just been reached.

Mr. CLAY. I thought the Secretary was proceeding to read it.

Mr. LODGE. I suggest that it should be first read at the desk.

Mr. CLAY. I have no objection to that course.

The VICE-PRESIDENT. The Secretary will read the amendment of the committee.

The SECRETARY. It is proposed to insert as an additional section the following:

SEC. 33. That the Director of the Census, under the supervision of the Secretary of Commerce and Labor, be, and he is hereby, authorized and directed to acquire by purchase, condemnation, or otherwise, for the use of the Census Office, and for other governmental purposes, the site and buildings thereon, containing about 118,000 square feet of ground, and constituting the southern 350 feet, more or less, of square No. 574, in Washington, D. C., bounded on the north by a public alley, on the south by B street, on the east by First street, and on the west by Second street NW.: *Provided*, That not more than $430,000 shall be paid for the property herein referred to.

That the said Director of the Census, under the supervision of the Secretary of Commerce and Labor, is instructed to cause to be erected on such portion of the site as is not now occupied by buildings a commodious and substantial building with fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use of the Census Office, and for other governmental purposes, the cost of such building not to exceed $250,000. A sum of money sufficient to pay for the property and the erection of the said building is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That no part of the said appropriation shall be expended until a valid title to the property referred to shall be vested in the United States.

Mr. CLAY. I understand that the amendment contemplates purchasing the present site where the present building is located. I understand that it now belongs to private parties. It also contemplates erecting a building there to be permanently used for the purpose of the census work, which will cost $250,000.

I will ask the Senator from Kansas if he thinks that the present location is a suitable one for a permanent census building. It is not in a healthy location, I am sure; it is down in a basin; and, in my judgment, it is a very poor place to be selected for the purpose.

I doubt very materially if we could erect a building for $250,000 that would be suitable for the permanent census work. If we are going to buy ground for the purpose of locating a building for the census work we ought to select a suitable healthy location. A great many of the persons engaged in that work are ladies. In the summer time it is almost impossible for the occupants to stay in the present census building with any degree of comfort. In my judgment it is a poor selection, it is an improper place, and a much more suitable place could be selected.

This matter seems not to have been considered by the House. It is a Senate amendment. Of course, the Senator in charge of the bill may have reasons to urge why it ought to be adopted.

Mr. LONG. Mr. President, in reply to the Senator from Georgia, I will state that the committee investigated the objections to the proposed purchase which are presented by the Senator. The Census Office has been in that building for almost ten years. The last census was taken while the Census Office occupied that building. No serious objection was made to it on the ground that it was an unhealthy or undesirable location. There are doubtless other locations in the city that are much more desirable, but the price would be very much higher than that provided in the amendment.

The considerations which impelled the committee to report this amendment were that the Census Office has occupied for about ten years the building that was used in the last census, and that can be used in the next census. There is another building obtained in this purchase and there is room in addition to construct a third building.

During the taking of the last census and the years since that census was taken, the Government has paid out in rent for the Census Office the sum of $262,000, or it will have paid out that amount by the end of the present fiscal year. The rentals for the next ten years for that building and other buildings that will be necessary to take care of the force required will amount to at least $270,000. Under an option that has been obtained on the ground on which the Census Office is located and on the property adjoining, which is described in the amendment, the whole can be bought for $354,126.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Montana?

Mr. LONG. Certainly.

Mr. CARTER. In connection with the amount of rent to be paid, I suggest to the Senator it was made manifest, I think, that the additional cost incident to a division of the force in a variety of buildings over the city would, through extra employment and expense incident to such a division, involve an outlay of money like $50,000 more than the same service would cost if concentrated under one roof.

Further still, we would have to take into account the great delay caused by the transportation from one part of the city to another of material under consideration in the preparation of the reports. The director made it clear, I think, to the committee that the census work could not be divided as other departments of the Government have bureaus divided. Take, for instance, the Indian Office, a part of the Department of the Interior. It may, without serious detriment to the service, be located remote from the Secretary's office.

Mr. LONG. Or from the Land Office.

Mr. CARTER. Or from the Land Office, because the business is complete in a sense within itself. But in dealing with the schedules of population it is necessary actually to subdivide divsions, and when divisions are subdivided and housed in different parts of the city very great inconvenience, much delay, and considerable additional expense are involved.

Mr. LONG. I thank the Senator from Montana for calling the attention of the Senate to this additional reason why the amendment reported by the committee should be adopted. The figures that I gave as to rentals for buildings for taking the next census did not include the additional cost to which the Senator refers.

Mr. CLAY. Will the Senator permit me to ask him a question?

Mr. LONG. Certainly.

Mr. CLAY. Did I understand the Senator to say that the present Director of the Census is in favor of the purchase of this property and the permanent location of the Census building at that point?

Mr. LONG. He is.

Mr. HALE. Very decidedly.

Mr. CLAY. Then the present director surely does not entertain the same views that the former director entertained in regard to this building. I have positive knowledge that the most serious complaint was made by the former director in regard to the inconvenience of the building and the great trouble they had in taking care of the employees during the hot summer months. In the first place, I do not believe the building is properly constructed for that number of employees to work in. It is low, and it is in a low, flat place.

I have no objection to the purchase of ground and building a permanent place for the census work. I believe the Government ought to own its buildings. I agree with the Senator that we ought not to continue to pay this enormous amount of rent. But if we are going to spend nearly a million dollars for the purpose of getting ground for a building——

Mr. LONG. The Senator is mistaken as to the amount.

Mr. CLAY. It is six hundred and some odd thousand dollars.

Mr. LONG. It is $674,000, including the cost of a new building six stories in height, to be erected on ground northwest of the present building.

Mr. CLAY. The ground, I understand, is to cost $430,000 and the building $250,000. Does the Senator say that the committee intends that the present building shall simply be enlarged? Is it proposed to add to it?

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered. The Senator from Kansas will proceed.

Mr. LONG. It is not the intention, I will say to the Senator from Georgia, to enlarge the present building. It is the intention to occupy the present building during the next census, as it was occupied during the last census, and also to erect another building, a modern and more permanent building, six stories in height, costing $250,000, on the space not occupied by the present Census building or by what is known as the "high school building," which is also included in this purchase and which will be occupied also. This will make three buildings on the ground purchased. In the opinion of the Director of the Census and the committee this will afford sufficient space for all the employees of the bureau and will not necessitate the rental of any additional buildings during the next census period.

Mr. CLAY. Will the Senator from Kansas allow me?

Mr. LONG. Certainly.

Mr. CLAY. Do I understand the Senator to say that the Government has an option on this property now for $425,000 or $435,000?

Mr. LONG. The Director of the Census has such option.

Mr. CLAY. The Director of the Census has secured an option from the private owners for $435,000. Did the committee consider any other location except this one?

Mr. LONG. After hearing the Director of the Census, the committee was of the opinion that this was a desirable place to locate the Census Bureau, and while we take into consideration other locations we deemed this a good location for the office.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Nebraska?

Mr. LONG. Certainly.

Mr. BURKETT. It occurred to me all the way through that the estimate we have of $250,000 for the building is much lower than any building the Government has erected in, say, the last ten years, to say the least. I should like to inquire somewhat as to the committee's investigation of the cost of this property, and what it is going to contemplate.

Mr. LONG. The building will be a fireproof building. It will not be so elaborate a building as the Senator would like to see erected or that might be erected in other parts of the city if the location were elsewhere; but it will be a substantial building, answering the requirements of the Census Office in the opinion of the director. The estimate as to the cost was made by the Supervising Architect of the Treasury, who has made the preliminary plans that were followed by the Director of the Census in presenting the matter to the committee.

Mr. BURKETT. It occurs to me that $250,000 would construct a pretty good building, but comparing it proportionately with what other buildings cost, does the Senator think it is advisable to locate at this particular place a government building proportionately as insignificant as that would be to other buildings that we know the price of?

Mr. LONG. I do; and that is the opinion of the committee.

Mr. BURKETT. Did the committee take into consideration anything of the proposition that has been pending before Congress for a good many years, to get our public buildings in a line along the south side of the Avenue?

Mr. LONG. The committee did not consider the purchase of ground and the erection of a building on the south side of the Avenue, for we knew that it would not be possible to do that, either within the amount suggested in the amendment or within the time that it will be necessary to have the building ready for the next census. From information that we have obtained we believed the building provided for in this amendment could be erected in time for the beginning of the next census.

Mr. BURKETT. How many square feet does this contemplate?

Mr. LONG. The floor space in the present building amounts to 95,000 square feet, the proposed new building would approximately have 70,000, and the high school building has 35,000, making an aggregate of 200,000 square feet in the buildings.

Mr. BURKETT. How does that compare in size with the tract that was purchased for the new municipal building?

Mr. LONG. I think it is much larger.

Mr. BURKETT. Did the committee make any investigation as to what property can be acquired along the Avenue, or anywhere else, as a matter of fact, besides this property?

Mr. LONG. As the Senator knows, property south of the Avenue in the locality of the District building could not be purchased within the limit fixed in the amendment. Property in that locality would be much more expensive than this property. The committee did take into consideration the fact that this is at a price of about $3.31 per square foot and that the last sale of property in the immediate locality, directly opposite, called the Ventosa Apartment House, was sold, without any building, at $3.50 per square foot.

Mr. HALE. I think, if the Senator will allow me——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Maine?

Mr. LONG. Certainly.

Mr. HALE. The Senator from Nebraska has struck exactly at the reason that actuated the committee in reporting this amendment. It is one of the rare opportunities that has been afforded of getting large accommodations and safe quarters at a reasonable price, at something like the amount which private citizens would expend for large buildings. The topography lends itself to all that.

The committee did consider, without going into prices of other lots, what it might do for the Census Office. It might abandon this property. It might buy property that is at a higher altitude, submit it to architects, and have a building erected, but that would cost, before we got through with it, anywhere from two and a half to four million dollars. The committee did think, as this good trade offers, that we can get out of it good buildings and ample accommodations for this comparatively small sum. We are already renting enormous buildings at an enormous cost. The committee did not think that we ought to lose this opportunity; and that is my view.

I have had a good deal of experience with the census work heretofore. I was chairman of the committee for a long time. So far as the healthfulness of the place goes, it is just as healthful as any land on the south side of the Avenue until you get up about Twelfth or Thirteenth streets. Yet in the end the Government will have all of that property and will have great buildings erected in a symmetrical way that will cost tens of millions of dollars.

This land is not in any degree a swamp. It has been well drained. There is no malaria there any more than anywhere on the Potomac River. It is low, but not unduly low. A great deal of property in the city is as low as this. Experience does not show that it is a lurking place for fever or malaria, or that it would be dangerous to the occupants of the buildings. With all these advantages the very things the Senator from Nebraska has referred to were the things that I think actuated the committee in making up its judgment.

Mr. BURKETT. Does the Senator remember the price per square foot that we paid when we built the municipal building?

Mr. HALE. No; I do not, but it is much greater. Then, unfortunately, as everybody knows, when the Government gets its eye upon any property prices at the hands of owners begin to advance. Every year the prices of property on the lower side of the Avenue increase, and the money that the Government in the end will pay will be treble what it would have been if we had taken up the large scheme which the Senator from Idaho [Mr. HEYBURN] at one time proposed and which contemplated the whole tract between the Avenue and the Mall. I can not tell the difference, but it is very great.

Then the Senator knows that when we have to erect a building south of the Avenue we should not construct such a building as this. We can put up for $250,000 a building on this 330,000 square feet of land that for practical purposes and for every use of government clerks and employees will be just as good as if it cost a million and a half. It is the kind of building that a private citizen would build.

Mr. NEWLANDS. I should like to ask the chairman what is the present rent of the building?

Mr. LONG. The present rent is $21,000 annually.

Mr. NEWLANDS. Is there any difficulty about securing an extension of the lease?

Mr. LONG. I think there would be considerable difficulty. I do not know definitely about it, but the building will accommodate only part of the clerks required for the next census. It will be necessary for the Government to go outside of that building, as it did in the last census, in order to accommodate the force necessary for taking the next census.

Mr. NEWLANDS. I understand that the purchase contemplated covers ground other than that covered by the present building.

Mr. LONG. It does.

Mr. NEWLANDS. How much?

Mr. LONG. It contemplates the purchase of the building immediately north, known as the "high school building," and the purchase of ground sufficient in area on which to construct a new building 6 stories in height, costing not to exceed $250,000. It will give the Census Office three buildings instead of one, and sufficient space to care for all the clerks engaged in the work of the next census.

Mr. NEWLANDS. And it would, I imagine, leave in existence the present building as it stands.

Mr. LONG. It would.

Mr. NEWLANDS. Mr. President, I presume that my inquiries cover matters that have already been presented to the Senate. I simply chanced a moment ago to observe that this subject was under discussion. But I have always wondered that that location should have been chosen for the Census Office. It is about as low as any ground in the city; it is entirely surrounded by buildings of rather an inferior character, and yet so surrounded as to cut the building off from sufficient light and sufficient view, it seems to me. I believe that every public building should have a large air space about it, and it seems to me that, unless there is immediate necessity for the purchase of this property, it would be very much better to give the proper official the power to purchase property according to his discretion, or that of some commission, limiting the amount to be paid for the land and the amount to be paid for the building. I will ask the Senator about how many cubic feet is it contemplated that these additional buildings should contain.

Mr. LONG. I have stated before the floor space that would be included in the three buildings. The floor space in the present building is 95,000 feet; in the proposed new building it will be approximately 70,000 feet; and in the "high school building," so-called, there are 35,000 feet, or an aggregate of 200,000 square feet in the three buildings.

Mr. NEWLANDS. Mr. President, 200,000 square feet of floor space can be constructed of fireproof material for about $5 a square foot, or about 50 cents a cubic foot. So if the Senator proposes to have a building that will have 200,000 square feet of floor space, the cost could be brought within $1,000,000.

I imagine that a site very much healthier and very much better than this—higher, with more air about it, with a more extensive view about it—could be purchased for the sum which is named in this bill, I believe of $450,000. I imagine that a very good location could be got for from $2 to $3 a square foot some place adjoining the Mall, where there will be a beautiful park.

Mr. LONG. Would the Senator suggest the space adjoining or near the Mall that could be purchased for that price?

Mr. NEWLANDS. I know that the George Washington University bought land adjoining the Mall—a very considerable area of land, more than I think is contemplated here—for less than $250,000.

But why prescribe in this bill the location of the Census Office? Why should we not leave it to the judgment of a competent board or department or commission, and limit the amount of the appropriation for the lot, limit the amount of the appropriation for the building, and then give such a commission some leeway in the determination of the location and the character of the building? I do not think that a more unfavorable place could be secured in the District of Columbia for a large public building intended for the comfort and convenience of a large number of employees than the location of the present Census Office, and I do not believe that any very largely increased expenditure would be caused by reason of the course which I suggest. So far as I am concerned, I certainly should never join in any movement to put a permanent building in so inferior a location. I think it would be cruel to subject the census clerks and employees to location in such a place as that.

Mr. SCOTT. Mr. President, I hope the Senator in charge of the bill will not press this section. This matter was before the Committee on Public Buildings and Grounds at the last session of Congress and was unanimously turned down by that committee, for the reason that in a bill which was passed we provided for two million and a half dollars to buy certain blocks of land south of Pennsylvania avenue and facing the park or the circle, or whatever it may be called, south of the White House. At this time appraisers are going over those three blocks of land and it is in process of being purchased. If we succeed in getting these three blocks, it is the object and desire of the committees of both the House and the Senate, on the recommendation of members of the Cabinet, of the Secretary of the Treasury, the Secretary of State, and the Secretary of Commerce and Labor, to erect thereon a sufficient number of buildings to care for and house all of these departments.

Mr. LONG. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Kansas?

Mr. SCOTT. Certainly.

Mr. LONG. Will the Senator from West Virginia state when those buildings will probably be completed?

Mr. SCOTT. The Senator from Kansas can look perhaps as far into the future as I can. I am not a clairvoyant or a fortune teller; but, Mr. President, can this ground be bought and the buildings erected in time to do the present Director of the Census any good in the taking of the present census?

Mr. LONG. In answer to the inquiry, I will say to the Senator that it can. If we thought this building could not be erected

within the time necessary, we would not have reported this amendment.

Mr. SCOTT. Mr. President, I do not want to question the judgment of the Senator from Kansas or that of the committee, but judging from my experience of the way things move in the city of Washington when you have to condemn land and buy it and erect buildings thereon, probably we shall have reached the taking of the census of 1920 before this building will be in condition to be used.

Mr. President, the buildings which we have down here, with the buildings that are rented, were sufficient for the taking of the last census; and, in my judgment, there is no need of pressing this building clause in the pending bill at the present time, and especially in view of the fact which I stated a few moments ago, that this matter was before the appropriate and proper committee, the Committee on Public Buildings and Grounds, by whom it was unanimously rejected, and because of the fact before stated, that we propose to erect buildings which will house all of these departments. If buildings we already possessed had not been torn down, perhaps we would not have needed this building; we could have housed therein a part of the clerks in buildings that have been, in my judgment, unnecessarily torn down.

Mr. LODGE. I should like to ask the Senator from West Virginia a question before he takes his seat.

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Massachusetts?

Mr. SCOTT. Certainly.

Mr. LODGE. I understand the land the Senator refers to is that which it is proposed to purchase under the appropriation of last year?

Mr. SCOTT. Yes.

Mr. LODGE. That is, the blocks next to Fifteenth street?

Mr. SCOTT. Yes; the three blocks between Fourteenth and Fifteenth streets.

Mr. LODGE. Opposite the New Willard Hotel?

Mr. SCOTT. Yes; the three blocks between Fourteenth and Fifteenth streets.

Mr. LODGE. If that purchase is consummated, will there be room there for the Census building as well as for the other three departments to which the Senator refers?

Mr. SCOTT. We were so informed by the proper authority—the Supervising Architect.

Mr. LODGE. How soon does the Senator think it likely that the purchase of the land will be completed?

Mr. SCOTT. That, as I suggested to the Senator from Kansas [Mr. LONG] a few moments ago, I can not possibly state.

Mr. LODGE. Not the construction of the buildings, but the purchase of the land?

Mr. SCOTT. They are now engaged in the proceeding prior to taking action to condemn the land.

Mr. LODGE. Mr. President, of course I think we all must agree that it is extremely desirable to put all the census force under one roof, and that we no doubt are paying high rent now. I have listened to the debate. I was at first impressed very favorably with the views of the committee, but I begin to question very much whether it will be good economy in the long run to put a building or to put three buildings—to a certain extent a makeshift—in a situation which is acknowledged to be a poor one. If we are going to purchase under the appropriation of last year the large tract to which the Senator from West Virginia [Mr. SCOTT] has referred—and sooner or later I suppose, we may assume that that will be done——

Mr. SCOTT. If the Senator will allow me, we contemplate asking to have the ends of the street abandoned, which will virtually give us almost another block if we get those provided for.

Mr. LODGE. Certainly; and if there is room there to put a Census building on land which we are going to buy in any event, it seems to me it is poor economy to establish ourselves permanently in an inferior situation. It would be better in the end to construct a Census building, even such a building as the Senator from Kansas [Mr. LONG] describes, in a good situation. I can see that it will cost us more to continue with rented buildings, of course, but it will cost us a great deal more to put up at the place proposed and connect three buildings which we shall assuredly give up before very long. If the building goes on the land described by the Senator from West Virginia, we save the cost of the land to begin with, because we are going to buy all that land in any event. We have three great departments to place there, and if there is room there for the Census building, all the money that is appropriated here for a building and ground could be put into a good building for the Census and in a proper situation. I think it would save the Government money in the long run and give us a permanent building.

Mr. McCUMBER. Mr. President, we must not forget that we are confronted here with a condition. We must have a building, and that building must be completed for the next census. There is no question but that we can erect a building in conformity with the views of the park commission, or whatever it is called, and in the proper place. We can probably do that for between four and six million dollars.

Mr. LONG. And within four or six years.

Mr. McCUMBER. Yes; within four or six years. Do we want to spend in the first instance for this particular purpose this year, even if we could complete the building, the sum of from four to six million dollars? With the present condition of the Treasury, can we afford to do it and meet the other obligations of the Government without issuing bonds?

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Massachusetts?

Mr. McCUMBER. Certainly.

Mr. LODGE. I desire to ask the Senator from North Dakota a question. He speaks of "a building costing four or five million dollars." That is mere conjecture. If the object is to put up a building of moderate cost, we can construct such a building for the same price that is proposed in this bill. My proposition is simply to build it in another place; that is all.

Mr. McCUMBER. Mr. President, we would not construct such a building as is contemplated in this bill as part of the scheme for permanent buildings of the Government. The Senator from Massachusetts would not vote to put up such a building—a $250,000 building—to be torn down in a short time and be rebuilt. As I understand, we all agree upon one proposition, and that is that all the new buildings in this contemplated scheme are to be of like character, that they are to be so designed as to beautify and be a credit to the city for a hundred years to come, and then we will not need to tear them down.

If we are ready to go on to-day with that scheme and carry it out, and if we can get the building for the Census Bureau in time and the money to pay for it without crippling the Government in other respects, I certainly would be in favor of it, and I so expressed myself in the committee. But the general consensus of opinion was that we would hardly be justified in asking for the necessary amount to construct a monumental building, nor could we get that building finished within the proper period for the work of the next census.

Mr. SCOTT. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from West Virginia?

Mr. McCUMBER. Certainly.

Mr. SCOTT. What is the urgent necessity for an additional and larger building for the Census Bureau when we have the same building that was occupied for this purpose eight years ago, when there was sufficient room?

Mr. McCUMBER. Mr. President, we did not have sufficient room.

Mr. SCOTT. We got along with it.

Mr. McCUMBER. We had one or two buildings in addition to that. We rented a building on G street for a year or two, and we shall have to rent again at some other place.

Mr. SCOTT. Can we not do that again?

Mr. McCUMBER. I do not think we can get an appropriate building in the proper location by next year for anything like a reasonable sum. I do not know that it would be possible to get the right character of building. It has already been shown that the expense of conducting this bureau in buildings scattered over the city is quite enormous, as well as inconvenient, and that it delays the work to a great extent.

So we finally get down to the next proposition, which is really the only one, as to whether or not we can carry out the scheme which the Senator from West Virginia has of putting up our new buildings south of the Avenue. If we can do that, if we have got the money to do it and a buildings for the census can be constructed in time, I do not think there would be a single vote against it, but I believe that it can not possibly be done, and that is the general understanding.

Mr. NELSON. Mr. President, I am somewhat surprised at the opposition to this scheme of securing the piece of ground situated below Capitol Hill and constructing a Census building on it. It seems to me that that piece of ground is better than any in all that part of the city south of the Avenue. There has been an effort in recent years to erect all our public buildings in a string on the south side of the Avenue. Those who have ex-

amined that ground know that it was all a quagmire and a swamp and that the course of the old Tiber Creek was through it. The ground included in the three blocks that we are seeking to secure is a part of that swampy ground. Now, what surprises me is that the gentlemen who are in favor of locating all our public buildings on the swampy side of the city, where it costs so much to get a foundation, should object to this piece of ground, which is a little swampier than all the rest. I think the building provided for in the bill will answer all the purposes that any other building would.

It took about one-third of the appropriation for the Post-Office building to get a proper foundation. They had to put in piling without end; and I have heard indirectly that the contractor who put up the new District building congratulated himself on the fact that the building did not sink before he got through with it.

The three blocks south of the Avenue which were provided for last year take in a part of the ragged end of the city. The lower portion of that tract extends down where the outlet of the old Tiber Creek was, and I presume before we get through with it it will be the most expensive piece of ground in the entire city. When the Government has to resort to condemnation proceedings, the real-estate agents swear for one another and inflate prices. I think I read somewhere that they were claiming the land down south of the Avenue was worth from $7 to $10 a square foot. I venture to say that they could not palm it off on anybody else for the price at which they are seeking to unload it on the Government.

Take the piece of ground where the District building is. One of the street railway companies owned that ground. They had a power house on it, which was destroyed by fire, and that ground was nothing but a piece of ruin, a bog. Nobody wanted it, and nobody cared about it; yet they unloaded it on the Government and erected that fine District building in that quagmire when we had good ground up here where the old District building formerly stood.

Mr. President, I only rose to express my surprise that Senators who are in favor of erecting all our public buildings in low, swampy ground should object to this piece of ground proposed for the Census building, which is a little swampier than all the rest.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Massachusetts?

Mr. NELSON. Certainly.

Mr. LODGE. I desire to say in regard to the three blocks south of the Avenue which it is proposed to purchase, that I think that land runs off at one end into low ground; but most of it is on natural ground, where the hill rises.

Mr. NELSON. A little bit of it, near the Treasury Department, is high ground.

Mr. LODGE. I think it differs from the rest.

Mr. NELSON. But over half of that ground is very swampy and boggy, and we shall find that it will cost us four or five million dollars before we secure that ground.

The site of the Post-Office Department, as I understand, cost us over $600,000. Yet the building is constructed in a bog, and when there is high water in the Potomac and the water backs up it gets into the basement of that building. It seems, however, to be the plan and the scheme to erect our public buildings like a row of Lombardy poplars on the south side of the Avenue. If that is the scheme that is to be followed, I do not see, if we are going to select swampy ground for all our buildings, why we should not take this site below Capitol Hill, which I think is pretty near the old course of Tiber Creek.

Mr. McCUMBER. Mr. President, I do not want the Senator to think for a moment that I have ever been in harmony with the view of placing all our buildings south of the Avenue; but I do not see that we can stem the inclination to place them all there any more than we could stop a glacier from sliding down hill. The buildings seem to go there, and the majority of Senators seem to think they must follow that scheme. We are placing our public buildings not only in the worst part of the city, so far as healthfulness is concerned, and in the hottest part of the city, but we are placing all of our buildings over to one side of the city paralleling the river, instead of along some great avenue going through the city.

I myself have always believed that we should have taken some street running north, like Sixteenth street, or some avenue that runs up into high ground, beautify that street or avenue, and use it for our public buildings. But we have started upon the other scheme, and, although when I first came here I resisted it as much as I could in my feeble way, I could not see that the resistance counted for anything. At any rate, building after building is going up south of Pennsylvania avenue, and as that is the case, let us, where we are going to put up the permanent buildings, at least put up good ones. That is all I ask for in this case, and not for a $250,000 building on a new site.

Mr. SCOTT. Mr. President, in reply to the Senator from Minnesota [Mr. NELSON] and the Senator from North Dakota [Mr. McCUMBER], I will say that I have not by any means been in favor of placing all our public buildings south of the Avenue. I was not in favor of the magnificent monument nearing completion for the occupancy of members of the United States Senate. There are many Senators, I have no doubt, here to-day who prefer to keep their own committee rooms here in the Capitol; but I would not for a moment wish to inconvenience a Senator who wants to move out of the Maltby Building or out of the "cave of the gods" down below, and get into the new Office Building. But it strikes me there are two stories over there in the new Office Building that will never be needed by Senators for committee rooms, and if the Committee on the Census would turn their attention to the two upper stories of that magnificent Senate Building, for which there is no more use than there is for the fifth wheel to a wagon, I think they would find room for the employees of the census.

Mr. President, in regard to the quagmire and low ground to which the Senator from Minnesota has referred, I would say that there is no question but that a part of it is of that character. But he must remember, as the Senator from Massachusetts [Mr. LODGE] very properly suggested, that the ground rises on Fifteenth street, and there is only about one-third of the three blocks and the end of the streets running from Fourteenth to Fifteenth streets that could be considered as low ground. Now, if we appropriate the money to put up the building for the census as proposed in this bill, it will simply detract from and delay the accomplishment of the object, which I believe a majority of Senators have, in providing adequate buildings for the use of the Departments of State, Justice, and Commerce and Labor. In the buildings to be erected we can house all the clerks that we are now paying rent to accommodate in outside properties.

I repeat, if the chairman of the committee will turn his attention to the Senate Office Building across the way, I think he will find two stories in that building which can be utilized for the purposes of the census.

Mr. CARTER. Mr. President, the erection of a permanent building according to the plans that are ordinarily adopted for permanent buildings in this city would scarcely be warranted for the use of the Census Bureau during the three years' work on the decennial census. It must be borne in mind that the census force expands rapidly and contracts rapidly. The Census Committee in considering the question of accommodations for the next census was not unmindful of the possibility of renting as a last resort, but information gathered in that behalf from various sources demonstrated, I think, that there were no available buildings to be had in the city for the accommodation of the next census. Only yesterday evening the Secretary of the Treasury advised me that he had been for weeks in quest of some kind of a building in the city for the accommodation of a division of his office for which he has no present room; that finally he was enabled to secure measurably good accommodations for a portion of the force on G street in a building a short distance east of Seventh.

Mr. NELSON. Is not that the old post-office building?

Mr. CARTER. It is the old post-office building.

Mr. NELSON. That they tried to unload on the Government some little time ago?

Mr. CARTER. Some little effort was made in that direction, I believe. I remember making some objections at that time, and I would renew them now——

Mr. NELSON. I simply suggested that to show how easy it is to make a discovery in these cases.

Mr. CARTER. I recall very distinctly that when there was offered in a bill an appropriation item to purchase that building—I think it is the Union Building—I offered such objections to the appropriation as occurred to me at that time. I deemed it unwise and unnecessary at the moment.

If no provision at all is made for the accommodation of the census force which can not be accommodated in the existing building at the foot of the hill, one of two things will occur: First, a wider distribution of the census than ever before into such buildings of limited capacity as can be obtained, or else a contract by the Director of the Census with some syndicate which may be induced by extraordinary rent to construct a

building for a three years' lease. Unquestionably if we are driven to the three years' lease the rental will be fixed at such a rate as to pay for the building and the land in three years. The Director of the Census, a very prudent and faithful officer, investigated very thoroughly the subject of quarters for the decennial census, and he reached the conclusion that the place where the office is now located, supplemented by the ground immediately to the north for additional construction, was at once the most available and economical provision that could be made.

Mr. President, it is clearly and distinctly stated by the director that no agent, attorney, or promoter is in any manner, shape, or form to be compensated or paid a commission out of the proceeds of this sale, if made. The price alone fixed for the property would bear out that statement if the understanding of the director required any support. Three dollars and thirty-one cents per square foot is the price fixed, and upon the land to be purchased at that price is a building entirely adequate for the accommodation of the major portion of the census force, so that no additional construction will be required as to that space which aggregates, I believe, 90,000 square feet of the 118,000 square feet.

Mr. NELSON. May I ask for information whether this ground includes the census building that is on it now?

Mr. CARTER. It includes the census building.

Mr. NELSON. It is proposed to add additional ground to it?

Mr. CARTER. It is proposed to add some——

Mr. LONG. Not an addition, but close to the present building.

Mr. NELSON. This purchase includes the ground and building?

Mr. LONG. It does; and also the "high school building," so-called. There will be three buildings.

Mr. CARTER. Not only the present Census building, but a rather large and commodious building, in good repair, now occupied by the Southern Railway, to the north of the present Census Office, fronting on First street. So we have for $3.31 per foot the ground and the building standing on the ground now occupied by the Census. In addition to that, there will be the building known as the "high school building," formerly occupied by the Commissioners of the District of Columbia and at present occupied as offices by the Southern Railway Company.

This leaves only some construction to the west of the Southern Railway Building, and that is provided for in the amendment.

I am informed, and can only state on information and belief, that the ground immediately to the south of the Census building, upon which, it will be remembered, a number of indifferent cabins were located, was purchased by Mr. Bliss for $3.50 per foot, the buildings torn down and a new building erected there, which is quite a sightly and expensive building, evidently upon a good, solid foundation, because it has been standing there for almost a year.

It will be perceived, then, that, first, the Census requires that the space used temporarily may be adapted to some use in the intervening period between the decennial censuses. This main building may be used to a considerable extent for storage purposes by the Government Printing Office, by the Census Office, and by every department of the Government having use for additional storage room for the seven years when the space is not occupied by the decennial census force.

In the meantime the wares therein stored may be removed during the three-year period, and accommodations found in that manner for the Census Office, which is inflated and diminished, as I have suggested.

If we rely upon private enterprise to construct the necessary accommodations for the census, we will pay out the amount of this proposed appropriation, in my opinion, and leave the title in the other fellow at the close of the transaction. The committee did not treat this matter lightly. They consulted with the director, who is well informed, and conferred one with another and concluded that from the standpoint of expediency, the standpoint of economy, it was wise to add this amendment to the bill; and if senators will take the trouble to extend investigation as far as the committee extended it I doubt if a Senator present will hesitate to approve the amendment.

Mr. LODGE. Mr. President, I was very much impressed by the statement of the Senator from West Virginia [Mr. SCOTT] that we were going to get what are known as the three blocks, and we should have there, in any event, land which could be used for this purpose. But it seems to me, following the debate as it has gone on—and I have been listening to it for information, because I knew nothing about it when it began—the practical question is this: I do not regard the present situation as permanent. I think it is in many ways a poor situation. It is perfectly obvious from the price and the varying character of the three buildings that it is not a building which will be in its nature a permanent building.

It seems to me it all comes down to this: We must house the census force for the next decennial census. Is it better economy and will it lead to better administration to house it in these buildings which are proposed and which are cheap and temporary in this situation or to rent? We have to do one or the other. My own impression, after listening with an open mind to the debate, is that if we put it in that way, that we are not to have a permanent building there, it is cheaper to take this land and build the buildings we need, and when we come to permanent buildings, if we abandon them and the money that has gone in, $680,000, we shall have spent less money in the end than if we rent.

Mr. LONG. Mr. President, I wish to make a suggestion as to the remarks of the Senator from West Virginia [Mr. SCOTT].

The Committee on the Census did not assume to usurp the prerogatives of the Committee on Public Buildings and Grounds. We knew that committee was charged with the responsibility of reporting to the Senate upon questions relating to the location of public buildings. It is true that this proposition was presented last year to the Committee on Public Buildings and Grounds, and by it not reported. It was presented to the committee at the close of the session without any adequate opportunity to ascertain all the facts or to present them to the committee. But it is also true that the proposition to acquire the land occupied by the present Census building, though not all the ground provided in this bill, was presented to the Senate some six years ago and was passed by the Senate.

Mr. WARREN. I think it was longer ago than that. It was after the last census.

Mr. LONG. Yes. It was favorably acted upon by the Senate at that time. We did not presume that by purchasing this ground and erecting a building thereon a building would be erected such as the Government would erect south of the Avenue. The records of the last census and of preceding censuses, which are very valuable, of great importance to the Government, are not now kept in a secure place.

The $250,000 building that we contemplate erecting on this ground will be fireproof. It will not be so handsome a building as would be erected south of the Avenue; possibly it may not be considered a permanent building, but it will be a building where the records of the Census Office can be safely kept. In view of that fact and the further fact that two buildings are already located on this property, on which the Government does not need to spend any additional money, the erection of the $250,000 building will not be wasting the public money. This land, the Senate will remember, is included in what is called the "Park Commission scheme," to which the Senator from West Virginia, I understand, is so much devoted.

Mr. SCOTT. I beg the Senator's pardon; I am not committed to any scheme.

Mr. LONG. At least so far as relates to the land south of the Avenue. According to that report the Government should own the ground occupied by these buildings and on which it is contemplated to erect the third building. Of course I take it that the observation of the Senator from West Virginia as to using the third floor of the Senate Office Building for the next census was not intended seriously, for of course we could not house a part of the next census force in that building.

Mr. NEWLANDS. Mr. President, I offer an amendment as a substitute for section 33.

The VICE-PRESIDENT. The Senator from Nevada proposes an amendment, which will be stated.

The SECRETARY. In place of the committee amendment known as section 33 it is proposed to insert:

SEC. 33. That the Director of the Census, under the direction of the Secretary of Commerce and Labor and with the approval of a commission consisting of the Secretary of Commerce and Labor, the Director of the Census, the Supervising Architect of the Treasury, the Superintendent of the Capitol, and the Superintendent of the Congressional Library, be authorized to purchase or condemn real estate in the District of Columbia for the use of the Census Office at a cost not exceeding $300,000, and to construct a building thereon costing not to exceed $700,000.

Mr. NEWLANDS. Mr. President, my suggestion provides for a competent commission to look into the question of site and into the question of construction and determine both, that commission to consist of three experienced builders, men who have had the confidence of Congress—the Supervising Architect of the Treasury, the Superintendent of the Capitol, and the Superintendent of the Congressional Library—these three acting in conjunction with the Secretary of Commerce and Labor

and the Director of the Census. I do not believe we should restrict the location of this structure to the south side of Pennsylvania avenue. We are not prepared now to locate it anywhere. What we do want is a suitable and a healthful site, and it seems to me the commission named in the amendment will be entirely competent to select such a site.

Now, second, as to the area of ground which ought to be taken for this purpose. The chairman of the committee states that it is desired to have a building which will contain 200,000 square feet of floor space.

Mr. LONG. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Kansas?

Mr. NEWLANDS. Certainly.

Mr. LONG. I stated that the three buildings, the two now in existence and the third to be erected, would have that floor space.

Mr. NEWLANDS. That is what I understood from the Senator.

Mr. LONG. It is not the purpose to erect one building with that floor space.

Mr. NEWLANDS. I will amend my statement by saying that I understand from the chairman of the committee that it is desired to have 200,000 square feet of floor space, and his proposition seeks to provide for that by putting up two buildings and utilizing the present building.

Mr. LONG. By erecting one building, which, in addition to the two buildings now in existence on this property, will make three.

Mr. NEWLANDS. Will make three. At all events, I am correct, am I not, in stating that the floor space desired is 200,000 square feet? Am I correct in that statement?

Mr. LONG. The Senator is correct in the statement that these three buildings will have 200,000 square feet.

Mr. NEWLANDS. Two hundred thousand square feet; and these three buildings are deemed by the committee adequate to the work of the Census Office. Am I correct in that statement?

Mr. LONG. I believe the Senator is correct in that statement.

Mr. NEWLANDS. Very well. I am glad to have arrived at an understanding with the chairman of the committee, for all I wanted to ascertain was the number of square feet required.

Now, it requires only 40,000 square feet for a building that will contain 200,000 square feet of floor space. A lot of 40,000 square feet will sustain a building five stories high, each story of which will have a floor space of 40,000 feet, and multiplying 40,000 by 5 you have the 200,000 square feet required.

In purchasing a lot it is not desirable, of course, to build upon more than two-thirds of the lot. So that you will require a lot of 60,000 square feet in order to obtain a building area of 40,000 square feet.

The committee proposes to buy over 100,000 square feet, which would necessitate, if you had one building over all, a building of two stories only in order to secure a floor area of 200,000 square feet. It is therefore clear that by the purchase of 60,000 instead of 115,000 square feet we can obtain ample ground to put up this building and leave one-third of the lot for air and light space.

The next question is, what will a building covering 40,000 square feet and five stories in height, an average for each story of about 13 feet, 70 feet in all, cost? Multiply 40,000 by 70, and you have 2,800,000 cubic feet as the cubic contents of the building. The very expensive buildings which the Government puts up in this city, such a building as the municipal building, will cost from 75 cents to a dollar a cubic foot. So if you propose to put up a building of that standard, your building will cost approximately $2,000,000. But, as I understand, the structure need not be of that monumental character. It is simply to be a useful structure, as attractive as possible in form and in appearance, but not having the expensive construction employed in a building like the municipal building. In the first place, the areas are large, the rooms are large, and you must recollect that the finishing of the interior of a building costs more than the exterior shell. For the purpose of putting up a Census Office building you require simply a shell, for the rooms will be very large in space, just such rooms as are employed in the present Census Office.

Now, that character of building can be put up, fireproof in construction, at from 20 cents a cubic foot to 30 or 40 cents a cubic foot, according to the number of partitions and the perfection of finish. It was stated to me by Mr. Walcott, lately Director of the Geological Survey, and now Secretary of the Smithsonian Institution, a gentleman who has had large experience in construction, that Stoneleigh Court, constructed under his supervision for Secretary Hay, cost, per cubic foot, not more than 22 cents, and that was a comparatively costly form of construction, for it involved innumerable subdivisions in the shape of apartments, and expensive plumbing, such as will not be required in the Census Office.

I shall assume, then, that if you have a building of 2,800,000 cubic feet, you can put it up for 20 cents a cubic foot and have it entirely fireproof in construction, provided you have these large rooms, with large spaces, and do not create the numerous subdivisions that would be required in an office building or a hotel or an apartment building. At 20 cents a cubic foot, 2,800,000 cubic feet will cost $560,000. It will require 60,000 square feet of ground, which ought to be secured in a healthful location—not necessarily in a central business location, but in a convenient and healthful location—at from $2 to $4 a square foot. At $2 a square foot you could get 60,000 feet for $120,000. At $4 you would pay $240,000. Assuming that you have to pay $240,000 or even $300,000 for your lot, and you add to that the cost of the building—$560,000—you have a total of $860,000.

Now, under this bill it is proposed to make a total expenditure for the land with the buildings of $430,000, and to add $250,000 for a building, making $680,000 in all, and for a sum very little greater you can get a convenient and healthful locality, you can get high ground, you can get new construction throughout, and you will have the location and construction comprehensively planned by a commission consisting of three experts, acting in conjunction with the Secretary of Commerce and Labor and the Director of the Census. Certainly such a commission of executive officials and experts can form a better judgment regarding this matter than Congress.

That is our difficulty in proceeding with reference to the location and construction of public buildings. We have not as yet organized, as they have in almost every civilized government, a bureau of art or of architecture or a ministry of arts, to which is confided this special work. We are now engaging extensively in the construction of public buildings all over the country; the appropriations for the public buildings are likely to rival our appropriations for rivers and harbors; and we have not yet organized a comprehensive plan for their location and construction under the direction of trained men.

I suggest that here is an opportunity to start. We put upon this commission executive officials, the Secretary of Commerce and Labor, the Director of the Census, and we ally with them three well-known constructors and builders, who have had in the past, and have now, the confidence of Congress, as evidenced by numerous appropriations made by Congress to be expended under their direction. There is no better constructor in the country than Bernard Green, of the Congressional Library, who acted so long under the direction of General Casey. We all have confidence in the Superintendent of the Capitol, Mr. Woods, who, for so many years, acted under the old Architect of the Capitol, Mr. Clark, and who has been trained in this building. The Supervising Architect has the confidence of Congress and the confidence of all his associates in architecture and art.

These three men have been intent upon study for years relating to the architectural and landscape development of Washington. They are familiar with L'Enfant's plans and with all the modifications and extensions of those plans recently recommended by the commission appointed by Congress some years ago. We certainly could not secure a better-informed or a more capable commission than the one provided for by this amendment.

The amendment calls for an appropriation of $300,000 for the lot and not exceeding $700,000 for the building. I think we can safely go to the extent of a million dollars in this matter. I should hope that this commission would so locate the property as to fit in with the future plans of the Government relating to the architectural development of the city so far as public buildings are concerned.

Mr. SCOTT. Mr. President, I want to say just one word, and I am sorry to detain the Senate for even a moment.

I fully agree with the Senator from Massachusetts in regard to the matter of paying rent, and I think my record in the Senate shows that I have always advocated that it was better for the Government to own buildings than to rent them.

The only reason why I object to the amendment is the contemplated building for the Commerce and Labor Department under an appropriation of $2,500,000.

I believe the appropriation of this amount of money, unless it is, as the Senator from Massachusetts says, cheaper to own it than to rent it, would perhaps hinder the future appropriation we hope to get to put up buildings. I know from personal investigation I made a year ago that the Government of the United States is paying for rent anywhere from 9 to 17 per

cent on the money invested in buildings the Government is occupying in the city of Washington. The only objection I have is that I believe it will interfere in future with the appropriation for a building for the Department of Commerce and Labor. Then, without being thin skinned at all, I want to say to the chairman of the committee that this portion of the bill should have gone to the Committee on Public Buildings and Grounds.

Mr. WARREN. Mr. President, I was not in the Chamber during the first remarks of the Senator from West Virginia, but I think I know what his feeling is in the matter. I want to say to the Senator from West Virginia and to the Senate that as far as I am concerned I do not propose that this purchase of land or the erection of this building shall hinder us in going on with future improvements in providing for the departments at the proper time.

Mr. HALE. Not in the least.

Mr. WARREN. Not in the least. But here we are with a lease nearly expired. We should have bought the building when the Senate passed a bill for that purpose some years ago. In that case we would have had it paid for in the rent we have since paid. We have now come to a time when we must have three years' use of a building in which to take the census. That three years will have expired before we could get into operation with a large commission and in dealing with the public in buying a proper site.

I think this provision should be left in the bill.

Mr. NEWLANDS. Mr. President, I will ask the Senator from Wyoming if he doubts that a building of the character I have described, with very large spaces, large rooms, such as are now in the present Census Office, with steel construction, could be put up within nine months? If he has any doubt upon the subject, I can present indubitable proofs by to-morrow.

Mr. WARREN. I am not going into that question, except to say that my conception of a building for the Department of Commerce and Labor is that such a building can not be constructed in that length of time, or in possibly twice that length of time.

Mr. NEWLANDS. The Senator refers to the Department of Commerce and Labor. I understand that this is a building for the Census Office, and that is what I propose to provide for, a mere shell, fireproof in construction, of large spaces, similar to those in the present census building. I undertake to say that there are half a dozen contractors here who would contract to put up such a building within nine months.

Now, how much time is going to be spent in the purchase of the lot? Appoint a business commission, and can you doubt that such a commission would secure 60,000 feet of ground within thirty days?

Mr. HALE. In two years.

Mr. NEWLANDS. The Senator underrates the business capacity of such a commission. I am aware that action under the inspiration of Congress has usually been very tedious and very dilatory, but it is because of the unbusinesslike methods of Congress. Congress has never yet taken up the constructive work of this country, the question of the development of our waterways, the question of the development of our public buildings throughout the country, in a comprehensive way. The only great constructive work it has taken up in a businesslike way has been the irrigation works and the Panama Canal. No one can contend that in those cases the work has not been conducted with certainty and with dispatch and celerity; and we have succeeded in those instances simply because we have largely emancipated them from the thraldom which Congress and congressional committees have continually imposed upon the constructive work of the country.

I stand for a businesslike method of conducting the public business. Our duty is legislation. We fail to realize that, and we take upon ourselves in many instances the practical work of administration. I trust we will cut ourselves clear from it in the matter of planning the future system of waterways in this country just as we have cut away from it in the Panama Canal and in the irrigation works. It is the large discretion within certain limits that we have given the executive branch of the Government in those cases has enabled us to do the work, and to do the work with dispatch.

The delay in the public work is not due, in my judgment, to the executive branch of the Government, but to the unbusinesslike methods employed by Congress itself. And what can be more unbusinesslike than the selection of a lot which, according to the confession of everyone who has spoken upon this floor, is one of the poorest in location in the District of Columbia, and the construction, in addition to one building now inadequate for the purpose, of two other buildings temporary in character.

It is proposed to increase in that undesirable location the investment of the Government. Yet it would be very easy within a period of thirty days to acquire 60,000 feet of ground, which is all that is required, instead of 115,000 feet of ground, as is contemplated. I ask what business corporation or what business man would buy 115,000 square feet of ground in order to put upon it a building of 200,000 square feet of floor space? A building two stories high on such a lot would contain all the floor space that would be required.

Would a corporation do that? Would a business man do that? Would any corporation or business man having a location confessedly improper for the purpose required increase his investment in such a location?

There is no doubt about this matter. There is not anyone here who does not admit that this is a crowded space, that it has not sufficient light and air about it, that it is in a low quarter of the city, unattractive in appearance and hot and uncomfortable during the summer season, not a proper place in which to collect a thousand, or perhaps 2,000, employees of whom hard work is expected. And yet Congress fails to take hold of this matter in any broad way by giving authority to a competent commission composed of executive officials and experts to exercise their judgment and discretion, within certain limits of appropriation, but puts the whole enterprise in a strait-jacket and dooms thousands of government employees to discomfort and inconvenience in this very undesirable location.

The suggestion is made that we will be delayed. The delay thus far has been that of Congress in not sooner making provision for a work clearly needed. That mistake should be remedied, not by compelling improper location and construction ill suited to the service required, but by putting this question into the hands of a competent executive commission. Having put the responsibility on them, we can hold them to a rigid accountability.

The VICE-PRESIDENT. The Senator from Nevada proposes an amendment in the nature of a substitute to the amendment of the committee. The question is on agreeing to the amendment of the Senator from Nevada to the amendment.

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment of the committee.

The amendment was agreed to.

The Secretary resumed and concluded the reading of the bill.

Mr. LONG. One amendment on page 24 was passed over.

Mr. CLAY. Mr. President, my colleague [Mr. BACON] has been necessarily called from the Senate.

Mr. LONG. Will the Senator withhold his proposed amendment until after the remaining committee amendment is disposed of?

Mr. CLAY. Certainly.

The VICE-PRESIDENT. The Senator from Kansas proposes an amendment to the committee amendment passed over, which will be stated.

The SECRETARY. On page 24, in the committee amendment, line 24, after the word "authorized," insert the words "with the approval of the Secretary of Commerce and Labor;" so as to make the amendment read:

Provided, That whenever, in the opinion of the Director of the Census, the Public Printer does not produce the printing and binding required under the provisions of this act with sufficient promptness, or whenever said printing and binding are not produced by the Public Printer in a manner satisfactory to the Director of the Census in quality or price, said director is hereby authorized, with the approval of the Secretary of Commerce and Labor, to contract with private parties for printing and binding, after due competition.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question recurs upon agreeing to the amendment of the committee as amended.

Mr. HOPKINS. I desire to state, Mr. President, that in committee I voted against that amendment. It is a question that was thoroughly thrashed out by the Committee on the Census of the House and on the floor of the House ten years ago, when we were preparing the census bill for the taking of the Twelfth Census. At that time the vote of the House was overwhelmingly against it.

The question is as to whether the printing of the work that will be done under the bill shall be done at the Government Printing Office or whether it shall be done under private contract.

The Government of the United States has one of the largest and best equipped printing establishments in the world, and an establishment that has been provided with every kind of machinery for doing the work here with dispatch and with excellency as well.

This amendment provides that if, in the judgment of the "Director of the Census, the Public Printer does not produce the printing and binding required under the provisions of this act with sufficient promptness," he shall have the privilege and the right to go to private printing establishments for the purpose of securing the work to be done.

It seems to me that this is placing a good deal of power in the hands of the Director of the Census. The amendment which has just been adopted on the suggestion of the Senator from Colorado improves that but little, in my judgment, because the Director of the Census will ultimately have control of the matter, and the Secretary of Commerce and Labor must necessarily follow the suggestions of the Director of the Census.

I think the present Director of the Census is one of the ablest men in the country as a statistician and the best equipped man in the country for this work. I have perfect confidence in his ability and his integrity, but it is placing a great authority in the hands of one man and putting it in his power to take the work away from the Government Printing Office if there is a division of sentiment between him and the Public Printer as to the promptness with which the work is being done.

The second objection to this amendment relates to the quality of the work and the price. If they disagree upon that, then it is left under the amendment for the Director of the Census to take the work away from this great printing establishment that is conducted by the Government and let private parties do it.

It is not my purpose, Mr. President, to make any lengthy argument upon this question. I simply desire to challenge the attention of Senators to the amendment, and I shall content myself by voting against it. It seems to me that it ought not to be adopted without every Senator understanding the scope and character of the amendment itself. And I believe if Senators do understand it it will not be adopted.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. CLAY. As I stated, my colleague [Mr. BACON] has been necessarily called away from the Senate, and he has sent to me an amendment. In his behalf I submit it, and ask for its adoption.

The VICE-PRESIDENT. The Senator from Georgia proposes on behalf of his colleague an amendment, which will be read by the Secretary.

The SECRETARY. On page 6, line 8, after the semicolon following the word "Navy," insert:

Also each case of intermarriage between a white person and a person of either whole or partial negro blood, specifying whether the husband or the wife in such marriage is of negro blood.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia.

The amendment was agreed to.

Mr. LODGE. I offer an amendment to section 7.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 7, page 4, line 19, after the word "employees," the last word in the line, insert:

Except messengers, assistant messengers, messenger boys, watchmen, unskilled laborers, and charwomen.

In line 20 strike out "non" in the word "noncompetitive."

Mr. LODGE. The two portions of the amendment, I will say, Mr. President, go together.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

Mr. LODGE. Mr. President, this amendment puts the 4,000 clerks or thereabouts (I think the estimate is 4,000, that part of the force which is clerical) under competitive examination, and I suppose in that way opens them to the eligible lists of the civil service.

I call attention to the care with which the amendment has been drawn. The selection of 65,000 enumerators by Congress is not interfered with. The high privilege of appointing messengers, assistant messengers, messenger boys, watchmen, unskilled laborers, and charwomen is carefully reserved to Congress. This simply applies to the clerical force. It is to put them in substantially what is the classified service, and it is on that that I desire to say a few words.

I have seen the growth of the classified service during the comparatively short period I have served in the two Houses of Congress until practically all the routine officers of the Government have been placed under competitive examination and have been removed from the danger of political changes.

I think the establishment of that system is now beyond dispute. I do not think anyone would propose to go back to the system which existed before 1883. I do not think the country would endure it for a moment. I doubt if, with our enormously increased government service, it would be possible.

I think, Mr. President, it has been demonstrated that this disposition of the public service has, on the whole, worked extremely well. I think the work of the Government has been well done. I think it has been less expensive, and I think that, despite certain absurdities which have occasionally emanated from the rulings of the commission, it has been justly operated.

My own observation is that, with few exceptions, the clerks who do well are never heard of by Senators and Representatives and never trouble them. They secure their own promotions by merit, and they have no occasion to come to us. Those who do come to us for support—not in all cases, but in most cases—are those least deserving.

The old system, as is well known, was that of political appointment. It has been given to very few American statesmen with the exception of Webster, who is an exception to all rules in that respect—it has been given, I say, to very few American statesmen, indeed to a statesman anywhere, to utter a phrase which will come down the current of the years and become so generally accepted that even the author of it is often forgotten. Mr. Marcy declared that "to the victor belongs the spoils." The idea was not a particularly new one, but it was tersely expressed. He used the imagery of war to cover the results of the political battles. He meant by it that to the party victorious in the political battle the spoils belonged, and that offices were spoils.

Mr. Marcy's proposition, however unsound, as has been pointed out in the House, at least rested on the theory that the offices should go to the party which had won at the polls. We have gone a little beyond that in the arrangement that is in this bill. We have left behind us Mr. Marcy's theory of spoils going to the victorious party. We propose to treat the offices as personal perquisites. We on both sides are to have an equal share. I do not know whether it was the fact that if all did not have an equal share it might be feared that this excellent arrangement would fail; but at all events, they are to be divided among members of all parties, and therefore they are to become ours, not in the capacity of victors but in the capacity of Senators and Representatives, because, Mr. President, whatever fine words are used in the bill about examinations and all that, everybody knows that when you make the examination noncompetitive it becomes practically worthless. It amounts to a "pass" examination, and the people who are recommended are sure to pass.

Mr. President, let me anticipate an argument which I foresee, having had a good deal of experience in discussing this somewhat unpopular subject, at least discussing it from the unpopular side. I do not mean the unpopular side in the country particularly, but the unpopular side in Congress. I am aware that it will be said to me, and to any others who take the same view of this question that I do here to-day, "Why, you seek offices, and you will seek positions under this act." That is perfectly true, Mr. President. Of course I shall. Every Senator and Representative will be obliged to do so, because otherwise he would be put in the position of having his constituents shut out from any opportunity of obtaining this class of government employment because the Senator or the Representative in the other House is constituted the only channel of approach. I am now approaching the subject, not from a view of general principle, but from an entirely selfish point of view. I remember a good many years ago, when this subject was under debate in the other House, and when the establishment of the civil service on its present basis was very far from being certain, that Mr. Speaker Reed, who very much disbelieved in what was called "civil-service reform," and frequently made it the mark of his wit, said to me, after the debate had taken place in the House:

If you will put it squarely on the ground of its usefulness to us and its good sense from the selfish point of view I am ready to go with you.

I want to put it for a moment on that ground.

We throw open these 4,000 clerkships for appointment by Senators and Representatives. I am putting it in a brief form. There is no use taking the phrases of the bill about that. That is what it means. Those clerks are to be appointed by Senators and Representatives. We shall, all of us, every one of us on both sides, be harried to death by applications for those places. I do not want to rate my function and calling too highly, but I do feel, Mr. President, that a Senator of the United States and a Representative of the people in the other House has something better to do than to haunt anterooms and persuade directors of censuses to give him employment for clerks, messengers, and charwomen. It is a burden from which I, for one, want to be relieved, and I think many other Senators and Representatives dislike it as much as I do.

It is not as though the question of system was at stake here. We are clinging to the remnants of a system that is dead and

gone and buried and trying to pick out from the remains of the dead system a few appointments as personal perquisites. We shall all do it. I shall do it like everybody else. I claim no virtue whatever in that respect, but I am trying to put the case as it appears to me.

I have just had an experience in that very direction. The Immigration Commission, of which I happen to be a member, was obliged to employ a few clerks, thirty or forty, in order to make certain tabulations—temporary employments for a few months. Fortunately we were able, having the Chief of the Bureau of Labor among our membership, to get some men detailed from the department who were thoroughly competent. We were able to get a few others that were good. We have been flooded with applications for those few temporary places. One case I recall of a woman recommended by a gentleman very distinguished in the public service. She came to the office and stayed half an hour. She was shown to her desk and given some work to do. She said she did not understand that she had to write and to make figures, and she went out and did not return. That is an extreme case, but it illustrates exactly the point that I am going to make. Most of the people who will in the end get these places will not be our constituents. They will be drawn from the body of professional office seekers who live in this city and who haunt this Capitol; people who, as a rule, have failed in private business and have been utterly unable to get or retain employment; who can not pass an ordinary examination to get into the public service, but who by importunity succeed, with the aid of friends, in getting appointments where no proper examination is required to test their fitness.

We are to take up in the spring the great business of revising the tariff. I have taken part in three revisions of the tariff and in one attempted revision. It was the hardest work I have ever seen Congress called upon to do, but I will venture to say that there will be a greater expenditure of time and temper for every man in either House of Congress caused by trying to distribute these 4,000 clerkships than will be caused by all the great schedules of the tariff, heavy as that burden is.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Minnesota?

Mr. LODGE. With great pleasure.

Mr. CLAPP. Being in hearty sympathy with the Senator, I want to ask him why it would not be well enough to strike out the word "non" without inserting the exceptions?

Mr. LODGE. I will say to the Senator from Minnesota that, if I had my way, I would have the other classes selected in just the same way. I would confine it to striking out the "non," but I do not wish to be too drastic; I do not wish to seem unreasonable in denying to Congress the opportunity to select charwomen.

I now want to come to the matter of expense, Mr. President. The facts are all stated here in the report of the committee and in the evidence which they took. There are only one or two statements to which I desire to call attention. Col. Carroll D. Wright, who had charge of the Census Bureau for some years after the census of 1890, estimated that leaving those appointments as it is now proposed to leave them cost the Government $2,000,000 and more than a year's time; that if they could have been taken in the ordinary way, there would have been a saving of two years' time in the production of the census and of $2,000,000 to the Government. Colonel Wright says:

> I do not hesitate to say one-third of the amount expended under my own administration was absolutely wasted, and wasted principally on account of the fact that the office was not under civil-service rules. * * * In October, 1893, when I took charge of the Census Office, there was an office force of 1,092. There had been a constant reduction for many months and this was kept up without cessation till the close of the census. There was never a month after October, 1893, that the clerical force reached the number then in office; nevertheless, while these general reductions were being made, and in the absence of any necessity for the increase of the force, 389 new appointments were made.

When that force was being reduced day by day and month by month, there were forced in 389 new appointments, compelling the Director of the Census to get rid of that number of clerks who had had the experience of that census, and who had originally been appointed on the same system. They could not even hold their wretched places through one census, but they had to be turned out to gratify some other persons.

Mr. Robert P. Porter, who was the Director of the Census for 1890, wrote on February 19, 1908, as follows:

> The efficiency of the decennial census would be greatly improved and its cost materially lessened if it were provided that the employees should be selected in accordance with the terms of the civil-service law.

There is the evidence of two Directors of the Census.

Doctor Billings, one of the most eminent physicians, statisticians, and writers on medical topics and on public hygiene in the country, who was in charge of the division of vital statistics of the Eleventh Census, says:

> The whole of my work in the census has been done in the face of great obstacles, owing to repeated changes of clerks for political reasons, etc., and I am tired of struggling with the most unpropitious circumstances that have surrounded the work.

And the present director begs to be relieved from what it is proposed to put upon him.

Mr. RAYNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Maryland?

Mr. LODGE. Certainly.

Mr. RAYNER. He says he is tired of struggling with it. I beg the Senator's pardon, but I think he will find that Doctor Billings says:

> I am tired of struggling with the most unpropitious circumstances.

Mr. LODGE. Is that what Doctor Billings said?

Mr. RAYNER. Yes.

Mr. LODGE. I see. He says:

> I am tired of struggling with the most unpropitious circumstances that have surrounded the work.

The testimony is overwhelming from everybody who is best fitted to express an opinion that selecting clerks in this way adds enormously to the expense of taking the census. There is evidence here from Henry T. Newcomb, chief of the division of agriculture in the Census Office, who said:

> It was far easier, in my own experience, to obtain a score of additional clerks at an annual cost of from $14,000 to $24,000 than to secure an expenditure of $1,000 for supplies which would save the labor of 20 clerks.

There is no question, Mr. President, that if appointments are made as provided in this bill, it will add enormously to the expense. The work will be delayed, but it will be done well in the end, because most of it will be done over by competent persons and by the permanent force.

It is poor administrative policy to put appointments in the hands of Members of the House and of Senators, to give them the power to make appointments with no responsibility, and place upon the men whom we charge with the work all the responsibility with no power over the instruments which they are forced to take into their hands, because, if they undertake to remove for inefficiency a clerk who has come in there by personal influence of a Senator or a Member of the House, they will be forced, out of mere weariness if nothing else, to retain the inefficient clerk, so much pressure will be put upon them to do it. They have the responsibility and we have the power.

Mr. President, that is not a good principle of administration. Under the classified service, if a clerk is inefficient he can be removed. Under this bill, if it shall become a law, he can be removed theoretically, but as his appointment rests not on his efficiency but on his influence, practically the power of removal is taken from the director, or is so diminished as to be of little avail in maintaining discipline.

Mr. SCOTT. Will the Senator let me ask him a question?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from West Virginia?

Mr. LODGE. Certainly.

Mr. SCOTT. Would not the members of the House and of the Senate be importuned by clerks selected under the rules of the Civil Service Commission who were dismissed for incompetency on charges being preferred against them the same as if they were chosen by noncompetitive examination?

Mr. LODGE. By no means, Mr. President. The whole departmental service now, and all the time, is under the civil service. Occasionally there is a case where a man or a woman who has been a clerk and been dismissed comes and asks our interference. They are very few indeed, comparatively speaking. But when the position of the clerks rests wholly on influence and not in the least on efficiency, they are bound to rest their case for retention on the thing which has put them there. In the one case it is their efficiency that puts them there and holds them there, while in the other case it is their influence that puts them there and holds them there. In the one case they will make an effort, at least, that the efficiency which has brought them there shall maintain them there; in the other case, they will do the same thing—they will use the influence that has brought them there to keep them in the place.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. LODGE. I do, with pleasure.

Mr. BURKETT. I am not combating the Senator's suggestion as to the advisability of having examinations to originate

appointments, but I want to ask him as to the practicability of the proposition he has suggested of clerks under the civil service being dismissed for incompetency?

Mr. LODGE. That can be done.

Mr. BURKETT. I should like to ask the Senator if he knows of any instance where any clerk in the service anywhere ever has been dismissed for incompetency?

Mr. LODGE. I have known of some, because they came to me and asked to be restored, but I think that I have known of comparatively few in my own experience.

Mr. BURKETT. Perhaps those who come from the State I represent in part have not been incompetent——

Mr. LODGE. The chances are that most of them are competent.

Mr. BURKETT. But I heard the head of a department, in a hearing before the Committee on Appropriations, say that 20 per cent of the clerks in his department were incompetent, and yet he had not removed them.

Mr. LODGE. There is nothing to prevent him doing so. I should like to know whether the incompetent ones came in under the present system or whether they are the ones left over from the old system who are superannuated.

Mr. BURKETT. They are all in the civil service, I will say to the Senator.

Mr. LODGE. But there are a great many in the civil service who were covered in by law who never came in under civil-service regulations. Also it is to be remembered that under our system men and women are kept there after they have become pretty old and pretty infirm. We have had investigations as to that, as the Senator knows.

Mr. BURKETT. The only point I was directing my interrogatory to was as to the practicability of the suggestion the Senator made that incompetent people could be removed.

Mr. LODGE. There is not any doubt of that.

Mr. BURKETT. My experience, not only in Washington, but elsewhere, is that under the system as it exists it is impossible to remove an incompetent clerk. If the Senator can find any way to do it, I should be glad to have him inform some of the departments of it.

Mr. LODGE. There is a letter here from the Civil Service Commission which covers that precise point.

Mr. SCOTT. Will the Senator allow me a moment while he is looking for the letter?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from West Virginia?

Mr. LODGE. I will if the Senator wants to ask me a question.

Mr. SCOTT. I wanted to say, in line with what was stated by the Senator from Nebraska [Mr. BURKETT], that when I was Commissioner of Internal Revenue and the Dingley law was passed it put upon me the duty of appointing hundreds of clerks. Those clerks were, at my request, recommended by Members of the House of Representatives and members of the Senate. I have been told only recently that those clerks, since they have been put under the classified service, have been a model lot of clerks; have done their work splendidly, much better than the clerks who came in after examination and certification by the Civil Service Commission. I believe that if a Senator or a Member of the House is put upon his honor to name the proper persons for these census appointments the Director of the Census will be likely to get a better class of clerks than he will get by making application to the Civil Service Commission or even by examination.

Mr. LODGE. Mr. President, my experience in the matter of appointments has been slight, and that of the Senator from West Virginia, who was at the head of a large executive bureau, has been great; but I have seen the process in the employment of clerks of the immigration commission, who were appointed by recommendation. I am sure we could have gotten a better force from the eligible list, and I am perfectly certain, from the instances that I have seen, that clerks were recommended for employment under that commission without any fitness at all for the place, but from importunity or from personal interest. There was no improper motive whatever, but it was done because the men who urged the appointments had no responsibility. That is the trouble. A Member of the House or a Senator recommends a poor clerk, and the work is bad. The responsibility does not fall upon him. The responsibility falls upon the head of the office and is paid for by the people of the United States. That is the general expression of opinion. We have got to rest on that.

Mr. McCUMBER. May I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from North Dakota?

Mr. LODGE. Certainly.

Mr. McCUMBER. Is it not a fact that at the last census examination was had, and, while it was a noncompetitive examination, were not the questions such as to elicit information as to the capability of any person taking that examination? Was there not another requirement in that examination that such persons should have a certain standing in order to pass? If such standard was sufficient, what objection, then, could there be to that system of having a noncompetitive examination, providing the examination brought out only efficient persons?

Mr. LODGE. Because the examination provided under the last census was like the examination to be provided by this bill. It was totally worthless. It did not produce any effect. I will read what Mr. Wines says.

Mr. McCUMBER. I do not know what effect it did produce, but I have gone over the questions that were propounded and the character of examination, and I am absolutely certain that anyone who passed that examination was capable and able to fulfill the duties of the office.

Mr. LODGE. If they passed on the examination papers the Senator has seen, I have no doubt they were capable; but I will reply to that. I am very glad the Senator brought it out.

Mr. LONG. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Kansas?

Mr. LODGE. I should like first to answer the Senator from North Dakota.

Mr. McCUMBER. I could hardly assume that the officer examining would report improperly.

Mr. LODGE. If the Senator will allow me, I will tell him just what was done. I read from the letter of Mr. Wines, who is a well-known statistician, and who was at one time Assistant Director of the Census. He says:

> The bureau conducted its own examinations.

That is what is proposed here—

> I am free to admit that the result was unsatisfactory, for the following among other reasons:

Mr. LONG. Mr. President——

Mr. LODGE. If the Senator will excuse me, I desire to get this in:

> (1) The examinations held were not free to the public. The permission of the director was an essential prerequisite to admission to them, and the obtaining of such permission was a matter of personal favor, depending upon "influence."
>
> (2) In making selections from the list of those who passed the examination, no attention whatever was paid to their comparative rating. It was a "pass" examination pure and simple, and a rating of 75, with proper political or other indorsement, was sufficient to secure an appointment, where a rating of 100 would count for nothing without it.
>
> (3) There were numerous instances in which an unsuccessful applicant was granted a second, third, or fourth trial, at the request of some Senator or Representative; and, to the best of my knowledge and belief, it occasionally happened that the rating made by the examiner upon the papers filed was arbitrarily changed after they left his custody.
>
> (4) The general method of appointment may be described as follows: A mathematical scale was worked out by which the number of "assignments" to each Senator and Representative was determined in advance, so many appointments to a Senator, a smaller number to a Representative, half as many to a Democrat as a Republican, and in Democratic States and congressional districts the assignments were made to the Republican state and district committees.

That is no matter. But if the Senator did me the honor to listen to the first three statements read, he will see why the examination paper, no matter what it was like, amounted to nothing.

Mr. LONG. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Kansas?

Mr. LODGE. Certainly; I yield to the Senator from Kansas.

Mr. LONG. The Senator is referring to the last census. I call his attention to the fact that under the bill reported by the committee the examination will be conducted by the Civil Service Commission.

Mr. LODGE. Mr. President, so long as the power rests with the director; so long as the examination is noncompetitive; so long as all that is needed is a "pass," we shall have the ratings of the Civil Service Commission changed just as the ratings of the Census Bureau's own board were changed.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Kansas?

Mr. LODGE. I do, with pleasure.

Mr. CURTIS. I understand that ten years ago Members of Congress were notified that they had so many men to appoint; that they might send in so many names, and of the number that passed so many would be appointed, those who passed highest being given the preference.

Mr. LODGE. That was not the case. Excuse me; I did not mean to contradict abruptly. That is not the way it worked in practice.

Mr. CURTIS. That is the plan that was followed or that is what was done in our State. I want to say that the appointees from the district I then had the honor to represent in the other House were men of the highest character, many of them school-teachers, who filled their places well. I think the statement of the Senator from Massachusetts does the men and women appointed from Kansas very great injustice.

Mr. LODGE. Mr. President, I am making no accusations, for I know nothing whatever about what was done. I am not the head of the census. I am merely quoting heads of the census who were responsible for the work.

Mr. CURTIS. Let me ask the Senator if he believes that there is a Senator on this floor who would ask a department to hold in office an incompetent clerk?

Mr. LODGE. I am afraid, Mr. President, since the Senator asks me that question, that we have all of us in both Houses done it a great many times. [Laughter.]

Mr. CURTIS. I would like to have it stated in the RECORD that, so far as I am concerned, I have said to the Director of the Census and to other executive officers that if I recommended any person who proved to be incompetent I wanted him discharged. I would not ask to have such a person retained in the service. I think that is the principle that should be followed by every Senator upon this floor.

Mr. LODGE. Mr. President, the Senator from Kansas has been extremely fortunate if he has never recommended in good faith or urged in good faith the retention of a clerk appointed in that way whose superior officer thought incompetent. I think it is a good fortune that has not befallen many of us in our experience. My experience is that the clerks who seek influence are more or less incompetent. I think it is very seldom that the good clerks—the many who rise steadily through the grades—trouble a Representative or a Senator at all.

Mr. President, I have occupied the floor much longer than I intended. I make no charges against the work of the clerks, for personally I know nothing about it. I was not charged with the direction of the census; but all the men connected with that census—I mean men in authority, such as Mr. Porter, Colonel Wright, Mr. Wines, Mr. Newcomb, and Doctor Billings, all men of the highest standing—claim that it was expensive; that it was wasteful; that the work was bad; that the work was delayed; and that it was owing to the fact that they were obliged to take clerks who were not picked out by a proper system, but who were picked out on the personal recommendation, no doubt, in almost all cases sincere, of gentlemen who are not responsible for the work.

The number of banking houses or railroad companies or any other great businesses who take men simply because a Representative or a Senator recommends them is few. They demand in the first place the best of recommendations; they examine the man's record; and then they require him to come up to the standard. But they can defy a man who makes a recommendation or whose favorite or friend is removed. The Director of the Census and these other officers who are dependent on Congress for their appropriations and dependent upon Congress for being able to carry along their work at all are unable to do that.

Mr. President, I think it is a burden we ought not to put on the Director of the Census. I take him merely because this is the case in hand. I do not think we ought to put on any public officer a burden of this kind. His desire is to make the best possible census, and his time will be largely consumed in the endless questions of disposing of this patronage—persons begging him to appoint an applicant, trying to get another examination for somebody who has failed, pressure of all kinds. We are all familiar with it; we all know what it is; and it consumes his time and will consume his time for months and weeks—that and the correspondence—time which he ought to be enabled to give to the duties of his important place.

Mr. RAYNER. Mr. President, I am decidedly in favor of this amendment, and I hope it will be adopted. It is a step forward in the line of good government, in my judgment. The bill is a retreat. This is an advance. It takes a list of important places out of the arena of politics and puts them where they ought to be—upon the level of merit.

I want to add one or two extracts, and perhaps I will repeat something to which the Senator from Massachusetts referred. I want to take this statement of Mr. Wines. The Senator from Massachusetts, I think, has already quoted it.

Mr. LODGE. I quoted a portion of it.

Mr. RAYNER. He says:

> In making selections from the list of those who passed the examinations, no attention whatever was paid to their comparative rating. It was a "pass" examination pure and simple.

Take that in connection with his other statement:

> A rating of 75, with proper political or other indorsement, was sufficient to secure an appointment, where a rating of 100 would count for nothing without it.

I want to add a statement made by Mr. Robert P. Porter, superintendent of the Eleventh Census:

> Why transfer the census office at the busiest season into an examination department for clerks and a director of a vast scientific investigation into a dispenser of political patronage?

What does this noncompetitive examination mean? It simply means, when analyzed, that there are 483 Senators and Representatives in Congress, and that these 3,000 offices, or whatever the number may be, are to be substantially distributed among them. If they were equally distributed, each member would get about six places; but as the dominant party will control the appointments, the minority may be well satisfied if each member gets one place or less than that for his constituents.

Let us look at it practically. There will be any number of applicants for these places. What is the result? The overwhelming portion of them will be disappointed. You can not tell me that we will look around and procure the best-qualified persons for these places. The chances are that the best-qualified persons may not, as is often the case, possess the political influence that will enable them to secure the help of their Representatives.

We might as well tell the truth about the situation. If every member of Congress would conduct an examination, as is often the case with the cadetships at the Military or Naval Academy, the result might be different. But you know, and I know, that with the urgent demands that will be made upon us we will hasten the appointment of the few that we have selected, in order to escape the importunities of those equally deserving and perhaps of greater merit who will stand no chance whatever in the lottery of distribution. This is not right, and we can not make it right. A competitive examination is fair to everyone. Honestly conducted, as it should be, no one will have ground for complaint or criticism.

Mr. President, I have not extreme views upon this subject. I do not think that the civil-service system is of divine origin, nor do I believe that every civil-service reformer is necessarily inspired. Most of them are men of the highest standing and character in the various communities in which they reside, but I know some of them, quite eminent in their calling, who are only human. In fact, upon a close and critical examination, I have come to the conclusion that civil-service reformers were created in just the same way that other people were created, notwithstanding any protestations to the contrary. I am inclined to think that they came into existence with other mortals in the last period of the earth's development, and that in the plan of the universe there was no special day set apart for their isolation from the rest of mankind. You take the Civil Service Commissioners, a body of highly respectable and estimable gentlemen. I find upon a close analysis that they have traits and even peculiarities in common with the balance of humanity. For instance, they walk and talk and sleep and absorb the ordinary sustenance and nourishment that are necessary to keep animal life from being in a state of absolute suspension. Even the President of the United States, who was once upon a time the most eminent civil-service reformer of his generation, has never permitted that great system to stand between himself and his friends; and I believe to-day that, with all the sublime and exalted virtues that the President possesses, if this amendment were to pass and the editor of the New York Sun or the New York World or the Indianapolis News was to apply for a place in the Census Bureau, they would not, if left to their choice, select the President to pass upon their examination papers.

In citing these instances I merely want to emphasize the fact that in supporting this amendment I am not led away by any fantastic views in regard to the entire purification of our political surroundings through civil-service channels. On the other hand, I admire the men who, like the senior Senator from Massachusetts, have at all times advocated this system from patriotic motives, because they have conceived it to be in the interest of public progress and political morality and good government. But I have never reached the height that I could look down with lofty disdain and contempt upon the men who think otherwise, and charge them upon every occasion when they are opposing a movement of this sort with an attempt to lower and degrade the public service of the country. There are

plenty of high-minded and honorable men in Congress who believe that they can furnish occupants for every vacant office in the United States just as well qualified as any that can be selected under the strictest examinations that can be had for that purpose, and who really consider that an entire change of office, with a change of political parties, would inure to the benefit of the country. I do not agree with them, but I am entirely tolerant of their convictions upon the subject.

While, therefore, I am not a fanatic upon this subject and believe that the system in its construction, and especially in its execution, is full of defects and imperfections, I will nevertheless take it in preference to any plan that will keep the public service of the country in a continual state of commotion and turbulence and absolutely unfit it to perform the functions for which it was designed.

I am, therefore, in favor of this amendment, because I believe in the civil-service system. It would amount to political anarchy to again hang up in the departments the motto, "To the victors belong the spoils." In my opinion, we will never return to this condition of barbarism. I can conceive, with great respect for the opinion of those who differ with me, of no greater calamity that could befall our institutions than this. Such a system now, with the vast amount of offices that exist, would turn our cabinet officers and the heads of our departments into dispensers of public patronage; would seriously interfere with them in the performance of their public duties; would turn Members of Congress into a clan of political barons, each with a retinue of attendants who would hold under him by tenure of political service; would divert us from the performance of duties assigned to us by the Constitution and the laws; would virtually disfranchise from holding office every intelligent and honorable citizen who has not the advantage of political influence; and would degrade the public service of the country and convert its departments into a battlefield, with their offices, not as trusts to be administered in the interest of the people, but as trophies to be captured from a vanquished enemy.

With a full perception, therefore, of the imperfections of the civil-service system, both as constituted and executed, it has so far the advantage of the system embodied in this bill that I shall, whenever and wherever the contest occurs, vote in favor of giving every honest and well-qualified citizen of this Republic the right to enter the lists and, without fear or favoritism or political influence, submit his qualifications to the test, so that his qualifications alone shall be his only credentials and the only legitimate passport to public office in this country.

Mr. CLAPP. I offer a substitute for the amendment of the Senator from Massachusetts, and ask that it be read.

The VICE-PRESIDENT. The Senator from Minnesota proposes a substitute for the amendment of the Senator from Massachusetts. The substitute will be stated.

The SECRETARY. In line 20, page 4, section 7, it is proposed to strike out "non."

Mr. CLAPP. Mr. President, I do not want to take the time of the Senate. I simply wish to call attention to the fact that every argument which was made in favor of the amendment of the Senator from Massachusetts, it seems to me, is in favor of the substitute. The effect of the substitute would be to put the appointments in the classified service, whereas the amendment would except a very large number.

I do not myself believe that the civil service has reached perfection, or anything near it. It may be improved in many ways; it has its weak spots; but we have started along that line and I do believe we ought not now to take any backward step.

The VICE-PRESIDENT. The question is on agreeing to the substitute proposed by the Senator from Minnesota for the amendment of the Senator from Massachusetts.

The substitute was rejected.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. LODGE].

Mr. LODGE. On that I ask for the yeas and nays.

Mr. McCUMBER. Mr. President, I desire to say a word before we have a vote on the amendment.

I am not at all particular how this question goes, so far as I am personally concerned. I would rather escape having any appointments thrown on my hands. I have no desire whatever to make appointments from my State, but when the Senator from Massachusetts indicates that under the bill, as it now reads, we will make most of our appointments from the city of Washington, whereas under the civil service they would be made from our homes, he makes a statement that I hardly believe comports with the facts in the case and with our experience of the civil service. I believe that under the system very few appointments would really come from the States. I believe, under the system which the Senator desires, three-fourths of them would not come from the States which would be entitled to have recognition with respect to those appointments.

As the appointments were made ten years ago, if I had 4 persons to recommend, those persons had to take an examination, and they had to be examined thoroughly, and if their examination was not correct or thorough it was the fault of the office and not of the system. Under the present bill the examinations will be made by the Civil Service Commission. I have no reason to believe that that examination will not be honestly conducted, and if it is honestly conducted then no one who is recommended will be incompetent for that particular place.

There is another weakness in the civil service which I may mention, and that is that it does not reach the worthy person as often possibly as some other system would. For instance, here is a young boy who may have a sick mother or a widowed mother to look after. One's heart naturally goes out to him. He may pass an examination and attain a percentage of 83½, and somebody whose grandfather lived in your State, but who himself is living in the city of Washington, while claiming he is still a resident of your State, may take the examinaton and stand one-quarter better and get appointed; and there may be 4 or 5 or 6 members of that family in government employ at the present time. I would recommend the boy most worthy of the place, and if he stood the examination he would get it. I believe that is superior to the civil service in the way it works to-day.

I want any Senator to look over the people who are charged to his State to-day under this beautiful civil-service system and see how many are actual residents of that State. I remember when I first came here I was shown a list of those who had been certified from my own State. I found among those a gentleman with whom I talked. He said that his son-in-law at one time took up a claim in my State, but had left it many years ago, and he had passed through there, but had never lived there again in his life. And yet he was certified as from my State, because a man can have his residence in his own mind rather than where he actually resides. Take a man who came from Maine thirty years ago. He calls Maine his residence, and his children and grandchildren and great-grandchildren, although they may only have visited Maine once or twice, still claim to be residents of the State of Maine, and they take the examination, and although four-fifths of such persons are residents of the city of Washington, they are appointed, while you have plenty of worthy persons in that State who can not get certified because there are ten to one right here in the city of Washington who are being certified day after day.

Under this system, while one actual resident of my State may take the examination, it will be taken by ten residents of the city of Washington, claiming to be residents of that State. I would have one as against the ten to secure a position. The weakness of the whole system is that we are building an official aristocracy here in the city, a great organization of people who simply hold official positions and are absolutely unfit for any other purpose, and we are paying them from twice to three times as much as for the same service they would receive in our own States; and when we ask for any other position for the State the Civil Service Commission says the State has all it is entitled to, although not one out of ten who are certified as belonging to that State are actual residents of it.

I believe in the civil service; I believe in the examination of people for every official position and departmental place, but I do not believe in this system of selecting them all from the city, as is proposed in this bill after you knock out the noncompetitive examination, because it will then provide that anyone having had any service may be selected by the director, and as at a time when there was great pressure for employees we got some two or three thousand from the city, those would have the first opportunity to make application and say they have had the experience, and they would be selected under your bill and under your civil-service provisions.

I believe we ought to modify our civil-service law so as to require every person who is certified from a State to take his or her examination in that State and to show that he or she has had an actual domicile in that State for at least one year. Then the civil service at least would be more respectable in the eyes of most persons. Everyone knows as well as the Senate knows that we are not getting a just distribution among the several States, and I believe, with the provisions that are in this bill for a proper examination by the Civil Service Commission, that no one can say that the office will be under the spoils-of-office system.

Mr. LONG obtained the floor.

Mr. DOLLIVER. I should like to ask a question or two of the chairman of the committee. Is the committee informed as

to the number of employees now on the permanent roll of the Census Bureau?

Mr. LONG. I do not know as to the exact number now. There will be about thirty-five hundred necessary for clerical positions for the taking of the next census.

Mr. DOLLIVER. How long will it be necessary to employ this extra force?

Mr. LONG. Not longer than two years.

Mr. DOLLIVER. What will become of those who are appointed?

Mr. LONG. They will retire to private life at the end of their employment if not eligible by reason of their service for appointment in the permanent service.

Mr. DOLLIVER. If they are selected from the civil-service lists of eligible candidates, what will become of them when the work ceases?

Mr. LONG. I presume they would desire to be retained in the service.

Mr. DOLLIVER. Would the service be called on to absorb the extra 3,500 persons, regardless of whether the Government had anything for them to do or not?

Mr. LONG. I do not know what the service would be called upon to do. Undoubtedly there would be a great desire on the part of those employees to be retained in the service.

Mr. DOLLIVER. Is the chairman sufficiently familiar with the way those things are done to be able to state whether there is any record of anybody who went into the service through the regular civil-service examination ever having disappeared from it on account of the want of something for him to do?

Mr. LONG. If there is such a record, I do not know of it.

Mr. CLAPP. I should like to call the attention of the chairman of the committee to what is probably an inadvertence. In line 17, page 5, there is a provision with respect to the expiration of employment. That provision takes out of the civil service not only those who may have been appointed from outside the service for this work, but, as I read it, it takes out of the civil service those who are in the civil service and are transferred to this work. Am I correct about that?

Mr. LONG. Those from the permanent census will be returned at the end of the decennial census period.

Mr. CLAPP. It says:

That at the expiration of the decennial census period the term of service of all employees so transferred and of all other temporary officers and employees appointed under the provisions of this act shall terminate.

Mr. LONG. In line 8, if the Senator will notice, it says:

And at the end of such service the employees so transferred shall be eligible to appointment to positions of similar grade in any department without examination.

Mr. CLAPP. The Senator is correct. I overlooked that clause.

Mr. LONG. Mr. President, I do not desire to protract the debate, because it is my desire to secure the passage of the bill before adjournment this evening, if possible; but I wish to say in addition to what has been said by the Senator from North Dakota [Mr. MCCUMBER], a member of the committee, that this is a temporary force to perform emergency work. It is so recognized even by those who seek to change the provisions of this bill. The law applicable to the civil service and to general appointments in the departments is inapplicable to this service, as is recognized by the Senator from Massachusetts, who presents this amendment. First, the law of apportionment is abrogated by this bill, and to that no objection is made by the Senator from Massachusetts. Second, the director may, in his discretion, take the records of those who have had service in the Census Office in lieu of any examination, and no objection is made to that provision.

The Senator says that there will be inefficient work; that it will have to be done over by those in the permanent Census Office. If there is work of that kind, if incompetent persons get appointments under the provisions of this bill, it will be the fault of the Civil Service Commission.

It is not necessary in this connection to advert to what has been done in previous censuses, where the examinations were conducted by the Director of the Census. This bill provides that the forthcoming examination is to be conducted under the Civil Service Commission, and an eligible list will be created of those who, under the certificate of the Civil Service Commission, are found by that commission to be competent, and only those whom that commission find to be competent are eligible to appointment by the Director of the Census. So if incompetent persons find their way into the Census Office under this provision, as reported, it will be the fault of the Civil Service Commission, which conducts the examination.

As I understand this provision, the examination will be open to all. The qualifications will be prescribed by the Director of the Census, but the examination will be conducted by the Civil Service Commission, and an eligible list created of competent persons for appointment. Then, if the Director of the Census in selecting persons from that eligible list wishes to call to his assistance the Senator from Massachusetts or the Senator from Maryland, I think he should not be censured for endeavoring to procure information in addition to what might be disclosed by the grade of those who have passed the examination.

Mr. LODGE. The Senator will allow me to say, on the point about the Civil Service Commission conducting the examination, no fault has been found with the examination papers furnished. Their conducting the examination amounts to nothing, because their grading is wholly disregarded. Their grading counts for nothing. If a man passes it at a hundred, it does not do any good.

Mr. LONG. I understand, and it was the understanding of the committee and the understanding of the Director of the Census, that only persons who have passed a certain required examination and who possess the qualifications prescribed by the Director of the Census shall be appointed.

Mr. LODGE. Who is going to fix what shall constitute the qualifications?

Mr. LONG. The Director of the Census prescribes the examination, but the Civil Service Commission says whether or not persons have passed that examination, and if they have not passed it they can not be appointed. If they have passed it, they are qualified under the judgment and intent of the Civil Service Commission.

Mr. du PONT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Delaware?

Mr. LONG. Certainly.

Mr. du PONT. I should like to ask the Senator from Kansas if there is any provision in the bill by which those who pass to the highest places on the eligible list shall have the preference of appointment.

Mr. LODGE. No.

Mr. LONG. There is no such provision. Those who have passed the examination are eligible to appointment.

Mr. LODGE. The man who goes in from the outside and passes at 95 and has no political support does not get the appointment. The man who passes at 70 or 75, whatever grade is fixed, and has a recommendation passes. That is the practical test. We all know it.

Mr. SCOTT. The Senator from Massachusetts was certainly more successful then, ten years ago, than my colleague and myself. There was a captain who went out in the volunteer service to the Philippine Islands and took the examination at the first opportunity, and they allowed him 5 per cent because of his military service. He passed at 68, and I went to the office repeatedly, and so did my colleague, and we could not get the man in because he had not come up to 70 per cent. Somebody had better luck than we had.

Mr. LONG. Mr. President, I ask for a vote on the amendment of the Senator from Massachusetts.

Mr. BACON. I should like to ask the Senator from Massachusetts a question, with the permission of the Senator from Kansas.

Mr. LONG. Certainly.

Mr. BACON. It is whether his amendment makes any provision as to the tenure of office under the appointment through a civil-service examination?

Mr. LODGE. The tenure is all carefully provided for, so that no fault is to be found with the arrangement.

Mr. BACON. I am speaking so far as adaptation to being put in the classified service is concerned.

Mr. LODGE. No, Mr. President; I do not confer anything on them at all. They are left under the same provisions of the bill, which are perfectly good as far as the tenure goes. The provisions of the bill in regard to tenure are entirely good.

Mr. BACON. I will state the point in my mind; I may not have given the matter proper examination. We know of course what are the provisions of the general civil-service law as to tenure of office. In the Census Office the services are irregular. The clerks in the Agricultural Department or in the Post-Office Department are going to have continuous service and consequently they have a certain tenure of office, but in the Census Office it is different. A large force is going to be needed for a short time, a less force for a longer time, and a still less force will be needed permanently.

Mr. LODGE. That is quite true.

Mr. BACON. Now, does the civil-service classification, which the Senator's amendment contemplates, make provision for these differences in terms under the civil-service law?

Mr. LODGE. No, Mr. President; that is all provided for in the bill as it stands. The bill ends the appointment of these

persons at a certain time, but I understand it makes them all eligible for transfer.

Mr. BACON. It makes them all eligible for transfer?

Mr. LODGE. Yes.

Mr. BACON. Into the regular civil service?

Mr. LODGE. Yes; as I understand it.

Mr. LONG. No; only those who have had service in other departments in the classified service. It applies only to those who have been transferred from other departments.

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Montana?

Mr. LONG. Certainly.

Mr. DIXON. I should like to ask a question for information. Under the proposed bill, as reported by the committee, will the Civil Service Commission hold examinations in the different States, to be thrown open to everyone?

Mr. LONG. That is my undertanding of the provisions of the bill.

Mr. DIXON. Then it depends upon the Representative and Senator to designate from the list of those who have passed?

Mr. LONG. It depends on the director.

Mr. DIXON. In other words, that is side stepping.

Mr. LONG. The Director of the Census makes the appointment from the eligible list.

Mr. DIXON. From those who have passed at 75 and above?

Mr. LONG. On the examination which he has prescribed and which the Civil Service Commission has conducted.

Mr. DIXON. So every person in a State can take the examination held by the Civil Service Commission?

Mr. LONG. Certainly.

Mr. DOLLIVER. Is it dealing in good faith with the public to say that everyone is eligible to take the examination when, in point of fact, only those are to be selected who are agreeable to certain Congressmen?

Mr. LONG. Only those will be selected whom the Director of the Census finds competent and selects.

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield further to the Senator from Montana?

Mr. LONG. With pleasure.

Mr. DIXON. I should like to remark that while some of us from the Far West have very little in the shape of patronage, if the bill contemplates an invitation to every man and every woman in my State to take the examination and get 100 people on the eligible list and then throw on Representatives and Senators the responsibility of taking four or five from the hundred candidates, I think we would be far better off to put it under the civil service straight.

Mr. LONG. The responsibility is on the Director of the Census.

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Wyoming?

Mr. LONG. Certainly.

Mr. CLARK of Wyoming. The chairman of the committee, in answer to a question from the Senator from Montana, said the examinations were to be conducted in the various States. I understood that to be his reply. What portion of the bill does the Senator refer to in making that statement? The portion under consideration simply says the examination shall be conducted under the direction of the Civil Service Commission.

Mr. LONG. That is true. It was inserted because the Civil Service Commission has the machinery extending throughout the different States for conducting the examinations and the Director of the Census has no such machinery.

Mr. CLARK of Wyoming. The examination is to be conducted in the various States, if that plan suits the convenience of the Civil Service Commission; otherwise it will be conducted here at the office?

Mr. LONG. Yes; if it is prescribed by the Director of the Census; but there is little doubt that it will be held throughout the country at large.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Oregon?

Mr. LONG. Certainly.

Mr. FULTON. There is a question I should like to have answered. I understand that under the provisions of the bill as framed by the committee the tenure of office of those who shall be appointed to this service will cease at a fixed time; how will it be if the amendment of the Senator from Massachusetts shall be adopted placing certain persons within the civil service proper? Their tenure of office then would not cease under this act. It would depend entirely upon the general civil-service law. Would they not go on the eligible list, and would they not be entitled to a transfer?

Mr. LONG. The question would be as to whether the general civil-service law would obtain or whether this provision would control.

Mr. FULTON. I understand that where one has entered the civil service and received an assignment and for any reason his service terminates, not because of incompetency, but if the position is abolished, for instance, he is qualified for a transfer to any other place.

Mr. LONG. Eligible to appointment inside of a year.

Mr. FULTON. If we place this under the civil service, as proposed by the Senator from Massachusetts, will not that be the position occupied by all those persons so placed under the civil service? Will they not be eligible to appointment and transfer?

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. LONG. Certainly.

Mr. CLAPP. If I understood the Senator's inquiry, striking out the word "non" would not affect the subsequent provision, which terminates the office. The work is to terminate on the taking of the census, and they would go out just the same as though they were selected under the plan provided for in the bill.

Mr. LONG. That is the provision of the bill. The question is whether it would control or whether the general law relating to the civil service would control.

Mr. CLAPP. This does not place them directly under any general law. It simply says that they shall be selected upon a competitive examination.

Mr. FULTON. Suppose the amendment of the Senator from Massachusetts be adopted, what will be the difference?

Mr. CLAPP. There will not be any difference.

Mr. FULTON. The men hold their relation to the civil service and get their rating. Will their position be the same then as the others who are provided for under the bill as it is?

Mr. CLAPP. As to striking out the word "non," I think, if the Senator will take the bill and examine it, he will be satisfied that it would not change or affect the tenure of office; and that is what the Senator is getting at.

Mr. FULTON. It is not. I want to understand what would be the effect of the amendment proposed by the Senator from Massachusetts on the status of the people embraced within the terms of the proposed amendment at the conclusion of this particular service.

Mr. CLAPP. That relates to the tenure. It would terminate at the end of the service, under the provisions of page 5 of the bill.

Mr. WARNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. LONG. Certainly.

Mr. WARNER. I wish to understand the amendment of the Senator from Massachusetts. I understand that if the amendment of the Senator from Massachusetts is adopted, it is true that the tenure of office will cease at the time mentioned, but would not the parties who had passed the civil-service examination still remain in the classified service?

Mr. LODGE. No; the Senator is entirely mistaken.

Mr. CLAPP. They are not placed in the classified service under the bill.

Mr. WARNER. I know they are not placed there expressly by the terms of the bill.

Mr. LODGE. They go back to the eligible list.

Mr. WARNER. The very fact that they take the civil-service examination under the law makes them eligible for appointment.

Mr. LODGE. If they pass the civil-service examination and go on the eligible list, of course they return to the eligible list.

Mr. WARNER. They can not be appointed unless they are on the eligible list?

Mr. LODGE. Certainly not.

Mr. WARNER. And they are not taken off?

Mr. LODGE. The object of the bill as it stands is to get people appointed who are not on the eligible list.

Mr. WARNER. The object of the amendment of the Senator from Massachusetts is to get men appointed who are on the eligible list.

Mr. LODGE. Who are or will be there.

Mr. WARNER. Who will be there.

Mr. LODGE. I do not know what special eligible list it will be, but it will be a list of men who passed the regular civil-service examination.

Mr. WARNER. The suggestion, to my mind, is that when they are upon the eligible list the tenure of their employment terminates at the end of three years and they will remain on the eligible list for one year thereafter, eligible to appointment. I can see no other construction.

Mr. LODGE. Undoubtedly.

Mr. LONG. I ask for a vote.

Mr. CLAPP. Mr. President, just a moment. I think the Senator from Massachusetts is mistaken, because here is the express provision at the end of the section:

And such officers and employees shall not thereafter be eligible to appointment or transfer into the classified service of the Government by virtue of their examination or appointment under this act.

Mr. LODGE. I think the Senator is right.

Mr. CLAPP. There can not be any question about that.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts. Upon that question the Senator from Massachusetts demands the yeas and nays.

The yeas and nays were ordered.

Mr. TELLER. Let the amendment be read.

The SECRETARY. On page 4, line 19, after the word "employees," at the end of the line, insert "except messengers, assistant messengers, messenger boys, unskilled laborers, and charwomen;" and in lines 20 and 21, strike out the word "noncompetitive" and insert the word "competitive," so that as amended it will read:

That the additional clerks and other employees, except messengers, assistant messengers, messenger boys, watchmen, unskilled laborers, and charwomen, provided for in section 6 shall be subject to such competitive examination as the Director of the Census may prescribe, the said examination to be conducted by the United States Civil Service Commission.

The VICE-PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from Massachusetts.

The Secretary proceeded to call the roll.

Mr. PILES (when Mr. ANKENY's name was called). I wish to announce the absence of my colleague [Mr. ANKENY] on account of illness at his home in the State of Washington.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. I transfer that pair to the senior Senator from Indiana [Mr. BEVERIDGE] and vote. I vote "nay."

Mr. DANIEL (when his name was called). I have a general pair with the Senator from North Dakota [Mr. HANSBROUGH], and for that reason I do not vote. I would vote "nay" if he were here.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent. For that reason I withhold my vote.

Mr. FULTON (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS], who is absent. I transfer my pair to my colleague [Mr. BOURNE], who is also absent, and I vote "nay."

Mr. SCOTT (when his name was called). I have a general pair with the senior Senator from Florida [Mr. TALIAFERRO]. As he is not in the Senate, I withhold my vote.

Mr. WARREN (when his name was called). I am paired with the senior Senator from Mississippi [Mr. MONEY]. I will transfer that pair to the Senator from Colorado [Mr. GUGGENHEIM] and vote. I vote "nay."

The roll call was concluded.

Mr. SCOTT. I understand that if the senior Senator from Florida [Mr. TALIAFERRO] were here, he would vote "nay." As I would vote "nay," I will take the liberty of voting in his absence. I vote "nay."

Mr. DILLINGHAM. I transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the senior Senator from New Hampshire [Mr. GALLINGER], who is absent, and I vote "yea."

Mr. DANIEL. I transfer my pair with the Senator from North Dakota [Mr. HANSBROUGH] to the Senator from Arkansas [Mr. CLARKE], and I vote "nay."

The result was announced—yeas 15, nays 32, as follows:

YEAS—15.

Brown	Crane	Dolliver	Newlands
Burkett	Depew	du Pont	Rayner
Clapp	Dillingham	Kean	Richardson
Clay	Dixon	Lodge	

NAYS—32.

Aldrich	Foster	Kittredge	Piles
Bacon	Frye	Long	Scott
Burnham	Fulton	McCumber	Simmons
Clark, Wyo.	Gamble	McEnery	Stephenson
Cullom	Gary	Milton	Sutherland
Cummins	Hale	Nelson	Teller
Curtis	Hemenway	Overman	Warner
Daniel	Hopkins	Perkins	Warren

NOT VOTING—45.

Ankeny	Culberson	Johnston	Platt
Bailey	Davis	Knox	Smith, Md.
Bankhead	Dick	La Follette	Smith, Mich.
Beveridge	Elkins	McCreary	Smoot
Borah	Flint	McLaurin	Stone
Bourne	Foraker	Martin	Taliaferro
Brandegee	Frazier	Money	Taylor
Briggs	Gallinger	Nixon	Tillman
Bulkeley	Gore	Owen	Wetmore
Burrows	Guggenheim	Page	
Carter	Hansbrough	Paynter	
Clarke, Ark.	Heyburn	Penrose	

So Mr. LODGE's amendment was rejected.

Mr. BURKETT. I offer an amendment, on page 6, line 8, after the word "navy," which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. In section 8, page 6, line 8, after the word "navy," it is proposed to insert "and if under 18 years of age, whether ruptured, crippled, or deformed," so as to read:

The schedules relating to population shall include for each inhabitant the name, relationship to head of family, color, sex, age, conjugal condition, place of birth, place of birth of parents, number of years in the United States, citizenship, occupation, whether or not employer or employee, school attendance, literacy, and tenure of home and whether or not a survivor of the Union or Confederate Army or Navy; and if under eighteen years of age, whether ruptured, crippled, or deformed; etc.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 27 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 9, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 8, 1909.

APPRAISER OF MERCHANDISE.

John D. Pringle, of Pennsylvania, to be appraiser of merchandise in the district of Pittsburg, in the State of Pennsylvania, in place of Fred W. Edwards, resigned.

RECEIVERS OF PUBLIC MONEYS.

Robert H. Sims, of New Mexico, to be receiver of public moneys at Las Cruces, N. Mex., vice Henry D. Bowman, resigned.

William M. Enright, of Billings, Mont., to be receiver of public moneys at Billings, Mont., vice Chauncey C. Bever, resigned.

CONSUL-GENERAL.

William H. Robertson, of Virginia, now consul of class 8 at Gothenburg, to be consul-general of the United States of class 6 at Tangier, Morocco, vice Hoffman Philip, promoted to be minister resident and consul-general to Abyssinia.

CONSULS.

James W. Johnson, of New York, now consul of class 9 at Puerto Cabello, to be consul of the United States of class 7 at Corinto, Nicaragua, to fill an original vacancy.

Herbert R. Wright, of Iowa, lately consul of class 9 at Utila, to be consul of the United States of class 9 at Puerto Cabello, Venezuela, vice James W. Johnson, nominated to be consul of class 7 at Corinto.

SECRETARY OF LEGATION.

Fred Morris Dearing, of Missouri, now second secretary of the legation at Peking, to be secretary of the legation of the United States at Habana, Cuba, vice Charles S. Wilson, promoted to be secretary of the legation at Buenos Aires.

SECRETARIES OF EMBASSIES.

William K. Wallace, of Colorado, to be third secretary of the embassy of the United States at Tokyo, Japan, vice Leland Harrison, nominated to be second secretary of the legation at Peking.

Leland Harrison, of Illinois, now third secretary of the embassy at Tokyo, to be second secretary of the legation of the United States at Peking, China, vice Fred Morris Dearing, nominated to be secretary of the legation at Habana.

PROMOTIONS IN THE NAVY.

Commander James C. Gilmore to be a captain in the navy from the 7th day of January, 1909, vice Capt. Uriah R. Harris, promoted.

The following-named citizens to be second lieutenants in the United States Marine Corps from the 6th day of January, 1909, to fill vacancies existing in that grade on that date:

Wilbur Thing, a citizen of Maine;
Edwin H. Brainard, a citizen of Connecticut;
Alfred A. Cunningham, a citizen of Georgia;
Alley D. Rorex, a citizen of Alabama;
Samuel M. Harrington, a citizen of the District of Columbia;
Harold L. Parsons, a citizen of New York;
Chester L. Gawne, a citizen of New York;
Dwight F. Smith, a citizen of Vermont;
Thomas E. Thrasher, jr., a citizen of Texas;
Ernest A. Perkins, a citizen of Michigan;
Randolph T. Zane, a citizen of Pennsylvania;
Clarence C. Riner, a citizen of Wyoming;
Leon W. Hoyt, a citizen of Ohio;
David S. Combes, a citizen of the District of Columbia;
Julian C. Smith, a citizen of Maryland;
Alfred McC. Robbins, a citizen of the District of Columbia;
Charles J. Miller, a citizen of Wisconsin;
Otto Becker, jr., a citizen of Missouri;
Leander A. Clapp, a citizen of Massachusetts;
William S. Harrison, U. S. Marine Corps;
Robert W. Voeth, a citizen of Kansas;
Thomas S. Clark, a citizen of New York;
Clarence E. Nutting, a citizen of Massachusetts;
Bernard L. Smith, a citizen of Virginia;
Edward A. Blair, a citizen of Maryland;
Edward M. Reno, a citizen of Pennsylvania;
Joseph C. Fegan, a citizen of Texas;
Adolph B. Miller, a citizen of the District of Columbia;
Armor S. Heffley, a citizen of Indiana;
Joseph D. Murray, U. S. Marine Corps;
Woolman G. Emory, a citizen of Maryland;
George H. Osterhout, jr., a citizen of Maine;
William J. Platten, a citizen of Wisconsin;
John Q. Adams, a citizen of Maryland;
Francis T. Evans, a citizen of Ohio;
Charles G. Sinclair, a citizen of Virginia;
Allen E. Simon, a citizen of Pennsylvania:
Samuel P. Budd, a citizen of Pennsylvania;
Donald F. Duncan, a citizen of Missouri;
Alexander A. Vandegrift, a citizen of Virginia;
Ralph E. Davis, a citizen of Illinois;
Harry W. Weitzel, a citizen of Kentucky;
Clarence W. Alger, a citizen of South Dakota;
Sidney N. Raynor, a citizen of New York;
Frederick R. Hoyt, a citizen of New Hampshire;
James T. Reid, a citizen of South Carolina; and
Fred S. N. Erskine, a citizen of Massachusetts.

POSTMASTERS.

ALABAMA.

Lemuel A. Carroll to be postmaster at Slocomb, Ala. Office became presidential January 1, 1909.

ALASKA.

Lulu J. Maddocks to be postmaster at Fairbanks, Alaska, in place of John P. Clum, resigned.

CALIFORNIA.

William S. Collins to be postmaster at Loyalton, Cal., in place of William S. Collins. Incumbent's commission expires January 9, 1909.

George A. Griffin to be postmaster at Tuolumne, Cal., in place of George A. Griffin. Incumbent's commission expired December 12, 1908.

FLORIDA.

Louis Wiselogel to be postmaster at Marianna, Fla., in place of Louis Wiselogel. Incumbent's commission expired December 15, 1908.

GEORGIA.

Pearl Williams to be postmaster at Greenville, Ga., in place of Cebron D. Williams, removed.

IDAHO.

Joseph R. Collins to be postmaster at Moscow, Idaho, in place of Joseph R. Collins. Incumbent's commission expires February 27, 1909.

ILLINOIS.

Oscar H. Harpham to be postmaster at Havana, Ill., in place of Oscar H. Harpham. Incumbent's commission expired December 16, 1908.

William M. McDonald to be postmaster at Chandlerville, Ill., in place of William M. McDonald. Incumbent's commission expires January 9, 1909.

Leander W. Niles to be postmaster at Bethany, Ill., in place of Leander W. Niles. Incumbent's commission expires January 9, 1909.

KANSAS.

James W. Crawford to be postmaster at Little River, Kans. Office became presidential January 1, 1909.

Ulysses S. Davis to be postmaster at Morrill, Kans. Office became presidential January 1, 1909.

Bert Fancher to be postmaster at Claflin, Kans. Office became presidential January 1, 1909.

James Hall, jr., to be postmaster at Miltonvale, Kans. Office became presidential January 1, 1909.

KENTUCKY.

John H. Meyer to be postmaster at Newport, Ky., in place of John H. Meyer. Incumbent's commission expired January 13, 1906.

James M. Wilson to be postmaster at Falmouth, Ky., in place of James M. Wilson. Incumbent's commission expired May 7, 1906.

MAINE.

Roy M. Hescock to be postmaster at Monson, Me. Office became presidential January 1, 1909.

John C. Nichols to be postmaster at South Windham, Me. Office became presidential January 1, 1908.

MASSACHUSETTS.

Charles M. Hoyt to be postmaster at Haverhill, Mass., in place of Horace I. Pinkham. Incumbent's commission expires February 23, 1909.

Frederic Robbins to be postmaster at Watertown, Mass., in place of Frederic Robbins. Incumbent's commission expires February 14, 1909.

MICHIGAN.

Maynard Palmer to be postmaster at River Rouge, Mich., in place of Maynard Palmer. Incumbent's commission expired December 12, 1908.

MINNESOTA.

Charles H. Hamilton to be postmaster at St. Louis Park, Minn. Office became presidential January 1, 1909.

Charles A. Lee to be postmaster at Morris, Minn., in place of Justin Berkin. Incumbent's commission expired December 14, 1907.

John P. Lundin to be postmaster at Stephen, Minn., in place of John P. Lundin. Incumbent's commission expires January 18, 1909.

MISSOURI.

Edwin S. Brown to be postmaster at Edina, Mo., in place of Edwin S. Brown. Incumbent's commission expires February 27, 1909.

Otis M. Gary to be postmaster at Doniphan, Mo., in place of Otis M. Gary. Incumbent's commission expires February 23, 1909.

Bayless L. Guffy to be postmaster at Hayti, Mo., in place of Robert N. Hillard, removed.

NEBRASKA.

Charles W. Gibson to be postmaster at Litchfield, Nebr. Office became presidential January 1, 1909.

NEW JERSEY.

Isaiah Apgar to be postmaster at Califon, N. J. Office became presidential January 1, 1909.

Alfred B. Gibb to be postmaster at Bernardsville, N. J., in place of Reuben Abel. Incumbent's commission expires January 9, 1909.

Uzal S. Hancy to be postmaster at Franklin Furnace, N. J. Office became presidential April 1, 1905.

Howard V. Locke to be postmaster at Swedesboro, N. J., in place of Howard V. Locke. Incumbent's commission expires January 20, 1909.

Charles W. Russell to be postmaster at New Brunswick, N. J., in place of Charles W. Russell. Incumbent's commission expired March 24, 1908.

NEW YORK.

William Hutton, jr., to be postmaster at Nanuet, N. Y. Office became presidential January 1, 1909.

Harry R. Porter to be postmaster at Sonyea, N. Y. Office became presidential January 1, 1909.

Daniel Smiley to be postmaster at Mohonk Lake, N. Y., in place of Daniel Smiley. Incumbent's commission expired December 13, 1908.

John Smythe to be postmaster at Cold Spring, N. Y., in place of John Smythe. Incumbent's commission expired December 15, 1908.

Wallace H. Wells to be postmaster at Brasher Falls, N. Y. Office became presidential January 1, 1909.

NORTH CAROLINA.

Robert W. Davis to be postmaster at Southport, N. C. Office became presidential January 1, 1909.

OHIO.

James R. Hicks to be postmaster at Amelia, Ohio. Office became presidential July 1, 1908.

Percy May to be postmaster at New Holland, Ohio. Office became presidential January 1, 1909.

OKLAHOMA.

Daniel Strawn to be postmaster at Idabel, Okla. Office became presidential January 1, 1909.

PENNSYLVANIA.

William M. Toy to be postmaster at Austin, Pa., in place of Frank E. Baldwin, resigned.

PORTO RICO.

Walter K. Landis to be postmaster at San Juan, P. R., in place of Walter K. Landis. Incumbent's commission expires January 14, 1909.

WASHINGTON.

Jacob T. Grove to be postmaster at Deer Park, Wash. Office became presidential January 1, 1909.

WEST VIRGINIA.

Lynn Kirtland to be postmaster at Sistersville, W. Va., in place of George E. Work, resigned.

WISCONSIN.

Matthew O'Regan to be postmaster at National Home, Wis. Office became presidential January 1, 1909.

CONFIRMATION.

Executive nomination confirmed by the Senate January 8, 1909.

Daniel R. Randall to be postmaster at Annapolis, Md.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 8, 1909.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that Tuesday next be substituted for to-day for the consideration of pension bills on the Private Calendar that are in order to-day.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that Tuesday next may be substituted for to-day for the consideration of pension bills in order to-day. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 22306. An act to authorize the Delaware, Lackawanna and Western Railroad Company and the Lackawanna Railroad Company of New Jersey to construct and maintain a bridge across the Delaware River from a point near the village of Columbia, Knowlton Township, Warren County, N. J., to the village of Slateford, Northampton County, Pa.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 653) to authorize commissions to issue in the cases of officers of the army retired with increased rank.

The message also announced that the Senate had passed resolutions in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 59.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War is hereby directed to cause preliminary examination or survey to be made of the Colorado River in the vicinity of the city of Needles, Cal., with a view to protecting the said city from encroachment of the said river.

Senate concurrent resolution 58.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimates to be made for a project of improvement of the Columbia River, in the State of Oregon, in front of the town of Hood River, and report the same to the Congress.

Senate concurrent resolution 56.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause such survey and examination to be made at the mouth of the Siuslaw River, in Oregon, as may be necessary in order to determine what project for its improvement can be completed by the expenditure of $100,000 in addition to a like amount to be provided by the residents of that locality.

Senate concurrent resolution 54.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the channel from the sea to the Norfolk Navy-Yard, with a view to widening and straightening the same and increasing the depth thereof to 35 feet at mean low water, with width of present project, and to submit estimates for such improvement to that depth.

SEC. 2. That an examination and survey be made and estimates submitted for a channel 22 feet deep at mean low water from the Norfolk Navy-Yard to a point about 1 mile above Gilmerton.

SEC. 3. That an examination and survey be made and estimates submitted with a view to providing ample anchorage room abreast of and above Lamberts Point, between Lamberts Point and Pinners Point.

Senate concurrent resolution 53.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the channel from Fortress Monroe to Newport News, with a view to providing for a depth of 35 feet at mean low water and a width of 800 feet, and to submit estimates for such improvement.

The message also announced that the Vice-President had appointed Mr. BAILEY and Mr. FRAZIER members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Post-Office Department.

SENATE CONCURRENT RESOLUTIONS REFERRED.

Under clause 2, Rule XXIV, the following Senate concurrent resolutions were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

Senate concurrent resolution 53.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the channel from Fortress Monroe to Newport News, with a view to providing for a depth of 35 feet at mean low water and a width of 800 feet, and to submit estimates for such improvement—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 54.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the channel from the sea to the Norfolk Navy-Yard, with a view to widening and straightening the same and increasing the depth thereof to 35 feet at mean low water, with width of present project, and to submit estimates for such improvement to that depth.

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to the Committee on Rivers and Harbors.

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to the Committee on Rivers and Harbors.

ANNUAL MESSAGE OF THE PRESIDENT—SECRET SERVICE.

Mr. PERKINS. Mr. Speaker, I offer a privileged resolution, and ask that it be reported by the Clerk.

The SPEAKER. The gentleman from New York offers a privileged resolution which the Clerk will report.

The Clerk read as follows:

Whereas the annual message of the President contained the following paragraph:

"Last year an amendment was incorporated in the measure provided for the Secret Service, which provided that there should be no detail from the Secret Service and no transfer therefrom. It is not too much to say that this amendment has been of benefit only, and could be of benefit only, to the criminal classes. If deliberately introduced for the purpose of diminishing the effectiveness of war against crime it could not have been better devised to this end. It forbade the practices that had been followed to a greater or less extent by the executive heads of various departments for twenty years. To these practices we owe the securing of the evidence which enabled us to drive great lotteries out of business and secure a quarter of a million of dollars in fines from their promoters. These practices have enabled us to discover some of the most outrageous frauds in connection with the theft of government land and government timber by great corporations and by individuals. These practices have enabled us to get some of the evidence indispensable in order to secure the conviction of the wealthiest and most formidable criminals with whom the Government has to deal, both those operating in violation of the antitrust law and others. The amendment in question was of benefit to no one excepting to these criminals, and it seriously hampers the Government in the detection of crime and the securing of justice. Moreover, it not only affects departments outside of the Treasury, but it tends to hamper the Secretary of the Treasury himself in the effort to utilize the employees of his department so as to best meet the requirements of the public service. It forbids him from preventing frauds upon the customs service, from investigating irregularities in branch mints and assay offices, and has seriously crippled him. It prevents the promotion of employees in the Secret Service, and this further discourages good effort. In its present form the restriction operates only to the advantage of the criminal, of the wrongdoer. The chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret-service men. Very little of such investigation has been done in the past; but it is true that the work of the secret-service agents was partly responsible for the indictment and conviction of a Senator and a Congressman for land frauds in Oregon. I do not believe that it is in the public interest to protect criminals in any branch of the public service, and exactly as we have again and again during the past seven years prosecuted and convicted such criminals who were in the executive branch of the Government, so in my belief we should be given ample means to prosecute them if found in the legislative branch. But if this is not considered desirable a special exception could be made in the law prohibiting the use of the secret-service force in investigating members of the Congress. It would be far better to do this than to do what actually was done, and strive to prevent or at least to hamper effective action against criminals by the executive branch of the Government."

Understanding this language to be a reflection on the integrity of its membership, and aware of its own constitutional duty as to its membership, the House in respectful terms called on the President for any information that would justify the language of the message or assist it in its constitutional duty to purge itself of corruption.

The President in his message of January 4 denies that the paragraph of the annual message casts reflections on the integrity of the House; attributes to the House "an entire failure to understand my message;" declares that he has made no charge of corruption against any Member of this House, and by implication states that he has no proof of corruption on the part of any Member of this House.

Whether the House in its resolution of December 17, 1908, correctly interpreted the meaning of the words used by the President in his annual message, or whether it misunderstood that language, as the President implies, will be judged now and in the future according to the accepted interpretations of the English language. This House, charged only with its responsibility to the people of the United States and its obligation to transmit unimpaired to the future the representative institutions inherited from the past, and to preserve its own dignity, must insist on its own capacity to understand the import of the President's language. We consider the language of the President in his message of December 8, 1908, unjustified and without basis of fact and that it constitutes a breach of the privileges of the House: Therefore be it

Resolved, That the House, in the exercise of its constitutional prerogatives, declines to consider any communication from any source which is not in its own judgment respectful; and be it further

Resolved, That the special committee and the Committee of the Whole House on the state of the Union be discharged from any consideration of so much of the President's annual message as relates to the Secret Service, and is above set forth, and that the said portion of the message be laid on the table; and be it further

Resolved, That the message of the President sent to the House on January 4, 1909, being unresponsive to the inquiry of the House and constituting an invasion of the privileges of this House by questioning the motives and intelligence of Members in the exercise of their constitutional rights and functions, be laid on the table.

Mr. PERKINS. Mr. Speaker, to your committee were referred certain portions of the annual message of the President of the United States. We were to consider whether those were couched in such form that this Congress could consider them with a due regard for the dignity of a great legislative body. Your committee has examined that question with the care that its importance demands, with due regard for the rights of the Chief Executive, with due regard for the rights of the Congress, and we are unanimously of the opinion that the portions of the message objected to do constitute a breach of the privileges of this House. [Applause.] We have submitted the resolution which has just been read by the Clerk, and which embodies the opinion and constitutes the report of the committee to which this question was referred.

Mr. Speaker, with the question of the use of the secret-service men, your committee has nothing to do. We fully recognize the right of the President to criticise legislation adopted by Congress, to point out its defects, and to ask that they be remedied. The Congress will consider that question and take such action as in its judgment the interests of the public may require. And yet, in passing that, Mr. Speaker, I wish to say one word, in which I know I state the opinions of the special committee and in which I believe I utter the opinion of the entire membership of this House, and that is, that in the integrity, in the honest judgment of every member of the Appropriations Committee, this House has had and still has the utmost confidence. [Applause.]

We are to consider certain statements in the message in reference to the motives which controlled the vote of Members and certain suggestions in reference to legislation which are submitted to us. The President in his message said, criticising the provision in reference to the use of secret-service men, which was adopted by the Congress, that—

The chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret-service men.

If that was the chief argument, it meant that by that argument were the votes of the majority of Congress controlled in favor of that provision. In that opinion your committee is unable to coincide. Let us consider for a moment what was said in reference to this question in the debate in the House. The gentleman from Kentucky [Mr. SHERLEY] asked this question: "If it was intended that if a Member of Congress was guilty of unbecoming conduct the department would be warranted in investigating his conduct by secret service men?" The gentleman from Kentucky spoke in favor of the proposition before the House, and the gentleman from New York [Mr. BENNET], opposing the proposition, replied that we all knew, as lawyers, that we were not federal officeholders; that we were component members of the Government, and there was no one over us. Then the gentleman from Kentucky further said that, notwithstanding the opinion of the gentleman from New York, he had understood that in one instance the private conduct of a Member of Congress had been investigated by secret-service men, and the gentleman from New York denied that one lone and solitary instance, and said that in that case the investigation was not by secret-service men, but by a police officer of the city of Washington, and, if I remember right, he said that the police officer of the city of Washington was dismissed from the service as a reward for his pains. And that is all contained in the RECORD. Your committee do not believe that the most timorous of Congressmen would be affected by those arguments to cast his vote in favor of the proposition from any fear that if he voted "no" the Secret Service might ferret out his secret sins. But we are told that there is another piece of evidence that leads to the conclusion that it was by that argument that the votes of the Members were controlled. What is that evidence? Is it found in the records of the House? No. Is it found in the reports of speeches made upon the floor of this House? No. It is exhumed from the columns of a newspaper published years before the Members of the Sixtieth Congress had even been elected. Your committee does not believe that a statement made in 1904, even by a newspaper reporter, is conclusive evidence of the motives which governed the votes of Congressmen in 1908. [Applause.] And, Mr. Speaker, if we should turn back to the consideration of a message transmitted but a few days ago to us on the subject of the Panama Canal, it would appear that statements made in newspapers are sometimes questioned even at the White House. [Laughter and applause.]

The statement made that the chief argument was that Congressmen themselves were unwilling to be investigated by secret-service men can have but one meaning. It means that the Members of the House voting for this proposition were controlled by an improper motive. If the vote of any Congressman is controlled by fear of investigation of his conduct by secret-service men or by any other men, then that Congressman surely stands in dread of the law. [Applause.] If the majority of this House were controlled in their vote by fear that their actions may be investigated and their crimes discovered, then any respect for this House would not only be impaired, but it would be destroyed. It is dangerous for the Republic—how dangerous perhaps only the future can disclose—that the confidence of any large part of the people should be shaken in the judges who interpret the law, and it is equally dangerous that their confidence should be shaken in the legislators who enact the law [applause]; and it is for this reason that the duty rests upon a great legislative body to see that the integrity of its motive is not lightly questioned. If we do not respect ourselves, certainly no one will respect us. We are tenacious for the honor of the nation. Shall we not be equally tenacious for

the honor of our institutions? Mr. Speaker, if the day ever comes when the majority of this House will be controlled in its action by the craven fear of the exposure of their conduct, then, indeed, the Republic will have come to an evil day and the failure of popular government will be demonstrated. That day is not come. Doubtless in the Congress of the United States are sometimes found unfit and dishonest men, but with rare exceptions the members of the Congress are men of integrity, whose votes are determined, not by fear of the police, but by an honest regard for the public service. We are the chosen representatives of the people of the United States. Many of us have been continued for long years, either at the polls or by the votes of the legislatures.

I am unwilling to believe that popular government, that universal suffrage are such lamentable failures, that dishonest or unfit or cowardly men are continued in office. In this matter we stand not only for ourselves, but for those who sent us here. The impeachment of those who are chosen is the impeachment of those who choose. [Applause.] The President says that no one holds the dignity of the Congress in higher respect than he. How much it would be deplored, how much I am sure the President himself would regret, if expressions in his message should remain unanswered, which by any unfortunate inadvertence of phrase, any untoward combination of words, would be interpreted by the public as reflecting upon the dignity and lessening the influence of this House. Mr. Speaker, the President says in his message:

> I do not believe that it is in the public interest to protect criminals in any branch of the public service, and exactly as we have again and again during the past seven years prosecuted and convicted such criminals who were in the executive branch of the Government, so, in my belief, we should be given ample means to prosecute them if found in the legislative branch.

And with that sentiment of the President this committee and this Congress is in fullest accord.

But—

Adds the President—

> if this is not considered desirable—

What is not considered desirable? What he has just said—that criminals should not be protected in any branch of the service; that he should be given ample means to prosecute them if found in the legislative branch.

Says the President:

> But if this is not considered desirable, a special exception could be made in the law prohibiting the use of the secret-service force in investigating Members of the Congress.

In other words, it is suggested that we pass legislation which shall protect ourselves and let the other criminals be caught. [Applause.] If a majority of this body were indeed controlled by fear of detection of their crimes, that would be just the legislation they would be glad to support. As such is not the character of the body, such legislation can not be considered. Is there any member of the Congress who is willing to say that the suggestion of such legislation should be meekly received and mildly considered? [Applause.] If the Congress listens tamely and timidly to reflections upon the character of its members and the integrity of its own motives, it will deserve, and certainly it will receive, the contempt of the community. [Applause.] Mr. Speaker, for centuries English-speaking men fought and bled that representative government should be the government of the English people. Our revolutionary ancestors more than a century ago fought and bled that representative government should be the government of this land, that the laws of the American people should be enacted by representatives chosen by the American people. The Congress of the United States to-day, with its great power and its great responsibility, is the result of centuries of struggle. Let every man who is a member of it this day vote on the question that is presented in the manner that seems to him worthy of the traditions of which we are the heirs, of the institutions of which we are the protectors, and of the people of whom we are the representatives.

I reserve the balance of my time. [Great applause.]

Mr. BENNET of New York. Mr. Speaker, will my colleague yield for a question?

Mr. PERKINS. Yes; surely.

Mr. BENNET of New York. At what time does the gentleman intend to move the previous question on his resolution?

Mr. PERKINS. It is the intention of the committee that there should be full debate on this question. I have no thought of moving the previous question until there has been every reasonable opportunity for debate.

Mr. DRISCOLL. I wish my colleague would yield for a question.

Mr. PERKINS. I will yield for a question.

Mr. DRISCOLL. I requested yesterday a copy of these resolutions, but did not get it. It is really one of my objections, and about the only objection I have, to the rules of this House, that we can not have the day before some notice of bills and resolutions coming before the House. If we had had this resolution yesterday we would have had time to consider it, and perhaps act and vote more dispassionately than we can now. Now, I ask my colleague from New York whether it would not be wise, in view of the fact that these resolutions are just presented, and in view of the fact that there is considerable excitement here to-day [laughter], and the galleries full of interested people, having submitted this resolution, to let it stand for a week and have consideration at that time?

Mr. PERKINS. I will answer the question of the gentleman by saying that I do not think it would be wise at all. [Applause.]

Mr. DRISCOLL. I think we might all cool down and act with more fairness and better judgment in the matter than we can now.

Mr. MANN. The gentleman is the only excited man in the House. [Laughter.]

The SPEAKER. Does the gentleman from New York [Mr. PERKINS] yield to his colleague [Mr. DRISCOLL]?

Mr. PERKINS. I will yield for a question, but I think the question already asked is exhausted. I will say in answer to my colleague from New York that this matter is thoroughly familiar to every Member of this House, and has been since the time of the introduction of the first resolution. I see no evidences here to-day of heat or passion. The resolutions presented by the committee have been drawn with great care and with extreme moderation. I am sure my colleague will agree that nothing in the few remarks I have made has savored of heat or passion, and I see no reason why the House should not proceed with the further consideration of the resolutions. I yield to my colleague from Michigan [Mr. DENBY].

Mr. DENBY. Mr. Speaker, we are confronted this morning with the most painful duty that has fallen to the lot of this House since I have been a Member.

December 8 last the House received the annual message of the President. It contained a discussion of an amendment made at the last session to the sundry civil bill in connection with the Secret Service. In that discussion the President used language which was regarded very generally by the membership of the House as highly offensive.

December 17 the House in respectful terms called upon the President to furnish any justification he might have for the statements he had made. January 4 he replied in a special message, the character of which was unworthy of his great office and unbefitting a state paper. It is greatly to be regretted that the President should have seen fit to mention by name certain members of the Committee on Appropriations, not with a view to expose corruption, but merely to criticise them for their official actions in their legislative capacity. The President does not agree with the committee, but surely he can not claim the right to hold up to public ridicule in a state paper every Member whose views or actions do not exactly accord with his own ideas. As a matter of fact, whether always right or sometimes wrong in their recommendations, I think I voice the general view when I say that the chairman and members of that committee, bearing as they do untainted and undisputed credentials from intelligent and patriotic communities, have won and have fully deserved the respect of the American people. [Loud applause.] No one not associated with the work of this House can well appreciate the multitudinous detail and exceeding difficulty of their work. That they do that work well can not be disputed, and that they are upright, able, and industrious gentlemen, worthy Members of this House, and not deserving the condemnation of the Executive, can not be questioned here and should not be questioned elsewhere. [Applause.]

Furthermore, it is a dangerous precedent to set, that the Members of this House may properly be criticised in a message because they failed to agree with the Executive upon a question of public policy. It is a precedent I feel sure in future will be "more honored in the breach than in the observance."

To-day your special committee offers a resolution intended to make clear the attitude of this House toward the Executive when in the exercise of a constitutional privilege he strays from the path of recommendation and just criticism into the realm of personal abuse, speculation, and innuendo. [Loud applause.]

The purport of the resolution is that the House itself must be the judge of the propriety or impropriety of the language of communications addressed to it, and must act accordingly. So much a branch of the Government, coordinate and coequal with all other branches, must insist upon; and when the House of

Representatives receives a communication couched in unfitting terms, and that communication is neither withdrawn nor explained nor atoned for, it becomes the duty of the House to decline to consider such communication, from whatever source it may come. [Applause.] The resolution seems to be as simple and as little offensive in its terms as the English language and the just demands of this occasion will permit. Personally, I have not the slightest desire that this House shall show resentment toward the President for his apparent purpose to arouse in the public mind contempt and suspicion for this body. Still less do I desire that this House shall reply in kind to the language of the message. [Laughter and loud applause.]

Now that the whole painful episode nears its end, I may say that the most distressing feature is that the President of the United States, justly honored and beloved as he is throughout the land, should so little appreciate the effect of his own words and should apparently so little consider his own great fame. It seems scarcely credible that he can have failed to realize, and yet I know he must have failed to realize, that in encouraging in the popular mind distrust of this body he is striking at the very foundation of popular government. [Applause.] I am glad to believe that had another official of high authority and great position ventured to employ the language he has used the President would have been the first to deplore and to rebuke. He has lost a great opportunity—an opportunity to display the possession of one great attribute of true greatness—the capacity to realize when he has done injustice and the willingness to correct that mistake.

I desire now only earnestly to express the hope that this resolution may pass, to the end, in so far as we can compass that end, that the three great branches of the Government—the legislative, the executive, and the judicial—may remain, as they always have been, independent, coequal, self-respecting, and mutually respected. [Loud and long-continued applause.]

The SPEAKER. Does the gentleman reserve the remainder of his time?

Mr. PERKINS. I reserve the balance of my time, and suggest if anyone desires to be heard in opposition to the resolutions this would be a fitting opportunity.

The SPEAKER. That would be the rule of recognition.

Mr. WILLIAMS. A parliamentary inquiry.

The SPEAKER. The gentleman from Mississippi.

Mr. WILLIAMS. In what order is the debate proceeding? As I understand it, each member of the committee has the right to an hour's time, if he chooses to use it. Is that correct?

The SPEAKER. Upon recognition, each Member who is recognized in his own right is entitled to an hour; but somebody is entitled to recognition now who is opposed to the resolution.

Mr. WILLIAMS. But nobody was opposed on the committee. It is a unanimous report.

The SPEAKER. Yes.

Mr. WILLIAMS. There is therefore nobody on the committee who can represent the opposition to the resolution. It seems to me that somebody ought to be recognized to control the time in opposition.

The SPEAKER. Every Member who is recognized is entitled to one hour, and it being a unanimous report of the committee, the Chair will recognize some Member opposed to the resolution.

Mr. BENNET of New York rose.

Mr. WILLIAMS. Before the gentleman from New York [Mr. BENNET] proceeds, I would like to ask unanimous consent to a proposition. I understand the gentleman from New York [Mr. BENNET] is to represent the opposition to the resolution.

Mr. BENNET of New York. The understanding of the gentleman from Mississippi is not exactly correct. The gentleman from New York is to express his views as a Member of the House.

Mr. WILLIAMS. Then I should like to find out who will represent the opposition, in order to ask unanimous consent that the time be equally divided between the proponents of the resolution and those opposed to it.

Mr. BENNET of New York. I may add, if I have in any way misled the gentleman from Mississippi, that I intend to speak against the resolution.

Mr. WILLIAMS. I ask unanimous consent, then, that the time in opposition be controlled by the gentleman.

Mr. HULL of Iowa. Oh, no; this is an unlimited debate.

Mr. PAYNE. Let us have the regular order.

Mr. WILLIAMS. Mr. Speaker, inasmuch as the perfectly innocent and good-humored attempt of mine to find out who could possibly control time on the other side appears to have failed, I will withdraw the request.

The SPEAKER. The Chair will ascertain who opposes the resolution. If no one opposes it, members of the committee would be first entitled to recognition. Does the gentleman from New York [Mr. BENNET] oppose the resolution?

Mr. BENNET of New York. Yes.

The SPEAKER. The gentleman from New York.

Mr. BENNET of New York. Mr. Speaker, I rise in the frame of mind recommended to this House by my friend and colleague from New York [Mr. PERKINS] to discuss this matter without heat and without bitterness, and I trust with the dignity that befits an occasion which has had no parallel in forty years.

My colleague has done me the honor and justice to quote with substantial accuracy the words which I used in the debate on the 1st of May to express the high opinion in which I held and still hold both the dignity and the membership of this House. I then stated and now maintain that there is none over us; that we are a component part of the Government of the United States, the legislative branch, our own masters, and not the holders either of a state or of a federal office. Holding those views, then, which none can hold higher of the House and of its membership, I rise to express my regret at the resolution proposed by the committee of which my colleague [Mr. PERKINS] is chairman. The gentleman from Illinois, interrupting rather irregularly the question of my colleague from New York [Mr. DRISCOLL], said that none seemed to be excited in this House except the gentleman from New York.

I might add that so far as my personal communications from my district have gone, none seem to have been excited over this particular portion of the President's annual message except the membership of this House. If it had not been noticed in the way that it was by the membership of this House, in twenty-four hours the country, then having, and still having, the highest confidence in the integrity of the membership of this House, would have forgotten that any such language had ever been used, either by the Chief Executive or by any other person.

The gentleman from Michigan [Mr. DENBY] speaks of the historical character of this proceeding, and in a way he is right. But, unless he has given special study to the question, I should hesitate to ask him to rise in his place and state the reasons which were expressed in the Senate of the United States for taking a similar action in relation to Andrew Jackson, or in this House for taking a somewhat similar action in relation to President Tyler. The trouble is that, though we may so express it, these actions have little of historical significance, and I venture the prophecy that the student of history who, twenty-five years from now, looks up the record of Theodore Roosevelt will find that our action to-day plays no more part in the view held of him historically than the action of our predecessors here plays in the view held in history of President Tyler, or than the action of the predecessors of our colleagues in the Senate detracts from the estimate of the character of Andrew Jackson.

It is, then, to ourselves and to those who sent us here, and of them, that we are to speak mainly to-day. The language by the President has been quoted. I deny that, standing alone, it reflects upon the majority of this House. Does not my colleague, and do not the Members of this House, can they not realize other motives, assuming the worst significance of the President's message, which would actuate a Member of this House in desiring to go upon record as being opposed to the investigation of this House as a body, or as individuals, by members of the Secret Service? It seems to me that standing as we do alone, a dignified body, with the control of our own membership, we have the right to assert at any time that we have not lost confidence in our own integrity and in the judgment of the people who have chosen us; that we can control the actions of those who may be unworthy; and that we need no assistance from the outside, from the Secret Service or any other place, to keep our membership pure.

If it is not correct, how can we explain to the public the action this House took in the Fifty-ninth Congress when we did except ourselves from the operation of a criminal statute. I speak from a slight investigation of the RECORD, and under correction of the gentleman from Texas, Mr. BURLESON, if I speak erroneously, I will state it. In the Fifty-ninth Congress he introduced a bill, following the cotton-leak scandal, which, as he said in picturesque language on the floor, was intended to cover every officer in the public service from the President to the charwoman. At some stage of the procedure of the two Houses the words "Members of Congress" were added to the classes of persons who became criminals by giving out advance information relative to the products of the soil.

This House, by a decisive vote, when that bill came back from conference, laid the bill on the table. The gentleman from

Texas [Mr. BURLESON] introduced a new bill in substantially the same form, omitting "Members of Congress" from the list of those who would become criminals by giving out advance information; and in that form it passed both Houses, I believe, without a dissenting vote, and became and now is the law of the land.

We were right in that action; we had a right to have the confidence in our own integrity.

Mr. BURLESON. Will the gentleman yield?

Mr. BENNET of New York. I will.

Mr. BURLESON. I think the gentleman from New York voted wrong when the original bill was before the House if he voted to eliminate Members of Congress. He is mistaken though in the statement that the bill was reintroduced and became a law. It subsequently was adopted by the House as an amendment to the penal code and also has passed the Senate as an amendment to the penal code.

Mr. BENNET of New York. It passed both branches of Congress and without a dissenting vote. That is substantially the statement I made, and whether I voted right or voted wrong——

Mr. McCALL. Will the gentleman yield?

Mr. BENNET of New York. I will.

Mr. McCALL. The gentleman is mistaken in saying that the amendment relating to Members of Congress was laid on the table.

Mr. BENNET of New York. I said the whole bill was laid on the table.

Mr. McCALL. The provision relating to Members of Congress was defeated, and then the House defeated the whole bill because we believed it was a vicious bill and would make a criminal by giving away government information which the people ought to have from the executive branch of this Government.

Mr. BENNET of New York. I do not see that the statement is materially different from the one I made. The fact remains that after they had taken action, in which the gentleman from Massachusetts and myself participated, we passed the same provision in this House eliminating Members of Congress.

Mr. McCALL. If the gentleman will permit me, it was by no means the same provision, but the two differed very materially. If he will compare the provision in the penal code and the provision that the House defeated, he will see that they differ materially.

Mr. BENNET of New York. I have compared them.

Mr. MANN. And there is no similarity between the two.

Mr. BURLESON. With the gentleman's permission, I will state that the original bill passed the House without "Members of Congress" being included in its provision. It passed the Senate without "Members of Congress" being included in its provision. In conference "Members of Congress" were embodied, and then the bill was laid on the table because "Members of Congress" were embraced within its provision. Subsequently the bill, without material change save the fact that "Members of Congress" were stricken from its terms, was embodied in the penal code by the House and by the Senate, and the gentleman from Massachusetts is mistaken.

Mr. BENNET of New York. I am obliged to the gentleman from Texas.

Mr. McCALL. Mr. Speaker, I do not desire to take up the time of the gentleman from New York, but a reading of the bill which the House defeated and of the bill as incorporated in the penal code will settle that question. I wish to bring out this fact, that the House voted by a large majority to defeat the amendment relating to Members of Congress. That was settled, and then after that had been taken out it voted decisively to kill the whole bill without amendment. The gentleman from Texas is completely wrong. [Laughter.]

Mr. BURLESON. The record will disclose the real facts, and will determine whether I am wrong or the gentleman from Massachusetts [Mr. McCALL] is mistaken.

Mr. BENNET of New York. Mr. Speaker, the gentleman from Massachusetts and the gentleman from Texas, as my friend from Indiana [Mr. OVERSTREET] suggests to me, having eliminated each other, I shall depend upon my own recollection, thanking the gentleman from Texas, the author of the bill, for his very strong support of that recollection. [Laughter.]

Therefore, if in the very last Congress we have taken action—and the gentleman from Massachusetts [Mr. McCALL] emphasizes and strengthens my statement, for he says that the proposition to eliminate Members of Congress came up as an independent proposition and that it was defeated by an overwhelming majority, a fact which had escaped my recollection for a moment, and I thank the gentleman for calling it to my attention—if we have taken that action so recently as within the last two years, taken it with the consciousness of our own dignity and integrity, which we then had and still have, how can we blame the President of the United States if he suggests that still having that same opinion of our own dignity and worth, and that same belief and pride in our own ability to maintain the purity and integrity of our membership, we allow other avenues of the law to operate on criminals outside our body and depend in the future as in the past upon avenues under our control for the elimination from amongst us of criminals who sometimes do or have in the past unfortunately gained membership here?

Mr. MANN. Will the gentleman yield for a question?

Mr. BENNET of New York. Certainly.

Mr. MANN. The gentleman has made comparison between the secret-service proposition and the proposition to give out secret information received by the Government in advance of its due publication.

Mr. BENNET of New York. Oh, no.

Mr. MANN. Oh, that is exactly the proposition the gentleman referred to in the Burleson bill, which was to forbid the giving out of secret information obtained by executive officers of the Government in advance of its proper publication. Now, does the gentleman think that there is any relevancy in comparing the two propositions, when Congress struck "Members of Congress" from the Burleson bill for the very reason that Members of Congress could not know the secret information obtained by executive officers in advance of being given out by the executive officers, and the Members of Congress did not wish to put themselves in the attitude of making themselves criminals for giving out information in the ordinary course of business?

Mr. BENNET of New York. I did not yield to the gentleman for a speech, but for a question.

Mr. MANN. Well, the gentleman's speech is made much better by the interruption. [Laughter.]

Mr. BENNET of New York. And I am very much obliged to the gentleman from Illinois [Mr. MANN] for his contribution. The gentleman from New York certainly believes that there is an analogy between the case cited in the Fifty-ninth Congress and the supposititious case embraced, possibly, in the language of the President. Nor do I think that my colleague from New York [Mr. PERKINS] does the President of the United States exact justice in stating that the meaning of his words is that the majority of this House are controlled by motives which are or may be corrupt.

My colleague, I think, should at least have done our fellow-citizen the justice of recalling that in his special message, whether rightly or wrongly—and I express no opinion upon that at the moment—the President called our attention and the attention of the country to what he said was a condition which existed in this body and which is, in substance, that, having confidence in our own committees, being busy ourselves upon other committees, there are many of us who, upon matters concerning which we have not had an opportunity of being informed, rely upon the report of the committee and follow it. It is not necessary for me to say that this is always so or to deny that the condition exists. My colleague, I think, sometimes relies upon that particular method of information. For instance, the debate upon the provision which has caused all this trouble commences on page 5750 of the RECORD of May 1, 1908. I notice on the second column of page 5749, the page immediately preceding it, that my colleague interposed a point of order to a provision, and that in accordance with the custom in this House, after he had reserved the point of order and the chairman of the committee had made a slight explanation, the gentleman said:

> Well, I am by no means sure my friends of the committee are right, but I shall not insist on the point of order.
>
> Mr. SHERLEY. Has the gentleman any reason to think the committee is not right?
>
> Mr. PERKINS. A good deal. I withdraw the point of order.

I will say frankly that we all rely upon the fact that committees that have made investigations know more about the subjects than we do or possibly can, and the President in his message, sent in response to our inquiry, calls attention specifically to the existence of this condition and absolves, in words, the House and the majority in the House from any suspicion even of being controlled by any base or unworthy motives. So much for the language itself and for the justification which we ourselves have given the President in the next preceding Congress.

Mr. FITZGERALD. Mr. Speaker, before the gentleman passes from that, does he mean that the plain inference of the President's language is not what the special committee states, but that the majority of the House, having had confidence in one of its committees, that confidence was betrayed by the Members

named by the President in his reply to the House resolution? Is that the inference to be drawn?

Mr. BENNET of New York. The gentleman necessarily means nothing of the kind.

Mr. FITZGERALD. But from the manner in which he stated the proposition, the only other inference that seemed to me possible would be that the House, having had confidence in this committee, in the opinion of the President, its confidence was betrayed by the committee, and particularly by the persons named in the message as responsible for the action of the House. I wish to know if that inference is the one that the gentleman thinks the House should have drawn instead of the one it does now draw, as set out in the resolution.

Mr. BENNET of New York. Mr. Speaker, my colleague is illustrating the difficulty of putting a "plain meaning" on the language of others. There is no such necessary inference from the language of the gentleman from New York, and I have utterly failed if I have not drawn to the attention of so astute and able and honest a man as my colleague the two facts—first, that the President might have relied upon our action in the Fifty-ninth Congress; and, second, had the right to rely upon our own confidence in our honor, dignity, and integrity as a body and in our ability to maintain the dignity of this House in its integrity. There is no other inference that could be drawn from my remarks.

Mr. MANN. Will the gentleman yield for a question?

Mr. BENNET of New York. I will yield for a question.

Mr. MANN. The gentleman cited the case of the gentleman from New York withdrawing the point of order as proof of confidence in the Committee on Appropriations. Does the gentleman mean by that that if he had not withdrawn the point of order that he would have shown a lack of confidence in the Committee on Appropriations, or that the gentleman himself showed a lack of confidence when he made and had sustained a point of order on the identical item we are now considering?

Mr. BENNET of New York. Not in the committee as individuals, but in their conclusions; yes. Why else would the point of order be made if the Member is satisfied?

Mr. MANN. I make points of order so often that I wondered whether I showed a total lack of confidence. It is a new doctrine to me that a man who makes a point of order shows a total lack of confidence in a committee.

Mr. BENNET of New York. So long as the gentleman brought up the question, I will frankly confess that there are many cases in which I have been at a loss to know why the gentleman has made a point of order.

Mr. MANN. That usually happens, I suppose, when a bill comes from the gentleman's committee, when it is generally so full of points of order one can not help making them.

Mr. BENNET of New York. The gentleman from Illinois, to my recollection, never made a point of order to a bill reported from any committee of which I am a member.

Mr. ADAIR. Will the gentleman yield?

Mr. BENNET of New York. Yes.

Mr. ADAIR. The gentleman from New York has stated that had this House taken no notice of the statement of the President in his annual message, the people of the country would have forgotten it in twenty-four hours. Does the gentleman from New York believe that the messages of the President of the United States are of so little importance to the people of this country that they give no consideration to any statement made by the President and forget any statement made by him in twenty-four hours?

Mr. BENNET of New York. Oh, no; and I will come to reply to that statement in due course. Now, behind the question of the language, that I am very glad to see the committee have, with caution, relegated to the plain meaning of the English, and therefore leave each man to his own interpretation, without doing as they did the last time the matter was up in the House, forcing us to put an interpretation upon the language, which each Member had a right to interpret for himself according to its plain English—behind that is the question as to whether the President of the United States, charged with the execution of the law, had a right to bring forcibly to the attention of this House the question of whether our action had retarded the enforcement of the criminal statutes. No one questions the right of the President to recommend legislation. It is important, therefore, and necessary to know to some extent what has been done by these agents of the Secret Service, whom we have taken away from the work of the enforcement of the criminal law. I shall not read the numerous instances, although I shall later ask the indulgence of the House to extend them in my remarks, alluded to by the Secretary of the Treasury in his communication to the chairmen of the Committee on Appropriations of the House and of the Senate, nor shall I rehearse the instances mentioned in the body of the President's special message itself, but as a Representative from the State of New York I desire to bring to the attention of the House some of the prosecutions which have been carried to a successful conclusion in that one judicial district since October, 1906.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. BENNET of New York. Certainly.

Mr. TAWNEY. Can you state to the House how many men were taken away from the Secret Service as a result of this provision?

Mr. BENNET of New York. I have only the information supplied by the gentleman from Iowa and also the gentleman from Minnesota, who said the action of the House on the 1st of May last would take away 20 men, but I assume that to be accurate. There are only 67 men in the whole Secret Service, and we have 70 policemen to guard this Capitol building; and yet we are afraid of the 67 men scattered all over the United States; and we need—for we must need them—70 men to guard this Capitol building. The gentleman from Minnesota [Mr. TAWNEY] says that 20 men were taken away from the Secret Service. Well, here is what these 20 men——

Mr. PADGETT. Will the gentleman yield for a question?

Mr. BENNET of New York. I will.

Mr. PADGETT. Does the gentleman attribute the necessity for 70 policemen here at the Capitol to the criminal character of the Congress, or to a superfluity of officeholders?

Mr. BENNET of New York. I decline to attribute it to either branch of the gentleman's inquiry, simply contenting myself with stating the facts. Here is what these 20 men have done in the southern district of New York alone:

The American Sugar Refining Company, convicted and fined $18,000; again, $60,000; again, $12,000; again, $10,000; again, $10,000; again, $70,000, making a total of $180,000, concerning which they have been convicted, and which they have paid in the southern district of New York alone.

The New York Central & Hudson River Railroad Company and F. L. Pomeroy, tried and convicted and sentenced to pay a fine of $114,000; another fine of $18,000. The Western Transit Company, $10,000. The Chicago, Rock Island & Pacific Railroad Company, $20,000. The Chicago, Milwaukee & St. Paul Railway Company, $20,000. The Great Northern Railway Company, $5,000. The Central Vermont Railway Company, $1,000. The New York, New Haven & Hartford, $1,000, for penalties under the federal safety-appliance act. McAndrews and Forbes and J. S. Young, for violation of the Sherman anti-trust law, $18,000.

Mr. MANN. Will the gentleman yield for a question?

Mr. BENNET of New York. Yes, sir.

Mr. MANN. The gentleman cites a conviction under the safety-appliance act. Will the gentleman say that that comes through the Secret Service when we maintain a large number of inspectors in another branch of the service for the very purpose of enforcing that law?

Mr. BENNET of New York. I shall cite the district attorney's notation in relation to those three cases before I conclude.

Mr. MANN. We had better stop the other branch of the service and enforce the safety-appliance law——

Mr. BENNET of New York. The gentleman is entitled to his opinion on all subjects, and is competent at all times to express it.

Mr. MANN. Once in a while I would like to get the facts from the gentleman from New York. Was that the case? Was this conviction brought about by the Secret Service?

Mr. BENNET of New York. Those particular three convictions?

Mr. MANN. The convictions which the gentleman refers to, for the violation of the safety-appliance law?

Mr. BENNET of New York. Those three convictions, of $400 and $300, were not.

Mr. MANN. Then, what is the gentleman reading them for? I suspect from the gentleman's statement that most of these others are the same.

Mr. BENNET of New York. I will read them, if the gentleman desires some facts, before I get through.

Mr. MANN. It is the first time.

Mr. BENNET of New York. It takes three strikes to get out. Also, there was a prominent New York newspaper indicted and that pleaded guilty for using the United States mails to distribute lewd, obscene, and lascivious matter. It was fined $31,000.

Mr. OVERSTREET. Will the gentleman yield for a question?

Mr. BENNET of New York. Yes.

Mr. OVERSTREET. Is it not a fact that the Post-Office Department maintains a large inspection service for the investigation of that very character of offenses?

Mr. BENNET of New York. The gentleman, as the chairman of the Committee on the Post-Office and Post-Roads, is better informed in that matter than I am.

Mr. OVERSTREET. Is not that true?

Mr. BENNET of New York. If the gentleman says so, I will admit it.

Mr. OVERSTREET. Undoubtedly it is true. Then, was this particular conviction, and the process of law which led up to it, by the Secret Service of the Treasury Department or by post-office inspectors?

Mr. BENNET of New York. By the secret-service officers of the Treasury Department.

Mr. OVERSTREET. Under what conditions? Why could not the Post-Office Department have done the same identical work?

Mr. BENNET of New York. I am not informed why the Post-Office Department did not do it, and very possibly if the gentleman considers it important he can ask the Postmaster-General when he next has him before his committee. I simply make the statement, upon the authority of the United States district attorney for the southern district of New York, that the secret-service men did valuable work in this case.

Mr. OVERSTREET. Is it not true that the number of post-office inspectors has been reduced in recent years without any impairment to the character of the service?

Mr. BENNET of New York. I hope so.

Mr. OVERSTREET. That is true, also.

Mr. BENNET of New York. Glad to hear it.

Mr. GAINES of Tennessee. Mr. Speaker, if the gentleman will permit me, I want to ask him how many cases under the Sherman antitrust law have been investigated by these secret-service men in the State of New York and elsewhere?

Mr. BENNET of New York. I will state, in answer to the gentleman from Tennessee, that the United States district attorney for the southern district of New York reports to me that in the thirteen major cases to which I first referred for the taking and giving of rebates in violation of the so-called "Elkins law," the convictions were obtained in those cases through efforts of the secret-service agents as well as the convictions on which fines were paid of $185,000 by the Sugar Refining Company.

Mr. GAINES of Tennessee. That is the Elkins law. Now, how many under the Sherman law?

Mr. BENNET of New York. The district attorney does not differentiate.

Mr. GAINES of Tennessee. I think he ought to, as there is quite a difference in the two. Has the gentleman any letter or official communication that can explain that?

Mr. BENNET of New York. The communication from which I now read is what may be called an "official communication."

Mr. GAINES of Tennessee. From whom?

Mr. BENNET of New York. A letter from the United States district attorney of the southern district of New York, in which he refers to cases under the Elkins law.

Mr. GAINES of Tennessee. In the debate on this subject last May—May 1—I in substance asked the gentleman if the Secret Service was employed in securing testimony in the anti-trust cases, and the gentleman in substance stated that was the case. I would like to know what his information is and from what source did the gentleman get that information? I want to say that upon that information I voted against the Tawney amendment. Now, I want your information as to that.

Mr. BENNET of New York. At the request of the gentleman from Tennessee, without stopping to read, I will put into the RECORD certain statements here from the district attorney of the southern district of New York with reference to violations of the Sherman Act, about which he now interrogates me.

In addition to this—

SCHEDULE A.

SCHEDULE OF SUCCESSFUL PROSECUTIONS IN THE SOUTHERN DISTRICT OF NEW YORK DURING THE TWO YEARS FROM OCTOBER 1, 1906, TO JANUARY 1, 1909.

1. United States *v.* American Sugar Refining Company, for accepting rebates. Convicted and fined	$18,000
2. United States *v.* American Sugar Refining Company, C. Goodlow Edgar and Edwin Earle, for accepting rebates. Defendants plead guilty and paid fines aggregating	60,000
3. United States *v.* American Sugar Refining Company, C. Goodlow Edgar and Edwin Earle, for accepting rebates. Plead guilty and paid fines aggregating	12,000
4. United States *v.* American Sugar Refining Company. Accepting rebates. Plead guilty and paid a fine of	10,000
5. United States *v.* American Sugar Refining Company. Accepting rebates. Plead guilty and paid a fine of	10,000
6. United States *v.* Brooklyn Cooperage Company. Accepting rebates. Plead guilty and paid a fine of	70,000
	180,000

The above total fines, aggregating $180,000, were paid by the defendants after the American Sugar Refining Company had strenuously resisted the Government in the first case and had employed most eminent counsel to represent it, and all of the important questions of law were thrashed out in that case.

7. United States *v.* The New York Central and Hudson River Railroad Company and F. L. Pomeroy. Tried, convicted, and sentenced to pay a fine of	$114,000
8. United States *v.* The New York Central and Hudson River Railroad Company. Tried, convicted and sentenced to pay a fine of	18,000
9. United States *v.* Western Transit Company. Plead guilty and paid a fine of	10,000
10. United States *v.* Chicago, Rock Island and Pacific Railroad Company. Plead guilty and paid a fine of	20,000
11. United States *v.* Chicago, Milwaukee and St. Paul Railway Company. Plead guilty and paid a fine of	20,000
12. United States *v.* Great Northern Railway Company. Tried and convicted and sentenced to pay a fine of	5,000
13. United States *v.* Central Vermont Railway Company. Plead guilty and paid a fine of	1,000
	188,000

The above fines, aggregating $188,000, were imposed against the respective railroads for having given rebates in respect of property transported in interstate commerce.

14. United States *v.* Erie Railroad Company. Defendant paid a penalty of	$300
15. United States *v.* New York, New Haven and Hartford Railroad Company. Defendant paid a penalty of	400
16. United States *v.* New York, New Haven and Hartford Railroad Company. Defendant paid a penalty of	300
	1,000

The above penalties imposed upon the defendants and paid by them were in prosecutions under the so-called "federal safety appliance act."

17. United States *v.* MacAndrews & Forbes Company and J. S. Young & Co. Defendants tried and convicted of violations of the Sherman antitrust law, and defendants paid a fine of $18,000.

18. United States *v.* Allen Brothers Company, Analomink Paper Company, Bayless Pulp and Paper Company, Bedford Pulp and Paper Company, Brownsville Paper Company, Champion Paper Company, Central Paper Company, Continental Paper Bag Company, De Grasse Paper Company, The Dexter Sulphite Pulp and Paper Company, Detroit Sulphite Pulp and Paper Company, Fletcher Paper Company, Gould Paper Company, Hartje Paper Manufacturing Company, The Island Paper Company, Island Paper Company, The Jefferson Paper Company, Newton Falls Paper Company, Orono Pulp and Paper Company, Parsons Pulp and Paper Company, Petoskey Fiber Paper Company, The Racquette River Paper Company, The York Haven Paper Company, Munising Paper Company (Limited), Charles W. Pratt, John W. Moyer, and John H. Parks. Defendants plead guilty to indictment charging them with a conspiracy to monopolize trade and commerce in fiber and manila paper in violation of the Sherman antitrust law, and sentenced to pay a fine aggregating $50,000.

The above two prosecutions under the Sherman antitrust law involved the investigation of corporate books and officers of upward of 30 different corporations, and the time consumed in the investigations covered a period in the first case of over two years, and in the second case upward of six months, and the trial of the first case consumed fifteen days.

19. United States *v.* A New York Newspaper. The defendants were indicted for using the United States mail to distribute lewd, obscene, and lascivious matter, plead guilty, and were sentenced to pay fines aggregating $31,000.

20. United States *v.* Hammacher, Schlemmer & Co. Defendant plead guilty to indictment charging it with obtaining transportation of property in interstate commerce by means of false representation at less than the tariff rate, and was fined $1,000.

21. United States *v.* Charles W. Morse and Alfred H. Curtis. Defendants tried and convicted for violations of the national banking act, and defendant Morse sentenced to serve a term of fifteen years in the federal prison at Atlanta, Ga.

While this is not a prosecution of a corporation, it is a prosecution in many respects similar to the prosecution of a corporation, and involved the examination of the books of account of four banking institutions, and of some 40 or more brokerage firms in New York City, Boston, and Philadelphia.

22. United States *v.* Box Board Association. This was an investigation before the United States grand jury, which as yet has not resulted in any indictment, but which has accomplished the end of driving the association out of business, this association being a combination of manufacturers of so-called "box board" in violation of the Sherman antitrust act. The investigation of this case covered a period of upward of thirty days, and the principal defendant, who had charge of the documentary evidence in the case, fled the jurisdiction, taking all of the documentary evidence with him.

In addition to the above prosecutions there have been reported to this office and prosecuted a number of cases against corporations and partnerships owning scows for violation of the navigation laws prohibiting the dumping of refuse in New York Harbor.

SCHEDULE B.

SCHEDULE OF PROSECUTIONS AGAINST CORPORATIONS NOW PENDING IN THE SOUTHERN DISTRICT OF NEW YORK.

1. United States *v.* Delaware, Lackawanna and Western Railroad Company. Indictment charging defendant with giving rebates. This case was tried during the year 1907 and resulted in a disagreement by the jury.

2. United States *v.* New York, Ontario and Western Railroad Company. Indictment charging defendant with giving rebates.

3. United States *v.* New York Central and Hudson River Railroad Company. Indictment charging defendant with giving rebates.

4. United States *v.* New York Central and Hudson River Railroad Company. Indictment charging defendant with giving rebates.

5. United States *v.* Herrmann, Aukam & Co. Indictment charging defendant with obtaining transportation in interstate commerce at less than tariff rate by means of false representation.

6. United States *v.* The Manhattan Brass Company. Indictment charging defendant with obtaining transportation in interstate commerce at less than tariff rate by means of false representation.

7. The American News Company. Indictment charging defendant with obtaining transportation in interstate commerce at less than tariff rate by means of false representation.

9. United States *v.* Jersey City Dairy Company. Violation of the internal-revenue laws in regard to oleomargarine.

10. United States *v.* Jersey City Dairy Company. Violation of the internal-revenue laws in regard to oleomargarine.

In addition to the above there are pending investigations which will undoubtedly result in indictments against upward of 10 corporations and partnerships for violation of the statute prohibiting the dumping of refuse in New York Harbor, and also investigations against various corporations and copartnerships for violation of the regulations prohibiting use of Ambrose Channel.

During the foregoing period there have also been conducted in this jurisdiction investigations of all of the express companies in New York City—i. e., the American Express Company, the National Express Company, the Adams Express Company, and Wells-Fargo Express Company, in relation to violations of section 10 of the so-called "Hepburn Act." These investigations have not yet been completed, although they have consumed a great deal of time and involved a great deal of attention.

During the same time this office has investigated upward of 100 alleged violations by different shippers and carriers of the same provision of the Hepburn Act.

SCHEDULE C.

PROSECUTIONS IN WHICH THE SECRET-SERVICE MEN HAVE BEEN USED.

In Schedule A there are 13 cases, numbered 1 to 13, inclusive, in which the Government has successfully prosecuted shippers and carriers, respectively, for the taking and giving of rebates in violation of the so-called "Elkins law," in which prosecutions fines were imposed aggregating $368,000. The original information to the Government in relation to these cases indicated that the documentary proof, on which successful prosecutions would be had, was in the possession of certain persons in New York State, and there was strong reason to believe that if the persons having such documentary evidence were given the opportunity, after it became known that the Government intended to prosecute, they would dispose of such evidence. The aid of the secret-service men was secured, and they covered the places where this evidence was located and did their work so successfully that the custodians were unable to dispose of any of the books or papers, and the Government ultimately succeeded in getting possession thereof, and from such documents succeeded in securing such convictions.

The secret-service men also did valuable work in the case of the United States *v.* the New York newspaper.

United States *v.* Charles W. Morse and Alfred H. Curtis. Defendants tried and convicted for violations of national banking act. The Secret Service was used in this case for certain purposes until the passage of the act prohibiting them from performing any services in any other than counterfeiting cases, which necessitated taking the secret-service men off of the work and putting new men from the special agents of the Department of Justice on the work, and, while the latter did their work very well, it was naturally not the same character of service as before, for the reason that the secret-service men were skilled men, while these men were new to the work.

United States *v.* Austin F. Montanye. Defendant tried and convicted for smuggling merchandise into the United States in violation of the customs laws. This case involved an investigation in the customs-house and appraisers' stores in the effort to connect certain Government officials with the defendant, and the secret-service men were used in such investigation until the passage of the act which necessitated their discontinuing their work before it was completed.

United States *v.* Jose M. Giordani. Defendant indicted under section 4476, United States Revised Statutes, for shipping dangerous articles, to wit, gunpowder, under a misdescription. This prosecution was the direct result of an investigation by the Secret Service, which resulted in apprehending Giordani in the attempt to ship 1,000 rifles and 75,000 cartridges from New York to Haiti, to be used in the revolution then pending in Haiti, the said rifles and cartridges having been sold to said Giordani by the Union Metallic Cartridge Company in Bridgeport, Conn., and transported to New York City. As a result of this investigation by the Secret Service the Union Metallic Cartridge Company was also indicted in the district of Connecticut and convicted for shipping said articles under a misdescription. Giordani was convicted in this district and sentenced to serve a term of imprisonment.

United States *v.* Stanley Bagg, Michael Tandlish, and Michael Smith. Defendants indicted for conspiracy to bribe an officer of the United States. This was a prosecution in which the investigations were conducted solely by the Secret Service.

United States *v.* James T. Walker. Defendant indicted for violation of the food and drugs act, tried, and convicted. In this case the Secret Service made the preliminary investigations and procured the evidence on which the conviction was obtained.

United States *v.* Charles C. Brown. The defendant Brown was tried and convicted of conspiracy to defraud the Government on revenues on imported merchandise, Brown being an employee of the Government in the appraisers' stores, through whom the firm of Rosenthal & Cohen operated in passing imported Japanese silks at false weights. After Brown's conviction he forfeited his bail and became a fugitive, and the secret-service men located him in Canada and succeeded in obtaining his return to the United States.

United States *v.* American Sugar Refining Company. This is a case in which the defendant is now being sued by the Government for defrauding the Government of revenues on imported sugars by means of false weights. Prior to the passage of the act forbidding their use the secret-service men were used for certain work of great benefit to the Government.

During this period the secret-service men have investigated and have obtained convictions in several cases where the defendants were charged with impersonating government officials.

United States *v.* George W. Lederle. Defendant indicted for accepting a bribe to influence his action. This case was investigated by the secret-service men, and on the evidence obtained by them an indictment was found. The case has not yet been tried.

United States *v.* Standard Oil Company. Prior to June, 1908, the secret-service men were used by Mr. Kellogg in certain work connected with the above case in this district.

United States *v.* Theodore H. Price, Moses Haas, and Frederick A. Peckham. (Cotton-leak case.) Prior to June, 1908, the secret-service men were used for investigations in this case, and after the defendants had been indicted in the southern district of New York the secret-service men were used to locate Haas and Peckham, who had left the jurisdiction, and to bring them back.

The case of the United States *v.* Allen Brothers Company and others was instituted after the passage of the act prohibiting the use of the secret-service men by the Department of Justice in cases other than counterfeiting. This was an important prosecution which involved a lengthy investigation previous to the finding of the indictment. The Government was seriously handicapped by not having the services of the secret-service men, and the need for such men was so great that it necessitated assistant United States attorneys going out and doing difficult work which they were not equipped to do, and which could have been done more thoroughly by skilled men like the Secret Service.

During the same period there have been 30 indictments for counterfeiting or having in posession dies for the purpose of counterfeiting, in which there have been 29 convictions and 1 acquittal.

There are many other less important cases in which the secret-service men have been used in one way or another.

Since June, 1908, there have been important investigations in this district in which there has been serious need for the services of men in the Secret Service, and the Government has been handicapped by not being able to avail themselves of their services.

Mr. MANN. Before the gentleman gets away from that——

Mr. BENNET of New York. Yes.

Mr. MANN. The gentleman has stated, as I understand him, that all of these convictions were secured by the use of 20 secret-service operators in the southern district of New York?

Mr. BENNET of New York. "The gentleman" stated this: That the statement of the gentleman from Iowa [Mr. SMITH] and the gentleman from Minnesota [Mr. TAWNEY] was that the total number of men in the Secret Service of the Government in these matters was 20; and the gentleman reiterates that statement.

Mr. MANN. Well, the gentleman ought to state this. He recites the total number in the Secret Service as 67.

Mr. BENNET of New York. I stated it upon the authority of the statement of the gentleman from Iowa.

Mr. MANN. I thought the gentleman stated that upon his own information, secured first hand from the Secret Service Division.

Mr. BENNET of New York. I stated as I read the debate which took place in this House.

Mr. TAWNEY. In which the statement was made by the gentleman from Iowa that the total number of 67 did not mean the total number of the Secret Service, but meant 67 who were employed here in Washington.

Mr. BENNET of New York. There is no such limitation in the statement as made by the gentleman from Iowa at the time of the argument.

Mr. MANN. The gentleman suggests at least—I do not want to be too inquisitive—that all this work is done by secret-service men. Now, what I wish to ask the gentleman, because he has evidently made a very diligent investigation into this subject is: What in the world are they doing with the other large amounts of money that have been appropriated for detective work, something like half a million in the antitrust matter and something like a million in other directions, if we can get all this work done in the southern district of New York for $125,000 through the secret-service men? If so, what in the world are they doing with the rest of the money?

Mr. BENNET of New York. I suppose they are using it in Chicago; I do not know. [Laughter.]

Mr. MANN. But I can assure the gentleman that when any money is expended by this administration improperly it is not expended in Chicago or Illinois, but in the southern district of New York. [Renewed laughter.]

Mr. BENNET of New York. The gentleman makes that assertion. Any time he wants to get up on the floor here and prove it, I will be glad to be present.

Mr. HARDWICK. Will the gentleman yield for one question, a very short one?

Mr. BENNET of New York. Just a question.

Mr. HARDWICK. No matter how useful and how valuable these secret-service agents have been, how does that affect or illustrate the issue between the House and the President?

Several MEMBERS. That is the point.

Mr. BENNET of New York. Mr. Speaker, that is not a difficult question to answer. The President is charged with the execution of the laws. He asserts that the action of this House has interfered with that administration of the laws. In pursuance of his constitutional authority and duty he recommends certain legislation, to wit, that the limitation which was placed upon the sundry civil bill last year be not continued in the sundry civil bill of this year. I am demonstrating to the House that from October 1, 1906, to January 1, 1909, practically two years, in the southern district of New York alone, in cases where secret-service men were used, either to collect or conserve the evidence, convictions were had under which corporations were fined $438,000.

Mr. PADGETT. Will the gentleman yield for a question?

Mr. BENNET of New York. Certainly.

Mr. PADGETT. The President says that the House was actuated in its legislation by a desire to prevent its Members from being investigated for criminal acts. Now, why does that have anything to do with the investigations in New York? He says that was the chief argument, and the inference from that is that we were moved by that argument to enact certain legislation to prevent ourselves being investigated for criminal acts. Will the gentleman address himself to that matter?

Mr. BENNET of New York. Is this a question?

Mr. PADGETT. Yes.

Mr. BENNET of New York. Mr. Speaker, in the first place, the President says nothing of the kind, as I construe his language; and, in the second place, I have given very fully the reasons which I think might have moved him to use the language which he did, and I do not propose to go over that again.

Mr. McGAVIN. Before the gentleman gets away from this list of convictions, will he please tell the House how many convictions there were for counterfeiting?

Mr. BENNET of New York. I will answer that question with pleasure. During that time the secret-service force obtained evidence in the southern district of New York, through which 30 indictments were found, either for counterfeiting or for having counterfeiting plates in possession. On those 30 indictments trials were had, and 29 of the 30 prosecutions resulted in convictions and only 1 in acquittal. So I think there is no criticism of the secret-service force for not having been engaged in that particular prosecution during that time.

Mr. MONDELL. Will the gentleman yield to me for a question?

Mr. BENNET of New York. Certainly.

Mr. MONDELL. At the beginning of the reading of the list of cases which the gentleman has referred to he made the statement, "Here is what those 20 men have done."

Mr. BENNET of New York. Yes.

Mr. MONDELL. Later, in answering a question, the gentleman stated that those were convictions in the southern district of New York where secret-service men were employed. What I desire to ask the gentleman is this: Does he desire the House to understand that these convictions were all obtained solely or largely upon information furnished by secret-service men, or were there not other officers of the Government charged with a like duty, through whom a large portion of this evidence was secured or could have been secured? In other words, was the Secret Service entirely responsible for all of these convictions?

Mr. BENNET of New York. Mr. Speaker, of course district attorneys tried the cases; of course they passed upon the points of law; but I will say to the gentleman from Wyoming that it is my information that the evidence in these cases was not only secured but preserved by officers of the Secret Service, and that means a good deal sometimes in a big city. It is also my information that this force, which accomplished these results under which the Government received back $438,000, did not exceed, in the southern district of New York, 12 or 13 men. And the district attorney for the southern district of New York, after detailing a list of indictments which have not yet been brought to trial, and of investigations which have not been concluded, which I shall not read to the House, sums up the whole matter by saying:

Since June, 1908, there have been important investigations in this city in which there has been serious need for the services of the men in the Secret Service, and the Government has been handicapped by not being able to avail itself of their services.

Mr. Speaker, if in one district alone in the United States—of course, the largest in population and wealth—results like this have been achieved through the work of the Secret Service, is not the President of the United States, having full information of all the facts, knowing the results from each district—as I do not and as I have not attempted to know them—is he not justified in urging upon this Congress and upon this House in the strongest possible terms a careful and thorough consideration of the whole question before the particular limitation is reenacted?

Mr. FITZGERALD. Will the gentleman yield?

Mr. BENNET of New York. Certainly.

Mr. FITZGERALD. If I have heard correctly, the gentleman has read a statement from the United States district attorney for the southern district of New York, in which he states that from the 1st of July, 1908, that office had need of the services of these secret-service men, and it has been greatly hampered in its work because it could not have them.

Mr. BENNET of New York. Yes.

Mr. FITZGERALD. Does the gentleman from New York or does this district attorney know that since the 1st of July, 1908, practically the 20 men have been taken into the Department of Justice and organized as a separate secret service; and does he not know that that department is available for use in this work, payable from the funds from which they had been paid before, subject only to the orders of the Attorney-General, and not to the Chief of the Secret Service?

Mr. BENNET of New York. In reply to my colleague from New York, I will say that the United States district attorney says this about it: He inserts in this list the Morse case, which has been tried since the 1st of July, 1908.

Mr. FITZGERALD. He was not hampered in the Morse case, because Morse was convicted.

Mr. BENNET of New York. He was hampered, and he says he was; but he had skill enough to continue the work which the secret-service men had commenced before the 1st of July, 1908; but that is no reason why, being justified by his past record, he has no right, with the knowledge in his possession, to say that his work now and in the future is being hampered. He does say in this memorandum that he had to have new men in connection with the Morse trial.

Mr. WILLIAMS. What is that memorandum the gentleman holds?

Mr. BENNET of New York. A memorandum furnished by the district attorney for the southern district of New York.

Mr. MANN. A memorandum from the district attorney in which he admits that he had skill enough to convict Morse notwithstanding he was hampered.

Mr. BENNET of New York. He had the skill and the ability, the same as the district attorney in the gentleman's district.

Mr. MANN. But he does not advertise it by saying that he had the skill to obtain a conviction.

Mr. BENNET of New York. I know that he has the courtesy——

Mr. MANN. I understood the gentleman from New York to say that the district attorney in New York admitted that he had skill enough to obtain a conviction, notwithstanding the loss of the services of these men.

Mr. BENNET of New York. I admitted that he had the skill.

Mr. MANN. Will the gentleman then tell us what the district attorney did say?

Mr. BENNET of New York. I have, that he had a force of new men, and while they did fairly well, they were not equal to the secret-service men whom he had used in the other cases.

Mr. FITZGERALD. Will the gentleman yield?

Mr. BENNET of New York. Yes.

Mr. FITZGERALD. Is it not a fact that the Morse conviction grew out of some bank transactions and scandals in the city of New York—violations of the United States banking laws, and did not the evidence upon which this man was convicted consist of the testimony of transactions in these banks by bank officials and experts who examined into the accounts of the bank?

Mr. BENNET of New York. I should be glad to tell the gentleman what it did consist of on the authority of this same district attorney:

While this is not a prosecution of a corporation, it is a prosecution in some respects similar to the prosecution of a corporation, and involved the examination of the books and accounts of four banking institutions and 40 or more brokerage firms in New York City, Boston, and Philadelphia.

Mr. FITZGERALD. So that was the work of accountants and not the work of sleuths?

Mr. BENNET of New York. I have not used the word "sleuths," and in connection with this argument I hardly consider it a dignified expression. It is the work that has been done in the past by secret-service men, and that is the reason why the United States district attorneys and United States judges desire to have men of that character continued in office where they can avail themselves of their services.

Mr. FITZGERALD. I will say to my colleague in perfect frankness that, although I have taken part in the preparation of a bill in which the compensation of these men is provided, I never knew that they were carrying accountants as detectives.

Mr. BENNET of New York. I am glad to supply the information.

Mr. PARSONS. If the gentleman from New York will permit me, I want to say that in the Morse case the secret-service men were used to investigate the panel of the jurors, or rather the special force was so used, and they were not able to do that as successfully as it had been done in the past.

It was such an important case that the judge felt compelled to lock up the jury all through the trial, and therefore it was very important that the United States district attorney should have full information in regard to everybody called to serve on the jury in that case, and he was handicapped by not being able to use the most expert men. That was the information he gave to me.

Mr. BENNET of New York. My colleague's statement is unquestionably correct. And now we go from that branch of this particular discussion to the question of the man whom we are to rebuke, if this resolution passes in the manner that the resolution provides. I hold no brief for the President of the United States. So far as I know, he has asked for neither help nor quarter. Endowed by Providence with a felicity and facility of expression, which he has perfected by use during thirty years of an active life, and in which he has greater and more increased confidence because of almost uninterrupted success, he is at all times, I believe, perfectly capable of being his own defender should defense be required.

Mr. BUTLER. Will the gentleman permit a question?

Mr. BENNET of New York. Yes.

Mr. BUTLER. Does the gentleman desire us to understand that in this endowment by Providence he uttered this language?

Mr. BENNET of New York. The gifts that he has are the gifts that God gave him.

Mr. BUTLER. And this is one of them?

Mr. BENNET of New York. Certainly.

Mr. BUTLER. All right. It comes from higher responsibility than I had supposed. [Laughter.]

Mr. BENNET of New York. The gentleman and I will not indulge in any religious controversy.

My Republican colleagues, of course, assume responsibility for any action that is to be taken here. With the highest respect and regard for the Members of this House on the other side of the center aisle, we must recognize that, being the majority, whatever action we take here to-day will be the responsibility of the Republicans in this House. It may be true that, there being none so great as to escape contumely——

Mr. WILLIAMS. Will the gentleman permit an interruption?

Mr. BENNET of New York. Yes.

Mr. WILLIAMS. Is that another service of notice upon the Democratic membership of the House that they are not really Members of the House at all? [Laughter.]

Mr. BENNET of New York. Oh, no.

Mr. WILLIAMS. I thought the gentleman was usurping the functions of his colleague from New York [Mr. PAYNE], the majority leader on the floor.

Mr. BENNET of New York. Oh, I shall leave him to answer that inquiry when he gets the floor. Oh, it is simply a statement of fact——

Mr. OLLIE M. JAMES. Will the gentleman permit a question?

Mr. BENNET of New York. Yes.

Mr. OLLIE M. JAMES. If the gentleman's conclusion is correct in that instance, that the Republicans are responsible for all that occurs in the House, then the aspersion, if any, which the President casts the gentleman takes entirely to his side. Is that right? [Laughter.]

Mr. BENNET of New York. I have already taken pleasure in maintaining the position that the President of the United States intended no aspersion either on the House or the majority or the minority, and I assert it again. Of course there may be those who, if any considerable portion of the minority should vote for these resolutions, might cast their minds back to the events of recent campaigns and recall the letters to the distinguished gentleman from Nebraska, and might be unfair enough to believe that some lingering feeling of resentment, if such there is, actuated the Members of the minority so voting. So far as I am concerned, I personally repudiate any such feeling on my behalf and their own.

To my colleagues upon this side of the House I desire to recall very briefly some of the things that we ourselves have said in the recent past concerning this President of the United States of our own party faith——

The SPEAKER. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that the gentleman may continue ad libitum.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent that the gentleman may continue and conclude his speech. He has been interrupted a lot.

The SPEAKER. The gentleman from Mississippi and the gentleman from Pennsylvania ask unanimous consent that the gentleman from New York may continue his speech. Is there objection?

There was no objection.

Mr. BENNET of New York. Mr. Speaker, I thank the gentleman from Mississippi and the gentleman from Pennsylvania and the House for this courtesy. Upon this side of the House in at least two political campaigns, and on the floor of this House, we have spoken of this fellow-Republican of ours whom we propose, if this resolution passes, to rebuke——

Mr. WILLIAMS. Will the gentleman permit an interruption there?

Mr. BENNET of New York. Certainly.

Mr. WILLIAMS. Does the gentleman think it fair to state this in that way? He says we are proposing to rebuke the President. Are we not rather declining to receive a rebuke from the President [applause], and are we not rather denying his official right to scold the representatives of the people?

Mr. BENNET of New York. Mr. Speaker, if the gentleman from Mississippi will, as I presume he will, read the headlines in the newspapers to-night and to-morrow morning, he will find his question amply answered.

Mr. WILLIAMS. But I am not asking it of the newspapers; I am asking it of the gentleman.

Mr. BENNET of New York. And I am answering it through the newspapers. [Laughter.]

The most recent description of the President of the United States, Mr. Speaker, that I find in the CONGRESSIONAL RECORD is contained in the speech of the gentleman from Pennsylvania, Mr. DALZELL, who always adds to his eloquence a sincerity which convinces, and who spoke thus on February 16, 1908, concerning the President of the United States:

> The most noticeable thing in the discussion thus far has been the measure of credit that our Democratic friends are willing to concede to our Republican President. The gentleman from Mississippi [Mr. WILLIAMS] is willing to do him honor in so far as he has been guided, he says, by Democratic principles. The gentleman from Missouri [Mr. CLARK] calls him one of the most extraordinary men in American history; declines to decide whether or not he is a great man; suggests that the answer be left to posterity, after the manner suggested by Lord Bacon, who, dying, left "his name and memory to men's charitable speeches, to foreign nations, and to the next age;" and then, with that kindliness which is so characteristic of him, wishes him happiness, prosperity, and length of days. The gentleman from New York [Mr. COCKRAN], with that candor and eloquence which are so characteristic of him, calls upon those who have shared his views in the past to join him in hailing the President, "on his disappearance from the field of contentious politics, as a shining ornament of popular government, a loyal exponent of truth, an intrepid champion of justice, a great hero in the glorious galaxy of American heroism."
>
> While I am not of those who heretofore have shared the views of the gentleman from New York, I beg of him now that he permit me to be counted as one of the company that shares in his estimate of Theodore Roosevelt.

Mr. BUTLER and Mr. McGAVIN rose.

Mr. BUTLER. Will the gentleman yield to me? Were these eulogies pronounced before the delivery of the President's annual message?

Mr. McGAVIN. I will ask the gentleman from New York if he is now making a plea of justification or sympathy?

Mr. BENNET of New York. Not at all.

Mr. BUTLER. What is the date of that eloquence?

Mr. BENNET of New York. I took occasion to state it. Further on in a paragraph the gentleman said:

> In violation of all the precedents of diplomatic history, but pursuant to the dictates of humanity, President Roosevelt dared boldly to suggest a cessation of the bloody war between Russia and Japan, and as a result of his efforts brought about a treaty of peace. [Applause on the Republican side.] And I doubt not that when his name and memory shall be the subject of men's charitable speeches in foreign nations and the next age, not the least of his claims to a lasting place in the world's memory will be under the title of "the great pacificator." [Applause on the Republican side.]

Mr. WILLIAMS. Will the gentleman allow me to ask a question?

Mr. BENNET of New York. Certainly.

Mr. WILLIAMS. I do not know that I understood the theory and burden of the gentleman's argument, but is he now setting forth the President's former good conduct in mitigation of his recent offenses? [Laughter and applause.]

Mr. BENNET of New York. I decline to answer the question in the way it is stated, but propose to answer it in a way which seems better to me. These views stated by the gentleman from Pennsylvania have been reiterated by every one of us upon the Republican side with belief and sincerity during two great national campaigns, and the people, believing in the President now as well as then, have heard our statements, with the result that not only have they elected him to high office, but that twice they have elected a Republican majority in this House. I cite these views and also the expressions of the Republican platforms, which without reading I will ask consent to put in the RECORD, as an estimate that we ourselves have put upon Theodore Roosevelt, not as a plea for mercy, not as a plea in mitigation of anything, but that as Americans and men, as well as Republicans, we can take as high a stand as our predecessors have in relation to men in whose honesty, patriotism, and integrity we have confidence, in the hope that even though there may be those here who disagree with me as to the construction of the language they will be animated by the history of past relations with the President, whom we respect and honor and pay our allegiance to as the foremost member of our party, and

by what ought to animate us, if we are imbued with the patriotism which I think we are—the principle of Abraham Lincoln in his reply to Horace Greeley, when he said:

I waive it in deference to an old friend, whose heart I have always supposed to be right.

[Applause.]

REPUBLICAN PLATFORM OF 1904.

M'KINLEY AND ROOSEVELT.

The great statesman and patriotic American, William McKinley, who was reelected by the Republican party to the Presidency four years ago, was assassinated just at the threshold of his second term. The entire nation mourned his untimely death, and did that justice to his great qualities of mind and character which history will confirm and repeat.

The American people were fortunate in his successor, to whom they turned with a trust and confidence which have been fully justified. President Roosevelt brought to the great responsibilities thus sadly forced upon him a clear head, a brave heart, and earnest patriotism, and high ideals of public duty and public service. True to the principles of the Republican party and to the policies which that party had declared, he has also shown himself ready for every emergency, and has met new and vital questions with ability and with success.

SETTLEMENT OF THE COAL STRIKE.

The confidence of the people in his justice, inspired by his public career, enabled him to render personally an inestimable service to the country by bringing about a settlement of the coal strike which threatened such disastrous results at the opening of the winter in 1902.

ROOSEVELT'S FOREIGN POLICY.

Our foreign policy under his administration has not only been able, vigorous, and dignified, but to the highest degree successful. The complicated questions which arose in Venezuela were settled in such a way by President Roosevelt that the Monroe Doctrine was signally vindicated and the cause of peace and arbitration greatly advanced.

PANAMA.

His prompt and vigorous action in Panama, which we commend in the highest terms, not only secured to us the canal route, but avoided foreign complications which might have been of a very serious character.

IN THE ORIENT.

He has continued the policy of President McKinley in the Orient, and our position in China, signalized by our recent commercial treaty with that Empire, has never been so high.

THE ALASKAN BOUNDARY.

He secured the tribunal by which the vexed and perilous question of the Alaskan boundary was finally settled.

Whenever crimes against humanity have been perpetrated which have shocked our people his protest has been made and our good offices have been tendered, but always with due regard to international obligations.

Under his guidance we find ourselves at peace with all the world, and never were we more respected or our wishes more regarded by foreign nations.

DOMESTIC QUESTIONS.

Preeminently successful in regard to our foreign relations, he has been equally fortunate in dealing with domestic questions. The country has known that the public credit and the national currency were absolutely safe in the hands of his administration. In the enforcement of the laws he has shown not only courage, but the wisdom which understands that to permit laws to be violated or disregarded opens the door to anarchy, while the just enforcement of the law is the soundest conservatism. He has held firmly to the fundamental American doctrine that all men must obey the law; that there must be no distinction between rich and poor, between strong and weak, but that justice and equal protection under the law must be secured to every citizen without regard to race, creed, or condition.

His administration has been throughout vigorous and honorable, high-minded and patriotic. We commend it without reservation to the considerate judgment of the American people.

REPUBLICAN NATIONAL PLATFORM OF 1908.

Once more the Republican party, in national convention assembled, submits its cause to the people. This great historic organization, that destroyed slavery, preserved the Union, restored credit, expanded the national domain, established a sound financial system, developed the industries and resources of the country, and gave to the Nation her seat of honor in the councils of the world, now meets the new problems of government with the same courage and capacity with which it solved the old.

REPUBLICANISM UNDER ROOSEVELT.

In this greatest era of American advancement the Republican party has reached its highest service under the leadership of Theodore Roosevelt. In no other period since national sovereignty was won under Washington, or preserved under Lincoln, has there been such mighty progress in those ideals of government which make for justice, equality, and fair dealing among men. The highest aspirations of the American people have found a voice. Their most exalted servant represents the best aims and worthiest purposes of all his countrymen. American manhood has been lifted to a nobler sense of duty and obligation. Conscience and courage in public stations and higher standards of right and wrong in private life have become cardinal principles of political faith, capital and labor have been brought into closer relations of confidence and interdependence, and the abuse of wealth, the tyranny of power, and all the evils of privilege and favoritism have been put to scorn by the simple, manly virtues of justice and fair play.

The great accomplishments of President Roosevelt have been, first and foremost, a brave and impartial enforcement of the law; the prosecution of illegal trusts and monopolies; the exposure and punishment of evil doers in the public service; the more effective regulation of the rates and services of the great transportation lines; the complete overthrow of preferences, rebates, and discriminations; the arbitration of labor disputes; the amelioration of the condition of wage-workers everywhere; the conservation of the natural resources of the country; the forward step in the improvement of the inland waterways; and always the earnest support and defense of every wholesome safeguard which has made more secure the guaranties of life, liberty, and property.

These are the achievements that will make Theodore Roosevelt his place in history, but more than all else the great things he has done will be an inspiration to those who have yet greater things to do. We declare our unfaltering adherence to the policies thus inaugurated, and pledge their continuance under a Republican administration of the Government.

Mr. BUTLER. Mr. Speaker, before the gentleman takes his seat will the gentleman permit me to ask him a question?

Mr. BENNET of New York. Certainly.

Mr. BUTLER. Will the gentleman now please state what justification there is, if any, for the language used by the President, which is this:

The chief argument in favor of the provision was that the Congressmen themselves did not wish to be investigated by secret-service men.

Mr. BENNET of New York. I have been granted time to conclude my remarks, and therefore it would be discourteous for me to refuse. I think upon that particular expression there has been too much of a limitation. The President nowhere says that "the chief argument in the House" was what the gentleman has quoted. In a sense it was fortunate that so distinguished a literary man as my colleague from New York was made the chairman of this committee, because I think he will agree with me that similar expressions occur in all historical references to past events when the historian sums up the surroundings of an incident, and so the President sums up the surroundings of this incident. The gentleman from Pennsylvania [Mr. BUTLER] will search in vain to find either in that language or anywhere else in the President's message the statement that that was the chief argument used upon the floor of the House.

Mr. FITZGERALD. Mr. Speaker——

Mr. BENNET of New York. I prefer to complete this answer.

Mr. FITZGERALD. I call the gentleman's attention to a possible oversight; that the President in reply to the House resolution——

Mr. BENNET of New York. I decline to yield to my friend. He does say that the chief argument was what the gentleman has quoted, and he surrounds it by argument from several sources, first, from the RECORD, where the gentleman from Kentucky [Mr. SHERLEY] makes the argument, and then going outside of the RECORD to reports in the newspapers, as the gentleman will recall, and which the gentleman has probably read.

Mr. SHERLEY. Will the gentleman yield?

The SPEAKER pro tempore (Mr. TOWNSEND in the chair). Does the gentleman from New York yield to the gentleman from Kentucky?

Mr. BENNET of New York. Not until I conclude this, then I will yield to him.

Then, if the President had preferred to continue that character of evidence, the files of the evening newspapers, which unquestionably make some sort of atmosphere for this House, in the week preceding the vote contained arguments similar to that contained in the articles by Mr. Busbey in the Chicago newspapers.

Mr. MANN. Where are they?

Mr. BENNET of New York. Does the gentleman wish me to put them in the RECORD?

Mr. MANN. Yes; because I do not think the gentleman can do so.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent to insert in my remarks the newspaper articles referred to.

The SPEAKER pro tempore. The gentleman from New York [Mr. BENNET] asks unanimous consent to insert in his remarks——

Mr. BENNET of New York. To insert in the RECORD articles similar to Mr. Busbey's article.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MANN. Before this item was passed?

Mr. BENNET of New York. Yes.

Mr. MANN. All of the items?

Mr. WILLIAMS. All that say it did not, as well as those that say it did.

Mr. BENNET of New York. If the gentleman from Mississippi will furnish them, I will put them in.

Mr. BUTLER. Has the gentleman from New York [Mr. BENNET] completed his answer as to the interpretation of the word "argument?"

Mr. BENNET of New York. I have.

Mr. BUTLER. Will the gentleman tell me what he supposes was in the mind of the President when he used the verb "was," instead of using the verb "is?"

Mr. BENNET of New York. Because he referred to a past event. [Laughter.] I will now yield to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Will the gentleman state where in the RECORD I made the argument that Members of Congress, or that I, as a Member of Congress, was afraid of being investigated by secret-service men?

Mr. BENNET of New York. The gentleman from Kentucky made no such argument, and I have made no such statement.

Mr. SHERLEY. No; but the gentleman has said that he substantially relied for his statement upon remarks made by the gentleman from Kentucky. Now, I want the gentleman from New York, who is familiar with the colloquy that passed between him and myself, to designate what language in that colloquy he thinks justified that statement of the President.

Mr. BENNET of New York. I will do so with pleasure.

First, on page 5753 of the RECORD, on May 1, 1908:

Mr. SHERLEY. Does the gentleman think that if the accusation was made against a Member of Congress that he had been guilty of conduct unbecoming a gentleman and a Member of Congress that a department would be warranted in investigating his conduct by a secret-service man—

Mr. SHERLEY. Does the gentleman think——

Mr. BENNET of New York. If the gentleman will allow me to conclude my statement. Second—

The gentleman may be aware of the fact that this Secret Service at one time was used for the purpose of looking into the personal conduct of a Member of Congress, notwithstanding the gentleman seems to think that they are answerable to no one.

Now, while——

Mr. SHERLEY. Now, does the gentleman think that the two statements—one of them a question and the other one a statement of an historical fact—warrant the conclusion that the chief argument was that we are afraid of being investigated by secret-service men?

Mr. BENNET of New York. Mr. Speaker, in reply to the gentleman from Kentucky, I will say that the President never said that the Congress was afraid of being investigated by secret-service men.

Mr. SHERLEY. But does the gentleman say that the language warrants the statement that the chief argument was——

Mr. BENNET of New York. Mr. Speaker, unless I am permitted to answer the gentleman's question in my own way and in my own time, I shall not attempt to answer it.

Mr. SHERLEY. The gentleman, of course, can control his own time, but he owes it to the truth of the controversy to answer a direct question when it is put.

Mr. BENNET of New York. And the gentleman intends to do it, if the gentleman will allow me.

Mr. COOPER of Wisconsin. Will the gentleman allow me?

Mr. BENNET of New York. I will not at present. If the gentleman from Kentucky will renew his question, as this colloquy has rather diverted me.

Mr. SHERLEY. I asked the gentleman this question: Whether he considers the question asked by myself and the statement made by myself of a historic fact in regard to the use of the Secret Service warranted the conclusion by the President, or anyone, that the chief argument made had been that Members of Congress were afraid of being investigated by secret-service men?

Mr. BENNET of New York. In the first place, it is necessary for me to call attention to the fact that during this controversy at no time has the President of the United States said that the Members of Congress were afraid to be investigated by secret-service men. [Cries of "Oh!"] If gentlemen will further permit, I should say that standing alone perhaps that remark would not justify the statement, but taken as a part of all the President cites, I think it is a necessary thing to be cited.

Mr. SHERLEY. Does the gentleman believe that my remarks as a whole can honestly be interpreted as giving any reason for the statement that the chief argument was the fear of Members of Congress being investigated by secret-service men?

Mr. BENNET of New York. The gentleman insists, unintentionally, very possibly, in misquoting the language of the President.

Mr. SHERLEY. I have not quoted the language of the President. I am now dismissing what the President has said, and I ask the gentleman to say whether, as he construes the language in the RECORD, it warrants the statement that the chief argument made was the fear of Members being investigated by secret-service men. Eliminating what he has said, what does the gentleman think? Does the language warrant that conclusion?

Mr. BENNET of New York. "The gentleman from New York" thinks that the language of the gentleman from Kentucky warranted anyone, the President of the United States or anybody else, in believing that—first, the gentleman from Kentucky, and afterwards the House, so far as it followed his views, believed—what the gentleman alleged as a fact, that a member of the Secret Service had been used to investigate the conduct of a Member of the House, was an argument against permitting the further use of secret-service men in that capacity. Otherwise why was such assertion made? The gentleman from Kentucky is not used to making vain assertions. He is accustomed to make assertions in which there are force and weight. Evidently he believed there were force and weight in the assertion, or he would not have made it. That is my answer.

Mr. SHERLEY. If the gentleman will listen to the reply of "the gentleman from Kentucky," which will be made in his own time, he will find why those statements were made. And in ending this colloquy between the gentleman from New York and myself, permit me to say that I do not believe any man desiring to construe language fairly, and with a knowledge of the whole debate, could possibly construe my language or that of any other Member used in that debate as warranting the statement that any single Member of this House was in fear of being investigated by the Secret Service.

Mr. BENNET of New York. And the "gentleman from New York" repeats again that neither he nor the President of the United States nor anybody else, so far as "the gentleman" is informed, has ever made the assertion that any Member of this House was in fear of being investigated by the Secret Service. [Cries of "Oh!"]

I herewith append the following as a part of my remarks:

APPENDIX.

[Washington Star, April 21, 1908.]

LOAN OF DETECTIVES—PROPOSED TO STOP A DEPARTMENTAL PRACTICE—SOME FACTS BROUGHT OUT—REVELATIONS MADE BY ASSISTANT CHIEF MORAN—EXAMINED BY MR. TAWNEY—STRINGENT RESTRICTION ON THE SECRET SERVICE BUREAU TO BE PUT IN THE SUNDRY CIVIL BILL.

It is all up with the "black cabinet" of Washington. Alarmed by the institution here in the National Capital of a secret-service spy system similar to that of the hated black cabinet of St. Petersburg, the House Appropriation Committee has included in the sundry civil appropriation bill, which will be reported this week, a drastic and stringent provision prohibiting the detailing, assignment, or loan of any member of the government secret-service force to any other department of the Government for any purpose whatsoever.

The hearings on the sundry civil bill, which have not yet been made public, contain a deal of interesting information extracted after considerable effort from Assistant Chief W. H. Moran, of the Secret Service. This section of the hearings which contains Mr. Moran's testimony shows that in detailing secret-service operators to other departments of the Government for detective purposes the law now on the statute books has been repeatedly violated.

USED IN DIVORCE PROCEEDINGS.

But it was learned to-day that there is a great deal more in the mater than appears in the hearings. It is known that these secret-service men loaned to other departments have been used in all sorts of ways; and some of the ways, even by the most liberal interpretation, can not be construed to be in any degree intimately related to the actual business of the Government. Officials of the departments here in Washington, officials of high and low degree, who for one reason or another have fallen under the suspicion of their superiors, have been followed night and day by these secret-service agents of the Government, detailed from the Secret Service Division to this, that, or the other department and paid out of that department fund with the good gold of Uncle Sam.

It is said that any number of cases of this kind could be cited, but the most remarkable of all, and the one which, so far as the Appropriation Committee is concerned, was the straw that broke the camel's back, was the employment by the Navy Department of a secret-service man to gather evidence of the kind that ordinarily is used only on one side or the other in a sensational divorce case. Upon this kind of evidence gathered by a secret-service man paid by the Government drastic action was based, a midshipman at the Naval Academy being dismissed from the service, which dismissal was followed by a suit for divorce in naval circles.

To show to what extent the practice among the various departments of using secret-service men for all purposes has grown it is necessary only to state that in the fiscal year 1907 the Secret Service Division supplied 78 detectives to the other departments of the Government here in Washington. Sixty-one of these men went to the Department of Justice, 7 to the State Department, 3 to the War Department, 4 to the Navy Department, and 3 to the Department of Commerce and Labor. From July 1, 1907, to February 29, 1908, 66 detectives were supplied to the departments by the Secret Service Division, 51 going to the Department of Justice, 5 to the State Department, 4 to the War Department, 5 to the Navy Department, and 1 to Porto Rico.

TO STOP THE PRACTICE.

According to Chairman TAWNEY and other members of the House Committee on Appropriations, nothing more foreign to every fundamental principle of the republican form of government could be imagined than this gradual growth and extension of the espionage system here in the National Capital. The members of the committee are a unit in the determination to stop the practice here and now, and the provision which they have included in the sundry civil bill is intended to accomplish this end. They believe that they will have the support of a majority of the Members of the House of Representatives in their efforts, and Chairman TAWNEY expects that after he and other members of the committee have called attention to the utterances of Assistant Chief Moran, of the Secret Service, and have explained the situation and the remedial paragraph the legislative restriction in question will be permitted to remain in the bill, thus effectually putting a quietus on the local "black cabinet."

The Appropriations Committee had some trouble in getting Assistant Chief Moran to admit that the law was being violated.

"Are these men detailed to the other departments?" asked Chairman TAWNEY of Mr. Moran when the latter appeared before the committee.

"No," replied Mr. Moran, "they are not detailed."

"Could they be detailed?"

"No, sir; not lawfully."

Replying to Mr. TAWNEY's questions, Mr. Moran then admitted that when the secret-service men were detailed or loaned or assigned, or whatever it may be called, to other departments they did not resign their position as secret-service men, and that brought forth the query from Mr. TAWNEY if the word "detailed" was used in the ordinary way.

"I don't think you intend that," said Mr. TAWNEY, "because if you have detailed them you have violated the law."

"We do not detail them," said Mr. Moran, correcting himself. "What is done, we separate them entirely from our service; in other words, their pay and allowance is stopped the moment they undertake any other work for any other department."

MERE EVASION.

But taking this statement as a basis Mr. TAWNEY demonstrated by extracting information piecemeal from Mr. Moran that, although these men were not "detailed," yet the difference from actually detailing them and loaning or assigning them amounted to little more than a technical evasion of the law. Not only that, but these secret-service men sent to other departments do not cease reporting to their secret-service chiefs, nor do they take the oath of office under any other department, as is required by statute. All these matters were brought out in full.

It also came out that when the secret-service force was not sufficient to supply all the demands for men from the various departments outside detectives from private agencies were employed, although this has been expressly forbidden by statute ever since the Homestead strike.

"If a department made request upon the Treasury Department for secret-service employees," asked Mr. TAWNEY, "and you were not able to meet that request with the force you then had in the employ of the Secret Service of the Treasury Department, how would you supply their demands?"

"Well," replied Mr. Moran, "we would tell them we could not supply them."

"Or would you employ other men temporarily?" inquired the chairman.

A TEMPORARY FORCE.

"Well, we have done that," said Mr. Moran; "we have employed men who have performed temporary service for us and found them to be efficient."

"So under the present practice," remarked Mr. TAWNEY, "it would be possible for each department of the Government to secure and maintain a secret-service force, provided it had the appropriation out of which it could pay the compensation and the per diem which these people demand and which the Secretary of the Treasury recommends?"

"Yes," admitted Mr. Moran, "if we had the proper number of men available. We do not recommend to another department a man for any service unless we know that man is peculiarly fitted to perform it."

The chairman continued along the same line. "If," asked he, "the demand for this service from another department was such as to require the services of more men than are in your department regularly, and you had applications on file and investigated them to satisfy yourself as to the efficiency and competency of the men, you could, as a matter of fact, supply the entire demand from other departments in this way?"

Mr. Moran admitted that this was the fact.

"Now," questioned Mr. TAWNEY, "did you not, as a matter of fact, know that the restrictions of the law are intended to prevent that very practice?"

"No," replied Mr. Moran. "I did not know that. It was never put to us in that way."

Then, in reply to questions from various members of the committee, Mr. Moran admitted that although a detective's secret-service pay was stopped when he was loaned to another department, his chief continued to be his chief, and there was a full record in the central Secret Service Bureau of the activities and discoveries, whether of an official, personal, social, or scandalous nature, of all the detectives so loaned and employed.

"So," commented Mr. TAWNEY, "to all intents and purposes he remains a member of the Secret Service Department?"

"Yes; that is true," admitted Mr. Moran.

OF RECENT GROWTH.

Then the chairman endeavored to find out how long the "black cabinet" had been flourishing so blithely.

"Can you tell me, Mr. Moran, from your recollection," asked Mr. TAWNEY, "about when the practice of using as many detectives as the departments are now using began?"

"Never as many as now," replied Mr. Moran. "It has been increasing right along, in the last few years particularly."

"Is it not a fact," continued the chairman, "that prior to about six or seven years ago men in your Secret Service were requested by other departments very infrequently?"

"Comparatively; yes," replied the assistant chief.

"Have you kept your force up and do you now aim to keep your force up to supply not only the men that are required in the service for which appropriations are made, but also to meet the requirements of other departments as they are demanded?"

"Yes; otherwise we would not keep these 20 additional men on the roll."

"You keep in the neighborhood of 20 men in addition to the men necessary to do your work under this appropriation on hand at all times to supply the other departments, and they are employed all of the time?" asked Mr. TAWNEY.

"Well," replied Mr. Moran, "we have had need for them recently in that way."

PRONOUNCED UNLAWFUL.

Then the committee discovered that although the Secret Service Division treated these loaned detectives still as their employees and yet not their employees, the other departments treated them as still regularly connected with the Secret Service, not requiring them to take the oath of office. This, it was pointed out by the committee in no undecided language, was unlawful.

"You say they do not take the oath of other departments?" asked Mr. TAWNEY.

"Not in all cases," replied Mr. Moran.

"Then," continued the chairman, "how can they be compensated for their service? The law expressly prohibits compensation until the oath of office has been taken."

In reply to this question Mr. Moran answered that the Secret Service Bureau did not want this class of work and would not care if it were stopped to-morrow.

Mr. TAWNEY then read the oath of office to the committee in order to reinforce his statement.

[Washington Star, April 22, 1908.]

ESPIONAGE EXISTS—REPRESENTATIVES CONTRADICT CHIEF WILKIE'S STATEMENT—DECLARE LAW IS VIOLATED—SAY SPY SYSTEM INVADES PRIVACY OF CITIZENS—ASSISTANT MORAN IS QUOTED—REPRESENTATIVE SMITH PRONOUNCES PRACTICE REPUGNANCE TO OUR RACE—MR. BONAPARTE'S ARGUMENT.

Members of the House Appropriation Committee were somewhat surprised this morning when they read in the local papers a statement from Chief Wilkie, of the Secret Service, denying the stories printed yesterday with reference to the employment of secret-service men on all sorts of sleuthing work, from domestic entanglements down, or up. One member of Congress remarked this morning that Mr. Wilkie would do well to read the hearings on the sundry civil bill, or, rather, that portion of them which contains a statement from Assistant Chief Moran, of the Secret Service. In spite of Mr. Wilkie's denial, members of Congress say that Mr. Moran's admissions show very plainly that the law has been repeatedly violated.

This matter will undoubtedly provoke considerable discussion on the floor of the House if there should be time and opportunity when the sundry civil bill is up.

There was some discussion of secret-service operations before the committee when Attorney-General Bonaparte was explaining the necessity for various appropriations for his department. At that time Representative SMITH of Iowa made this statement:

HOSTILITY TO SPIES.

I do not think there is any hostility to the employment of men like bank examiners, but under the secret-service system, up to twenty-five years ago, or about that, these men were used for the purpose of investigating different felonies committed against the laws of the United States; and owing to the abuse of this spy system, Congress put a clause in the bill providing they should be used for certain specific purposes and for no other purposes whatever. That has been repeated in every act for the Secret Service for about a quarter of a century. Bank examiners are not in any sense detectives; they are accounting officers. Do you not think that all this fairly illustrates the hostility on the part of Congress to the spy system?

"The growth of the country," replied the Attorney-General, "is such, and the enormous increase in facilities of communication and the, so to speak, 'cosmopolitization' of crime—if I can call it the word for the occasion—is such, that you are compelled now to have a central agency to deal with it. What I recommend on this subject is what I have recommended all along—that you put into the hands of the Department of Justice the opportunity to employ a certain number of men for this purpose. What you have said about the spy system applies rather to the method of doing the work than to the work itself. We are obliged to have people who will investigate and report on the facts attendant on crimes or suspected crimes, and the protection of the community makes it very desirable that you should have as efficient a force as you can."

PRYING INTO PRIVACY.

"Perhaps what is in the minds of some of us is this," suggested Representative SHERLEY, of Kentucky. "There is a certain character of offenses about which there has been much talk. Now, it does not strike some of us as being in accord with American ideas of government to undertake, by a system of spying on men and prying into what ordinarily would be designated as their private affairs, to determine whether or not a crime has been committed and to make the efficiency of a department dependent, not so much upon the presentation in an orderly and legal way of a case properly brought as upon the 'nosing' of the secret-service men. There seems to be a growing tendency to look to the employment of special agents whose chief attribute is their ability to spy."

In support of his contention for a regular force of detectives for the Department of Justice, as opposed to the idea of hiring secret-service operators by the job, Mr. Bonaparte remarked:

"If you pay him by the job and make his continued employment dependent upon his finding more jobs, you run into the danger of making him what they call abroad an 'agent provocateur,' a person who creates the crime in order that he may get the credit of detecting and punishing the criminal. I do not want you to understand me as saying that the secret-service men do that at all, but I do say if you will put a definite force in charge of this work you will avoid some of the very evils to which you have referred."

"REPUGNANT TO OUR RACE."

"I saw it stated in a newspaper the other day," remarked Representative SMITH of Iowa, "that the American government inspection service and Secret Service far exceeded that of Russia."

"I fancy that is rather an exaggerated statement," remarked Mr. Bonaparte; "however, I have no information as to the number they have in Russia. But there is no doubt that nothing is more injurious in that line and nothing more open to abuse than the employment of men of that type."

"Nothing is more opposed to our race," said Mr. SMITH, emphatically, "than a belief that a general system of espionage is being conducted by the General Government."

[Washington Star, April 23, 1908.]

WILKIE MAY APPEAR—CHANCE FOR HIM TO EXPLAIN DENIAL OF FACTS—BAD TEAM WORK OF MORAN—SOME OF CHIEF'S OWN STATEMENTS ON PRIVATE ESPIONAGE—WERE ERASED FROM RECORD—PRESIDENT SAID TO FAVOR PROHIBITION OF "BLACK-CABINET" WORK BY SECRET-SERVICE MEN.

It looks now as if Chief Wilkie, of the Secret Service, would be called before the House Committee on Appropriations to explain his denial of certain statements published exclusively in the Star with reference to the investigation by secret-service operatives of domestic entanglements, etc. Mr. Wilkie denied, in an interview, that any secret-service men had ever been engaged on work of this description. Yet it became known to-day that some of the testimony before the sundry civil subcommittee of the House Committee on Appropriations was so extremely "divorce-courty" that it was expunged from the records, and does not appear in the printed hearings.

A member of the Committee on Appropriations to-day pointed out that there seemed to be a distressing lack of team work between Chief Wilkie and Assistant Chief Moran of the Secret Service. He pointed out that if Mr. Wilkie had waited until Saturday, when the hearings on the sundry civil bill will be made public, he would have found that the facts which he now denies were admitted by Mr. Moran.

THE "BLACK CABINET."

There has been much discussion of the Washington "black cabinet" and of the system of comprehensive espionage which exists in Washington since the publication yesterday and the day before in the Star of the facts in connection with this remarkable case. It is believed that the drastic provision inserted in the sundry civil bill by the subcommittee, prohibiting the employment of secret-service men on any sort of work except the capture of counterfeiters and the protection of the President, will pass the House by a vote virtually unanimous.

Particularly is this the case since President Roosevelt, as it became known to-day, is not averse to some sort of a provision limiting the activities of secret-service men in this particular. It was expected that he would be opposed to placing this limitation in the bill, but several members of Congress said to-day that the President, after inquiring into the truth of the statement and finding that, in spite of Mr. Wilkie's denial, the facts were as stated in the Star, had declined to countenance a continuation of the practice.

The testimony before the Appropriation Committee, which was such as to warrant its being stricken from the records, had to do with the case, mentioned in the Star day before yesterday, of the midshipman who got mixed up in a domestic tangle and who was shadowed by secret-service men until sufficient evidence was found to warrant his dismissal from the navy.

[Washington Star, April 25, 1908.]

TO ABOLISH BLACK CABINET—PROPOSED TO END ABUSES OF THE SECRET SERVICE—VARIOUS LEGISLATIVE LIMITATIONS INCLUDED IN THE SUNDRY CIVIL APPROPRIATION BILL.

"No person employed in the Secret Service Division of the Treasury Department or under the appropriation for suppressing counterfeiting and other crimes, who is detailed, furloughed, granted leave of absence, dismissed, or otherwise temporarily or finally separated from the service of such division and is thereafter employed under any other branch of the public service, shall be restored or paid compensation for service or expenses in the Secret Service Division for two years after the termination of his employment under such other branch of the Government."

The legislative limitation above quoted is included in the sundry civil appropriation bill reported to the House to-day from the Committee on Appropriations, and is intended to do away with the evils and abuses of the secret-service system of the Government, which were unearthed during the preparation of the sundry civil bill by the committee. Chairman TAWNEY and his colleagues feel assured that this provision when adopted by the Senate and House—and they feel certain that it will be adopted—will put the "black cabinet" out of business and reduce to an irreducible minimum the espionage system which has been growing in favor for some years with department heads and others in Washington.

Mr. WEEKS. Mr. Speaker——

The SPEAKER pro tempore. Is the gentleman in favor of the resolution or opposed to it?

Mr. WEEKS. I am in favor of the resolution.

The SPEAKER pro tempore. The gentleman from Massachusetts.

Mr. WEEKS. Mr. Speaker, I think there are but two considerations which justify me in taking any of the time of the House on this subject. I had intended to speak in my own time, in my own way, for the resolution, but so much time has been used and there are so many gentlemen who wish to speak that I will confine myself first to saying that I am in full accord, not only with the resolution, but with what my colleagues on the special committee, the gentleman from New York [Mr. PERKINS] and the gentleman from Michigan [Mr. DENBY] have said. I could not say it as well as they have, and I indorse every word.

The other consideration which leads me to take time is a reference which I wish to make to the speech that has just been made by my friend from New York [Mr. BENNET]. In doing so I should like to get the House back to a consideration of the resolution itself. I have great confidence in the intelligence and ability of the gentleman from New York [Mr. BENNET], but I must say that I have never heard so much time taken by him or anyone else on the floor of this House, discussing a resolution or a bill so irrelevantly as he has treated this subject. [Laughter.] I regret exceedingly, Mr. Speaker, that he has dragged in the question of politics. The resolution which provided for the special committee was adopted by the unanimous vote of the Members of this House, and I can say for the committee that there has never been a word during its consultations, and I believe there has never been a thought given to the political effect or the political results or to political considerations in any way. There should not have been and there should not be now.

Mr. BENNET of New York. Will the gentleman yield for a question?

Mr. WEEKS. Yes.

Mr. BENNET of New York. In what part of my remarks did I, as the gentleman seems to imply, refer to any political effect?

Mr. WEEKS. Well, the gentleman's remarks when they are printed will show.

Mr. BENNET of New York. I think the gentleman is mistaken.

Mr. WEEKS. I do not yield to the gentleman from New York in my admiration for the President or of his great qualities, but I occasionally take issue with certain things the President does and says; and this resolution which is reported to the House, in my opinion, justly takes issue with his message of December 7.

We have no desire to reflect on the purposes of the President. We have no desire to affect his future repute, as has been intimated by the gentleman from New York [Mr. BENNET], but we have a desire to show our approval of recent messages sent to the Congress, and it is the consideration of the real merits of the resolution under consideration which I wish to call the attention of the House to in the few minutes which I shall speak.

The gentleman from New York [Mr. BENNET] makes a mistake when he introduces the southern district of New York as a criterion of places where secret-service men may work effectually. The rest of the country may not be as fertile a field for secret-service men as the southern district of New York [laughter], but in any case whether they have performed efficient service there or elsewhere is not the question. We are appropriating millions and millions of dollars, I am told over $20,000,000 for inspection work in this country, and the first session of the Sixtieth Congress increased the appropriation for inspection work in the different departments many times the amount curtailed in the Secret Service Division, and I believe it was done without any malice and for the good of the service.

We are not considering what the gentleman from New York [Mr. BENNET] has been discussing; that is to say, the duties of the Secret Service, the functions which it has performed, whether the service should be enlarged, whether it should perform all of the inspection work done by all departments.

That is a matter which is subject to investigation, and on which I assume that the minds of most Members of this House are open. But I want to emphasize the fact that the reduction of the appropriation for the Secret Service could not, in itself, have materially crippled the action of the Government in its propaganda against lawbreakers, when millions of dollars are appropriated to other departments to carry on this or similar work. Undoubtedly the restriction placed on the Secret Service was one which limited it to the purposes intended by the existing law, and I have yet to see, from any source, any evidence whatever that any criminal, or any set of criminals, have not been apprehended because of the action taken by the House last spring in making an appropriation for the Secret Service in the sundry civil bill. Of course, however, those matters are problematical, and the question of the desirability of increasing the Secret Service or changing the character of its duties, or of in any other manner changing the methods now followed by the Government to ferret out crime in different departments, is a subject of such importance that it should be treated after careful investigation, as I assume it will be.

But the House has made no objection to the President's criticism of its legislative action in this matter, although in the earlier days of the Republic such a criticism would have been resented, as is instanced by a protest sent by President Tyler to the House of Representatives, relating to its action on a certain bill, but in which nothing whatever was said which reflected on the motives of the House. In that case the House refused to receive the protest which had been sent it by the President. What this House is contending for is the right, as a separate and equal branch of our governmental system, to act as it sees fit, and in no way to have its motives for such action questioned; and I hope it will be shown by the vote which this House will soon cast that its membership agrees in the contention that the words "The chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret-service men," contained in the President's message of December 7, did reflect on the motives of the Members of the House, as this opinion is largely sustained by the press of the country. It seemed to the special committee, after making a suitable investigation of the language referred to, and the reasons which might have led to its use, that it should, in fairness and propriety, ask the President for any reasons which he had on which to base such a charge. The result of this resolution was the President's message of January 4.

Even if there were a difference of opinion on the part of the executive and legislative branches of the Government as to the desirability of changing the conditions which surround the Secret Service, that question would be of no importance whatever compared with the real issue for which the House contends.

Members of this House are not responsible to any other than their constituents for their actions or the motives which actuate them. The majority of the Members of this House have been elected and reelected after heated controversies, in which they have been criticised by political associates in contests for nominations and political opponents in contests for election. Their public acts, and their private characters, even, have been subjected to the strongest lime light, and therefore it is fair to say that when a man has been elected, and repeatedly elected, to this House he fairly well represents the average views and wishes and purposes of his constituents. Therefore any reflection on this House becomes even broader than a reflection on its membership. It becomes a reflection on the people of the United States, and it is our duty to not only resent this on our own account, but on account of the people who are represented by us, and in order that the language of the President may not stand as a precedent and be used in future as a basis of serious differences between branches of the Government. It is apparent to anyone, in this reign of yellow journalism and yellow magazines, that the public has been educated up to the view that, while their own Representative may be irreproachable in character, Representatives and Senators as a body are hardly worthy to represent the best wishes and intents of the people of this country; and if such a view, expressed by the President of the United States, promulgated with the great authority of his office and his unequaled popularity, is allowed to go unanswered it will be, in my judgment, a serious reflection on popular government, and one which we can not, whatever our personal views may be, allow to pass unchallenged.

While I am not an expert on what would be admitted by any court as evidence, after a careful examination of the President's message of January 4, 1909, I am forced to the conclusion that there is not a syllable in it other than the reference to Mr. SHERLEY, of Kentucky, and what he said on the particular subject in controversy, which would be admitted as evidence, and, while I have no brief to explain the questions or the action taken by the gentleman from Kentucky, it is worthy of note that in a debate which covers 14 columns of the CONGRESSIONAL RECORD—more than eleven hundred lines—less than 10 lines were devoted to any reference whatever to the undesirability of spying on the action of Congressmen or other government officials; that these 10 lines were included in two questions asked by Mr. SHERLEY of the gentleman who had the floor; that one of these questions not only included Members of Congress, but also army and navy officers and other government officials; that they were evidently asked without any premeditation whatever; and that when the gentleman from Kentucky himself obtained the floor he did not, in any manner, refer to this subject. It is on this slender thread that the President hangs the statement that the "chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret-service men."

It is the purpose of the committee in making this report to indicate that the House can not receive from the President, or from any one else, a message couched in such language that it constitutes a breach of the privileges of the House. The language referred to, in the message of December 7, and the entire message of January 4, in the opinion of the committee, comes under this head, and therefore our report that both lie on the table. Fortunately, there are few precedents for such action or the necessity for such action, and in no case is there a precedent which applies directly to this case, because never before has the President of the United States reflected in public message on the motives which govern the members of a coordinate branch of the Government.

There have been disputes heretofore between the President and the Congress, disputes compared to which this one is a gentle and trifling matter, but never before did the President in an official communication impugn the motives of the members of either House.

The gentleman from New York has referred to President Jackson and President Tyler. I have, fortunately, at hand the expressions of their views on this subject, and I think they will clearly demonstrate, because their contests with Congress were much more violent than anything we are likely to see in our day and generation, the impropriety of the use of language which imputes a wrong motive to either the executive or the legislative branch of the service.

In 1834 President Jackson sent the names of four directors of the United States Bank to the Senate for confirmation. The Senate failed to confirm them. The President later sent their names back to the Senate with a protest against its action and a statement why his nominations should be confirmed, using this language:

I disclaim all pretension of right on the part of the President officially to inquire into or call in question the reasons of the Senate for rejecting any nomination whatsoever. As the President is not responsible to them for the reasons which induce him to make a nomination, so they are not responsible to him for the reasons which induce them to reject it. In these respects each is independent of the other, and both responsible to their respective constituents.

Now, if there ever was a case where the President might call into question the action of the Senate in not agreeing with his recommendation, it is in that particular case, where the functions of the Executive and the Senate are in some degree the same, the action of one having to be taken in order to confirm the action of the other.

In the summer of 1842 President Tyler vetoed a revenue bill, and when his veto was returned to the Congress, instead of being acted on promptly by the House of Representatives, it was referred to a special committee, and August 30 of that year he sent a message of protest against the manner of procedure which the House had adopted, asking that this protest be entered on the Journal of the House, which request, however, was refused. In the protest referred to, President Tyler used the following language:

I would not have been so far forgetful of what was due from one department of the Government to another as to have intentionally employed in my official intercourse with the House any language that could be, in the slightest degree, offensive to those to whom it was addressed. If, in assigning my objections to the bill, I had so far forgotten what was due to the House of Representatives as to impugn its motives in passing the bill, I should owe, not only to the House, but to the country, the most profound apology.

[Applause.]

To show precedents for resenting the action of the President in purely legislative matters and the passing of resolution of condemnation, I call attention to the records of the Senate of March 28, 1834, and of the House in 1842, and also the reply of President Jackson to the resolution passed by the Senate.

The chairman of the committee which framed the resolution resenting the action of President Tyler in sending a protest to the House in 1842 was John Quincy Adams, of Massachusetts, then serving in the House after he had served a term as President of the United States.

No one, whether friend or foe, will question Andrew Jackson's strength of character, his having positive opinions and an ever readiness to advocate them, and yet he, in the heat of a controversy which has become famous, wished to, and did, preserve, as far as he was able, suitable relations between the departments of the Government; for, in the controversy which has been referred to, which had to do with the disposition of public revenues, in reply to the following resolution passed by the Senate on the 28th of March, 1834—

Resolved, That the President in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both—

President Jackson, on April 15 of the same year, sent a protest to the Senate, going into the subject of controversy at great length, and requested that the protest be entered on the journal of the Senate. In this protest he expressed the following views:

It can seldom be necessary for any department of the Government, when assailed in conversation or debate, or by the strictures of the press or of popular assemblies, to step out of its ordinary path for the purpose of vindicating its conduct or of pointing out any irregularity or injustice in the manner of the attack; but when the Chief Executive Magistrate is, by one of the most important branches of the Government, in its official capacity, in a public manner, and by its recorded sentence, but without precedent, competent authority, or just cause, declared guilty of a breach of the laws and Constitution, it is due to his station, to the public opinion, and to a proper self-respect, that the officer thus denounced should promptly expose the wrong which has been done.

In the same protest he uses the following language:

But the evil tendency of the particular doctrine adverted to, though sufficiently serious, would be as nothing in comparison with the pernicious consequences which would inevitably flow from an approbation and allowance by the people, and the practice by the Senate of the unconstitutional power of arraigning and censuring the official conduct of the Executive in the manner recently pursued. Such proceedings are eminently calculated to unsettle the foundations of the Government, to disturb the harmonious action of its different departments, and to break down the checks and balances by which the wisdom of its framers sought to insure its stability and usefulness.

In 1841 the House adopted certain resolutions, condemning the course of President Tyler in a controversy relating to the revenues, and having received from the President a protest against the right of the House to censure his public course, the House, after a long and elaborate discussion of the whole matter, adopted the following resolutions:

Resolved, That while the House is, and ever will be, ready to receive from the President all such messages and communications as the Constitution and laws and the usual course of business authorize him to transmit to it, yet it can not recognize any right in him to make a formal protest against votes and proceedings of the House, declaring such votes and proceedings to be illegal and unconstitutional, and requesting the House to enter such protest on its journal.

Resolved, That the aforesaid protest is a breach of the privileges of this House, and that it be not entered on the Journal.

Resolved, That the President of the United States has no right to send a protest to the House against any of its proceedings.

December 9, 1868, President Johnson in a special message, or in his annual message, advocated what amounted to repudiation, and during the debate which took place after the message was received the chairman of the Committee on Ways and Means of that Congress used this language:

I look upon that portion of the message as the most gross, shameless, infamous proposition, to repudiate the debt of the country, that I have ever yet heard impudently avowed from any quarter.

The result of the action of the House was, on motion of Mr. Washburn, of Illinois, the laying of the message on the table and ordering it printed. I simply allude to this to show that there has been one precedent on which to base the action of the special committee in recommending the resolution which it has reported. After a careful inquiry into the records of Congress, I fail to find any other precedent, and even in this case it will be noticed that no reference was made to the action of the House or to impugn the motives of the Members of the House.

Mr. Speaker, for one, I want to say that, in my judgment, if this House took any other action than that which is proposed in the report of the special committee, it would not only convict itself of a lack of proper self-respect, but it would indicate a degree of supineness which would make it contemptible in the eyes of the people of this country, and even in the eyes of the President himself. The resolutions, therefore, ought to pass. [Applause.]

The SPEAKER. Does the gentleman from Massachusetts reserve his time or yield the floor?

Mr. WEEKS. Mr. Speaker, I reserve the balance of my time.

Mr. TOWNSEND. Mr. Speaker——

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. TOWNSEND. I am.

The SPEAKER. The gentleman from Michigan.

Mr. TOWNSEND. Mr. Speaker, had I not obtained the inference from the remarks of the gentleman from Mississippi [Mr. WILLIAMS] that the opposition to this resolution was not going to express itself very largely on the floor of this House, I should have remained silent at this time, because I had not known that the resolution was coming up, and on account of its grave importance, not only to this House and possibly to the country, but especially to the Republican party, I would have been very glad indeed to have listened to those gentlemen who have more influence and who were better able to speak. I do, however, have some quite well-defined notions as to the merits of this question, and am perfectly willing to express them for what they are worth. I do not yield to anyone in my appreciation of the dignity of membership in the National House of Representatives. I appreciate the character of such membership most highly. I believe, as I have said on many occasions, that it is composed of the highest quality and character of men that can be found in the United States. I hold in high esteem the members of the great Committee on Appropriations. Not one of them do I question as to his honor, his integrity, or his ability, and I am anxious that their reputations shall be preserved against all possible unjust attacks, as I am jealous that my own reputation shall be preserved. As for myself, I have no fear of any investigation; I welcome it. Nor do I believe a majority or any number of this House has any fear of any kind of an investigation, whether by the Secret Service or otherwise. But we are confronted to-day with the proposition of adopting the resolution which looks to protecting the honor and integrity of the membership of this House against what has been claimed to be an attack by the Executive of the United States. It will be conceded that the President of the United States has a right to recommend legislation to the Congress; has a right to criticise legislation, the same as the House has the right and does exercise that right of criticising the Executive whenever it feels that he has gone wrong in anything that he may have done.

I am not claiming, nor am I going to contend, that the language of the President in his first or second message was the most fortunate that could be used. The President of the United States has a way of his own of expressing himself. He is a strenuous man, but the country believes that his is the strenuosity of a desire to serve it. When he recognized what he thought was a neglect of duty on the part of Congress in failing to provide suitably for the Secret Service and said that the main argument that was used in the Congress against its use by the Executive was their wish not to be investigated, he but expressed the sentiment of this House in this respect, I care not what you say about it. You did not have fear of investigation, but there was a righteous wave of indignation went over the House when the gentleman from Kentucky [Mr. SHERLEY] suggested that a Member had been "shadowed" by the Secret Service, and I confess that I was one of those who felt indignant. I did not understand the facts then, but learned later, and in time to vote against the amendment. There can be no question but what Mr. SHERLEY's suggestion that a Congressman had been shadowed was repulsive to Members, and that without any thought of a possible disclosure of some criminal act, but rather because Congressmen felt that an unwarranted indignity might thus be shown them, and the dignity and honor of the House thereby lowered.

Now, what do you propose in this resolution to do? You propose to lay on the table the President's message or portions of it for the purpose of justifying ourselves or rather of clearing our name of any possible imputation which that message may cast upon us. But I say to you gentlemen if you are seeking to preserve your reputation before the country you will not accomplish it in this way. [Applause.] You can not secure it by any such action as this. The people have already settled it, and have no patience with oversensitive Congressmen. I myself am very sorry that the question ever came up. I submit that the original resolution was beneath the dignity of this House, and while I sat here in silence under the magic eloquence of that overpowering appeal of the gentleman from New York when he asked that it should pass unanimously, I simply submitted to what I afterwards believed to be a great mistake. We asked for information. That is what we asked of the President, and he proceeded to give it to us as he found it in the RECORD. There can be no question about this it seems to me. However we may feel about it, that is the situation which confronts us to-day. We have the information for which we asked. I submit that we ought, as you will find by reading the various resolutions and the message of the President——

Mr STANLEY. Will the gentleman submit to a question?

Mr. TOWNSEND. I will.

Mr. STANLEY. As I understand the gentleman from Michigan, his only objection to the message of the President of the United States or the alleged objectionable matter in it is that he told the truth in a rather blunt way; that this objection is to the manner of his expression rather than the matter of it.

Mr. TOWNSEND. I will of course permit that to go into my speech as the opinion of the gentleman, and I do not propose to argue with him at this time as to how he expresses it. In fact I am willing to concede that he expresses the situation quite clearly, as I understand it.

Mr. GARDNER of Michigan. May I ask the gentleman a question?

Mr. TOWNSEND. I yield to my colleague.

Mr. GARDNER of Michigan. I would like to ask; if the gentleman felt such a wave of indignation in his own breast and going over the House when there was an imputation, as he alleges, on the part of the gentleman from Kentucky that Members had been shadowed, what would actually be the feeling when the direct charge is made by the highest officer of the Government that the motives that prevented a certain action, in the best judgment of the committee having in charge the bill, was to prevent doing that very thing that the gentleman says almost caused a shudder or wave of indignation to go around. [Applause.]

Mr. TOWNSEND. I will say to my colleague from Michigan that, while it is true, as he states, that what the President desired was freer use of the Secret Service, it is, notwithstanding, true that I, with many others in this House—and I submit they will not deny it—believed when that matter was brought up in May last that it was something new, something outside the duties that ought to be imposed upon the Secret Service, and had been used for an improper purpose. These facts have been brought out by this discussion by the gentleman from Kentucky, in whose honor and integrity I have the most unbounded confidence, and who, I have no doubt, can explain this situation, if it needs any. I submit he needs no apology; I submit he does not need any explanation, nor does the gentleman from Iowa [Mr. SMITH] need any explanation before the country and before this House; neither the chairman of the Committee on Appropriations [Mr. TAWNEY], nor any other Member on that committee, so far as that is concerned. It seems to me, in view of the fact that there can be several interpretations placed upon the language of the President, gentlemen are a little supersensitive at this time in presenting these resolutions, in magnifying the situation, which will not relieve us before the country, even though we adopt them. The President has explained his words and disclaims any attempt to be unjust to the House. So I say, Mr. Speaker, I am opposed to the resolution. I am satisfied that all the good has been accomplished that can possibly be accomplished. There is no man in this country—no right-thinking man—who would believe that Congress, or would believe that many members of this Congress, are criminals. Our honor rests with us. No man can blacken our reputation. It lies wholly and en-

tirely with us to make a record that shall command respect with the people of the United States.

Adopting this resolution will not help Members. We are not judged, so far as our character is concerned, by the adoption of any resolution, but rather by what we are and do.

Mr. McMILLAN. Will the gentleman yield?

Mr. TOWNSEND. I will.

Mr. McMILLAN. Has any American citizen a right to say we are wrong without a fair investigation, no matter what office he occupies in the United States? [Applause.]

Mr. TOWNSEND. I do not believe the gentleman will get many cheers on that proposition. The President of the United States has a right to recommend to the Congress and to say we are wrong, as far as that is concerned. There can not be any question about that. There ought not to be.

Mr. McMILLAN. Will the gentleman yield for another question?

Mr. TOWNSEND. Yes.

Mr. McMILLAN. Can he answer that question without yielding to another that he furnish the evidence?

Mr. TOWNSEND. The President has furnished, in my judgment, all the information that was asked of him, all that he could furnish, and such as is corroborated by the RECORD, because taken therefrom.

Mr. WILLIAMS. The committee asked the President to furnish the House with any information which he had, whether obtained through the Secret Service or otherwise, showing the chief argument that had actuated the House in the legislation referred to was a desire to shield criminals, and especially to shield themselves. The committee, furthermore, asked the President to send any evidence that he had of any corruption, corrupt motive, or corrupt influence affecting the members of the Sixtieth Congress. The gentleman says that the President sent the information demanded. Now, will the gentleman direct himself for a few minutes to the proof of what he has just stated, namely, that the President did send the information demanded?

Mr. TOWNSEND. Now, Mr. Speaker, I supposed I had answered that argument in the first place. The gentleman from Mississippi [Mr. WILLIAMS] has asked a long question, involving a good many parts. In the first place, the President has never said that we were afraid of being investigated or that the Congress was. The President has never said that there were any criminals in Congress.

Mr. WILLIAMS. Will the gentleman permit one more question?

Mr. TOWNSEND. Let me answer. You are getting them piled up so fast that I can not catch up with you.

Mr. WILLIAMS. The gentleman is laying a foundation as a premise that, in my opinion, does not exist in the question.

Mr. TOWNSEND. Here is the objectionable clause in the President's message, as I understand it:

> The chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret-service men.

Mr. WILLIAMS. That is so, and then the following reference, that if in the opinion of Congress it were wise to exempt Congressmen from being shadowed, it was still wise to keep the service for other criminals. Of course that is not the exact language.

Mr. TOWNSEND. No; it does not say that.

Mr. WILLIAMS. It is fairly the argument.

Mr. TOWNSEND. No; I do not think it is. I think the gentleman demonstrates very clearly that different constructions can be put upon the very language that the President used. My opinion is that the "chief argument," and "chief" is a quality that must be decided by the President—what he thinks was the chief argument, not what the gentleman from Mississippi thinks was the chief argument or what I think was the chief argument—is just what the President thinks it was.

Mr. WILLIAMS. The facts must decide it.

Mr. TOWNSEND. He maintains the chief argument used was that the Congressmen did not wish to be investigated, and quotes the gentleman from Kentucky [Mr. SHERLEY] in reference to that, which is shown in the RECORD, and which I submit, as I have said before, is a valid argument, because I believe that you, sir, did not care to have the President of the United States employ the Secret Service for this particular purpose, not that the gentleman was afraid of being investigated or that he expected to be investigated.

Mr. WILLIAMS. I beg the gentleman's pardon; and I think the gentleman is as much mistaken about every other Member of the House, except himself, as he is about me. I would welcome a presidential shadow as amusing company at all times, and I am going to propose at the proper time, if the gentleman will permit me, that, while this new amendment of the law shall continue in operation, there shall be inserted this proviso——

Mr. TOWNSEND. Mr. Speaker, I can not yield for this speech in my time.

Mr. WILLIAMS. I am not going to make a speech. It will not take a minute and a half. I am going to ask to have inserted this proviso:

> *Provided, however,* That nothing in this law contained shall be so construed as to prevent the President of the United States from appointing a corps of secret-service agents, not exceeding 480-odd in number, the sole function of whom and the sole duty of whom shall be to shadow, espy upon, and report to the President of the United States concerning the conduct of each member of the House of Representatives and of the Senate.

Mr. TOWNSEND. Now, Mr. Speaker, I conclude by saying that I regard this question as one that is unwisely brought before the House at this time; gentlemen have builded a mountain from a molehill. The very arguments themselves and the questions that have been asked show the varied constructions that can be put upon the President's message. I do not believe we would justify ourselves before the country, or justify the standing of this Congress before the country, by the adoption of this resolution. Therefore, Mr. Speaker, I am opposed to it.

The SPEAKER. Does the gentleman reserve his time?

Mr. TOWNSEND. I reserve the balance of my time.

The SPEAKER. The gentleman from Minnesota [Mr. TAWNEY]. [Loud and long-continued applause.]

CONFIDENCE OF PEOPLE THE ESSENTIAL OF GOVERNMENT.

Mr. TAWNEY. Mr. Speaker, the continued success and perpetuity of government depend more upon the confidence of the people in the integrity, honor, and unselfish patriotism of those charged with the duty and responsibility of government than upon any other condition connected with, or incident to, government. Without it no government can long endure. Ours would soon crumble and fall. Whatever tends to destroy this confidence, whether arising from within any of the coordinate branches of the Government or coming from without, should be frankly and fearlessly met and, if possible, overcome. [Applause.]

Where, as in our form of government, the functions of government are divided and their exercise duly vested in separate and distinct branches, with the powers, rights, and privileges of each fixed and determined by written constitution, nothing can contribute so much to the destruction of this great essential of government or to the disintegration of our Republic as an attempt upon the part of one branch of the Government to impeach the honor and integrity of another branch, however that attempted impeachment may be sought, whether by attributing to the members of that other branch as a whole motives for their official conduct wholly inconsistent with honor, integrity, and the faithful discharge of duty, or otherwise.

The arbitrary and unauthorized use of the great power of any one of the branches of our Government in this respect, if allowed to pass unchallenged, will go further to undermine the confidence of the people in their Government than all other agencies combined. Undermine the confidence of the people in any one of the three coordinate branches of their Government and you have done more to destroy the foundation upon which that Government rests than could be accomplished in any other way.

THE MOTIVES OF CONGRESS IMPUGNED.

When therefore the head of the executive branch of our Government deliberately charges, as was done in the annual message of the President of December 8, 1908, that the legislative branch, in the exercise of its constitutional functions, has passed legislation which "has been of benefit only, and could be of benefit only, to the criminal classes," and "if deliberately introduced for the purpose of diminishing the effectiveness of war against crime, it could not have been better devised to that end," there is clearly implied, if the English language means anything, that in adopting this provision the Congress of the United States intended to benefit and protect from detection and punishment those guilty of committing fraud and other violations of the public law. No disclaimer now, however strenuous and vehement, can modify or change either the meaning of the language used by the President or its interpretation by the people and by the press of this country, under which interpretation the honor and integrity of Congress has been assailed and stands impeached. It is because of the interpretation of the language used and its effect upon their confidence in this branch of their Government that I deem it important to treat the charge as it has been accepted and is understood by the people generally. [Applause.]

The people as a whole can not conclude from this language otherwise than that in adopting the provision of law criticised Congress did so knowing that it would be "of benefit only, and could be of benefit only, to the criminal classes," and that it

would "prevent or at least hamper effective action against criminals by the executive branch of the Government." This interpretation should not go unchallenged. The people should know the facts.

The people know, as we do, that it is as much the duty of Congress to provide the means and all the necessary instrumentalities authorized by the Constitution for the detection and punishment of criminals, as it is the duty of the executive and judicial branches of the Government to use the means and facilities thus provided for the detection, prosecution, and punishment of criminals. Hence, to charge that Congress has exercised its constitutional power in this respect in a way that "has been of benefit only, and could be of benefit only, to the criminal classes," can have no other effect, whether so intended or not, than to impair, if not destroy, that confidence in the honor and integrity of a coordinate branch of our Government, which is so essential to the success and continuance of our free institutions.

To emphasize the plain meaning of the language employed in describing the effect of the legislation criticised, it is also charged in the message of the President that the motive for proposing this legislation, or "the chief argument in favor of the provision, was that the Congressmen did not themselves wish to be investigated by secret-service men." Whether it was intended to charge this as a motive for the enactment of the law or not, neither the press nor the people nor any individual citizen can dissociate that which is said to be the "chief argument" in favor of a proposition and the motive that prompts him who makes it. [Applause.] To thus impugn the motives—for it has been accepted as such, whether so intended or not—of the members of the legislative branch of our Government violates not only the constitutional privileges of Congress, but is calculated to arouse popular prejudice against all branches of our Government, which is far more injurious.

If there was no intention upon the part of the President to impugn the motives of Congress in adopting this provision of law, then it was extremely unfortunate that the gave to the people the opportunity to say that from the language used such was the intention.

But what can be said of this action by the executive branch of the Government and of its effect upon the public mind, when it is proven, as it can and will be, that this impeachment of the honor and integrity of the Congress of the United States is made without any foundation in fact? [Applause.] When proven unfounded, however, it is unfortunate that there will still linger in the minds of many, as the result of this charge, the suspicion that there does not exist among those intrusted with the duties and responsibilities of government that degree of faithfulness to duty and unselfish patriotism which the people of right expect of their representatives in all branches of the public service.

What, then, are the facts in respect to the effect of the provision in the sundry civil appropriation bill, which is the subject criticised in the message of the President to Congress on December 8, 1908? Has it, as claimed, restricted the authority of any department of the Government to employ secret-service men for the investigation of fraud and the detection and punishment of crime? Has it taken from any department of the Government any appropriation or money theretofore available for the payment of compensation and expenses of those employed in this service? If it has not had this effect, then the statements with reference to it in the message of the President and with reference to what is said to be the chief argument in favor of its adoption are wholly without justification.

LIMITATION CRITICISED BY THE PRESIDENT.

This provision was offered by me on the floor of the House as an amendment to the paragraph entitled "Suppressing counterfeiting and other crimes," appropriating $115,000 for this purpose for the fiscal year 1909, and it reads as follows:

No part of any money appropriated by this act shall be used in payment of compensation or expenses of any person detailed or transferred from the Secret Service Division of the Treasury Department or who may at any time during the fiscal year 1909 have been employed by or under said Secret Service Division.

This is the provision which, it is said, "has been of benefit only, and could be of benefit only, to the criminal classes," and "if deliberately introduced for the purpose of diminishing the effectiveness of war against crime could not have been better devised to that end." The President further says:

The amendment in question was of benefit to no one excepting to these criminals—

Referring principally to the government-land frauds—

and it seriously hampers the Government in the detection of crime and the securing of justice. * * * In its present form the restriction operates only to the advantage of the criminal, the wrongdoer.

Then, assuming that this amendment was for the protection of criminals, the President says:

I do not believe that it is in the public interest to protect criminals in any branch of the public service, and exactly as we have again and again during the past seven years prosecuted and convicted such criminals who were in the executive branch of the Government, so in my belief we should be given ample means to prosecute them if found in the legislative branch. But if this is not considered desirable, a special exception could be made in the law prohibiting the use of the secret-service men in investigating Members of Congress.

And then, in order to convey the idea that this provision of law was intended to prevent or at least hamper the executive branch of the Government in the detection and prosecution of crime, the President says:

It would be far better to do this than to do what actually was done, and strive to prevent or at least hamper effective action against criminals by the executive branch of the Government.

Now, let me again read the simple provision of law which was adopted by Congress and approved by the President without objection several days before the adjournment of the last session of Congress, and then I will submit to the candor and intelligence of the American people whether or not, without any explanation as to the actual operation of this provision, it could possibly have the effect charged in the arraignment by the President which I have just read:

No part of any money appropriated by this act shall be used in payment of compensation or expenses of any person detailed or transferred from the Secret Service Division of the Treasury Department, or who may at any time during the fiscal year 1909 have been employed by or under said Secret Service Division.

You will observe that this provision, as admitted by the President, provides in effect merely that there shall be no detail from the Secret Service Division of the Treasury Department and no transfer therefrom. While the President does not say that this prohibition applies only to the Secret Service under the control of the Secret Service Division of the Treasury Department, yet such is the fact. It is also true that it applies only to the appropriations carried in the sundry civil appropriation bill, and does not apply to any of the appropriations carried in any of the other eleven appropriation bills. There is a large and extensive secret service, not wholly a detective service, in almost all of the departments of the Government. Those employed in this service are known as special agents and inspectors, whose duties are to investigate frauds and detect crime.

AUTHORITY TO DETECT CRIME NOT ABRIDGED.

It will be observed, too, that notwithstanding the severe arraignment of this provision of the law, it does not take away from any of the departments of the Government any authority they theretofore possessed, nor does it abridge any right of theirs to employ detectives or secret-service men. Any department of the Government that possessed authority for the employment of such service prior to the enactment of this provision possesses that same authority to the same extent as theretofore. This provision, therefore, has not, and does not, operate to restrict the activity of any department of the Government in the matter of investigation of fraud or the detection and punishment of crime. Furthermore, this provision leaves to every department, available for the payment of such service, all appropriations from which this service has heretofore been paid.

APPROPRIATIONS FOR DETECTION OF CRIME INCREASED.

But that is not all; the appropriations available for the employment and compensation of secret-service employees in all of the departments of the Government, and especially in those that have heretofore used this service to a greater extent than the other departments, were all increased during the last session of Congress.

For the investigation of land frauds in the Department of the Interior, about which so much has been said in the message of the President, that department, until the beginning of this fiscal year, never had an appropriation for that purpose in excess of $250,000, while Congress at its last session doubled that appropriation, giving the Interior Department $500,000 for the investigation of land-fraud cases, instead of $250,000 as theretofore. [Applause.] The appropriation for the expense of hearings in land entries was also increased $26,000.

In the Department of Justice the appropriation available for the payment of this service was increased at the last session of Congress from $540,000 to $560,000, an increase of $20,000 in the appropriation for the payment of such miscellaneous expenses as may be authorized by the Attorney-General for the United States courts and their officers, including the furnishing and collecting of evidence where the United States is or may be a party in interest. In addition to this increase for the Department of Justice, the appropriation in relation to the enforcement of the naturalization laws was increased $50,000 over the appropriation for the fiscal year 1908.

In the Treasury Department, for the detection and prevention of frauds upon the customs revenue, up until the close of the fiscal year 1907 the appropriation was $150,000. Congress then increased it to $200,000, and that increase of $50,000 was again allowed at the last session for the detection and prevention of frauds upon the customs revenues. This service, as testified to before the committee by the Hon. L. M. Shaw, then Secretary of the Treasury, "is in all respects a secret-service force."

For violations of internal-revenue laws until the beginning of the present fiscal year the appropriation was $100,000. This appropriation was increased for this purpose at the last session of Congress by $25,000, making the aggregate $125,000.

The appropriation for compensation in lieu of moieties was at the last session of Congress increased from $20,000 to $25,000.

This makes a total increase in the appropriations for the several departments of the Government which have occasion to use, and have used, detectives or secret-service employees more than any other departments of the Government of $426,000 for the fiscal year 1909 over the fiscal year 1908. [Applause.]

APPROPRIATIONS FOR SECRET SERVICE, SPECIAL AGENTS, AND INSPECTORS.

The aggregate amount appropriated for the fiscal year 1909 for secret service and services of that character, including the $115,000 appropriated for the Secret Service Division of the Treasury Department, is $7,214,593.35, being $792,755 in excess of the amounts appropriated for the fiscal year 1908 for the same service. There was also appropriated for the fiscal year 1909, to be used in whole or in part to prevent frauds on and depredations upon the several branches of the public service, to protect public lands from fraudulent entries, and to apprehend and punish other violators of law, an aggregate of $23,588,170, which was an increase over the sums appropriated for the fiscal year 1908 of $2,831,660. I will append and print as a part of my remarks a detailed statement of all these appropriations, which will fully explain the character of the services for which appropriations have been made and are available.

The impression that the only branch of the public service available for the detection and punishment of crime is the service employed under the Secret Service Division of the Treasury Department is wholly and utterly erroneous. A year ago there were 67 men on the secret-service rolls in this division, and this number includes 20 men on that roll held for detail to other departments when needed. The time of 47 of these men, as testified to by the Assistant Chief of the Secret Service, is employed in the detection of counterfeiting and the protection of the person of the President. The Secret Service, therefore, of the Treasury Department, to which reference is made in the message of the President, is only a very small part of the secret service in the various departments of the Government.

UNDERLYING REASON FOR CRITICISM OF LIMITATION.

It may be asked, then, if this provision of law does not abridge the authority of any department of the Government to employ secret-service men, and if the appropriations for that service which is employed by other departments to investigate fraud and detect other crimes against the laws of the United States were increased instead of diminished, why has this provision of law been so severely criticised and made the basis for the impeachment of the honor and integrity of a coordinate branch of the Government? There can be but one explanation, and that is that the Chief of the Secret Service Division in the Treasury Department no longer controls the secret-service men theretofore detailed from his division to the other departments of the Government and no longer fixes the compensation which these other departments pay for that service. The effect of this law has been to take away from him the power which he theretofore exercised over the secret-service men or detectives employed by other departments, both as to service and compensation. It appears from the record of the hearings before the Committee on Appropriations, in the testimony of Mr. Moran, assistant chief of that service, and it also appears from the testimony of Attorney-General Bonaparte, when before the subcommittee on the urgent deficiency appropriation bill, that when a man was detailed from the secret-service rolls of the Treasury Department to another department his compensation was fixed by the Treasury Department. He remained on the rolls of the Secret Service Division of the Treasury Department, although detailed and was obliged to report to the Chief of the Secret Service Division, thus giving to the chief of that division the control both as to service and compensation of men detailed to and serving in other departments of the Government, whose compensation while thus detailed was paid out of appropriations made for the department to which they were detailed.

RECOMMENDATION OF ATTORNEY-GENERAL.

It was this practice, no doubt, that prompted Attorney-General Bonaparte, in his annual report of last year, to recommend the establishment of a small secret service force in the Department of Justice, and it was this also that prompted the Attorney-General, when before the subcommittee on the urgent deficiency appropriations, of which I am chairman, to volunteer the following statement as the conclusion of his testimony upon his deficiency estimates:

There is one other matter that I want to mention, because it is in connection with a subject that is noted in my annual report. We are obliged, as of course the committee knows, to rely on the Secret Service of the Treasury Department for certain work. They have gone up on us in price, increased their allowance from $3 to $4 a day. That is the per diem subsistence.

The CHAIRMAN. You do not pay their compensation?

Attorney-General BONAPARTE. Yes, sir; during the time they are in our service.

The CHAIRMAN. How many have you employed during the current year?

Attorney-General BONAPARTE. It would be difficult to say, but the number would be considerable. Of course they are not employed very long. One man may not be employed very long, but some of them remain all the time. In our service we are obliged to call upon them. It would unquestionably be a matter of economy——

The CHAIRMAN (interrupting). The reason I asked that question is that there is a specific appropriation for that service, and for a number of years there has been a proviso that that appropriation should be expended for no other service. My recollection is that the appropriation is $125,000. Now, if the Secret Service of the Treasury Department is employed any considerable part of the time by other departments of the Government, then I would like to know what becomes of the $125,000 appropriated for the service in the Treasury Department?

* * * * * * *

Attorney-General BONAPARTE. It would tend to more satisfactory administration and also to economy, if instead of being obliged to call upon them for this service we had a small, a very moderate, service of that kind ourselves. I think the best plan would be to have a service of that kind under the control of the Department of Justice, and let it, if necessary, assist other departments in cases of emergency.

REASONS FOR ADOPTION OF LIMITATION.

This testimony, together with other testimony on this subject by Mr. Bonaparte, was given unsolicited on January 18, 1908, about two months before the hearings on the sundry civil appropriation bill. It was this testimony, too, in respect to the practice which then obtained in the matter of securing the services of detectives or secret-service men that led to further investigation during the hearings on the sundry civil bill, and also led to the provision reported in the sundry civil appropriation bill which was proposed to correct the abuses in administration referred to by the Attorney-General and to prevent the violation of the law, which for more than thirty years has limited and restricted the use of the Secret Service under the Secret Service Division of the Treasury Department to the detection of counterfeiting and two or three other purposes not now material, which purposes were broadened at the first session of the Fifty-ninth Congress so as to include the protection of the person of the President.

So far as I am concerned, so far as any member of the Committee on Appropriations is concerned, there was never any other purpose or intention in our minds. The debate in the House on this provision shows conclusively that the members of the Committee on Appropriations had no other purpose in view than the good of the public service, and the facts conclusively prove that the activities of no department of the Government have been in the least restricted or affected by this provision, for every department of the Government possesses the same authority to-day it possessed before the enactment of this provision to employ that service and has more money available for the payment of that service now than it has ever had. [Applause.]

EFFICIENCY OF DEPARTMENTS NOT IMPAIRED.

In proof of this fact, and also to show that it has been known in the executive department of the Government that since the beginning of this fiscal year there existed in the Department of Justice a secret-service division, notwithstanding the provision in the sundry civil bill, let me quote from an interview with Mr. Wilkie, Chief of the Secret Service, published in a Boston newspaper, December 19, 1908. In this interview Mr. Wilkie says:

Since the law taking our men away from the Department of Justice went into effect that department has organized a secret service or detective force of its own, and the cost will be, I am informed, about $160,000 annually. Add that $160,000 to the $115,000 we will spend in this bureau for the present year, and you will find a total of $275,000 as the cost of the secret-service work. The only thing the fathers of the prohibitive law accomplished was an additional expense to the Treasury.

Mr. Wilkie then goes on in this same interview to explain how this secret-service force was created in the Department of Justice:

Ten men were transferred from the rolls of the Secret Service at the end of the last fiscal year, just after the congressional restriction of the former service was enacted. They are now engaged on the work of the legal department, work which is practically the same, Treasury people assert, as that in which they engaged before the transfer, and in order to map out the work for them the entire machinery of a new office had to be built up.

In this connection I will also quote from the last annual report of the Attorney-General, which shows that the Department of Justice at least has suffered no inconvenience and has not been restricted in the least in the matter of the employment and compensation of secret-service employees. They are not known in that department, however, as detectives, but as special agents. The Attorney-General in his report, says:

The special agents, placed as they are under the direct orders of the chief examiner, who receives from them daily reports and summarizes these for submission each day to the Attorney-General, are directly controlled by this department, and the Attorney-General knows, or ought to know, at all times what they are doing and at what cost.

This is exactly why the Attorney-General a year ago suggested to the Committee on Appropriations the advisability of a secret-service organization such as he now has.

SECRET SERVICE NOT NOW USED TO INVESTIGATE LAND FRAUDS.

Much has been said concerning the use of the Secret Service in the detection of land frauds or frauds upon the public domain. In fact, one of the chief arguments against this provision in the sundry civil appropriation bill is based entirely upon the supposed use of the Secret Service men in the Department of the Interior for the detection of land frauds. I have already shown that the appropriation for the detection of fraud and crime in the disposition of the public domain is this year $500,000, or double the amount the department has ever had in any previous year. As to the nonuse of the Secret Service in the investigation of the land frauds, I will quote from the testimony of Mr. Garfield on page 326 of the hearings before the subcommittee of the House Committee on Appropriations on the sundry civil appropriation bill for 1909, of which I am chairman:

TESTIMONY OF SECRETARY GARFIELD.

Mr. FITZGERALD. Mr. Secretary, do you employ secret-service men in this work?

Mr. GARFIELD. None at all; and that is one of the points that I want to bring out in connection with the general question of the force of agents; none of them is employed as a detective. They are simply men who go out there for the purpose of investigating any entries, charges made of any kind, and their duty is as much to help the honest entryman as to catch the dishonest one.

The CHAIRMAN. Have they been given written instructions to that effect?

Mr. GARFIELD. One of the first things I did was to give them such instructions.

The CHAIRMAN. Then they are not longer employed as inspectors performing certain service as secret-service men.

Mr. GARFIELD. They are not. Of course, once in a while an agent may find a bad case of fraud, a criminal case, where he will have to use good, sound sense in trying to discover the perpetrators of the fraud. Most of these men are engaged in getting facts, and the agents have been carefully instructed that they are not in any way to hold themselves out or act as detectives. In every possible way they are to aid the honest entryman, and to protect his entry. With the corps of agents that Mr. Dennett is building up now, following out the plan of Mr. Ballinger's organization, I have not the slightest doubt, with the increased number, we will be able in a year's time to get the outstanding cases in such shape that we can come to you a year from now and say that the work is current.

At this same time Mr. Garfield made a further statement concerning the employment of secret-service men in the investigation of land matters, although that statement does not appear in the record of the hearings, for the reason that when the head of a department, before a committee of the House, has anything to say concerning another department he invariably asks that the statement be not taken down. The substance of Mr. Garfield's further statement was that he had entirely abandoned the use of the secret-service men in the investigation of land frauds, for the reason that their want of knowledge concerning land matters, land laws, and land titles was such as to render their investigations and reports practically worthless, and cited the dismissal of some thirty-odd cases a short time before which were brought in the United States court in Colorado for the reason that upon investigation it was found that there was not sufficient legal testimony to justify their prosecution. This statement Mr. Garfield recently verified in conversation with a member of the Committee on Appropriations, and can be corroborated by any member of the subcommittee present at the time the statements were made.

This ought to satisfy anyone that the investigation of land frauds, at least, has not been interfered with in the least by this provision of law which is the subject of the President's criticism. But if further proof is necessary, I would respectfully refer to the following letter from the Secretary of the Treasury, which gives the number of men detailed from the Secret Service Division to other departments for the fiscal year 1907 and from July 1, 1907, to February 29, 1908:

APRIL 2, 1908.

THE CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS,
House of Representatives.

SIR: I have the honor to transmit herewith a statement showing the number of men supplied through the Secret Service Division to other departments of the Government during the fiscal year ending June 30 1907, and from July 1, 1907, to February 29, 1908, together with the total amounts paid to these men for services and expenses.

Respectfully,

GEO. B. CORTELYOU,
Secretary.

Agents supplied through the Secret Service Division to other departments.

FISCAL YEAR ENDED JUNE 30, 1907.

Department.	Number of men.	Aggregate amount paid.
Justice	61	$66,539.62
State	7	3,771.48
War	3	410.75
Navy	4	245.51
Commerce and Labor	3	145.30

JULY 1, 1907, TO FEBRUARY 29, 1908.

Justice	51	$51,311.56
State	5	807.46
War	4	710.80
Navy	5	1,027.73
Porto Rico	1	872.87

From this statement it appears that not a single secret-service employee was detailed from the Secret Service Division of the Treasury Department to the Interior Department during either of the two years mentioned.

RESTRICTION ADOPTED TO STOP VIOLATION OF LAW AND ABUSES IN ADMINISTRATION.

I do not deem it necessary at this time to set forth in detail the purposes for which the Secret Service in the Treasury Department has been used in the past outside of those purposes for which the service was created and to which that service was limited by law. It is not necessary to do this for the purpose of showing that the law was violated. I will say, however, that it was this violation of the law and the desire to secure better methods of administration in other departments, as suggested by the Attorney-General, that influenced the committee in proposing and supporting this amendment, and not any specific instance where the Secret Service in the Treasury Department was used for purposes other than those authorized by this law. The truth of this statement is borne out by the argument made by myself in support of the provision when under discussion during the last session of Congress, and will be shown by the record of this discussion, volume 42, part 6, CONGRESSIONAL RECORD, Sixtieth Congress, first session, pages 5553 to 5556, both inclusive, which debate conclusively answers the statement that the "chief argument in favor of this provision was that the Congressmen did not themselves wish to be investigated by secret-service men," an argument that was not used, as it will be made to conclusively appear before this debate closes.

As to the intention of Congress in adopting the limitation upon the Secret Service in the Treasury Department some thirty years ago, anyone who will study the history of the limitation which was then placed around this branch of the Secret Service in the Treasury Department, and who will inquire into the uses of the Secret Service which led to the enactment of the limitation and the practices which obtained the last few years before this provision of law was enacted, must conclude that the detail of men on the secret-service roll from the Secret Service Division of the Treasury Department to the other departments was illegal and that it was in violation of this legal limitation.

The claim that this provision interferes with the activities of the Treasury Department, because it takes away from the head of that department the opportunity to alter the distribution of clerks allowed by law, as he may find it necessary, can not be sustained. The section of the law to which attention is called by the President, namely, section 166 of the Revised Statutes of the United States, reads as follows:

Each head of a department may from time to time alter the distribution among the various bureaus and offices of his department of the clerks allowed by law as he may find it necessary and proper to do.

It will be observed that this provision of law relates only to clerks in any department and not to per diem employees. The men employed on the secret-service roll of the Secret Service Division of the Treasury Department are per diem employees and not clerks, and there is a well-recognized distinction, both in law and in the administration of the departments, between clerks and per diem employees.

STATEMENT CONCERNING LETTER OF SECRETARY OF THE TREASURY MISQUOTED BY PRESIDENT.

In this connection I wish to call attention to two statements of a personal character in the message of the President, in answer to the resolution of the House, as presented to the

House of Representatives January 4, 1909. In that message the President uses this language:

Mr. TAWNEY in the debate stated that he had in his possession "a letter from the Secretary of the Treasury, received a few days ago," in which the Secretary of the Treasury "himself admits that the provisions under which the appropriation has been made have been violated year after year for a number of years in his own department."

And then, for the purpose of proving that my statement, thus quoted from my remarks upon the floor of the House during the consideration of this provision, is not true, he appends to his message the letter of the Secretary of the Treasury to which he referred and says:

It makes no such admission as that which Mr. TAWNEY alleges.

It is to me, as I believe it will be to the President, a matter of sincere regret that he did not see fit to do me the justice to quote all that I said, for if he had done so, it would have been unnecessary for me to call to the attention of this House and the country that he has in fact misquoted me. What I did say, and I now read from the CONGRESSIONAL RECORD, page 5559, first column, May 1, 1908, was as follows:

Mr. TAWNEY (after answering a question by Mr. PARSONS). Why, I have in my possession a letter from the Secretary of the Treasury, received a few days ago, in which he has pointed out to me the practice of the Treasury Department *whereby* he himself admits that the provisions under which this appropriation is made have been violated year after year for a number of years in his own department.

You will observe that if the President had quoted, without omission, the words contained in my statement—"in which he has pointed out to me the *practice* of the Treasury Department *whereby* he"—and had then continued with the words he did quote, my statement would have read as follows:

In which he has pointed out to me the practice of the Treasury Department, *whereby* he himself admits that the provisions under which this appropriation is made have been violated year after year for a number of years in his own department.

[Applause.]

In that case it would have been very plain to this House and to the country that my statement with reference to the admission of the Secretary was a conclusion from the Secretary's statement of the practice in the Treasury Department with reference to the Secret Service and not, as stated by the President, a statement of fact or an express admission upon the part of the Secretary of the Treasury. The omission by the President of the word "whereby," whether intentional or not, entirely changes the purport and meaning of my statement and conveys the impression that I deliberately misrepresented to the House that the Secretary in his letter had expressly admitted "that the provisions under which the appropriation is made have been violated year after year for a number of years in his own department." Further comment is not necessary.

STATEMENT CONCERNING INK INVESTIGATION ALSO MISQUOTED.

Again, on page 14 of the message of the President, in referring to the "ink-contract fraud in the Bureau of Engraving and Printing," the President says:

Mr. TAWNEY stated in the debate that this was not investigated by the Secret Service but by a clerk "down there," conveying the impression that the clerk was not in the Secret Service.

Again, I regret that I am obliged to call public attention to the fact that the President of the United States has misquoted what I said. In referring to the ink-contract fraud investigation, Mr. BENNET of New York, on page 5560, first column, of the CONGRESSIONAL RECORD, May 1, 1908, said:

Well, it is a great deal more recent than the case my colleague [Mr. FITZGERALD] cited. They found there was trouble there, and they took and put a secret-service man at work there and found how the Government had been defrauded out of $45,000 by a man from my own city.

Mr. TAWNEY. Will the gentleman now permit me to correct him there? That work was not done by the secret-service men. That work was done by a clerk in the office who has since been promoted in recognition and as a reward for that service.

At the time we were discussing the secret-service office in the Treasury Department, and the clerk referred to by me was in that office, then holding the position of chief clerk, and is the same identical person of whom the President says:

As a matter of fact he was in the Secret Service; his name was Moran, and he was promoted to assistant chief for the excellence of his work in this case.

Both the President and myself refer to the same man and the promotion of this man as a reward for the service thus performed. This is manifest from the language employed by me. The promotion to which the President refers was a promotion made upon the recommendation of the Committee on Appropriations, and was referred to by me in answer to Mr. BENNET, who made the statement that I was mistaken about the clerk having made the investigation of this ink-contract fraud, when I said:

We carried in the appropriation two years ago a provision promoting his as a reward for his service.

To this Mr. BENNET replied:

I am glad he received the promotion.

CONCEPTION OF DUTY OF A REPRESENTATIVE.

Mr. Speaker, I have served in this House too long to make it necessary for me to defend myself against the statement of any man that I either have or would mislead its membership by misrepresenting facts in order to secure the enactment of any legislation. [Loud applause.] By my record I must be judged and must stand or fall before the people who have honored me with a seat in this, the greatest legislative body in the world. I knew when this provision was under consideration, as many other members did, that it was the opinion of the Treasury Department and the Chief Executive that this restriction was unwise. But I also knew that they were looking at the matter only from the standpoint of employing the Secret Service of the Treasury Department in all of the departments of the Government, regardless of the authority of those other departments to employ under their own control such secret service as they deemed necessary.

It was my mature judgment, after a careful investigation of all the facts and looking to the best and most economic administration of the public service, that the limitation proposed by me and my committee should be adopted, and it was upon my judgment, and my judgment alone, that I acted. In this respect I may differ from some of my associates, but ever since I became a Member of this House I have conceived it to be my duty as a Representative to be governed by my judgment and not by the opinion of another. I have tried to follow, in the discharge of my duty, the criterion laid down by that distinguished English statesman, Edmund Burke, who, when addressing his constituents at Bristol, November 4, 1774, said:

It should be the glory as well as the honor of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes should at all times have great weight with him, their opinions high respect, their business unremitted attention.

But his mature opinion, his unbiased judgment, his enlightened conscience, he should not surrender to you, to any man, or to any set of men living. These he does not derive from you, nor from the law or the constitution; they are a gift from Providence, for the abuse of which he is deeply answerable. Your representative owes you not only his industry, but his judgment, and he is betraying instead of serving you when he sacrifices that judgment to the opinions of another.

[Loud and long-continued applause.]

Appropriations made at the last session of Congress for the service of the fiscal year 1909 to prevent frauds in and depredations upon the several branches of the public service, to protect public lands from fraudulent entry, and to apprehend and punish other violators of the law; also increases made in certain of such appropriations over the sums appropriated for like purposes at the previous session of Congress for the fiscal year 1908.

IN SUNDRY CIVIL ACT.

For all authorized expenditures necessary in the execution of laws to regulate commerce, of which sum not exceeding $50,000 may be expended in the employment of counsel, and not exceeding $3,000 may be expended for the purchase of necessary books, reports, and periodicals, and not exceeding $1,500 may be expended for printing other than that done at the Government Printing Office	$700,000.00
To further enable the Interstate Commerce Commission to enforce compliance with section 20 of the act to regulate commerce as amended by the act approved June 29, 1906, including the employment of necessary special agents or examiners	350,000.00
To carry out the objects of the "Act concerning carriers engaged in interstate commerce and their employees," approved June 1, 1898	10,000.00
To enable the Interstate Commerce Commission to keep informed regarding compliance with the "Act to promote the safety of employees and travelers upon railroads," approved March 2, 1893, and to execute and enforce the requirements of the said act, including the employment of inspectors. Hereafter all inspectors employed for the enforcement of said act shall also be required to make examination of the construction, adaptability, design, and condition of all mail cars used on any railroad in the United States and make report thereon, a copy of which report shall be transmitted to the Postmaster-General	100,000.00
(The foregoing appropriations under Interstate Commerce Commission, $1,160,000, are an increase of $406,765 over the amount appropriated for 1908.)	
GENERAL INSPECTOR OF SUPPLIES FOR PUBLIC BUILDINGS: For 1 general inspector, under the direction of the Secretary of the Treasury, to be appointed by the President, by and with the advice and consent of the Senate, whose duty it shall be to inspect public buildings under the control of the Treasury Department, and report on the efficiency of the custodians' forces, and the use of fuel, lights, water, miscellaneous supplies, etc., $3,000, and for actual necessary traveling expenses, not exceeding $2,000; in all	5,000.00
INSPECTOR OF FURNITURE AND OTHER FURNISHINGS FOR PUBLIC BUILDINGS: To enable the Secretary of the Treasury to employ a suitable person to inspect all public buildings and examine into their requirements for furniture and other furnishings, $2,500; and for actual necessary traveling expenses, including actual traveling expenses of assistant, not exceeding $3,000; in all	5,500.00

For assistant inspector of furniture and other furnishings for public buildings $1,600.00

SUPPRESSING COUNTERFEITING AND OTHER CRIMES: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction, dealers and pretended dealers in counterfeit money, and persons engaged in counterfeiting treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, including $1,000 to make the necessary investigation of claims for reimbursement of expenses incident to the last sickness and burial of deceased pensioners under section 4718 of the Revised Statutes, the act of March 2, 1895, and for no other purpose whatever, except in the protection of the person of the President of the United States 115,000.00

PUNISHMENT FOR VIOLATIONS OF INTERNAL-REVENUE LAWS: For detecting and bringing to trial and punishment, persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violations 125,000.00

(An increase of $25,000 over the appropriation for 1908.)

FOR the detection and prevention of frauds upon the customs revenue 200,000.00

(The foregoing appropriation amounted to $100,000 for the fiscals years 1880–1905, and $150,000 for fiscal years 1903 and 1907, and $200,000 for 1908 and 1909.)

COMPENSATION IN LIEU OF MOIETIES: For compensation in lieu of moieties in certain cases under the customs revenue laws 25,000.00

(An increase of $5,000 over the appropriation for 1908.)

ALASKA SEAL FISHERIES: For salaries of agents at seal fisheries in Alaska, as follows: For one agent, $3,650; one assistant agent, $2,920; two assistant agents, at $2,190 each; janitor service at the Government buildings at the Pribilof Islands, not exceeding $480; in all 11,430.00

ENFORCEMENT OF THE CHINESE-EXCLUSION ACT: To prevent unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and for expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation 500,000.00

DEPREDATIONS ON PUBLIC TIMBER, PROTECTING PUBLIC LANDS, AND SETTLEMENT OF CLAIMS FOR SWAMP LAND AND SWAMP-LAND INDEMNITY: To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands and indemnity for swamp lands, to be immediately available, of which sum $250,000 is for the purpose of bringing up the work of the General Land Office hereunder so as to make the same current: *Provided*, That agents and others employed under this appropriation shall be selected by the Secretary of the Interior and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding $3 per day each and actual necessary expenses for transportation, including necessary sleeping-car fares 500,000.00

(An increase of $250,000 over the appropriation for 1908.)

EXPENSES OF HEARINGS IN LAND ENTRIES: For expenses of hearings held by order of the Commissioner of the General Land Office to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, and of hearings in disbarment proceedings 35,000.00

(An increase of $26,000 over the appropriation for 1908.)

HARBOR OF NEW YORK: For prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City:

For pay of inspectors, deputy inspectors, office force, and expenses of office, $10,260; for pay of crews and maintenance of six steam tugs and one launch, $75,000; in all 85,260.00

DEFENDING SUITS IN CLAIMS AGAINST THE UNITED STATES: For defraying the necessary expenses incurred in the examination of witnesses and procuring of evidence in the matter of claims against the United States and in defending suits in the Court of Claims, including defense for the United States in the matter of French spoliation claims, to be expended under the direction of the Attorney-General 20,000.00

DETECTION AND PROSECUTION OF CRIMES: For the detection and prosecution of crimes against the United States, preliminary to indictments; the investigation of official acts, records, and accounts of marshals, attorneys, clerks of the United States courts, and United States commissioners, for which purpose all the records and dockets of said officers, without exception, shall be examined by the agents of the Attorney-General at any time; the inspection of the United States prisoners and prisons; collection, classification, and preservation of criminal identification records, and their exchange with the officials of state and other institutions, to be expended under the direction of the Attorney-General, District of Columbia 30,000.00

ENFORCEMENT OF ANTITRUST LAWS: That the balance of the appropriation of $250,000, entitled "Enforcement of antitrust laws, 1907 and 1908," contained in the sundry civil appropriation act approved March 4, 1907, shall be available during the fiscal year 1909, and an additional appropriation of $250,000 made for the same purposes $250,000.00

For payment of such miscellaneous expenses as may be authorized by the Attorney-General, for the United States courts and their officers, including the furnishing and collecting of evidence where the United States is or may be a party in interest, and moving of records: *Provided*, That in so far as it may be deemed necessary by the Attorney-General, this appropriation shall be available for such expenses in the district of Alaska 560,000.00

(An increase of $20,000 over the appropriation for 1908.)

For payment of assistants to the Attorney-General and of assistants to United States district attorneys, employed by the Attorney-General to represent the United States in naturalization and other proceedings and for other necessary expenses in connection with such proceedings and cases 150,000.00

(An increase of $50,000 over the appropriation for 1908.)

IN THE LEGISLATIVE, ETC., ACT.

SECRET SERVICE DIVISION: For 1 chief, $4,000; assistant chief, who shall discharge the duties of chief clerk, $3,000; 1 clerk of class 4; 1 clerk of class 3; 2 clerks of class 2; 1 clerk of class 1; 1 clerk, $1,000; and 1 attendant, $720 ..... 16,120.00

For salaries of special agents, and for actual expenses of examiners detailed to examine the books, accounts, and money on hand at the several subtreasuries and depositories, including national banks acting as depositories under the requirements of section 3649 of the Revised Statutes of the United States, also including examinations of cash accounts at mints 3,000.00

Two special inspectors, whose employment shall be limited to the inspection of offices and the work in the several offices under the control of the Department of the Interior, at $2,500 each 5,000.00

For per diem in lieu of subsistence of 2 special inspectors, Department of the Interior, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $3 per day, and for actual necessary expenses of transportation (including temporary employment of stenographers, typewriters, and other assistance outside of the District of Columbia, and for incidental expenditures necessary to the efficient conduct of examinations), to be expended under the direction of the Secretary of the Interior 4,000.00

Three inspectors of surveyors-general and district land offices, at $2,000 each 6,000.00

For per diem in lieu of subsistence of inspectors and of clerks detailed to investigate fraudulent land entries, trespasses on the public lands, and cases of official misconduct, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $3 per day, and for actual necessary expenses of transportation, including necessary sleeping-car fares, and for employment of stenographers and other assistants when necessary to the efficient conduct of examinations, and when authorized by the Commissioner of the General Land Office 7,000.00

For an additional force of 100 special examiners for one year at a salary of $1,300 each, and no person so appointed shall be employed in the State from which he is appointed; and any of those now employed in the Pension Office or as special examiners may be reappointed if they be found to be qualified 130,000.00

For per diem, when absent from home and traveling on duty outside the District of Columbia, for special examiners or other persons employed in the Bureau of Pensions, detailed for the purpose of making special investigations pertaining to said bureau, in lieu of expenses for subsistence, not exceeding $3 per day, and for actual and necessary expenses for transportation and assistance, and any other necessary expenses, including telegrams 250,000.00

Division of post-office inspectors: Chief inspector, $4,000; chief clerk, $2,000; 3 clerks of class 4; 8 clerks of class 3; 12 clerks of class 2; 16 clerks of class 1; 15 clerks, at $1,000 each; 14 clerks, at $900 each; 3 assistant messengers; and 1 laborer; in all 90,620.00

Six special agents, division of classification, at $2,000 each 12,000.00

For per diem allowance for special agents, division of classification, when actually traveling on business of the Post-Office Department, at a rate to be fixed by the Postmaster-General, not exceeding $4, and for other actual and necessary traveling expenses arising in connection with the business of the division of classification 7,000.00

For compensation and per diem, to be fixed by the Secretary of Commerce and Labor, of special attoneys, special examiners, and special agents, for the purpose of carrying on the work of said bureau, as provided by the act approved February 14, 1903, entitled "An act to establish the Department of Commerce and Labor," the per diem to be, subject to such rules and regulations as the Secretary of Commerce and Labor may prescribe, in lieu of subsistence, at a rate not exceeding $4 per day to each of said special attorneys, special examiners, and special agents, and also of other officers and employees in the Bureau of Corporations while absent from their homes on duty outside of the District of Columbia, and for their actual necessary traveling expenses, including necessary sleeping-car fares; in all 175,000.00

For the purpose of carrying into effect the provisions of the act approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," namely: Chief of Division of Naturalization, $3,500;

assistant chief of division, $2,500; 3 clerks of class 4; 3 clerks of class 3; 5 clerks of class 2; 7 clerks of class 1; 4 clerks, at $1,000 each; 2 clerks, at $900 each; 1 messenger; 1 assistant messenger; in all $38,960.00

For Division of Information established under section 40 of the act approved February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States," namely: For chief of division, $3,500; assistant chief of division, $2,500; 2 clerks of class 4; 1 clerk of class 3; 2 clerks of class 2; 3 clerks of class 1; 1 clerk, $900; 1 messenger; in all.. 19,840.00

IN THE ARMY ACT.

CONTINGENCIES OF THE ARMY: For all contingent expenses of the army not otherwise provided for, and embracing all branches of the military service, including the office of the Chief of Staff, to be expended under the immediate orders of the Secretary of War 15,000.00

INSPECTOR-GENERAL'S DEPARTMENT: For pay of officers in the Inspector-General's Department 50,500.00

For additional pay to such officers for length of service, to be paid with their current monthly pay 16,000.00

For pay of expert accountant for the Inspector-General's Department 2,500.00

IN THE INDIAN ACT.

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to take action to suppress the traffic in intoxicating liquors among Indians 40,000.00

To enable the Commissioner of Indian Affairs, from time to time as he may deem necessary, to detail clerks from his office to make special investigations in the field: *Provided*, That while thus absent from Washington under such detail they shall receive a per diem of $3 to cover all expenses, exclusive of transportation and sleeping-car fares 3,000.00

For pay of 8 Indian inspectors, 2 of whom shall be engineers, 1 to be designated as chief, competent in the location, construction, and maintenance of irrigation works, at $2,500 per annum each, except the chief engineer, who shall receive $3,500 ..... 21,000.00

For traveling expenses of 8 Indian inspectors, at $3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days 12,800.00

For services of officers, at $25 per month each, and privates, at $20 per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations and within the Territory of Alaska, in the discretion of the Secretary of the Interior, for the purchase of equipments, and for the purchase of rations for policemen at nonration agencies 200,000.00

For contingencies of the Indian Service, including traveling and incidental expenses of Indian agents and of their offices, and of the Commissioner of Indian Affairs; also traveling and incidental expenses of special agents, at $3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Commissioner of Indian Affairs, for a period not to exceed twenty days; for pay of employees not otherwise provided for, and for pay of special agents, at $2,000 per annum each 85,000.00

(An increase of $10,000 over the appropriation for 1908.)

In the diplomatic and consular act.

EXPENSES UNDER THE NEUTRALITY ACT.

To meet the necessary expenses attendant upon the execution of the neutrality act, to be expended under the direction of the President, pursuant to the requirement of section 291 of the Revised Statutes 8,000.00

EMERGENCIES ARISING IN THE DIPLOMATIC AND CONSULAR SERVICE.

To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, to be expended pursuant to the requirement of section 291 of the Revised Statutes 90,000.00

For salaries of five consular inspectors, at $5,000 each.. 25,000.00

For the actual and necessary traveling and subsistence expenses of consular inspectors while traveling and inspecting under instructions from the Secretary of State 15,000.00

IN THE POST-OFFICE ACT.

FOR SALARIES OF POST-OFFICE INSPECTORS: For salaries of 15 inspectors in charge of divisions, at $3,000 each; 10 inspectors, at $2,400 each; 15 inspectors, at $2,250 each; 15 inspectors, at $2,000 each; 10 inspectors, at $1,800 each; 130 inpectors, at $1,600 each; 110 inspectors, at $1,400; and 50 inspectors, at $1,200; in all 572,750.00

For per diem allowance of inspectors in the field while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster-General, not to exceed $4 per day: *Provided*, That the Postmaster-General may, in his discretion, allow inspectors per diem while temporarily located at any place on business away from their home, or their designated domicile, for a period not exceeding twenty consecutive days at any one place, and make rules and regulations governing the foregoing provisions relating to per diem: *And provided further*, That no per diem shall be paid to inspectors receiving annual salaries of $2,000 or more $325,000.00

For compensation to clerks and laborers at division headquarters, 15, at $1,600 each; 9, at $1,400 each; 27, at $1,200 each; 8, at $1,100 each; 13, at $1,000 each; 5, at $900 each; and 2, at $660 each; in all.. 96,620.00

For traveling expenses of inspectors without per diem allowance, inspectors in charge, and the chief post-office inspector, and expenses incurred by inspectors not covered by per diem allowance 35,000.00

For livery hire incurred by inspectors not covered by their per diem allowance, including livery hire in connection with the installation and inspection of rural routes 50,000.00

For necessary miscellaneous expenses at division headquarters 6,000.00

For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers: *Provided*, That of the amount herein appropriated not to exceed $5,000 may be expended, in the discretion of the Postmaster-General, for the purpose of securing information concerning violations of the postal laws, and for services and information looking toward the apprehension of criminals 20,000.00

In the District of Columbia act.

FOR METROPOLITAN POLICE.

For major and superintendent, $4,000; assistant superintendent, with rank of inspector, $2,500; 3 inspectors, at $1,800 each; 10 captains, at $1,500 each; chief clerk, who shall also be property clerk, $2,000; clerk, $1,500; 3 clerks, at $1,000 each; 4 surgeons of the police and fire departments, at $600 each; additional compensation for 20 privates detailed for special service in the detection and prevention of crime, $4,800, or so much thereof as may be necessary; 12 lieutenants, 1 of whom shall be harbor master, at $1,320 each; 45 sergeants, 1 of whom may be detailed for duty in the harbor patrol, at $1,250 each; 431 privates of class 3, at $1,200 each; 123 privates of class 2, at $1,080 each; 105 privates of class 1, at $900 each; for amount required to pay salaries of privates of class 2 who will be promoted to class 3 and privates of class 1 who will be promoted to class 2 during the fiscal year 1909, $8,303.35; 6 telephone operators, at $600 each; janitor for police headquarters for July, 1908, $60; 14 janitors, at $600 each; messenger, $700; messenger, $500; major and superintendent, mounted, $240; inspector, mounted, $240; 55 captains, lieutenants, sergeants, and privates, mounted, at $240 each; 64 lieutenants, sergeants, and privates, mounted, on bicycles, at $50 each; 26 drivers, at $720 each; and two police matrons, at $600 each; in all 915,593.35

IN THE NAVAL ACT.

CONTINGENT, NAVY: For all emergencies and extraordinary expenses, exclusive of personal services in the Navy Department, or any of its subordinate bureaus or offices at Washington, D. C., arising at home or abroad, but impossible to be anticipated or classified, to be expended on the approval and authority of the Secretary of the Navy, and for such purposes as he may deem proper 65,000.00

IN THE PENSION ACT.

For examination and inspection of pension agencies, as provided by the final provision of the act of August 8, 1882, amending section 4766, Revised Statutes 1,500.00

Total 7,214,593.35

Increase in certain of foregoing appropriations for 1909 over 1908 ..... 792,755.00

Appropriations made at the last session of Congress for the service of the fiscal year 1909 to be used in whole or in part to prevent frauds in and depredations upon the several branches of the public service, to protect public lands from fraudulent entry, and to apprehend and punish other violators of law; also increases made in certain of such appropriations over the sums appropriated for like purposes at the previous session of Congress for the fiscal year 1908.

IN THE LEGISLATIVE, ETC., ACT.

For salaries and expenses of collectors of internal revenue, and deputy collectors, and surveyors, and clerks, messengers, and janitors in internal-revenue offices.. 2,075,000.00

For salaries and expenses of 40 revenue agents provided for by law, and fees and expenses of gaugers, salaries and expenses of storekeepers and storekeeper-gaugers 2,400,000.00

To carry out the provisions of the act entitled "An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," as amended by the act of March 2, 1907. And for the employment of such additional force of chemists, internal-revenue agents, inspectors, deputy collectors, clerks, laborers, and other assistants as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may deem proper and necessary to the prompt and efficient operation and enforcement of this law, and for the purchase of locks, seals, weighing beams, gauging instruments, and for all necessary expenses incident to the proper execution of this law 200,000.00

DEPARTMENT OF LABOR: Six special agents, at $1,600 each; 8 special agents, at $1,400 each; 4 special agents, at $1,200 each 25,600.00

For per diem, in lieu of subsistence, of special agents and employees while traveling on duty away from their homes and outside of the District of Columbia, at a rate not to exceed $3 per day, and for their transportation, and for employment of experts and temporary assistance, and for traveling expenses of officers and employees, and for the purchase of reports and materials for the reports and bulletins of the Bureau of Labor, and for subvention to "International Association for Labour Legislation," and necessary expenses connected with representation of the United States Government therein---------- $64,090.00

PERMANENT APPROPRIATIONS.

SALARIES OF STEAMBOAT INSPECTORS AND CLERKS: Indefinite appropriation to pay salaries of the Supervising Inspector-General, supervising inspectors, local inspectors, and assistant inspectors of steam vessels, and clerks of steamboat inspectors, under the acts of June 19, 1886, and April 4, 1888, as amended by the acts of March 1 and 2, 1895, and April 21, 1898, and June 2, 1900 (appointments authorized by secs. 4402, 4404, and 4414, Rev. Stat.), amended by act approved March 3, 1905, and further amended by act of April 9, 1906---------- 460,000.00

CONTINGENT EXPENSES, STEAMBOAT-INSPECTION SERVICE: Indefinite appropriation for the payment of fees to United States marshals and witnesses (sec. 4451, Rev. Stat.), and traveling and other expenses, when on official duty, of the Supervising Inspector-General, supervising inspectors, local and assistant inspectors, and all instruments, furniture, and other things necessary to carry into effect the provisions of Title 52, Revised Statutes (sec. 4461, Rev. Stat.), under the act approved April 4, 1888, amending the act of June 19, 1886, as amended by the acts of March 1, 1895, February 15, 1897, March 3, 1905, and April 9, 1906.. 110,000.00

EXPENSES OF REGULATING IMMIGRATION: For expenses of regulating the immigration of aliens into the United States, including salaries and expenses of all officers, clerks, inspectors, and other employees, permanently appropriated annually---------- 2,500,000.00

IN THE ARMY ACT.

INCIDENTAL EXPENSES: Postage; cost of telegrams on official business received and sent by officers of the army; extra pay to soldiers employed on extra duty, under the direction of the Quartermaster's Department, in the erection of barracks, quarters, and storehouses, in the construction of roads and other constant labor for periods of not less than ten days, and as clerks for post quartermasters at military posts, and for prison overseers at posts designated by the War Department for the confinement of general prisoners, and for noncommissioned officers of the United States military prison guard; for expenses of expresses to and from frontier posts and armies in the field, of escorts to paymasters and other disbursing officers, and to trains where military escorts can not be furnished; expenses of the interment of officers killed in action or who die when on duty in the field, or at military posts or on the frontiers, or when traveling under orders, and of noncommissioned officers and soldiers; and in all cases where such expenses would have been lawful claims against the Government, reimbursement may be made of expenses heretofore or hereafter incurred by individuals of burial and transportation of remains of officers, including acting assistant surgeons, not to exceed the amount now allowed in the cases of officers, and for the reimbursement in the cases of enlisted men not exceeding the amount now allowed in their cases, may be paid out of the proper funds appropriated by this act, and the disbursing officers shall be credited with such reimbursement heretofore made; but hereafter no reimbursement shall be made of such expenses incurred prior to the 21st day of April, 1898; authorized office furniture, hire of laborers in the Quartermaster's Department, including the hire of interpreters, spies, or guides for the army; compensation of clerks and other employees to the officers of the Quartermaster's Department, and clerks, foremen, watchmen, and organist for the United States military prison, and incidental expenses of recruiting; for the apprehension, securing, and delivering of deserters, including escaped military prisoners, and the expenses incident to their pursuit, and no greater sum than $50 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of $5 to each dishonorably discharged prisoner upon his release from confinement, under court-martial sentence, involving dishonorable discharge; for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be mounted, the authorized number of officers' horses, and for the trains, to wit: Hire of veterinary surgeons, purchase of medicines for horses and mules, picket ropes, blacksmith's tools and materials, horseshoes and blacksmith's tools for the cavalry service, and for the shoeing of horses and mules, and such additional expenditures as are necessary and authorized by law in the movements and operations of the army, and at military posts, and not expressly assigned to any other department---------- 2,200,000.00

IN THE AGRICULTURE ACT.

GENERAL EXPENSES, FOREST SERVICE: To enable the Secretary of Ariculture to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to investigate and test American timber and timber trees, and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the cost of any building erected shall not exceed $500; to pay all expenses necessary to protect, administer, and improve the national forests; and hereafter officials of the Forest Service designated by the Secretary of Agriculture shall, in all ways that are practicable, aid in the enforcement of the laws of the States or Territories with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, and with respect to national forests, shall aid the other federal bureaus and departments on request from them, in the performance of the duties imposed on them by law; to ascertain the natural conditions upon and utilize the national forests, and the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests, except the Black Hills National Forest in South Dakota, to be exported from the State, Territory, or the district of Alaska in which said forests are respectively situated: *Provided*, That the exportation of dead and insect-infested timber only from said Black Hills National Forest shall be allowed until such time as the forester shall certify that the ravages of the destructive insects in said forest are practically checked, but in no case after July 1, 1910; to transport and care for fish and game supplied to stock the national forests or the waters therein; to employ fiscal and other agents, clerks, assistants, and other labor required in practical forestry and in the administration of national forests, in the District of Columbia or elsewhere; and hereafter advances of money under any appropriation for the Forest Service may be made to the Forest Service and by authority of the Secretary of Agriculture to chiefs of field parties for fighting forest fires in emergency cases, who shall give bond under such rules and regulations and in such sum as the Secretary of Agriculture may direct, and detailed accounts arising under such advances shall be rendered through and by the Department of Agriculture to the Treasury Department; to collate, digest, report, illustrate, and print the results of experiments and investigations made by the Forest Service; to purchase law books to an amount not exceeding $500, necessary supplies, apparatus, and office fixtures, and technical books and technical journals for officers of the Forest Service stationed outside of Washington; to pay freight, express, telephone, and telegraph charges; for electric light and power, fuel, gas, ice, washing towels, and official traveling and other necessary expenses; and for rent in the District of Columbia and elsewhere---------- $3,151,900.00

(Estimated increase of $1,951,900 over permanent appropriation for 1908.)

PERMANENT APPROPRIATION.

MEAT INSPECTION, BUREAU OF ANIMAL INDUSTRY: There is permanently appropriated, out of any money in the Treasury not otherwise appropriated, for the expenses of the inspection of cattle, sheep, swine, and goats, and the meat and meat-food products thereof which enter into interstate or foreign commerce, and for all expenses necessary to carry into effect the provisions relating to meat inspection, including rent and the employment of labor in Washington and elsewhere, for each year---------- 3,000,000.00

PURE FOOD: General expenses, Bureau of Chemistry: Chemical apparatus, chemicals, and supplies, repairs to engine and apparatus, gas and electric current, official traveling and other expenses, telegraph and telephone service, express and freight charges, labor and expert work and all necessary expenses in conducting investigations in this bureau in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such investigations; for the rent of buildings in the city of Washington and elsewhere; to continue collaboration with other departments of the Government desiring chemical investigations and whose heads request the Secretary of Agriculture for such assistance, and for other miscellaneous work; to demonstrate and illustrate the methods for the making of denatured alcohol on a scale suitable for utilization by the farmer, or associations of farmers; to enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and for all necessary expenses connected with such inspection and studies of methods of analysis in foreign countries; for all expenses necessary to carry into effect the provisions of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for other purposes," including rent and the employment of labor in the city of Washington and elsewhere; employing such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purposes named---------- 760,000.00

(Increase of $110,000 over appropriation for 1908.)

EXPENSES OF UNITED STATES COURTS: For expenses of United States courts, other than the sums for miscel-

laneous expenses, and for assistant attorneys in naturalization cases noted elsewhere, and including salaries and expenses of marshals, deputy marshals, United States attorneys, assistant attorneys, fees of witnesses and jurors, support of penitentiaries, etc.. (Increase of $769,760 over appropriations for 1908.)	$6,641,580.00
Total	23,588,170.00
Increase in certain of foregoing appropriations for 1909 over 1908	2,831,660.00

Mr. LLOYD. Mr. Speaker, I rise for the purpose of asking unanimous consent that Messrs. SHERLEY, SMITH of Iowa, and FITZGERALD each be permitted to address the House at the present time in the following order, without reference to how they may feel in regard to this resolution.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the gentleman from Iowa [Mr. SMITH], the gentleman from New York [Mr. FITZGERALD], and the gentleman from Kentucky [Mr. SHERLEY] may be permitted to address the House, without reference to their opinions as to the resolution pending.

Mr. DRISCOLL. Mr. Speaker, is it intended that they shall talk to the resolution, or on something else?

The SPEAKER. The Chair understands the request to be in regard to the rules of recognition governing the Chair, not otherwise to interfere with the rules of the House. Is there objection?

There was no objection.

Mr. SHERLEY. Mr. Speaker, occupying a somewhat different position than most of the Members of the House relative to the messages of the President that are the subject of the resolution offered by the special committee, inasmuch as my remarks made during the debate in the House last year relative to the Secret Service are referred to and relied on by the President in his response to the House, it has seemed proper to me that I should not only speak to these resolutions affecting the House as a whole, but also make a rejoinder to the message itself.

That a grave breach of the privileges of the House, and thereby a grave injury to the country has been committed by the President would seem to be apparent to anyone capable of understanding the English language, and no response to the previous resolution of the House could be accepted that did not contain a withdrawal of the offensive language objected to and an apology therefor. Instead of such a response, however, the President has declared that the language used by him does not mean what it plainly says, and an effort is made to change the issue existing between the House and the Executive.

That issue plainly is this: Was the Executive warranted in impugning the motives of the House in enacting legislation that was believed by him to be unwise? No amount of special pleading, no recital of the valuable services rendered by the Secret Service can serve to divert the issue, and to attempt to answer such an issue by a disclaimer of any intention to offend while repeating the offensive language is to add further insult. [Applause.] The question as to the wisdom of the action of the House in adopting the legislation complained of by the President is entirely distinct from the charge of a corrupt motive on the part of the House in so legislating.

The President in his annual message used this language:

> The chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by the secret-service men. Very little of such investigation has been done in the past; but it is true that the work of the secret-service agents was partly responsible for the indictment and conviction of a Senator and a Congressman for land frauds in Oregon. I do not believe that it is in the public interest to protect criminals in any branch of the public service, and exactly as we have again and again during the past seven years prosecuted and convicted such criminals who were in the executive branch of the Government, so, in my belief, we should be given ample means to prosecute them if found in the legislative branch. But if this is not considered desirable, a special exception could be made in the law prohibiting the use of the secret-service force in investigating members of Congress. It would be far better to do this than to do what actually was done, and strive to prevent or, at least, to hamper effective action against criminals by the executive branch of the Government.

Now, to what do the significant words "if this is not considered desirable" relate? Clearly to the affirmative statement that we (the executive) should be given ample means to prosecute them (to wit, criminals) in the legislative branch. Plainly the meaning is that if it is not considered desirable that the Executive should be given ample means to prosecute criminals in the legislative branch, then—and here is the final stigma—"a special exception could be made in the law prohibiting the use of the secret-service force in investigating members of the Congress," and, mark you, the President adds: "It would be far better to do this than to do what actually was done, and strive to prevent or, at least, to hamper effective action against criminals by the executive branch of the Government." In other words, he says if Congress is determined to protect its own criminals, it should at least permit the Executive to punish the other criminals outside that body, and not strive to prevent or hamper even this.

But further analysis is needless. How any person can carefully read the language I have quoted and come to any other conclusion than that the President deliberately libeled the House I am unable to understand.

It being apparent that a stigma was placed upon the membership of the House, but two answers were open to the President: First, to prove that the stigma was deserved, or secondly, like a brave man, to withdraw the offensive language and apologize to the House. The President has done neither. He expressly says:

> If I had proof of such corruption affecting any Member of the House in any matter as to which the Federal Government has jurisdiction, action would at once be brought.

In the light of the present circumstances, does anyone doubt for a moment that the President is absolutely without proof—even as he judges proof—of wrongdoing of any Member of Congress? And the only course left him was, as I have stated, to have apologized. But, unfortunately, instead of so doing, he has, in his reply to the resolution of the House, distorted out of all true proportion the real debate had in the House relative to the Secret Service, and then, by an elaborate argument as to the merits of such service, sought to obscure the real issue. The issue is not, Does Congress desire the Government to have the most efficient instrument to run down criminals or does it not? When Congress comes to legislate touching the Secret Service, there will then arise the very important question of how to so regulate that service as to retain its proper efficiency in the detection of crime with the least possible opportunity for its misuse, and as to that question I shall speak later.

But I now repeat that the issue now between the President and this House is: Was the President warranted in impugning the motives of the House in enacting this legislation? Had the President confined himself to a discussion of the wisdom of the action of Congress in passing the legislation, no exception could have been taken by Congress, however it might have differed with him. But, believing as I do that the President's message was an insult and that his response to the resolution of the House has aggravated his offense, I think it incumbent upon the House that it treat the two messages, as urged by the special committee, by adopting a resolution that they be laid on the table. Such action is a proper rebuke, and is notice that the House of Representatives of the American Congress will not tolerate such a flagrant breach of its rights to pass unnoticed, but will ever guard the honor of its name.

Mr. Speaker, I have presented briefly what I, as simply a Member of this House, believe to be its plain duty and my reasons therefor. I shall now make my rejoinder to that portion of the President's last message as seeks to justify his previous message by a recital of what he states to have been the argument made by myself in the discussion in the House last year.

The President apparently pays me the high compliment of saying in effect that my argument was the only real one made by the advocates of the limitation adopted. It would indeed be a real compliment were it not for the fact that he shows a complete failure on his part to understand the argument as a whole, or to ascribe to its different parts their true relative value. Doubtless the President refrained from quoting actually what I said and contented himself with a statement of what he conceived it to be, in the interest of brevity of speech, but that there may be had a real understanding of what I did say, I shall, at the risk of sacrificing brevity, read the whole of my remarks, not only that portion referred to by the President, but also the remaining, and by far the larger, portion not referred to by the President.

Before, however, doing this it might be well to clear away some of the brush piled up in the President's reply. First, as to the article written by Mr. Busbey some five years ago, I have never seen this article and my first knowledge of its language was obtained from hearing read the President's message last Monday. Second, as to the letter of the President to the Speaker of the House, I never knew of the existence of such a letter until informed of it by the President's message. Since the giving public of its contents by the President, I have seen the original letter which is marked "personal." Naturally, I could not be expected to be familiar with the personal correspondence of the President of the United States with the Speaker of the House.

Third, as to the letter of the Secretary of the Treasury, the Hon. G. B. Cortelyou, to the chairman of the Committee on Appropriations. I never saw this letter until some two weeks ago, after the annual message of the President was sent to Congress.

It may not be amiss to state, also, that as a minority Member of the House, I have never been honored by having the President discuss this or other important matters of legislation with me, and could not know of his views on the subject.

I mention these facts, Mr. Speaker, that the motives for my action may not be misjudged by virtue of the President's insertion into the controversy of matters that are, as to me, entirely extraneous. I do not know that I should have altered my position relative to the Secret Service by having had the viewpoint of the President; for while I should consider with respect any position taken by any President of the United States touching important legislation, I hold it to be the high duty of a member of Congress to give his constituents not only his industry, but his own judgment, and I am yet to be convinced that the information conveyed, either in the President's letter to the Speaker or in the letter of Secretary Cortelyou, warrants the conclusion that the action of the House was unwise.

Now, as to the real arguments advanced by myself in debate. The President divides the arguments used by the advocates of the limitation into two classes. He says:

One concerned the question whether the law warranted the employment of the Secret Service in departments other than the Treasury, and this did not touch the merits of the service in the least. The other line of argument went to the merits of the service, whether lawfully or unlawfully employed, and here the chief if not the only argument used was that the service should be cut down and restricted because its members had "shadowed" or investigated members of Congress and other officers of the Government.

In passing, it may be noticed with what disdain the President speaks of the argument as to the legality of the then use made of secret-service men. The President then refers to the remarks of my colleagues, Messrs. TAWNEY, SMITH, and FITZGERALD. Inasmuch as these gentlemen themselves reply to this portion of the message, I shall not deal with it, but come to the direct reference to myself. The President says:

A careful reading of the CONGRESSIONAL RECORD will also show that practically the only arguments advanced in favor of the limitation proposed by Mr. TAWNEY's committee, beyond what may be supposed to be contained by implication in certain sentences as to "abuses" which were not specified, were those contained in the repeated statements of Mr. SHERLEY. Mr. SHERLEY stated that there had been "pronounced abuses growing out of the use of the Secret Service for purposes other than those intended," putting his statement in the form of a question, and in the same form further stated that the "private conduct" of "Members of Congress, Senators," and others ought not to be investigated by the Secret Service, and that they should not investigate a "member of Congress" who had been accused of "conduct unbecoming a gentleman and a member of Congress." In addition to these assertions couched as questions, he made one positive declaration, that "this Secret Service at one time was used for the purpose of looking into the personal conduct of a member of Congress." This argument of Mr. SHERLEY, the only real argument as to the merits of the question made on behalf of the Committee on Appropriations will be found in columns 1 and 2 of page 5556, and column 1 of page 5557 of the CONGRESSIONAL RECORD. In column 1 of page 5556 Mr. SHERLEY refers to the impropriety of permitting the secret-service men to investigate men in the departments, officers of the army and navy, and Senators and Congressmen; in column 2 he refers to officers of the navy and members of Congress; in column 1 of page 5557, he refers only to members of Congress. His speech puts most weight on the investigation of members of Congress.

Before analyzing this statement, I shall read my remarks in their entirety, together with such of the remarks of other gentlemen as are necessarily connected with them, viz:

Mr. BENNETT of New York. Mr. Chairman, I shall feel constrained to make the point of order, but I think I ought to say that I sympathize with the efforts of the committee to make definite and certain that kind of employment. There is no law whatever on the statute books for a secret-service division. This provision has been carried here for forty-three years, and from time to time changed to cover other branches of the government work in other departments.

Mr. SHERLEY. Has not every change that has been made since the establishment of that Secret Service been a change looking to limiting it to the purpose for which it was established?

Mr. BENNET of New York. It has been just the opposite.

Mr. SHERLEY. If the gentleman will point to a single instance where the change has been to enlarge it, other than for the protection of the President and the bounty act, I shall be glad to see it.

Mr. BENNET of New York. Those are the only two there are.

Mr. SHERLEY. Oh, no; the gentleman will find a very broad provision there.

Mr. SMITH of Iowa. At one time it said "other felonies against the United States."

Mr. SHERLEY. Does not the gentleman from New York know that in the past history of this Secret Service there have been pronounced abuses growing out of the use of the Secret Service for purposes other than those intended?

Mr. BENNET of New York. The gentleman does not know those things.

Mr. SHERLEY. The gentleman is not very fully informed on the subject, then.

Mr. BENNET of New York. There are many subjects on which the gentleman is not fully informed.

Mr. SHERLEY. The gentleman from Kentucky is perfectly willing to admit that.

Mr. BENNET of New York. The gentleman from New York is endeavoring to obtain the information which the committee has on the subject.

Mr. SHERLEY. That is very proper.

Mr. BENNET then refers, in a colloquy with Mr. TAWNEY, to a case in the Navy Department; and after a few questions and answers with Mr. CLARK of Missouri the following questions and answers occur, viz:

Mr. SHERLEY. Will the gentleman from New York indicate what kind of private conduct by an officer of the Government he considers should be investigated by the Secret Service, and should it apply to officers of the navy, to officers of the army, men in the departments, Members of Congress, Senators, or what shall be the line?

Mr. BENNET of New York. I shall not attempt to answer any such blanket question as that.

Mr. SHERLEY. Well, I will make it a little less of a blanket.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SHERLEY. I ask that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks that the time of the gentleman from New York be extended five minutes. Is there objection?

There was no objection.

Mr. SHERLEY. Will the gentleman indicate what private conduct of an officer or employee of the Government should be investigated at the instigation of the head of any department of this Government?

Mr. BENNET of New York. None whatever, except such as affect him in his public capacity.

Mr. SHERLEY. That is a statement that does not mean anything. What does the gentleman consider should be the class of conduct, and who is to be the judge of whether it affects him in his public or private capacity? Does the gentleman think that heads of departments should have the right to determine, and if they so determine that the private conduct of the individual affects him in his public capacity, shall they investigate the matter with secret-service men?

Mr. BENNET of New York. I think this navy case, the history of which some gentlemen here are familiar with—

Mr. SHERLEY. What are the facts in that case?

Mr. BENNET of New York. Without telling any names, I am ready to state the facts. Here is a case where a naval officer of previous very high and irreproachable character, so far as the department knew, was absent on leave. There came to the office of the Acting Secretary of the Navy one day a very estimable lady of Washington, who charged that gentleman with conduct unbecoming an officer and a gentleman, to wit, that he had abducted her daughter. The Secretary of the Navy exhausted the ordinary means within the navy of ascertaining the whereabouts of that officer.

Mr. SMITH of Iowa. Was not her daughter a married woman?

Mr. BENNET of New York. That makes it worse. [Laughter.]

Mr. SMITH of Iowa. I am trying to get all the facts; she was a married woman?

Mr. BENNET of New York. Certainly; after the Secretary of the Navy had exhausted all the means at his command, he called in either one or two, I don't know which, secret-service officers, who simply, after a lapse of a few days, reported to the Secretary of the Navy—

Mr. SMITH of Iowa. A few days of shadowing, I suppose the gentleman means?

Mr. BENNET of New York. I do not. After a few days investigating, to find out where he was, they reported that he was at a certain place, and there their connection with the case ended. The Secretary of the Navy sent for the naval officer, and he was subsequently separated from the service. I maintain that in a case like that the Secretary of the Navy, or the head of any other department, for instance, the Secretary of War, has the right to do that.

Mr. SHERLEY. Then, whenever a charge is made against any officer, on leave or not on leave, that he has been guilty of conduct unbecoming a gentleman and an officer, the Secretary of the Navy is warranted in employing the secret-service men to shadow that man in order to prove whether those charges are well founded or not.

Mr. BENNET of New York. Not at all; and I do not so state.

Mr. SHERLEY. Then, let us find out the gentleman's point.

Mr. BENNET of New York. I stated that the Secretary of the Navy desired to locate the officer, and that he was unable through the officers of the Navy Department and through the regular channels——

Mr. SHERLEY. The man was on leave.

Mr. BENNET of New York. Yes.

Mr. SHERLEY. He had a right to be away.

Mr. BENNET of New York. On leave, and he was charged with a serious and most grave crime.

Mr. SHERLEY. But let us not confuse the issues.

Mr. BENNET of New York. That is part of the issue.

Mr. SHERLEY. The man was on leave.

Mr. BENNET of New York. Yes.

Mr. SHERLEY. And the gentleman thinks the Secretary of the Navy was warranted in putting a secret-service man on that man's trail?

Mr. BENNET of New York. I think he was not only justified but that it is his duty—an officer of the navy being charged with crime, whether on leave or on duty—to send for that officer, to start investigations, to court-martial him, and if he is guilty to separate him from the service.

Mr. SHERLEY. That does not necessarily involve, and heretofore has not involved, the use of a secret-service man.

Mr. BENNET of New York. It may not be necessary, but it did in this case involve it, and it has in other cases involved it, and I think that when these rare cases arise——

The CHAIRMAN. The time of the gentleman his expired.

Mr. BENNET of New York. I would like to have two minutes more.

Mr. SHERLEY. I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHERLEY. Does the gentleman think that if the accusation was made against a member of Congress that he has been guilty of conduct unbecoming a gentleman and a member of Congress that a department would be warranted in investigating his conduct by a secret-service man?

Mr. BENNET of New York. The gentleman is a gentleman of very high erudition, and he knows, of course——

Mr. SHERLEY. Well, let us dispense with the compliments and get down to the case.

Mr. BENNET of New York. Very well. Now, I will give the gentleman some facts. [Laughter.]

Mr. SHERLEY. I am prepared to admit that anything that adduces a fact from the gentleman is warranted.

Mr. BENNET of New York. Very well. He knows, as we all know who are lawyers and have given any thought to the subject, that we are not federal officers; that we are not state officers; that we are a component part of the Government. There is nobody over us. We are the Congress of the United States and the judges of our own conduct.

Mr. PARKER of New Jersey. Is it not true in the navy that it is a part of the standing regulations that a man must never go on leave so

that his address shall not be known to the department? He has to be where they can find him, if he is required for duty, at a moment's notice.

Mr. BENNET of New York. That ought to be the regulation, whether it is or not.

Mr. PARKER of New Jersey. It is.

Mr. BENNET of New York. I am glad to find that it is. And when this man could not be found, in obedience to that regulation, I say it was the duty of the Secretary of the Navy in that case, himself a gentleman of the highest character, to find this man and give him a chance to face his accusers and his accusers a chance to face him.

Mr. SHERLEY. The gentleman must be aware of the fact that this Secret Service at one time was used for the purpose of looking into the personal conduct of a Member of Congress, notwithstanding the gentleman seems to think they are answerable to no one.

Mr. BENNET of New York. The gentleman is not aware of anything of that kind. As far as the gentleman has investigated, it has been denied.

Mr. SHERLEY. But that was the fact.

Mr. BENNET of New York. The allegation was made, if the gentleman will permit, that that particular investigation was made not by a member of the Secret Service, but by a police officer of the city of Washington, who, when it was ascertained that he had done that, was summarily dismissed from the police force. The gentleman from New York has heard that.

Mr. SMITH of Iowa. Does the gentleman know the origin of this remarkable language, "for no other purpose whatever," in this section?

Mr. BENNET of New York. The gentleman from New York is not informed as to that. The statute is forty-three years old.

Mr. SMITH of Iowa. Not this part of it.

Mr. BENNET of New York. The gentleman from New York does not even know that. The gentleman from New York is confining his remarks to the matters which he does know.

Mr. SMITH of Iowa. That is very satisfactory.

This covers the remarks made by me in the way of a colloquy with Mr. BENNET, and covers all my remarks referred to by the President. But on the next page of the CONGRESSIONAL RECORD, to wit, page 5558, will be found the argument I made in my own time, and which illustrates plainly my position at that time, viz:

Mr. SHERLEY. Mr. Chairman, the possibilities of abuse of such a system as has grown up, and that this amendment is intended to correct, to my mind more than outweighs any inconvenience that may happen to a department. The gentleman from New York goes on the assumption that it is necessary for the departments to have secret-service men. I am not quite prepared to admit that proposition, at least as a general proposition; and if it be true that they need, for certain purposes, to have secret-service men, they should come to Congress and get authorization by Congress for the employment of this class of men. There is always a tendency on the part of bureau government to use such means as these to carry out what they consider to be the legitimate purposes of their creation, but there may be, and frequently is, very great difference of opinion as to what is a legitimate purpose. The gentleman from New York thinks that the Secretary of the Navy properly employed secret-service men in order to find out the details concerning a scandal in connection with a naval officer.

Mr. BENNET of New York. "The gentleman from New York" did not say that.

Mr. SHERLEY. I am simply taking the statement of the gentleman and the facts of the case, and I understood him to justify the action of the Secretary.

Mr. BENNET of New York. In locating the man.

Mr. SHERLEY. But the location of the man was not a question with the department, to know where that man was while on leave; but the location of the man by the Secret Service was really for the purpose of making charges against him in connection with some scandalous conduct of his. Now, I deny that it is the business of the Secretary of the Navy, or the Secretary of War, or any other secretary to employ secret-service men to dig up the private scandals of men.

I do not mean to uphold the scandals, but I do not believe this country has reached a point where it needs that sort of supervision over men's conduct by Government and by secret-service methods. That is the reason I am opposed to it. Let the departments come openly. They have been evading the plain spirit of the law, and they know it. There is not a man who can justify what has been done in the face of that statute. The statute expressly says that these men shall be used for certain enumerated purposes, and for none other. Now, they could not avoid the meaning of that statute, and so they try to circumscribe it by detailing, by dropping men from the rolls temporarily, in order that they may be picked up by other departments, and they frankly confess that they keep on their rolls a greater number than the needs of their service require in order that they may be able to detail those men to other departments. It is treating Congress and its laws with absolute contempt, and I desire to voice my protest against this attempt of the departments to determine what is necessary and legal, rather than to let the lawmaking part of the Government make that determination. I hope the limitation will prevail.

Immediately following my speech, Mr. DRISCOLL, of New York, spoke, and, among other things, said:

They (the departments other than the Treasury) may need the services of detectives for certain purposes.

To this I replied:

If they have such need, why not let them present the need to Congress and have Congress authorize it?

And again I make the same rejoinder in these words:

You are acting on the assumption that the need exists. Now, if it exists, let the department show it and ask Congress to authorize it.

This covers in its entirety my remarks.

Let us now examine these remarks with reference to the President's statement that the chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret-service men. The first reference of the President is to my statement that there had been pronounced abuses growing out of the Secret Service, and he says that I then stated in the form of a question that the "private conduct" of "Members of Congress," "Senators," and others ought not to be investigated by the Secret Service, and further stated that they should not investigate a Member of Congress who had been "accused of conduct unbecoming a gentleman and a Member of Congress." Now, the President, not only by eliminating and subordinating several of my remarks, but also by ignoring the remarks of Mr. BENNET that called them forth, undertakes to convey the impression that the fear of secret-service investigation of Members of Congress was the dominant idea in my mind. The fact is that the whole purpose of my questions was to obtain from Mr. BENNET, the champion of that service, a definition of what he considered to be its proper functions, and this because of his statement of a case relative to a private scandal involving a naval officer, and which case he thought was a proper one for investigation by the Secret Service. Knowing something of that case, and having it in mind as one of "the pronounced abuses of the service," and Mr. BENNET approving of it, I was curious to know, and thought it well for the House to know, Mr. BENNET's view. I accordingly asked him this question:

Will the gentleman from New York indicate what kind of private conduct by an officer of the Government he considers should be investigated by the Secret Service, and should it apply to officers of the navy, to officers of the army, men in the departments, Members of Congress, Senators, or what shall be the line?

My question was purposely made broad in order to arrive at the full view point of Mr. BENNET. It was so broad that Mr. BENNET objected to it, and replied:

I shall not attempt to answer any such blanket question as that.

To this I answered:

Well, I will make it a little less of a blanket.

I then asked this question:

Will the gentleman indicate what private conduct of an officer or employee of the Government should be investigated at the instigation of the head of any department of this Government?

Here is no reference to a Member of Congress, yet if I had had Members of Congress chiefly in mind, I would have naturally eliminated other classes and referred only to them. Mr. BENNET's answer was that no conduct except such as affects him in his public capacity should be investigated.

Believing that his reply did not indicate anything, I said so to him, and he replied by citing the navy case. This was what I wished—to reach a definite case that he thought in point. I then asked him the facts as to the case. He stated them and upheld the use of the Secret Service. I was so surprised at his statement that I replied:

Then, whenever a charge is made against any officer, on leave or not on leave, that he has been guilty of conduct unbecoming a gentleman and an officer, the Secretary of the Navy is warranted in employing the secret-service men to shadow that man in order to prove whether those charges are well founded or not?

It will be noted that here I used Mr. BENNET's language, "of conduct unbecoming a gentleman and an officer." Mr. BENNET denied that I correctly stated his position, and after a running exchange of questions and answers, in order to again try to arrive at his position, I asked him this question; and on this single question rests entirely the assertion of the President that the chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated, and so forth. Listen to the question:

Mr. SHERLEY. Does the gentleman think that if the accusation was made against a member of Congress of conduct unbecoming a gentleman and a member of Congress that a department would be warranted in investigating his conduct by a secret-service man?

Mr. BENNET replied to this wonderful question, that contained in it the germ of this controversy, by saying that I knew, as all lawyers knew, that—

Members of Congress are not federal officers; that we are not state officers; that we are a component part of the Government. There is nobody over us. We are the Congress of the United States and the judges of our own conduct.

A view, by the way, that does not seem to be shared with him by the Chief Executive.

To this rejoinder I replied:

This Secret Service at one time was used for the purpose of looking into the personal conduct of a member of Congress, notwithstanding the gentleman seems to think that they are answerable to no one.

This statement, as is shown on its face, was made solely because of Mr. BENNET's previous statement, and it may not be amiss to here state that its accuracy can be verified by a reference to Senate Report No. 784, Forty-fifth Congress, third session. A reading of that report will show how the gossip of a corridor was seized upon by the Secret Service in an attempt to destroy a Senator of the United States and, while the report of the Senate committee states that the investigation by the Secret Service was requested by a Member of the House, the testimony shows that for days prior to his request the investigation was going on, and the suggestion was made to him

by the assistant chief of that service that he request the inquiry. I commend to the advocates of an unrestrained Secret Service a careful reading of this report.

Mr. Speaker, my apology for this tiresome recital of the colloquy between Mr. BENNET and myself is the importance given it by the President of the United States in his attempted justification of his original message.

Let me now, as briefly as may be, refer to what I consider the real argument made by myself. I believed that a secret-service force had inherently in it the possibilities of abuse, and the very case cited by the gentleman from New York [Mr. BENNET], touching a naval officer, and which was known to me, was evidence to my mind of its abuse, whatever the motive was that prompted its use in that case or the good accomplished. I knew that the language in the law that the money appropriated for this service should be used for the limited cases enumerated and "for no other purpose whatsoever" was not accidental, but that the words "for no other purpose whatsoever" had been inserted because of an abuse of the service; that it had followed the exposure of the wrongful use of the service set out in the Senate report I have referred to.

I knew that the spirit of this provision was being violated by the detailing of men from this service to other departments, and that the method employed was destructive of the expressed will of Congress. All this had appeared in the debate; and so very briefly, for I spoke in my own time less than five minutes, I called attention to the possibilities of abuse in the system that had grown up; how the tendency of the departments was to use means that they thought proper to carry out their purposes, without regard to the opinion of the lawmaking body. My experience in Congress had from day to day confirmed this conviction, and so I urged that this plain and flagrant violation of the law should be stopped. I knew of the hundreds of thousands of dollars we had appropriated to enable the Government to detect and punish crime; I knew then, and I know now, that the number of men employed by the Government in detective work outside this bureau exceeded many times the number in the Secret Service Bureau, and so I stated that the possibilities of abuse of the system that had grown up, to my mind outweighed any inconvenience to a department. In this conclusion I may or may not have been right, though I now believe that if the resolution that will be offered by the gentleman from Minnesota [Mr. TAWNEY] is adopted, the inquiry thereby started will demonstrate the correctness of my statement.

The very essence of my position was contained in one of the closing sentences of my speech when I said:

> It is treating Congress and its laws with absolute contempt, and I desire to voice my protest against this attempt of the departments to determine what is necessary and legal rather than to let the lawmaking part of the Government make that determination.

I did not have in my mind at any time the fear of being investigated by secret-service men. I have no such fear now, but I have a pronounced repugnance to so being, and I trust the day may never come when I shall be so lacking in manhood as not to have such repugnance. [Loud applause.] In my judgment there was not a Member of this House who voted out of fear of being investigated by the Secret Service.

The President's stigma is gratuitous and without the shadow of an excuse. [Loud applause.] I shall not now enter into a recital of the various appropriations made by Congress to enable the Executive to enforce the laws of the land and detect and punish violators of them. This has and will be better done by my colleagues. Suffice it to say that the sums appropriated and provisions made by this Congress exceed that of any previous Congress during the entire life of the nation. [Applause.]

Mr. Speaker, when the resolution to be offered by the chairman of the Committee on Appropriations is adopted, and the investigation into the various secret-service bureaus of the Government is had, I trust we shall be in possession of such data as will enable Congress to fully deal with that subject-matter. Then will arise, not the question stated by the President, but the one I have mentioned, of how to so regulate the Secret Service as to retain its proper efficiency in the detection of crime, with the least possible opportunity for its abuse.

The President approaches this subject of the Secret Service from a diametrically opposite position to my own. His position he states thus:

> Such a body as the Secret Service, such a body of trained investigating agents, occupying a permanent position in the government service and separate from local investigating forces in different departments, is an absolute necessity if the best work is to be done against criminals. It is by far the most efficient instrument possible to use against crime. Of course, the more efficient an instrument is the more dangerous it is if misused. To the argument that a force like this can be misused it is only necessary to answer that the condition of its usefulness, if handled properly, is that it shall be so efficient as to be dangerous if handled improperly. Any instance of abuse by the Secret Service or other investigating force in the departments should be unsparingly punished, and Congress should hold itself ready at any and all times to investigate the executive departments whenever there is reason to believe that any such instance of abuse has occurred. I wish to emphasize my more than cordial acquiescence in the view that this is not only the right of Congress, but emphatically its duty. To use the Secret Service in the investigation of purely private or political matters would be a gross abuse.

If this statement is examined with care, it will be found to mean that the President considers that a secret-service department of government is not only an absolute necessity, but that the efficiency of its service is so great as to warrant its creation without restriction as to its use, trusting to the Executive to prevent abuse, and if such occurs, punishing unsparingly those guilty of the abuse. He states it frankly when he declares that—

> To the argument that a force like this can be misused it is only necessary to answer that the condition of its usefulness, if handled properly, is that it shall be so efficient as to be dangerous if handled improperly.

I, on the contrary, believe it to be so dangerous an instrument as to warrant its creation for the use of an Executive only when it is so circumscribed as to prevent as far as possible its abuse. [Applause.]

These opposing ideas represent differences in the fundamental aspects of government. The one stands as the Anglo-Saxon conception of government, the other as the continental.

In my reading of history I recall no instance where a government perished because of the absence of a secret-service force, but many there are that perished as a result of the spy system. If Anglo-Saxon civilization stands for anything, it is for a government where the humblest citizen is safeguarded against the secret activities of the executive of the government. [Applause.] It stands as a protest against a government of men and for a government of law.

The history of England, from its beginning until now, is a history of rights, guarding the freedom of the individual from the tyranny of the Crown, secured and sealed in the blood of its patriots. From a government built solely on brute force it evolved into a government where the executive power was predicated on divine right; from that to a government resting upon the tyranny of law, despotically enacted and enforced, and out of that to government resting upon laws expressive of the will of the people, and honestly and openly enforced.

Not in vain did our forefathers read the history of the Magna Charta and of the Bill of Rights. When our Constitution was adopted, the people's restlessness under it and fear of oppression was not removed until there was embodied in it the ten amendments constituting our American Bill of Rights. The fourth amendment declares:

> The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

The view of government that called it into existence is not lightly to be brushed aside. Contrast this theory of government with the history of France in the days of Napoleon and of the Reign of Terror. Picture the Government of Russia that but recently tottered almost to its fall because of the prevalence of the opposing theory of government.

Sir, when it shall come to the formulation of a new law that shall govern the use of a secret service, I trust that this Congress, representing the individual citizens of our country, may as heretofore guard with jealous care the sacred rights of those citizens, and hedge about such service with all the safeguards essential to the preservation of the people's liberties. Whatever may have been the wisdom of its course, I glory in the fact that it was this motive that actuated this House in the performance of its duty when legislating touching a spy system. [Applause.]

> Not the man alone who feels, but who is exposed to tyranny, is without freedom.

[Loud and long continued applause.]

Mr. SMITH of Iowa. Mr. Speaker——

The SPEAKER. The gentleman from Iowa. [Prolonged applause.]

Mr. SMITH of Iowa. Mr. Speaker, impelled by a sense of duty to the country, the Congress, the Committee on Appropriations, and to myself, I wish to discuss as calmly as I can the controversy which has arisen as to the so-called "Secret Service."

In doing so I shall keep constantly in mind that while the Constitution creates three branches of government; first, the legislative; second, the executive; and third, the judicial, the precedence thus given the legislative branch did not imply superiority, but, on the contrary, our fathers founded a government of three equal and coordinate branches, and that respectful

treatment is always due from each one of these three to the other two.

No controversy of any kind shall induce me to become unmindful of my duty in this respect. No man in the United States is more heartily in favor of the rigid enforcement of all laws alike against the rich and poor, the high and low, public officials and others, than I am, and to this end I am well aware that it is sometimes necessary to resort to the use of detectives.

The distinction in a city between an astute police officer and a detective is not well defined, except by the names of the places under which they are carried on the pay roll. And so in the national service the distinction can not be specifically stated between a shrewd special agent or inspector and a detective. Generally speaking, the former are trained along some special line and in that line are more efficient than a general detective could be.

There is no limit whatever upon the power of any department in the selection of its numerous special agents and inspectors, which are authorized by law to appoint as many detectives as its appropriation will cover. I think we ought all to be able to agree that some detective force is necessary in the enforcement of the criminal laws; and that, on the other hand, in a free country, no general system of spying upon and espionage of the people, such as has prevailed in Russia, in France under the empire, and at one time in Ireland, should be allowed to grow up. I am unwilling to permit this controversy to continue on a false issue. The question is not whether we should have a detective force in the Department of Justice, a thing which, so far as I can recollect, has never been advised by the President until his message of January 4, 1909. That is a very proper subject for the consideration of Congress; and in advising it, the President is certainly within his right. The question now is not should a legal detective force be created in the Department of Justice, but was Congress subject to just criticism for destroying at its last session the system which had grown up of using the counterfeiting force in the Treasury Department for miscellaneous purposes.

I may say, however, that as there never was any special creation by act of Congress of the detective force, now known as the "Secret Service," except by the appropriation of funds for the detection of counterfeiters, I am wholly at a loss to know why the Attorney-General has not full power to organize a detective force under the numerous appropriations now at his disposal, and his last report shows he has already done so.

Again, attention is called to the fact that the question now is not what should be done in the future upon the advice just received, but did Congress do right last year in what was done in reference to the so-called "Secret Service?"

In discussing that, I must briefly review the history of this service.

Prior to the civil war trifling appropriations were made for the detection and punishment of counterfeiters, but the civil war caused a vast issue of greenbacks, national-bank notes and bonds, at a time when such work was, when compared with the present, in a primitive state, and counterfeiting increased, so that Congress commenced making regular appropriations for its suppression.

For the fiscal year 1864 the law read:

> For detecting and bringing to trial of persons engaged in counterfeiting the coin of the United States, treasury notes, and other United States securities, $25,000.

The appropriations for the years 1865 to 1868, inclusive, while not verbally identical with the act for 1864, were so in substance. A deficiency appropriation was obtained for the year 1868, which read:

> For detecting and bringing to trial and punishment persons engaged in counterfeiting treasury notes, bonds, and other securities of the United States, as well as the coin of the United States and *other frauds on the revenue.*

The appropriation for the year 1869 was in the same language, except that the words "*other frauds on the revenue*" were omitted and "*other frauds upon the Government*" inserted. An appropriation in substantially this language was made for each of the following years, down to and including 1879, except that in the year 1874 and thereafter the appropriation was made also for the detection and bringing to trial and punishment of persons engaged in counterfeiting national-bank notes.

There never was any law, as I understand it, creating the Secret Service, but at some time prior to the summer of 1878 the Treasury Department had created what is called the "Secret Service Division" to administer these annual appropriations. In the summer of 1878 the counterfeiting section of the Treasury Department, which it had named the "Secret Service Division," upon its own responsibility, as far as it appears, undertook to ascertain how a paragraph in the sundry civil bill for 1879 was omitted from the bill in the enrolling room. While this investigation was started, apparently, by the Secret Service upon its own responsibility, a few days after it was started the chief of the division succeeded in securing from General Atkins, then chairman of the Appropriations Committee of this House, a request to make the investigation. This use of the appropriation having been shown, Congress at its next session, in the sundry civil act approved March 3, 1879, for the year ending June 30, 1880, appropriated for this service in the usual language, except that it struck out the words "frauds on the Government" and inserted "crimes against the United States, *and for no other purpose whatever.*"

We are now told, in effect, that this was only a limitation of the use of the money, and not a limitation on the use of the force. If I remember rightly, one of the rules of construction of a statute is to consider what the old law was, the evil, and the remedy.

This service engaged in an investigation wholly foreign to any for which it was created; that was the evil. Congress put the limitation on, "and for no other purpose whatever," and it is seriously contended the legislative intent was simply that such foreign work could be done out of other appropriations by this same force.

Laws should be observed in their spirit as well as in their letter, and government officials even more than ordinary citizens should heed this rule. He who is charged with the execution of the law, even in a humble capacity, should set an example of law obedience to all. If it be improper for a mere citizen, by a technical or strained construction of the law, to evade the self-evident legislative purpose, much more culpable is it for one charged with the law's administration so to do. Considerable as was the restriction sought to be put on this service by the act I have just quoted, at the following session, in the appropriation made June 16, 1880, for the year ending June 30, 1881, Congress struck out the general authority as to "crimes against the United States" and inserted "and robbing mails and other felonies committed against the United States, relating to the postal service, the pay and bounty laws, and against the laws relating to the revenue service," and retained the phrase "and for no other purpose whatever." Not satisfied with this second reduction of the powers of this force, in the appropriation for the fiscal year 1882 this was the language:

> For expenses of detecting and bringing to trial and punishment persons engaged in counterfeiting treasury notes, bonds, national-bank notes, and other securities of the United States, as well as the coins of the United States, and other felonies committed against the laws of the United States, relating to the pay and bounty laws, and for no other purpose whatever, $80,000.

Thus as Congress supposed this force was stripped of every function, except as to counterfeiting and the back pay and bounty laws, and provision was from time to time made for inspectors, special agents, and the like to enforce with the marshals and the law department the other laws of the United States, but no restriction was ever imposed upon any department in selecting its force of inspectors or special agents from choosing detectives, if it saw fit.

Exactly the same language adopted in the year 1882 was used in the acts for 1883 to 1888, inclusive, and very generally speaking the same language has been used ever since. In the act for 1889 authority was extended to the "investigation of claims for reimbursement of expense incident to last sickness and burial of deceased pensioners," and this clause has ever since been carried.

In the act for 1890 authority was extended so as to include detecting and bringing to trial and punishment dealers and pretended dealers in counterfeit money, and this has been carried ever since. In the act for 1891 authority was granted to investigate violations of section 5209 of the Revised Statutes, with reference to embezzlement from national banks, and the same authority was given by the acts for the years 1892 to 1894, inclusive, when it was dropped. In the act for 1893 the language was changed from "for detecting and bringing to trial and punishment" to "for detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction," and authority was granted with reference to counterfeiting the securities and coins of foreign Governments.

In 1907 the act was changed to read:

> And for no other purpose whatever, except in the protection of the person of the President of the United States.

When that bill was being prepared Mr. John E. Wilkie, Chief of the Secret Service, was before the subcommittee, having it in charge. He was asked if the men kept at the White House were members of his force, and he said they were. He was also asked if they were paid out of the appropriation for the suppression of counterfeiting and said they were, and upon being asked how that could be done, he replied that he was compelled to make a false certificate to every pay roll. The subcommittee

was anxious not only to furnish every possible protection to the person of the President, but to furnish him whatever he might deem the most efficient force for that purpose, but it did not believe that a system of false accounting should be maintained, and it was at once suggested that the language ought to be modified so as to give the President, for his protection, that force he apparently regarded as most efficient, and at the same time stop the filing of false certificates that the force was used for the suppression of counterfeiting.

As Mr. Wilkie was leaving the room, he said in substance: "I hope you will make some arrangement that will relieve me from committing perjury once a month." Each of the other members of the then subcommittee, who are still in Congress, and Mr. Courts, the clerk of the whole committee, have in the form of letters to me, stated their recollection of this matter, and I will read these letters:

COMMITTEE ON APPROPRIATIONS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 6, 1909.

Hon. WALTER I. SMITH,
House of Representatives, Washington, D. C.

DEAR SIR: Complying with your personal request for a statement of the testimony of Mr. John E. Wilkie, Chief of the Secret Service Division of the Treasury Department, when before the subcommittee on the sundry civil appropriation bill during the hearings upon the estimates for appropriations for the Secret Service for the first session of the Sixtieth Congress, I will say that I distinctly recollect what Mr. Wilke said, and I also recall the fact that at his request his testimony was not taken down by the stenographer to be printed in the record of the hearings for the reason which he suggested, which was that the character of his service was such that he would prefer not to have the information regarding any use of the Secret Service made public. Mr. Wilkie was especially desirous of having the purposes for which the Secret Service of the Treasury Department was authorized enlarged so as to include the protection of the President, stating that for some time past he had detailed several of his men for this service; that such details were unauthorized by law; and that in order that the men thus detailed could secure compensation for their services, he was obliged to falsely certify to the pay roll by stating that they were employed in the service authorized by law. Before leaving the committee room he was informed by me and by other members of the subcommittee that his request to have the authority for the use of the Secret Service enlarged so as to include the protection of the person of the President was a reasonable one, and that it would be granted. Whereupon Mr. Wilkie stated that if that was done, he would be relieved from the necessity of committing perjury every month when he signed the pay roll for the payment of his men thus detailed. While I do not pretend to give from recollection the exact words used by Mr. Wilkie in relation to this matter, I do, nevertheless, distinctly recall his statement that he was obliged falsely to certify to the employment of the men who were detailed for the protection of the person of the President; and when informed that authority would be given for the employment of the men in that service, he stated distinctly that if that was done, he would be relieved from the necessity of committing perjury every month or every thirty days.

Yours, very truly,
J. A. TAWNEY,
Chairman Committee on Appropriations.

HOUSE OF REPRESENTATIVES,
Washington, January 5, 1909.

Hon. WALTER I. SMITH,
Washington, D. C.

MY DEAR MR. SMITH: In the spring of 1906, as a member of the subcommittee on sundry civil appropriation bill, I was present when Mr. Wilkie, Chief of the Secret Service Division of the Treasury Department, was examined in regard to the duties of his office and how his force was employed. He answered freely all inquiries. Among other things he stated that he and his force belonged in the Treasury Department and were employed principally in looking after counterfeiting and like offenses. In reply to the question "are you and your men ever called upon to do work outside of and unconnected with the Treasury Department," he replied, "we are sometimes detailed for outside work, especially in protecting the person of the President." He was asked out of what fund his men were paid, who were engaged in protecting the person of the President, he replied that they were paid out of the same fund that he made out his pay-roll account, just as though the force was employed in the regular work of the Treasury Department; that he was embarrassed by this, inasmuch as he was practically compelled to falsify every time he made out accounts for such services of his men; and that he would be glad if the committee could so amend the law as to relieve him of this embarrassment. It was and is my impression that this last statement was a factor leading to the amendment placed upon the sundry civil appropriation bill in that Congress; at least it was in so far as I was concerned.

During the examination Mr. Wilkie said he hoped his statement would not be printed in the hearings, and to this the subcommittee readily assented.

I may add, as doubtless you remember, that individually I favored a large allowance and more extended employment for the Secret Service of the Government, and my opinion in that regard is unchanged.

This is my recollection of the facts, and you may use this letter as you see proper.

Yours, very truly,
GEO. W. TAYLOR.

COMMITTEE ON APPROPRIATIONS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 7, 1909.

Hon. WALTER I. SMITH,
House of Representatives.

DEAR SIR: I was a member of the subcommittee that prepared the sundry civil appropriation bill for the fiscal year ending June 30, 1907.

While we were considering that bill, Mr. Wilkie, the Chief of the Secret Service, was before the committee in reference to his estimates, and was interrogated as to the manner in which those men assigned to duty at the White House were paid.

My recollection of much of what he said is somewhat vague, but I know it was that a clause should be inserted to permit his force to be used for the protection of the person of the President, and that, as Mr. Wilkie left the room, he said, in substance, "I hope you will make this change, as it will save me from committing perjury once a month." His use of the term "perjury" was so startling that that portion of his statement was impressed upon my mind, although much of the balance of what he said has escaped me.

Very respectfully, yours,
W. P. BROWNLOW.

COMMITTEE ON APPROPRIATIONS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 6, 1909.

DEAR SIR: Some time prior to the last of May, 1906, and during the conduct of the hearings on the sundry civil appropriation bill for the fiscal year 1907, Mr. John E. Wilkie, Chief of the Secret Service Division of the Treasury Department, appeared before the subcommittee in behalf of the estimate of $125,000 for suppressing counterfeiting. At his request his statement was not reported in common with other testimony reported by the committee. Mr. Wilkie in response to questions of the chairman, and perhaps other members, stated that he was greatly embarrassed each month in making certificate to the pay rolls of his service on account of the operatives he had on duty in connection with the protection of the person of the President, that the service was not permitted under the terms of the appropriation, and that in effect he was compelled each month to make a false certificate. After the close of his examination, and as he was leaving the room, he said, substantially:

"I hope you gentlemen will so modify the terms of the appropriation as to relieve me from the necessity of perjuring myself every month."

Very respectfully,
JAMES C. COURTS,
Clerk Committee on Appropriations,
House of Representatives.

Hon. WALTER I. SMITH,
House of Representatives.

While this amendment was not asked by the department in the estimates, it is perhaps but simple justice to Mr. Wilkie to say that he seemed much embarrassed by the position he was placed in and much pleased at the proposition that the committee would so amend the law as to relieve him. I ought perhaps to say that I do not understand his reference to perjury meant more than that he was compelled every month to violate his oath of office, as I do not understand that such certificates are sworn to.

I do not believe that the present President or his predecessors, if they used this service in the same way, understood the situation so graphically pointed out by Mr. Wilkie. This was the first information I at least had that any system had been in use of drawing money upon untrue vouchers by executive officers in this connection. It will be observed that such a thing as the Secret Service Division was never mentioned in connection with any of these numerous appropriations, but in 1882, to check the departments in a tendency displayed to use a very large portion of many appropriations for administrative work in Washington, Congress passed a law making it illegal to use lump-sum appropriations such as these for salaries of employees in Washington, and so the Treasury Department was compelled to apply to Congress for a special appropriation for the chief of the division which it had created and his assistants in Washington, and such an appropriation has been made each year from 1883 to the present time. It appears from the hearings before the Appropriation Committee that the usual appropriation in this counterfeiting section will pay the expenses of about forty-seven men, the compensation of the men varying from three to seven dollars a day, a single one receiving $8, and the balance when used is expended for subsistence when away from one's post and for traveling expenses.

Notwithstanding the appropriation would only pay the compensation and allowances of about 47 men, about 67 have been carried on the roll, depending absolutely for ability to pay them on money obtained from other departments for loaning them.

Mr. Moran, Assistant Chief of the Secret Service, when before the committee a year ago, illustrated how men were thus loaned as follows:

Mr. MORAN. The Attorney-General writes a letter to the Secretary of the Treasury, stating that he has a certain matter that he wants investigated, probably under the direction of a United States attorney; he asks that there be recommended a competent person to make that investigation, and, if so, what compensation they will expect for that person. In reply to that, they are told that Mr. So-and-so is a person who is probably able to meet the requirements, and if they want him, he will expect a certain per diem and expenses. (Hearings, 1909, p. 186.)

It appears that formerly each man was allowed $3 a day for subsistence when away from his post, and his actual traveling expenses, but that recently the allowance for subsistence has been increased to $4. It is thus quite clear that in many cases the allowance for subsistence and traveling expenses exceeds the allowance for personal services, if the employee is away from his post. The examination of Mr. Moran as reported contains the following:

Mr. SMITH. When you designate some one to serve in another department, does he invariably serve under the same allowances that he does under your roll?

Mr. MORAN. Well, that depends altogether on what the language of the appropriation is from which he must be paid.
Mr. SMITH. This question referred entirely to the amount, not to how he was carried on the roll. You say that the amount he gets is not the same?
Mr. MORAN. Oh, yes; he gets, in effect, the same.
Mr. SMITH. That is to say, if the appropriation out of which he was to be paid was one for service, if I understand you rightly, they would proceed to pad the service enough to cover the expenses and allowances of per diem?
Mr. MORAN. Yes, sir.
Mr. SMITH. That is what you mean?
Mr. MORAN. Yes. (Hearings, 1909, p. 189.)

It will thus be observed that in all such cases a very large portion of the money paid out is paid for expenses which are not properly payable out of the appropriation under its terms.

I call your attention to the fact that Mr. Moran said that the officer calling for the detective was informed how much of the allowance was in reality for personal service and how much for expenses, and that he further stated that in the class of cases under consideration the accounts for personal service were deliberately padded to cover the allowance for expenses. To draw the money it was necessary to make a false certificate, that it was all for personal services. Whereas in many cases not one-half of it was for that purpose or for any purpose for which the appropriation was authorized to be expended.

Section 5438 of the Revised Statutes provides:

Every person who * * * makes, uses, or causes to be made or used any false * * * voucher, roll, * * * (or) certificate knowing the same to contain any * * * fictitious statement or entry * * * shall be imprisoned at hard labor for not less than one nor more than five years or fined not less than one thousand nor more than five thousand dollars.

It thus appears that in every such case as that referred to by Mr. Moran in his statement quoted a felony has been committed by some one in the department using the detective from the Secret Service. Some of the committee had other reasons for believing this service had been abused, but all were agreed that this system, which was in defiance of the well-indicated purpose of Congress, expressed every year for thirty years by the insertion of the words each year "and for no other purpose whatever;" a system which allowed an official to carry more men all the time on the roll than could be paid with his appropriation, trusting to find places where he could hire them out; a system which required padding of pay rolls, false certificates, and illegal expenditure of appropriated funds must cease. Standing steadfastly for the enforcement of law, but opposed to the commission of innumerable felonies to that end, the same bill increased the appropriation for the Interior Department for the investigation of illegal land entries from $250,000 to $500,000.

This was not only an increase of one-fourth of a million dollars, but was an increase of 100 per cent in one year, and was all the department asked; but, more than this, the increase allowed was twice as great as the whole ordinary appropriation for the Secret Service.

While the President says that at one time, while Mr. Hitchcock was Secretary of the Interior, it was decided that the special agents' division, or corps of detectives, of the Land Office was largely under the control of the land thieves, I trust that in the years intervening these unworthy officers have been separated from the public service. The increase in the appropriation for investigating land frauds alone was sufficient to have hired the entire force of the Secret Service permanently, and have thus employed all the men so much talked about; but let us see what some of the witnesses say upon this subject. On April 30, 1906, Governor Richards, of Wyoming, then Commissioner of the General Land Office, was before the subcommittee on the sundry civil bill when it was inquiring as to the proposed appropriation for protecting public lands from illegal or fraudulent entry or appropriation, and he was then interrogated and answered as follows:

Mr. SMITH. Are any of the Treasury Department secret-service men employed under this fund?
Mr. RICHARDS. There are men who have been obtained from the Secret Service and are employed and paid out of this fund; but they are borrowed, you might say, from that service. Their pay is stopped in that service and they are paid in our service.
Mr. SMITH. How many men, about, in a year do you have from the Secret Service in that way, governor?
Mr. RICHARDS. We never had any until this Oregon trouble came up. Then there was one man obtained from the Secret Service.
Mr. SMITH. That one man is all you have ever had?
Mr. RICHARDS. Yes, sir. Those cases seem to be so badly involved that we had no men, no special agents, that possessed just the right qualifications to ferret the matter out. Mr. Wilkie was called on to furnish us a man who had the proper qualifications, and he did so. That man is employed yet, and so far as I know there is no other man out of the Secret Service. This man has been allowed, however, to employ men to assist him, but they have not been men who were in the Secret Service. (Hearings, 1907, p. 427.)

Mr. Moran, Assistant Chief of the Secret Service, furnished a tabulated statement to the Appropriation Committee a year ago, from which it appears that not a single secret-service agent has been employed by the Interior Department since June 30, 1906. This statement is printed on page 193 of last year's hearings. As Governor Richards testified on the 30th day of April, 1906, and Mr. Moran's statement only goes back to June 30, 1906, I can not be positive as to what was done during May and June of that year, but it fairly appears that only one secret-service agent has ever been employed by the Interior Department, which has exclusive charge of the public lands, and that was in the Oregon cases. Secretary Garfield appeared before the committee a year ago and, while disclaiming any criticism of secret-service agents, declared that he needed for his purposes men specially trained in the land laws and who knew what constituted a legal entry. It thus clearly appears by the testimony of Governor Richards, Mr. Moran, and Secretary Garfield that unless it might have been in May or June, 1906, the Land Department never used these men, except one man in the Oregon cases, and that it does not want them.

General Bonaparte, when before one of the subcommittees, complained that the system of borrowing men from the counterfeiting section was unsatisfactory. General Bonaparte and Secretary Garfield were the only Cabinet members who ever appeared before the committee on this subject, and both disapproved of the system.

The President, as I am advised, has never discussed this subject, either orally or any other way, with any member of the subcommittee having the matter in charge, and I do not know how far he is familiar with the matters I have stated.

When the subject came up a year ago in the House, I said:

Mr. SMITH of Iowa. Mr. Chairman, for two years past some investigation has been made into this subject by the Committee on Appropriations. It appears that this division was, in fact, created by an appropriation, as stated by the gentleman from New York, and at one time the language was so broad as to authorize the use of this Secret Service for investigation of all felonies. After certain gross abuses of it, about twenty-five years ago, a provision was put into this appropriation that it should be used for the enumerated purposes and for no other purpose whatever.
Mr. BENNET of New York. Will the gentleman yield for a question?
Mr. SMITH of Iowa. Not until I finish this statement; then I will yield.
The CHAIRMAN. The gentleman from Iowa declines to yield.
Mr. SMITH of Iowa. Now, that was the only way in which any limitation could be put upon the activities of this Secret Service.
It existed only in the appropriation authorizing it, and when Congress provided that no person employed under this appropriation could be used for any other purpose whatever than those enumerated in the statute, although it only operated as a limitation technically upon the appropriation, it was a specific declaration of congressional purpose that the men in this division should not be used for any other purpose whatever.

The President quoted from my remarks on that occasion the words, "Now, that was the only way in which any limitation could be put upon the activities of the Secret Service." I think the ordinary reader of the message would understand that this remark was made in reference to the amendment of last year, whereas my remarks as a whole show that the statement was in reference to the amendment inserted in the act of March 3, 1879.

It was my effort in those remarks to treat mildly the past offenses of this system, if they would but cease, but I have now seen fit to do some plain speaking. The vote for the amendment, so vigorously criticised, was so overwhelming that no division even was demanded.

It is true that when the bill went to the Senate, upon a wholly one-sided presentation, and that against the amendment, the committee dropped it out, but upon a full and fair conference in which Hon. WILLIAM B. ALLISON, Hon. EUGENE HALE, and Hon. HENRY M. TELLER represented the Senate and Hon. JAMES A. TAWNEY, Hon. J. J. FITZGERALD, and myself represented the House, upon the presentation in general of the matters I have detailed, it was unanimously agreed that the House amendment should stand.

The President, in his message of January 4, says: "In Nebraska it was necessary to remove a United States attorney and a United States marshal before satisfactory progress could be made in the prosecution of the offenders.

"The evidence in all these cases was chiefly secured by men trained in the Secret Service and detailed to the Department of Justice at the request of that department and of the Department of the Interior. In the State of Nebraska alone 60 defendants were indicted, and of the 32 cases thus far brought to trial 28 have resulted in conviction, 2 of the principals, Messrs. Comstock and Richards, men of wealth and wide influence, being sentenced to twelve months in jail and fined fifteen hundred dollars each. The following secret-service memorandum, made in the course of a pending case, illustrates the ramifications of interest with which the Government has to deal:

"Charles T. Stewart, of Council Bluffs, was indicted at Omaha for conspiracy to defraud the Government of the title to public lands in Mc-

Pherson County, Nebr.; also indicted for maintaining an unlawful inclosure of public lands; and also under indictment for perjury in connection with final proof submitted by him on lands filed on by him as a homestead. In his final proof he swore that he and his family had resided on the lands in McPherson County (which are within his unlawful inclosure), when, as a matter of fact, his family has at all times resided in Council Bluffs, Iowa. He is engaged in the wholesale grocery business, his store being located in Omaha, in the wholesale district there. He is reputed to be quite wealthy. Stewart's attorneys are Harl & Tinley, of Council Bluffs, Iowa, who are also the attorneys at that place for the Omaha and Council Bluffs Street Railway Company, in which company Harl holds considerable stock, Stewart being also a stockholder, and possibly a director, of the company. He is also represented in Omaha by W. J. Connell, one of the attorneys there for the same company. Stewart is also represented in his perjury case by "Bill" Gurley, of Omaha, Nebr., who at one time was quite closely connected in a political way with the Union Pacific Railroad Company. Stewart is also closely associated with C. B. Hazleton, postmaster at Council Bluffs. Harl and Tinley and Hazleton are all members of the same lodge. Another close personal friend of Stewart's is Ed. Hart, alias "Waterworks" Hart, president of the Council Bluffs Water Company, and interested in the street railway. Stewart's father was interested in, and practically owned and controlled during his lifetime, a large ranch along the Union Pacific Railroad in Nebraska and did a great deal of business with that road.

"Concerning this case, the United States attorney at Omaha states "there are three cases against Stewart, one for fencing, one conspiracy, one perjury, all good cases, and chances of conviction good."

It is quite generally known that my home is at Council Bluffs. Why this special reference to these cases which chanced to be prosecuted in my vicinity, although the offenses were all committed more than 200 miles from my home, and in another State, I might feel that it was intended to insinuate that the proximity of these cases had in some way influenced my action in this matter but for the fact that the President said all this to "illustrate the ramifications of interests with which the Government has to deal."

I am not at liberty to even suspect, therefore, that there was any other purpose in the President's mind than the one he states. If such an insinuation were properly inferable, I would treat it with all conceivable scorn and contempt. I do not know the name, even, of any man tried in Nebraska for illegal transactions in connection with the public lands, except the two who are named in the message of January 4. I do not know any man who has ever been indicted, except C. T. Stewart. I do not know the name of any man who has directly or indirectly represented any of the parties charged, except those who it is said appeared for Mr. Stewart. It is, of course, possible that if I knew the names of the attorneys for other defendants I might know some of them. I have never had a word of conversation or other communication with Mr. Stewart, or anybody representing him, about the Secret Service. I never dreamed that any secret-service man had been employed in this case until within about three weeks. I have never known until the message of January 4 what particular offenses he was charged with, but understood from the press that one or more indictments were found against him, charging some violations of the land laws. I do not know what the conspiracy charged against him is, but so far as the other charges are concerned, as revealed in this memorandum, it would seem that a special agent of the Land Department should be able to ascertain whether a ranchman was fencing the public domain and whether a society woman was living in McPherson County, Nebr., or Pottawattamie County, Iowa, hundreds of miles apart, during the homestead period. If these special agents can not prepare cases like that, we are simply wasting $500,000 a year on them. But the President tells us that the Secret Service, at least, had a memorandum of the Stewart case, which "illustrates the ramifications of interests with which the Government has to deal."

We are not advised when this memorandum was made or who made it. Let it be examined in detail.

It is stated that—

He (Stewart) is engaged in the wholesale grocery business, his store being located in Omaha, in the wholesale district there.

This is wholly untrue. He is not now and never was engaged in the wholesale grocery business at Omaha. He had a cousin, J. T. Stewart, 2d, who was in the wholesale grocery business in Omaha. [Laughter.]

The detective claims to have discovered the names of Stewart's attorneys of record. That was a mighty struggle by which our fathers secured the right to appear by counsel in criminal proceedings. I trust this sacred right is not regarded as obnoxious.

Stewart's attorneys are Harl & Tinley, of Council Bluffs, Iowa, who are also the attorneys at that place for the Omaha and Council Bluffs Street Railway Company, in which company Harl holds considerable stock, Stewart being also a stockholder and possibly a director of the company.

I did not believe Mr. Harl owned any stock in that company, and I wired him to know, and have here his answer:

Never owned a dollar of stock in street railway company.
CHARLES M. HARL.

[Laughter.]

But the memorandum suggests that Stewart is a stockholder and possibly a director. The information that he might possibly be a director would, of course, be exceedingly valuable, but he is not, and never has been either a director or stockholder in the company named; but his father's estate, to which he is one of the heirs, does own some stock in a wholly different company, which owns the bridge across the Missouri River and a portion of the street car lines, and has leased all its property for ninety-nine years or such a matter to the company named. [Laughter.]

He is also represented in Omaha by W. J. Connell, one of the attorneys there for the same company. Stewart is also represented in his perjury case by "Bill" Gurley, of Omaha, Nebr., who at one time was quite closely connected in a political way with the Union Pacific Railroad Company. Stewart is also closely associated with C. B. Hazleton, postmaster at Council Bluffs.

The name of the postmaster at Council Bluffs is Arthur S. Hazelton. This detective calls him "C. B. Hazleton." This detective could not even get the name of a man that has been in the Blue Book for six or seven years. [Laughter.] While I have no doubt Stewart is acquainted with Hazelton, the assertion that they are closely associated is wholly false. Hazelton is himself a prominent lawyer, but does not seem to have been closely enough associated with Stewart to be retained.

Harl and Tinley and Hazleton are all members of the same lodge.

This may be true. I think they are all members of the Order of Elks and all wear emblems of that order. This astute detective was able to conclude that in a city where there was but a single Elk's lodge three resident lawyers, wearing Elk emblems, probably belonged to the same lodge.

Another close friend of Stewart's is Ed Hart, alias "Waterworks" Hart, president of the Council Bluffs Water Company and interested in the street railway company.

Hart is not now and never was president of the water company. Mr. Sheldon, president of the Phœnix Insurance Company, of Brooklyn, is president of the water company and has been for many years.

I have a telegram from Mr. Hart, as follows:

COUNCIL BLUFFS, IOWA, *January 5, 1909.*

I am not and never have been interested in any street railway company, here or elsewhere.

EDWARD W. HART.

These statements in the memorandum would be trifling if true, but they are substantially all false. If that is the best a secret-service agent can do, and they are superior to the special agents of the Land Office, no wonder the Government has trouble in obtaining convictions. In view of this, the only sample of the work of the Secret Service, as distinguished from a description of it which is laid before the House, the bill to increase the salary of its chief to $6,000 certainly ought at once to be put upon its passage.

I am done with this whole matter, except to say that never again, if I can prevent it, shall the old system of law defiance and law evasion, the system of broken oaths of office, of illegal expenditure of money appropriated, of padded accounts, of false certificates, of the constant commission of felonies by public officers, of simple lying, and of tergiversation be restored to the public service. [Prolonged applause.]

Mr. FITZGERALD. Mr. Speaker——

The SPEAKER. The gentleman from New York.

[Loud and long continued applause.]

Mr. FITZGERALD. Mr. Speaker, the resolution before the House for action meets my hearty approval. Had it been possible for me to have had my way, the special committee to which was referred that portion of the President's message in which he discussed the provision relative to the Secret Service would not only have been charged with the duty of reporting the action to be taken upon that portion of the message, but it would have also been charged with the duty of making an independent and calm investigation of the particular provision of the sundry civil act to which the President refers and of its effect, so that Congress could at this time reject as inadvisable the recommendation of the President that that provision be repealed. I would have the House calmly and deliberately ratify at this time its previous action and reaffirm that its previous action was proper. Since that could not be done, or was not feasible under the circumstances, I shall in the discussion at this time content myself with setting forth the reasons which would have induced me to vote for such a resolution, had it been possible to have had it before the House, and to set forth for the information of the House the facts which induced me to support the provision when considered by the House.

Mr. Speaker, before doing that, perhaps it may be proper to say that had the language used by the President in his annual message to Congress been used by any other person than the President, that the Congress could have properly ignored

the reflection upon its integrity contained therein. But this language is not to be considered as the language of any individual, or of an insignificant official; it is the language contained in an official communication from the Chief Executive of this great Nation. A decent respect for ourselves, as well as for those whom we represent, as well as a proper appreciation of the duty that devolves upon us to uphold the good name and fame of the body of which we are Members before our own people and before civilized men in all lands, make it imperative that we should take proper notice of this language, and treat it in a manner becoming the body representative of the people.

Mr. Speaker, I am in a somewhat unfortunate position in this matter. I have been specifically named by the President in his special message. I have not been directly charged with any dereliction of duty. No language has been attributed to me which justifies any assertion made by the President in his message, but I have been so confounded in the minds of Members and of the public with some Members whom the President has singled out for consignment to a distinguished aggregation of undesirable citizens that it is difficult for anyone to read his message and not believe either that for some considerate purpose he refrained from saying what he might have said regarding me or that he deemed me unworthy of the same notice which is given to others.

Mr. Speaker, in his annual message, transmitted to the Congress on December 7 last, the President used the following language:

> Last year an amendment was incorporated in the measure providing for the Secret Service, which provided that there should be no detail from the Secret Service and no transfer therefrom. It is not too much to say that this amendment has been of benefit only, and could be of benefit only, to the criminal classes. If deliberately introduced for the purpose of diminishing the effectiveness of war against crime, it could not have been better devised to this end. It forbade the practices that had been followed to a greater or less extent by the executive heads of various departments for twenty years. To these practices we owe the securing of the evidence which enabled us to drive great lotteries out of business and secure a quarter of a million of dollars in fines from their promoters. These practices have enabled us to discover some of the most outrageous frauds in connection with the theft of government land and government timber by great corporations and by individuals. These practices have enabled us to get some of the evidence indispensable in order to secure the conviction of the wealthiest and most formidable criminals with whom the Government has to deal, both those operating in violation of the antitrust law and others. The amendment in question was of benefit to no one excepting to these criminals, and it seriously hampers the Government in the detection of crime and the securing of justice. Moreover, it not only affects departments outside of the Treasury, but it tends to hamper the Secretary of the Treasury himself in the effort to utilize the employees of his department so as to best meet the requirements of the public service. It forbids him from preventing frauds upon the customs service, from investigating irregularities in branch mints and assay offices, and has seriously crippled him. It prevents the promotion of employees in the Secret Service, and this further discourages good effort. In its present form the restriction operates only to the advantage of the criminal, of the wrongdoer.
>
> The chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret-service men. Very little of such investigation has been done in the past; but it is true that the work of the secret-service agents was partly responsible for the indictment and conviction of a Senator and a Congressman for land frauds in Oregon. I do not believe that it is in the public interest to protect criminals in any branch of the public service, and exactly as we have again and again during the past seven years prosecuted and convicted such criminals who were in the executive branch of the Government, so in my belief we should be given ample means to prosecute them if found in the legislative branch. But if this is not considered desirable a special exception could be made in the law prohibiting the use of the secret-service force in investigating Members of the Congress. It would be far better to do this than to do what actually was done, and strive to prevent or at least to hamper effective action against criminals by the executive branch of the Government.

The House, by resolution adopted December 17, 1908, declared that—

> The plain meaning of the above words is that the majority of the Congressmen were in fear of being investigated by the secret-service men, and that the Congress as a whole was actuated by that motive in enacting the provision in question.

The House further declared that its—

> Committee appointed to consider these statements of the President and to report to the House can not find in the hearings before the committee, nor in the records of the House or Senate, any justification of this impeachment of the honor and integrity of the Congress.

And thereupon requested the President, among other things, to transmit to the House any evidence upon which he based his statement that the—

> Chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret-service men.

The President, in a message to the House in response to this request, states that—

> A careful reading of this message—

Referring to the language heretofore quoted—

> will show that I said nothing to warrant the statement that "the majority of the Congressmen were in fear of being investigated by the secret-service men," or that Congress as a whole was actuated by that motive. I did not make any such statement in this message.

He further states that the allegation in the resolution—that the plain meaning of the words is that the majority of the Congressmen were in fear of being investigated by the secret-service men and that Congress as a whole was actuated by that motive—

> must certainly be due to an entire failure to understand my message.

Apparently there is an irreconcilable difference between the House and the President as to the meaning of the language used by him.

The President, however, while disclaiming any intention to impeach the integrity of the Congress, insists that the debate sustains his statement that—

> The chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret-service men.

This statement—

He says in his reply to the House resolution—

> is sustained by the facts.
>
> If you will turn—

Continues the President—

> to the CONGRESSIONAL RECORD for May 1 last, pages 5553 to 5560, inclusive, you will find the debate on this subject. Mr. TAWNEY, of Minnesota, Mr. SMITH, of Iowa, Mr. SHERLEY, of Kentucky, and Mr. FITZGERALD, of New York, appear in this debate as the special champions of the provision referred to.

The President asserts that two lines of argument were followed in the debate in support of the provision which he condemns. To use his own language:

> One concerned the question whether the law warranted the employment of the Secret Service in departments other than the Treasury, and this did not touch the merits of the service in the least. The other line of argument went to the merits of the service, whether lawfully or unlawfully employed, and here the chief, if not only, argument used was that the service should be cut down and restricted because its members had "shadowed" or investigated members of Congress and other officers of the Government.

Then, after further comment, he says:

> Mr. TAWNEY, for instance, says: "It was for the purpose of stopping the use of the service in every possible way by the departments of the Government that this provision was inserted;" and Mr. SMITH says, "Now, that was the only way in which any limitation could be put upon the activities of the Secret Service." Mr. FITZGERALD followed in the same vein, and by far the largest part of the argument against the employment of the Secret Service was confined to the statement that it was in violation of law.

Mr. Speaker, no language used by me has been quoted by the President as justification for the assertion that "the chief argument used in favor of the provision was that the Congressmen did not themselves wish to be investigated; yet it is impossible to read the President's message and not reach the conclusion that something said by me justified the statement.

My entire contribution to the debate on the question, as found in the RECORD mentioned by the President, is as follows:

> Mr. FITZGERALD. Mr. Chairman, I hope the amendment will be adopted. Those who have given any attention to this matter know that there have been gross abuses growing out of the use of the men in the Secret Service by the various departments of the Government. It should be stopped. These men——
>
> Mr. DRISCOLL. Suppose another department wants a man, a competent man, to do some detective work, secret-service work, and the men in this bureau, that are getting about $125,000 a year, are not all busy, what great harm can be done if one of these men should be detailed to do that work instead of keeping up a permanent force in the other department?
>
> Mr. FITZGERALD. If the gentleman will permit me to proceed for five minutes I may answer his question. That is what I am going to discuss.
>
> The Secret Service Division has an eligible list of 304, and whenever they require the services of more men than they have they take a man from this list. Numerous instances have come to the observation of many Members of the House where this secret-service force has been employed upon service upon which they should not have been employed.
>
> Congress appropriates a certain amount of money to employ a certain number of men in this Secret Service for a certain specific purpose. They should be restricted to that work. They should not be given a roving commission, so that they may be assigned to any kind of work, to investigate the action of all kinds of persons, whether in the government service or not.
>
> There has been an effort once or twice to create a general police system under the Federal Government. It has not been successful. But if the practice be continued which has been in force for some years, not many, but recently, of having carried apparently upon the rolls of the Secret Service 20 more men than are necessary or are required for that work, and appropriations continue, then we will have in time a federal secret police. What does the ordinary district attorney do when he requires work of this character done? It is not necessary for him to apply to the Secret Service. He can easily secure competent men within his jurisdiction to do any work of this character that is required. And so with every department of the Government: whenever it requires a man of particular qualifications in any locality, it can easily find a man to do the work required.
>
> Mr BENNET of New York. Does not my colleague recall, as stated by the gentleman from Iowa, that the Government is prevented, and properly prevented, from going to the same place that a lawyer would go; that is, to a generally recognized detective agency in order to get the character of work done?
>
> Mr. FITZGERALD. Where some lawyers go.
>
> Mr. BENNET of New York. Most lawyers.
>
> Mr. FITZGERALD. Not most lawyers; some lawyers. Everybody knows what that law is. After the railroad strike in Chicago a law was passed prohibiting the employment of the Pinkerton and similar detective agencies. But it is easy enough to get competent men for such work who are

not employed by those agencies. The Secret Service Division has an eligible list of 304 men, men applying from all parts of the country. It would be very easy for a department, if it required an odd man, to pick him out from this list rather than have him carried in this list of secret-service men.

Mr. Speaker, I dismiss as unworthy the suggestion that the President deliberately shifted his ground in his special message to the House. While he may have been unfortunate in the language in which he couched his recommendations, I am unable to believe that he was actuated by other than a proper and a patriotic motive.

It would be so unbecoming the Chief Executive to attempt in his official communications to the Congress to seek any purely personal advantage in a difference as to the advisability of any legislation that I am convinced, and I shall proceed upon the theory, that the President, believing that a mistake had been made, desired to have it rectified in a proper and a legitimate manner.

In response to the resolution of the House he has reiterated that the action of Congress has been in the interest of the criminals. He charges that the provision regarding the Secret Service Division in the Treasury Department "was emphatically an action against the interest of justice and against the interest of the law-abiding people and, in its effect, of benefit only to lawbreakers, and that it "operates only to the advantage of the criminals." He calls upon the Congress to remedy what he terms the "wrong."

Whether Congress did cripple the Government in its capacity to prevent wrongdoing and to detect and punish wrongdoers is a question which, at this time, far overshadows, in my opinion, other matters in issue. This charge should not be ignored. In my judgment it can not be sustained. The action of the Congress was in harmony with my views, and I am perfectly willing to assume whatever responsibility belongs to me for the action of the Congress. I believed when the provision, which is now condemned by the President, was enacted that it was wise and proper. The fear that it would cripple the Government in its efforts to detect and punish criminals I was then convinced was groundless; the assertion that it is a benefit to the criminal classes I would consider preposterous were it made by anyone other than the President. Nothing has occurred which has caused me even to suspect that the beliefs held by me last May regarding the provision were erroneous.

I venture to express my opinions thus freely, since the President has singled me out as one of the four Members of the House who led the House to perpetrate what he characterizes as a "wrong." I am not insensible of the notice which the President takes of the unbounded confidence which many Members of the House must have had in my integrity and judgment. Although the President had, as he asserts, for a long time endeavored, by personal appeal and by letters, to have the House refuse to enact the provision now so obnoxious to him, yet the Members accepted the judgment of myself and of the three other members of the Committee on Appropriations as to the propriety of a legislative provision in preference to the conclusions of the President. Indeed what higher compliment could be paid me than to have the admission made that the House, "without having had the opportunity to know very much of the rights or wrongs of the question," as the President says, unhesitatingly accepted the judgment of myself and of my three colleagues, although only one of us, in the President's opinion, had made any real argument in justification of our position? [Applause.]

The sundry civil appropriation bill was reported to the House April 25, 1908. It contained this provision:

No person employed in the Secret Service Division of the Treasury Department or under the appropriation for suppressing counterfeiting and other crimes, who is detailed, furloughed, granted leave of absence, dismissed, or otherwise temporarily or finally separated from the service of such division and is thereafter employed under any other branch of the public service shall be restored or paid compensation for service or expenses in the Secret Service Division for two years after the termination of his employment under such other branch of the Government.

This language was ruled out on a point of order. In its place an amendment was adopted by the Committee of the Whole House on the state of the Union and by the House itself, without any division being had.

The amendment adopted is as follows:

No part of any moneys appropriated by this act shall be used in payment of compensation or expenses of any person detailed or transferred from the Secret Service Division of the Treasury Department, or who may at any time during the fiscal year 1909 have been employed in or under said Secret Service Division.

This is the provision which the President so vigorously characterizes as of benefit only to the criminal classes.

The purpose and practical effect of this provision is to prevent the transfer of men employed in the Secret Service Division of the Treasury Department to other branches of the public service.

The President asserts that this provision practically prevents the detection and punishment of violators of the federal laws, and he vigorously urges the Congress to repeal the provision. He makes that the issue upon which he invokes the favorable judgment of the country.

Does this provision cripple the Government? Should it be repealed? I emphatically assert that it should not be repealed; that it has had none of the grievous effects described by the President.

To demonstrate the soundness of my opinion, Mr. Speaker, and to make clear the wisdom of the action of the Congress in enacting the provision, it is necessary to consider the means at the disposal of the Government to detect criminals, and the relation which this Secret Service Division of the Treasury bears to the secret agencies of the Government.

In the legislative act for the current fiscal year is the following provision:

Secret Service Division: For 1 chief, $4,000; assistant chief, who shall discharge the duties of chief clerk, $3,000; 1 clerk of class 4, 1 clerk of class 3, 2 clerks of class 2, 1 clerk of class 1; 1 clerk, $1,000; and 1 attendant, $720; in all, $16,120.

This provides for the office force of the secret-service force in the Treasury Department. In the sundry civil act is the following provision:

Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction, dealers and pretended dealers in counterfeit money, and persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, including not to exceed $1,000 to make the necessary investigation of claims for reimbursement of expenses incident to the last sickness and burial of deceased pensioners under section 4718 of the Revised Statutes, the act of March 2, 1895, and for no other purpose whatever, except in the protection of the person of the President of the United States, $115,000: *Provided*, That no part of this amount be used in defraying the expenses of any person subpœnaed by the United States courts to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts."

This division and force is authorized and appropriations are and have been made to enable it to suppress counterfeiting, protect the person of the President, to apprehend violators of the bounty laws, and to investigate certain claims for reimbursement of expenses incident to the last sickness and burial of deceased pensioners, "and for no other purpose."

No extraordinary intelligence is required to understand that the force authorized to be maintained under these appropriations is restricted to the specific duties set forth. The business of suppressing counterfeiting, of protecting the person of the President, and the other services enumerated is specialized. The intent and the efforts of Congress have been to maintain a special force to do a special work.

The impression is widespread that all of the secret agents of the Government, or all of its detective force, is confined to the Secret Service Division of the Treasury Department. Anyone unfamiliar with the facts would be inclined to this belief from the statements of the President in his annual message and in his reply to the House resolution.

Such is not the fact. The Secret Service Division of the Treasury Department is relatively an insignificant feature of the secret-service forces of the Government.

To demonstrate the accuracy of this statement it is necessary to enumerate the various appropriations made by Congress for such service.

In the Post-Office Department there is a force of post-office inspectors. For the current year Congress appropriated for 355 inspectors, whose compensation is $572,750; for per diem allowance of these inspectors while traveling on official business away from home, $325,000; for clerks and laborers at the division headquarters, from which the inspectors operate, $96,620; for traveling expenses of inspectors not covered by per diem allowances, $35,000; for hire of livery, $50,000; for miscellaneous expenses, $6,000; for rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers, $20,000. Altogether for the secret-service or crime-detection division of the Post-Office Department, $1,105,370. No serious question has ever been raised as to the efficiency of this service. It is confined to the work it is specifically authorized to do; it has never been diverted to services not contemplated in the creation of the force.

In the Indian appropriation act $40,000 is placed at the disposal of the Commissioner of Indian Affairs to suppress the traffic in intoxicating liquors among Indians—police work and

largely of the detective order. Three thousand dollars is also given to the commissioner to cover the traveling expenses of clerks detailed to make special investigation in the field. Eight Indian inspectors are carried, at a cost of $21,000 for salaries and $12,800 for traveling and other expenses. Not exactly of the same character, but yet a force to prevent and detect crime, is the Indian police force, which costs $200,000 a year.

Forty revenue agents are provided by law, in connection with the internal-revenue laws; their compensation and allowances aggregate about $125,000, and is included in the sum of $2,400,000 which is used to pay the fees and expenses of gaugers, storekeepers, and storekeeper-gaugers. This force is used to prevent illicit distilling, and the work requires the highest class of detective skill. Two hundred thousand dollars is appropriated to enforce the so-called "denatured-alcohol act," which includes the compensation of chemists, internal-revenue agents, inspectors, and other assistants.

For salaries of special agents and for actual expenses of examiners detailed to examine the books, accounts, and money on hand at subtreasuries and depositories, including examinations of cash accounts at mints, $3,000 is appropriated.

Under the Secretary of the Interior there are provided "two special inspectors, whose employment shall be limited to the inspection of offices and the work in the several offices under the control of the Department of the Interior, at a salary of $2,500 each, with $4,000 to cover expenses connected with their work."

Seven thousand dollars is allowed for per diem in lieu of subsistence of clerks "detailed to investigate fraudulent land entries, trespasses on the public lands, and cases of official misconduct."

For the per diem allowance of pension examiners or other persons making special investigations in connection with the Pension Bureau, $250,000 is appropriated.

A force of 100 pension examiners was allowed for this year, at a cost of $130,000.

In addition to the $1,105,370 carried in the post-office act for the post-office inspectors' division, the office force in Washington costs $90,620. In the office of the Third Assistant Postmaster-General six special agents are provided at a salary of $2,000 each, and $7,000 is required for their traveling expenses. They are employed to ascertain violations of postal laws regarding classifications.

The Bureau of Corporations is given $175,000 for the compensation of special attorneys, special examiners, and special agents, employed to carry on the work of the Bureau of Corporations.

For assistants to the Attorney-General and of assistants to United States district attorneys in naturalization cases, and other expenses in connection with them, $150,000 is appropriated.

Moreover, a permanent appropriation of $2,500,000 in each year is available to the Department of Commerce and Labor. It is out of this fund that the special agents are paid, both here and abroad, to obtain information relating to the violation of alien-labor laws and the immigration laws. A large number of inspectors and agents are so employed.

In the report of the Secretary of Commerce and Labor it is pointed out that 2,172 contract laborers have been removed from the country during the past year. In addition "every effort has been made to mete out appropriate punishment to the individuals and corporations found violating the law." He points out that about 30 cases arose during the year, and he mentions certain cases specifically.

In the sundry civil act the following appropriations are carried: For the authorized expenditures of the Interstate Commerce Commission, $700,000; to enforce compliance with section 20 of the Hepburn Act (act to regulate commerce), including the employment of necessary special agents or examiners, $350,000; to carry out the objects of the "act concerning carriers engaged in interstate commerce and their employees," $10,000; to enable the commission to keep informed regarding compliance with the "act to promote the safety of employees and travelers upon railroads, including the employment of inspectors, $100,000.

For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving at the same, $125,000.

For the detection and prevention of frauds upon the customs, $200,000; for the enforcement of the Chinese-exclusion act, $500,000; to prevent depredations on public timber, protecting public lands from illegal and fraudulent entry, an appropriation, including some other purposes, of $500,000; for expenses of hearings held by order of the General Land Office to determine whether alleged fraudulent entries are of that character, $35,000.

For defraying the necessary expenses incurred in the examination of witnesses and procuring evidence in the matter of claims against the United States and in defending suits in the Court of Claims, $25,000.

For the detection and prosecution of crimes against the United States preliminary to indictment, the investigation of official acts, records, and accounts of marshals, attorneys, clerks of the United States courts, and United States commissioners, and for some incidental purposes, $30,000. The balance remaining unexpended of the appropriation of $250,000 for the enforcement of the antitrust laws is reappropriated, together with an additional $250,000. Fifty thousand dollars are appropriated for the necessary expenses incident to any suits brought at the request of the Secretary of the Interior in certain cases in Oklahoma.

For the salaries and fees and expenses of United States marshals and their deputies, $1,350,000.

For the payment of such miscellaneous expenses as may be authorized by the Attorney-General for the United States courts and their officers, including the furnishing and collecting of evidence where the United States is or may be a party in interest, and moving records, $560,000.

For the enforcement of the so-called "meat-inspection" law there is a permanent annual appropriation of $3,000,000.

The Steamboat-Inspection Service has an indefinite permanent appropriation of about $570,000 a year.

The Forestry Service has an appropriation to cover various services aggregating over $3,000,000, part of which is available for police or detective service.

For the enforcement of the pure-food act and other work the Bureau of Chemistry in the Department of Agriculture has an appropriation of $826,720.

In the army act a contingent fund of $15,000 and another of $10,000 are available for the employment of detectives or secret agents.

The Inspector-General's Department of the Army costs $66,500, while in the item for incidental expenses provision is made for the employment of spies.

The Secretary of State is given $90,000, which is a secret fund, the expenditures from which are made by him. He is never required to disclose the purposes for which the expenditures are made, and it is available for the securing of desired information of an important character by means of secret agents.

The Navy Department also has a contingent fund of $65,000 available and used for the payment of secret agents or detective services.

Mr. Speaker, I believe that I have enumerated all the appropriations out of which payments are made by the Federal Government for the detection of crime.

This review will tend to disclose the varied and extensive fields occupied by the government secret agents.

Not every dollar of the appropriations named is available or is used for detectives; but large sums are so employed, and the various special agents are practically engaged in the work of preventing and detecting crime.

It is apparent, moreover, that it has never been the policy to establish a central police or spy system in the Federal Government. Every department has been and now is given ample funds and authority to procure evidence and to detect criminals. If the criminals are not unearthed, it is not due to the provision about which the President complains, but it is due entirely to the inefficiency of his adminstration. [Applause.]

The policy has long been followed of separating the work of the secret agents of the Government. Not only is that policy wise and proper, but it even evokes the commendation of the President in the message sent to the House in reply to its resolution. "Congress," he says, "passed a very wise law providing a special service and appropriation for the prevention of naturalization frauds." It is a special service apart and separate from the secret service of the Treasury, and the President commends the new service.

Having reviewed the amounts available for the detection of crime in the various departments, I wish to revert again to the Secret Service Division in the Treasury Department. The appropriations given for some years of about $125,000 enables the employment of 47 field agents or detectives. Considering the extent of the United States, is it not apparent that this force, if it properly discharges its duty of protecting the President and of suppressing counterfeiting, has sufficient to keep it fully occupied? According to the Secretary of the Treasury in his annual report recently issued, there were 17 new counterfeit issues discovered and described in official circulars during the year; there were 345 prosecutions under the various acts relating to counterfeiting, as compared with 216 the previous year; and there was an increase of not quite 150 per cent in the amount of notes and coin captured and confis-

cated, the total coin, $19,135, being almost double the amount confiscated in 1907. In addition, an unusually large quantity of plates, dies, molds, and contraband material was captured.

Evidently the 47 agents of this force are fully occupied in suppressing counterfeiting throughout the United States, as well as protecting the person of the President.

In the investigations by the Committee on Appropriations it was ascertained, however, that about 20 more men were carried on the rolls than could be paid out of the appropriations for the purpose of being hired or loaned to other departments. The committee believed the practice bad, and that it should be stopped. It recommended a provision that would have effectively prevented what it deemed an abuse.

The President says that for a long time he contented himself with endeavoring to persuade the House not to permit this "wrong." He only spoke informally to those members who he believed knew anything of the matter, and communicated only in the ordinary channels, as through the Secretary of the Treasury.

The inference from the President's language is unavoidable that he was clamoring or at least actively at work to prevent what he believed would be a great "wrong." To which particular Members of the House he spoke, believing them to know anything of the matter, I am unable to say. He did not speak to me, nor did he, as I am informed, speak to any other member of the subcommittee which prepared the sundry civil appropriation bill. He says he contented himself with "communicating officially only in the ordinary channels, as through the Secretary of the Treasury." Mr. Speaker, the letter of the Secretary of the Treasury mentioned by the President and printed with his message is dated April 29, 1908; the letter to the Speaker April 30, 1908. The sundry civil appropriation bill, in which the provision mentioned is contained, was reported to the House on April 25, 1908, four days before either letter upon which the President relies was written. [Applause.]

Had anyone other than the President himself suggested that his ordinary channel of communicating with Congress was through the Secretary of the Treasury or through the head of any other department he would deservedly have been scoffed by all intelligent men. The ordinary method this President has used to communicate with Congress has been by message. During the last session he sent, exclusive of vetoes, 54 messages to Congress. From recollection and hasty examination of them, I believe it is safe to assert that he discussed in them practically every conceivable public question, with the single exception of the Secret Service Division of the Treasury Department. [Laughter and applause.]

But if the President felt so keenly about this provision as he states that he did, is it not unfortunate that his official advisers were not in harmony with him? Perhaps had the President known what members of his Cabinet had been saying to the Committee on Appropriations, and had he considered their statements, he might not have been so aroused about the action of Congress.

The Secretary of the Interior, Mr. Garfield, for instance, a close confidant and friend of the President, unceremoniously turned all the secret-service men out of his department. How dare he do it if the President has accurately pictured the imperative necessity of having them run down land thieves? The Secretary was before the committee explaining his reasons for asking an appropriation of $500,000, which was given to him on the committee's recommendation instead of $250,000, which had been the largest sum appropriated for the investigation of land frauds. On March 25, 1908 (p. 326, Hearings before Committee on Appropriations on sundry civil bill), the following occurred:

Mr. FITZGERALD. Mr. Secretary, do you employ secret-service men in this work?

Mr. GARFIELD. None at all; and that is one of the points that I want to bring out in connection with the general question of the force of agents. None of them is employed as a detective. They are simply men who go out here for the purpose of investigating any entries, charges made of any kind, and their duty is as much to keep the honest entryman as to catch the dishonest one.

The Secretary made another statement. It is not in the hearings, because it was then deemed inadvisable to make it public. Believing now, however, that the public interest requires that it shall be published, I shall repeat the substance of his statement. In effect he said that in Colorado 37 indictments had been returned on the testimony of secret-service men in land cases, but that their testimony had turned out to be so absolutely worthless that the Government had not moved a single one of these indictments for trial.

On January 17, 1908, the Attorney-General, Mr. Bonaparte, appeared before the committee. (P. 202, Hearings on Urgent Deficiency Bill, Committee on Appropriations.) Voluntarily he called attention to the fact that he had been required to rely on the secret-service men of the Treasury Department. He complained that the price had been raised for the work. He insisted that it would be better to give him a force of his own. He preferred such a force to the Secret Service Division men, and he stated that as required he did employ men from outside sources.

On April 2, 1908, the Attorney-General was again before the committee. (P. 774, Hearings on Sundry Civil Bill.) He again expressed the opinion that "there is no question that it would tend to a more satisfactory administration if the Department of Justice had a small force under its own direct control." He also stated that "the administrative objection to it (the practice of using men of the Secret Service Division) is this, that it compels our department to rely for certain duties, and also duties of a somewhat delicate and confidential character, upon employees that we have not direct control over, and we can not discipline them as we could if they were directly attached to the department, and there are certain rather serious objections in that sense."

Since the passage of the provision to which the President objects the Attorney-General, without additional legislation, has acquired the special force which he believed preferable to the use of the secret-service men of the Treasury in the manner heretofore in vogue.

On page 7 of his annual report, recently issued, he says:

In my last annual report I called attention to the fact that this department was obliged to call upon the Treasury Department for detective service, and had, in fact, no permanent executive force directly under its orders. Through the prohibition of its further use of the secret-service force contained in the sundry civil appropriation act, approved May 27, 1908, it became necessary for the department to organize a small force of special agents of its own. Although such action was involuntary on the part of this department, the consequences of the innovation have been, on the whole, moderately satisfactory. The special agents, placed as they are under direct orders of the chief examiner, who receives from them daily reports and summarizes these for submission each day to the Attorney-General, are directly controlled by this department, and the Attorney-General knows, or ought to know, at all times what they are doing and at what cost. Under these circumstances he may be justly held responsible for the efficiency and economy of the service rendered. The experience of the past six months has shown clearly that such a force is, under modern conditions, absolutely indispensable to the proper discharge of the duties of this department, and it is hoped that its merits will be augmented and its attendant expense reduced by further experience.

On March 24, 1908, Mr. Moran, Assistant Chief of the Secret Service Division in the Treasury Department, was before the Committee on Appropriations. (Hearings on Sundry Civil Appropriation Bill, p. 185.) He was examined at great length regarding the practice prevailing of supplying men to other departments. His statements disclosed a situation which the committee believed undesirable and which it desired to correct by the provision to which the President makes such vigorous objection. Toward the close of his testimony he made this statement (p. 192): "We do not go after this work, and we would not care to-morrow if it was all stopped. We do not want it."

Mr. Speaker, from this brief review of the information before the committee, I repeat that, in my opinion, the action of the Congress was wise, proper, and creditable. It was in the interest of good administration. The criminal classes have received no benefit. No wrong has been done; there is none to remedy. Whatever may have been the views of the President, whatever information he may have had as to the undesirability of such a provision, it was never brought to the attention of the committee during the preparation of the bill.

Careful consideration of recent happenings and much reflection induces a belief that some one has misinformed the President. Let me illustrate. The President in his reply to the House resolution says:

The Government is further crippled by the law forbidding it to employ detective agencies.

Of course the Government can detect the most dangerous crimes and punish the worst criminals only by the use either of the Secret Service or of private detectives; to hamper it in using the one and forbid it to resort to the other can inure to the benefit of none save the criminals.

As to the law which prevents the employment of the Pinkerton and similar agencies, Mr. Bonaparte said (p. 774, Hearings on Sundry Civil Bill, Apr. 2, 1908):

I think that is a good law.

He is prohibited and has stopped using secret-service men, and does not complain. Indeed, he has been urging Congress to arrange so that he would not be required to use them. He believes it wise not to permit him to use the agencies prohibited. Still he does not assert that criminals have been benefited.

Moreover, on January 2, 1909, a report from the Secretary of War was sent to the Senate (S. Doc. No. 626, 60th Cong., 2d sess.), which discloses that the War Department, before the prohibition against the use of secret-service men was enacted, was able to make a contract for the employment of outside

agencies to make certain investigations relative to the so-called "Brownsville matter." Fifteen thousand dollars has been paid out up to date under that contract. It was paid, too, out of an appropriation not heretofore mentioned, namely, the provision in the deficiency appropriation act of March 3, 1899 (30 Stat. L., 1233), which provided that—

For emergency fund to meet unforeseen contingencies constantly arising, to be expended at the discretion of the President, $3,000,000.

In this instance the Government not only did not use the Secret Service Division but it has not been hampered, either from lack of funds or agencies, to make secret investigations.

Mr. Speaker, the President in his annual message properly designated the Congress as the responsible party for this provision. In his reply to the House resolution he relieves the Senate of all responsibility; he excuses the larger part of the House, on the ground that they blindly followed the lead of a committee, and he narrows responsibility to the Committee on Appropriations.

The Senate is relieved from all condemnation because it disagreed to the provision inserted by the House after the Secretary of the Treasury had sent a comprehensive statement of the work of the Secret Service Division, including his arguments against the provision and his conclusions as to its effects.

The bill passed the Senate and went to conference. The Senate was represented in the conference by Senators ALLISON, HALE, and TELLER; the House, by Mr. TAWNEY, Mr. SMITH, and myself.

The item obnoxious to the President was the subject of conference. The Senate yielded and acquiesced in the House provision. Whatever justification there may be for the statement that the House acted blindly and without knowledge of the merits, the same argument can not be advanced on behalf of the Senators who were in conference. They had, as the President says, "a strongly worded protest from Secretary Cortelyou." They had all the information in the possession of the Secretary of the Treasury. They had his arguments in writing, they had this statement of his conclusion:

I can not impress upon you too emphatically my conviction that any modification of the statutory rights accorded to the Secretary of the Treasury by section 166 or any restriction upon the use of these men by other departments will be wholly and solely of advantage to the enemy of public welfare and government interests.

But two conclusions are possible from the action of the Senate conferees in receding from their disagreement to the House provision; either they were convinced that the alarm of the Secretary was groundless and his conclusions erroneous, or else, believing that the provision would be of advantage wholly and solely to the enemy of public welfare, they accepted it on behalf of the Senate.

Whatever may be believed elsewhere or by any other person, I wish to express as emphatically as I may my conviction that Senator Allison, since passed to another world, and Senators HALE and TELLER were convinced that the provision was wise, was proper, and in the interests of good government; that the conclusions of the Secretary of the Treasury as to the effect of the provision were erroneous, that his fears were not well founded; and I further assert my belief that if any of the Senators named had the slightest doubt that the fears of the Secretary would be realized and that the provision would have been of benefit to criminals, that they would never have consented to the enactment of the provision. [Applause.] What I have said of these Senators I repeat of my colleagues in conference from the House. In my opinion they were actuated by high and patriotic motives and by a desire to improve, not to impair, the public service. [Applause.]

Mr. Speaker, I am opposed to the repeal of the provision. I shall oppose its repeal if it be attempted. I shall not quarrel with the President, nor shall I scold him because he disagrees with me about legislation. Neither shall I permit my judgment to be improperly swayed nor my action upon legislative matters to be controlled by him. His recommendations shall be given the respectful consideration to which they are entitled by reason of his high office. But I shall continue to exercise my own judgment, to voice my own views, to act in accordance with my convictions, indifferent as to whether others are pleased or annoyed.

I shall continue to act as a responsible Representative; I decline to become a mere empty echo. [Applause.]

Mr. PERKINS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. PERKINS. Mr. Speaker, I rise in my own time to give notice that this question has been fully debated, and ere long I shall feel it proper to move the previous question, but before doing that several gentlemen have spoken to me who wish to be heard in opposition to the resolution, and having given the notice that at the close of their remarks I shall make that motion, I shall now yield ten minutes to the gentleman from New York [Mr. DRISCOLL].

Mr. WILLIAMS. Mr. Speaker, before the gentleman makes that notice effective, I desire to say——

Mr. PERKINS. Oh, I understood my colleague did not wish to speak.

Mr. WILLIAMS. I desire to say that I do not know whether I shall want to talk or not, but if the representatives of the White House on the floor say anything that seems to me worthy responding to, that I reserve the right to respond to it.

Mr. PERKINS. Mr. Speaker, I now yield ten minutes to the gentleman from New York [Mr. DRISCOLL].

Mr. DOUGLAS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DOUGLAS. Do I understand that the time remaining for this debate is at the disposal of the gentleman from New York [Mr. PERKINS]?

The SPEAKER. The gentleman from New York reserved the time out of his hour, thirty-three minutes, and resumed the floor in his own right. He is entitled to do so, and he is entitled to use the thirty-three minutes or to yield the same.

Mr. WILLIAMS. Or to call for the previous question.

Mr. GARDNER of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARDNER of Massachusetts. In the event that an hour has been exhausted by one side or the other, is it not customary, before allowing any Member to take up his unused time, to recognize some Member in opposition in his own right?

The SPEAKER. The gentleman from New York, chairman of the special committee, was entitled to be first heard. He was heard for twenty-seven minutes, and then reserved his time. The Chair is of opinion that the practice has been in such cases that he is entitled to resume the floor at any time that the floor is not occupied by somebody else, and as a matter of practice or custom some one opposed to the resolution would be entitled to recognition, as those favoring the resolution have used the most time.

Mr. BENNET of New York. Mr. Speaker, a parliamentary inquiry. Why can not my colleague from New York [Mr. DRISCOLL] be recognized in his own time if he desires?

The SPEAKER. He can be the moment that his colleague, the chairman of the committee, the gentleman from New York [Mr. PERKINS], yields the floor. The Chair is not aware what course the gentleman from New York, the chairman of the committee, proposes to follow.

Mr. DRISCOLL. Am I now recognized, Mr. Speaker?

Mr. GAINES of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GAINES of Tennessee. Is this not also a personal privileged question; and if so, can a mere custom or a mere parliamentary rule cut off the right of a Member to rise at his seat, state that question, and then discuss it?

The SPEAKER. Oh, a question of privilege must be considered under the rules and practices of the House. It can not be put out of the way by any other question of privilege.

Mr. GAINES of Tennessee. Then the gentleman from New York [Mr. PERKINS] could have arisen in his seat this morning and occupied his time and then called the previous question and cut off everybody else?

The SPEAKER. Absolutely, if the majority sustained him.

Mr. GAINES of Tennessee. But that is not my inquiry. The Chair put it on the ground of custom and precedent, which, of course, is mere custom or rule, but I speak of the constitutional right. A privileged question is one thing and a personal privilege is another, but they are both constitutional questions, and here both the House, as such, and the Member's rights are involved.

The SPEAKER. The gentleman seems to forget that under the rules of this House and the practice of the House, no gentleman can make the House act until the majority of the House desires to act, and a majority of the House has the right to force action.

Mr. DRISCOLL. Mr. Speaker——

The SPEAKER. Does the gentleman from New York [Mr. PERKINS] yield the floor or take the floor?

Mr. PERKINS. Mr. Speaker, I yield ten minutes' time to my colleague [Mr. DRISCOLL].

The SPEAKER. The gentleman from New York [Mr. DRISCOLL] is recognized for ten minutes.

Mr. DRISCOLL. Mr. Speaker and gentlemen of the House, it will require only a few words to explain my views on this reso-

lution and the vote which I shall cast. I am not excited, but in a very mild and amiable state of mind, and will try not to provoke the eloquence of my distinguished friend from Mississippi. I was present on the 1st day of last May, when the debate occurred out of which all this contention has arisen. I listened to all that was said for and against the amendment offered by the chairman of the Committee on Appropriations. I did not hear any argument which convinced my mind that I ought to vote for that amendment, and I voted against it.

I heard the remark of the gentleman from Kentucky [Mr. SHERLEY] about Congressmen being shadowed by detectives and it made no impression on me. I had not then heard of any rumor that Congressmen had been shadowed or spied upon by members of the Secret Service. I had not read the article by Mr. Busbey, which was published some years before that time, I had no suspicion whatever——

Mr. WILLIAMS. By the way, if the gentleman will permit an interruption——

Mr. DRISCOLL. Let me finish the sentence. I had no information or intimation from any source, and had no suspicion that the Secret Service was in any way being used to spy upon Congressmen.

Mr. WILLIAMS. Will the gentleman yield to me for a question?

Mr. DRISCOLL. Yes; just for a question.

Mr. WILLIAMS. At the time the article referred to as having been written by Mr. Busbey was published, was or was not Mr. Busbey at that time the secretary of the Speaker?

Mr. DRISCOLL. I do not know and do not care. That is not material, so far as my argument is concerned.

Mr. WILLIAMS. I understand that he was not, and that it was about five years before this controversy arose.

Mr. DRISCOLL. I object to yielding any further time. I want to say this: That if I had any suspicion at that time that members of this House and Senate were being spied upon by members of the Secret Service, I would have taken the remark of Mr. SHERLEY more seriously, and I presume I would have indignantly resented such action by the Secret Service as an insult and have voted for the amendment proposed by Mr. TAWNEY. But under the circumstances this remark passed in one ear and out the other, and I paid no attention to it. But who can say that it did not influence other Members on the floor of this House at that time? Who can say that it was not the main reason why they voted in favor of the amendment of Mr. TAWNEY?

If I had had any notion that it was seriously offered I would have voted for the amendment, so that spies could not be used upon members of Congress; not that I feared any spy in the world, or that I thought any man in this House was guilty of any offense, or in danger of any detective force. But I would have felt, as you do, that it would be an insult to this House to suggest the idea of permitting the Secret Service to spy upon its Members. I did not know at that time that the President had written a letter to the Speaker in opposition to this amendment which was being considered. I did not know that Secretary Cortelyou had written a long letter to Mr. TAWNEY, chairman of the Committee on Appropriations, in opposition to his amendment. I did not know any of those facts, which have since been disclosed. I simply opposed that amendment on its merits and according to my best judgment.

I presume that when the President read that debate afterwards, in order to learn what the argument was which persuaded a majority of the Committee of the Whole House to vote for the amendment, it occurred to him that perhaps the remark thrown in by the gentleman from Kentucky [Mr. SHERLEY] had some influence upon the membership; to repeat, not because they were afraid of investigation or of being spied upon, but because they would naturally resent as an insult the use of the Secret Service for that purpose. I am willing to take the construction put on that sentence in the President's message by the gentleman from Michigan [Mr. TOWNSEND], and I think it is only fair to the President that we should give it any fair construction to which it is susceptible rather than humiliate him by the adoption of this resolution. The other sentence criticised by gentlemen is this:

> But if this is not considered desirable a special exception could be made in the law prohibiting the use of the Secret Service in the investigation of members of Congress.

In view of our action on the Burleson bill, in which we expressly excepted Members of Congress from criminal prosecution in a law which included all other government officials, we should not go into convulsions over that sentence.

Mr. WILLIAMS. Now, if the gentleman will yield——

Mr. DRISCOLL. I have not the time. When the President sent in his first message and gentlemen took exception to it, if you had then adopted a resolution tabling that part of the message which referred to the Secret Service, it would have been a great deal more harmless and a great deal more sensible than what you are proposing to do now. But you put it up to the President to justify what he said. In your resolution here to-day you say that you asked him to give any information that would justify the language of the message or assist the House in its constitutional duty to purge itself of corruption.

What did the President do? In my judgment he was manly about it. He immediately said he did not intend to reflect on the Congress or any member of it. He expressly disclaimed any idea of reflection or any idea of an insult being carried in that message. He went further and complimented this House, and said many nice things about this branch of the Government. What did you want him to do? Did you want him to admit that he meant to insult the Congress when that was not his intention. I have gone through this world not looking for insults, and the man who does that and does not resent an insult unless he is sure it is intended for him gets along better than the fellow who is always looking for a quarrel. If one of you should make a remark to me that I might construe into an offense and call you to account, and you would assure me that you did not mean it as an offense, that you did not mean to insult me, that you did not mean to reflect on me in any possible way, I would treat you as a gentleman and take you at your word, and let the matter drop.

Now, the President of the United States says that he meant no reflection on this body. He says that no reflection on this body is contained in his message at all, according to his construction of it, and yet you are not satisfied with that.

What do we propose to do? The gentleman from Mississippi [Mr. WILLIAMS] says we are trying to avoid a rebuke. But I say we are trying to rebuke the President. You have gone back beyond the memory of any Member of this Congress for a precedent. It is a very unusual and very extraordinary proceeding when you refuse to give the President the same consideration that any of you gentlemen would give to any other gentleman whom you thought had insulted you.

I am aware that the President's term is drawing to a close.

The SPEAKER. The time of the gentleman has expired.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman two minutes more.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that the gentleman's time may be extended five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. DRISCOLL. This morning I asked that the consideration of these resolutions be postponed for a few days, in the hope that we might get out of this matter with honor to ourselves and without trying to reflect on or belittle the President, but the majority of this body was clamorous to consider it to-day.

I am aware that the President's term of office is drawing to a close. In less than two months he will go out of his great office by his own volition, for he could have been President for the next four years if he had permitted it. I am aware that his power will be gone after the 4th of March, but I would be more reluctant to rebuke even under those circumstances than if he had four years more of power in the White House.

I do not think we are treating our great President fairly when we are trying to drive him into a corner, when we are trying to follow him up and force a quarrel on him, when he has explained that he meant no reflection on this body. Theodore Roosevelt is a great man and a great President, and New York is proud of him, and will be proud of him no matter what action this House may take here to-day. I am willing, as an humble Member of this House, to take him at his word, to accept his explanation, to give him credit for not having tried to insult or reflect on this body when he says so. And when I give him only the same consideration I would give any man, rich or poor, high or low, I am not belittling myself or lowering my self-respect or dignity.

And because these resolutions embody a reflection on him, a rebuke to him—and they are so intended—I can not vote for them. [Applause and cries of "Vote!"]

Mr. PERKINS. We will not have a vote yet. Mr. Speaker, there has been ample time given to those who are in favor of the resolutions. I do not intend that it shall be said that anyone who wishes to speak in opposition to these resolutions did not have full opportunity to be heard. [Applause.] We have time enough, between the time I have not used of my own and the two hours not used by my associates on the committee, to grant, it seems to me, all the time any gentleman may require, and it has been my purpose to yield all the time in the disposal of the gentleman from Massachusetts [Mr. WEEKS] and the

gentleman from Mississippi [Mr. WILLIAMS] and myself that might be required.

If the gentleman from Massachusetts insists upon being recognized in his own right and desires to grant from his own time to those who desire to speak, I have no objection. I reserve the balance of my time.

Mr. GARDNER of Massachusetts. I offer an amendment, which I send to the Chair.

The SPEAKER. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all after the first "whereas" and insert:
"A certain misunderstanding has arisen in regard to a clause in the last annual message of the President; and
"Whereas we believe that a misapprehension exists as to the action of certain Members of this House mentioned in the President's message of January 4, 1909:
"*Resolved*, That this House has the utmost confidence in every member of the Committee on Appropriations."

Mr. PERKINS. I raise the point of order on that amendment, that it is not germane to the resolution. The resolution submitted has reference to certain language in the message of the President; and also the amendment is not now in order, because general debate has not been closed.

The SPEAKER. The Chair understands the gentleman's amendment, in effect, proposes to strike out the whole text and substitute a new text for pages 1, 2, and 3 on the printed report, down to the bottom of page 4. It is a substitute for the two "whereases," as the Chair gathers.

Mr. GARDNER of Massachusetts. With the "resolve." The Chair will observe there is a resolution at the end. It is a substitute for the three resolutions.

The SPEAKER. This is an amendment by way of substitute for the whole resolution and whereases. It is proposed to strike all out and insert therefor——

Mr. GARDNER of Massachusetts. That was the intention.

The SPEAKER. After the whereases, after these words—

Whereas the annual message of the President——

Mr. GARDNER of Massachusetts. The Chair will observe writing on the bottom. The Chair will see I ask to strike out all after the word "whereas" and insert.

The SPEAKER. It seems to the Chair that this proposed amendment is germane.

Mr. WILLIAMS. A parliamentary inquiry.

Mr. TAWNEY. Do I understand the gentleman has offered a resolution to be acted upon now?

The SPEAKER. The gentleman offers an amendment in his time, and has the floor.

Mr. TAWNEY. Does he offer the resolution as an amendment now to be acted on, or for the information of the House?

The SPEAKER. To be acted on when we come to take the final proceeding to bring the House to a vote upon the original resolutions and the proposed substitute.

Mr. WILLIAMS. In order to bring the question to a test, following up my parliamentary inquiry, I will move to lay the resolution offered by the gentleman from Massachusetts on the table.

The SPEAKER. To lay the amendment on the table, the Chair suggests, would lay everything on the table.

Mr. WILLIAMS. I thought the gentleman from Massachusetts had offered an amendment.

Mr. GARDNER of Massachusetts. I raise the point of order that the gentleman from Mississippi is out of order.

Mr. WILLIAMS. I thought the gentleman from Massachusetts had offered an amendment, which I heard read, to the original resolution. I understand, Mr. Speaker, from the gentleman from Illinois [Mr. MANN] that the resolution of the gentleman from Massachusetts proceeds to the entire matter under discussion, and I withdraw the motion I have just made.

Mr. GARDNER of Massachusetts. Mr. Speaker, I move that further consideration of this whole matter be postponed until Monday next at 1 o'clock, and that the amendment be considered as pending. [Cries of "No!"]

Mr. PAYNE. I make the point of order that, under the rule, we can not postpone to a definite time next week.

The SPEAKER. The Chair reads from the Manual, in reply to the gentleman from New York, and desires the attention of the House to clause 4 of Rule XVI:

When a question is under debate no motion shall be received but to adjourn, to lay on the table, for the previous question (which motion shall be decided without debate), to postpone to a day certain, to refer, or to amend, or postpone indefinitely; which several motions shall have precedence in the foregoing order.

In the absence of a motion of a superior privilege, which would be to adjourn, or lie on the table, or for the previous question—in the absence of any of these motions, it seems to the Chair that the gentleman's motion is in order.

Mr. GARDNER of Massachusetts. I move the previous question on the motion I have just made.

Mr. WILLIAMS. Now, Mr. Speaker, I understand the gentleman has called for the previous question upon the motion to postpone. Is that correct?

The SPEAKER. That is correct.

Mr. WILLIAMS. Then I move to lay that on the table.

Mr. TAWNEY. I move the previous question on the resolution and the amendment offered by the gentleman from Massachusetts.

The SPEAKER. Pending which the gentleman from Minnesota moves the previous question upon the resolution and upon the pending amendment; and that, it seems to the Chair, would have precedence of the motion of the gentleman from Massachusetts.

Mr. WILLIAMS. I withdraw my motion, in that case.

Mr. GARDNER of Massachusetts. Mr. Speaker, I moved postponement until Monday next.

The SPEAKER. Yes.

Several MEMBERS. Vote! Vote!

Mr. SHERLEY. Mr. Speaker, I make the point of order that the motion——

The SPEAKER. The Chair will hear the gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. The gentleman from Massachusetts moved to postpone until Monday next.

The SPEAKER. Yes.

Mr. GARDNER of Massachusetts. Upon that he moved the previous question.

The SPEAKER. Yes.

Mr. GARDNER of Massachusetts. Does the Chair rule that, pending the ordering of the previous question, a motion to adopt the amendment and subsequently the resolution is in order?

Mr. TAWNEY. Mr. Speaker, my motion was not to adopt the resolution or amendment, but the previous question on both the resolution and the amendment.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER], having the floor, moves first an amendment. Second, he moves to postpone to a day certain, and upon that motion demands the previous question. Now, that motion that the gentleman makes is a motion inferior in point of privilege to the previous question upon the resolution and the amendment, and, in the opinion of the Chair, it can not be that the gentleman, having the floor, could cut out a motion of higher privilege by simply demanding the previous question upon a motion of lower privilege. Therefore it seems to the Chair that the motion of the gentleman from Minnesota [Mr. TAWNEY] takes precedence of the motion of the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Speaker, I raise the point of order that the gentleman from Minnesota can not cut me off from debate on my amendment by moving the previous question.

Mr. FITZGERALD. The gentleman himself has moved to postpone consideration.

The SPEAKER. The gentleman did not commence debate, nor attempt to take the floor for debate. On the contrary, upon being recognized, he proceeded to offer an amendment and to make a motion to postpone consideration. Therefore, so far as the Chair knows, the gentleman did not desire to take the floor for debate. The gentleman having made his motion, availing himself of the floor, must submit to the operation of the rule, for a motion that takes precedence of the gentleman's motion. Of course if the gentleman had commenced debate, he could not be taken off the floor.

Mr. GARDNER of Massachusetts. Mr. Speaker, is the Chair willing that the gentleman from Massachusetts should instruct him on the point of order?

The SPEAKER. The Chair, very briefly, will hear the gentleman on the point of order.

Mr. GARDNER of Massachusetts. Mr. Speaker, I have not the complete book at hand, but I have no doubt it is beside you. I am very confident that it has been decided many a time in this House that before a Member has begun debate he can not be taken off the floor by another Member moving the previous question.

The SPEAKER. The Chair thinks the gentleman will find that the Member to whom that rule applies is the Member in charge of the bill. The gentleman must see at once that if he obtains the floor and does not proceed to debate, but, exercising his right when he has the floor, makes a motion that is inferior

to another motion, that then it is the right of another Member of the House to interpose the superior motion.

Mr. GARDNER of Massachusetts. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GARDNER of Massachusetts. The question will therefore now come on the previous question; and if the previous question is ordered, it will come on the amendment I offered?

The SPEAKER. Precisely. That would be first voted upon.

Mr. GARDNER of Massachusetts. I ask unanimous consent that my amendment may be read again.

The SPEAKER. Without objection, the gentleman's amendment by way of a substitute, or substitute by way of amendment, will be again reported.

The amendment of Mr. GARDNER of Massachusetts was again read by the Clerk.

The SPEAKER. The gentleman from Minnesota moves the previous question on the original resolution and the amendment.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the amendment proposed by the gentleman from Massachusetts [Mr. GARDNER].

The question was taken; and on a division (demanded by Mr. GARDNER of Massachusetts) there were 23 ayes and 225 noes.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask for the yeas and nays.

The question was taken, and the yeas and nays were refused.

So the amendment was lost.

Mr. GARDNER of Massachusetts. Mr. Speaker, I move to adjourn.

Mr. WILLIAMS. Contrary to my uniform custom, Mr. Speaker, as a Member of the House of Representatives, I make the point of order that that motion is dilatory. [Laughter.]

The SPEAKER. The Chair will ask the gentleman from Massachusetts, for he knows whether it is a dilatory motion or not.

Mr. GARDNER of Massachusetts. The gentleman from Indiana sitting by me suggests that it is not a dilatory motion, because it is 7 o'clock and we are now hungry. [Laughter.]

Mr. WILLIAMS. I submit that that is insufficient, for I have made that same motion at 9 o'clock and it was considered dilatory. [Laughter.]

Mr. GARDNER of Massachusetts. Mr. Speaker, I must admit that the motion is dilatory.

Mr. WILLIAMS. A parliamentary inquiry, Mr. Speaker. Does not the Chair agree with me that it is beautiful to see the rules applied to a Republican Member?

The SPEAKER. So far as the Chair is concerned, the rules are like the grace of God. [Laughter.] The question is on agreeing to the resolution.

Mr. BENNET of New York. And upon that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 212, nays 36, answered "present" 5, not voting 135, as follows:

YEAS—212.

Acheson	Caulfield	Foulkrod	Hubbard, Iowa
Adamson	Chaney	Fuller	Huff
Alexander, Mo.	Clark, Fla.	Fulton	Hughes, N. J.
Alexander, N. Y.	Clark, Mo.	Gaines, Tenn.	Hull, Iowa
Allen	Clayton	Gaines, W. Va.	Hull, Tenn.
Ames	Cole	Gardner, Mich.	Humphreys, Miss.
Andrus	Cook, Colo.	Gardner, N. J.	James, Ollie M.
Anthony	Cook, Pa.	Garner	Johnson, S. C.
Ashbrook	Cooper, Pa.	Garrett	Jones, Va.
Barchfeld	Cousins	Gill	Jones, Wash.
Barclay	Cox, Ind.	Gillespie	Kahn
Beale, Pa.	Craig	Glass	Keifer
Beall, Tex.	Cravens	Godwin	Kitchin, Claude
Bell, Ga.	Dalzell	Goebel	Kitchin, Wm. W.
Bingham	Darragh	Gordon	Knapp
Bonynge	De Armond	Graff	Knopf
Booher	Denby	Greene	Lafean
Boutell	Denver	Gregg	Lamb
Bowers	Diekema	Griggs	Law
Bradley	Dixon	Hackney	Lawrence
Brodhead	Draper	Haggott	Lenahan
Broussard	Durey	Hamilton, Iowa	Lever
Brownlow	Dwight	Hamilton, Mich.	Livingston
Brundidge	Edwards, Ga.	Hamlin	Lloyd
Burgess	Ellerbe	Hardwick	Lorimer
Burke	Ellis, Oreg.	Harrison	Loudenslager
Burleson	Estopinal	Haskins	McCall
Burnett	Fairchild	Hawley	McCreary
Burton, Del.	Fassett	Hay	McDermott
Butler	Favrot	Heflin	McGuire
Calder	Ferris	Helm	McHenry
Caldwell	Fitzgerald	Henry, Tex.	McKinley, Ill.
Candler	Flood	Hill, Miss.	McKinney
Capron	Floyd	Holliday	McLachlan, Cal.
Carlin	Fordney	Howard	McLain
Carter	Foss	Howell, N. J.	Macon
Cassel	Foster, Ind.	Howell, Utah	Madden
Mann	Payne	Slayden	Thistlewood
Marshall	Perkins	Small	Thomas, N. C.
Maynard	Peters	Smith, Cal.	Thomas, Ohio
Miller	Porter	Smith, Iowa	Tirrell
Mondell	Pujo	Smith, Mich.	Tou Velle
Mudd	Rainey	Smith, Mo.	Underwood
Murphy	Ransdell, La.	Smith, Tex.	Volstead
Needham	Rothermel	Stafford	Vreeland
Nicholls	Rucker	Stanley	Waldo
Nye	Russell, Mo.	Steenerson	Wallace
O'Connell	Sabath	Stephens, Tex.	Wanger
Olmsted	Scott	Sulloway	Weeks
Overstreet	Sheppard	Talbott	Wheeler
Padgett	Sherley	Tawney	Williams
Page	Sherwood	Taylor, Ala.	Woodyard
Parker	Sims	Taylor, Ohio	Young

NAYS—36.

Bennet, N. Y.	Foelker	Küstermann	Pollard
Campbell	French	Landis	Pray
Chapman	Gardner, Mass.	Langley	Prince
Cocks, N. Y.	Guernsey	Laning	Reeder
Cooper, Wis.	Hayes	McLaughlin, Mich.	Reynolds
Crumpacker	Henry, Conn.	Madison	Slemp
Davis	Howland	Nelson	Townsend
Douglas	Jenkins	Norris	Washburn
Driscoll	Kinkaid	Parsons	Wilson, Ill.

ANSWERED "PRESENT"—5.

Barnhart	Moon, Tenn.	Pou	Rauch
Currier			

NOT VOTING—135.

Adair	Fornes	Kennedy, Ohio	Randell, Tex.
Aiken	Foster, Ill.	Kimball	Reid
Ansberry	Foster, Vt.	Kipp	Rhinock
Bannon	Fowler	Knowland	Richardson
Bartholdt	Gilhams	Lamar, Fla.	Riordan
Bartlett, Ga.	Gillett	Lamar, Mo.	Roberts
Bartlett, Nev.	Goldfogle	Lassiter	Robinson
Bates	Goulden	Leake	Rodenberg
Bede	Graham	Lee	Russell, Tex.
Bennett, Ky.	Granger	Legare	Ryan
Birdsall	Gronna	Lewis	Saunders
Boyd	Hackett	Lilley	Shackleford
Brantley	Hale	Lindbergh	Sherman
Burleigh	Hall	Lindsay	Snapp
Burton, Ohio	Hamill	Longworth	Southwick
Byrd	Hammond	Loud	Sparkman
Calderhead	Harding	Lovering	Sperry
Cary	Hardy	Lowden	Spight
Cockran	Haugen	McGavin	Sterling
Conner	Hepburn	McKinlay, Cal.	Stevens, Minn.
Cooper, Tex.	Higgins	McMillan	Sturgiss
Coudrey	Hill, Conn.	McMorran	Sulzer
Crawford	Hinshaw	Malby	Swasey
Cushman	Hitchcock	Martin	Watkins
Davenport	Hobson	Moon, Pa.	Watson
Davidson	Houston	Moore, Pa.	Webb
Dawes	Hubbard, W. Va.	Moore, Tex.	Weems
Dawson	Hughes, W. Va.	Morse	Weisse
Edwards, Ky.	Humphrey, Wash.	Mouser	Wiley
Ellis, Mo.	Jackson	Murdock	Willett
Englebright	James, Addison D.	Olcott	Wilson, Pa.
Esch	Johnson, Ky.	Patterson	Wolf
Finley	Keliher	Pearre	Wood
Focht	Kennedy, Iowa	Pratt	

So the resolution was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. CURRIER with Mr. FINLEY.

Mr. SHERMAN with Mr. RIORDAN.

Until future notice:

Mr. CONNER with Mr. LEGARE.

Mr. BURLEIGH with Mr. BRANTLEY.

Mr. HILL of Connecticut with Mr. GRANGER.

For the day:

Mr. SOUTHWICK with Mr. GOULDEN.

Mr. OLCOTT with Mr. FORNES.

Mr. BATES with Mr. LINDSAY.

Mr. CALDERHEAD with Mr. HOBSON.

Mr. MOORE of Pennsylvania with Mr. HAMMOND.

Mr. SPERRY with Mr. AIKEN.

Mr. FOCHT with Mr. ADAIR.

Mr. LOWDEN with Mr. BARTLETT of Georgia.

Mr. MOON of Pennsylvania with Mr. BYRD.

Mr. GRAHAM with Mr. MOON of Tennessee.

Mr. MCGAVIN with Mr. RAUCH.

Mr. LINDBERGH with Mr. MOORE of Texas.

Mr. BARTHOLDT with Mr. BARTLETT of Nevada.

Mr. BANNON with Mr. ANSBERRY.

Mr. BEDE with Mr. COCKRAN.

Mr. BENNETT of Kentucky with Mr. COOPER of Texas.

Mr. BIRDSALL with Mr. CRAWFORD.

Mr. BOYD with Mr. DAVENPORT.

Mr. BURTON of Ohio with Mr. FOSTER of Illinois.

Mr. CARY with Mr. GOLDFOGLE.

Mr. COUDREY with Mr. HACKETT.

Mr. CUSHMAN with Mr. HAMILL.

Mr. DAVIDSON with Mr. HARDY.

Mr. DAWES with Mr. HITCHCOCK.

Mr. DAWSON with Mr. HOUSTON.

Mr. EDWARDS of Kentucky with Mr. JOHNSON of Kentucky.
Mr. ELLIS of Missouri with Mr. KELIHER.
Mr. ESCH with Mr. LEE.
Mr. FOSTER of Vermont with Mr. POU.
Mr. FOWLER with Mr. KIMBALL.
Mr. GILHAMS with Mr. LAMAR of Florida.
Mr. GILLETT with Mr. LAMAR of Missouri.
Mr. HALE with Mr. LASSITER.
Mr. HAUGEN with Mr. LEAKE.
Mr. HEPBURN with Mr. LEWIS.
Mr. HINSHAW with Mr. PATTERSON.
Mr. HUBBARD of West Virginia with Mr. PRATT.
Mr. HUGHES of West Virginia with Mr. RANDELL of Texas.
Mr. HUMPHREY of Washington with Mr. REID.
Mr. KENNEDY of Iowa with Mr. RHINOCK.
Mr. KENNEDY of Ohio with Mr. RICHARDSON.
Mr. LONGWORTH with Mr. ROBINSON.
Mr. LOUD with Mr. RUSSELL of Texas.
Mr. LOVERING with Mr. RYAN.
Mr. MCKINLAY of California with Mr. SAUNDERS.
Mr. MCMILLAN with Mr. SHACKLEFORD.
Mr. MCMORRAN with Mr. SPARKMAN.
Mr. MALBY with Mr. SULZER.
Mr. MOUSER with Mr. SPIGHT.
Mr. PEARRE with Mr. WATKINS.
Mr. ROBERTS with Mr. WEBB.
Mr. RODENBERG with Mr. WEISSE.
Mr. SNAPP with Mr. WILEY.
Mr. STERLING with Mr. WILLETT.
Mr. STEVENS of Minnesota with Mr. WOLF.
Mr. WATSON with Mr. WILSON of Pennsylvania.

Mr. CURRIER. Mr. Speaker, is the gentleman from South Carolina, Mr. FINLEY, recorded as voting?

The SPEAKER. He is not.

Mr. CURRIER. Then I desire to withdraw my vote and vote "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. CURRIER was called, and he answered "Present."

The result of the vote was announced as above recorded.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the resolution was passed was laid on the table.

Mr. LANGLEY. Mr. Speaker, before we adjourn I desire to state to the House that I was called away on an important matter and intended to return before debate closed in order that I might state briefly to the House the reasons why I could not vote for this resolution in the shape it was reported by the committee. Debate had closed before I returned, and I now ask unanimous consent that I may insert in the RECORD those reasons.

The SPEAKER. Is there objection?

Mr. WILLIAMS. I object.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, this morning I obtained unanimous consent that the consideration of pension bills in order to-day be made in order on Tuesday next. At that time it was my understanding that this debate just closed would occupy to-morrow. I now ask unanimous consent that their consideration be in order to-morrow instead of Tuesday next, immediately after the reading of the Journal.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Then Tuesday next is not to be devoted to the consideration of pension bills?

Mr. SULLOWAY. No.

The SPEAKER. The Chair hears no objection, and it is so ordered.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 13649. An act providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth district.

EXTENDING REMARKS IN THE RECORD.

Mr. WEEKS. Mr. Speaker, I ask unanimous consent to extend and revise my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. WILLIAMS. I object. I am compelled to do this because I am going to object to every request of a similar character on this particular question.

The SPEAKER. Objection is heard.

ADJOURNMENT.

Then, on motion of Mr. PERKINS (at 7 o'clock and 27 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a list of leases granted under authority of the act of July 28, 1882 (H. Doc. No. 1298)—to the Committee on Military Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for purchase of land for the Bureau of Engraving and Printing (H. Doc. No. 1299)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a recommendation for the reimbursement of Ormsby County, Nev. (H. Doc. No. 1300)—to the Committee on Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BRODHEAD, from the Committee on the District of Columbia, to which was referred the joint resolution of the House (H. J. Res. 200) granting to the Fifth Regiment Maryland National Guard the use of the corridors of the court-house of the District of Columbia upon such terms and conditions as may be prescribed by the marshal of the District, reported the same without amendment, accompanied by a report (No. 1827), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MOORE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 22239) to regulate the conduct of the laundry business in the District of Columbia, reported the same without amendment, accompanied by a report (No. 1828), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROBERTS, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 6252) to promote the administration of justice in the navy, reported the same with amendments, accompanied by a report (No. 1831), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 6164) to revise and amend the United States statutes relating to the commitment of United States prisoners to reformatories of States, reported the same without amendment, accompanied by a report (No. 1829), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 8277) placing M. H. Plunkett, assistant engineer, United States Navy, on the retired list with an advanced rank, reported the same with amendment, accompanied by a report (No. 1830), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 24396) granting a pension to John Alexander, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HUGHES of New Jersey: A bill (H. R. 25674) for the relief of certain employees of the United States during the civil war whose wages were withheld and used for other purposes—to the Committee on War Claims.

By Mr. BARTHOLDT: A bill (H. R. 25675) to establish and construct a national highway from the southern limits of the city of St. Louis to the national cemetery at Jefferson Barracks, Missouri—to the Committee on Military Affairs.

By Mr. FULLER: A bill (H. R. 25676) for the erection of a public building at Sycamore, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. FOULKROD: A bill (H. R. 25677) authorizing the Secretary of War to purchase certain land adjoining the Frankford Arsenal, Philadelphia, Pa.—to the Committee on Appropriations.

By Mr. GREENE: A bill (H. R. 25678) to require life-preservers on motor vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH of Michigan: A bill (H. R. 25679) for the extension of Columbia road NW., in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MADDEN: Resolution (H. Res. 479) requesting the Interstate Commerce Commission to send to the House certain information—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL of Tennessee: Concurrent resolution (H. C. Res. 49) providing for the printing in one volume of all United States Statutes relating to duties on imports and taxes on incomes—to the Committee on Printing.

By Mr. LARRINAGA: Concurrent resolution (H. C. Res. 50) for the survey of Arecibo Harbor, in the island of Porto Rico—to the Committee on Rivers and Harbors.

Also, concurrent resolution (H. C. Res. 51) for a survey of Ponce Harbor, in the island of Porto Rico—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 25680) granting a pension to John H. Ashbaugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25681) granting a pension to William A. Orr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25682) to remove the charge of desertion against William H. Shafer and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. BARNHART: A bill (H. R. 25683) granting an increase of pension to Harrison Horner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25684) granting an increase of pension to Jeremiah Reynolds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25685) granting an increase of pension to Ezra K. Barnhill—to the Committee on Invalid Pensions.

By Mr. BOYD: A bill (H. R. 25686) granting an increase of pension to Florence F. Stewart—to the Committee on Invalid Pensions.

By Mr. BRODHEAD: A bill (H. R. 25687) granting an increase of pension to Simeon Flory—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25688) granting an increase of pension to Theodore Brodt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25689) granting an increase of pension to Jacob Mann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25690) granting an increase of pension to William B. Schock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25691) granting an increase of pension to David G. Williamson—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 25692) granting an increase of pension to William Goodwin—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 25693) granting an increase of pension to Thomas Hingson—to the Committee on Invalid Pensions.

By Mr. DAWES: A bill (H. R. 25694) granting an increase of pension to William H. Barnes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25695) granting an increase of pension to Charles L. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25696) granting an increase of pension to Jackson Kindsman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25697) granting an increase of pension to Fenton Bagley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25698) granting an increase of pension to Joseph Beisser—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 25699) granting an increase of pension to John H. Turpin, jr.—to the Committee on Pensions.

By Mr. HOUSTON: A bill (H. R. 25700) granting an increase of pension to John S. Herriman—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 25701) granting a pension to Matthew M. Finch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25702) granting an increase of pension to Max Sekel—to the Committee on Invalid Pensions.

By Mr. KIMBALL: A bill (H. R. 25703) granting a pension to Frank Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25704) granting a pension to Martha J. Newton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25705) granting a pension to James Stafford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25706) granting an increase of pension to Uriah Bickers—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 25707) to provide American register for the steamer *Robert McDonald*—to the Committee on the Merchant Marine and Fisheries.

By Mr. LANING: A bill (H. R. 25708) granting a pension to Charles T. Wolfe—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 25709) granting a pension to Alice S. Sturgeon—to the Committee on Invalid Pensions.

By Mr. McKINLAY of California: A bill (H. R. 25710) granting an increase of pension to Andrew McClory—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 25711) granting a pension to Sarah E. Harvey—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 25712) granting an increase of pension to John H. Horn—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 25713) granting a pension to William Fortner—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 25714) granting an increase of pension to John Burton—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 25715) granting an increase of pension to Morgan M. Lane—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 25716) granting an increase of pension to Amzi F. White—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 25717) granting a pension to August Pfefferle—to the Committee on Pensions.

Also, a bill (H. R. 25718) granting a pension to Harry E. Wood—to the Committee on Pensions.

Also, a bill (H. R. 25719) granting a pension to Charles E. Barry—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 25720) granting an increase of pension to Alice V. Barber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25721) granting an increase of pension to Samuel K. Galbaugh—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 25722) granting an increase of pension to Joseph Evans—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 25723) granting a pension to Elizabeth A. Driskell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25724) granting a pension to Mrs. W. S. Kirby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25725) for the relief of Nathan Whitaker—to the Committee on War Claims.

By Mr. CHAPMAN: A bill (H. R. 25726) granting an increase of pension to John F. Ornts—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 25727) granting a pension to Annie Oleson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25728) granting an increase of pension to Arthur B. Carr—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 25729) granting an increase of pension to Charles W. Sager—to the Committee on Invalid Pensions.

By Mr. LANDIS: A bill (H. R. 25730) granting an increase of pension to James M. Blankenship—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25731) granting an increase of pension to Theodore Lawrence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25732) granting an increase of pension to Henry Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25733) granting an increase of pension to John M. Keeler—to the Committee on Invalid Pensions.

By Mr. LANING: A bill (H. R. 25734) granting an increase of pension to Marcus Billstein—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25735) granting an honorable discharge to Marcus Billstein—to the Committee on Military Affairs.

By Mr. McKINLEY of Illinois: A bill (H. R. 25736) granting an increase of pension to Albert Bell—to the Committee on Invalid Pensions.

By Mr. MARSHALL: A bill (H. R. 25737) for the relief of the estate of Alexander C. McGillivray, deceased—to the Committee on Claims.

By Mr. PARSONS: A bill (H. R. 25738) making an appropriation for the payment of certain judgments against the collector of internal revenue of the United States for the first district of New York—to the Committee on Appropriations.

By Mr. POLLARD: A bill (H. R. 25739) granting an increase of pension to Jerome De Vriendt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25740) granting an increase of pension to Benjamin H. Bailey—to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 25741) granting an increase of pension to James Bennett—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 25742) granting an increase of pension to Cornelius S. Abrahams—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of St. Louis Typographical Union, protesting against judgment of the United States court in cases of Samuel Gompers and others—to the Committee on the Judiciary.

Also, petition of the Lake Mohonk Conference of Friends of the Indian, praying for legislation to prevent the production, manufacture, importation, sale, or distribution of opium—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Humboldt Chamber of Commerce, of Eureka, Cal., praying for the restoration of the jetties of Humboldt Bay, California—to the Committee on Rivers and Harbors.

Also, petition of the executive committee of the Prison Association of New York, praying for an appropriation in aid of the International Prison Congress to be held in Washington, D. C., in 1910—to the Committee on the Judiciary.

Also, petition of the East Columbia Conference of the Methodist Episcopal Church South, praying for the enactment of legislation to prevent Sunday banking in post-offices and handling registered letters—to the Committee on the Post-Office and Post-Roads.

Also, petition of the East Columbia Conference of the Methodist Episcopal Church, praying for legislation requiring individuals and corporations engaged in interstate commerce to give to each of their employees who work on Sunday a full 24-hour rest day—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Philadelphia (Pa.) Board of Trade, praying for legislation relating to the transportation by sea of material and equipment for the construction of the Panama Canal—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Los Angeles (Cal.) Chamber of Commerce, praying for an increase in the salaries of United States circuit and district judges—to the Committee on the Judiciary.

Also, petition of the Los Angeles (Cal.) Chamber of Commerce, praying for the restoration of the jetties at Humboldt Bay, California—to the Committee on Rivers and Harbors.

Also, petition of Arthur Sewell & Co. and the Bath Iron Works (Limited), of Bath, Me., praying for the passage of legislation to provide for the transportation by sea of material for use in the construction of the Panama Canal—to the Committee on Interstate and Foreign Commerce.

Also, petition of F. M. Gourley, of Neoga, Ill., and 1 other protesting against the passage of the so-called "Sunday observance bill"—to the Committee on the District of Columbia.

Also, petition of William Eames and 18 other citizens of Colorado Springs, protesting against the passage of the so-called "observance of Sunday bill for the District of Columbia"—to the Committee on the District of Columbia.

Also, petition of the Portland (Oreg.) Chamber of Commerce, praying for the restoration and building of the jetties at Humboldt Bay, California—to the Committee on Rivers and Harbors.

Also, petition of the state board of charities, of New York, praying for legislation to provide proper entertainment for the International Prison Congress to be held in Washington, D. C., in 1910—to the Committee on the Judiciary.

Also, petition of the Northeast Washington Citizens' Association, protesting against further agitation of the question of a change in the form of government for the District of Columbia, and praying for legislation to regulate the manufacture and sale of gas in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Giles H. Bush and other officers and members of the Danville Branch of the National Home for Disabled Volunteer Soldiers, praying for the passage of the bill to establish a so-called "volunteer retired list"—to the Committee on Military Affairs.

Also, petition of C. A. Wright and 112 other citizens, praying for legislation to establish a parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. ANSBERRY: Petition of Elm Grove Grange, No. 644, of Pulaski Township, Williams County, Ohio, favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

Also, memorial of Chicago, Toledo, and Cincinnati Deep Waterways Association, passed at Defiance, Ohio, December 28, for construction of canal between Toledo and Chicago—to the Committee on Rivers and Harbors.

By Mr. ASHBROOK: Petition of Charles Wagner and others, of Ohio, against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petition of Orrville Savings Bank, against parcels post on rural free-delivery routes and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Chicago, Toledo, and Cincinnati Deep Waterways Association, for canal between Toledo and Chicago—to the Committee on Rivers and Harbors.

By Mr. BINGHAM: Petition of Atmore & Co., of Philadelphia, Pa., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. CALDER: Paper to accompany bill for relief of Stephen A. Barber—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Harriet J. Morris (H. R. 22416)—to the Committee on Invalid Pensions.

Also, petition of National Grange, Patrons of Husbandry, of Concord, N. H., praying for the creation of a national highways commisssion (S. 15837)—to the Committee on Agriculture.

Also, petition of citizens of Brooklyn, N. Y., for legislation pensioning members of the United States Telegraph Corps in the civil war—to the Committee on Invalid Pensions.

By Mr. CALDWELL: Petition of Francis E. Green Camp, United Spanish War Veterans, favoring retirement of petty officers and enlisted men of the navy after twenty-five years of actual service—to the Committee on Naval Affairs.

By Mr. COOK: Petition of American Prison Association, for suitable appropriation for entertainment of the Congress of the International Prison Commission—to the Committee on the Judiciary.

By Mr. DAVIS: Petitions of citizens and teachers of Hale County, Tex., favoring Davis bill for national cooperation in technical education—to the Committee on Education.

By Mr. DE ARMOND: Paper to accompany bill for relief of George W. Wolfe—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Jacob S. Young—to the Committee on Claims.

By Mr. FAIRCHILD: Petition of George E. House and others, for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. FOCHT: Paper to accompany bill for relief of Henry G. Chritzman—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of National Grange, Patrons of Husbandry, for highway improvement (H. R. 15837)—to the Committee on Agriculture.

Also, petition of G. W. Da Cunha, of Upper Montclair, N. J., favoring salary of $100,000 for the President of the United States—to the Committee on Appropriations.

By Mr. GILHAMS: Petition of W. L. Lamb and others, against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. GRANGER: Petition of Providence Board of Trade, favoring S. 6973 (increasing salaries of United States judges)—to the Committee on the Judiciary.

By Mr. HAMILTON of Michigan: Petition of citizens of St. Joseph County, Mich., favoring a parcels-post law and savings banks law—to the Committee on the Post-Office and Post-Roads.

By Mr. HASKINS: Petition of H. S. Norcross and others, of West Dummerston, Vt., Grange No. 401, favoring postal savings banks and parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petitions of citizens of San Francisco, Cal., as follows: Charles A. Manert, Joseph V. Ducoring, E. Calmhardt, R. I. Wirbs, Frank E. Maxwell, Andrew J. Gallagher, H. Sagor, Jacob Bauer, James Burlan, C. W. Peck, Patrick O'Brien, John J. Breslin, John O'Fallon, H. E. Lubden, Charles L. Schilling, William Doud, S. J. Gardner, J. S. Slattery, George Robertson, L. Strickland, Theodore B. Ketelson, William P. McCabe, John O. Walsh, Oscar H. Hinten, N. L. Hanley, William McIntosh, Anton P. Wohl, F. Q. Jackson, Patrick Carroll, F. W. Zimmerman, A. J. Beck, and John Wagner; of Fred W. Brandie and J. J. Mullaly, of San Jose, Cal.; of T. Harton, Dennis Coffee, Walter Dalton, Thomas Mason, W. Pence, and Thomas Lord; of Frank Zergler and 22 other citizens of Sacramento, Cal.; of J. R. Bowden and 95 other citizens of San Jose, Cal.; and of L. M. Mullinix and 46 other citizens of Louin, Miss., favoring an exclusion law against all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HOUSTON: Paper to accompany bill for relief of James B. Prosser (H. R. 23919)—to the Committee on Pensions.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of Ferdinand H. Wurdemann—to the Committee on Invalid Pensions.

By Mr. KAHN: Petitions of W. H. Smith and 95 other residents of Sparks and Reno, Nev.; O. B. Anderson and 115 other residents of Seattle, Wash.; M. Garfinkle and 149 other residents of San Francisco, Cal.; and J. A. Sopp and 143 other residents of San Francisco, Cal., favoring an exclusion law against all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. KIMBALL: Paper to accompany bill for relief of W. W. Alcoke—to the Committee on Invalid Pensions.

By Mr. KNAPP: Petition of Sandy Creek Grange, No. 127, of New York, for a parcels-post law and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. MARSHALL: Petition of B. W. Schouweiler, of Fairmount, N. Dak., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of citizens of North Dakota, against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petition of residents of Morton and Oliver counties, N. Dak., for appropriation to protect west bank of Missouri River—to the Committee on Rivers and Harbors.

Also, petition of citizens of North Dakota, favoring S. 5117 and H. R. 18445 (to investigate and develop methods for treatment of tuberculosis)—to the Committee on Appropriations.

By Mr. NORRIS: Petitions of citizens of Kearney County, citizens of Harlan County, and citizens of Nuckolls County, all in the State of Nebraska, against a parcels-post and postal savings banks law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Nebraska, against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. NYE: Petition of Trades and Labor Assembly of Minneapolis, Minn., against delivery by the United States Government of Jan Pauren and Christian Rudowitz as prisoners to the Russian Government—to the Committee on Foreign Affairs.

By Mr. O'CONNELL: Petition of American Prison Association for suitable provision for the preparatory work of the International Prison Commission and for the entertainment of the congress—to the Committee on the Judiciary.

By Mr. OVERSTREET: Petition of Indiana Conference of Seventh Day Adventists, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. POLLARD: Petition of Lincoln Commercial Club, of Lincoln, Nebr., favoring a tariff commission to deal with tariff legislation—to the Committee on Ways and Means.

By Mr. PUJO: Memorial of the general assembly of Louisiana in 1908, favoring legislation to construct a dam across Bayou Courtableau on west bank of Atchafalaya basin levee district to protect by levee its arable territory from overflow, legislation granting to the State of Louisiana the public lands of United States in the State, legislation establishing a national standard of classification of the marketable grades of cotton, and legislation for national park on site of the battle of New Orleans—to the Committee on Rivers and Harbors.

By Mr. RANSDELL of Louisiana: Paper to accompany bill for relief of Mrs. H. L. Slack, heir of Benjamin Temple—to the Committee on War Claims.

By Mr. RHINOCK: Paper to accompany bill for relief of William Fortner—to the Committee on Invalid Pensions.

Also, petition of citizens of Kentucky, favoring parcels-post system and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Henry B. Fenton—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Petition of American Prison Association, for suitable appropriation for the Congress of the International Prison Commission—to the Committee on the Judiciary.

Also, petition of National Woman's Christian Temperance Union convention at Denver, Colo., for legislation to protect prohibition States from the liquor traffic through interstate commerce—to the Committee on the Judiciary.

By Mr. SULZER: Petition of James Post, George L. Miles, and J. H. Rice, of New York, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. TOWNSEND: Petitions of citizens of Blissfield, Springfield (Grange No. 45), Auburn, North Adrian (Grange), Ousted, and North Rome, all in the State of Michigan, favoring a parcels-post and a postal savings bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petition of residents of Alfred, N. Y., for parcels post on rural delivery routes and a postal savings-banks law—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Petitions of Western Electric Company, of Philadelphia; Felton, Sibly & Co., of Philadelphia; and Philadelphia Creditmen's Association, favoring S. 6975 (increase of judges' salaries)—to the Committee on the Judiciary.

By Mr. WOOD: Paper to accompany bill for relief of Gershom C. Hires—to the Committee on Invalid Pensions.

Also, petition of A. H. Friedmann and S. T. Karne, of Boundbrook, N. J., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Cornelius S. Abrahams—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *January 9, 1909.*

The Chaplain, Rev. Edward E. Hale, offered the following prayer:

These men were honored in their generation; and they were a glory in their day.

These were men of mercy, whose righteous deeds have not been forgotten.

The peoples will declare their wisdom; and the congregation shall show forth their praise.

Let us pray.

Father, to-day we thank Thee for the men who have served Thee, and served this people, and served this Nation in the days which have passed, in the days which are here. Thou hast been pleased to answer the prayer of this people. From year to year and from century to century Thou hast sent us men who loved the Nation more than they loved themselves, who served this people and served Thee. Going and coming—in the field, on the sea—in the wilderness and in this Senate Chamber Thou hast sent Thy servants to do Thy perfect will.

Teach this Nation to-day what it is when men and women and children live for others, when they forget themselves for the common good, when they are strong in Thine almighty strength, when they do not ask to be praised of men, but seek the praise of God.

Bless us in this Congress; bless us in these States; bless us in this Nation; and make of this people that happy Nation whose God is the Lord. We ask it in Christ Jesus.

Our Father who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is done in heaven. Give us this day our daily bread, and forgive us our trespasses. Lead us not into temptation, but deliver us from evil, for Thine is the kingdom, Thine is the power, and Thine is the glory, forever and ever. Amen.

The Journal of yesterday's proceedings was read and approved.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On January 5, 1909:

S. 3125. An act for the relief of Jabez Burchard;

S. 1162. An act to correct the naval record of Alfred Burgess; and

S. 5263. An act for the relief of William Parker Sedgwick.

On January 6, 1909:

S. 534. An act to reimburse George W. Young, postmaster at Wanship, Utah, for loss of postage stamps.

On January 7, 1909:

S. 2027. An act for the relief of Philip Hague, administrator of the estate of Joseph Hague, deceased.

On January 8, 1909:

S. 3388. An act to correct the military record of William A. Hinsch;

S. 4749. An act for the relief of Dewitt Eastman; and

S. 6189. An act granting a right of way to the Southern Pacific Railroad Company across the Fort Mason Military Reservation in California.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the Speaker of the House had appointed Mr. BURKE of Pennsylvania, Mr. YOUNG of Michigan, and Mr. GAINES of Tennessee as members of the committee on the part of the House on the inauguration of the President.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill:

H. R. 22306. An act to authorize the Delaware, Lackawanna and Western Railroad Company and the Lackawanna Railroad Company of New Jersey to construct and maintain a bridge across the Delaware River from a point near the village of Columbia, Knowlton Township, Warren County, N. J., to the village of Slateford, Northampton County, Pa.

PETITIONS AND MEMORIALS.

Mr. PLATT presented a memorial of sundry citizens of New York City, N. Y., and a memorial of sundry citizens of Schenectady, N. Y., remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which were referred to the Committee on Interstate Commerce.

He also presented petitions of Local Grange No. 905, of Jackson Corner; of Milton-on-Hudson Grange, No. 884, of Milton; of Local Grange No. 354, of Camden; of Pomona and Rushford Grange, No. 1004, of Rushford; and of Sandy Creek Grange, No. 127, of Lacona, Patrons of Husbandry; and of sundry citizens of Albany, all in the State of New York, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PILES presented a petition of Mountainside Grange, No. 190, Patrons of Husbandry, of Van Zandt, Wash., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DIXON presented sundry papers to accompany the bill (S. 8273) to amend an act approved May 30, 1908, entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana," which were referred to the Committee on Indian Affairs.

Mr. SCOTT presented a petition of Unity Grange, No. 358, Patrons of Husbandry, of Charleston, W. Va., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DEPEW presented petitions of sundry citizens of Mahopac, Milford, Alfred, Binghamton, Syracuse, Clarksville, Pleasant Plains, De Kalb Junction, Vega, Rushford, Ulster Park, Sandy Creek, Clintondale, Elba, Berkshire, Rochester, Warwick, Mountainville, Poughkeepsie, Rathbone, Greenville, Manlius, Brocton, Hermon, Hornell, Ellenburg, Frewsburg, Hammond, and Granville, all in the State of New York, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Supervisors of Columbia County, N. Y., praying that an appropriation be made for the improvement of the public highways of the country, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Merchants' Association of New York, remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which was referred to the Committee on Interstate Commerce.

REPORT OF A COMMITTEE.

Mr. McCREARY, from the Committee on Military Affairs, to whom was referred the bill (S. 5273) for the relief of Andrew Whitley, reported it with an amendment and submitted a report (No. 727) thereon.

BILLS INTRODUCED.

Mr. SCOTT introduced a bill (S. 8298) granting a pension to Joshua I. Cooksey, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on the District of Columbia:

A bill (S. 8299) authorizing the widening and extension of Minnesota avenue SE. from its present terminus near Pennsylvania avenue SE. to the Sheriff road; and

A bill (S. 8300) for the widening and extension of Massachusetts avenue SE. from its present terminus near Fortieth street SE. to the Bowen road.

Mr. WETMORE introduced a bill (S. 8301) granting an increase of pension to Thomas L. Stone, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BULKELEY introduced a bill (S. 8302) to incorporate the "Descendants of the Signers," which was read twice by its title and referred to the Committee on the Judiciary.

Mr. DILLINGHAM (for Mr. GALLINGER) introduced a bill (S. 8303) for the extension of Columbia road NW., in the District of Columbia, which was read twice by its title and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. DIXON introduced a bill (S. 8304) to authorize the Secretary of the Interior to cause allotments to be made to children on the Flathead Indian Reservation, in the State of Montana, which was read twice by its title and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. McCREARY introduced a bill (S. 8305) granting a pension to William A. Butner, which was read twice by its title and referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 8306) to amend the act of March 2, 1895 (28 Stat. L., p. 876), entitled "An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes," which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 8307) granting a pension to Emily A. Horsefield, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FORAKER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8308) granting an increase of pension to John A. Baughman;

A bill (S. 8309) granting an increase of pension to James C. Brown;

A bill (S. 8310) granting an increase of pension to Israel S. Dean; and

A bill (S. 8311) granting an increase of pension to R. M. Wosk.

Mr. FOSTER introduced a bill (S. 8312) appropriating $250,000 for extending the investigations of the Bureau of Plant Industry in connection with the boll weevil, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. DOLLIVER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8313) granting an increase of pension to John E. Gilmore;

A bill (S. 8314) granting an increase of pension to Henry B. Rose; and

A bill (S. 8315) granting an increase of pension to Loren G. Robinson.

Mr. SMITH of Maryland introduced a joint resolution (S. R. 113) granting to the Fifth Regiment Maryland National Guard the use of the corridors of the court-house of the District of Columbia, upon such terms and conditions as may be prescribed by the marshal of the District, which was read twice by its title and referred to the Committee on the District of Columbia.

AMENDMENT TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. DILLINGHAM submitted an amendment proposing to appropriate $10,500 for the salary of the chief justice of the court of appeals of the District of Columbia, and $10,000 each for two associate justices, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on the Judiciary and ordered to be printed.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. FORAKER. Mr. President, I gave notice a few days ago that on next Monday I would make some remarks on the Brownsville matter, if the Senate would so indulge me. I desire now to change that notice to Tuesday, the day following,

Tuesday the 12th. I shall address the Senate, with its indulgence, at that time on that subject.

THE UNITED STATES VERSUS THE AMERICAN TOBACCO COMPANY.

Mr. CULBERSON. I ask leave to have printed as a Senate document the opinions of the circuit judges of the United States court for the southern district of New York in the case of the United States of America *v.* The American Tobacco Company and others (S. Doc. No. 646), the opinions having been filed November 7, 1908.

The VICE-PRESIDENT. Without objection, it is so ordered.

MEMORIAL ADDRESSES ON THE LATE SENATOR REDFIELD PROCTOR.

Mr. DILLINGHAM. Mr. President, pursuant to previous notice, I offer the following resolutions and ask unanimous consent for their present consideration.

The VICE-PRESIDENT. The resolutions will be read by the Secretary.

The Secretary read the resolutions, as follows:

Resolved, That it is with deep regret and profound sorrow that the Senate has heard the announcement of the death of Hon. REDFIELD PROCTOR, late a Senator from the State of Vermont.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Secretary transmit to the family of the deceased a copy of these resolutions, with the action of the Senate thereon.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The VICE-PRESIDENT. The question is on agreeing to the resolutions submitted by the senior Senator from Vermont.

The resolutions were unanimously agreed to.

Mr. DILLINGHAM. Mr. President, if time permitted and I followed the impulses of my heart, I should speak of the man, REDFIELD PROCTOR, as he appeared to me during an unbroken friendship of nearly forty years, the memory of which is rich in associations, all of them hallowed by faith and confidence, most of them made bright by the many-colored lights of agreeable companionship, while some were of that serious, earnest nature through which alone are revealed the deeper and more sacred elements of one's character. But this is neither the time nor the occasion for such an indulgence. A strong man has fallen; an influential member of this body has suddenly ceased his labors and entered into rest. It is to him as a public servant that we must more particularly direct our attention on this occasion.

It would be a fitting tribute to the high character and to the commanding influence of Senator PROCTOR to say that at the age of 20 he was a graduate of Dartmouth College; that at 23 he received from that institution the degree of Master of Arts; that at 28 he graduated from the Albany Law School, and was admitted to practice in the highest courts of his State; that at 34 he returned to civil life after a distinguished service in the army, first as quartermaster of the Third Vermont, later as a member of the staff of Gen. "Baldy" Smith, still later as major of the Fifth Vermont, having served in front of Washington and on the peninsula, and finally as colonel of the Fifteenth Vermont, a part of the Second Vermont Brigade, whose brilliant service at the battle of Gettysburg has given it an enviable place in history; that at the age of 37 he had twice served the town of his residence in the general assembly; that at 43 he was representing his county in the state senate, of which body he was president pro tempore; that at 45 he was lieutenant-governor of the State, and at 47 he was occupying the gubernatorial chair; that at 48 he was Secretary of War in the Cabinet of President Harrison; and at 60 he became a member of this body, remaining continually in service until he passed from this life to the life eternal.

But such a tribute would be incomplete without the further statement that during a single period of twenty years this remarkable man placed himself in the front rank of those men of genius who have led our nation in its triumphal march to industrial and productive supremacy. Such a record could only be made by one who, in character and achievement, represented the best element in the social, business, and political life of both State and Nation during the period covered by his activities.

In seeking the source of those strong and rugged but safe and sane characteristics, which enabled him to distinguish himself along so many different lines in life's work, we find that he drew his inspiration from an ancestry, all of whom had part in the great movements among the English people toward a larger liberty, during the seventeenth century; who assisted in the development of the great principles of constitutional liberty during the splendid colonial period of American history; who, in every stage of state and national development, have been active and prominent in the maintenance of representative government, and who, during the later period, have been among those who helped to lay the foundations of our unprecedented industrial development.

In his veins ran the blood of Robert Proctor, a freeman of substance and position, who, within ten years after the founding of the historic town of Concord, in the old colony of Massachusetts Bay, became one of its residents, and of Jane, the daughter of Richard Hildreth, the founder of the illustrious family of that name in America. They belonged to that remarkable body of English emigrants who, between 1630 and 1645, found their way to Massachusetts, and of whom Fisk says that "in all history there has been no colonization so exclusively affected by picked and chosen men." They represented all that was advanced in English life and liberty and "came mainly," as Campbell tells us, "from that middle class, the class which, always encouraged by Elizabeth, had in her days filled her universities, given England her literature, and made her glorious on sea and land." They were men who, foreseeing the storm which shook the foundations of the throne a little later, provided for themselves a refuge in New England, where, during the period when the English people were breaking the chains of absolutism, they were laying the foundations of States in which the principle of liberty under law was to find its highest expression.

It was from his grandfather, Leonard Proctor, the head of the family in Vermont, that he inherited his spirit of veneration for those to whom the late Senator Hoar was wont to refer as the "greatest nation builders in the world's history," and his lifelong devotion to the principles of free, representative government; for it was this ancestor who, with his two eldest sons, was active in the war of independence, taking part in the fight at Lexington, and in the battles of Trenton and Monmouth, and who was chosen by his fellow-patriots as one of the committee of correspondence in 1780, as well as one of the committee "to take under consideration the new form of government." But it was from his parents, Jabez and Betsy (Parker) Proctor that he derived that rare combination of personal characteristics which enabled him to reach the high pinnacle of success in the establishment and development of great industrial interests and, on the other hand, that unusual mental endowment which enabled him to engage in the broader fields of statesmanship, clearly to analyze every proposition, industrial or political, and by logical processes work out to a right conclusion the most difficult problems. The father was a man of vigor and full of resources, a farmer, merchant, and manufacturer, a prominent citizen in his community, standing for all that was best in town and state life; the mother, a woman of unusual character, belonging to a family noted for its strong mentality, and to which Vermont is indebted not only for her great Senator, but for his two distinguished cousins, Isaac F. and Timothy P. Redfield, one chief justice and the other an associate justice of her supreme court.

With such an ancestry, with such connections, and reared among a people whose lives found expression in high thinking and right living, whose ambitions were tempered with reason, but nourished by a belief in the gospel of honest effort, it is not surprising that Senator PROCTOR'S life, from youth to old age, was one of marked achievement.

It not infrequently happens that an individual is wholly unconscious of powers which, lying dormant, need only time and opportunity to assert themselves with a commanding and controlling force, a force which gives breath to new conceptions, develops new ambitions, which directs his energies along new lines of effort and, eventually, to a career brilliantly successful, though wholly unanticipated. So it was with Senator PROCTOR. In his youth and young manhood all his ambitions centered in a professional career. It was his settled purpose to devote his life to the practice of the law, and after his admission to the bar he spent two profitable years in the office of his distinguished cousin, Isaac F. Redfield, who had laid down his work as chief justice to open an office in Boston, where he was engaged in practice and in authorship.

This relation was only severed that he might serve his country in her hour of need, and upon his return to civil life he made haste to reengage in the practice of his profession, this time through a partnership with his comrade in arms, Col. W. G. Veazey, who afterwards distinguished himself as an associate justice of the supreme court of Vermont and as a member of the Interstate Commerce Commission. They opened offices at Rutland, the seat of the marble industry in Vermont, then in its infancy, and their practice was of such a character as to bring Colonel PROCTOR into professional touch with its promoters and into some knowledge of its conditions. His inherited business instincts led him to a closer investigation of such conditions, and

he soon became profoundly impressed with the vast possibilities of the industry if properly managed and energetically pursued; and he was subsequently led to assume the management of a plant where ten gangs of saws did the work of a bankrupt corporation. In this work he became conscious of powers and inclinations theretofore lying dormant, the exercise of which gave birth to new ambitions and new purposes which dominated his future life. In short, he discovered himself—his ability as an organizer, a director, a financier of unerring judgment and undaunted courage. In a single decade of time he advanced from the position of superintendent of a small plant to that of president of the Vermont Marble Company, a corporation which he organized and which is now undoubtedly the largest producer of marble in the world. The management of this rapidly growing industry taxed his strongest powers and called into action all the resources of his naturally strong character. Here was developed the aggressive force, the marked executive ability, the sound judgment, the sagacity and farsightedness, and the stubborn courage which marked his career. Under his direction every department of the business was thoroughly organized with a responsible head; new properties were purchased, new quarries opened, improved methods of operation instituted, and new markets sought and found. Under his forceful and farsighted direction its business increased by leaps and bounds, so that at the end of twenty years of effort he stood prominent among those whose genius has contributed to the Nation's industrial greatness.

It was during this period of twenty years, when time and energies were taxed with exacting cares along the lines already indicated, that he found time to serve his town, his county, and his State in every elective position, from that of selectman in the town of his residence to that of governor of the Commonwealth. In legislative halls and in the executive chamber he met the fullest expectations of the people, making a marked impress upon the thought and progress of the State. From 1880, when his term as governor expired, until 1888 he was admittedly the leader of his party in Vermont, and in the last-mentioned year was chairman of the Vermont delegation to the national Republican convention, which nominated Benjamin Harrison for President. In the election of that year ended the first period of his activity, and in his acceptance of the portfolio of war in the Cabinet of President Harrison the second began.

He brought to the discharge of his duties as the head of the War Department a rare combination of qualifications. To his knowledge of military affairs, acquired by actual service in the field during the civil war, he added the training of a lawyer and the long experience of a notably successful business and political career. The period of his service was short, but it was marked by the adoption of many measures that have resulted in great and permanent benefit to the department itself and to the army at large. One only may be now mentioned as an illustration of his administrative capacity.

When Secretary PROCTOR entered the War Department he found that one of the most important branches of its work—that of furnishing information from the military and medical records for the adjustment of pensions, pay, bounty, and other claims of soldiers, their widows, and orphans—was hopelessly in arrears. He found an accumulation of more than 40,000 cases of this kind scattered through many different divisions of the department and in various stages of delay, ranging from a few months to as many years. None of his subordinates responsible for this state of affairs was able to suggest any remedy for it other than an appeal to Congress for an enormous increase of clerical force. But Secretary PROCTOR thought that a simpler and more easily attainable remedy would be effectual, and he applied it with magical results. In July, 1889, he consolidated into one fourteen different divisions of the department, with all of their employees and with all of their records and business relating to the volunteer armies of the wars, and placed the consolidated division under his own immediate direction, but in charge of a single officer, in whose ability to bring order out of chaos he had confidence.

This radical action met with a storm of objections, protests, and prophecies of disaster both within and without the department, but the results speedily attained silenced the objectors and confounded the prophets. In just three months from the date of the consolidation the enormous accumulation of cases was disposed of, the work was brought up to current date, and from that day to this the claims of soldiers, their wives and orphans have never suffered delay in the War Department, substantially all of them being disposed of within twenty-four hours from the date of their receipt.

The consolidated division created by Secretary PROCTOR was subsequently established by Congress as a permanent bureau of the War Department under the name of the Record and Pension Office. The history of that office is too well known to require mention here further than to say that the business methods originated and adopted in it while it was under Secretary PROCTOR's direction were adopted by succeeding Secretaries of War for the other branches of the departmental service. The adoption of these methods resulted in a permanent annual saving of more than half a million dollars in the Record and Pension Office alone, in addition to the great acceleration of work made possible by them, and similar beneficial results have followed their adoption elsewhere. The public owes a heavy debt of gratitude to REDFIELD PROCTOR for the revolutionary and far-reaching measures of reform that he courageously set on foot. And the War Department's collection of more than fifty millions of index record cards, by means of which the crumbling muster rolls and other invaluable records of the various wars in which the country has been engaged were saved from destruction and the historical information that they contain made ready for instant use whenever required, now stands as a monument to him and to his wisdom and courage that made the completion of this great work possible.

Senator PROCTOR took his seat in the Senate in December, 1891, having been appointed by my present colleague, then governor of Vermont, to fill a vacancy caused by the resignation of Hon. George F. Edmunds, and by successive elections by the legislature continued to occupy it down to the time of his death. As a prominent member of the Committee on Military Affairs and for a considerable time its acting chairman, he brought to that service the wealth of information derived from his administration of the Department of War, and in the consideration of the army and fortification appropriation bills and of all important legislation affecting in any way the organization of the army and the national defense his strength and influence were strongly felt both in the committee and on the floor of the Senate. The possibility of a war with Spain stirred him deeply and roused him to characteristic action. The debates preceding the declaration of war against Spain showed such lack of authoritative information of existing conditions in Cuba and, as a consequence, such wide differences of opinion among Senators as to the policy which ought to be adopted by the Government that he was filled with apprehension, and with characteristic forethought and following a lifelong practice to seek the fullest knowledge of underlying conditions upon which to base his judgment and action, he, on his own responsibility, at his own expense, sought by a personal visit to Cuba to ascertain the real conditions there existing. When, upon his return, he gave to the Senate a cold, bare, plain statement of what he had seen and what he had learned, unaccompanied either by argument or recommendation, he did it with such gravity and such impressiveness that the facts stated burned themselves into the minds of every Senator present, and, being heralded by the press, roused the nation to action. As chairman of the Committee on Agriculture and Forestry he found an especially congenial line of work, and seconded with enthusiasm the efforts of the Secretary of Agriculture to extend the work of that department. It was under his leadership that much of the legislation was adopted which has so marvelously extended the scope of its operations during the last decade, and made it such an important factor in the development of the national resources, in the protection of the public health, and in the individual prosperity of so many of the people.

Time forbids any extended notice of his service in this body. Speaking generally, however, it may be said that it was marked with the same strong characteristics which enabled him to distinguish himself in every position to which he had been previously called. His knowledge of the general field of legislation was broad, his opinions upon public measures pronounced. He approached the consideration of every question from the standpoint of reason, good sense, and the public good. While candid in spirit, open to conviction, and tolerant of the judgment of others, his opinions, once formed, ripened rapidly into convictions, which invariably found expression in action. While he never posed as a public speaker, he was, in fact, strong and effective when he engaged the attention of the Senate. His addresses indicated patient research, deep thought, and strong convictions, and his grave and earnest spirit gave emphasis to all his utterances. In debate he was clear, strong, and insistent, but tactful and winning. Those who differed from him recognized in him not only an antagonist of strong purpose, but one of strong resources as well.

Politically and socially Senator PROCTOR belonged to the revolutionary period of thought. As a statesman he entertained a profound reverence for the character and the wisdom of the men who framed the Constitution and for the provisions of that memorable document. No one realized more clearly than

he the necessity for a strong central government of clearly enumerated and delegated powers, and no one opposed more resolutely any tendency on its part to encroach upon the reserved rights of the States. These were, in his judgment, the foundation upon which our liberties were established and upon which their preservation depends. In the operation of the General Government he had always in mind the admirable system of checks and balances contained in the Constitution to preserve the independence of each of its coordinate branches, and resented with indignation any attempted encroachment of one upon either of the others. He had always in mind Washington's injunction:

> Let there be no change by usurpation, for this, though it may in one instance be the instrument of good, is the ordinary weapon by which free governments are destroyed.

He agreed also with John Stuart Mill that—

> Evil for evil, a good despotism in a country at all advanced in civilization is more noxious than a bad one, for it is more relaxing and enervating to the thoughts, feelings, and energies of the people.

He was so strongly impressed with the strong temptation which comes to occupants of the executive chair to make a selfish use of the powers which attach to that position when seeking a second election and to the dangers attending their exercise that as long ago as 1897 he introduced a joint resolution providing that the Constitution be so amended that the President shall hold office for six years and shall not be eligible for reelection. This resolution he supported in a speech rich in material and of commanding force.

As a citizen he belonged to the same school of thought. He accepted as a boy and retained as a man the principles of equality as they were taught by the fathers and embodied in the daily life of those about him. He loved the plain people and mingled with them upon a common plane. His dislike for display was only equaled by his aversion for cant and pretense. Genuine and true in his own character, he was attracted to others by what they were rather than by what they possessed. His strong, serious nature responded to every worthy call, and this, modified by his abundant humor and quaint wit, drew men to him and held them in loyal, devoted, and lasting friendship. During the whole period of his active life his benefactions were numerous and constant, though for the most part individual and private in character, but during the last year of his life he entered upon a new field of benevolence. Not far distant from his own home there stands, in the midst of a great natural park, the Vermont Sanatorium for the treatment of tuberculosis, the gift of Senator PROCTOR. In its grand proportions, its perfect design, and in the completeness of its provisions for the purpose intended, it is an expression of his broad sympathy for the afflicted ones among the people whom he loved so well.

Vermont mourns the loss of a son who honored her as a citizen and as her servant both in state and national life. His memory is fondly cherished by all her people, and his name will be held in honor by succeeding generations.

Mr. DANIEL. Mr. President, the interesting discourse of Senator PROCTOR'S associate in this body [Mr. DILLINGHAM] has admirably depicted his remarkable career, and I, who knew him from a different standpoint, may properly be less comprehensive. But I am gratified to pay my tribute to his acknowledged worth, which I well realized and honored.

After a long, busy, and achieving life, REDFIELD PROCTOR, senior Senator from Vermont, ended his days in this city on the 4th day of March, 1908, in the seventy-seventh year of his age. In the fullness of time, amidst the fruits and honors of his labors, he passed to the last account.

"The glory of man is strength." So it hath been and so it will be in all generations, for it is only by strength of one sort or another that the higher performances of man can be accomplished. The healthy mind in the healthy body is the instrument of Providence by which man's best achievements are secured.

Senator PROCTOR was a strong man. He stood straight and tall and possessed a well-knit and shapely frame. His high, broad forehead and the outlook of his face betokened the strength of intellect that was in him. He was strong of limb, of will, and of purpose, as he was of brains. His was not a nature to beat itself against the bars with restless and aimless fervors, or to indulge in hesitating fancies and fitful and indecisive undertakings. While in no wise a sentimentalist, he had an honest mind and sound sentiments that gathered around them brave and good purposes.

"Good thoughts are only as good dreams," said Francis Bacon, "unless they be put to act."

PROCTOR was not a dreamer, except of things that might be put to act and come to pass for good. He made ceaseless efforts for self-development, and for improvement and advancement of State and country in all directions.

His life indeed was a straight line of action from reflection to design; from design to preparation; from preparation to objective effort; and from effort to consummation.

It was a siege with a city before him to be taken, and he advanced with the regularity, skill, and precision of the engineer the encircling lines that brought him conqueror to the citadel.

His mind was eminently practical. He was a man of business capacity, and as such he scanned the face of environments and measured with them his just ambition. He succeeded because he looked at facts as they were without the extravagancies of imagination and without illusion.

We can not analyze a man as we can a mineral, nor measure him like a yard of cloth, nor weigh his fine subtle quality like some material substance, but we may discover the governing faculties and principles of his life, and we found them in Senator PROCTOR in his well rounded and equipped mind, illumined with the clear white light of common sense and in his ceaseless application to the tasks which he undertook.

We may not label all of a man's talents or attainments or accomplishments, for many will appear dwarfed or be obscured by the necessity or concentration in his chosen occupations. Jefferson might have made as great a fiddler as Ole Bull could he have subsided in the peaceful pursuits of inclination, but he heard before him the trumpet of his life, and to that trumpet call he responded in assiduous and unremitting toil for liberty and country. "How sweet an Ovid was in Murray lost," sighs the poet; but the world has found consolation that the muse was neglected by him who will live in jurisprudence as the great jurist, Lord Mansfield.

PROCTOR laid the foundation of a broad, enlightened career by his graduation at Dartmouth College and his course afterwards at the Albany Law School. As he planted so did he reap. A classical education is always expanding and enriching to the apt intellect, and the study of law must ever remain amongst the noblest employments of the citizens of a republic. Heredity, environment, and education mold and direct character. The product of a venerable and worthy institution which preserved its franchises and properties by the decision of John Marshall, contributed to by the logic, the eloquence, and the tears of Webster, of whom it was the alma mater; and also the product of a State which had the same tendencies of political judgment, he was naturally a Federalist, and throughout his life he was true to his convictions and direct in their expression.

For a while after he came to the bar he was the partner of his cousin, Judge Isaac F. Redfield, who, as author and jurist, made an enduring reputation with which all devotees of the legal profession are familiar.

In 1861 came the war, and with it the trumpet blast to us—the same scene at every crossroad, village, city, and town North and South. Senator PROCTOR was then 30 years of age, and like the great mass of spirited and patriotic men of his times he joined the colors and the citizen soldiers that were trooping to the battle. Lieutenant and quartermaster of the Third Vermont Regiment, major of the Fifth, and quartermaster on the staff of that distinguished officer Gen. "Baldy" Smith, he became in 1862 the colonel of the Fifteenth Vermont Volunteers and shared the fortunes and adventures of a soldier's life. Stannard's brigade, to which he belonged, became justly renowned for its steadiness and courage, and on many a field proved its valor and endurance, and won from both friend and foe the honors which are inevitably achieved by the soldier who deserves them.

The American soldiers on both sides at the close of war well understood that it destroyed its cause, and that nothing stood between them in the nature of things that should repress concord, mutual esteem, and friendship. To-day their feelings are fulfilled.

In 1869 he became the manager of a marble company near Rutland, which ultimately united with another company of the same place and became the Vermont Marble Company, with REDFIELD PROCTOR as its president.

The business was a small one when he entered it, but before he left it it had expanded to a vast enterprise and became the largest marble-producing organization in the world, with offices in all the great marts of commerce. Like the Baldwin Locomotive Works, and like indeed nearly all of the mighty organizations which have covered our land with industry, it was the product of small and persistent beginnings and long struggles with difficulty, but became a shining illustration of the maxim that "labor conquers all things."

He became a leading and important factor in the public life of his own State, and we note there, too, his gradual and unfaltering progress. A selectman of his town; the representative of his county in the legislature; a state senator, and president pro tempore of that body; lieutenant-governor of the State, and then governor thereof; Secretary of War in the administration of Benjamin Harrison; and finally a United States Senator, twice elected, he climbed thus the rounds of the ladder by dint of the capacity and fitness which made themselves manifest and proved their usefulness to the people who selected him.

Vermont has always been ably represented in the Senate; and in Senator PROCTOR'S hands that distinction was left undiminished.

On the 4th day of March, 1905, Senator William B. Bate, of Tennessee, Senator PROCTOR, and myself were together sworn in as reelected Senators. Senator Bate and myself passed out of this Hall together toward the front of the Capitol and the inaugural ceremony of President Roosevelt. On the way I congratulated him upon the honors the State of Tennessee had so often conferred upon him, and expressed the hope that he might long live to receive them. The jostling crowds passing through the Capitol separated us upon the way and, all unconsciously to us both, we were separated forever. I never saw his face again. In the damp, cold air of that bleak day he contracted pneumonia, and I had scarce heard that he was sick when the news came that he had passed hence.

Honored by the Senate by appointment as one of the committee to attend his remains, which were buried in Nashville, I there met Senator PROCTOR, and together we rode over the field of the bloody battle between Thomas and Hood and their valiant armies. We there viewed the remains and observed the relics of the decayed fortifications, where we were reminded that the weapons of war between Americans had perished. We exchanged reminiscences and observations of the great conflict in which both of us had shared on opposite sides. As we drove back to the city, he said to me, somewhat to my surprise:

I think you will live longer than I, and if I should die before you, I hope you will attend my funeral.

I had never been what might be called an intimate of Senator PROCTOR, but I had been frequently and agreeably in conference or consultation with him about the affairs of the army or other matters of interest here, and entertained for him a cordial regard, and I was glad to discover in the nature of his remark that it was not without reciprocation. I congratulated him on his strong constitution and his great power of endurance, and expressed the hope that so painful a duty might never be mine. But on the third anniversary of the day that Senator Bate had contracted the fatal disease that killed him, Senator PROCTOR ceased forever from his earthly labor and passed to rest.

At the time of his funeral I was sick in bed with an attack of grippe, which was prevalent in the city, but I recalled our conversation as imposing upon me a sacred obligation and had the mournful satisfaction of discharging it. A snowstorm raged from the time we left Washington until his body was deposited in his native dust while the winter winds and the heavy snow swept down the valley where his tomb is located.

At Proctor, the town he founded, I saw the work of his constructive genius in a thrifty community in the mills for cutting stone which he had built there; and also noted the profound respect for him which filled the hearts of his neighbors and employees, who gathered against the storm to pay to his memory the last honors which they felt were due to their benefactor. It was a picturesque and beautiful scene of industrial advancement, comfort, and adornment, as well as a mournful illustration of the last scene of all. Model houses had been furnished to the workers at low rentals; gardens surrounded them; a well-equipped hospital which provided free nursing to the employees and to their families had been established; accident insurance without cost to them had insured wages and medical attention in sickness, and in case of death $500 for the care of their families; a library and Young Men's Christian Association building had been provided, and there visible to the eye was a monument of accomplishment and a very nursery of the genius of initiative effort and labor such as PROCTOR, the founder, had himself exemplified.

Here in the Senate Senator PROCTOR had shown a character and established a reputation which were like in consonance with his antecedents. As a debater, he did not speak frequently, but whenever he spoke it was forcibly, aptly, and to the point; and when he got through, always left a strong impression upon the minds of those who heard him. It was said of an English king that he never said a foolish thing, and never did a wise one. PROCTOR never said foolish things. It was his habit to do wise ones.

I had the pleasure and honor of hearing the speech to which his associate referred upon the conditions in Cuba and our relations with Spain. It was a speech comprehensive in its statements, clear in its argument, and conclusive in the resultant good which flowed from it. I have heard many speeches in this body, but I can recall none other which was more clearly the cause of the result that followed. He was specially useful on the Military Committee, for which service both his experience as a soldier and as Secretary of War had admirably equipped him, and also on the Committee on Agriculture, to which he gave particular attention. But PROCTOR was a man who neglected no work, and whatever his hand found to do he did it with his might. Many of our recent military reforms he had brought forward and advocated. He did much good work also on other committees. He revealed no disposition to discuss those delicate questions which involve sectional relation, and are sometimes sources of pain to many, however sincerely made, and are not often of benefit. There was the dignity of reserve, as there was force of speech, evinced in his appearances. He knew not only the power and effectiveness of pertinent utterance, but he knew also, what some of us may sometimes forget, the power of silence. He was a ripe man, with a well-trained mind, and his experience in the hard struggles and accomplishments of life had rounded rather than sharpened him.

In man's fitful journey across the surface of this rugged and troubled sphere he can but seldom leave behind him durable and beneficent signs of his life work.

The myriads come and go without footprints, the worthy and useful, as well as their opposites; brilliant intellects and eloquent tongues; noble hearts and strong arms; glorious spirits, with heavenly aspiration, often rest in unknown graves side by side with those whose lives were unavailing. The man who lives long and who also has the good fortune to do something by which he may be remembered, even in one of many deeds, is the rare man; and he is likewise the exceptionally rare man who, passing through the seven ages of man, fulfills to each age of life work his worthy and appropriate part. This Senator PROCTOR did in his family, in his State, and in his country. Albeit that his name is interwoven with the texture of the history of his State and Nation, albeit he raised many by merit to high trusts, PROCTOR'S name is also identified with many tasks and durable achievements of his private enterprise worthy of commemoration, and it is a pleasure to note that an "heir to him succeeding" takes the helm of state and the responsibility of business which his father before him had held and borne.

He who makes two blades of grass to grow where only one had grown before is justly accounted the friend of and provider of the human family. How much then must be esteemed he who smites the barren rocks and pours forth from them the stream of prosperity. He built a town, and established industries in the rugged ledges and by the waterfalls of his native streams. There to-day are thrifty and happy homes, with strong and hopeful hearts, where he led the way of utility, culture, and progress. Here and there are the marble blocks brought forth by the alchemy of toil to shapeliness to be turned to gold. Forth from the hills of Vermont go the polished products to build the homes and public edifices of a great people.

Hugh Miller read, as we are told, the "Testimony of the rocks," and saw in it the work of the ages long gone by.

PROCTOR read the "testimony of the rocks" in his native State and saw in them the possibilities and auguries of fruitful days to come.

The genius of organization and the genius of labor are the distinguishing marks of our national ascendency and constant progression. Organization is the master faculty of the English-speaking people, surpassed by none of the people of either ancient or modern times. Here in America that faculty has been multiplied in its diversities.

Labor is the only king of divine right, and from it the master faculty has been led forth to unprecedented fruition.

In his faculty of organization and in his constant toil, PROCTOR proved himself to be the true interpreter of nature and the true student of her art. Above the faculties I have noted is the master public passion of our race, our country, and our motherlands before us. "We must be free or die who speak the language Shakespeare spoke." A soldier, statesman, and citizen who possessed the master faculties of his folk, and their master passion likewise, has gone to his honored rest. May his ashes rest in peace and his memory be cherished in the just honor which he won, and may the consolation which only He who made us, by deeds can give to them, bind the wounded hearts of those nearest and dearest to him.

Mr. PERKINS. Mr. President—

Friend after friend departs.
Who has not lost a friend?
There is no union here of hearts
That finds not here an end.

For many years I enjoyed the acquaintance and cherished the good will and friendship of the one whose memory we meet to-day to honor. From him I learned the story of his eventful life and experience.

More than three score and ten years ago, in the month of June, amid the hills of the Green Mountain State, a child was born to Jabez and Betsy Proctor. They called his name "Redfield." His boyhood was passed in the town of Proctorsville, Vt., where he attended school in the little "red schoolhouse," famous in the history of New England. I have never heard that he shone there with any particular brilliancy, but it is said that one day a phrenologist visited the school, and among all the scholars singled out REDFIELD PROCTOR as being phrenologically destined to achieve greatness.

Having received a thorough preparatory education, the youth entered Dartmouth College at Hanover, N. H., from which he was graduated in 1851, in his twentieth year. Here he "toed" the football over the campus and got into as many scrapes as most college boys.

Choosing the profession of law, he entered the law school at Albany, N. Y., was graduated in 1859, was admitted to the bar of that city and also that of Woodstock, Vt. He was taken into the office of his cousin, Judge Isaac F. Redfield, who at that time was one of the leading lawyers of Boston.

At the beginning of the civil war Mr. PROCTOR at once returned to his native State and enlisted in the Third Vermont Regiment. He served with distinction in the Peninsula campaign and suffered disabling hardships which made it necessary to resign his commission and return home. The next year, having regained his health, he was anxious to return to the front and was made colonel of the Fifteenth Vermont Regiment.

Directly after the surrender of Lee, Colonel PROCTOR returned to his home in Proctorsville and took up the occupation of farming. It is recalled that at this period he was often seen clad in a blue-and-white striped frock reaching down below his boot tops, trousers tucked in his boot legs, whip in hand, traveling beside a pair of large red and white oxen going to his farm land in another part of the village. He little knew then that he was preparing himself for the duties which devolved upon him later in his life as chairman of the Committee on Agriculture of the United States Senate.

Several years later he entered into partnership with Col. Wheelock G. Veazey, of Rutland, Vt. Finding the law too slow a road to wealth, he became connected with the Southerland Falls Marble Company, which in after years developed into the Vermont Marble Company, and under his management became the greatest marble center in the world.

The first public office which REDFIELD PROCTOR held was that of selectman of the town of Rutland; the last, that of United States Senator, which office he filled from October 18, 1892, until his death, March 4, 1908.

The office of selectman is a minor office, so to speak, yet the duties devolved by it subject the incumbent perhaps to a more severe ordeal than that to which some of us who to-day occupy positions in the Congress of the United States are subjected, for the friends and neighbors of a selectman are not unscathing in their criticisms of his official acts.

In the meantime Mr. PROCTOR had been selected by citizens of his State to represent them in the lower and subsequently in the upper house of the legislature; had been elected lieutenant-governor, and later governor, of Vermont. In March, 1889, President Harrison appointed him Secretary of War. His administration has been considered one of the ablest in the history of that department, as was so well stated by the Senator from Vermont [Mr. DILLINGHAM] this morning.

On the retirement of Senator George F. Edmunds, in 1892, Governor Page appointed Secretary PROCTOR to fill the vacancy until the next meeting of the legislature of Vermont, which elected him to fill the unexpired and the full term, the latter ending March 4, 1899. He served the people of his State so well that he was twice returned to this body by an almost unanimous vote of his legislature.

It is said that in the lives of men who have become great some trait of character is dominant. In the case of REDFIELD PROCTOR it is difficult to say what was his leading talent, for in him nature had combined courage, patience, perseverance, endurance, aggressiveness, loyalty to State and country, intelligence, beneficence, and an intense love of nature and of nature's works.

We, his associates and friends, performed the last sad duty of accompanying his remains to his home, and laid him to rest amid the snow-covered hills of his beloved Vermont. The cortege passed between thousands of bowed and bared heads, friends from all over the State, and of the employees of the Vermont Marble Works, which, as he often said to me, he considered "his work" more than any other one thing in the world. There, in a section of country with environment and climate forbidding in every way the amassing of great wealth, he made the elements his servants and carved out of the earth a fortune and a monument in comparison with which all others dwindle in importance, for not only in one spot alone do we see the evidences of his untiring ability and financial genius, but in every city, town, and churchyard are monuments which speak in marble purity to those who knew him by the name of REDFIELD PROCTOR.

In his own little town of Proctor are hospital, church, and library, given by him to his people, while near the town of Pittsfield rises a marble sanatorium endowed by him for victims of tuberculosis, that ravaging disease which is playing such havoc, especially in the cold Northern States. And yet, while the great fortune he amassed to some represents only dollars, it really indicates his ability to think better and to see farther than others into the future. I have spoken of his military honors and those which his State and the Nation conferred upon him.

He did not begin life as a poor boy. He was not a self-made man, but came from well-to-do Vermont parents. He often spoke of his mother and her wonderful strength of mind; her New England thrift, her precepts and examples, which were the guide of his future life.

In spite of all his travels and constant intercourse with the most cultivated people, he never forsook the intermingling of New England provincialisms with his language, using those quaint words so typical of New England, which were as charming in his conversation and as characteristic of the man as is the kilt of the Highlander.

Now, I speak of what is probably considered by many to be the greatest event in his governmental career, his visit to Cuba, which has been so feelingly referred to by my distinguished colleague from Virginia [Mr. DANIEL], to see for himself the conditions existing there in 1898, and his subsequent speech in the Senate, giving to our people a description of the horrors he witnessed. Those of us who heard that speech remember with what vividness he portrayed the conditions then existing in the island of Cuba. He did not intend at that time to deliver as a speech that which he had written, but when he came into the Chamber he found there such a mass of expectant and breathless auditors, the newspaper press being also represented in the gallery and on the floor, that he was impelled to speak. I relate that which I know, for he told me many times that he did not intend to make the speech, but that there seemed to be such eagerness on the part of Senators to know and to hear him tell what he had seen, to learn of his experiences on the island, that he could not resist the temptation, and so he gave us the never-to-be-forgotten story of his trip. What the result was we all know. What would have happened had he not visited Cuba and had he not given us his account in plain, simple words, with no thought of oratory or embellishment, we do not know. That he went there to ascertain the conditions was evidence of his bravery. That he gave the world what he had gained was evidence of his patriotism and public spirit. He desired to know the truth, and his ability to make others see by his words what he had seen with his eyes was evidence of his intellectual power.

His greatest pleasure and recreation were found in the use of the gun and the rod. His simple taste made a "nappee" of bread and milk in the woods a feast. He loved young people, and spent much time with his grandson, Mortimer, teaching him to hunt and fish. The haunts of the deer and the salmon will know him no more; never again with stealthy tread will he stalk the game in the Canadian wilds. His deeds are now only a memory. Their results alone live after him. The "moving finger" has ceased writing, and we are left to mourn the loss of one who, whatever else he was, was every inch a man, a statesman, and a gentleman.

May we not learn a lesson from the lives and careers of those with whom we have been for many years officially associated, but who have answered the last roll call and passed to that bourn whence no traveler returns?

As the mariner hails with confidence the beacon light that guides him safely past the rocks and shoals that menace disaster, so may we gain wisdom from the knowledge and experience of the eminent statesmen whose life work fills some of

the brightest pages in the history of our country. Then, let us gird on the armor of patriotism and inscribe on our hearts the motto:

Show us the truth and the pathway of duty,
Help us to lift up our banner sublime,
Until earth is restored to its order and beauty,
Lost in the shadowless morning of time.

Teach us to sow the seed of many a noble deed,
Make us determined, undaunted, and strong,
Armed with the sword of right, dauntless amid the fight,
Help us to level the bulwarks of wrong.

Mr. CLAY. Mr. President, the first time I met Senator PROCTOR was in March, 1897, just before I became a member of the Senate. Of course, I knew before that time of the public services of Senator PROCTOR, for he had been governor of his State, Secretary of War, United States Senator for six years; besides he had been prominent in the counsels of his party for more than a quarter of a century. He was a delegate to the national Republican convention of 1888, which nominated Mr. Harrison for President, and was an ardent and influential supporter of Mr. Harrison and contributed materially to his successful nomination and election. The conspicuous part he bore in this convention attracted the attention of the entire country, and it was generally known that he enjoyed the confidence of President Harrison throughout his administration. But, Mr. President, I desire to speak of Senator PROCTOR only after our personal acquaintance and senatorial associations. The distinguished Senators from Vermont will doubtless go into the details of his entire life.

I remember well that when I entered the Senate the appropriation bills were referred to and considered by the Appropriations Committee. These supply bills now carry nearly a billion of dollars per annum. Senator PROCTOR insisted that the supply bills should be divided up—the post-office appropriation bill to go to the Committee on Post-Offices and Post-Roads, the agricultural appropriation bill to go to the Committee on Agriculture, the Indian appropriation bill to the Committee on Indian Affairs, the supply bill to support the army to the Committee on Military Affairs, and the naval appropriation bill to the Committee on Naval Affairs. This was a radical change in the policy of the Senate and necessarily took from the Committee on Appropriations nearly half of the supply bills. Senator PROCTOR insisted with great energy that no one committee ought to have to deal with all of the supply bills; that this responsibility should be divided with other committees and the committee work of Senators equalized. When he first began this fight it seemed impossible for him to succeed. But he was thoroughly convinced that he was right, and being a man of strong convictions, he knew no such word as failure. He pressed his fight energetically and continuously for weeks and months until success crowned his efforts. I sympathized with his views and gave him my humble support, and from that day to the day of his death we were warm personal friends. He was ever ready to practice self-denial when it involved the preferment of a friend. I watched his course with peculiar interest and pride. He possessed strong convictions and contended with all of his energy and powers for the views he entertained and the cause he espoused.

His judgment in business and on public questions was uncommonly good. He possessed a powerful physique, an extraordinary intellectual endowment, and was absolutely free from insincerity or affectation. He had the happy faculty of approaching men in such a manner as to impress them favorably, both as to himself and his subject. I am happy to say that the friendship which sprang up between us nearly twelve years ago was continuous until the sad day when he left us. We did not always think or act together on political questions. We belonged to different political parties. We often, however, did agree on public questions. While it is true our lives sometimes ran in different channels, I always felt for him, as I believe he did for me, a peculiar attachment. I had every assurance that he was my friend, and I never hesitated to let him know that I was his friend. In all the relations of life I found him to be genuine, sincere, and loyal—qualities which go to make up the best man can hope to attain.

I watched his public career with interest. As a Senator he was industrious, practical, and successful in whatever he undertook. He was a careful, painstaking, forceful, and conservative legislator, broad in his views and kind and considerate of others. He enjoyed in a remarkable degree the confidence of his colleagues. He was a powerful factor in molding and shaping public opinion. Before the United States declared war against Spain on account of conditions existing in the island of Cuba, Senator PROCTOR visited that island, making a most thorough examination of conditions existing in the island. He visited all sections of Cuba and made himself thoroughly familiar with the misfortunes of this unhappy people—and when he returned to the Senate he was perfectly familiar with the sufferings of this oppressed and downtrodden people, and he brought a message to the American Senate and to the American people which aroused the conscience of this Nation and resulted in bringing about war between the United States and Spain.

He delivered a most remarkable speech in the Senate March 17, 1898, describing pathetically the sufferings of the Cuban people. I quote briefly a few of his remarks on that memorable occasion.

Senator PROCTOR said:

Torn from their homes, with foul earth, foul air, foul water, and foul food or none, what wonder that one-half have died and that one-quarter of the living are so diseased that they can not be saved? A form of dropsy is a common disorder resulting from these conditions. Little children are still walking about with arms and chests terribly emaciated, eyes swollen, and abdomen bloated to three times the natural size. The physicians say these cases are hopeless. Deaths in the streets have not been uncommon. I was told by one of our consuls that they have been found dead about the markets in the morning, where they had crawled, hoping to get some stray bits of food from the early hucksters, and that there had been cases where they had dropped dead inside the market, surrounded by food. Before Weyler's order these people were independent and self-supporting. They are not beggars even now. There are plenty of professional beggars in every town among the regular residents, but these country people, the reconcentrados, have not learned the art. Rarely is a hand held out to you for alms when going among their huts, but the sight of them makes an appeal stronger than words. I went to Cuba with a strong conviction that the picture had been overdrawn; that a few cases of starvation and suffering had inspired and stimulated the press correspondents, and that they had given free play to a strong, natural, and highly cultivated imagination. Before starting I received through the mail a leaflet published by the Christian Herald, with cuts of some of the sick and starving reconcentrados, and took it with me, thinking these must be rare specimens, got up to make the worst possible showing. I saw plenty as bad and worse; many that should not be photographed and shown. I could not believe that out of a population of 1,600,000, 200,000 had died within these Spanish forts, practically prison walls, within a few months past from actual starvation and diseases caused by insufficient and improper food. My inquiries were entirely outside of sensational sources. They were made of our medical officers, of our consuls, of city alcaldes (mayors), of relief committees, of leading merchants and bankers, physicians and lawyers. Several of my informants were Spanish born, but every time the answer was that the case had not been overstated. What I saw I can not tell so that others can see it. It must be seen with one's own eyes to be realized.

I have endeavored to state in not intemperate mood what I saw and heard, and to make no argument thereon, but leave everyone to draw his own conclusions. To me the strongest appeal is not the barbarity practiced by Weyler, nor the loss of the *Maine*, if our worst fears should prove true, terrible as are both of these incidents, but the spectacle of a million and a half of people, the entire native population of Cuba, struggling for freedom and deliverance from the worst misgovernment of which I ever had knowledge. But whether our action ought to be influenced by any one or all of these things, and if so, how far, is another question. The large number of educated and patriotic men, the great sacrifices they have endured, the peaceable temperament of the people, whites and blacks, the wonderful prosperity that would surely come with peace and good home rule, the large influx of American and English emigration and money, would all be strong factors for stable institutions.

The Senate and the country heard this story of the cruelties and wrongs inflicted upon this helpless people, made by Senator PROCTOR, and after the delivery of that most remarkable speech there was no longer any doubt that Spanish rule must come to an end in Cuba. The United States shortly afterwards declared war against Spain, which resulted in establishing Cuban independence. Impartial history has recorded the fact that Senator PROCTOR did more than any other public man to arouse public sentiment against Spanish rule in Cuba and in favor of Cuban independence and self-government. His powerful speech describing the sufferings of the people of Cuba aroused the conscience of the American people, resulting in a declaration of war against the Government of Spain, which necessarily resulted in banishing from Cuba Spanish rule. The people of Cuba now have a free and independent government of their own, and are making rapid progress in developing the resources of that island, and doubtless have before them a happy and successful future. The cruelties practiced by the Spanish Government have ended, and a new nation has been born, clothed with the right of self-government, and who will deny to the distinguished dead the honor which he deserves for the great work he accomplished in bringing about these results? The good work he accomplished for this suffering and oppressed people has given him a fame which will never perish. All lovers of justice and liberty will continue to sing his praise.

The citizenship of Vermont is of the highest type. They are a practical people, industrious, thoughtful, intelligent, and progressive. They never act without thinking. They look far into the future, and have been great factors in building up the highest and best civilization in the world. They have shown by their history that they appreciate the value of long and faithful service by their public men. Senator Morrill was kept continuously in Congress for forty-three years and nine months. So far as I remember, such public service is without a parallel

in the history of our country. Senator Edmunds served continuously for twenty-five years, until he resigned his seat in the Senate. Senator PROCTOR had been in public life for nearly a quarter of a century. Maine, Massachusetts, and Vermont have been powerful factors in the affairs of this Nation since their admission into the Union. The people of those States have always recognized the value of long and continued services in both branches of Congress. These States have sent their ablest men to Congress and kept them there, and necessarily they have had great and powerful influence in shaping the legislative policy of this country.

After an association of eleven years with Senator PROCTOR in this Chamber, I unhesitatingly say that I found him to be strong in his friendships, a broad-minded statesman, a man of unqualified integrity, and kind and gentle in all of the relations of life. Whatever he undertook to do he did well. He was a man thoroughly in earnest, bold in the execution of his plans, and successful in all of his efforts. As chairman of the Committee on Agriculture he took great pains to improve the agricultural condition of the country, and was a warm and staunch friend of the Agricultural Department. He used no surplus words in debate.

He readily grasped the strong points favorable to his side of the question and presented them with force and clearness; and he applied the same methods in business and achieved great financial success in his business operations. Before making up his mind on public questions he was slow to express an opinion. He usually went to the bottom of a question, and after becoming thoroughly convinced that he was right it was almost impossible to successfully resist his opinions.

Senator PROCTOR had passed his three score years and ten, but his mental vigor was in no way impaired, and he was recognized as one of the strong and forceful men of the Senate. His business life had been crowned with great success. I have been informed that many years ago he took charge of a remarkable industry that had been wrecked and was hopelessly insolvent. By applying close attention to this business, he made it the largest and most successful marble plant in the United States. He was plain and unassuming, free from deceit, and just and considerate in all of his dealings with others. His tastes were simple, and he lived close to nature. A perusal of the CONGRESSIONAL RECORD during his service in the Senate shows that a splendid public career ended when he died.

He was a model citizen and the highest type of a successful business man.

As governor of his State, as Secretary of War, and as United States Senator he has carved his name ineffaceably upon the records of his State and country.

Senator PROCTOR possessed in a remarkable degree the genius of common sense. He was resourceful and had at his instant command all of his faculties. He believed in work and was a man of indefatigable industry. He taught the doctrine that labor is always rewarded. His life work teaches the American youth that almost any obstacle can be overcome and success achieved by industry. He was no dreamer. Things he did were real things. He was the very spirit of the practical. He believed in building, planning, and reaping. His career as a business man and as a statesman has been most remarkable, and the youth of the country can read and study his life and profit by the lessons he has taught and the success he has achieved. When the oppressed needed a friend, his voice was raised in their behalf.

It is some consolation to his friends to realize that he ran his race well to the end and that his career was crowned with usefulness and success. His manly course has given him a permanent place of high honor in the history of his country.

Mr. SMOOT. Mr. President, on March 4 last, when the flag above the Senate Chamber was placed at half-mast, we witnessed the emblem of a Nation's grief for the loss of one of her noble, stalwart, patriotic sons—Senator REDFIELD PROCTOR—the Christian, the business man, the soldier, the statesman. It is fitting, indeed, that we, his colleagues, set apart this day to pay respect to the memory and to extol the virtues of our friend, who has passed the portals of death into a grander and better life. Death, the kind friend of man, opened the gate of paradise and God bade his son enter. We bury the body, but the immortal spirit—that spark of divinity—lives on forever. A noble and well-completed life has been transferred from this world to a more perfect sphere beyond. Senator PROCTOR is not dead; he has simply advanced to a higher life. Rather would I consider this occasion the celebration of his birth into an eternal life than one to mourn his death. All knowledge gained, all victories won, and all ideals realized in this life will be his throughout all eternity.

Thank God, no stain of dishonor rests upon the life of our departed friend. In it no compromise was ever made with falsehood. He worshiped God and loved his fellow-man. He was true to every trust. He was kind and charitable and had every respect for the opinions and convictions of others. He was true to himself, to his family, to his fellow-man, to his country, and to his God. Well may it be said of Senator PROCTOR, "He was an honest man," which is the greatest honor that can be bestowed upon any man. By honesty I mean more than mere desire or ability to meet all of one's commercial obligations. I mean more than respect for and obedience to law. Millions of men may claim these virtues, yet may not be honest in the broadest sense. These are truly desirable attributes; but honesty means more than all of them, for they may be forced virtues, or may be acquired for selfish gain and advantage. Real honesty is a God-given gift manifesting itself in every act of man toward his fellow-man. It is unselfish, loyal to principle, and true to conviction without thought of consequences. I repeat Senator PROCTOR was an honest man; honest under all conditions; honest because honesty was a part of his very being. No one ever met him who did not feel he had been in the presence of an honest man. His countenance, his voice—yes, every part of him—was typical of his noble character.

The American people have been benefited by his wisdom, which has gone forth in the laws enacted by Congress, in which he was so deeply interested. Painstaking in the discharge of his public duties, no Member rendered more faithful and efficient service to his country. We who served with him will miss his wise counsel and valuable advice. His nobility of character, his determined purpose to solve the weighty problems of human government, his zealous devotion to the duties of life, public and private, constitute a legacy that enriches us all.

His ambitions in life were realized by his patient, consistent, and untiring efforts and by his unceasing diligence and deep sense of duty. He rose from the common walks of life to the position of business man, state senator, lieutenant-governor, governor, Secretary of War, and United States Senator, the highest honor within the gift of the people of Vermont.

The life work of this splendid American has ended, and he will be missed by family, neighbors, State, and Nation. Oh, what a loving father, a devoted husband, a Christian neighbor, a true friend, an ideal American! As long as we believe in loyalty to country, in consecrated public service, in a clean and upright life, so long will the life and services of our friend be remembered and honored by his people.

To his family he has left more than a princely fortune, for he has left behind a successful life, one that will be an inspiration to thousands of young Americans, and a demonstration of the oft-repeated assertion that position, business success, and honor are open to all in this land of freedom, and may be acquired without wronging or oppressing one of God's children.

Senator PROCTOR's photograph, among others of the great men of this world, hangs in my library. I shall always point to it with pride, and tell the story of his life to my sons with a hope that it will inspire in them lofty ideals and be an example to them of business integrity. His life is the highest type of successful American citizenship, and that means the highest known to the human family. It can be truly said of our departed friend that the world is better off for his having lived in it.

In these days, when newspapers and magazines are filled with sensational stories of dishonesty and dishonor among men of all stations of life, people are being impressed more and more with the idea that the future success of our Nation depends not so much upon the culture, the brilliancy, the learning of its leaders in legislative and business life as upon the honesty and integrity of their character. Character exemplifies human nature in its highest forms. It is the corner stone of individual greatness—the Doric column of the majestic structure of a true and dignified man, who is at once a subject and a king. The true worth of an individual, a community, a nation, is measured by the strength of their character.

No taint of corruption rests on the character of REDFIELD PROCTOR. It was without blemish, firm and true, the source of his happiness. Neither wealth nor the praise nor the allurements of this world could pollute it. As long as the affairs of this Republic are directed by men of Senator PROCTOR's high character, its future welfare will be assured.

Mr. President, there is a future, as there was a past. God has withheld the recollection of our former existence for a wise purpose and mercifully hidden from us the full glory of the future. Yet ofttimes a secret something whispers, "You are a stranger here," and we feel that we have wandered from a more exalted sphere. This life is but a part of the great plan of salvation, which was laid before the foundation of the world. Our earthly bodies die and return to dust, but our spirits are im-

mortal and live forever. No human soul is satisfied with the hopeless horror of oblivion. It can not be possible that our life is a bubble upon the ocean of eternity, to float for a moment upon its surface, and then to burst into nothingness and darkness forever! To admit such a thought is to confess that the human family is damned from birth to death. Our destiny is higher than that of earth. Death is not so terrible, properly viewed. It is the pleasant transitional stage from an earthly to a more perfect life. For centuries men have doubted the immortality of the soul. But none have approached the Throne of Grace in humble supplication who have not received hope and faith and knowledge.

Revelation and reason both assert the same glorious hope. Why, then, should we view death with terror? Ought not we rather look forward to it as the final triumph of a well-spent life? So I say that the death of our colleague is our loss, but his everlasting gain. Our hope of a resurrection is glorious to contemplate, when body and spirit will again reunite and come forth triumphantly to reap the reward of the deeds done in the body and to receive the crown of eternal life, which is the greatest gift of God. Let us feel that our friend has been given a higher and greater commission, and let us have faith that we shall again meet him and have the pleasure of his personal association. We will meet him; we will recognize him; we will know him.

I have experienced the sad separation by death of a father, and I know the grief it brings. My heart goes out in sympathy to the widow and family in this their bitterest hour of trial. God comfort them and grant His choicest blessings upon them. May they seek consolation in the unshaken belief that God is just and "knoweth best."

Some time when all life's lessons have been learned,
And sun and stars forevermore have set,
The things which our weak judgments here have spurned,
The things o'er which we grieved with lashes wet,
Will flash before us out of life's dark night,
As stars shine most in deeper tints of blue;
And we shall see how all God's plans were right,
And how what seemed reproof was love most true.

And we shall see how, while we frown and sigh,
God's plans go on as best for you and me;
How, when we called, He heeded not our cry,
Because His wisdom to the end could see.
And even as prudent parents disallow
Too much of sweet to craving babyhood,
So, God perhaps is keeping from us now
Life's sweetest things because it seemeth good.

And if, sometimes, commingled with life's wine,
We find the wormwood and rebel and shrink,
Be sure a wiser hand than yours or mine
Pours out this potion for our lips to drink.
And if some friend we love is lying low,
Where human kisses can not reach his face,
O do not blame his loving Father so,
But wear your sorrow with obedient grace!

And you shall shortly know that lengthened breath
Is not the sweetest gift God sends His friends,
And that, sometimes, the sable pall of death
Conceals the fairest boon His love can send.
If we could push ajar the gates of life,
And stand within and all God's workings see,
We could interpret all this doubt and strife,
And for each mystery could find a key.

But not to-day. Then be content, poor heart!
God's plans, like lilies, pure and white, unfold,
We must not tear the close-shut leaves apart,
Time will reveal the calyxes of gold.
And if through patient toil we reach the land
Where tired feet with sandals loose may rest,
When we shall clearly know and understand,
I think that we will say, "God knew the best."

Mr. CRANE. Mr. President, the death of REDFIELD PROCTOR caused genuine sorrow not alone within the State of Vermont, where he had lived and where his career had been such a source of pride and satisfaction to his fellow-citizens, but throughout the country. The passing away of such a man is a distinct loss to the Nation he has served with so much ability for so many years. I esteem it a privilege to give public expression of my regard for him and of my deep appreciation of his many good qualities.

His was indeed a remarkable career. If any man ever successfully stood the test of service, it was Senator PROCTOR, who, through a long and very active life, let no opportunities for usefulness pass by him. Placed in many positions of great responsibility, he always gave the best that was in him. Essentially a man of affairs and possessed of great executive ability, he was ever equal to the demand of the hour. After graduating from Dartmouth College and the Albany Law School he became for a time a resident of my own State and practiced law in the city of Boston. It was while he was engaged in the practice of his profession there that the civil war began. The call of Abraham Lincoln for volunteers met with an instant response from him, and he returned to his native State for the purpose of entering the army. He served with distinction through practically the entire war, during the latter part being colonel of the Fifteenth Vermont Volunteers. He early showed an intense love of country, which was characteristic of him to the end.

With the close of the war he returned to Vermont, and for forty years was an important figure in its public life. It was in 1867 that he was first chosen a member of the state legislature, and from that time honors crowded rapidly upon him. He became lieutenant-governor. He made a strong and popular governor, and his administration was marked by much important legislation passed upon his recommendation. He was an efficient Secretary of War under President Harrison, and became a United States Senator in 1891. From that time until his death he was a hard-working, influential member of this body, and impressed himself not only upon his fellow-Senators, but upon the country as a man of sturdy common sense, strength of intellect, and honesty of purpose. Always alert to promote the interests of his State, he was not one who was actuated by sectionalism, and his efforts were directed toward the progress and development of the whole country. The effect of his speech upon conditions in Cuba, after personal inspection on the island, will not soon be forgotten. His plain, straightforward recital of the dreadful suffering there made a profound impression upon his countrymen, and undoubtedly exerted great influence in bringing about American intervention.

The industry, thoroughness, and painstaking effort which were so evident in all of his public life were also shown in his business affairs, and under his management the marble works at Proctor, Vt., grew from small beginnnigs to be the largest of the kind in the world. Indeed, few men have been able to accomplish so much or have worked in so wide a field. Success crowned his labors to an unusual degree. United with great ability was an attractive personality. Cordial, hearty, and approachable, he was a delightful companion, and he will be greatly missed by his associates.

As we extend our deepest sympathy to his stricken family, we can rejoice in the inspiring memory he has left to them and to us.

Mr. HEMENWAY. Mr. President, I desire to add a few words of tribute to the memory of a great and good man. Senator REDFIELD PROCTOR. My acquaintance with him extended over a period of twenty years, and the more intimately I knew him the stronger my friendship for him became. He was a man to be trusted and loved, and throughout his public career no one could point to any act of his that did not reflect credit upon him and upon the State which he represented.

I met Senator PROCTOR first at the Republican national convention at Chicago in 1888. He headed the Vermont delegation and cast the vote of that State for Benjamin Harrison. For this the people of Indiana have always felt grateful to him, not only because he supported our candidate for the Presidency, but also because it showed his judgment and patriotism in throwing his influence for a strong, level-headed, conservative man for the Presidency of the United States.

Harrison's administration will go down in history as one of the strong business administrations in the records of our country, and in my judgment no higher compliment can be paid a President or any other officer of the Government or representative of the people than to say he had great business ability. For, after all, this Government of ours is nothing more or less than a great business concern, and our people will prosper or fail in proportion to the extent that this Government is or is not conducted in a businesslike manner. When the history of the United States is finally written, it will give credit for results only, and good results can not be obtained except by the application of proper business methods. Judged by this standard, Harrison's administration will be pronounced a success. In this connection Senator PROCTOR, who served as Secretary of War under Harrison, will come in for a large measure of credit, because throughout the three years of this administration his strong common sense and business ability impressed themselves upon the President and all who had to do with national affairs at that time.

While a Representative in Congress it was my pleasure to become intimately acquainted with Senator PROCTOR after he had succeeded Senator Edmunds, and on various occasions I had the honor of being his guest at his Vermont home. Here I learned more of the excellent and noble qualities of this good man than I had before known. I visited the large marble works of which he was the head, and was deeply impressed with the great respect and love that all of his employees had for him.

He had built up this wonderful industry, employing hundreds of laborers, and I found absolute harmony prevailing between the employer and employee. There were no strikes, no damage suits, no discontent, no jealousies nor ill feelings in this plant. Senator PROCTOR had established it and operated it, not alone with a desire for profit, but also with a desire to benefit those who worked for him.

A large store was conducted, and at the end of each year the profits of their store were divided among the employees in proportion to their purchases. He had established a hospital and a system of trained nurses, who took care of the sick and injured. These nurses not only looked after the employees when sick or injured, but visited their homes and took care of any members of their family who might need their assistance. He had aided the employees in building a magnificent Young Men's Christian Association building, with all modern equipments and conveniences, and both by precept and example he encouraged those who worked for him to higher and better things.

When I finished my visit through his great marble works I concluded that he had solved the problem of harmony between employer and employee, and I felt that if his example could be extended throughout the whole business world it would solve this much-vexed question and result in great happiness and prosperity to those who labor and be the best possible thing in the world for those who employ labor.

Senator PROCTOR's motive in adopting this plan was not selfish alone, for he was too broad minded and generous to pursue selfish ends; but from a financial standpoint he got greater results and greater returns because of his fair, honest manner of dealing with those who worked for him. He took great pride in the fact that in his employ were many grandfathers, fathers, and sons. He had learned the great truth that honesty and generosity are their own reward.

Senator PROCTOR was a typical New Englander, and was proud of his State and her traditions, and he came from that great New England blood that has given to the United States so many of her best citizens. He was a strong Republican in politics, but cherished no hatred nor prejudice against those of opposite political faith. He gave all men credit for their honesty, and in the Senate of the United States he supported all legislation that seemed to him to be for the general good, regardless of whether it came from the Democratic or Republican side. And as long as there remains in this Senate a man who knew him he will be remembered as an able Senator, honest and patriotic in all his purposes. In his death the country and his State suffered great loss, and I, with many others, was deprived of the counsel of a strong personal friend.

Mr. PAGE. Mr. President, it seems to me that no Senator ever lived who was a more complete embodiment of the distinguishing characteristics of the State which he represented than the one to whose memory we to-day pay tribute. No man ever lived who was a more genuine type of the rugged strength of our Mountain State than REDFIELD PROCTOR.

It would not, in this presence, be fitting to claim for Vermont either stronger or better men than those of her sister States, but the occasion would seem to warrant a brief reference to some of the more peculiarly distinctive traits which characterize the men of our State, and to justify an expression of the great personal pride which every true Vermonter feels in those sons who possess the qualities of strength, courage, and independence so perfectly exemplified in the life of Senator PROCTOR.

The first settlers of Vermont were largely of Massachusetts and Connecticut origin; brave, enterprising men who coveted that greater measure of liberty and independence opened up to them by the new Connecticut of the North; men who were attracted to the new State by the rugged, unbroken wilderness which the pioneer spirit prompted them to subdue. To negative characters, to the cowardly, the faint-hearted, the weak, Vermont offered no attractions.

The conditions surrounding the early history of our State were absolutely unique. At no time was Vermont a province; never did she acknowledge herself the dependency of any foreign power or recognize the sovereignty of any king, prince, or potentate. It was a fact well known throughout the colonies that the same lands formerly granted by Gov. Benning Wentworth, of New Hampshire, were being regranted by Sir William Tryon, governor of New York. It required supreme hardihood and the greatest personal courage on the part of those men who, undaunted by the difficulties and dangers of a strenuous conflict, left the comparative peace and quiet of the more southern settlements of New England to seek out homes in our unbroken northern forests.

The mountain State of West Virginia has for the motto on its coat of arms the words "Montani Semper Liberi," mountaineers are always free. The strength, endurance, and freedom typified by the mountains do indeed seem to find true kinship in the hearts of mountaineers.

Vermont's chain of Green Mountains, extending from the hills of old Berkshire on the south to the forty-fifth parallel on the north and forming the physical backbone of our little State, only typifies that moral spinal column which runs through our entire state history—a spinal column which, once curved in a righteous cause, no amount of sophistry has ever been able to reduce.

Within those bold pioneer settlers who subdued our rocky hillside farms, battling with the storms and enduring the hardships of our northern winters, that inborn spirit of personal liberty and stubborn independence, that natural love of right and justice, so grew and developed that they became as fixed and unyielding as the very hills themselves.

Capt. Leonard Proctor, the paternal grandfather of Senator PROCTOR, was a pioneer of this type. Having borne a most honorable part in the war of the Revolution, he came to Vermont at the close of that war and settled on the banks of a little mountain stream, to which was given the name of Black River. Here the village, named for its founder, Proctorsville, was planted, and here REDFIELD PROCTOR was born. Here he learned to fish and trap and hunt. Vermont had no truer sportsman, and his great vigor of body and mind, as many of the older members of this Senate know, was in no small measure the result of his love of the rod and gun.

It has been said that every man is the sum of his ancestors, and if this be true, REDFIELD PROCTOR had a right to be strong. His father, Judge Jabez Proctor, was one of the foremost citizens of Vermont during the early part of the last century, having been a judge of the probate court, twice a presidential elector, and several times a member of the governor's council. His mother also came of strong ancestry. From her parents sprang those distinguished jurists and judges of our supreme court, Timothy P. and Isaac F. Redfield, the latter the well-known author of standard law works and the chief justice of the supreme court of Vermont. It is not often given to one man, as to Isaac Parker, the maternal grandfather of REDFIELD PROCTOR to be the progenitor of a judge and of a chief justice of the supreme court, two governors of States, a United States Senator, and a Secretary of War.

Of REDFIELD PROCTOR's career as a statesman, of his distinguished service in this body, of the influence of his strong personality upon legislation and in the national field of politics, it is perhaps more fitting that his brother Senators speak; but I can not forego a brief word, giving my personal estimate of a man upon whose life my own has so closely impinged for forty years.

When in 1891, after twenty-five years of distinguished service, that great constitutional lawyer, George F. Edmunds, tendered his resignation as United States Senator, it was my privilege to appoint REDFIELD PROCTOR as his successor. My opinion then formed that the mantle of Edmunds had fallen upon shoulders which would wear it with honor to Vermont and to our country has only been strengthened by the events of intervening years.

His farsighted, comprehensive grasp of affairs, as shown in the upbuilding of by far the largest marble business in the world, was surpassed by few, if any, of our great captains of industry. He was a tireless worker and a remarkable master of details. He was cool, self-reliant, and resourceful in difficulties and wonderfully fertile in expedients in every emergency calling for leadership. He formed his opinions upon public matters with excellent judgment and with an earnest purpose to promote what he believed to be the best good of the whole people, and from those opinions once ripened into convictions he was not easily swerved.

He was a generous, large-hearted comrade and friend. It seemed to those who knew him most intimately that the social side of his nature was developed to a degree rarely found in men whose lives were packed so full of strenuous effort and exacting duties. His inexhaustible fund of humor and of native wit made him a most enjoyable companion. He attached himself to those he loved with hooks of steel, and no man would fight harder to promote the welfare of a friend than REDFIELD PROCTOR.

During his many years of public service, commencing with his enlistment in 1861, his patriotic, uncompromising devotion to his country's welfare knew no limitations. As soldier, governor, Secretary of War, and Senator he served his State and the Nation with signal ability, and in his death the country suffers an irreparable loss.

One of the most commanding figures of our time has gone to his rest. He has lived his life, he has fought his fight, he has finished his work. In the midst of one of our fiercest mountain

storms we bore him to his last resting place. For a mile on either side, and forming a double row as guard of honor, stood the men who labored in his workshops and in his quarries—men who had come to love him with an affection begotten of long years of generous acts and of thoughtful regard for their welfare.

In a mausoleum built of his own beautiful marble we placed his body, and there he sleeps beneath the monument erected to commemorate his name; but his life shall have a memorial more lasting than the enduring stone, in the hearts of the people of that State which he loved and served so well.

Mr. President, I ask for the adoption of the resolution which I send to the desk.

The VICE-PRESIDENT. The junior Senator from Vermont submits a resolution, which will be read by the Secretary.

The Secretary read the resolution, as follows:

Resolved, That as an additional mark of respect to the memory of the deceased the Senate do now adjourn.

The resolution was unanimously agreed to; and (at 2 o'clock and 8 minutes p. m.) the Senate adjourned until Monday, January 11, 1909, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 9, 1909.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

CONSTRUCTION OF A BRIDGE BETWEEN FORT SNELLING RESERVATION AND ST. PAUL, MINN.

Mr. NYE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill H. R. 23866.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 23866) to amend an act entitled "An act to authorize the construction of a bridge between Fort Snelling Reservation and St. Paul, Minn.," approved March 17, 1906.

Be it enacted, etc., That section 9 of an act entitled "An act to authorize the construction of a bridge between Fort Snelling Reservation and St. Paul, Minn.," approved March 17, 1906, be, and the same is hereby, amended so as to read as follows:

"SEC. 9. That this act shall be null and void if actual construction of the bridge herein authorized shall not be commenced within one year and completed within three years and four months from the date hereof."

The committee amendments were read, as follows:

Strike out the word "three" in line 10 and insert in lieu thereof the word "four."

Strike out the words "and four months" in line 11.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 22306. An act to authorize the Delaware, Lackawanna and Western Railroad Company and the Lackawanna Railroad Company of New Jersey to construct and maintain a bridge across the Delaware River from a point near the village of Columbia, Knowlton Township, Warren County, N. J., to the village of Slateford, Northampton County, Pa.

LEASE OF SAN CLEMENTE ISLAND, CALIFORNIA.

Mr. McLACHLAN of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill S. 4856.

The SPEAKER. The gentleman from California moves to discharge the Committee of the Whole House from the further consideration of the following bill and consider the same in the House at this time. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 4856) authorizing the Secretary of Commerce and Labor to lease San Clemente Island, California, and for other purposes.

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized, directed, and empowered to lease and demise to the San Clemente Wool Company, a corporation organized and existing under and by virtue of the laws of the State of California, its successors and assigns, for the purpose, however, of farming, the unused light-house reservation in California known as "San Clemente Island," for and during the full period of twenty-five years, for its and their sole and exclusive use, except as hereinafter specified, at an annual rental, payable in advance, of $1,500, and an expenditure by said company, or its successors or assigns, of $25,000 (not less than approximately $1,000 in any one year of said term) in improving the said island and protecting it from devastation by accretions of sand: *Provided*, That in said lease it shall be stipulated that the Government of the United States may at any time during the term thereof go upon said island and construct thereon at any point light-house buildings, stone quarries, piers, landings, or other governmental structures, and may set aside certain tracts of land on the shore for fishing and camping places, and take possession of such portion or portions of said island as may be required for such purposes, and may at any time introduce game animals on said island. It shall be further stipulated in said lease that the said expenditure of $25,000 in improving said island shall be expended in developing water, constructing dams and reservoirs for the storage of water, erecting windmills, water tanks, building fences, houses, buildings, and wagon roads, reseeding the island to trees and grasses, and planting spineless cactus for the purpose of stopping the drifting of the sands and of creating additional pasturage, and such other general improvements as may be necessary for the conduct of the business of sheep and general farming, and that all ranches and buildings shall be kept in good sanitary condition. Said lease shall confer upon the said company the authority to construct on said island such reservoirs, dams, windmills, water tanks, fences, houses, barns, buildings, ditches, flumes, canals, roads, telegraph and telephone lines, trails, wharves, piers, and landings as may be necessary or proper for the uses and purposes herein set forth.

SEC. 2. That nothing herein contained shall grant or convey or be held to grant or convey to said company, its successors or assigns, during such time as it or they may hold said lands under the lease hereby authorized, any right, license, or privilege to take or remove from said island, or any part thereof, any growing timber, stone, clay, ore, metals, or minerals of any kind or nature whatsoever, save and except such timber and stone as may be necessary for the immediate use of said company, its successors and assigns, in the building, erection, or maintenance of such reservoirs, dams, windmills, water tanks, fences, houses, barns, buildings, ditches, flumes, canals, roads, telegraph and telephone lines, trails, wharves, piers, and landings.

SEC. 3. That the Secretary of Commerce and Labor may at any time during the said period of twenty-five years, at his discretion, terminate and cancel said lease, in case said company shall fail to pay the said rental of $1,500 per annum in advance or shall fail and neglect to expend the sum of $25,000 in the improvement of said island, as herein specified, and, in order that the Secretary may be advised regarding the expenditures made by said company, it shall be further stipulated in said lease that said company shall annually, on the 1st day of January, file with the Secretary of Commerce and Labor a statement, under oath of its president, showing in detail the expenditures made by said company during the previous year and the character and extent of the improvements made on said island by said company, which statement shall be accompanied by good and sufficient vouchers. It shall be further stipulated in said lease that government officials shall have the right to go upon said island at any time, and shall have the right to inspect the improvements made by said company under the terms of said lease. It shall also be stipulated in said lease that all improvements made upon said island by said company, and all buildings and other structures erected thereon by said company under the terms of said lease shall upon the termination of said lease, in natural term or by cancellation of the same, be and become the property of the Government of the United States. It shall also be stipulated that no part of the said island of San Clemente shall be sublet to other parties.

SEC. 4. That the money so received as rental by the Secretary of Commerce and Labor from said company shall be held by him for the use and benefit of the Light-House Service.

The committee amendments were read as follows:

On page 4, in line 2, after the word "specified," insert the following: "And well and truly perform any of the stipulations herein imposed upon it."

On page 5, in line 1, strike out all the remainder of the line after the word "be," and all of line 2, and insert in lieu thereof the following: "Covered into the Treasury."

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, I want to ask the gentleman a question or two, and I want to make one announcement. Inasmuch as nobody can ever find out what bills are coming up by unanimous consent, I intend to object to every one of them unless I am furnished a copy of them. That is a fair rule. Now, where is this island?

Mr. McLACHLAN of California. It is in the Pacific Ocean, about 60 miles out from the mainland.

Mr. CLARK of Missouri. I understand this island has been rented to this company before.

Mr. McLACHLAN of California. It has been rented to this company before by the Treasury Department, but under the general law the department is only allowed to lease land of this kind for a period of five years; and this company now has a lease of this same island, which lease does not expire for two years. The price paid by the lessee at the present time is $1,000 a year. This bill provides that the island be leased to the same party for a term of twenty-five years at an annual rental of $1,500 a year instead of $1,000 a year.

Mr. CLARK of Missouri. Now, does the department recommend this?

Mr. McLACHLAN of California. The department recommends it cordially; it has passed the Senate, and was unanimously reported with these amendments by the Committee on Interstate and Foreign Commerce of the House.

Mr. HARRISON. May I ask the gentleman, if the present lease does not expire for two years, what reason is there for bringing in this bill now?

Mr. McLACHLAN of California. I am very glad the gentleman asked the question. This island is about 18 miles long and averages about 2 miles wide. It is a rocky island with drifting sands. The reason the party asks a long lease is for

the purpose of so treating the island that it will prevent this drifting sand, and thereby save it for some useful purpose.

Mr. HARRISON. Are there other companies that might wish to lease this island?

Mr. McLACHLAN of California. I know of none. It has been advertised at home, and it has been in the papers a long time. This proposed bill was introduced and passed in the Senate during the last session, and the fact that it was proposed to lease it to the same party has been in the public press; but I know of no one who desires to lease the island except this company.

Mr. HARRISON. What is the meaning of the proviso that permits the Government to establish fish and game reservations there? Is it the custom now for the Government to have such camps on the island?

Mr. McLACHLAN of California. It simply reserves all the rights for anyone to go there and fish or do anything they please.

Mr. HARRISON. Where is this, near Santa Catalina Island?

Mr. McLACHLAN of California. It is about 30 miles farther out.

Mr. HARRISON. And nothing there except a sheep farm and a light-house?

Mr. McLACHLAN of California. That is all.

Mr. MANN. Mr. Speaker, this bill is a bill that came from the Committee on Interstate and Foreign Commerce. It was considered by the subcommittee on light-houses, of which I was the chairman. I hesitated a long time about favorably reporting upon a bill which provided for a lease to a specific individual or company. It seemed to me an improper practice, and I think is an improper practice as a practice. This particular island is valueless for any purpose whatever as it stands except for a sheep preserve, and valueless for that purpose without the expenditure of a considerable amount of money by the person who has it in charge. It is a light-house reservation, and set aside as such, though there is no use for it as a light-house reservation. It is an island of considerable size, most of it rocky, and the part of it that is not rocky is now being covered with drifts of sand. There is no water on this island except by saving it from rainfall. At one place they have found a little spring out in the sea, but of course that is valueless without a considerable expenditure of money to save it.

Mr. CAULFIELD. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. CAULFIELD. I want to ask how large this island is in the matter of acres?

Mr. MANN. It is about 18 miles in length, with probably an average of less than 2 miles in width. I think the extreme width is probably 3 miles. There is a high ridge that runs along the center of it from one end to the other, practically.

Mr. HARRISON. This is not the island which I have seen mentioned in the papers as that on which some parties wanted to erect a miniature Monte Carlo?

Mr. MANN. Not at all.

Mr. HARRISON. Is this corporation organized solely for the purpose of growing wool?

Mr. MANN. Solely for the purpose of growing sheep. This company now has a lease on the island, and has had for some time. But the island can not be properly preserved in its present status without a considerable amount of money expended in order to save the water, and the bill provides that that shall be done. No company can afford to do that on a five-year lease. They have got to construct dams across the ravines. They must save all the water that can be obtained there by rainfall, or the island will go to waste. For that reason it seemed to our committee that it was fair to make an exception from the usual practice and provide for the specific lease to this company at an advanced rental.

Mr. EDWARDS of Georgia. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. EDWARDS of Georgia. Will the improvements that this company proposes to make on the island improve the value of the island to the Government? I understand that will be the case.

Mr. MANN. If the improvements are on the island at the end of the term of lease, it will be worth more, of course.

Mr. EDWARDS of Georgia. Does the bill carry the proposition that the improvements ought to remain there?

Mr. MANN. Oh, yes.

Mr. McLACHLAN of California. Twenty-five thousand dollars in permanent improvements.

Mr. MANN. Whether they will be preserved to the end of the lease is another question.

The SPEAKER. Is there objection? The Chair hears none. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

FRAUDS AND DEPREDATIONS IN PUBLIC SERVICE.

Mr. TAWNEY. Mr. Speaker, I offer the following House resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 480.

Resolved, That the Speaker is authorized to appoint a select committee of five members, whose duty it shall be to inquire and report to the House at its present session, as follows:

First. What appropriations were made at the first session of the Sixtieth Congress for the fiscal year 1909 that could be used to prevent frauds in and depredations upon the several branches of the public service, including the protection of public lands and their products from fraudulent entry or appropriation, and to apprehend and punish persons charged with violation of the laws of the United States; also what increase, if any, was made in any of such appropriations over the amounts appropriated for 1908.

Second. What branches of the public service, paid for in whole or in part out of the United States Treasury, are authorized or are in existence and supported by appropriations made by Congress, whose principal duties are to detect and prevent frauds, or to apprehend and bring to trial and punishment persons charged with violating the laws of the United States; whether such branches of the public service or any persons employed therein have been or are engaged in any duty not contemplated by the law or the appropriation establishing or providing for such service; the names of the persons employed, for any period, in each branch of such service during the current and last fiscal year, the rates of compensation and allowance paid or being paid to each of them, by whom they were appointed and on whose recommendation, and a statement of the specific duty performed, or engaged upon by each of such employees, each day since the beginning of the fiscal year 1908.

The committee, or any subcommittee thereof, is authorized to sit during the sessions of the House; to send for persons and papers, including private or secret archives; to administer oaths; and to employ such clerical, messenger, and stenographic assistance as they shall deem necessary; all expenses incurred hereunder shall be paid on the certificate of the chairman of the committee out of the contingent fund of the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

GIFT OF CONSTITUTION ISLAND.

The SPEAKER laid before the House the following message (S. Doc. No. 639) from the President of the United States, which was read:

To the Senate and House of Representatives:

I transmit herewith, with my approval of the recommendations contained therein, a communication from the Secretary of War, transmitting draft of an item authorizing the Secretary of War to accept the donation, subject to certain conditions, of the property known as Constitution Island, opposite West Point, N. Y., containing 250 acres of upland and 50 acres of meadow, as an addition to the West Point Military Reservation, for use of the Military Academy, which was tendered as a gift by Mrs. Margaret Olivia Sage and Miss Anna Bartlett Warner under date of September 4, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 8, 1909.*

ILLUMINATING GAS IN THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the following message (S. Doc. No. 641) from the President of the United States, which was read, referred to the Committee on the District of Columbia, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress, a letter from the Attorney-General and accompanying papers, and call particular attention to the copy of the communication of United States Attorney Baker under date of January 5. The situation in reference to the composition of illuminating gas furnished in the District of Columbia is one that would seem to require immediate action.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 7, 1909.*

HOMES COMMISSION.

The SPEAKER also laid before the House the following message (S. Doc. No. 644) from the President of the United States, which was read, referred to the Committee on the District of Columbia, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith reports by the President's Homes Commission on improvement of existing houses and elimination of unsanitary and alley houses, on social betterment, and on building regulations, together with resolutions and recommendations adopted by the commission, and ask that they receive the careful consideration of the Congress.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 8, 1909.*

GIFT OF CONSTITUTION ISLAND.

Mr. CAPRON. Mr. Speaker, by direction of the Committee on Military Affairs I ask unanimous consent for the present consideration of House joint resolution 219, which I send to the Clerk's desk.

The Clerk read as follows:

House joint resolution No. 219, to accept the gift of Constitution Island, in the Hudson River, New York.

Resolved, etc., That the United States accepts with thanks and appreciation the gift of Constitution Island, Hudson River, New York, lying opposite the West Point Military Reservation, so graciously and patriotically donated to the Government by Miss Anna Bartlett Warner and Mrs. Russell Sage; and the Secretary of War is hereby authorized to receive a deed for the same in the name of and for the benefit of the United States.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

Mr. CAPRON. Mr. Speaker, by direction of the Committee on Military Affairs the day before yesterday this joint resolution was unanimously ordered to be reported to the House, and I am glad to congratulate the House that the President of the United States in a message just read also commends this acquisition on the part of Congress. I have only to say that it is a most generous gift of 300 acres of valuable ground lying very close to West Point. For many years it has been the desire of the Secretaries of War and the authorities of the United States that these lands should be purchased and become part of the United States reservation. Mrs. Russell Sage has most generously and patriotically purchased this land from Miss Warner, the present owner, who is given a price upon it undoubtedly less than one-half of what it could have been sold for for commercial purposes, believing it should belong to the United States. This resolution simply provides for the acceptance of this offer by direction of Congress for the United States. I now desire to yield to the gentleman from Indiana [Mr. CHANEY], who introduced the resolution.

Mr. CHANEY. Mr. Speaker, this is a gift to the United States of Constitution Island; and in order that Miss Anna Bartlett Warner might be able to share in this gift Mrs. Russell Sage has very graciously paid her an amount of money which will justify her in joining in the gift to the United States. Constitution Island, as anyone acquainted with the history of the place knows, lies just across the Hudson River from West Point, and was a fortified point during the war of the Revolution. There are many interesting historical associations connected with the island. Its location is such as to make it of very great advantage to the United States and to the academy.

I want to say in behalf of Miss Anna Bartlett Warner that she is the very gracious lady who has for more than fifty years had such an interest in West Point and the boys who go to school there that she has every year conducted a Sunday school class composed of boys at that institution, and has in every way lent her moral support and her best influence to the deportment, decorum, and morality of that very splendid institution. She has for years hoped that she might be able to see that property go to the United States, for there are no descendants of her family, and only distant collateral heirs who could share in the property, in whom she has no particular or special interest. Mrs. Sage has made it possible for the property to go to the Government as a gift. The arrangements that Miss Warner hopes to have made are mentioned by the Secretary of War in his report on the subject to the Committee on Military Affairs, and the details of the transfer will go into an item in the Military Academy appropriation bill; but it is certainly the thing for the United States to do, and this Congress especially to do, in an independent and separate resolution, to accept this very gracious and patriotic gift in a way by which she and Mrs. Sage can feel that the appreciation of the people of the United States is fittingly expressed. So it is well that we pass the resolution accepting the gift, independent of the details necessary to carry out the transfer of the title to the United States through the arrangements recommended by the Secretary of War. In this way Miss Warner and Mrs. Sage may know that the people of the United States accept and appreciate this patriotic gift. I trust that every Member of this House will enthusiastically support the resolution.

Mr. CAPRON. Mr. Speaker, I call for a vote.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

The SPEAKER. If there be no objection, the message of the President touching the subject will go to the files.

Mr. CHANEY. I suggest, Mr. Speaker, that the message of the President be printed.

The SPEAKER. It will be printed. This is merely making a disposition of it. Naturally it would have gone to the Committee on Military Affairs, but it seems that a few days ago the Committee on Military Affairs reported a joint resolution relating to the matter.

Mr. PRINCE. Mr. Speaker, I did not hear the message read. There may be something in it that would be proper to go to the Committee on Military Affairs, with a view of considering it in connection with the Military Academy appropriation bill. If there is no objection, I ask to have it referred to the Committee on Military Affairs.

Mr. CAPRON. All the facts in reference to the matter are now before the committee in the letter of the Secretary of War.

Mr. MANN. The message is printed in the RECORD.

Mr. PRINCE. Under the statement of the gentleman, I have no objection to the course suggested by the Speaker.

The SPEAKER. It will be so ordered.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I ask unanimous consent that the time for general debate on the District of Columbia appropriation bill be limited to one hour and thirty minutes, the time to be equally divided between the two sides.

Mr. PRINCE. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. PRINCE. I should like to ask the mover of that motion whether he desires to continue the debate on that bill this afternoon, or whether he will permit the House to go on under the rules, considering bills on the Private Calendar when this pension bill is disposed of?

The SPEAKER. This is pension day by unanimous consent for the consideration of pension bills, and so it is not in the province of the gentleman to make any agreement that would bind the House.

Mr. PAYNE. I understand the gentleman from Michigan does not intend to call up this appropriation bill until Monday.

Mr. PRINCE. Then I have no objection.

Mr. PAYNE. I will ask the gentleman from Michigan if that is so?

Mr. GARDNER of Michigan. Probably not until Tuesday, as Monday is District day.

Mr. PAYNE. Not to-day?

Mr. GARDNER of Michigan. Not to-day; no.

The SPEAKER. Is there objection?

Mr. GARNER. I do not see my colleague, the gentleman from Texas [Mr. BURLESON] on the floor. Is this entirely agreeable to him?

Mr. GARDNER of Michigan. I have not been able to consult with him about it, as he is not here, but there was no application for further time when we were considering this bill.

Mr. GARNER. On this side of the House?

Mr. GARDNER of Michigan. Not on either side.

Mr. BOWERS. I am advised that the gentleman from Texas [Mr. BURLESON] has agreed to yield thirty minutes——

Mr. GARDNER of Michigan. To cover any contingencies I amend my request by limiting it to two hours.

Mr. BOWERS. That will be agreeable.

The SPEAKER. The gentleman from Michigan asks unanimous consent that general debate on the District of Columbia appropriation bill be limited to two hours, the time to be equally divided between the two sides. Is there objection?

There was no objection.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that pension bills on the Private Calendar may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that pension bills in order to-day may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

At the request of the Speaker, Mr. CAPRON took the chair as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will read the first bill.

The Clerk read as follows:

A bill (H. R. 24831) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram E. Crouch, late of Company B, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Heiney, late of Company F, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harvey Wood, late of Company A, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marsena H. French, late of Company A, Seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James L. McCain, late second lieutenant Company D, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Pettee, late of Company H, Fifty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George R. McKay, late of Company G, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Manuel C. James, late of Company H, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Abraham Labar, late of Company K, Fifth Regiment U. S. Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles W. Murdock, late of band, Second Brigade, First Division, Sixth Army Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Arnold, late of Company D, Thirty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George W. Bates, late of Company G, Eighteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Shepherd F. Eaton, late of Company A, Sixtieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ithamar Richards, late of Company L, Sixteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Dullea, late of Company B, Forty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James A. Brinkley, late of Company G, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Hutchinson, late of Company A, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David L. Sailors, late of Company K, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William L. Alyea, late of Company E, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles Mulvaney, late of Company I, Forty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William J. Abrams, late of Company G, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bartly Inkoff, late of Company C, Fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John P. Melchi, late of Company G, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin L. Ottinger, late of Company I, Seventy-fifth Regiment, and Company I, Forty-second Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Andrew J. Arentsen, late of Company E, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James G. Fiester, late of Company A, One hundred and ninety-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Baylis A. Miller, late first lieutenant of Company B, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Barton R. Lucas, late of Thirteenth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James E. Lambert, late of Company G, One hundred and twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. Laurie, late of Company B, Ninth Regiment U. S. Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Taylor, late of Company F, Second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Louis N. Rollins, late acting ensign, U. S. Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Evatt, late of U. S. S. New Hampshire, Philadelphia, and Ohio, U. S. Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mason B. Austin, late of Company M, Second Regiment Iowa Volunteer Cavalry, and first lieutenant Company G, First Regiment Tennessee Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Arterburn, late of Company H, Seventy-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Edwin R. Elsworth, late of Company B, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James S. Porter, late of Company F, One hundred and first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John D. Robinson, late of Company B, Thirty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Guy S. McMickle, late of Company H, Thirtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert A. Hawkins, late of Company I, One hundred and seventeenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ahi S. Loudermilk, late of Company E, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Frederick R. Wright, late of Company G, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Boman R. Butcher, late of Company H, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph S. Ash, late of Company F, Nineteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Strassner, late of Company C, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Griffith Hunter, late of Company I, Fifty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Miller, late of Company M, First Regiment California Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert H. Graham, late of Company F, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Strahly, late of Company F, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Bush, late of Company F, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate fixed by the act of Congress approved February 6, 1907, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of John Kolb, late of Company F, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Theodore Halberstadt, late of Company K, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Bramer, late of Company C, First Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ann Haynes, widow of Sheldon H. Haynes, late of Company I, Second Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Samuel T. Haynes, helpless and dependent son of said Sheldon H. Haynes, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Ann Haynes the name of said Samuel T. Haynes shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Ann Haynes.

The name of Lewis A. Edwards, late of Company E, Tenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Anderson, late of Company G, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William A. Harper, late of Company E, Ninety-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Gatings, late of Company E, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Hermanus Ickes, late of Company G, One hundred and eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lydia J. Montgomery, widow of William P. Montgomery, late of Company B, Second Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Henry A. Wagner, late of Company E, One hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Belk, late of Company H, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Ege, late of Company F, Ninety-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew J. Testerman, late of Company L, Eighth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph W. B. McClintock, late of Company A, Second Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert Witte, late of Company A, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William M. Ramsey, late of Company G, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Josiah Hissong, late captain Company H, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles J. Woodman, late of Company K, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Davis, late of Company C, Seventeenth Regiment, and Company D, Nineteenth Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Leander E. Baldwin, late of Company C, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred M. Robins, late of Company F, Thirteenth Regiment Illinois Volunteer Infantry, and second lieutenant Company H, Thirty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Fidinger, late of Company H, Eighth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Lanyon, late of Company E, One hundred and fortieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Israel, late of Company B, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Powell, late of Company H, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis S. Whitaker, late of Company B, Sixty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Louisa Conklin, widow of Theodore Conklin, late of Company C, One hundred and forty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Joseph Ward, late of Company H, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry J. Vredenburgh, late of Company C, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gilbert Theal, late of Company H, One hundred and twenty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rosina W. Ostrander, widow of James M. Ostrander, late of Company D, Eightieth Regiment New York Volunteer Infantry; Company K, Sixth Regiment, and Fourteenth Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John M. Detrick, late of Company K, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles C. Mullen, late of Company G, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles Somers, late of Company H, First Regiment Pennsylvania Reserve Volunteer Light Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Sanford Jacoby, late of Company F, Seventieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles H. Moore, late of Company C, One hundred and fourteenth Regiment, and Company A, Fifty-eighth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jeremiah F. Kline, late of Company E, Twelfth Regiment Pennsylvania Reserve Volunteer Infantry, and Company B, One hundred and ninetieth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel J. Hogentogler, late of Company P, Twenty-third Regiment, and Company G, Sixty-first Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Brooks B. Martis, late of Batteries C and E, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis Weiss, late lieutenant-colonel Twentieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles P. Lounsbury, late of Company K, One hundred and ninety-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Alonzo Matteson, late of Company F, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ezer D. Largent, late of Independent Company, Dennison Guards, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Koch, late of Company A, Fifty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John R. Green, late major, Fourth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lee M. Shanefelter, late of Company F, One hundred and thirty-fifth Regiment Indiana Volunteers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Levi E. Foster, late of Company E, Sixth Regiment Vermont Volunteer Infantry, and Third Battery Vermont Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Easley, late first lieutenant Company E, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of Hiram Fuller, late of Company H, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert J. McKee, late of Company B, Seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles E. Upham, late of Company G, Twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Stamps, late of Company C, Fifty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Morton Brandemere, late of Company A, Eighteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles N. Walker, late of Company F, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Watson C. Hull, late assistant surgeon, U. S. S. St. Marys, United States Navy, and acting assistant surgeon, United States Army, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George M. Rickaby, late of Company G, Thirty-second Regiment, and Company D, Sixteenth Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Styers, late of Company B, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Smith, late of Company A, Sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Wittmann, late of Company B, Twenty-eighth Regiment New York State Militia, and second lieutenant Company B, Twenty-eighth Regiment New York National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John A. Walsh, late quartermaster-sergeant Twelfth Regiment, and lieutenant-colonel Fifty-sixth Regiment New York State Militia, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of Matthew Grau, alias John A. Smith, late of Company K, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Adam Hartman, late of U. S. S. North Carolina, Hunchback, and Iosco, United States Navy, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Peter Becker, late of Company K, One hundred and thirty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Jeremiah, late of Company I, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George H. Taylor, late of Company K, One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cealica Gurley, widow of Thomas C. Gurley, late first lieutenant Company D, Thirteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Nellie A. Lovell, helpless and dependent child of J. Byron Lovell, late of Company C, Twenty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Jason Lamprey, late of U. S. S. Ohio, Princeton, and Miami, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nahum Yeaton, late of Company C, Seventeenth Regiment U. S. Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Orale, late of Company E, Fifteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Augustus Martin, late of Company A, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah Radcliffe, widow of William S. Radcliffe, late of Company B, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Jabez Smith, late of Company F, Fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel G. Vance, late of Company F, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Aaron C. Lawrence, late of Twenty-first Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Sence, late of Company G, First Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert A. Newman, late of Company H, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julia Ann Casey, helpless and dependent child of Hiram Casey, late of Company K, Sixtieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William L. Sapp, late of Company B, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Levi M. King, late of Company G, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Allen, late of Company K, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Gifford, late of Battery B, First Regiment Kentucky Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Lounsbury, late of Company K, First Regiment New York Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abraham J. Eastwood, late of Company G, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Silas B. Merchant, late first lieutenant of Company G, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Nieland, late of Company I, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry C. Miller, late of Company A, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles H. Frushour, late of Company F, One hundred and eighteenth Regiment, and Company B, Forty-seventh Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Abram Cox, late of Company C, Twenty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles E. Sackett, late of Company A, Sixteenth Regiment Illinois Volunteer Infantry, and Company D, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Terrence McDonald, late of Company A, Ninth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of George L. Ballard, late of Company A, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Orestes L. Strong, late of Company F, One hundred and fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Patrick Cox, late of Company D, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Dorrance, late of Company K, Twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lorenz Valentine, late of Company C, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry W. Evory, late of Company C, One hundred and fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas E. Jacobs, late of Company B, Fourth Battalion District of Columbia Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John C. Thompson, late of Company F, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milton G. Harbin, late of Company C, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas G. Hendricks, late of Company A, Fifty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Milton Perdue, late of Company G, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob W. Gardner, late of Company C, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harmon Colvin, late of Company F, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Burton, late of Company E, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederic A. Hayes, late of U. S. S. Sabine, Ohio, and Dawn, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John L. Husband, late of Company C, Seventy-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Ingram, late of Company A, First Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Hewitt, late of Company A, First Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John T. Harrison, late of Company I, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph R. Montgomery, late of Company K, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alvin E. Gilbert, late of Company D, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jason Kester, late of Company H, One hundred and forty-fourth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Haun, late of Company G, Seventy-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Rasp, late of Company C, Tenth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John J. Merrill, late of Company B, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel S. Carmony, late of Company E, Twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Harmon, late of Company G, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josiah H. Davis, late of Company I, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Longdon, late of Company A, Fifth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Polhamus, late of Company B, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Carpenter, late of Company I, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Morgan Burk, late of Company B, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Wheeler, late of Company M, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin L. Pierson, late of Company A, Marion Battalion, Missouri Home Guards, and pay him a pension at the rate of $12 per month.

The name of Levi H. Sleeper, late of Company I, Second Regiment New Hampshire Volunteer Infantry, and Company C, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Brown, late of Company G, Ninety-first Regiment Ohio Volunteer Infantry, and One hundred and eighth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jeremiah Rainey, late of Company G, One hundred and sixty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William W. Hoffer, late of Company C, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James S. Lea, late of Company D, Brackett's battalion, Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Absalom E. Gentry, late of Company E, One hundred and forty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George W. Newell, late of Company D, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas O'Kelly, late of Company B, Eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John C. Bean, late of Company F, Third Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Peck, late of U. S. S. North Carolina and Tulip, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Christian Ankele, late of Company E, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edwin V. Graves, late of Company F, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William L. Wommack, late of Company F, First Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William A. McWhorter, late of Company F, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred B. Hicks, late of Company E, Twenty-third Regiment New York Volunteer Infantry, and Company B, Twenty-second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in liue of that he is now receiving.

The name of Charles Snyder, late of U. S. S. Vermont and Malvern, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Hubbell, jr., late of Company K, Sixteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Roselth A. Knapp, widow of Samuel Knapp, late of Company B, Fifth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John K. Todd, late of Company I, Fifty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Chapin, late of Company I, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in liue of that he is now receiving.

The name of Adelbert Jones, late captain Company B, Ninety-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Chamnes S. Burks, late of Company D, Third Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Jacob L. Parker, late of Company A, Tenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James A. Hedges, late of Company H, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Weeks, late of Company D, Sixteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 1065. Hiram E. Crouch;
H. R. 1471. William Heiney;
H. R. 2361. Harvey Wood;
H. R. 2465. Marsena H. French;
H. R. 2540. James L. McCain;
H. R. 2563. John W. Pettee;
H. R. 2813. George R. McKay;
H. R. 2823. Manuel C. James;
H. R. 2847. Abraham Labar;
H. R. 2997. Charles W. Murdock;
H. R. 3245. George Arnold;
H. R. 3262. George W. Bates;
H. R. 3266. Shepherd F. Eaton;
H. R. 3484. Ithamar Richards;
H. R. 3793. Edward Dullea;
H. R. 4093. James A. Brinkley;
H. R. 4313. William H. Hutchinson;
H. R. 4687. David L. Sailors;
H. R. 5426. William L. Alyea;
H. R. 5454. Charles Mulvaney;
H. R. 6570. William J. Abrams;
H. R. 6834. Bartley Inkoff;
H. R. 7428. John P. Melchi;
H. R. 7496. Martin L. Ottinger;
H. R. 7535. Andrew J. Arentsen;
H. R. 7850. James G. Fiester;
H. R. 7890. Baylis A. Miller;
H. R. 7976. Barton R. Lucas;
H. R. 8005. James E. Lambert;
H. R. 8065. John M. Laurie;
H. R. 8147. John W. Taylor;
H. R. 8253. Louis N. Rollins;
H. R. 8255. George Evatt;
H. R. 10162. Mason B. Austin;
H. R. 11416. John Arterburn;
H. R. 11944. Edwin R. Elsworth;
H. R. 12025. James S. Porter;
H. R. 12564. John D. Robinson;
H. R. 13408. Guy S. McMickle;
H. R. 14504. Robert A. Hawkins;
H. R. 15005. Ahi S. Loudermilk;
H. R. 15148. Frederick R. Wright;
H. R. 15406. Boman R. Butcher;
H. R. 15949. Joseph S. Ash;
H. R. 16160. Henry Strassner;
H. R. 16686. Griffith Hunter;
H. R. 16704. John Miller;

H. R. 16715. Robert H. Graham;
H. R. 17238. John Strahly;
H. R. 17368. John Bush;
H. R. 17623. John Kolb;
H. R. 17659. Theodore Halberstadt;
H. R. 18191. Henry Bramer;
H. R. 18405. Ann Haynes;
H. R. 18545. Lewis A. Edwards;
H. R. 18546. John Anderson;
H. R. 18647. William A. Harper;
H. R. 18719. Thomas Gatings;
H. R. 19755. Hermanus Ickes;
H. R. 19777. Lydia J. Montgomery;
H. R. 20040. Henry A. Wagner;
H. R. 20492. John Belk;
H. R. 20744. James H. Eage;
H. R. 21238. Andrew J. Testerman;
H. R. 21380. Joseph W. B. McClintock;
H. R. 21448. Albert Witte;
H. R. 21551. William H. Ramsey;
H. R. 21677. Josiah Hissong;
H. R. 21789. Charles J. Woodman;
H. R. 21798. Thomas Davis;
H. R. 21831. Leander E. Baldwin;
H. R. 22225. Alfred M. Robins;
H. R. 22342. John Fidinger;
H. R. 22343. John Lanyon;
H. R. 22352. John Israel;
H. R. 22353. George W. Powell;
H. R. 22371. Lewis S. Whitaker;
H. R. 22373. Louisa Conklin;
H. R. 22374. Joseph Ward;
H. R. 22376. Henry J. Vredenburgh;
H. R. 22377. Gilbert Theal;
H. R. 22381. Rosina W. Ostrander;
H. R. 22382. John M. Detrick;
H. R. 22383. Charles C. Mullen;
H. R. 22390. Charles Somers;
H. R. 22392. Sanford Jacoby;
H. R. 22422. Charles H. Moore;
H. R. 22460. Jeremiah F. Kline;
H. R. 22463. Samuel J. Hogentogler;
H. R. 22512. Brooks B. Martis;
H. R. 22513. Francis Weiss;
H. R. 22516. Charles P. Lounsbury;
H. R. 22518. Alonzo Matteson;
H. R. 22519. Ezer D. Largent;
H. R. 22523. David Koch;
H. R. 22529. John R. Green;
H. R. 22545. Lee M. Shanefelter;
H. R. 22569. Levi E. Foster;
H. R. 22576. James H. Easley;
H. R. 22595. Hiram Fuller;
H. R. 22597. Robert J. McKee;
H. R. 22598. Charles E. Upham;
H. R. 22610. Joseph Stamps;
H. R. 22647. Morton Brandemere;
H. R. 22648. Charles N. Walker;
H. R. 22651. Watson C. Hull;
H. R. 22659. George M. Rickaby;
H. R. 22660. William Styers;
H. R. 22669. John Smith;
H. R. 22670. Joseph Wittmann;
H. R. 22671. John A. Walsh;
H. R. 22672. Matthew Grau;
H. R. 22673. Adam Hartman;
H. R. 22674. Gabriel Muneret;
H. R. 22675. Peter Becker;
H. R. 22716. James Jeremiah;
H. R. 22717. George H. Taylor;
H. R. 22727. Cealica Gurley;
H. R. 22731. Nellie A. Lovell;
H. R. 22797. Jason Lamprey;
H. R. 22802. Nahum Yeaton;
H. R. 22803. John Orale;
H. R. 22805. Augustus Martin;
H. R. 22838. Sarah Radcliffe;
H. R. 22842. Jabez Smith;
H. R. 22843. Samuel G. Vance;
H. R. 22938. Aaron C. Lawrence;
H. R. 22940. Jacob Sence;
H. R. 22983. Albert A. Newman;
H. R. 22986. Julia Ann Casey;
H. R. 23011. William L. Sapp;
H. R. 23046. Levi M. King;
H. R. 23047. Daniel Allen;
H. R. 23054. James H. Gifford;
H. R. 23081. William H. Lounsbury;
H. R. 23082. Abraham J. Eastwood;
H. R. 23083. Silas B. Merchant;
H. R. 23106. John Nieland;
H. R. 23109. Henry C. Miller;
H. R. 23142. Charles H. Frushour;
H. R. 23145. Abram Cox;
H. R. 23157. Charles E. Sackett;
H. R. 23171. Terrence McDonald;
H. R. 23177. George L. Ballard;
H. R. 23197. Orestes L. Strong;
H. R. 23200. Patrick Cox;
H. R. 23203. William H. Dorrance;
H. R. 23232. Lorenz Valentine;
H. R. 23234. Henry W. Evory;
H. R. 23256. Thomas E. Jacobs;
H. R. 23288. John C. Thompson;
H. R. 23310. Milton G. Harbin;
H. R. 23312. Thomas G. Hendricks;
H. R. 23318. Milton Perdue;
H. R. 23325. Jacob W. Gardner;
H. R. 23336. Harmon Colvin;
H. R. 23337. Charles Burton;
H. R. 23365. Frederic A. Hayes;
H. R. 23393. John L. Husband;
H. R. 23394. John W. Ingram;
H. R. 23395. Daniel Hewitt;
H. R. 23396. John T. Harrison;
H. R. 23398. Joseph R. Montgomery;
H. R. 23440. Alvin E. Gilbert;
H. R. 23495. Jason Kester;
H. R. 23497. John Haun;
H. R. 23498. Jacob Rasp;
H. R. 23524. John J. Merrill;
H. R. 23525. Daniel S. Carmony;
H. R. 23546. William Harmon;
H. R. 23547. Josiah H. Davis;
H. R. 23568. William H. Longdon;
H. R. 23592. William H. Polhamus;
H. R. 23622. John H. Carpenter;
H. R. 23631. Morgan Burk;
H. R. 23658. George H. Wheeler;
H. R. 23662. Martin L. Pierson;
H. R. 23669. Levi H. Sleeper;
H. R. 23727. John S. Brown;
H. R. 23728. Jeremiah Rainey;
H. R. 23729. William W. Hoffer;
H. R. 23743. James S. Lea;
H. R. 23779. Absalom E. Gentry;
H. R. 23784. George W. Newell;
H. R. 23786. Thomas O'Kelly;
H. R. 23792. John C. Bean;
H. R. 23793. George H. Peck;
H. R. 23798. Christian Ankele;
H. R. 23835. Edwin V. Graves;
H. R. 23838. William L. Wommack;
H. R. 23840. William A. McWhorter;
H. R. 23879. Alfred B. Hicks;
H. R. 23880. Charles Snyder;
H. R. 23911. William Hubbell, jr.;
H. R. 23923. Roselth A. Knapp;
H. R. 23955. John K. Todd;
H. R. 23999. William H. Chapin;
H. R. 24000. Adelbert Jones;
H. R. 24018. Chamness S. Burks;
H. R. 24076. Jacob L. Parker;
H. R. 24362. James A. Hedges; and
H. R. 24749. William H. Weeks.

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time and passed.

The SPEAKER pro tempore. The Clerk will read the next bill.

The Clerk read as follows:

A bill (H. R. 25391) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Esau M. Shelton, late of Company A, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wesley A. Hampton, late of Company K, Fourth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alexander H. Pierce, late of Company B, Fourth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew Cofer, late of Company D, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Gerking, late of Company G, Fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac L. Hughes, late of Company I, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Altman, late of Company I, Eleventh, and Company E, Two hundredth and sixth Regiments Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Rahler, late of Company D, Twenty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Winn, late of Company F, First Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Beardsley, late of Company D, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Chauncey Barber, late of Company F, Sixth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Crane, late of Company G, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph H. Parker, late of Companies H and G, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alfred McCoy, late of Company A, Seventh Regiment Veteran Reserve Corps, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Rolland Nease, late of Company B, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James P. Waidorf, late of Company K, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin Owen, late captain Company H, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary A. Leary, widow of Daniel P. Leary, late of Company C, Third Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $12 per month: *Provided*, That this pension shall cease upon proof that the soldier is living.

The name of Robert Collins, late of Company K, Tenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Lewey, late of Company A, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Uriah D. Streeter, late of Company A, Eleventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edmund W. Hunt, late of Company F, Thirteenth Regiment Michigan Volunteer Infantry, and second lieutenant Company E, First Regiment U. S. Veteran Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John E. Ault, late first lieutenant Company G, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. H. Roby, late of Company H, First Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John C. Miller, late of Battery E, Fifth Regiment U. S. Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick Hercher, late of Company A, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David M. Harris, late of Company K, One hundred and ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Resler, late of Company K, One hundred and ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Supinger, late of Company C, One hundred and seventy-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Campbell, late of Company G, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oliver A. Neff, late of Company D, Eighty-second Regiment, and Company D, Seventeenth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William A. Smith, late of Company H, First Regiment, and captain Company C, Fortieth Regiment, Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William R. Gray, late of Company F, Eighth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Levi G. Cunningham, late of Company D, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Victory T. Trail, late of Company L, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lawson Hickey, late of Company L, First Regiment Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Carpenter, late of Company C, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Fernando A. Hackett, late of Company F, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Dobbs, late of Company B, Fifty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J. Butler, late of Company I, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Chase, late of Company B, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nathan F. Buck, late of Company K, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Allen Christman, late of Company F, Third Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John B. Kelso, late of Twenty-fifth Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Boulden, late of Company I, Eleventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Brendel, late of Company L, Fourteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James S. Hardy, late of Company H, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jerome B. Dann, late of Company K, Twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry B. Shaw, late of Company B, Seventy-fifth Regiment Illinois Volunteer Infantry, and Company F, First Regiment United States Veteran Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph W. Wallace, late of Company A, Thirteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Cyrus Williams, late of Company F, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel M. Hilterbrand, late of Company K, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas R. Hoffman, late of Company I, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Marion H. Motsinger, late of Company B, Thirteenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Dennis Sanders, late of Company B, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac Wilcox, late of Company C, Twenty-first Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph B. Jones, late first lieutenant Company B, Eleventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Logan Loftis, late of Company B, Eighth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martin L. Protzman, late of Battery D, First Regiment Pennsylvania Reserve Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milton J. Bell, late of Company I, Third Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Russell, late of U. S. S. Winnebago, Potomac, and Union, U. S. Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander McMillen, late of Company G, Sixteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Byron C. Bickford, late of Company I, Third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James L. T. Sharp, late of Company E, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram D. Herd, late of Company K, Eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles H. Belden, late of Company A, Sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Madison O. Rose, late of Company F, Ninety-eighth Regiment, and Company H, Sixty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles M. Anderson, late of Company G, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Barney Eygabroad, late of Company H, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lucas B. Brewster, late of Companies L and G Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Swigart, late of Company D, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Abraham Blackburn, late of Company B, One hundred and forty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elcania McClure, late of Company H, Twenty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Hutchinson, late chaplain Seventy-ninth Regiment U. S. Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry S. Hinman, late of Company C, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harrison Browning, late of Company G, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harrison Deems, late of Company B, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Aylett R. Burnett, late of Company C, Nineteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Calvin F. Walker, late of Company C, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Lamp, late of Company K, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel O. Stanley, late of Company C, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry D. Hedrick, late of Company B, Fourth Regiment, and Company B, Second Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. Ritchey, late of Company C, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Horace Stillman, late of Company I, Fourth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick Wolfel, late of Company I, Seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Josiah Thomas, late of Company F, Seventy-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William W. Jenkins, late of Company C, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Almon H. Stoner, late of Company C, One hundred and first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank Cullen, late of Company A, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Clayton, late of Company F, Ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Mathis, helpless and dependent child of William Mathis, late of Company G, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The name of James R. Armor, late of Company B, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Washington Lyon, late of Company D, Thirteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Clem, late of Company F, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward D. Simes, late second lieutenant Company G, One hundred and tenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samuel Harris, late of Company F, First Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George D. Quick, late of Company K, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Julia A. Jester, widow of Henry Jester, late of Company H, Third Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Robert McVay, late of Company K, Fifty-fifth Regiment Illinois Volunteer Infantry, and Company C, Twenty-third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mathew Doyle, late of Company H, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Mechling, late of Company B, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew Artman, late of Company K, One hundred and twelfth Regiment Pennsylvania Volunteer Infantry, and Company M, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis W. Pond, late of Company G, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew J. Rodgers, late of Company B, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth Sanderson, widow of Thomas W. Sanderson, late lieutenant-colonel and colonel Tenth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Cornelius Harrington, late of Companies E and A, Forty-first Regiment, and Company K, Fifty-third Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Jordan, late of Company E, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary L. Colcord, widow of George F. Colcord, late of Company L, First Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Rufus Smith, late of Company C, One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Erastus S. Bussell, late of Company C, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Calvin Shoop, late of Company K, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Brooks, alias Monzue Faber, late unassigned, Tenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $12 per month.

The name of William B. Douglas, late of Company A, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of James P. Henderson, late of Company A, First Regiment West Virginia Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Evan H. Pritchard, late of Company E, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank W. Reilly, late surgeon, Twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marion Carpenter, late of Company C, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Heughs, late of Company K, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Gibbany, late of Company C, Twenty-first Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John D. Abell, late of Company A, One hundred and thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Brandle, late of Company C, Seventeenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John V. Frisbey, late of Company G, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George D. Moore, late of Company C, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Osthelder, late of Company H, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry P. Heald, late of Company K, and sergeant-major, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Kelley, late of Company I, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harley Demming, late of Company G, First Regiment New York Veteran Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Eich, late of Company H, Sixty-second Regiment, and Company F, One hundred and ninety-first Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Marshall, late of Company F, First Battalion Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Garrett, late of Company A, Forty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Hunt, alias Daniel Stump, late of Company G, One hundred and fifteenth Regiment, and Company N, One hundred and ninety-eighth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Dwight H. Flint, late of Company H, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew J. Walker, late of Company K, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac Wilson, late of Company F, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William F. Wallace, late of Company I, Seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milton Harrold, late of Company H, Fourteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William Gilligan, late of Company A, Third Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Knight, late of Company B, Twelfth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William C. Maupin, late of Company C, First Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Matthew G. Burkholder, late of Company G, Eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James S. Ward, late of Company G, Fifth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Christy, late of Company C, Twenty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hubert Wheeler, late of Company B, Twenty-second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gilbert Stickles, late of Company I, Ninth Regiment, and Company I, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Allen McClure, late of Company C, Ninety-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac Gage, late of Company G, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Theodore Kundinger, late of Company K, Fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Lucien B. Doughty, late of Company E, Fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John T. Williamson, late of Company G, One hundred and third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Butcher, late of Battery G, Third Regiment U. S. Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving

The name of Ira G. Kinney, late of Company I, Ninth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry C. Yetter, late of Company A, One hundred and eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Eldridge, late of Company E, Tenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Gotham, former widow of Edward Wakefield, late of Company K, First Regiment Minnesota Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Valentine M. Currin, late of Company B, Fifteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lyman Wyman, late of Company E, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nicholas Stuber, late of U. S. S. Vermont, New Hampshire, and Nipsic, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Franklin T. Lockhart, late of Company D, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Hoover, late of Company H, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Price, late of Company K, One hundred and ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Alexander, late of Company I, Fifth Regiment U. S. Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lydia A. Long, widow of Miller F. Long, late of Company G, One hundred and sixty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Maybelle Long, helpless and dependent daughter of said Miller F. Long, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Lydia A. Long, the name of said Maybelle Long shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Lydia A. Long.

The name of David Creger, late of Company E, Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Rantz, late of Company C, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas Lewis, late of Company C, Twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Howe, late of Company H, Second Regiment Michigan Volunteer Infantry, and Company H, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Absalom Cunningham, late of Company F, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Freeman C. Mosher, late of Company E, Twenty-fourth Regiment, and Company E, One hundred and eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harrison L. Higgins, late of Company I, Thirty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Washington Mead, late of Company E, Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry A. Fisher, late of Company I, Twenty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harrison Bryant, late of Company M, Seventh Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Theodore Breckenridge, late of Company E, One hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Merchant, late of Company H, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael Grogan, late of Company B, Ninth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah A. Hamilton, widow of Robert Hamilton, late captain Company A, Thirty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of John Riley, late of Company F, Fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Horch, late of Company F, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Trimble, late of Company I, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jasper Stewart, late of Company D, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Bolton, late of Company K, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Blanchard, late of Company L, Seventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Franklin C. Mather, late of Company K, First Regiment, and Company H, Third Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Irving W. Tyson, late of Company C, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Heller, late of Company A, One hundred and Fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Josiah Castleman, late of Company B, One hundred and Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Philip Snyder, late of Company H, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Dickerson, widow of George W. Dickerson, late of Company F, First Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas J. Kirtley, late first lieutenant Company A, One hundred and seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oliva Wiser, widow of Hiram Wiser, late of Company I, Thirty-fifth Regiment New York Volunteer Infantry, and Company E, Twentieth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $12 per month: *Provided*, That this pension shall cease upon proof that the soldier is living.

The name of John Conrey, late of Company C, Third Regiment Maine Volunteer Infantry, and Company D, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. Wood, late of Company A, Sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Dodd, late of Company G, Thirtieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Adelbert Deland, late of Company A, Thirty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Mattoon, late of Company L, Twenty-first Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rinaldine Fuller, late of Company D, Thirty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. Thomas, late of Company D, Seventy-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Malinda A. McMackin, widow of William H. McMackin, late of Company H, Fourth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Francis M. Rogers, late of Company E, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Karl Sander, late of Company K, Seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Phillip Schwab, late of Independent Battery B, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Seymour S. Wirtz, late of Company F, Fourteenth Regiment, and Company B, Fifteenth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Madison Mosher, late of Company B, Twenty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu that he is now receiving.

The name of Franklin Hinkle, late acting assistant surgeon, United States Navy, and acting assistant surgeon, United States Army, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Arthur L. Currie, late of Company F, Eighty-third Regiment Ohio Volunteer Infantry, and Thirty-fifth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaiah Ware, late of Company H, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Searles, late of Company F, Nineteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bernard V. Forshee, late of Company M, Fourth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Wallace, late of Company H, Third Battalion, Sixteenth Regiment U. S. Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry L. Penny, late of Company E, Fifty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alonzo Williams, late of Company E, One hundred and sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Julius Leffingwell, late of Company E, Sixty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Louis Etchen, late of Company B, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac C. Davis, late unassigned, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Tyler, late of Company E, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert P. Bennett, late of Company A, Forty-fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of August Bain, late of Company H, Thirty-fourth Regiment, and Company H, Thirty-sixth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Harrington, late of Company C, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph H. Whittier, late of Company E, Thirty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Stephen Hamilton, late of Company K, Second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Hindson, late of Company B, Eighty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Meredith, late of Company A, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alfred A. Hulett, late of Company A, Thirty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Jacob Yoachum, late of Company C, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis Heath, late of Company E, One hundred and fifty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Solomon Winningham, late of Company C, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert McGuire, late of U. S. S. North Carolina, New Ironsides, and Sonoma, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Splane, late of Company C, Nineteenth Regiment U. S. Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Poe, late of Company I, Thirteenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary J. Broadstreet, former widow of George W. Brewer, late first lieutenant Company E, Second Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of $12 per month.

The name of John E. Buffington, late first lieutenant Company C, Sixth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Jauch, late of Company H, Thirty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George H. Miller, alias George Hornberger, late of Company C, Seventh Regiment Pennsylvania Reserve Volunteer Infantry, and Company C, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James K. Wesley, late of Company I, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William R. Bailey, late of Company D, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Hoskins, late of Company E, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Harvey, late of Battery A, First Regiment Kentucky Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Kretchmar, late of Company E, Fourteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel M. Eveland, late of Company H, One hundred and ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard H. Foord, late first lieutenant Company F, Thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sylvester B. Fuller, late of Company B, Fifth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John F. Frost, late of Company F, Third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ferdinand Fetter, late of Company I, Eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Byron T. Gibson, late of Company A, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert F. Pierce, late of Company F, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles E. Hinman, late of Company G, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and Company H, Third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Rees, late of Company D, Eighty-fifth Regiment, and Company C, One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alvin E. Nishwitz, late of Company C, Seventy-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benajah E. Smith, late of Company A, Twenty-first Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Reinhart, late of Company G, One hundred and twenty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Wilson, late first lieutenant Company E, First Regiment United States Veteran Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abram Storms, late of Company K, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Whitaker, late of Company D, Sixty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Woodson, late of Company B, Eighty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Patrick McKew, late of Company G, Two hundred and thirteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nicholas C. Buswell, late lieutenant-colonel, Ninety-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of Jesse Sawyer, late of Company D, Seventy-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John S. Forbes, late of Company E, Seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mark Smock, late of Company I, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John T. Eason, late of Company E, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Moore, late of Company K, Sixty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Barnhart, late of Company A, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Shackelford, late of Company H, Thirty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter Carey, late of Company B, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ambrose Goodboo, alias Goodbreau, late of Company B, Eleventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Stephenson, late of Company K, Second Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles C. Miller, late of Company E, Fiftieth Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nathaniel L. Wilson, late of Company K, Third Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Bugbee, late of Third Independent Battery, Vermont Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Constantine G. Mull, late of Company F, Eleventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Lentz, late of Company F, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Parker, late of Company B, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Caleb Trees, late of Company M, First Regiment Indiana Volunteer Heavy Artilley, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eliza L. Cake, widow of Henry L. Cake, late colonel Ninety-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Orsemus Dill, late of Company E, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary A. Bowe, widow of Peter Bowe, late lieutenant-colonel Ninety-third Regiment New York National Guard Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lydia A. Hankins, widow of David C. Hankins, late of Company D, Ninth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Lewis Carbino, late of Company G, Sixtieth Regiment New York Volunteer Infantry, and Company A, Seventh Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Logan, late of Company B, Second Battalion Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin B. Goodrich, late of Company I, Thirty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Holman, late of Company D, Fifty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $12 per month.

The name of Joseph Wiederker, late of Company B, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Reuben P. Forbes, late of Company I, Sixth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charlotte Velie, widow of Edgar B. Velie, late of Company A, Battalion Engineers, U. S. Army, and pay her a pension at the rate of $12 per month.

The name of James E. Cook, late captain Company D, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Stephen D. Compton, late of Company E, Fiftieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William B. Thurman, late of Company K, Forty-seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of James W. Ashton, late second lieutenant Company C, One hundred and fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Benjamin Keller, late of Company A, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Simon Gabert, late of Company B, Fourth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Gearhart, late of Sixth Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John W. Merrill, late of Company I, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jackson G. Cook, late of Company H, Sixtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James R. Wiley, late of U. S. S. Grampus, Clara Dolsen, and Chickasaw, United States Navy, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Eliza A. Clark, dependent mother of Samuel W. Clark, late of Company C, Twenty-first Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Elick Begley, late of Company B, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John T. Bates, late first lieutenant Company E, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph A. Eakin, late of Company B, One hundred and forty-eighth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Caspar Bernhard, late of Company A, Eighth Battalion District of Columbia Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Granger F. Anson, late of Company B, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Gillespie, late of Company G, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 673. Esau M. Shelton;
H. R. 783. Wesley A. Hampton;
H. R. 848. Alexander H. Pierce;
H. R. 1066. Andrew Cofer;
H. R. 1067. Robert Gerking;
H. R. 1162. Isaac L. Hughes;
H. R. 1521. William H. Altman;
H. R. 1674. John Rahler;
H. R. 1948. David Winn;
H. R. 3126. John S. Beardsley;
H. R. 3155. Chauncey Barber;
H. R. 3163. William H. Crane;
H. R. 3455. Joseph H. Parker;
H. R. 3709. Alfred McCoy;
H. R. 3731. Rolland Nease;
H. R. 3746. James P. Waldorf;
H. R. 4241. Benjamin Owen;
H. R. 4353. Mary A. Leary;
H. R. 5757. Robert Collins;
H. R. 5829. Edward Lewey;
H. R. 5976. Urlah D. Streeter;
H. R. 6023. Edmund W. Hunt;
H. R. 6068. John E. Ault;
H. R. 6481. William H. H. Roby;
H. R. 6552. John C. Miller;
H. R. 6662. Frederick Hercher;
H. R. 6704. David M. Harris;
H. R. 6706. John W. Resler;
H. R. 6709. Jacob Supinger;
H. R. 6734. James Campbell;
H. R. 13934. William H. Russell;
H. R. 14071. Alexander McMillen;
H. R. 14072. Byron C. Bickford;
H. R. 14204. James L. T. Sharp;
H. R. 14469. Hiram D. Herd;
H. R. 14624. Charles H. Belden;
H. R. 14697. Madison O. Rose;
H. R. 14703. Charles M. Anderson;
H. R. 14762. Barney Eygabroad;
H. R. 14792. Lucas B. Brewster;
H. R. 14816. Daniel Swigart;
H. R. 15317. Abraham Blackburn;
H. R. 15672. Elcania McClure;
H. R. 15715. George W. Hutchinson;
H. R. 15727. Henry S. Hinman;
H. R. 15876. Harrison Browning;
H. R. 16101. Harrison Deems;
H. R. 16230. Aylett R. Burnett;
H. R. 16303. Calvin F. Walker;
H. R. 16792. Henry Lamp;
H. R. 16843. Samuel O. Stanley;
H. R. 16926. Henry D. Hedrick;
H. R. 17409. William W. Ritchey;
H. R. 17438. Horace Stillman;
H. R. 17533. Frederick Wolfel;
H. R. 17913. Josiah Thomas;
H. R. 17942. William W. Jenkins;
H. R. 17968. Almon H. Stoner;
H. R. 18143. Frank Cullen;
H. R. 18289. George W. Clayton;
H. R. 18312. William Mathis;
H. R. 18330. James R. Armor;
H. R. 18363. Washington Lyon;
H. R. 18593. John W. Clem;
H. R. 18850. Edward D. Simes;
H. R. 18965. Samuel Harris;
H. R. 19056. George D. Quick;
H. R. 19194. Julia A. Jester;
H. R. 19342. Robert McVay;
H. R. 19430. Mathew Doyle;
H. R. 19513. George W. Mechling;
H. R. 19516. Andrew Artman;
H. R. 19851. Lewis W. Pond;
H. R. 19943. Andrew J. Rodgers;
H. R. 19997. Elizabeth Sanderson;
H. R. 20286. Cornelius Harrington;
H. R. 20338. William H. Jordan;
H. R. 20459. Mary L. Colcord;
H. R. 20868. Rufus Smith;
H. R. 20981. Erastus S. Bussell;
H. R. 21069. Calvin Shoop;
H. R. 21163. John Brooks;
H. R. 21186. William B. Douglas;
H. R. 21233. James P. Henderson;
H. R. 21245. Evan H. Pritchard;
H. R. 21362. Frank W. Reilly;
H. R. 21376. Marion Carpenter;
H. R. 21465. John Heughs;
H. R. 21501. William A. Gibbany;
H. R. 21626. John D. Abell;
H. R. 21715. Joseph Brandle;
H. R. 21719. John V. Frisbey;
H. R. 21761. George D. Moore;
H. R. 21838. Charles Osthelder;
H. R. 21936. Henry P. Heald;
H. R. 22058. Jacob Kelley;
H. R. 6740. Oliver H. Neff;
H. R. 7219. William A. Smith;
H. R. 7308. William R. Gray;
H. R. 7848. Levi G. Cunningham;
H. R. 8007. Victory T. Trail;
H. R. 8149. Lawson Hickey;
H. R. 8340. Charles Carpenter;
H. R. 8750. Fernando A. Hackett;
H. R. 8835. George W. Dobbs;
H. R. 8878. William J. Butler;
H. R. 9241. Henry Chase.
H. R. 10308. Nathan F. Buck;
H. R. 10314. Allen Christman;
H. R. 10319. John B. Kelso;
H. R. 10722. William Boulden;
H. R. 10971. Albert Brendel;
H. R. 10972. James S. Hardy;
H. R. 10999. Jerome B. Dann;
H. R. 11067. Henry B. Shaw;
H. R. 11516. Joseph W. Wallace;
H. R. 11526. Cyrus Williams;
H. R. 11669. Samuel M. Hilterbrand;
H. R. 12389. Thomas R. Hoffman;
H. R. 12697. Marion H. Motsinger;
H. R. 12731. Dennis Sanders;
H. R. 12789. Isaac Wilcox;
H. R. 12845. Joseph B. Jones;
H. R. 12943. Logan Loftis;
H. R. 12963. Martin L. Protzman;
H. R. 13363. Milton J. Bell;
H. R. 22344. Harley Demming;
H. R. 22355. William Eich;
H. R. 22361. John Marshall;
H. R. 22366. John Garrett;
H. R. 22386. Daniel Hunt;
H. R. 22389. Dwight H. Flint;
H. R. 22423. Andrew J. Walker;
H. R. 22424. Isaac Wilson;
H. R. 22425. William F. Wallace;
H. R. 22494. Milton Harrold;
H. R. 22503. William Gilligan;
H. R. 22511. James Knight;
H. R. 22555. William C. Maupin;
H. R. 22586. Matthew G. Burkholder;
H. R. 22594. James S. Ward;
H. R. 22599. William Christy;
H. R. 22677. Hubert Wheeler;
H. R. 22679. Gilbert Stickles;
H. R. 22684. Allen McClure;
H. R. 22686. Isaac Gage;
H. R. 22687. Theodore Kundinger;
H. R. 22695. Lucien B. Doughty;
H. R. 22696. John T. Williamson;
H. R. 22725. John H. Butcher;
H. R. 22732. Ira G. Kinney;
H. R. 22733. Henry C. Yetter;
H. R. 22774. William H. Eldridge;
H. R. 22788. Mary Gotham;
H. R. 22804. Valentine M. Currin;
H. R. 22806. Lyman Wyman;
H. R. 22809. Nicholas Stuber;
H. R. 22866. Franklin T. Lockhart;
H. R. 22937. William Hoover;
H. R. 22939. James Price;
H. R. 22942. James H. Alexander;
H. R. 22944. Lydia A. Long;
H. R. 22960. David Creger;
H. R. 22972. Benjamin F. Rantz;
H. R. 23006. Thomas Lewis;
H. R. 23064. Henry Howe;
H. R. 23084. Absalom Cunningham;
H. R. 23105. Freemen C. Mosher;
H. R. 23114. Harrison L. Higgins;
H. R. 23120. Washington Mead;
H. R. 23130. Henry A. Fisher;
H. R. 23146. Harrison Bryant;
H. R. 25163. Theodore Breckenridge;
H. R. 23165. John W. Merchant;
H. R. 23172. Michael Grogan;
H. R. 23174. Sarah A. Hamilton;
H. R. 23182. John Riley;
H. R. 23183. Henry Horch;
H. R. 23199. James A. Trimble;
H. R. 23201. Jasper Stewart;
H. R. 23204. James Bolton;
H. R. 23205. Edward Blanchard;
H. R. 23226. Franklin C. Mather;
H. R. 23281. Irving W. Tyson;
H. R. 23283. William H. Heller;
H. R. 23294. Josiah Castleman;
H. R. 23296. Philip Snyder;
H. R. 23306. Mary Dickerson;
H. R. 23307. Thomas J. Kirtley;
H. R. 23308. Oliva Wiser;
H. R. 23342. John Conrey;
H. R. 23352. John M. Wood;
H. R. 23364. William Dodd;
H. R. 23366. Adelbert Deland;
H. R. 23367. John H. Mattoon;
H. R. 23368. Rinaldine Fuller;
H. R. 23424. Charles W. Thomas;
H. R. 23447. Malinda A. McMackin;
H. R. 23454. Francis M. Rogers;

H. R. 23461. Karl Sander;
H. R. 23490. Phillip Schwab;
H. R. 23496. Seymour S. Wirtz;
H. R. 23508. Madison Mosher;
H. R. 23510. Franklin Hinkle;
H. R. 23548. Arthur L. Currie;
H. R. 23553. Isaiah Ware;
H. R. 23555. David Searles;
H. R. 23556. Bernard V. Forshee;
H. R. 23557. John Wallace;
H. R. 23614. Henry L. Penny;
H. R. 23617. Alonzo Williams;
H. R. 23623. Julius Leffingwell;
H. R. 23624. Louis Etchen;
H. R. 23625. Isaac C. Davis;
H. R. 23632. John W. Tyler;
H. R. 23642. Robert P. Bennett;
H. R. 23645. August Bain;
H. R. 23670. John Harrington;
H. R. 23672. Joseph H. Whittier;
H. R. 23691. Stephen Hamilton;
H. R. 23696. James Hindson;
H. R. 23755. David Meredith;
H. R. 23763. Alfred A. Hulett;
H. R. 23765. Jacob Yoachum;
H. R. 23781. Francis Heath;
H. R. 23788. Solomon Winningham;
H. R. 23794. Robert McGuire;
H. R. 23797. Robert Splane;
H. R. 23806. Joseph Poe;
H. R. 23809. Mary J. Broadstreet;
H. R. 23821. John E. Buffington;
H. R. 23867. Jacob Jauch;
H. R. 23877. George H. Miller;
H. R. 23895. James K. Wesley;
H. R. 23896. William R. Bailey;
H. R. 23898. James W. Hoskins;
H. R. 23899. William Harvey;
H. R. 23904. Charles Kretchmar;
H. R. 23910. Daniel M. Eveland;
H. R. 23912. Richard H. Foord;
H. R. 23922. Sylvester B. Fuller;
H. R. 23952. John F. Frost;
H. R. 23960. Ferdinand Fetter;
H. R. 24001. Byron T. Gibson;
H. R. 24002. Albert F. Pierce;
H. R. 24003. Charles E. Hinman;
H. R. 24017. John Rees;
H. R. 24052. Alvin E. Nishwitz;
H. R. 24056. Benajah E. Smith;
H. R. 24059. William H. Reinhart;
H. R. 24068. George W. Wilson;
H. R. 24108. Abram Storms;
H. R. 24199. Thomas Whitaker;
H. R. 24200. William Woodson;
H. R. 24229. Patrick McKew;
H. R. 24233. Nicholas C. Bushwell;
H. R. 24236. Jesse Sawyer;
H. R. 24237. John S. Forbes;
H. R. 24249. Mark Smock;
H. R. 24252. John T. Eason;
H. R. 24268. Benjamin F. Moore;
H. R. 24271. William Barnhart;
H. R. 24272. James H. Shackelford;
H. R. 24273. Peter Carey;
H. R. 24294. Ambrose Goodboo;
H. R. 24346. William H. Stephenson;
H. R. 24391. Charles C. Miller;
H. R. 24392. Nathaniel L. Wilson;
H. R. 24393. Benjamin F. Bugbee;
H. R. 24403. Constantine G. Mull;
H. R. 24427. John H. Lentz;
H. R. 24446. Samuel Parker;
H. R. 24494. Caleb Trees;
H. R. 24498. Eliza L. Cake;
H. R. 24508. Orsemus Dill;
H. R. 24511. Mary A. Bowe;
H. R. 24540. Lydia A. Hankins;
H. R. 24543. Lewis Carbino;
H. R. 24544. William Logan;
H. R. 24545. Benjamin B. Goodrich;
H. R. 24549. George W. Holman;
H. R. 24554. Joseph Wiederker;
H. R. 24558. Reuben P. Forbes;
H. R. 24575. Charlotte Velie;
H. R. 24586. James E. Cook;
H. R. 24590. Stephen D. Compton;
H. R. 24592. William B. Thurman;
H. R. 24598. James W. Ashton;
H. R. 24655. Benjamin Keller;
H. R. 24691. Simon Gabert;
H. R. 24727. Charles H. Gearhart;
H. R. 24728. John W. Merrill;
H. R. 24729. Jackson G. Cook;
H. R. 24730. James R. Wiley;
H. R. 24747. Eliza A. Clark;
H. R. 24796. Elick Begley;
H. R. 24824. John T. Bates;
H. R. 24923. Joseph A. Eakin;
H. R. 24967. Caspar Bernhard;
H. R. 24972. Granger F. Anson; and
H. R. 25034. James Gillespie.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The clerk will read the next bill.

The Clerk read as follows:

A bill (H. R. 25409) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Mons E. Jerdee, late of Company A, First Regiment North Dakota Volunteer Infantry, war with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of George W. Manwell, late of Company L, Nineteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The name of Frederick H. Cook, late of Company L, First Regiment Rhode Island Volunteer Infantry, war with Spain.

The name of Caroline M. Marsh, widow of Charles B. Marsh, late major and paymaster, United States Volunteers, war with Spain, and pay her a pension at the rate of $25 per month.

The name of John Gallagher, late of Company G, First Regiment U. S. Dragoons, Texas and Mexico Indian wars, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Bert A. Colson, late of United States Marine Corps, and pay him a pension at the rate of $12 per month.

The name of Philip A. Work, late of Captain Walker's company, Texas Volunteers, Texas and New Mexico Indian wars, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Elias M. Miller, late of Capt. John Settle's company, First Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian wars, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Rhoda A. Rogers, widow of John C. Rogers, late of United States Marine Corps, and pay her a pension at the rate of $12 per month.

The name of Robert McCall, late of Company K, Eleventh Regiment U. S. Infantry, war with Spain, and pay him a pension at the rate of $10 per month.

This bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 8949. Mons E. Jerdee;
H. R. 19277. George W. Manwell;
H. R. 20845. Frederick H. Cook;
H. R. 22442. Caroline M. Marsh;
H. R. 22712. John Gallagher;
H. R. 23682. Bert A. Colson;
H. R. 24364. Philip A. Work;
H. R. 24395. Elias M. Miller;
H. R. 24518. Rhoda A. Rogers; and
H. R. 24584. Robert McCall.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. LOUDENSLAGER a motion to reconsider the votes by which the several bills were passed was laid on the table.

ADJOURNMENT.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 12 o'clock and 56 minutes p. m.) the House adjourned to meet to-morrow, Sunday, January 10, 1909, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Director of the Mint submitting an estimate of appropriation for protection of machinery at the San Francisco mint (H. Doc. No. 1301)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation relating to the Indian boarding school for the Sac and Fox Indian reservation in Iowa (H. Doc. No. 1302)—to the Committee on Indian Affairs and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 25622) granting a pension to Oliver T. Shepherd, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WILEY: A bill (H. R. 25743) providing for a mili-

tary highway between Fort Morgan and Foley, Ala.—to the Committee on Military Affairs.

By Mr. GOULDEN: A bill (H. R. 25744) fixing the age of soldiers, sailors, and marines entitled to pension under the provisions of the act approved February 6, 1907—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 25805) to reenact and amend sections 3646 and 3647 of the Revised Statutes—to the Committee on the Post-Office and Post-Roads.

By Mr. BOUTELL: Concurrent resolution (H. C. Res. 52) providing for the printing of 2,000,000 copies of debate and proceedings in the House of Representatives concerning the message of the President in relation to the Secret Service—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 25745) granting an increase of pension to Anna M. Shont—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25746) granting an increase of pension to Zaney Ann McAuliffe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25747) for the relief of the estate of Matias Baca, deceased, and his son, Juan Rey Baca—to the Committee on Claims.

Also, a bill (H. R. 25748) for the relief of the estate of Francisco Montoya—to the Committee on Claims.

Also, a bill (H. R. 25749) to remove the charge of desertion from the military record of Juan Sanchez—to the Committee on Military Affairs.

By Mr. BARCLAY: A bill (H. R. 25750) granting an increase of pension to Mary A. Scheopp—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 25751) granting an increase of pension to George Andrews—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 25752) granting an increase of pension to Josiah Yoder—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 25753) granting an increase of pension to Edward Chyle—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 25754) granting an increase of pension to John Ginder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25755) granting an increase of pension to John Cain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25756) granting an increase of pension to William H. Ogden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25757) granting an increase of pension to Peter Dinger—to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 25758) granting an increase of pension to Nathaniel C. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25759) granting an increase of pension to James S. Brand—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25760) granting an increase of pension to Timothy Donahue—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25761) granting an increase of pension to Frank L. Bennett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25762) granting an increase of pension to David Hancock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25763) granting an increase of pension to William F. Sarver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25764) granting an increase of pension to Henry Cooledge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25765) granting a pension to Harriet Paden—to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 25766) granting an increase of pension to Thomas C. Shewman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25767) granting an increase of pension to Noah Russell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25768) granting an increase of pension to William Luck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25769) granting an increase of pension to George W. Owens—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 25770) granting a pension to Sarah Ellison Benjamin—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 25771) granting an increase of pension to David A. Sturtevant—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 25772) granting a pension to Nancy Augusta Blood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25773) granting an increase of pension to Moses Farris—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 25774) granting an increase of pension to Samuel J. Dampman—to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 25775) granting an increase of pension to J. M. Adams—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 25776) granting an increase of pension to Rose F. Brackett—to the Committee on Pensions.

By Mr. KINKAID: A bill (H. R. 25777) granting an increase of pension to John T. Darr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25778) granting an increase of pension to Ranna S. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25779) for the relief of Stephen J. Weekes—to the Committee on Claims.

By Mr. McCREARY: A bill (H. R. 25780) granting a pension to Emma C. Homer—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 25781) granting an increase of pension to Charles H. Wells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25782) granting an increase of pension to Alden F. Litchfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25783) granting an increase of pension to John Howard—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 25784) granting an increase of pension to Sarah A. Weber—to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 25785) granting a pension to Josiah G. Warner—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 25786) granting an increase of pension to Henry M. Reuter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25787) granting an increase of pension to John H. Butler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25788) granting an increase of pension to William Reigle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25789) granting an increase of pension to Mattie J. Ellis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25790) granting an increase of pension to B. K. Goodyear—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 25791) granting an increase of pension to Wellington B. McCurdy—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 25792) granting an increase of pension to William H. Jefferson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25793) granting an increase of pension to Albert S. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25794) granting an increase of pension to Joal F. Terry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25795) granting a pension to Ellen M. Davis—to the Committee on Invalid Pensions.

By Mr. SWASEY: A bill (H. R. 25796) granting an increase of pension to Jerome B. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25797) granting an increase of pension to Marcellus Goddard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25798) granting a pension to Mrs. M. K Lynch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25799) granting a pension to Georgianna Peabody—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25800) granting a pension to Margaret E. Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25801) granting a pension to Rosetta J. Gould—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25802) granting a pension to Daniel P. Hobart—to the Committee on Invalid Pensions.

By Mr. WEEMS: A bill (H. R. 25803) granting an increase of pension to John D. Vail—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 25804) granting an increase of pension to William D. Mosser—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of citizens of Coshocton County, Ohio, against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of Gifford Ramey (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. BENNET of New York: Petition of National Woman's Christian Temperance Union, for legislation to protect prohibition States from interstate liquor traffic—to the Committee on the Judiciary.

By Mr. CALDER: Petition of London Wine and Spirits Company, against reduction of tariff on foreign liquors—to the Committee on Ways and Means.

Also, petition of Hermann Ruhe, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. CAMPBELL: Petition of United Trades and Labor Council of Pittsburg, Kans., against decision of Justice Wright—to the Committee on the Judiciary.

By Mr. CHAPMAN: Petition of citizens of Flora, Ill., against enactment of a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. DIXON: Petition of James W. Baldwin and other citizens of Franklin, Ind., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. DRAPER: Petition of Federation of Jewish Organizations, for a chaplain in army and navy for Jewish soldiers—to the Committee on Military Affairs.

Also, petition of Merchants' Association of New York, against legislation inimical to railway prosperity—to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Papers to accompany bill for the relief of David A. Sturtevant—to the Committee on Invalid Pensions.

Also, petition of Emily Towne, of Streator, Ill., favoring amendment of Sherman antitrust law—to the Committee on the Judiciary.

Also, petition of American Prison Association, for appropriation to assist work of the International Prison Commission—to the Committee on the Judiciary.

By Mr. GOULDEN: Petition of Federation of Jewish Organizations, praying for appointment of chaplain in army and navy for the religious comfort and well-being of Jewish citizens enlisted in the army and navy—to the Committee on Military Affairs.

Also, petition of Federation of Jewish Organizations of New York City, favoring appointment of chaplain in Army, Navy, and Marine Corps for Jewish soldiers—to the Committee on Military Affairs.

Also, petition of Merchants' Association of New York City, favoring readjustment of railway rate law—to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON of Michigan: Petition of citizens of Van Buren County and Allegan County, Mich., against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petition of citizens of Van Buren County, Mich., favoring establishment of postal savings banks and a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. HARRISON: Petition of New York Public Library, favoring retention of all books for public libraries on free list—to the Committee on Ways and Means.

By Mr. HASKINS: Petition of F. J. Fairbanks and others, of Newfane, Vt., for parcels-post delivery on rural routes and for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of New Jersey: Petition of Shrewsbury Grange, Patrons of Husbandry, of Red Bank, N. J., for parcels post on rural delivery routes and for postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany bills for relief of Matthew M. Finch and Max Sekel—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: Petitions of citizens of Eureka, citizens of Salt Lake City, and citizens of Mercur, all in the State of Utah, in favor of retention of present tariff duties on lead and lead ores—to the Committee on Ways and Means.

By Mr. HULL of Iowa: Petition of Alex. Barbour and others, against decision of Justice Wright—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of R. A. Bridgewater—to the Committee on War Claims.

By Mr. JAMES: Papers to accompany bill for the relief of John A. Flanary, of Crittenden County, Ky.—to the Committee on War Claims.

By Mr. LINDSAY: Petition of Federation of Jewish Organizations, for a chaplain in army and navy for Jewish soldiers—to the Committee on Military Affairs.

Also, petition of Merchants' Association of New York, against legislation inimical to the well-being of railways—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: Paper to accompany bills for relief of James F. Campbell (H. R. 24262)—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Sarah A. Weber—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of American Prison Association, favoring suitable appropriation for the entertainment of the Congress of the International Prison Commission—to the Committee on the Judiciary.

By Mr. SWASEY: Petition of sundry citizens of Bath, Richmond, and Brunswick, all in the State of Maine, against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petitions of citizens of Auburn, Fryeburg, West Paris, Dresden, North Buckfield, Topsham, Peru, Hiram, and Andover, all in the State of Maine, for parcels post on rural free-delivery routes and for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petitions of Fredonia Grange, No. 353, of Fredonia, Ellery Grange, No. 353, of Bemus Point, Union Grange, No. 244, of Jamestown, Portland Grange, No. 2, of Brockton, Patrons of Husbandry; residents of Cattaraugus, Arkport, and Ellicottville, all in the State of New York, against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

Also, petition of business men of Olean, N. Y., against parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of officers of the Men's Club of the First Congregational Church, of Jamestown, N. Y., for passage of Bacon original-package bill, etc.—to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

SUNDAY, *January 10, 1909.*

The House met at 12 o'clock m., and was called to order by Hon. Alexander McDowell, Clerk of the House, who directed the reading of the following communication:

SPEAKER'S ROOM,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 10, 1909.

I hereby designate Hon. DAVID J. FOSTER, of Vermont, as Speaker pro tempore for this day.

J. G. CANNON, *Speaker.*

The SPEAKER pro tempore. The Chaplain will offer prayer.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Almighty God, and adore Thy holy name for that spark of divinity which differentiates man from the rest of the animal creation and makes him a child of the living God, and which has ever been pushing him onward and upward from savagery to civilization, from darkness to light, from the animal to the spiritual, which brings him nearer to Thee. We thank Thee for the strong, the pure, the noble, the brave who have left the impress of their characters on their respective ages and left behind them their works as a testimonial of their worth.

We are here to-day in the memory of one who was ever found in the vanguard of that eternal march—broad in his conceptions, strong in his convictions, pure in his motives. As a business man, furthering great enterprises, he was ever found pure, honest, and upright in his dealings with his fellow-men; a soldier brave and gallant, who thought it not too much to offer his life, if need be, a sacrifice on the altar of his country; a statesman strong and wise, serving the people of his State and Nation with singular fidelity and ability wherever he was called to serve. We mourn him, but not as dead, for we shall think of him as faring on in some one of God's many mansions. "We leave this and straightway enter another mansion of the King's, more grand and beautiful."

And now, O God, our Heavenly Father, comfort, we beseech Thee, those near to him in the ties of friendship and in the bonds of love and affection, that they may look forward with bright anticipations to a meeting with him, where they shall stay in his presence forever. For Thine is the kingdom, and the power, and the glory, forever. Amen.

JOURNAL.

The Journal of yesterday's proceedings was read and approved.

EULOGIES ON HON. REDFIELD PROCTOR.

The SPEAKER pro tempore. The Clerk will report the order for to-day.

The Clerk read as follows:

Ordered, That the House shall meet at 12 o'clock noon on Sunday, January 10, 1909, which day and hour is hereby set apart for memorial addresses on the life, character, and public services of Hon. REDFIELD PROCTOR, late a United States Senator from the State of Vermont.

Mr. HASKINS. Mr. Speaker, I offer the following resolutions and ask for their consideration.

The Clerk read as follows:

House resolution 481.

Resolved, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of the Hon. REDFIELD PROCTOR, late Senator from the State of Vermont.

Resolved, That as a further mark of respect to the memory of the deceased, and in recognition of his distinguished career and his great service to his country as a United States Senator, the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

Resolved, That the Clerk of the House communicate these resolutions to the Senate.

Resolved, That the Clerk of the House be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

The question was taken, and the resolutions were unanimously agreed to.

Mr. HASKINS. Mr. Speaker, since I entered this Hall as a Member of the Fifty-seventh Congress the Angel of Death has so often appeared and taken from us some Member of this body or of the Senate it would seem that the mortality of its membership had been far greater than that in other occupations of life. The emblems of mourning and the beautiful flowers are scarcely removed and become withered before we behold the like upon the desk of another loved colleague and friend. But amidst our grief let us remember that—

> This is the state of man; to-day he puts forth
> The tender leaves of hope, to-morrow blossoms,
> And bears his blushing honors thick upon him;
> The third day comes a frost, a killing frost,
> And when he thinks, good easy man, full surely
> His greatness is a ripening, * * * he falls—

Like autumn leaves that enrich our mother earth.

As our friends, one by one, are called to cross over "the river of human years," it is sufficient to remind us that—

> We, too, shall come to that riverside,
> One by one;
> We are nearer its waters each eventide,
> One by one;
> We can hear the noise and dash of the stream,
> Now and again through life's deep dream;
> Sometimes the floods all its banks o'erflow,
> Sometimes in ripples the small waves go,
> One by one.

On Wednesday, the 4th day of last March, as the sun was sinking behind the western hills, the Hon. REDFIELD PROCTOR, senior Senator from the State of Vermont, answered the invitation to "Come up higher," to be numbered with—

> The armies of the ransomed saints
> That throng the steeps of light.

He was here at the Capitol the Thursday previous attending to his ordinary duties; but feeling somewhat indisposed, he returned to his apartments in the Champlain about 3 o'clock in the afternoon, retired to his bed, and a physician was summoned. His condition was not considered dangerous until a day or two before he passed away. His death, therefore, was quite unexpected, except to the members of his family who attended at his bedside and those of his most intimate friends. On Friday, March 6, a committee of the Senate and House were present at Proctor, Vt., as the last sad rites were rendered by the living to the dead, and saw his mortal remains deposited in the family mausoleum, standing within the shadow of the mountains he loved so well. That he possessed the respect and confidence of the people of his native State is evidenced by his repeated elections to positions of high honor and trust. That he was well loved was fully attested by the presence at his funeral obsequies of more than 4,000 people—representative men from the different walks of life and from every county in the State. "Our grand old Senator is gone; where can we find such another one?" is an expression that was frequently heard among those there assembled.

I am not informed that he was connected by membership in any particular church organization. This much, however, I can say: He was tolerant in his views of all religious bodies, gave liberally to their maintenance and support, observed the Sabbath, and by natural instinct was religiously inclined. How fitting, then, it is that we meet to speak words in commemoration of his life, character, and distinguished services upon the quiet peace of the Sabbath day.

It had been my good fortune to enjoy the personal acquaintance and friendship of Senator PROCTOR ever since October, 1862, being officers and members of the same brigade in the civil war. That friendship, highly valued by me, became more intimate during the seven years immediately preceding his death. I found in him not friendship only, but the wise and willing counselor in all matters connected with my official duties here in Washington and as a Member of this House. I sincerely believed in him. He was faithful and just unto me, and I most deeply feel his loss.

> Oh, for the touch of a vanished hand
> And the sound of a voice that is still.

For nearly fifty years Senator PROCTOR had been prominently identified with the civil, military, and business life of his State and the Nation. Therefore, in speaking of him on this occasion I feel that little can be said that has not already been spoken or written of him since he entered upon his eternal rest.

He was of English ancestry, the first in his line coming to this country being Robert Proctor, who was a freeman of Concord, Mass., as early as 1643. His grandfather, Leonard Proctor, was an officer in the Continental Army in the war of the Revolution, and became one of the early settlers of Cavendish, Vt., where he founded the settlement in that town known as Proctorsville. He was the son of Jabez and Betsey (Parker) Proctor, and was born in the village of Proctorsville June 1, 1831. His early education was obtained in the public schools of that place, and he completed his studies at the academy in Derby, Vt., preparatory to his entrance in Dartmouth College, from which institution he graduated in 1851, and three years later it conferred upon him the degree of master of arts. Choosing the profession of the law, he entered the Albany (N. Y.) Law School, graduating therefrom in 1859; was admitted to the bar that year at Albany, N. Y., and also at Woodstock, the county seat of Windsor County, Vt. The following year found him in the active practice of his profession at Boston, Mass., in the office of his cousin, the Hon. Isaac F. Redfield, a former chief judge of the supreme court of Vermont.

In 1861, upon the secession of the 11 Southern States from the Federal Union, and war being declared by the General Government for the suppression of the rebellion, moved by that same spirit of loyalty and devotion to his country that actuated his grandfather to go to its defense, and to preserve and perpetuate that Union of States secured under the provisions of our constitutional charter, he laid aside his books, dismissed his clients, returned to his native State, and enlisted in the Third Regiment of Vermont Volunteer Infantry. June 19, 1861, he was commissioned first lieutenant and quartermaster of that regiment by the governor, and the following July was appointed to the staff of Gen. William F. (Baldy) Smith, where he exhibited great executive ability in the organization and preparation of raw troops for active service. In October of that year he was promoted to be major of the Fifth Regiment Vermont Infantry, served with them during that unfortunate and disastrous campaign of General McClellan in his attempt to reach the city of Richmond, Va., by the way of the peninsula, and here he won distinction by the excellent judgment he displayed under trying circumstances, his coolness, and bravery. In consequence of the severe hardships he endured among the miasmatic swamps through which he marched and fought in that campaign he contracted a serious illness, which compelled his resignation, and he returned home to secure restoration of health.

In the fall of 1862, with health restored, he was again ready to enter the service of his country, and by reason of his past military experience and his then recognized ability to organize, discipline, and command, on September 26, 1862, he was elected by the line officers of the Fifteenth Regiment of Vermont Volunteers to be its colonel and as such was duly commissioned by the governor. This regiment with the Twelfth, Thirteenth, Fourteenth, and Sixteenth regiments of Vermont troops composed the Second Vermont Brigade, which, under the command of Gen. George J. Stannard, a Vermonter, won imperishable

renown on the third day of the battle of Gettysburg by their gallant and successful assault upon the right flank of the flower of the Confederate army under General Pickett in its splendid charge of nearly a mile across that blood-stained plain with the purpose of breaking through the federal center. Knowing Senator PROCTOR as I did, I have often thought that had he been living May 10, 1775, and had arrived at man's estate, he would either have led the Green Mountain boys or marched side by side with Gen. Ethan Allen in that ever-to-be-remembered assault upon the British fortress at Ticonderoga and compelled its surrender "In the name of the Great Jehovah and the Continental Congress."

Having served his country with bravery and distinction in the field during the civil war, he again returned to his native State, and soon thereafter entered into a law copartnership with Col. Wheelock G. Veazey, of the Sixteenth Vermont Regiment, subsequently a judge of the supreme court, and for several years preceding his death a member of the Interstate Commerce Commission. They opened their office in Rutland, Vt., secured a large and profitable clientage, and took a commanding position as a law firm at the bar. Had Senator PROCTOR continued in the practice of the law he would have ranked with the best and foremost of the lawyers of the State, but he was destined to spend the better portion of his life in other and wider fields of usefulness and labor.

In 1869 he was appointed receiver of the Sutherland Falls Marble Company, and in settling the affairs of this concern he exhibited great capacity for business, which he found more congenial than the work in a law office or the trial of causes in the courts. In 1880, the affairs of this company having been adjusted under his wise management, it was consolidated with the Rutland Marble Company under the name of the Vermont Marble Company, in which he secured an interest, became its president and manager, and under his direction its business was increased and enlarged and became, as it still is, the largest marble industry in the world. When he entered into public life he gave up his active connection and participation with its affairs, and since then his son, Fletcher D. Proctor, the last ex-governor of Vermont, has been its president and active and responsible business head.

The public career of Senator PROCTOR commenced in 1866, when he was elected one of the selectmen of the town of Rutland. In 1867 and 1868 he was a member of the state legislature, and the latter year he was a member of the committee on ways and means. In 1874 he was chosen to the state senate, and was president pro tempore of that body. In 1876 he was elected lieutenant-governor for the ensuing biennial term, and in 1878 was elected governor for the term of two years. In 1884 he was a delegate at large to the Republican national convention. In 1888 he was chairman of the Vermont delegation in the Republican national convention that nominated Benjamin Harrison, and he was also chairman of the delegation in the convention that nominated William McKinley for President. In September, 1888, he was elected the first representative of the new town of Proctor, which the previous legislature had created and named in his honor. He was unanimously recommended by the members of that legislature for a position in the Cabinet, and the following March was appointed by President Harrison as Secretary of War. In that position he won a national reputation by his conduct of the office. Under his administration that department was placed on a strictly business basis. He was painstaking and methodical in whatever he did or directed to be done by others. He was an able and trusted counselor of the President, and his opinion upon all public questions had great weight with his associates assembled about the cabinet table.

In November, 1891, he resigned his office of Secretary of War to accept an appointment to the United States Senate to fill the vacancy occasioned by the resignation of the Hon. George F. Edmunds; was elected United States Senator by the legislature in October, 1892, and was reelected in 1898, and again in 1904, and had he lived his term would not have expired until March 4, 1911. During his senatorial career he served upon many important committees, notably those of Agriculture and Forestry, of which he was many years its chairman, Military Affairs, Post-Offices and Post-Roads, Fisheries, and Revision of the Laws of the United States. It is in the committee room that the greatest and most important legislation is done, and it was here that Senator PROCTOR performed his most laborious work, and did it with such efficiency and faithfulness that his recommendations were rarely questioned. I have often heard it remarked by conferees of the House who had been in conference with him over some disagreeing vote of the two bodies that they generally found themselves agreeing with him by reason of the clear, concise, and convincing argument he was always prepared to present in behalf of the Senate's contention.

He was not an orator according to the general acceptation of the word. He never talked to the galleries, nor was he ever known to play to the grand stand. It was but occasionally he participated in the debates of the Senate, but whenever he did he was thoroughly equipped, and spoke with deliberation and from a high sense of duty. He had made careful study of the Constitution of the United States and the debates of the able men who composed the convention that wrote and adopted it. He recognized to the fullest extent the absolute independence of each of the three coordinate branches of government, and could not brook any attempted interference by the one with the well-defined duties and prerogatives of either of the other.

On the 22d day of last February, after the Farewell Address of George Washington to the American people had been read in the Senate, at the invitation of Senator PROCTOR I lunched with him, and while waiting to be served he gave me a printed copy of that address, which I have since retained, having that portion wherein he warned his countrymen of the danger which was likely to come to the Nation from an unwarranted interference by the Executive with either of the other branches of the Government marked with heavy black pencil lines. He was a man of strong convictions, and while he was gentle in disposition as a lamb he had the courage of a lion. No one ever knew him to—

> Crook the pregnant hinges of the knee
> That thrift may follow fawning.

Whenever Senator PROCTOR addressed the Senate upon any important and far-reaching proposition his speeches were prepared with great care and delivered without the least semblance of passion, but in the most quiet manner and without any attempt at display. It was not his purpose to stir men's blood, but to appeal to their reason and better judgment. In January, 1897, the Senate having under consideration a proposed amendment to the Constitution providing for a presidential term of six years and rendering him ineligible to a reelection, he delivered a speech in favor of the proposition that gave him high rank in statesmanship. He insisted that reeligibility was wrong in theory and vicious in practice, inasmuch as it resulted in making use of the patronage of the office of the President for the promotion of his renomination and reelection, or, at the least, subjected the President to the imputation of such use; that the proposed amendment if adopted and ratified would thoroughly divorce the legislative and executive branches of the Government, so earnestly desired and fully purposed by the framers of the Constitution. He strongly insisted that—

> The very basis of the Constitution is the complete separation of the legislative and executive powers.

As a further argument in favor of the amendment, even though a President did not aspire for a reelection, the fact that he was eligible, he urged—

> Promotes captious criticism. It induces distrust of the President's disinterestedness and patriotism, and it belittles and detracts from the dignity of the office itself. And not only does it weaken the President and his administration at home, but the possibility of reeligibility actually weakens the effectiveness of our foreign policy. In the beginning of our present Venezuelan crisis the most common comment abroad upon the patriotic position taken by the President was that it was an electioneering dodge. Thus does the world discount an official expression of the patriotic sentiment of our people because, in view of the possibility of the reelection of the President, the outside world also has become accustomed to look to that fact for the deepest motives of a President's actions.

And in conclusion he said:

> In what I have said of the dangers of the present situation, I speak with great deference of the great men who have been candidates for reelection. I doubt not but that they have been as little influenced and controlled by the selfish considerations mentioned as one placed in so inconsistent a position could be. The difficulty, however, is that the position is inherently an inconsistent and antagonistic one. One person can not in the nature of things be at the same time a perfect President and a presidential candidate. I believe that the people are becoming more and more dissatisfied with having the high office of President used, or having it possible to use it, to prolong the incumbent's tenure. They are becoming more and more dissatisfied with seeing presidential campaigns run from the White House. It will be tried just as long as it is possible. It will only cease when the Congress and the States by constitutional amendment return to the spirit of the Constitution and the original plan of the framers. Then no personal ambition of a Chief Magistrate can ever compete with his ambition to serve his country well and leave an honorable record for his administration.

These are strong words and never would have been uttered by a timid, time-serving man. In this instance they came from a man of courage, one who loved his country and spoke from a sincere desire to promote its best interests in the long future.

Another speech, characteristic of him and a conspicuous instance of his power and influence, was delivered in the Senate March 16, 1898, soon after he had returned from Cuba, where he had been for the purpose of informing himself as to the true condition of affairs in that island. What he saw there he told the Senate, and through that body the whole world was made acquainted with the frightful conditions then existing. This speech thoroughly aroused the indignation of the people of the entire country, and they firmly resolved that the good right arm of the Government should be used to wipe from off this hemisphere the last vestige of Spanish cruelty and oppression. The speech was widely circulated; and while there was nothing in the least sensational about Senator PROCTOR, it created the most intense sensation throughout the length and breadth of the land, and had much to do toward hastening the beginning of that short and decisive warfare between us and the Kingdom of Spain. It has been claimed by some that this speech was his greatest effort; it was carefully prepared, and he read it from manuscript. In speaking of Senator PROCTOR the evening of his death ex-Senator Chandler, of New Hampshire, is reported to have said:

Cuban freedom owes much to REDFIELD PROCTOR. It was my happy fortune to be presiding in the chair of the Senate when he narrated in simple but powerful language his observations in Cuba, where General Weyler's cruelties were arousing the United States. This speech precipitated our declaration of war against Spain and was the great political act of Senator PROCTOR's long and useful life.

For the future stability and prosperity of our beloved country, yea, to its everlasting honor, one may well hope that our citizenship of to-day and that which shall come after us, and especially those who shall be advanced to public station, may be as thoroughly equipped with that rugged honesty, patriotic devotion to country, and courage to say and do the thing that is right as was so beautifully exemplified in the life, character, and public services of the Hon. REDFIELD PROCTOR, of Vermont.

Senator PROCTOR was married May 26, 1858, to Miss Emily J. Dutton, daughter of Hon. Salmon F. and Sarah J. Dutton, of Cavendish, Vt., and five children were born to them. He is survived by his widow, two sons, Fletcher D. Proctor and Redfield Proctor, and one daughter, Emily D. Proctor, who mourn the loss of a kind husband and indulgent father. He was fortunate in business and accumulated a large estate, but his benevolence was unlimited, as his munificent gifts to the town of Proctor and to his State fully attest.

His work is done. The trust he held so many years is at an end. He has laid aside his cares forever, and his mortal remains now rest in peace in his Green Mountain home. His spirit, the immortal part of man, has gone up on high, but the memory of him remains with us still. Who will be the next to join him none of us can say. But we feel the assurance that we shall meet in that "better land," and we can comfort ourselves with the belief that the last of earth is but the beginning of everlasting life.

We are nearer home to-day
Than we've ever been before;
Nearer our Father's house,
Where many mansions be,
Nearer the great white throne,
Nearer the crystal sea,
Nearer the bounds of life,
Where we lay our burdens down;
Nearer leaving the cross,
Nearer gaining the crown.
Father, be near when my feet
Are slipping o'er the brink,
For it may be I am nearer home,
Nearer now than I think.

Mr. SCOTT. Mr. Speaker, it is a common saying that in America every political career is a tragedy. Like many other broad generalizations the saying is not to be taken as literally true. And yet there are so pitifully many instances in which it is true that the exceptions, when by some happy chance they do occur, always challenge our attention. The rewards of public life—not the financial returns, for in the main they are meager, but the rewards that are found in the opportunity to serve one's friends and one's country, in the rare privilege of association with the "choice and master spirits of the age," in the intimate contact with large affairs, in the satisfaction of having a hand in the shaping of big events—all these combine to give an allurement to public life which is sufficient to attract men of the first class in character and ability to the public service. And so the ranks are always full. From every walk of life they come—because in America there is no office-holding caste—from the pulpit and the platform, from the bench and the bar, from the farm and the forge, from the store and the countinghouse and the factory, from every class and calling, from every trade and occupation, the fascination of public life draws them. Earnest, honest, high-minded men they are, with exceptions so few as to be negligible; men sincerely desiring to play their part well, to serve their fellow-men truly, to deserve well of the Republic, and to build for themselves an honorable fame.

Their work begins, and with every day of its continuance there is a consciousness of growing power that it is sweet to feel. With every year there is a broader outlook and a stronger grasp. And with every year also the lure of the life grows stronger and ambition mounts higher. And then comes the end. A new issue arises, or a new party comes suddenly into popular favor, or people get "tired of hearing Aristides called The Just," and the fair house, which the man had builded of hopes and aspirations and ambitions, comes tumbling about his ears. When he seems at the very climax of his powers, when he is nearer than ever before to doing the great things he had longed to do, or when, perhaps, the grand prize toward which for years he had been bending every ambition seems fairly within his grasp, the blow falls, and the scepter is stricken from his hand. That is the common lot; that is the average career in American politics, and who shall say it is not a tragedy?

But now and then, to one man or two in a decade or in a generation, there falls a happier lot. Now and then a career is run, even in this shifting and turbulent ocean of American politics, which seems to find throughout its entire course only smooth seas and favoring breezes. Now and then destiny seems to choose a favorite to whom it permits nothing to be denied, to whom come place and power to match ambition, to whom opportunity, instead of being a rare and haughty visitor, is a perpetual bond servant, at whose approach all doors, unbidden, stand ajar.

To this exceptional class without doubt belongs the remarkable career of REDFIELD PROCTOR. In war, enlisting as a private, commissioned almost immediately as a lieutenant, he passed easily and rapidly through the intervening grades to the head of the regiment. In peace, the record, as we have just heard it given by his distinguished colleague on this floor, is even more remarkable. Selectman in the common council of his home city, member of the state legislature, member of the state senate, lieutenant-governor, governor, Secretary of War, Senator of the United States, first by appointment and three times afterwards by election, in the intervals of public service accumulating by private enterprise an ample fortune. Forty years and more of unbroken triumph. Surely a fortunate and happy career, for the record does not disclose a single important reverse.

But because the word "fortunate" comes readily to the mind as we contemplate this long succession of unbroken victories, let it not be imagined that these victories are to be attributed to mere chance. An enlisted man, even in a volunteer regiment, does not in a single year mount to a colonelcy by chance. The old Green Mountain State, filled as it is with keen, clear-headed, well-trained men, does not trust to luck for its lawgivers, its governors, its representatives in the Senate of the United States. No, it is only remarkable qualities that can account for this remarkable career.

There was the physical endowment to begin with—the towering frame and the faultless organism handed down through long generations of men and women who worked hard and lived soberly and feared God.

And then there was the quick and powerful and finely balanced intellect, trained in the best schools of his day, trained in the study and practice of an arduous and exacting profession, trained in the transaction of great business affairs, trained in the incessant clash and conflict of a mighty forum.

And then there was the steadfast soul, to which doubt and fear were equal strangers, which the terrors of battle could not shake, nor the luxuries of peace debase, which disappointment could not embitter, nor success unduly exalt. The soul of—

One who never turned his back, but marched breast forward;
Never doubted clouds would break;
Never dreamed, though right were worsted, wrong would triumph;
Held we fall to rise, are baffled to fight better.

And crowning all there was integrity, so native to the man, so ingrained with every fiber of his being, so clearly a part of him that men never thought to inquire about it. So far as I can learn, throughout all the long years during which he walked in the white blaze of public life it was never questioned, even by those who might have profited by such questioning, had there been the least basis upon which it could rest.

Physical strength and courage, a trained and powerful mind, a soul captain always of itself and without fear, a character spot-

less and unassailable—that was the superb equipment with which this friend of ours, this great man, was panoplied. What wonder is it that in war and in peace victories came easily. He conquered by the inevitable operation of the implacable law which gives to him that hath, even as some are doomed to defeat by that same law which taketh away from him that hath not. He understood well the apparent paradox of the Master, "He that would be chief among you, let him become the servant of all." His life was given to the service of his fellow-men, and because he could render the greatest service he took his place among those who sit in the seats of the mighty.

My association with Senator PROCTOR was for the most part purely official, brought about through our membership on corresponding committees in the House and Senate, and therefore I can not claim that intimate acquaintance which would authorize me to speak of his home life or the qualities which have their source in the heart rather than in the head of a man. And yet I recall one glimpse into this sacred inner chamber which I can not but believe revealed qualities and characteristics which had their permanent abiding place there.

It was when I offered him my congratulations upon the election of his son to the governorship of Vermont, remarking as I did so the satisfaction a father must feel when one of his children is so honored. Instantly there came a look of tenderness into his eyes that I had never seen there before. The rugged rough-hewn face, which I could never look upon without thinking of the granite hills among which he was born, softened into a smile that transformed it, and with a voice which made no attempt to conceal his emotion he thanked me and added:

> My own career has been a fortunate one; but I can say with all candor that no honor that ever came to me, no political victory of my own, ever brought me a tithe of the satisfaction I have felt in the success of my son.

And so he was thrice fortunate—fortunate in the possession of rare faculties, fortunate in finding his way easily into just that department of public life which afforded the best field for the exercise of those faculties, fortunate in realizing to the full a father's hope and pride. Surely life was kind to him.

But may we not say also that death was kind to him?

> O eloquent, just, and mighty death—

Apostrophizes Sir Walter Raleigh—

> O eloquent, just, and mighty death! Whom none could advise, thou hast persuaded; what none hath dared, thou hast done; and whom all the world hath flattered, thou only hast cast out of the world and despised. Thou hast drawn together all the far-stretched greatness, all the pride, cruelty, and ambition of man, and covered it all over with these two narrow words, "Hic jacet."

That is the common conception of death—grim, relentless, terrible.

But to this friend of ours surely he was not so.

Senator PROCTOR had lived his life—a long life, filled with triumphs, but filled also with many labors. In war and in peace he had served his country well. The climax of his powers and of his achievement had been reached, and while his interest in life had not flagged nor his mental grasp appreciably weakened, yet he could not but realize the abatement of his bodily strength. Had even another decade been granted him he could hardly have hoped to build any higher the fair temple of his fame, while the added years might have brought him, almost certainly would have brought him, added infirmities and the grief which can not but oppress the man who has been strong when he is forced to realize that the days of his strength are gone. How could death have been kinder to him than to come when it did, swiftly and with little pain, while the sun was still shining, while he was still surrounded with "honor, love, obedience, troops of friends," while large affairs were still within his grasp, while the harness of duties which long use had made essential to his happiness was still upon his shoulders? To such a man, coming at such a time, Death was a friend and not an enemy, bearing in his hand, not the sickle of destruction, but the scepter of immortality. For "to him who meets it with an upright heart," death is—

> A quiet haven, where his shattered bark
> Harbors secure, till the rough storm is past.
> Perhaps a passage, overhung with clouds
> But at its entrance; a few leagues beyond
> Opening to kinder skies and milder suns,
> And seas pacific as the soul that seeks them.

Remembering, therefore, the quality of his life and the manner of his death, may we not say of REDFIELD PROCTOR, as Bunyan said of Valiant-for-Truth—

> And so he passed over; and all the trumpets sounded for him on the other side.

Mr. LAMB. Mr. Speaker, in the death of Senator PROCTOR the Commonwealth of Vermont lost one of her most useful and distinguished citizens; the Senate of the United States one of its efficient and active members, and the country at large a statesman who had served his country well and faithfully.

As member of the house of representatives of his State, and state senator, and president of the body; as lieutenant-governor and then governor of Vermont, he measured up to every duty and responsibility imposed by a loyal and confiding people. Appointed Secretary of War by President Harrison in March, 1889, he discharged the duties of this high position with great credit until 1891, when he resigned from the Cabinet to accept the appointment as United States Senator to succeed George F. Edmunds. In October, 1892, he was elected by the Vermont legislature to fill both the unexpired and the full terms; was elected October, 1898, to succeed himself, and reelected October, 1904.

Our colleague, after a long and useful life, fell asleep with his harness on.

I can testify that he was vigilant, active, and efficient. For several years I was thrown with him in conference of the two Houses on the agricultural bill.

Everything affecting the various interests of the farmer was carefully considered. The Department of Agriculture had in Senator PROCTOR an earnest supporter, who looked carefully into every provision of the bill for its maintenance. His strong, practical mind and business habits enabled him to grasp the salient points in every problem with perfect ease. His large experience in life gave him a breadth of view that made him agreeable and pleasant in conference, as well as liberal and fair-minded in settling all differences between the conferees of the House and Senate.

Senator PROCTOR was a soldier as well as a statesman. He was deeply interested in everything pertaining to the heroic struggle of 1861–1865. He held in memory interesting reminiscences of that period and related the same with zest and earnestness. He was a staff officer, and held the rank of major and then of colonel in the Federal Army. I did not have the honor of his acquaintance during those days, although I was doubtless often close to him in a sense. It would have been a pleasure then to entertain him, as I often did some of his comrades.

On one occasion this hospitality was reciprocated, and I was reminded of this at Proctorville when I attended the funeral of our colleague, for there I met the aged General Howard, of the Eleventh Corps, whose guest I was at Harpers Ferry. It was a great pleasure to see him again under circumstances not quite so embarrassing.

The cordiality and friendship between the surviving officers and soldiers of two contending armies years after the conflict had ended is something unique in the world's history. Could the settlement of the conflicting interests of the sections have been committed entirely to the citizen soldiery of the two armies, a perfectly amicable adjustment would have been made within a few years after the termination of the struggle.

Senator PROCTOR was a soldier from necessity, and his environment placed him in the federal column. Had he been a native of Virginia or Mississippi, with his strong convictions and high sense of duty and devotion to his State, he would have been with the vanquished instead of the victors on the heights of Gettysburg.

Life is full of compensations, Mr. Speaker, and one of the many that comes to a patient and self-denying Representative here is the firm and fast friendships formed with our colleagues. Men of different sections, raised under entirely different environments, differing in thought and sentiment, are thrown together and learn to respect the opinions and admire the qualities of mind and heart of those whom they had previously misjudged or looked upon with indifference. Respecting Senator PROCTOR for his manly qualities, I soon learned after being thrown with him closely that he possessed virtues of mind and heart that easily accounted for his rapid promotion in political life as well as his exceedingly prosperous business career.

I happened to be one of the House committee to attend his funeral at Proctorville, Vt. It was a sad and impressive scene. A great concourse of people were gathered, including jurists, statesmen, lawyers, civil-war veterans, and business associates. The church was too small to accommodate the hosts of friends who wished to attend the services. Three thousand employees of the Vermont Marble Company were there to pay their respects to a departed friend and benefactor. They stood with uncovered head in the face of a New England blizzard that sung

a mournful dirge as if in sympathy with the King of Terrors, who had struck down Vermont's foremost citizen.

The services were very simple, but impressive. Included in the pallbearers were two sons, one of them the governor of the State. This custom, unknown in my section, impressed me deeply. To my mind came the thought that better than honors and riches he had won; better than large wealth such as he had acquired; yea, better than the benefactions he had been able to bestow upon the hardy yeomanry who lined up on the roadside to pay their last respects, was the deep satisfaction he enjoyed in these devoted sons, who, holding up his hands in life, piously bore his remains to their last resting place.

I can not better close this brief tribute to my friend and colleague than by quoting a just and eloquent tribute paid him by one of the Vermont papers at the time of his death:

> In the fullness of years, crowned with honors seldom bestowed on any man, beloved throughout his native State that he has so ably and faithfully served, honored and respected by his countrymen and the whole world, he has entered into that rest prepared for the faithful of earth's mortals, and his works shall live after him as a fitting and everlasting memorial.

Mr. McCALL. Mr. Speaker, I feel it my duty to take the floor to speak a word of tribute to the memory of a friend whom I loved, and to express also my sense of the loss which the country sustained by the departure of a statesman who had rendered her distinguished service. It was my good fortune to be well acquainted with REDFIELD PROCTOR. He and I were graduated from the same college, and it was to this circumstance, doubtless, that my opportunity to know him well was due, for he had a way of extending a species of kindly and genial guardianship over all who bore to him any of the ordinary relations of life. We were separated, however, in college by a good many years, for he graduated in the year in which I was born; but his was one of those rare spirits endowed with perennial youth, and disparity in years made no difference with him. He had that quality of freshness and kindliness in his intercourse with men, that fountain of gayety that made him attractive to those who were younger as well as to those who were older than himself.

I was able to understand him better, because I had been much in the State, the ideal little Commonwealth which he represented here. Upon a landscape of unsurpassed beauty there dwell in Vermont a people of heroic mold. Her population is made up perhaps in larger proportion of the old Revolutionary stock, of men who were identified with the first settlement of this country, and who fought the war which established our independence than that of any other State of the North, and possibly of any other State in the Union. She has a history of remarkable charm—worthy of the race which inhabits her noble hills and beautiful valleys. We admire the heroism of those men of Vermont, who, in 1775, asserted their independence, not only of Great Britain, but also of the other colonies, and especially of the two or three neighboring ones which claimed sovereignty over her territory. Vermont was a little republic in herself, independent of all the rest of mankind, and when it seemed best to join with the other colonies to fight the common foe her people did not even stop to pass the code of laws which were necessary for governing their territory, but they first devoted themselves, and with supreme effect, to the great struggle out of which the Nation came.

REDFIELD PROCTOR was the very fitting product, I might say the fine flowering out, of that race. He had conspicuously the qualities which it had displayed. He had great intellectual power, a talent for affairs, good sense, good humor, and, above all, a kindly heart. I remember well his service in the Republican national convention in 1888, when he was chairman of the delegation from his State and displayed his characteristic political sagacity. There were many candidates before that convention, and there was no candidate who commanded the undivided support even of the delegation from his own State; but I remember distinctly how Mr. PROCTOR on each vote, as chairman of the delegation, announced that Vermont cast her eight votes for Benjamin Harrison. It was the only State that cast its vote solidly upon every ballot for Benjamin Harrison, and he was finally the nominee of the convention. It was very fitting and proper that REDFIELD PROCTOR should be made a member of Harrison's Cabinet, and he served there with great distinction and with great benefit to the country.

His colleague in this House, who has just spoken, has referred in his eloquent address to some of REDFIELD PROCTOR'S notable speeches in the Senate. I recall another speech which made a deep impression upon my mind, and I believe made a deep impression upon the country. It was his speech in favor of free trade with Porto Rico. Senator PROCTOR did not believe that there should be any tariff barriers imposed between one part of American territory and another part, and he was especially strong in that speech in recalling the old spirit which prevailed at the time of the establishment of this Government and in portraying the ideal wrong of our Republic imposing taxation upon an unrepresented people.

He was not a spectacular, but he was a safe leader—a quiet and effective manager of things and men. He left a permanent impress upon his State. I believe his influence was more comprehensive and far-spreading and that it can fairly be said that he left a permanent impress upon the history of his time.

Mr. FOSTER of Vermont. Mr. Speaker, among the cherished recollections of my association with Senator REDFIELD PROCTOR is the memory of a visit I had with him one Sunday afternoon. It was one of many which it was my privilege to enjoy near the close of his long and eventful career. The evening shadows were rapidly gathering about him. Calm and serene, conscious of a life well lived, a work well done, in full possession of his every mental faculty, he awaited the call which he knew he would soon hear. With that perfect self-poise with which he had faced every crisis in his life, he discussed the mystery which we call death, and declared that for him it had nothing of dread, nothing from which he shrank. He was indeed glad to live, but no Grecian philosopher or Hebrew prophet ever approached the inevitable fate of man with more of the spirit of one "who wraps the drapery of his couch about him and lies down to pleasant dreams" than did he.

In the course of his conversation on that occasion he recalled his mother and related many striking incidents in her life illustrative of those qualities of heart and mind which made her the remarkable woman that she was. He described how, a motherless child of ten, she assumed and discharged toward her younger brothers and sisters, including a babe in arms, a mother's responsibility. He dwelt upon her character, her masterful spirit, her broad vision. He recalled her last words to him when, at the end of a long and faithful life, her mental vision undimmed by the more than four score years of devoted service, she, too, recognized the approach of the inevitable guest and, like a victor, calmly went forth to greet him. Then he spoke of Queen Victoria, of Elizabeth, of Catherine the Great, and, in those deep tones familiar to all who knew him, he declared that it was his profound judgment that there was no place in all the world, however exalted, ever occupied by a woman which his mother could not have filled and would not have adorned.

So REDFIELD PROCTOR came honestly by those qualities of mind and heart which were the source of his strength, his power, his greatness. And surely he was a great man. We may not always agree as to what constitutes greatness. We may sometimes find it difficult to form a definition of it. And it is true that sometimes we fail to recognize it when in our very midst. But no one familiar with his character and career, through association with him, no one permitted to sound the depths of his life, to discern his motives, to note his keen insight, his comprehensive grasp, his profound knowledge of men, his rare judgment, his broad sympathies, his rugged integrity, his devotion in peace and war to the best interests of his State and Nation, could question his title to leadership. But greatness is a comparative term. And to assign him the place among his fellow-men to which he is justly entitled would be difficult to-day even for those who knew him most intimately. But that which we hesitate to declare to-day will be apparent to-morrow. Time sifts the sands of human life and preserves for remembrance the fine gold of the right motive, the high purpose, the noble deed. As we look back through the mists and shadows of the past, we see figures that seem to rise to heroic stature, and we exclaim "There were giants in those days." And as Killington and Pico, those gems of the Green Mountains, which he loved so well, tower majestic above the valley as one recedes from them, so with the passing years, our perspective corrected, we shall see REDFIELD PROCTOR in his larger and truer proportions as citizen, soldier, statesman, and patriot.

There are certain characteristics which, if not necessarily the badge of greatness, indicate wherever found true nobility of soul. Perhaps the first of these is simplicity. Like mercy, it becomes the monarch better than his crown. Lincoln possessed it; and so did Grant. History is full of the story of men who have risen to place and power only to exhibit the ignoble, the ostentatious, the vainglorious.

But Lincoln, the President of the United States, the Commander in Chief of the vast Union forces, clothed with the extraordinary powers which result from war, and surrounded by pomp and circumstance, remained the same plain Abraham

Lincoln who split rails to fence his father's farm. And this simplicity of character was strikingly exemplified in the man whom we commemorate to-day. Never from him was there the slightest suggestion of the proverbial "insolence of office." He had, indeed, a keen sense of the exalted positions with which he was honored; but he was moved rather by the responsibility which accompanied them than by the dignity and authority with which he chanced to be clothed. As colonel of his regiment, as governor of his State, as Secretary of War, as United States Senator, at all times and under all circumstances, he was the same plain REDFIELD PROCTOR. He was the spirit of democracy incarnate.

"Not that I am as good as you, but that you are as good as I"—

was the spirit which permeated his being, dominated his life, and shaped his conduct of men. He was not merely born among the common people. He was of them. He was continually drawn to them. He was never exalted above them. And at the hour of his death he was enthroned in the hearts of the people of his State.

His was a life of service. This is the key to his character. He was serving his country at the head of his regiment at the age of 31. And the grizzled survivors of that regiment will tell you that by word and deed he plainly indicated that that which was ever uppermost in his mind was the errand upon which he was sent and the sacred duty imposed upon him. Industry and frugality, those good old-fashioned New England traits, characterized his entire life. During those years when he was organizing and building up his vast business, succeeding where others failed, he was not so absorbed in his private affairs as to neglect the duties of his citizenship.

He took his part in the deliberations of the town meeting; he served as selectman in administering the affairs of the town; he represented his town and county in the legislature; he served the State as lieutenant-governor and as governor. In all of these capacities he was the public-spirited citizen and the faithful public servant, jealous of the rights and watchful of the interests of those he served. And throughout his wider public career this desire to serve his people, his State, the Nation, humanity, was the controlling impulse of his nature. He was no dreamer, no doctrinaire. He was severely practical. His voice was seldom heard in debate. But while he laid no claim to oratory, often, when he did speak, as when he described to the Senate the conditions he found in Cuba, he displayed in a high degree the very essence of oratory—the power to persuade by the just and forcible presentation of facts. This attractive field, however, he left to others. It was his great executive ability and his sound, practical common sense that made him the power that he was in the Council Chamber of the Nation. Thus he served his day and generation. Thus he employed the talents that were given him. Thus he fulfilled the great law of service.

He was a typical son of his native State. The jocular remark made years ago, that Vermont was a good State to emigrate from, contained a great truth. That is a good home for the young man to go out from whose choicest decorations are the simple but enduring virtues of human life. Whether that home be a costly mansion, stored with the rarest productions of art and the handiwork of man, or a humble cottage, furnishing scant protection against the winter blasts, the recollection of its faith and love and devotion will go with him farther and abide with him longer and be of infinitely more service to him than aught else he can take with him. And that is a good State to go out from whose cardinal principles are the simple but profound truths of human life and human relationship, and whose citizens see in their State the ancient torch of celestial fire handed down from generation to generation and by them to be passed on unimpaired to the generation yet to come. From its earliest history Vermont has been the cradle of human freedom. The sturdy pioneers who went thither in search of homes fell under the most potent spell of nature.

The wild freedom of the forest, the rugged strength of the hills, the beauty of the valleys, and the fierce struggle with savagery developed within them that stern love of liberty, that resolute independence, and that profound respect for government and all the instrumentalities of human progress which have characterized the true sons of Vermont in all succeeding time. And he was one of those true sons. He loved her hills and valleys. He cherished her history, her traditions, her institutions, her achievements. He was jealous of her good name and fair fame, and throughout his long life his heart beat true to her every interest. He honored the State as the State honored him, and no higher tribute can be paid to his memory than the simple truth that the State is better by reason of his life, his character, his career.

Mr. HULL of Iowa. Mr. Speaker, it is with feelings of much hesitation I address the House in commemoration of the life and services of the late Hon. REDFIELD PROCTOR. Senator PROCTOR was a man of marked characteristics, of great ability, of high ideals, and of marked success in every undertaking of his life. My acquaintance with him began when he was Secretary of War under President Harrison. Coming to Congress a man inexperienced, I found him most helpful to me in the line of work to which so large a part of my congressional career has been devoted. His State recognized his great ability, conferring the high honor of a seat in the United States Senate upon him, thus depriving the War Office of his great administrative capacity. As a Senator he soon reached the very responsible position of chairman of the Committee on Military Affairs, and at every session I was drawn in close contact with him on great measures affecting that branch of our Government. In all our meetings and discussions he proved himself the same, a man of clear views and wise counsel. He was the type of those great statesmen who wrought wisely and well for the government of our country in the past, a class of men who came up through the various walks of life step by step by the sheer power of their own ability until they reached the highest point. This type of men are rapidly passing away. Happy will it be for the Republic if the changed conditions of our social life can produce as high a type of men as the older and more meager living has given us. Senator PROCTOR's friends saw with great sorrow that in the last few years of his life his strength was broken and that but a few years more would remain for him to work out his destiny. The end came sooner than I, at least, expected, and in offering this tribute to his memory I can only say that he was a man to be trusted and a man to be loved. All hail to his memory, and peace to his ashes.

Mr. HASKINS. Mr. Speaker, I ask unanimous consent that Members of the House desiring to do so have permission to print the remarks in commemoration of the life and character of SENATOR PROCTOR within twenty days.

The SPEAKER pro tempore (Mr. SCOTT). If there be no objection, that leave will be granted.

There was no objection.

And then, in accordance with the order heretofore adopted, the House (at 1 o'clock and 30 minutes p. m.) adjourned.

SENATE.

MONDAY, *January 11, 1909.*

Prayer by the Chaplain, Rev. Edward E. Hale.

The VICE-PRESIDENT. The Secretary will read the Journal of the proceedings of Saturday last.

Mr. CULBERSON. Mr. President, I ask unanimous consent that the reading of the Journal may be dispensed with.

There being no objection, the reading of the Journal was dispensed with, and it was approved.

PERSONAL EXPLANATION—OREGON LANDS.

Mr. TILLMAN. Mr. President, I rise to a question of the highest privilege, and inasmuch as the Senate to-day occupies the attitude somewhat of a court, and inasmuch as any man who is on trial wants the indictment to which he is to answer put on record, if it is not read, I ask the permission of the Senate to have published in the RECORD, verbatim, seriatim, punctuatim, even as it is paged, the document which I send to the desk, which, I will explain, is the carefully prepared article for the press sent to the acting chairman of the Committee on Appropriations [Mr. HALE], in which my integrity and character are impugned. I want the charges to precede the reply.

The VICE-PRESIDENT. Is there objection to the request of the Senator from South Carolina? The Chair hears none, and it is so ordered.

The communication referred to is as follows:

For publication in morning papers of Jan. 9, 1909.

[Above line in pencil on original.]

№ 593

CONFIDENTIAL.

To be held in confidence, and no portion, synopsis, or intimation to be published or given out until Monday morning, January 11, 1909. Extreme care must be exercised to avoid premature publication.

LETTER OF PRESIDENT ROOSEVELT TO SENATOR EUGENE HALE, DATED JANUARY 5, 1909, WITH EXHIBITS

LETTER OF PRESIDENT ROOSEVELT TO SENATOR EUGENE HALE, DATED JANUARY 5, 1909, WITH EXHIBITS.

THE WHITE HOUSE,
Washington, January 5, 1909.

MY DEAR SENATOR HALE: I have requested the different departments of the Government, not only those to whom you sent requests, but those to whom you did not, to give me all the information about the use of special attorneys, special agents, inspectors, etc., in their departments which will enable me to put before you all the facts which, as I understand it, your committee desire to have. I transmit these reports herewith. I call especial attention to the reports of the Secretary of State, the Secretary of the Treasury, and the Attorney-General.

Let me at the outset most earnestly express my cordial agreement with the view that it is not only the right but the duty of Congress to investigate the workings of the Secret Service or detective agents by which alone the Government can effectually safeguard itself against wrongdoing, punish crime, and bring to justice criminals. I am well aware of the liability to abuse inherent in any effective detective system or secret service system; for the measure of the efficiency of the system is also the measure of the seriousness of the abuses of the system if it be applied to wrong purposes or directed in an improper manner. It is eminently to the public interest that there should be vigilant inquiry into the working of this agency both by the heads of the executive departments and by Congress.

It nevertheless remains true that this system is absolutely indispensable if the popular interest is to be adequately safeguarded and wrongdoers taught to fear the law. To show how indispensable detectives are when important work of a confidential character must be done, I refer you to the experience of the Immigration Commission appointed by Congress and largely composed of Senators and Representatives, which has found it absolutely necessary to employ detectives in order to achieve the best results. In my communication of the 4th instant to the Lower House I have set forth at length the reasons why, in my judgment, it is eminently desirable that, in addition to the special detectives or inspection service of each department,

4

there should be in some one department, preferably the Department of Justice, a service which can be used at need in any department in order to achieve the ends I have described. I would like to state here that very frequently accusations have been made to me privately by Members of the two Houses to the effect that the Secret Service has been used as a "police of morals" or to shadow Senators, Congressmen, and other public officials. Hitherto the effort to discover the basis for such allegations has always been fruitless. I should be greatly obliged if any information could be furnished me tending to show any instance where this has been done in times past.

Certain of the special agents, inspectors, and the like, in the several departments have a highly specialized work to perform. In the Treasury Department the secret service is especially trained to deal with counterfeiters and the special agents with customs frauds. In the Post-Office Department the corps of inspectors is especially trained and peculiarly fitted to detect criminality or abuses or fraudulent use of the mails in connection with the postal service. In the Interior Department the special agents of the land office and the inspectors of the Indian bureau are trained in similar fashion to meet special needs. In addition, it is urgently necessary, as set forth in Mr. Root's accompanying report, that there shall be a central force of secret-service men who can be detailed for work anywhere in the government service.

Of course, in the investigation of specific frauds we sometimes come across wholly unexpected phases of misconduct. The frauds in the postal department which were unearthed some six years ago, for instance, offer a case in point. My suspicions were first aroused by a report made as to the very extravagant and debauched manner of life of a certain postal employee, this report being made by an official of the secret service in connection with another transaction on which he was at work. So with cases of the abuse of the franking privilege. The post-office never of set purpose inspects any package sent through the mails by a Senator or Congressman, but sometimes through the accidental breaking of such package the contents are exposed, and if they are of a character which makes their transmission by franking privilege illegal, steps are taken by the post-office authorities to collect the full postage. Some of these instances represent real abuses, but in other cases they are due to carelessness or ignorance, and very often doubtless are entirely unknown to the Congressmen themselves, and no good purpose would be served by any publicity in the matter.

But a case has just arisen of a different kind, which it seems to me I should put before you as illustrating in striking fashion the way in which investigations begun by any of these various agents in the strict line of their duty may develop facts of high importance, which the investigators would not in the first instance have sought

to discover, which when discovered ought not to be hidden or suppressed, but the devolepment of which may tend to create an erroneous impression that the agents in question were being used for purposes not within the line of their lawful duty.

On the 19th of February, 1908 (see Exhibit A) Senator Tillman called the attention of the Senate to a circular of a syndicate firm for the sale of lands in Oregon, particularly in Coos and Douglas counties, which had been granted to corporations by the Government, the circular stating that the company in possession of the lands was bound to sell them for $2.50 an acre or upon their refusal would be prosecuted by the Government, and that "among those who have spoken for a part of this land is Senator Tillman of South Carolina, the leader of the Democratic party in the Senate, a man who usually gets what he goes after." Senator Tillman denied the statements of this circular and expressed a wish for an investigation, and upon his request the Post-Office Department, through its inspectors, made such an investigation. He stated in reference to this circular:

I have not bought any land anywhere in the West nor undertaken to buy any. I have made some inquiries, as one naturally would, in roaming through the West. I simply want the people of the country to be put on notice that this swindler at Portland has no warrant whatever for endeavoring to inveigle others into his game.

I inclose the circular referred to, as Exhibit B; the report of the post-office inspectors, under date of July 27, 1908, as Exhibit C. This is a confidential report of a type usually not furnished, but in this case the matter is so serious that I feel I should put it before you. I inclose you also, as Exhibits D 1, D 2, D 3, D 4, and D 5, photographic facsimiles of letters and envelopes and telegram from Senator Tillman and his agent, William E. Lee. It appears that on October 20, 1907, Senator Tillman wrote a letter (Exhibit D 3) to Messrs. Reeder and Watkins, of Marshfield, Oreg., who were attorneys representing people who were applicants for the purchase of certain wagon road land grant land; Dorr was a land agent making his filings through Reeder and Watkins. Senator Tillman's letter runs in part as follows:

I wired you from Wausau, Wis., as follows, and write to confirm it. "Wm. E. Lee, my agent, will see you about land. I want nine quarters reserved. Will forward signed applications and money at once. Members of my family are entrymen. Letter follows. (Signed) B. R. T." I write now to say I wired Mr. Lee, who resides at Moscow, Idaho, to go at once to Marshfield and see you about the land, to locate quarters for the seven members of my family who are of age and one for my private secretary, J. B. Knight, whom I desire to let in to the deal and of course he wants a quarter for himself.

The letter continued, stating in detail what was to be done in order to enable the Senator to get the land. The William E. Lee to whom

6

Senator Tillman thus referred as his agent, wrote to Reeder & Watkins, under date of December 7, a letter, photographic copy of which is herewith submitted, marked "Exhibit D 4." In this letter Mr. Lee explains that he had written Senator Tillman fully as to the status of the land matter, advising him that it was "a good gamble," but that the Senator was lecturing, so that he did not get Mr. Lee's letter until a week and a half previously. The letter continues:

In case Senator Tillman gets in on this deal with some good land in the eight quarters we want, I am satisfied that he can be of great help in getting matters started from Washington and cause the Government to get busy and do something along the line you desire. He will set up such a howl that it will be impossible to do otherwise. This will be very important for your whole scheme to have a man of his influence here to aid you at this end of the line. By all means save a lot of good land for us, as we intend to be of more value than any one of the others in this matter.

On the 31st of January, 1908, Senator Tillman introduced in the Senate the following resolution:

Whereas, at divers times, various railroads and other corporations have receive large grants of public lands of the United States, under and by virtue of acts of the Congress, containing conditions to the effect that such lands should be sold to actual settlers only, or in quantities not exceeding for any one purchaser a limit fixed by the act relating thereto, or at a price per acre not greater than an amount mentioned in the act authorizing such grant, to the end that such lands might promptly become the homes of citizens of the United States; and

Whereas it is currently reported and widely believed that the Department of Justice has information to the effect that certain of the corporations aforesaid, or their alleged successors in title, having obtained colorable title to large tracts of land within a State or States of the Pacific slope by virtue of the grants above mentioned, and still holding considerable portions thereof, have violated or evaded the equitable and salutary conditions so as aforesaid imposed by the Congress upon such grants for the public good; yet the Senate is not advised that any action has been taken by the Department of Justice to enforce the said conditions or restore the said lands to the public domain: Now, therefore, be it

Resolved, etc., That the President be requested, if not incompatible with the public interest, to inform the Senate what information, if any, has been received, and what action, if any, has been taken by the Department of Justice with respect to the matters and things in the preamble to this resolution set forth.

and pressed vigorously for immediate action. The resolution being laid over, Senator Tillman introduced the same day a further and joint resolution containing the same recitals, but concluding as follows:

Resolved, etc., That the Attorney-General be, and he is hereby, directed, authorized, and empowered to take such proceedings or institute such suit or suits on behalf of the United States as may be necessary, appropriate, or expe-

7

dient to insure a compliance with the above-mentioned conditions or to restore the said lands to the public domain, or to report to the Congress why such action as aforesaid has not been or should not be taken.

On February 15 Senator Tillman wrote to Messrs. Reeder and Watkins. A photograph of this letter is also attached as Exhibit D 5. In it I call your attention to the fact that he speaks again of Mr. Lee as his agent and of the correspondence carried on through Mr. Lee. He states that what he has done in stirring up the question of the Oregon land grants to railroads has been done entirely apart from any personal interest he has in the matter, and adds, "although I never would have had my attention called to it but for the investigation as set on foot in connection with the proposed purchase by me of some of the timber land in question. Of course, if I decide to make the tender and go into the lawsuit, I will bear your proposition in mind, but I would have you understand that nothing I do here in the Senate will be done because of any personal purchase of any of the land. If I can succeed in causing the Government to institute suit for the recovery of the land and make it easier for others *as well as myself* (the italics are mine) to obtain some of it, I shall do it without any regard to the dealings with your firm. I still want to get some of the timber land, if it is possible, and as it is probable that Mr. Lee or some other representative of mine will be in your country in the next two months we will leave the matter of payment for the initiatory steps and subsequent proceedings in abeyance for the present. Any contract we might make will be entirely apart from, and independent of, my work here in the Senate. I will be glad for you to hold in reserve eight of the best quarter sections of which you have definite information and I will in the meantime press the investigation and other work here which will facilitate the final purchase, and in effect obviate the necessity of your making any case in the courts at all.

This letter in which Senator Tillman requested that eight of the best quarter sections be held in reserve for him was written just four days before he announced in the Senate that he had not undertaken to buy any land in the West. It is unnecessary to comment upon his proposal, made in this letter, to use his influence as Senator to force the Government to institute a suit which would make it easy for him personally to obtain some of the land. This letter, purely pertaining to Mr. Tillman's personal and private business, was sent in a franked envelope, of which I attach photographic copy marked "Exhibit D 5."

The assault by Senator Tillman upon Mr. Dorr was, according to the report of the inspectors, a wanton assault made to cover up Senator Tillman's own transactions.

I call your attention to the letter of Mr. Dorr to the Postmaster-General, under date of November 22, 1908 (Exhibit E), in which he

8

asks for relief from the cases which Senator Tillman had brought against him, saying that he had no knowledge that Senator Tillman desired his operations to be kept hidden and secret from general public knowledge. The report of the inspectors seems to indicate that this young man, Mr. Dorr, acted in good faith, but that he used Senator Tillman's application for land as an advertisement.

Very truly, yours,

THEODORE ROOSEVELT.

Hon. EUGENE HALE,
Acting Chairman Committee on Appropriations,
United States Senate.

EXHIBIT A.

PERSONAL EXPLANATION.

The VICE-PRESIDENT. Is there further morning business?

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator rise to morning business?

Mr. TILLMAN. I rise to a question of privilege, if that be in order.

The VICE-PRESIDENT. The Senator from South Carolina.

Mr. TILLMAN. Mr. President, in the last day or two I have had my attention called to a scheme of swindling in which my name is used rather unpleasantly and without the slightest warrant. I feel it of such importance that I want to give as wide publicity to it as possible, so as to stop the rascals from getting any more money.

I have in my hand a circular which has been sent to me from Connecticut, and I have letters from Virginia and from Wisconsin, and one or two other States, all relating to the subject of land grants in Oregon, and mentioning this circular—the circular headed, "How to make $5,000 out of $200." In reading it I find that those responsible for it are using my activity here in calling attention to these land grants and endeavoring to have the Senate investigate and take action in regard to them to advertise a scheme to sell some of these railroad lands. In one place it is stated that "Senator Tillman takes eleven quarters," and in another place is it stated that the lawsuits to be instituted in order to recover these lands are promised to be pressed with great vigor, because I am behind them. As a matter of fact, I have not bought any land anywhere in the West, nor undertaken to buy any. I have made some inquiries, as one naturally would in roaming through the West. I simply want the people of the country to be put on notice that this swindler at Portland has no warrant whatever for endeavoring to inveigle others into his game.

I have telephoned to the Post-Office Department to ask the official in charge of the fraud-order bureau to come down here so that I can present the evidence and endeavor to block this rascal as much as I can. I ask that the circular be printed in the Record in order to give it publicity.

The VICE-PRESIDENT. The Senator from South Carolina asks that the communication submitted by him be printed in the Record without reading. Is there objection? The Chair hears none, and it is so ordered.

The circular referred to is as follows:

[St. Paul and Pacific Timber Syndicate, 525 Chamber of Commerce Building, Portland, Oreg. Capital, $3,000,000. Bryan R. Dorr, president. Depositories, American National Bank, St. Paul; United States National Bank, Portland. Phones, Main 8550, A 5580. Codes, Western Union, McMullen.]

FEBRUARY 5, 1908.

DIVIDEND NOTICE AND REPORT OF STOCKHOLDERS.

We are presenting herewith to our correspondents and stockholders an unusual opportunity to make a quick profit of about 2,500 per cent, if they are willing to act at once. All the particulars are contained in the circular inclosed, and I urge that you read it carefully.

10

A dividend of 10 per cent was paid on January 2 upon all the preferred stock which has been paid for and issued by December 16, 1907. This dividend was paid out of the earnings on the sale of timber bonds, of which we have an aggregate of nearly $20,000,000 for sale. Dividends are payable twice each year, and we hope materially to increase the dividend rate shortly, owing to the establishment of this Portland office and to the connections which we have formed in New York to represent us there.

During the financial stringency there was a temporary slump in the price of standing timber on the coast, but with the recovery of confidence lumber camps are reopening everywhere and shipments by rail and water are daily increasing in volume. Meanwhile the temporary lower level in timber prices will enable us, being on the spot with ready cash, to secure bargains which will seem absurd six months from now. The large syndicates forming the so-called "lumber trust" are buying as fast as money can be secured and timber located. From this office we shall buy and sell timber and timber bonds, and shall in a few weeks commence the cutting of logs. Our New York representative will be Mr. Clarence M. Smith, of 74 Broadway, banker and broker, and we are very fortunate in securing a firm of such reputation and standing.

Remember, I told you I intended to make a great success of this business. Now, I am going to do it. In fact, I am doing it. Since coming out here I have become convinced that our opportunity is absolutely unlimited. People all over the world are realizing that when the Panama Canal is completed and the wonderful lumber of the Pacific coast, with its Port Orford cedar, sugar pine, and Douglas fir, can be delivered in New York by sailing vessel at low cost and in reasonably short time the price of this stumpage will be higher than it is now in the Central States. In Minnesota mixed stumpage sells at from $10 to $13 per 1,000 feet, and the price for better timber here now is about $2 per thousand. If you can buy timber now, by all means buy it! We have dozens of bargains on our list, costing from $2,000 up per quarter section. Otherwise, by all means take some of the preferred stock in this corporation at $100 for each 100 shares, payable at the rate of 10 per cent down and 5 per cent per month.

Or take up the opportunity offered in the inclosed circular. Read it carefully every word, and wire us at once.

Very truly, yours, BRYAN R. DORR, *President.*

EXHIBIT B.

[St. Paul and Pacific Timber Syndicate, 525 Chamber of Commerce Building, Portland, Oreg. Capital, $3,000,000. Bryan R. Dorr, President. Depositories, American National Bank, St. Paul; United States National Bank, Portland. Phones, Main 8550; A 5580. Codes, Western Union, McMullen.]

HOW TO MAKE $5,000 OUT OF $200.

To Our Stockholders and Correspondents:

I have just unearthed an opportunity whereby each of my correspondents can obtain a quarter section of the most valuable timber on the Pacific coast with an initial expenditure of $200. This timber is located in Coos and Douglas counties, Oregon, close to tide water, and each quarter section of 160 acres is valued at $5,000 to $15,000 on a very conservative basis. The particulars, including a tale of gigantic greed on the part of the notorious timber thieves, grafters, and land-grabbers of Oregon, are as follows:

Shortly after the civil war the United States Government found it necessary to construct a military wagon road from Coos Bay to Roseburg, in Oregon. In

order to obtain a builder for this road they agreed to turn over more than 100,000 acres of the finest government timber land to the State of Oregon, for the Coos Bay Wagon Road Company, on condition that the land should be sold to *any one person* in quantities of not greater than one quarter section (160 acres) and for a price not exceeding $2.50 per acre. Therefore, in order to make the cost of the road fall upon those persons living along the road and receiving the benefit of its construction, the Congress of the United States, at the session beginning on the 7th day of December, 1868, passed an act donating land to the State of Oregon, which act is hereby set forth, to wit:

COOS BAY WAGON ROAD GRANT.

"An act granting land to the State of Oregon to aid in the construction of a military wagon road from the navigable waters of Coos Bay to Roseburg, in said State.

"*Be it enacted, etc.*, That there be, and hereby is, granted to the State of Oregon, to aid in the construction of a military wagon road from navigable waters of Coos Bay to Roseburg, alternate sections of public lands, designated by odd numbers, to the extent of three sections in width on each side of said road: *Provided*, That the lands hereby granted shall be exclusively applied to the construction of said road, and to no other purposes, and shall be disposed of only as the work progresses.

"*Provided further*, That the grant of lands hereby made shall be upon the condition that the lands shall be sold to any one person in quantities not greater than one quarter section, and for a price not exceeding $2.50 per acre.

"*And be it further enacted*, That said road shall be constructed with gradation and bridge so as to permit its regular use as a wagon road, and in such other special manner as the State of Oregon may prescribe.

"*And be it further enacted*, That the United States surveyor-general for the district of Oregon shall cause said lands so granted to be surveyed at the earliest practical period after the State shall have enacted the necessary legislation to carry this act into effect."

Shortly after the legislature of the State of Oregon confirmed this grant on the same terms to the Coos Bay Wagon Road Company, who in course of time did actually construct a very defective road between the points mentioned, and which exists to this day. However, they have steadily refused to dispose of this valuable timber to individual persons "in quantities not greater than one-quarter section" to each, "and for a price not exceeding $2.50 per acre," nor for any other price. They did illegally and in direct violation of law, and for the purpose of evading it, transfer *all the lands in one lump* to the so-called "Southern Oregon Company"—that is, *presumably to themselves under another name*—and this corporation fraudulently holds this land to this very day in defiance of the law and the rights of the people under the grant.

THE PROSECUTION OF THE GRAFTERS.

But the day when this sort of knavery goes unpunished is at an end. No longer are State and nation sitting idly by while the people are being robbed of their birthright by the rapacity of corporations too large to be attacked by any single individual. Francis J. Heney, the great United States district attorney, has been sent out to prosecute the grafters and land thieves of California and Oregon on their own ground, and after having run Ruef and Schmitz to earth in San Francisco and uncovered gigantic steals in Oregon, securing wholesale convictions reaching even as high up as that of United States Senator Mitchell, is

12

here in Portland now prosecuting a government official for conspiracy with the land thieves to defraud the Government.

Realizing that the time to act has come and that only by concerted action can anything be accomplished, representative business men of Coos Bay, Portland, and elsewhere, including myself, have employed Reeder and Watkins, the leading attorneys of Marshfield, Coos County, Oreg., to make a legal tender for us of $2.50 per acre, or $400 per quarter section of 160 acres, to the Southern Oregon Company, and to take care of our interests there.

With each application they are offering to the duly authorized officials of the Southern Oregon Company, in the presence of witnesses, the sum of $400 for a certain specified quarter section. The corporation refuses this tender, thereby violating the terms of the grant and laying itself open to suit. There is no doubt in the minds of Messrs. Reeder and Watkins or ourselves as to the outcome of the suit, for the law is plain and has no mercy for grafters and land thieves nowadays.

SENATOR TILLMAN TAKES ELEVEN QUARTERS.

The illegal and outrageous robbery on the part of the Southern Oregon Company is notorious in this State, but until now it has been impossible to secure the necessary concerted action. That the right men are behind this movement will be appreciated at once when I state that among those who have spoken through our attorneys for a part of this land is *Senator Tillman, of South Carolina, the leader of the Democratic party in the United States Senate*, a man who usually gets what he goes after. So sure is Senator Tillman of our success that he has subscribed and paid the necessary fees for a quarter section for himself and *ten other quarter sections for ten of his nearest relatives.*

WHAT THE OREGONIAN HAS TO SAY.

The Oregonian, the leading newspaper of Portland, Oreg., speaks as follows in a long article relative to this suit:

"It will be seen that there was no intention of allowing all the lands thus set apart to pass into the hands of one person or company. The act set up guards against creation of a land monopoly that has been created. The act of 1869 laid specific injunction on the trustees, which became a part of the land laws of the United States.

"In 1870 the legislature passed an act donating the land to the Coos Bay Wagon Road Company, under the conditions and limitations set forth in the act of Congress of the preceding year.

"Congress did not intend the road company to acquire all or any of the lands of the grant, for the State, in execution of the trust, 'shall sell the same to any one person only in quantities not greater than one quarter section.' It is contended in behalf of the State that the State could not grant the entire trust estate to the road company, for the latter could not be the party entitled to them. The parties entitled to them were individuals of a numerous class or the public. Consequently it is contended that the road company was excluded as the sole beneficiary entitled to the lands.

"Instead of selling the lands to individuals at $2.50 an acre, in tracts not larger than 160 acres to one purchaser, the Coos Bay Wagon Road Company transferred the title to the lands to the Southern Oregon Company, which refuses to sell to individuals, thus barring great areas from settlement.

"This is in violation of the act of Congress providing that 'anyone' might acquire the land by paying $2.50 an acre, the money to be devoted to building the road. The idea that one company or person could acquire all the lands is

13

expressly negatived by the provision of the act of Congress limiting sales to 160 acres to any one person. Only by disposing of the lands to many persons could the trustee discharge the trust and relieve the lands of the trust imposed upon them."

YOU MAY JOIN US.

Now, we will allow you to join us in this proposition if you care to do so, and if you have read this circular carefully you surely will. You must act at once, as only about fifty quarters are left. Our terms are as follows:

TERMS.

You must pay a preliminary fee of $200 per quarter section. This includes cruising and locating fee, legal retainer fee to our attorneys, court and filing fees, and all other expenses incident to the prosecution. Upon receipt of your remittance we will instruct our attorneys as above to make application to purchase from the Southern Oregon Company the best quarter section not already spoken for, and will notify you at once, giving you the legal description of the tract and stating the amount of timber thereupon. We and our attorneys will do the rest. As soon as the suit is decided and the timber wrested from the hands of the land grafters, we will pay you in cash for your timber at the rate of $2 per thousand feet, amounting to at least $5,000 cash for each quarter section, or we will send you the deed upon payment of the specified sum of $400 ($2.50 per acre for 160 acres, as provided by law) plus a commission of 25 cents per thousand feet for the timber to which the St. Paul and Pacific Timber Syndicate will be entitled by right of negotiating these matters. Thus your $200 will obtain for you $5,000 in cash or, by the additional payment upon termination of the suit, as above, a deed to 160 acres of the finest timber land on the Pacific coast.

This timber consists of about 30 per cent white or Port Orford cedar and the balance Douglas fir. Port Orford cedar is the most valuable wood in Oregon, being used extensively for shipbuilding purposes and for match wood. Douglas fir is the most valuable all-purpose wood in North America. A full description of these two valuable woods may be found in the article "Lumbering in Oregon," pages 8 and 9, of the booklet The Richest Land in America, which was sent you some time ago. Suffice it to say that the ownership of one quarter section of this timber represents a tidy sum and that it increases in value with every year.

INSTRUCTIONS.

Simply sign your name in ink to the inclosed form entitled "application to purchase," *leaving all other spaces blank*, and return to us at once with your check for $200. Wire us without fail as soon as you have sent the money, in order that we may reserve you the very best timber not already spoken for.

QUESTIONS AND ANSWERS.

1. *Can I obtain more than one quarter section?* Answer: Not for *yourself*, but you can obtain extra quarter sections for any or each of your relatives or friends by the payment of $200 per quarter section; in that case, for each additional application cut out a piece of good white paper the same size and shape as the "Application to Purchase," and have the applicant sign in ink in the lower right-hand corner. We will fill in on the typewriter. Send $200 with each application and be sure to wire at once.

14

2. How long will it take to decide the suit? Answer: Can not say. It may take six months, but it will be pushed with the utmost vigor, of course, as it is greatly to our interest, including that of Senator Tillman and the other persons associated with us, to have it settled at once. The lawyers will do their best, for we have agreed to pay them an additional fee of $100 per quarter out of our commissions upon the successful termination of the suit.

3. Is it necessary for me to reside on this land? Answer. No. This grant has nothing to do with the "homestead" laws or the "stone and timber act," and any person is entitled to purchase 160 acres whether or not he has used his "homestead" and "stone and timber" rights. He need not even see the land.

4. What if the land is all spoken for by the time you receive my application? Answer. Then we return your money at once. You *must hurry, as there are only about fifty quarters left*, which we have reserved for our stockholders and correspondents. Therefore remit and wire at once to

BRYAN R. DORR, *President.*
525 Chamber of Commerce Building, Portland, Oreg.

EXHIBIT C.

POST-OFFICE DEPARTMENT,
OFFICE OF INSPECTOR, SPOKANE DIVISION,
Portland, Oreg., July 27, 1908.

Mr. G. D. LINN,
Inspector in Charge, Spokane, Wash.

SIR: We have the honor to return this case, which relates to alleged violation of section 1617, Postal Laws and Regulations, at Portland, Oreg., by Bryan R. Dorr and the St. Paul and Pacific Timber Syndicate, with report, as follows:

This case is based on request of the Hon. B. R. Tillman, United States Senator, that the actions of Bryan R. Dorr be investigated in connection with his use of the mails in soliciting applications to purchase certain wagon road lands in the State of Oregon.

It appears that some time last winter the St. Paul and Pacific Timber Syndicate was organized in St. Paul, Minn., and that early this year Bryan R. Dorr came to Portland as its western representative.

It is claimed by Mr. Dorr, who is a young man just starting on a business career, that the purpose of his company was to buy and sell timber lands, promote sawmilling industries, etc., and to do a general brokerage business in timber and lumber securities.

Soon after arriving in Portland, Dorr's attention was called to the operations of certain agents who were taking applications to purchase land held by the Coos Bay Wagon Company, in Coos and Douglas counties, this State.

The land in question was granted by an act of Congress, December 7, 1868, to the State of Oregon, to aid in the construction of a military wagon road from the navigable waters of Coos Bay to Roseburg, in the said State. The land granted was each unoccupied odd-numbered section for 3 miles on each side of the said road.

It was also provided that the land was to be sold as the work progressed, at a price not exceeding $2.50 per acre and not more than 160 acres to any one person. In this grant the "actual-settler" clause was omitted.

15

The above grant of lands embraces more than 100,000 acres, some of it being among the best timber and coal land in the State, and is now held by what is known as the Southern Oregon Company. It seems the State of Oregon, instead of holding the land in trust and disposing of it for the benefit of the Coos Bay and Roseburg Wagon Road Company, by act of the legislature turned it over to the company in a lump sum. That company in turn deeded it to the Southern Oregon Company, which now holds the lands and refuses to sell according to the terms of the original grant.

It is the opinion of many that the Southern Oregon Company is a trustee of the land and may be compelled to sell 160 acres to any one person at $2.50 per acre. Acting upon this belief hundreds of applications have been made to the company to purchase the land.

Among the most active agents in this matter is the firm of Reeder & Watkins, of Marshfield, Oreg. Mr. Reeder is a real estate agent and Mr. Watkins an attorney. They have associated themselves together in locating applicants on these lands.

James M. Conro, of Marshfield, and George J. Schaefer, of Portland, real estate agents, also had an arrangement with Reeder & Watkins to secure applicants for the wagon-road land.

Dorr made an arrangement with Schaefer whereby he was to send his applications to Reeder & Watkins through Schaefer, with whom he was to divide the commission. Dorr then had printed the inclosed circular (Exhibit A), which he mailed to correspondents in the East. In this circular Dorr makes the announcement that Senator Tillman has made application to purchase 11 quarter sections.

For his services Dorr proposed to charge a commission of $200 per quarter section, out of which he would pay necessary location, attorney's fees, etc. Upon conveyance of the land by the Southern Oregon Company Dorr pledged his company to buy the land at an estimated stumpage value of not less than $2 per thousand feet, or if the purchaser did not wish to sell, then he was to pay to the St. Paul and Pacific Timber Syndicate an additional commission of 25 cents per thousand feet.

When we questioned Mr. Dorr concerning his authority to state that Senator Tillman had made application to purchase some of the lands referred to, he said that he had been so informed by Mr. Schaefer, and later produced a letter written to him by the latter, dated February 21, 1908, in which is used the quoted language:

"Got an application from Senator Tillman, of Washington, D. C. [Pitchfork Tillman], of the South."

The letter quoted was from James M. Conro, Schaefer's partner at Marshfield.

We later visited Marshfield in the investigation of this case and called upon Mr. Conro, who stated that he had not personally seen the Senator's application, but was given to so understand by Reeder & Watkins.

We then visited the office of Reeder & Watkins, with whom we discussed their proposition in detail. We were shown the original of certain letters and telegrams addressed to Reeder & Watkins, Marshfield, Oreg., from Senator Tillman and his agent, Mr. Wm. E. Lee. Messrs. Reeder & Watkins declined to surrender the originals, but permitted us to make copies of them, which we did, and same are inclosed herewith, marked "Exhibit C." These copies were each compared with the original after being made, and we are certain that they are correct.

We also inclose, as Exhibit D, form of application, tender to the company, and agreement with clients, used by Reeder & Watkins. As will be seen therein, their plan was to make application to the local representative of the Southern

16

Oregon Company, who resides at Empire, Coos County, Oreg., an application to purchase, and tender of the purchase price, which is $400 for each quarter section, in the name of each individual applicant. Upon refusal of the offer an affidavit setting forth these facts is filed in the public records in the office of the county clerk in the county in which the land is located. The fee charged by Reeder & Watkins is $21 as a retainer and to cover costs of making the tender, etc., and an additional commission of $100 on each quarter section when the holding company has made conveyance of the land to the client. They also agree to join the United States in a test case against the company "or to take such other action, or institute such proceedings as may be deemed proper" to require the Southern Oregon Company to dispose of the lands in accordance with the terms of the grant.

We found on the records of the clerk of Coos County at Coquille that Reeder & Watkins had filed several hundred applications. In connection with the case against Leavengood (135932–C), recently returned with report, we made a diagram showing the location of each application in the several townships. (The diagram was returned with the case referred to.) With very few exceptions, we found no duplications, and only one or two where the application appeared to cover deeded land. This condition is so greatly in contrast with what we found in the other case that we are inclined to give the locaters the benefit of the doubt and assume that it was done by mistake.

We presented these facts to the United States district attorney, who gave it as his opinion that the operations of Reeder & Watkins, if carried out in good faith, was not necessarily fraudulent, especially as the terms of the grant do not require actual settlement upon the land, but specify that it must be sold to anyone in quantities not to exceed 160 acres to one person, and at a price not exceeding $2.50 per acre.

We found no evidence that Reeder & Watkins were not acting in good faith. Their proposition is set forth in plain terms. They require a retainer of $21 to be paid when the application is made. They also agree to endeavor to compel the company to sell the land to their clients, and require an additional fee of $100 in case they are successful. In view of the resolution passed by the last session of Congress authorizing the Attorney-General to bring suit, as we understand it, against the wagon-road company, as well as the O. & C. Railroad Company, to compel compliance with the terms of the respective grants, they are no doubt very properly awaiting the result of such action as may be brought by the agents of the Government.

As to the action of Bryan R. Dorr, against whom this case is more specifically directed, we find that he was unwarrantably extravagant both in his statement of conditions and his terms. As heretofore stated, he is a young man just starting in business, of a slight build and nervous temperament, brimful of energy and enthusiasm; just landed in the West, heralded as the land of opportunity, and carried off his feet by his eagerness to make his initial effort a phenomenal success, he brought into action all his imaginative and descriptive powers and produced a circular far beyond the conservative. However, we are convinced that he had no criminal motive in his actions and sincerely believed he would be able to make good his promises. We are further strengthened in this opinion by his efforts to cancel all business under way and to make restitution to those who had remitted money to him in response to his appeal.

The action of the department in preventing delivery of mail to him had the effect of hastening the end of his transactions in Coos Bay Wagon Road lands and has virtually put him out of business in this community. He has removed to the vicinity of White Salmon, Wash., where he is engaged in fruit culture.

As to the use of Senator Tillman's name by Bryan R. Dorr, we would invite your attention to the letter of February 21, 1908, addressed to him by George

J. Schaefer, which will be found in the files of Exhibit B, in which it is stated that no injunction having been placed upon the facts concerning the applications of Senator Tillman and family to purchase nine quarters of this land, Dorr was at liberty to use the information in obtaining applications if he chose to do so.

We traced this information concerning the application of Senator Tillman to secure some of this land grant land through Shaefer and Conro to Reeder and Watkins who produced the original letters and telegrams as their authority for the statements that had been made, and we inclose herewith compared copies of each. (See Exhibit C.)

From the contents of these exhibits it will be seen that Bryan R. Dorr did not state an untruth in his circular in referring to the Senator as an applicant for some of this land. He is therefore guilty of no fraud insofar as that feature of his advertising is concerned. While we believe he has been over-enthusiastic in his statements and by his exaggerated statements has probably held out a false hope that his applicants would come into immediate possession of the land, we do not find that he has made any misrepresentations that could be used as the basis for criminal action. This is also the opinion of the United States district attorney.

We therefore recommend that the action of the Post-Office Department in instructing the postmaster at Portland, Oreg., to withhold from delivery mail addressed to Bryan R. Dorr and the St. Paul and Pacific Timber Syndicate be rescinded.

Very respectfully,

O. C. RICHES,
E. C. CLEMENT,
Post-Office Inspectors.

EXHIBIT D 1.

Envelope.

UNITED STATES SENATE.
OFFICIAL OR DEPARTMENTAL BUSINESS.
FREE.

B. R. TILLMAN,
U. S. S.

MESS. REEDER & WATKINS,

MARSHFIELD,

OREGON.

Above envelope postmarked Pocatello and Port. R. P. O. train 6, October 4, 1907. Contents, a letter as follows:

NAMPA, IDAHO,
October 5, 1907.

Messrs. REEDER & WATKINS,
Marshfield, Oreg.

GENTLEMEN: A friend in Seattle gave me some information about timber lands in Coos County, Oreg., which you are interested in wresting from a

corporation which holds them as a bonus for building a military road, etc. I would like to buy some of the land if his statement is correct and would be glad to have you give me all the facts if you are so inclined. I will be at Butte, Mont., on 9th and a letter there, care of Chambers & Smith, will find me. A prompt reply will oblige,

Yours, respectfully, B. R. TILLMAN.

EXHIBIT D 2.

[Telegram.]

THE WESTERN UNION TELEGRAPH COMPANY, ETC.

Received at 1 KD. FO. 30 D. H.

WAUSAU, WIS., *October 19–20, 1907.*

REEDER & WATKINS,

Marshfield, Oreg.:

W. E. Lee, my agent, will see you about land. I want nine quarters reserve; will forward signed application and money at once, members of my family are entrymen; letter.

B. R. TILLMAN.

EXHIBIT D 3.

Envelope.

UNITED STATES SENATE,
OFFICE OF THE SECRETARY,
LIBRARY.

MESS. REEDER & WATKINS,

MARSHFIELD,

OREGON.

Above envelope postmarked at Chicago, Ill., Oct. 20, 8.30 p. m., 1907; and returned for postage Oct. 21, 1907, a. m., by M. D. No. 9.

On account of the delay occasioned by holding this letter for postage it did not reach Marshfield, Oreg., until Oct. 26, 1907, at 9 a. m.

Postage was not paid, however.

Contents of envelope: A letter as follows:

CHICAGO, ILL., *Oct. 20, '07.*

MESS. REEDER & WATKINS,

Marshfield, Ore.

GENTLEMEN. I missed your letter sent to Butte and it only overtook me last night at Wausau, Wis. I wired you from there as follows and write to confirm it:

Wm. E. Lee, my agent, will see you about land. I want nine quarters reserved. Will forward signed applications and money at once. Members of my family are entrymen. Letter follows.

(Signed) "B. R. T."

19

I write now to say I wired Mr. Lee, who resides at Moscow, Idaho, to go at once to Marshfield and see you about the land, to locate quarters for the seven members of my family who are of age, and one for my private secy., J. B. Knight, whom I desire to let into the deal, and of course he wants a qr. for himself. If this quantity can be had (9 qrs.) in one body or nearly so (2 sections) it will make it easier for us to handle it by milling ourselves, or in whatever way would pay best.

When Lee writes me he has completed the locations I instructed him to draw for the money needed to make the payment of $21 on each application & I have sent the blank applications to my home to be filled out & forwarded to Mr. Lee at Marshfield. When the matter reaches the stage of signing the contracts for your services (the $100 for compelling the S. O. Co., to convey), you can send me the papers & I will have them signed & returned to you. Send to Trenton, S. C., my home. I will know by to-morrow whether Mr. Lee has or can go to see you & will then, if necessary, communicate further.

Yours truly, (Signed) B. R. TILLMAN.

(Over.)

P. S. In case applications have been filed to cover all the land before I can get in of course I want the quarter section you said in your letter you had reserved for me. If there are still good qrs. left when this reaches you, will be pleased to have you wire me at one of these places where I will be on dates mentioned.

Denver, Colo., 25th Oct.

Hobart, Ok., 28 Oct.

Boswell, Ok., 30 Oct.

Will you tell me whether any parties are locating & tendering payment to S. P. R. R. on homesteads now?

EXHIBIT D 4.

Envelope.

UNITED STATES SENATE.
WASHINGTON, D. C.

U. S. Postage.
2 cent stamp.
2 2

MESSRS. REEDER & WATKINS,
REAL ESTATE DEALERS,

MARSHFIELD,
OREGON.

Above envelope postmarked at Washington, D. C., December 7, 4 p. m., 1907. Contents, a letter as follows:

UNITED STATES SENATE,
Washington, D. C., December 7, 1907.

REEDER & WATKINS,
Marshfield, Oreg.

GENTLEMEN: I have been intending to write to you for some time, but on account of having to make the trip to Washington I was so busy getting ready

20

and have been so busy since I got here that it has been impossible for me to write until now.

Upon leaving Marshfield I wrote Senator Tillman very fully as to the status of the land matter, telling him my opinion of the chances of securing the land and finally advising him that it is a good gamble and that I was willing to take my chances on it. Unfortunately the Senator did not get my letter until about a week and a half ago, and this has caused the delay in writing to you. You remember the Senator was lecturing, and it was very hard to get in touch with him.

I had a very short talk with the Senator yesterday, and he told me to write you and say that we are intending to get in touch with you again in a very short time. Things are in such a rush here now that it is impossible for him to give any attention to outside matters. In a few days, however, we will have time to talk more about it and I will then write to you again.

In case Senator Tillman gets in on this deal with some good land in the eight quarters we want, I am satisfied that he can be of great help in getting matters started from Washington, and cause the Government to get busy and do something along the line you desire. He will set up such a howl that it will be impossible to do otherwise. This will be very important for your whole scheme to have a man of his influence here to aid you at this end of the line. By all means save a lot of good land for us, as we intend to be of more value than any of the others in this matter.

I shall be glad to hear from you.

Yours, truly, (Signed) WM. E. LEE.

EXHIBIT D 5.

Envelope.

UNITED STATES SENATE,
COMMITTEE ON THE FIVE CIVILIZED TRIBES OF INDIANS.

B. R. TILLMAN,
U. S. S.

MESSRS. REEDER & WATKINS,

MARSHFIELD,

ORE.

Above envelope postmarked at Washington, D. C., February 15, 9.30 p. m., 1908.

Contents, a letter, as follows (and a copy of S. R. 48, introduced in the Senate of the United States by Mr. Tillman):

UNITED STATES SENATE,
Washington, D. C., February 15, 1908.

Messrs. REEDER & WATKINS,
Marshfield, Oreg.

GENTLEMEN: Mr. Lee handed me your letter and in reply to it I beg to say that what I have done here in stirring up the question of Oregon land grants to

21

railroads, etc., has been done entirely apart from any personal interest I have in the matter, although I never would have had my attention called to it but for the investigation I set on foot in connection with the proposed purchase by me of some of the timber land in question. Of course, if I decide to make the tender and go into the lawsuit, I will bear your proposition in mind, but I would have you understand that nothing I do here in the Senate will be done because of any personal purchase of any of the land. If I can succeed in causing the Government to institute suit for the recovery of the land and make it easy for others as well as myself to obtain some of it, I shall do it without any regard to the dealings with your firm. I still want to get some of the timber land, if it is possible, and as it is probable that Mr. Lee or some other representative of mine will be in your country in the next few months, we will leave the matter of payment for the initiatory steps and subsequent proceedings in abeyance for the present. Any contract we might make will be entirely apart from and independent of my work here in the Senate. I will be glad for you to hold in reserve eight of the best quarter sections of which you have definite information and I will in the meantime press the investigation and other work here which will facilitate the final purchase and in effect obviate the necessity of your making any case in the courts at all.

Very truly, yours,

B. R. TILLMAN.

EXHIBIT E.

[St. Paul and Pacific Timber Syndicate, 512 New York Life Building, St. Paul, Minn. Capital Stock $3,000,000. Depository, American National Bank. Office of Bryan R. Dorr, President.]

NOVEMBER 22, 1908.

To the honorable the POSTMASTER-GENERAL,

Washington, D. C.

SIR: Some time ago I learned that Senator Tillman, of South Carolina, was interesting himself in Oregon timber lands covered by the Coos Bay Wagon Road grant, while he was openly aiding in the prosecution of those who claimed to be the actual and rightful owners of the property. Not knowing that Senator Tillman desired his operations to be kept hidden and secret from general public knowledge, I scattered the information broadcast in a series of circulars which I issued to persuade others to apply for land under the terms of the grant, as Senator Tillman did. I made the statements about Senator Tillman on what I considered to be the best of authority and it was the influence and prominence of his name and position which led me to interest myself in the matter. At the time I issued these circulars I supposed the opportunity was a fine one, and I acted entirely in good faith when I advised my clients to go into it.

On February 19, 1908, my circulars having come to the knowledge of Senator Tillman, he denounced me on the floor of the United States Senate as a liar and a fraud, and denied that he was in any way interested in lands covered by the Coos Bay grant, and instituted a postal investigation which all but ruined my business and destroyed much of the confidence which my clients had reposed in me. Pending this inquiry my mail was withheld and the Associated Press reports made the affair notorious throughout the length and breadth of the country.

The postal investigation conducted by Mr. Riches, of Portland, showed clearly that I was innocent of any attempt to deceive or to defraud anyone, and Mr. Riches at once recommended that there be no prosecution either of me or of anyone else implicated in the charge. The harm had been done, how-

22

ever, as no note of this fact was made in the papers to counteract the effect of Senator Tillman's speech. Part of my mail was turned over to me at once, and the balance a few days ago.

Mr. Riches now tells me confidentially that his *investigation clearly showed that Senator Tillman* HAD *interested himself in the Coos Bay lands* as stated by me, and that the denial was unwarranted and false. The injury which Senator Tillman did me, taking advantage of his official position, is almost irreparable, and will be lifelong in its consequences to my business prospects, and also to my political future if I attempt at any time to enter the field of politics. There is only one way by which I may obtain reparation; that is by publishing the facts in full. The only thing which will enable me to do this is a copy of the report of Postal Inspector Riches, whose subordinate position prevents him from giving me the truth in writing.

In the interests of justice and of fairness to me, therefore, I urgently request you to instruct the proper authorities to forward me a complete copy of the inspector's report on the case, so that I may publish it and so recover my good repute and the respect or confidence of my clients and customers.

Respectfully yours,

BRYAN R. DORR.

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Mr. TILLMAN. I want to say, Mr. President, that it is very irksome to me, a habit which I have never contracted, to read any speech. I would not depart from my custom to-day but for the fact that I fear I might omit, if I attempted a reply extemporaneously, some important matter.

For the first time in the history of this Government, as far as I have been able to learn, a member of this body has been brought to the bar of public opinion, before the Senate itself, to be judged under indictment by no less a person than the President of the United States. The manner of the doing of it and the animus and zeal displayed by the Chief Executive are worthy of consideration.

The papers in the case were sent to Senator HALE as acting chairman of the Committee on Appropriations late on Tuesday last. I had no intimation in regard to it until after the Senate met on Thursday. By that time the air was thick with rumors, evidently coming from the White House, directly or indirectly, that a southern Senator was in the toils of the Secret Service; and soon it was understood that Senator TILLMAN was the man.

Having been informed by Senator HALE of the character of the charges Thursday afternoon, and that he would call a meeting of the Appropriations Committee on Saturday to consider the papers relating to the Secret Service sent him by the President, I expected to have opportunity to examine fully into the case and make such defense or explanation in the Senate itself as I thought proper. I understand the President had notified Senator HALE that there was no need for hurry, and that he would not give the papers to the press before Monday; but on Friday morning he changed his mind and notified Senator HALE that he had determined to give all the facts to the newspapers that evening, and they appeared Saturday morning. It is well to remember that the universal custom heretofore, and the courtesy due by any executive to a legislative body demanded that having sent the papers to the most important committee of the Senate, they were in the possession of that body, and it was a gross breach of propriety to make them public. This well illustrates the executive attitude towards this body. He gave the communication to the press before the committee had seen the papers and examined into the matter.

It is well understood that the President is an adept at advertising and that he has used the press with more skill than any man in American politics. He realizes the importance of "getting in the first blow," though it was below the belt and might well convict him of cowardice. But he cared nothing for either courtesy, custom, or decency, thus treating the committee and the Senate with that contempt which has been his wont.

Another probable reason for his great haste was that he sought to distract attention from the action of the House of Representatives on Friday, in laying part of his message on the table, by the sensational accusations against a man who has had long service in the Senate. I could have made my statement to the Senate and to the country just as easily on Saturday as I make it now, for I have nothing to conceal and there was no great need for delay or preparation; but realizing that the great influence and power of the Chief Executive was being exerted to the limit of his ability to blacken my name and destroy my character, and that his words and the exhibits which he sent would be given the widest publicity, while my own statement would probably be epitomized on account of the pressure on the wires, I decided to wait until to-day, with the hope that my defense, without being unavoidably mutilated, would reach the people in good time. This, the newspaper men tell me, would not have been possible on Saturday. This is sufficient explanation, I trust, for the delay.

An examination of the President's letter to Mr. HALE, which might just as well have been a special message of the type with which we are so familiar, will show that the President's charges, boiled down, amount to two in number.

First. He promotes me to membership in the "Ananias Club," and charges, in effect, that I have deliberately lied to the Senate.

Second. He charges that I have exerted my official influence and worked as a Senator for my personal benefit alone to secure the passage of a resolution and to press the Department of Justice to bring suit against the corporations which hold so much of the public domain in the West and will not sell it to settlers under the terms of their grants from the Government.

He has prepared his indictment with consummate ability and skill. He is even cunning in the apparently innocent pretense that in making a search through the Secret Service for one kind of malefactor he had run down another, and the case of that one of such serious importance that his sense of official obligation compelled him to prompt action. Mark you, he has been in the possession of all the facts in this case since July last, and men will be curious to know why, if his zeal was honest, he did not make them known then.

The President announced in his special message to the House on January 4:

> I have made no charges of corruption against Congress nor against any Member of the present House. If I had proof of such corruption affecting any Member of the House in any matter as to which the Federal Government has jurisdiction, action would at once be brought.
>
> * * * * * * *
>
> This would simply be doing my duty in the execution and enforcement of the laws without respect to persons. But I do not regard it as within the province or the duties of the President to report to the House "alleged delinquencies" of Members, or the supposed "corrupt action" of a Member "in his official capacity."

It therefore follows that he has found no grounds for indicting me in the courts, which, no doubt, would have rejoiced him overmuch, and all this fuss, fury, and fustian about the seriousness of the case and the gravity of the offense with which he charges me can be attributed to personal malice alone.

On January 4 the President declared what he conceived to be his relationship to the House and that he would not do certain things. On January 5 he wrote a letter to Senator HALE, doing the very thing in regard to a Senator which he had declined to do toward a Member of the House. Why this difference? In my public work here I have not hesitated to criticise and comment on the official actions and utterances of President Roosevelt, and I have doubtless given him good cause to seek revenge. I have at various times arraigned him in the Senate for tyrannical invasion of the rights of Congress, for usurpation of authority not given him by the Constitution, for disobedience of the law and neglect of duty, and particularly in the case of Mrs. Morris, for brutal and cruel conduct toward a helpless woman. I was not aware that these darts of mine had quivered in the Executive hide and stung him so, but the eagerness and intensity with which he has presented his case against me, his making a precedent where none has existed heretofore, his taking from the committee to which he had forwarded them the papers and giving them to the press before that committee had considered them, indicate that Theodore Roosevelt enjoys to the limit the feeling of getting even with BEN. TILLMAN, and lays on the big stick with the keenest relish, doubtless believing that the pitchfork has gone out of business. [Laughter and applause in the galleries.]

The VICE-PRESIDENT. The Senator from South Carolina will suspend. The Chair will inform the occupants of the galleries that under the rules of the Senate applause is not permitted. The Chair hopes it will not be necessary further to admonish the occupants of the galleries. The Senator from South Carolina will proceed.

Mr. TILLMAN. Mr. President, in his letter to Senator HALE I find on page 3 the following:

> But a case has just arisen of a different kind, which it seems to me I should put before you as illustrating in striking fashion the way in which investigations begun by any of these various agents in the strict line of their duty may develop facts of high importance, which the investigators would not in the first instance have sought to discover, which, when discovered, ought not to be hidden or suppressed, but the development of which may tend to create an erroneous impression that the agents in question were being used for purposes not within the line of their lawful duty.

It is well to note that the President recognizes the extraordinary character of his action as well as the unlawful use he has made of the Secret Service. He pretends that his case against me has been worked up by accident, by reason of the discoveries of the inspectors in investigating the fraudulent transactions of one Bryan R. Dorr, and that the facts "ought not to be hidden or suppressed." The President says:

> Senator TILLMAN denied the statements of this circular, and expressed a wish for an investigation; and upon his request the Post-Office Department, through its inspectors, made such an investigation. He stated in reference to this circular:
>
> "I have not bought any land anywhere in the West nor undertaken to buy any. I have made some inquiries, as one naturally would, in roaming through the West. I simply want the people of the country to be put on notice that this swindler at Portland has no warrant whatever for endeavoring to inveigle others into his game."

The President then goes on to state:

> This is a confidential report—

He alludes here to the report of the post-office inspector—

> of a type usually not furnished, but in this case the matter is so serious that I feel I should put it before you. I inclose you also as exhibits D1, D2, D3, D4, and D5, photographic facsimiles of letters and envelopes and telegram from Senator TILLMAN and his agent, William E. Lee.

I do not deny the authenticity of the letters or the telegram, of which photographs were made. I presume the letter from William E. Lee is also a correct copy, but I was not aware of its existence until now, and I am not in anywise responsible for Mr. Lee's ideas expressed in it. The President says:

> On October 20, 1907, Senator TILLMAN wrote a letter (Exhibit D 2) to Messrs. Reeder & Watkins, of Marshfield, Oreg., who were attorneys representing people who were applicants for the purchase of certain wagon-road and grant land; Dorr was a land agent making his filings

through Reeder & Watkins. Senator TILLMAN's letter runs, in part, as follows:

"I wired you from Wausau, Wis., as follows, and write to confirm it: 'William E. Lee, my agent, will see you about land. I want nine quarters reserved. Will forward signed applications and money at once. Members of my family are entrymen. Letter follows. (Signed) B. R. T.' I write now to say I wired Mr. Lee, who resides at Moscow, Idaho, to go at once to Marshfield and see you about the land, to locate quarters for the seven members of my family who are of age, and one for my private secretary, J. B. Knight, whom I desire to let into the deal, and, of course, he wants a quarter for himself."

The letter continued, stating in detail what was to be done, in order to enable the Senator to get the land.

There is the end of the quotation from the President's document. I now resume.

It will be noted that I accused Dorr in the Senate of being a swindler, and asked the Post-Office Department to issue a fraud order against him. Dorr declared in his circular:

So sure is Senator TILLMAN of our success that he has subscribed and paid the necessary fees for a quarter section for himself and 10 other quarter sections for 10 of his nearest relatives.

It was this bold and outrageous falsehood, mainly, that caused me to denounce Dorr as a swindler, as well as to declare in the Senate that he had no warrant for the assertion. The sleuths which the President put upon my trail have made their report, and a perusal of it will show to any fair mind that so far from endeavoring to justify the fraud order against Dorr, they were really put to work to investigate me, and endeavor, if possible, to discover something to my discredit, while the President directed the investigation. I say this because it is hardly possible that a post-office inspector would set about getting photographic copies of the letters of a United States Senator and trying to convict him of lying if the orders did not come from a high source. In other words, this inspector would never have dared do what he did unless Theodore Roosevelt had ordered it.

Let us suppose for a moment that I was guilty of a falsehood in declaring that I had not undertaken to purchase any land. What did that have to do with Dorr's transparent and open use of the mails to induce men to send him money to purchase land? Dorr's declaration that I had paid the fees is an absolute falsehood, and the post-office inspectors, while they searched the records for entries at Coquille and noted that Reeder & Watkins had filed "several hundred applications," nowhere mentioned that any had been filed in my name or for me. Therefore the falsehood is proven on Dorr, and yet the President declared:

The assault which Senator TILLMAN made upon Mr. Dorr was, according to the report of the inspector, a wanton assault made to cover up Senator TILLMAN'S own transactions.

I say that no such statement was made by the inspector, and I cite you to the report of the inspector, which is published in the document which I sent to the desk.

In fact, so earnestly intent on convicting Senator TILLMAN is the President, he actually commits himself to this proposition, to wit: TILLMAN, voluntarily and without any compulsion from any source and with nothing to conceal, brought up a matter in the Senate which he need not have done to cover up transactions which were absolutely unknown to anyone except himself and his correspondents, Reeder & Watkins, and were entirely honorable and clean. My exposure closed out the swindlers. Dorr, when his mail was not delivered, retired from the land business and became a fruit grower, as reported by the inspectors.

The swindlers had secured a good many thousands of dollars before the exposure in the Senate stopped people from being duped, and yet Theodore Roosevelt, who poses as the only remaining honest man in public life, in the face of these facts has felt called upon to attack the character of a man whose integrity has never before been questioned, and whose official position is second only to his own.

In doing this he makes a false declaration, for the inspectors nowhere say any such thing as above quoted, which can be easily proven by an examination of their report.

Now, about the lying: My letter of February 15, of which the President secured a photographic copy, antedates by four days my statement in the Senate that I had not bought any land, or undertaken to buy any, and the President considers this positive proof of falsehood.

He fails absolutely to consider the sentence which immediately follows, which clearly shows that I said to the Senate, while I had not bought any land or undertaken to buy any, I had made inquiries with reference to the purchase of land in the West, which, when all the facts are considered, is the extent to which I have gone. I did not say I had not considered the purchase of land; I did not say I had not contemplated the purchase of land, because I had done both. In my conversation with the Attorney-General in regard to the resolution which I introduced, and which he himself prepared after we had talked over the whole land situation, I distinctly remember telling him that my interest in the matter had been first aroused by my desire to purchase some of the timber land, and that my coming to him was due to the fact that I discovered upon investigation that I could not buy it through any agency whatsoever; that I could not buy it even by a lawsuit, because I was advised by very able lawyers in the West, among them the Hon. George Turner, of Washington, that in attacking the holders of those land grants no one would have any standing in court except the grantor, the Government itself. (See Nichols *v.* Southern Oregon Co., Federal Reporter, vol. 135, p. 234.)

I was perhaps not as full and explicit in my statement as I should have been, but I was not thinking about myself or my transactions and was only intent on exposing Dorr's swindle; but a moment's thought will convince any honest-minded man that—as I had not signed any papers, had not paid any money, had taken nobody's receipt, the usual processes by which one "undertakes" to buy land—I was speaking accurately and not falsely. Everything hinges on the meaning of the word "undertaken" and my use of it. Did I mean to conceal the fact that I was anxious to buy some of this land? Not at all. Did I mean to attack Dorr as a swindler when I myself was engaged in a dishonest and dishonorable transaction? That is what the President would have the people believe. Can I be justly charged with falsehood when if I had told the Senate of the entire transaction it would have made no difference whatever, while I would have been charged with intruding my private affairs into a public discussion? Just what law did I break? What wrong did I do or contemplate? According to the report of the Attorney-General, in answer to the resolution which I introduced and which passed the Senate, Harriman, the President's dear friend, possibly the relations are not so intimate now, but I speak of what the conditions used to be. His dear friend Harriman still holds upward of 2,000,000 acres of the best lands of Oregon and California and refuses, in defiance of law, to sell them at any price.

This is a good place, Mr. President, in order to enlighten the country, to ask permission to have published as an appendix to my speech the report of the Attorney-General in answer to the resolution which the Senate passed at my instance on the 31st of last January, giving the whole story of the outrageous and damnable conditions which exist in the West.

The VICE-PRESIDENT. Without objection, permission is granted.

Mr. TILLMAN. I never expected, and could not under the terms of the law as I construed it, get more than seven quarter sections for myself and family, one for my private secretary, and one for Mr. Lee, making nine in all. This, in the aggregate, would mean that I would obtain through my activity here, as the President's charge is, nine quarter sections, or fourteen hundred and forty acres, at a cost of $4,500. Will the President undertake to say that I have lost my right to buy land because I am a Senator? Can the President deny that my activity secured the passage of the resolution instructing the Attorney-General to bring suit for the recovery of this land for the use of actual settlers? If Harriman and others like him are made to disgorge by reason of these suits, shall the fact that I was endeavoring to buy a little pittance of the land be used as the basis of a charge of being a liar and a corrupt Senator—to be disgraced?

To sum up, this is a brief résumé of the entire transaction: While in Spokane, Wash., in October, 1907, I first heard that there were timber lands in Oregon which were being bought through Reeder & Watkins, of Marshfield. On October 5 I wrote to Reeder & Watkins, asking for information, telling them of my desire to purchase some of the land if possible. Desiring to find out if the conditions of the grant to the State of Oregon made it possible for "purchasers" and not "actual settlers" to buy at $2.50 per acre, I wired the librarian of the Senate for a copy of the act. Finding that that part of the statement received from a gentleman in Spokane was correct, I notified Reeder & Watkins on October 20 that Mr. Lee, whom I had seen at Moscow, Idaho, in the meantime and talked with on the subject, would go to Marshfield and investigate in person. I authorized Lee to draw on me if he found that the lands were what they were represented to be.

Lee's authority as my agent never went beyond the examination of the land and, if the application was filed, to see that I would get good timber lands instead of rocks and marshes. He wired me not to be in a hurry, as there were obstacles in the way. In the meantime I had talked with lawyers who were familiar with the military road land grants, and they informed me that under a decision of the circuit court private parties were not permitted to sue for these lands. Still doubting whether I

could purchase the lands with any hope of successful litigation, I wrote to Senator George Turner, of Washington, to get his opinion, and incidentally to make inquiry about lands on the Columbia River, in that State. He gave the same opinion that I had already received from the other lawyers.

Realizing after I got to Washington, D. C., in December that it was a very doubtful proposition, I let the matter drop until Mr. Lee showed me a letter from Reeder & Watkins, which has been stolen from my desk in my committee room, along with other papers in this case—all the papers that I had gathered in my investigation, correspondence, telegrams, maps, and all that—probably by some of the secret-service sleuths, and when they indicated their desire that I should exert my influence in the Senate, I wrote the letter of February 15, of which the President obtained a photographic copy. In the meantime and before that letter was written, from my investigations and after a conference with the Attorney-General, I introduced the two resolutions of January 31, one calling on the Attorney-General for information, and the other (the joint resolution), which became a law, instructing him to institute suits.

My official activity, then, is shown to have taken form in the Senate before I knew anything about Reeder & Watkins's attitude or expectations, and I was in no way influenced by them, as I have asserted.

I was still anxious to buy some of the lands. Who would not be, if he was as poor as I am? They are valued at from $7,000 to $15,000 a quarter section, because they have on them the finest Oregon fir and red cedar in the world. They had been granted to the State of Oregon to build a dirt road, granted by the State of Oregon to a constructing company, and sold by that constructing company to a holding company, who are now in possession.

The original grant included the provision that they should be sold to "purchasers," not "actual settlers;" to anybody who sought to obtain them at not exceeding 160 acres to each person, and at a price not exceeding $2.50 an acre. Why should I not have tried to get some?

I was still anxious to obtain some of the land if it could be done legally, and wrote Reeder & Watkins to that effect, but my faith in them and in the whole scheme died when I received the circulars of Dorr, which came to me on February 17 and 18 from three different directions, showing the widespread distribution made of them. Also Mr. Lee's report to me had led me to believe that Reeder & Watkins were not of the caliber and character to be employed in a matter of such magnitude, except possibly as to their familiarity with the local conditions and their ability to locate quarter sections which were well timbered, as they were in the possession of a cruiser's map. Dorr, of whom I had never heard before, was evidently pushing his scheme of getting suckers to invest and using my name, as I have indicated, without authority, *because I had not paid any fees to him or written to him or filed any applications* with him or with anybody else, notwithstanding I had said I would do so.

I therefore felt it incumbent on me to expose the swindle in the Senate, which I did on the 19th of February, and asked the post-office authorities to issue a fraud order.

I pressed the passage of the joint resolution in the Senate, and on April 30 it became a law. March 18 I was taken ill, and on May 16, after a partial recuperation, I sailed for Europe, returning October 21.

The President's sleuths, set to do the dirty work of spying on a Senator when that Senator had exposed a fraud which was being perpetrated on the public, reported to him on July 27.

I had nothing whatever to do with the change in the law of which the President complains in regard to the Secret Service.

So the President's animus is not against me on the same ground for which he has attacked Messrs. TAWNEY, SMITH, and others in the House, but one of personal malice engendered by hatred because of my course in the Senate during the last seven years.

I have not attempted to deceive anybody; I have not told any falsehoods; I have not broken any law; I have not been guilty of any immoral conduct. I had the right to purchase the land if I could, but my judgment told me it was unsafe as an investment. I would like to get some of it yet, and if the Attorney-General and his successors shall not die of old age before anything is done it may be possible that I will have the opportunity to purchase some of those timber lands of which he made mention in his report (S. Doc. No. 279, 60th Cong., 1st sess.), the document which I just asked to have published. Through my action attention has been directed in a compelling way to the need of prompt action by the Department of Justice. Whether I ever get any of the land or not does not matter if Harriman and others of that ilk are made to disgorge the large holdings which they have stolen and are attempting to hold.

The President says:

> On October 20, 1907, Senator TILLMAN wrote a letter to Messrs. Reeder & Watkins, of Marshfield, Oreg., who were attorneys representing people who were applicants for the purchase of certain land-grant land. Dorr was a land agent making his filings through Reeder & Watkins.

This statement is misleading and calculated to deceive. The report of the post-office inspectors gives the actual truth. It says:

> Among the most active agents in this matter is the firm of Reeder & Watkins, of Marshfield, Oreg. Mr. Reeder is a real-estate agent and Mr. Watkins an attorney. They have associated themselves together in locating applicants on these lands.

Further, Reeder & Watkins, by circulating a shrewdly worded circular long before Dorr appeared on the scene, sought to make money by having persons pay them $21 in cash for filing an application with the clerk of the court and tendering to the company $400 per quarter section, which the law originally contemplated as the price of the land. They were to receive $100 additional whenever the Southern Oregon Company should convey the title, and they knew that no one could compel this conveyance except the United States Government, because they must have known the decision which I have already quoted, which will be found in Nichols *v.* Southern Oregon Company, Federal Reporter, volume 135, page 234.

I commenced to investigate on the 5th of October, and I made direct application to Reeder & Watkins, by telegram and by letter, on the 20th of October, 1907. Dorr did not appear until early in 1908, as shown by the report of the post-office inspectors, and his career as a swindler was brief, as I exposed the whole thing in the Senate on February 19. The President had the papers and knew all this. Reeder & Watkins were receiving $21 in cash, mark you, for the insignificant work of making a tender to the holding company and filing a notice with the clerk of the court. Dorr was to share in this commission, or whatever you term it, for whatever business he brought, and yet the President would convey the impression that these filings were merely such as are usual in purchasing government land, when he knew, or could have easily found out from the Attorney-General, that all such proposed purchasers could not thus bring any suit. In the light of the evidence as presented to the President himself, the scheme was a swindle to obtain $21 in cash, as must be apparent to all. But the President acquitted Dorr and convicted me.

By this time I had found out the legal status, and decided I would not sign a contract, file an application, or pay any money, and my only reason for writing to Reeder & Watkins on February 15 was to have them understand that Lee misconceived my attitude in the Senate, and that I was not to be considered as a tool, but acting in the interest of the public. Remember, I had not seen Mr. Lee's letter until sent in by the President. I gathered from Reeder & Watkins' letter to Lee that Lee had conveyed a wrong impression, which I sought to correct, as I have heretofore said. At the same time I was willing to use them in locating desirable quarter sections, if later on I found that the action of Congress would make it possible to restore the land to the public domain by the cancellation of the patents.

The President lays great stress on the statement of mine made the 15th of February in a letter to Reeder & Watkins. He italicizes the words "as well as myself," as though it were unlawful, immoral, or improper for a Senator to buy any land or to act in this Chamber on any question affecting his personal interest. I fail to see any sense or reason in this position, but I must submit that to the judgment of the Senate and the country. I had not become a party to any litigation; I was not interested except as a private individual wanting to purchase, and as a Senator desiring to enable others to have the opportunity to do so. Of course, the President is sure that I have done something very discreditable and outrageous. He hates me, and would destroy me if he could.

The President gloats over the fact that my letter was written "just four days before he announced in the Senate that he had not undertaken to buy any land in the West" as clinching his contention that I have lied to the Senate. The records show that in the interim the Dorr circular had been sent to me, for on February 19, when I made the exposure of Dorr, I said in the Senate:

> In the last day or two I have had my attention called to a scheme of swindling, etc.

Ah, Mr. President, it is easy for those who are themselves vulnerable to convict others on the most flimsy evidence, and the President seems to work on that theory.

On reading Dorr's circular the whole scheme and combination of swindlers—Reeder & Watkins, in Marshfield, and Dorr, in Portland; I did not know anything about Conro and Schaefer—flashed on my mind; and remembering Lee's somewhat dubious

report as to the character and qualifications of the firm of Reeder & Watkins, I decided at once to see to it that my name should not be used to inveigle others into their game. Hence my action in the Senate.

The President dismisses with a wave of the hand any possibility of my honesty by saying:

> It is unnecessary to comment on his proposal made in this letter to use his influence as a Senator to force the Government to institute a suit which would make it easy for him personally to obtain some of the land.

I wish to God he had commented. I want to see what sort of ethics Theodore Roosevelt judges people by.

It might be well to inquire whether or not the Attorney-General has been ordered not to obey the law of Congress passed last April—which I will call the "Tillman-Bonaparte" law—ordering suit to be instituted for the recovery of these lands. My culpability is of such enormity and magnitude in contemplating the purchase of 1,440 acres of land at $2.50 an acre in the eyes of this stickler for official rectitude in others that it may be found that he is determined to block my so-called "nefarious transactions."

The man who announces to Congress that he, Theodore Roosevelt, assumed the right to permit the steel trust to absorb its greatest rival contrary to law would doubtless not hesitate to help his dear friend Harriman in holding 2,000,000 acres of the public domain, simply because BEN TILLMAN has contemplated and wanted to buy 1,440 acres.

The President having convicted TILLMAN, proceeded to clear Dorr in both cases contrary to the facts and smilingly retires from the center of the stage, which it is his greatest delight to occupy, and complacently looks to have the American people and the Senate give their approval to his verdict. I await that verdict calmly and without fear, and will gladly abide by it.

Mr. President, I court the most searching investigation. Nay, I demand it. I declare most emphatically I have never concealed my efforts to buy land. It would have been idiotic to do so in the face of the fact that the land records in Oregon, which are open to inspection, would have shown the transaction beyond the possibility of concealment. I explained to the Attorney-General my effort to purchase and my failure and my inability to do so when I went to him to discuss the land situation in the West.

I explained to the agent of the Secret Service the whole transaction when I gave him the Dorr circular and the letters which had been sent to me concerning it. I could not have made him intelligently understand the game of swindling without doing so.

The question of motive will at last control and it can not be shown that I had any reason to conceal anything. I invite comparison of my private life and my public work as a man and as a Senator with Theodore Roosevelt or any other man, and I feel absolutely sure of the ground upon which I stand.

Mr. President, I am nearly through. It has been expected and desired, for I have received numerous letters and telegrams pressing it, that having made my own defense I should turn my batteries on my assailant. I do not feel that my strength is sufficient for the double task to-day, for my physician has warned me against overtaxing myself. One of the truest and best sentiments in English literature is this from Tennyson:

> Soiling another will never make one's self clean.

Theodore Roosevelt, the President of the United States, lives in a glass house with even a glass floor in it, and caution should teach him to have some regard for the old adage. He has exerted all the power of the Government to destroy me, but I feel that I stand unscathed, because if all other arguments fail to convince men, the character for rectitude, truthfulness, and honesty which I have builded in the sixty-one years of my life would at last be my bulwark. Men who have always been clean and honorable do not suddenly become liars and hypocrites at 61 without the sternest necessity.

Later on in this session, if my strength shall permit, and God knows I hope to try to keep it so, it is my purpose to devote some time to bringing Theodore Roosevelt face to face with his true self and let the people of the United States see what character of man they have been so bowed down to. For the present I content myself with applying to him this quotation from Spenser's "Faerie Queene:"

> "So now he raungeth through the world againe,
> And rageth sore in each degree and state;
> Ne any is that may him now restraine,
> He growen is so great and strong of late,
> Barking and biting all that him doe bate,
> Albe they worthy blame, or cleare of crime
> Ne spareth he most learned wits to rate,
> Ne spareth he the gentle poets rime;
> But rends, without regard of person or of time."

APPENDIX.

[Senate Doc. No. 279, Sixtieth Congress, first session.]

INFORMATION WITH RESPECT TO CERTAIN RAILROAD LAND GRANTS.

Message from the President of the United States, transmitting, in response to Senate resolution of February 3, 1908, a letter from the Attorney-General, together with a statement showing in detail the information received by the Department of Justice with respect to certain land grants. February 17, 1908.—Read; referred to the Committee on the Judiciary and ordered to be printed.

To the Senate:

In compliance with the resolution of the Senate of February 3, 1908, requesting the President "if not incompatible with the public interest, to inform the Senate what information, if any, has been received, and what action, if any, has been taken by the Department of Justice with respect to the matters and things in the preamble to this resolution set forth," I transmit herewith a letter from the Attorney-General, together with a statement, showing in detail the information received by the Department of Justice with respect to land grants made in the act of Congress approved July 25, 1866, as amended by the acts of June 25, 1868, and April 10, 1869; also the act approved May 4, 1870, which is subject to the partial forfeiture imposed by the act approved January 31, 1885.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 17, 1908.*

OFFICE OF THE ATTORNEY-GENERAL,
Washington, D. C., February 14, 1908.

SIR: In accordance with your instructions, I return herewith the resolution adopted by the Senate on February 3, 1908, with a statement showing in detail the information received by the department with respect to land grants made in the act of Congress approved July 25, 1866, as amended by the acts of June 25, 1868, and April 10, 1869; also the act approved May 4, 1870, which is subject to the partial forfeiture imposed by the act approved January 31, 1885. In pursuance of these grants, patents for a very large area of public lands have been issued to the Oregon and California Railroad Company, and a smaller, but still considerable, area has been selected by the same corporation, and patents demanded but not yet issued. The history of this entire transaction is given in the inclosed statement, which represents the results of an exhaustive investigation made by order of the Department of Justice during the past year. This department is prepared to initiate suitable legal proceedings justified by the facts developed through the above-mentioned investigation, has employed suitable special counsel to conduct the said proceedings, and, unless otherwise instructed by the Congress or yourself, will institute the same in the near future.

I remain, sir, yours, very respectfully,

CHARLES J. BONAPARTE,
Attorney-General.

The PRESIDENT,
The White House.

OREGON AND CALIFORNIA RAILROAD LAND GRANTS.

Senate resolution adopted February 3, 1908, recites that "at divers times various railroads and other corporations" have received congressional land grants, containing provisions restricting the sale of the land to actual settlers in limited quantities and at a limited price; that "it is currently reported and widely believed that the Department of Justice has information to the effect" that, as to certain grants affecting lands in States on the Pacific slope, the provision restricting sales as above mentioned has been flagrantly violated and evaded. It is then—

"*Resolved*, That the President be requested, if not incompatible with the public interest, to inform the Senate what information, if any, has been received, and what action, if any, has been taken by the Department of Justice with respect to the matters and things in the preamble to this resolution set forth."

In the month of March, 1907, the attention of the Department of Justice was directed to certain charges that the terms and conditions of the congressional land grants of the Oregon and California Railroad Company had been flagrantly violated. So far as known, the subject was never before brought to the attention of any department or officer of the Government.

The grants in question involve a large amount of land situated in the western part of the State of Oregon.

After a preliminary consideration, a representative of the Department of Justice was sent to Oregon to prosecute a complete investigation of the subject. This work has been pursued without interruption until the present time, and the department is now preparing to institute proceedings to enforce and protect the rights of the Government in the premises.

The Senate resolution is general in its terms, but it is assumed that it refers to the land grants above mentioned and the work of the department relating thereto.

TERMS OF THE GRANTS.

By the act of July 25, 1866, as amended by the acts of June 25, 1868, and April 10, 1869, public lands, in alternate odd sections, to the extent of 20 sections per mile, were granted to aid in the construction of a railroad in Oregon, from Portland southerly through the Willamette, Umpqua, and Rogue River valleys, to the boundary line between the States of Oregon and California. A similar grant was made to aid in the construction of a railroad in the State of California to connect therewith, and extending to a point on the Central Pacific Railroad in California, a separate grant being made in each of said States.

By the act of May 4, 1870, public lands, in alternate odd sections, to the extent of 20 sections per mile, were granted to aid in the construction of a railroad from the city of Portland, extending westerly for a distance of 20 miles and thence southerly a distance of 27 miles. The act also extended aid for the construction of a further line to Astoria, but the latter line was never constructed, and that part of the grant was forfeited by the act of January 31, 1885.

The first grant above mentioned contemplated a total of approximately 3,800,000 acres, computed by mileage at the rate of 20 sections per mile. The grant last described, deducting that part subsequently forfeited, embraced approximately 130,000 acres, the area of the latter grant being largely reduced by the overlapping of the former grant.

Both of the grants named became vested in the Oregon and California Railroad Company, a corporation organized under the laws of

the State of Oregon. The company last named became vested with the grant first described in April, 1870, at which time only 20 miles of the railroad had been constructed. The latter grant was held by a separate corporation for about ten years, until October 8, 1880, when it likewise was transferred to the Oregon and California Railroad Company. In the meantime the capital stock of both companies had been owned and controlled by the same parties.

The Oregon and California Railroad Company became recognized as the lawful successor to both of the grants, and all patents on account of either grant have been executed to the Oregon and California Railroad Company, and that company has received and administered both of the grants.

Act of July 25, 1866.—The grant of July 25, 1866, as amended by the act of April 10, 1869, contained the following provision:

"*Provided further,* That the lands granted by the act aforesaid shall be sold to actual settlers only, in quantities not greater than one quarter section to one purchaser, and for a price not exceeding $2.50 per acre."

Act of May 4, 1870.—The act of May 4, 1870, contained the following provision:

"SEC. 4. *And be it further enacted,* That the said alternate sections of land granted by this act, excepting only such as are necessary for the company to reserve as depot, stations, sidetracks, wood yards, standing ground, and other needful uses in operating the road, shall be sold by the company only to actual settlers in quantities not exceeding 160 acres, or a quarter section, to any one settler, and at a price not exceeding $2.50 per acre."

A brief financial history of the Oregon and California Railroad Company will assist in presenting this subject.

Shortly after its organization in April, 1870, a construction loan was negotiated in Germany. The bonds were secured by mortgage upon the projected railroad and by trust deed covering the land grant. Construction was prosecuted with considerable vigor until January, 1873, when the funds became exhausted and construction was suspended at Roseburg, a distance of 197 miles from Portland and a little more than one-half the entire road.

Interest payments were defaulted; the German bondholders formed a bondholders' committee composed of bankers of Frankfort on the Main, and the latter sent Henry Villard to Oregon as their representative. In July, 1874, Villard secured control of the funds and finances of the company and foreclosure proceedings were postponed. In February, 1876, the bondholders' committee acquired all of the capital of the railroad. The stock was held by trustees, who elected officers and conducted the affairs of the railroad company for the benefit of the bondholders.

In 1881 Mr. Villard reorganized the company; the old capital stock was canceled, the former bonds were surrendered, and new capital stock accepted in lieu thereof, preferred stock to the amount of $12,000,000 representing the principal, and common stock to the amount of $7,000,000 representing the deferred interest. A new construction loan was negotiated. At the time of the surrender of the former bonds and the acceptance of preferred stock therefor it was agreed that the preferred stock should have a preferred interest in the land grant in case of a liquidation of the company, and this agreement was secured by trust deed.

Mr. Villard resumed construction work and, with the aid of a second loan secured by mortgage upon the railroad, conducted the work until December, 1883, the railroad being thus extended to Ashland, about 30 miles from the state line.

The construction fund again became exhausted. The road was placed in the hands of a receiver in January, 1885, because of nonpayment of interest. The receivership was continued until the Southern Pacific system concluded negotiations to take over the road, which they did in the year 1887. The general features of the acquisition of the road by the Southern Pacific were as follows:

"First. All of the capital stock of the Oregon and California Railroad Company was turned over to the Pacific Improvement Company, which was a development company used by the Southern Pacific syndicate composed of Huntington, Stanford, Crocker, and Hopkins.

"Second. New bonds were issued and guaranteed by the Southern Pacific Company to an amount sufficient to pay off all of the outstanding indebtedness.

"Third. The railroad was then leased to the Southern Pacific Company, which, in effect, acquired all of its capital stock and then leased the road to itself.

"Fourth. The Pacific Improvement Company completed the construction of the railroad to the state line in December, 1887, connecting with the California and Oregon Railroad, which at about the same time was completed from the south."

Through railroad transportation was then established between Portland and San Francisco, and the Oregon and California Railroad has since been operated as a part of the Southern Pacific system until taken over by the Harriman lines in 1901.

In the meantime the Southern Pacific interests had already, as early as 1871, acquired the California and Oregon Railroad Company, together with its land grant in the State of California, provided for by this same act of July 25, 1866.

In October, 1901, the control of the Southern Pacific Company was secured by E. H. Harriman and the Union Pacific interests, and at that time the capital stock of the Oregon and California Railroad Company was transferred direct to the Southern Pacific Company, and this condition still continues. In October, 1901, Mr. Harriman was elected president of the Oregon and California Railroad Company, which position he still occupies, and the railroad has been operated as a part of the Harriman lines.

The general history of the company may be summarized by saying that until 1887 it was always crippled in its operation, including the handling of the land grant, by its lack of financial backing, and was never made a profitable enterprise. Since 1887 its condition in this respect has been completely reversed; it has become a very prosperous and profitable enterprise, its financial backing has been almost unlimited, and it has become an indispensable factor of the powerful organization by which it has been absorbed. Prior to its acquisition by the Southern Pacific Company it was a local enterprise, conducted with reference to local commercial and industrial conditions; since that time it has been used by some of the masters of the nation's finance as a mere instrumentality to further the development of a monopoly of transportation affecting a very substantial part of the commerce of the nation. This fact is of vital importance in following the history of the land grants.

When acquired by the Southern Pacific Company, not only did the Oregon and California Railroad become a part of that already formidable system but its land grants were joined to the still larger land grants of the Southern Pacific system, all of which were handled by a single department, with a common policy, which was quite foreign, and in some respects opposed, to local commercial conditions, to promote which the grant was originally created. The subsequent acquisition of the Southern Pacific by the Union Pacific interests intensified this condition.

CONSTRUCTION OF RAILROADS.

Under the act of May 4, 1870, the railroad was constructed westwardly from Portland to Forest Grove, and thence in a southerly direction to the terminus named in the act—a total of about 47 miles—during the years 1871 and 1872, within the time required by the act. The line to Astoria was never constructed and that part of the grant was forfeited, as above stated.

Under the act of July 25, 1866, as amended, during the years 1870, 1871 and 1872 the railroad was constructed from East Portland to Roseburg, a distance of about 197 miles. Work of construction was then suspended until 1881. The balance of the line, a distance of approximately 175 miles, was constructed during the years 1881, 1882, 1883, and 1887. The act, as amended, required the completion of the road on or before July 1, 1880, but Congress failed to assert forfeiture on account thereof and the default was waived.

SELECTIONS AND PATENTS.

Through a misunderstanding of the law by the Interior Department, upon the filing of maps of location in 1870 to 1873, all lands within the grants were withdrawn from the public domain, including those situated within the indemnity limits. In 1885 the Supreme Court of the United States rendered an opinion correcting this construction of the law, and the order referred to was finally revoked in 1887.

Under the grant of July 25, 1866, selections for the northern part of the grant were filed as rapidly as the road was constructed, and patents therefor were issued from 1871 to 1877. During those years there was selected by and patented to the railroad company on account of the grant of July 25, 1866, 323,184.68 acres.

Taking advantage of the erroneous ruling of the Interior Department, above referred to, no further selections were made by the railroad company, and therefore no further patents were issued. One of the reasons for this conduct was unquestionably the financial condition of the railroad company. By this method taxation was avoided and the payment of the fees for the patenting of the land was postponed.

One of the first steps taken by the Southern Pacific system after acquiring control was to make selections as rapidly as possible for the entire grant.

The issuing of patents was resumed in 1893 and continued without interruption until 1906.

Beginning with the year 1893, patents have been issued on account of the grant of July 25, 1866, to the amount of 2,442,448.45 acres, making a total amount patented to date on account of that grant 2,765,597.13 acres. In addition to this the railroad company has filed selections claiming approximately 300,000 acres more.

No patents were issued on account of the grant of May 4, 1870, prior to the year 1895. Commencing with the year 1895, patents have been issued to the amount of 128,618.13 acres.

The General Land Office has suspended action upon all pending selections because of the contemplated action of the Department of Justice.

Under the two grants there have been patented 2,894,215.26 acres, of which there have been sold 813,908.82 acres, leaving still in the hands of the railroad company 2,080,306.44 acres, and in addition thereto approximately 300,000 acres to which claim has been asserted and issuance of patent has been suspended, as explained.

SALES BY RAILROAD COMPANY.

This subject will be first presented in a general way and then illustrated by tabulated statements.

The manner in which the granted lands have been disposed of may be summarized in a single paragraph:

"The provisions of the grants restricting the manner of sales have never been respected. The lands have been sold to any person, whether settler or speculator, in as large quantities as possible and at the highest price possible. In making sales, the railroad company has always observed the law of supply and demand, and has never obeyed the law of Congress."

While the railroad company has never restricted itself in the manner of making sales to comply with the terms of the grant, it is a fact that for many years the opportunities to violate the conditions of the grant were comparatively few. Prior to the year 1890 the principal demand for these lands was from actual settlers, in small quantities, for the purpose of making homes, with incidental sales to speculators and timber men in comparatively small quantities. After the year 1890 the principal demand was from timber men and speculators in immense quantities, at increasing prices, with only a compartively few incidental sales to actual settlers; but, while the two periods mentioned present a marked contrast in this respect, there was in fact no change in the policy of the railroad company. Its policy has always been to dispose of the land as advantageously as possible, without the slightest regard to the conditions of the grant. The only change which actually took place was an increase in the opportunities to violate the grant, accompanied by increased facilities on the part of the Southern Pacific interests to take advantage of these opportunities.

During the early history of the grants most of the adjoining land was still a part of the public domain, subject to appropriation under the public-land laws of the United States. By the terms of the granting acts the minimum purchase price fixed by the Government upon these public lands was $2.50 per acre; so that while there remained a substantial portion of the public domain which could be obtained at that price, it was difficult for the railroad company to secure more; moreover, the existence of this vast amount of public land postponed the activity of the speculator. So that, until about the year 1890, except in a few small localities, there was practically no demand for the railroad land except by actual settlers, persons of limited means, who were able to buy only in small quantities.

It must not be understood, however, that even during this period sales were limited to actual settlers or to small quantities. On the contrary, substantial violations of the terms of the grant occurred from the very beginning. The first conveyances were made in 1872 and have been continued from that time until the present. Among the first conveyances executed in 1872 several instances occur where the land was sold at prices largely in excess of $2.50 per acre, sometimes as high as $10 per acre. In 1874 three instances are found of conveyances to a single purchaser of a quantity exceeding 1,000 acres each. These violations continued throughout the history of the grant.

When the Southern Pacific system secured control of the land grants, the first thing they did was to organize an effective land department. Land examiners and timber cruisers were employed and a

force set to work to ascertain and appraise the value of each specific tract of land contained in the grant; this had never been done before. The work was commenced in the summer of 1888. About the year 1890 some of the old and experienced timber men of Michigan, Wisconsin, and Minnesota were attracted by reports as to the timber lands of Oregon. They sent representatives to examine the lands. With their superior information, they readily appreciated the value of these lands. Prior to that time there had been practically no demand, nor a present value of the timber lands. There suddenly arose a tremendous demand for the lands by wealthy timber men and speculators in the East; the market for such lands developed within the space of a year. The railroad company was quick to see its opportunity to profit by disposing of the lands contrary to the terms of the grant. It immediately began to make sales in quantities ranging from 1,000 to many thousand acres.

Nor was the railroad company unconscious of its offending. It realized the responsibilities it was incurring and adopted significant measures of defense. Prior to 1890 the railroad company had always given conveyances in the so-called "grant, bargain, and sale" form of deed, with implied covenants. There was no reason why it should change so long as it restricted itself to at least a substantial observance of the law. In 1891, however, it changed all of its forms of deeds and contracts and has ever since refused to execute anything but a quitclaim form of deed, except where it had by prior contract obligated itself to do otherwise. This is a most unusual circumstance. The title of the railroad company consisted simply of a grant from the United States. What liability did it seek to avoid by this unusual precaution?

Thus we find at about the year 1890 an unexpected and substantial demand for land, which gave the railroad company an opportunity to make wholesale violations of the terms of the grants, with great profit. It immediately determined to take advantage of that opportunity, wholly ignoring the conditions of the grants and sought protection against responsibility for these violations of the law by the adoption of the quitclaim form of conveyance. This policy was pursued by the company without restriction until 1902, during which period approximately 400,000 acres of land were sold to timber men and speculators in quantities exceeding 1,000 acres to each purchaser.

Late in the year 1902 the railroad company adopted a new policy and permanently withdrew all of its lands from sale. There then remained in its hands approximately 2,000,000 acres of the grant, besides approximately 300,000 acres claimed but not patented. After having disposed of approximately 800,000 acres, most of it in violation of the terms of the grants, it resolved upon the plan of asserting an absolute, unqualified, and permanent estate in the balance of the grants in its own favor. Various excuses for this step have been given from time to time, the apparent purpose of which was to influence public sentiment on the subject. For a time applicants to purchase were informed that by reason of a confusion of the records of the company it was necessary to make a complete check of its titles to ascertain what land remained for sale. The San Francisco fire was used as an excuse for some time, it being explained that the records of the company had been destroyed, and with them its information concerning its holdings. By these various excuses public sentiment was restrained until comparatively a short time ago, when the aggravated industrial and commercial conditions resulting from the policy of the railroad company brought forth vigorous protests, which were called to the attention of the Department of Justice in March, 1907. In a public speech at Oakland, Cal., during September, 1907, Mr. Harriman, the president of the company, admitted that this policy was intended to be permanent.

Tabulated statement.—As a part of the work heretofore prosecuted by the Department of Justice, a complete statement has been obtained from the public records, the records of the railroad company, and other sources, showing all sales made by the railroad company. The work in Oregon was completed November 1, 1907. Records made since that time are therefore not included in the statements tabulated. These statements include all conveyances executed by the railroad company, together with all contracts now pending. As to the former, the exact purchase price was ascertained in each instance; as to the latter, this was impossible; but sufficient information was obtained to justify the estimate of $7 per acre as the average purchase price of the pending contracts, and this estimate is used so far as contracts are concerned in making up the following statements.

In these compilations no attempt has been made to distinguish sales to actual settlers from sales to speculators. It may be safely stated, however, that none of the large sales are to actual settlers, and that even a large proportion of the smaller sales were made to speculators.

Total sales.

Conveyances.	Number.	Acres.	Purchase price.
DEEDS.			
Act of July 25, 1866	4,159	588,078.62	$2,901,954.68
Act of May 4, 1870	246	22,136.78	86,450.30
Total deeds	4,405	610,215.40	2,988,404.98
PENDING CONTRACTS.			
Act of July 25, 1866	883	154,335.16	1,080,346.12
Act of May 4, 1870	35	49,358.26	345,507.82
Total contracts	918	203,693.42	1,425,853.94
Total sales	5,323	813,908.82	4,414,258.92

Average purchase price per acre, approximately, $5.42.

The following statement has been prepared to demonstrate the extent to which the conditions of the grant have been violated in the disposition of the lands. The sales are classified according to the number of acres conveyed and the purchase price. Conveyances for 160 acres or less are classified to indicate those wherein the purchase price exceeded $2.50 per acre. As to conveyances for more than 160 acres, this distinction is not observed, because the excessive quantity of land conveyed rendered such conveyances violations of the conditions of the grant. It may be stated, however, that with two or three unimportant exceptions all of the conveyances of large quantities are also at a price in excess of $2.50 per acre. Both grants are included in the following statements. Conveyances are treated separately from pending contracts.

Deeds conveying—	Number.	Acres.	Purchase price.
160 acres or less, at $2.50 per acre or less	1,947	127,418.57	$282,091.33
160 acres or less, at a price exceeding $2.50 per acre	2,148	120,205.05	493,098.30
Exceeding 160 acres, but less than 640 acres	233	75,023.41	250,885.52
Exceeding 640 acres, but less than 2,000 acres	46	51,102.02	335,555.91
2,000 acres or more	31	236,466.35	1,626,773.92
Total deeds	4,405	610,215.40	2,988,404.98

The following statement contains the same information concerning pending contracts, except that no distinction is made as to purchase price, for the reason that all of the pending contracts are for a price in excess of $2.50 per acre:

Contracts to convey—	Number.	Acres.	Purchase price.
160 acres or less	857	50,356.58	$352,496.06
Exceeding 160 acres, but less than 640 acres	46	16,876.63	118,136.41
Exceeding 640 acres, but less than 2,000 acres	7	6,700.36	46,902.52
Exceeding 2,000 acres	8	129,759.85	908,318.95
Total contracts	918	203,693.42	1,425,853.94

Combining conveyances with pending contracts, we have the following:

	Number.	Acres.	Purchase price.
Sales within limitations both as to quantity and purchase price	1,947	127,418.57	$282,091.33
Sales within limitations as to quantity, but at a price exceeding $2.50 per acre	3,005	170,561.63	845,594.36
Sales in quantities exceeding 160 acres	371	515,928.62	3,286,573.23
Total sales	5,323	813,908.82	4,414,258.92

To illustrate the point that the large substantial violations have occurred recently, the following statement has been prepared. The sales are compiled by two periods, the first one from 1872 to 1897, inclusive, and the second one from 1898 to 1907, inclusive:

	1872 to 1897.		1898 to 1907.	
	Acres.	Purchase price.	Acres.	Purchase price.
160 acres or less, at $2.50 per acre or less	100,458.16	$215,879.47	26,960.41	$66,211.86
160 acres or less, at a price exceeding $2.50 per acre	55,240.39	206,140.32	115,321.24	639,454.04
Exceeding 160 acres, but less than 640 acres	34,223.59	80,388.75	57,676.45	288,633.18
Exceeding 640 acres, but less than 2,000 acres	11,698.54	42,117.21	46,103.84	340,341.22
Exceeding 2,000 acres	2,234.70	4,579.40	363,991.50	2,530,513.47
Total	203,855.38	549,105.15	610,053.44	3,865,153.77

The following table contains comparative totals of sales in quantities exceeding 160 acres, compiled for the same periods:

Period.	Acres.	Purchase price.
1872 to 1897	48,156.83	$127,085.36
1898 to 1907	467,771.79	3,159,487.87

Again, taking the sales in quantities exceeding 2,000 acres, the contrast is even more marked, as appears in the following table:

Period.	Sales.	Acres.	Purchase price.
1872 to 1897	1	2,234.70	$4,579.40
1898 to 1907	39	363,991.50	2,530,513.47

The one instance during the period 1872 to 1897 occurred in the year 1893.

Thus it appears that of 813,908.82 acres sold by the railroad company, only 127,418.57 acres were sold within the limitations of quantity and purchase price prescribed by the grant; and 515,928.62 acres were sold in quantities exceeding 160 acres, of which 363,991.50 acres were conveyed or sold to 38 purchasers in quantities exceeding 2,000 acres to each purchaser since the year 1897.

The foregoing tabulations appear inconsistent with the former statement that the large sales to timber men and speculators commenced about 1890. A word of explanation is necessary. With but one exception, all of the large sales were made by contract, providing for the payment of the purchase price in from seven to ten annual installments. Therefore the large sales contracted in 1890 and succeeding years did not appear of record until the deeds were executed, commencing in December, 1897. The foregoing tabulations are based upon the date of the deeds, except as to pending contracts. The one exception referred to was the one instance of the large sale in 1893, which was a sale for cash instead of by contract. It should be added that many of the deeds were not recorded until long after they were executed, and several of the larger deeds have never been recorded.

In the foregoing tabulations no account has been taken of instances where more than one deed was given to a single purchaser. By combining the deeds executed by the railroad company to each purchaser, the extent of the violations will appear considerably greater than shown by the statement. Several purchasers received from ten to thirty deeds each, and in some of these instances each of the deeds was for 160 acres or less, and therefore appear in the compilations as non-violations.

COMMERCIAL AND INDUSTRIAL EFFECTS.

It is difficult to define but not to appreciate the necessary effects of the policy which has been pursued in the administration of these land grants.

The grants placed in the hands of a single proprietor nearly one-half of the lands of western Oregon, subject to conditions, however, intended to insure the distribution of the land in small quantities among the producing class. Notwithstanding these conditions, the greater portion of the land still remains in the hands of a single proprietor, which refuses to sell it, develop it, or improve it; simply holding it to share the benefits which shall result from the labor of others. The greater part of the land sold went into the hands of proprietors of the same class. In several instances every alternate section in one, two, and even three townships was conveyed to and is still held by a single purchaser, so that the development of the entire country is restricted by the conditions naturally incident to the ownership of one-half of the land by proprietors of this character. The effect of these conditions upon commercial development does not require demonstration.

It is a notorious fact that western Oregon has been developed to the extent of only a small portion of its natural resources.

A large part of the land which has in this manner been placed beyond the reach of the American settler is considered by those most familiar with its character to be well adapted to make attractive homes for thousands of our citizens, with abundant opportunity for profitable industry.

That the present railroad interests are deliberately using the land grant for the purpose of retarding the development of western Oregon can not be asserted as a fact; but it is certain that its policy has this direct effect, and it is not difficult to understand that a selfish purpose may be subserved thereby. In this connection it is proper to consider that the Oregon and California Railroad Company is now a part of a well-organized transportation system, which controls the commerce of approximately one-third of the United States. So far as western Oregon is concerned, this railroad system not only holds an absolute monopoly of transportation, but, through the manipulation of the land grant, it practically controls production.

The following facts are significant: The present transportation facilities of western Oregon are taxed to their full capacity in handling the products of the country. If the railroad company should abandon its present policy and dispose of its land grant to those who would develop it and subject it to productive industry, it is certain that the increased production of the country would be so greatly in excess of the present transportation facilities that competing transportation lines would be attracted to that State. It is equally certain, with the Southern Pacific interests controlling substantially one-half of the land, no other transportation company, however formidable, is likely to venture into that territory to engage in competition with a system which virtually controls not only transportation, but also production. More than four-fifths of the land grant now held by the railroad company is situated in southern Oregon. At the time the railroad company withdrew its lands from sale, in 1902, southern Oregon was developing rapidly. It was largely this development which taxed the capacity of the existing transportation facilities. The sale of land was stopped and the development of southern Oregon was checked.

TAXES.

It may possibly be urged that the railroad company has for many years paid taxes in large amounts, and is therefore entitled to equitable consideration. It will be stated that, including the year 1907, the railroad company has paid approximately $1,000,000 in taxes. An examination of this question, however, disposes of all apparent equities in favor of the railroad company.

Prior to the year 1891 very little of the land had ever been assessed or listed for taxation. But a small portion of the land grant had been patented; the railroad company had postponed the procuring of patents to avoid taxation. The total taxes paid by the railroad company down to that time did not exceed $75,000. Surely this did not palliate the violations of law which occurred at that time. Several large sales were made in the years 1891, 1892, and 1893, in each of which the excess price charged and received by the railroad company was greater than the total amount of taxes which it had paid to that time.

Since 1891 the greater part of the lands have been listed for taxation; but until the year 1902, when the railroad company for the first time asserted an absolute, unqualified ownership of the lands, with no obligation as to the disposition of the same, and permanently withdrew its lands from sale, the assessed valuation of the land was based upon the assumption that the interest of the railroad company was limited to $2.50 per acre, and therefore the lands were assessed at a nominal valuation, averaging approximately 50 cents per acre. So that down to the year 1902 the amount of taxes paid by the railroad company was still a comparatively small item. After the company adopted its present policy, the county officers of each county instituted the practice of assessing the railroad lands the same as the lands of other proprietors. The various counties have had the lands cruised and their value estimated and assessments made accordingly. The total assessed valuation of the land grant for the year 1907 was approximately $18,000,000, whereas prior to the year 1902 the assessed valuation had never exceeded $2,000,000.

Of the total taxes paid by the railroad company on account of its land grant, from 1870 to the present time, more than one-half has been paid since the year 1902. In other words, the greater portion of the taxes paid by the railroad company down to the present time have been incurred by it as a direct result of its own violation of the law. It is difficult to see how any equities can be predicated upon these facts. Even as it is, the total taxes paid by the railroad company does not average to exceed 40 cents per acre, and but for the increased taxation brought about in the manner heretofore stated would have been but about 15 to 20 cents per acre for the whole thirty-seven years since it acquired the grant.

CONCLUSION.

If the conditions of the grant had been observed, under no circumstances could the railroad company have enjoyed a bounty exceeding approximately $8,000,000 from the disposition of the lands, which it has received. It has already realized approximately $4,500,000, and now asserts absolute ownership to property the assessed valuation of which is $18,000,000.

The grants contained restrictions designed to make the general public welfare superior to any interest which the railroad company should ever possess with respect to the lands granted. Those provisions have been repeatedly violated in the disposition of a large portion of the grants, and because thereof the legal right to permanently ignore them and convert the remainder of the grant into an absolute and unqualified single ownership is now boldly asserted.

That at the expiration of forty years after the enactment of the grants 2,000,000 acres of the lands granted should be vested in a single proprietor, with no public obligation, and virtually controlling the commercial destiny of a large portion of the State of Oregon, is the very evil which the provisions of the grant were designed to avert. Yet that condition now exists, with the assertion of a legal right to make it permanent.

It is confidently believed that substantial remedies exist in favor of the Government. It is the purpose of the Department of Justice to enforce those remedies. It is respectfully suggested, however, that discussion of their form be deferred for presentation before the court to which the cause shall hereafter be addressed.

RECESS.

Mr. KEAN. Mr. President, as it is impossible to transact business in the confusion owing to the departure of many occupants of the galleries, I move that the Senate take a recess for ten minutes.

The motion was agreed to; and at the expiration of the recess (1 o'clock and 10 minutes p. m.) the Senate reassembled.

ELECTORAL VOTES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, authenticated copies of the certification of the final ascertainment of electors for President and Vice-President in the States of Kansas, Alabama, and New Jersey, which, with the accompanying papers, were ordered to be filed.

ANNUAL REPORT OF INTERSTATE COMMERCE COMMISSION.

The VICE-PRESIDENT laid before the Senate, pursuant to law, the Twenty-second Annual Report of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce (H. Doc. No. 1317) and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Mrs. Marie Ernestine Bourcy, Miss Marie Ernestine Bourcy, jr., Stanilaus L. Bourcy, and Augustin Theodore Bourcy, heirs of Eugene Augustin Bourcy, deceased, *v.* United States, which, with the accompanying paper, was referred to the Committee on Claims (S. Doc. No. 647) and ordered to be printed.

ENROLLED BILL SIGNED.

The VICE-PRESIDENT announced his signature to the bill H. R. 22306, an act to authorize the Delaware, Lackawanna and Western Railroad Company and the Lackawanna Railroad Company of New Jersey to construct and maintain a bridge across the Delaware River from a point near the village of Columbia, Knowlton Township, Warren County, N. J., to the village of Slateford, Northampton County, Pa., which had heretofore been signed by the Speaker of the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 4856) authorizing the Secretary of Commerce and Labor to lease San Clemente Island, California, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 23866. An act to amend an act entitled "An act to authorize the construction of a bridge between Fort Snelling Reservation and St. Paul, Minn.," approved March 17, 1906.

H. R. 24831. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

H. R. 25391. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

H. R. 25409. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors; and

H. J. Res. 219. Joint resolution to accept the gift of Constitution Island, in the Hudson River, New York.

The message further transmitted to the Senate resolutions of the House commemorative of the life and public services of Hon. REDFIELD PROCTOR, late a Senator from the State of Vermont.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented petitions of Pomona Grange, Patrons of Husbandry, of northern New Hampshire; of Local Grange No. 1211, Patrons of Husbandry, of Ashley, Mich.; and of sundry citizens of the United States, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented petitions of sundry citizens of Pittston, Fryeburg, Harrison, and Franklin County, all in the State of Maine, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. LONG presented the petition of A. J. Snyder and 5 other citizens of Westphalia, Kans., and the petition of John Warner and 42 other citizens of Manhattan, Kans., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DICK presented a petition of sundry citizens of Barberton, Ohio, praying for the passage of the so-called "postal savings banks" bill, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GAMBLE presented a petition of the South Dakota Educational Association, of Aberdeen, S. Dak., praying for the enactment of legislation providing for the separation of the Bureau of Education from the Department of the Interior, and also for the establishment of a department of public health, which was referred to the Committee on Education and Labor.

Mr. FULTON presented a petition of sundry citizens of the State of Oregon, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BROWN presented a petition of the Real Estate Exchange of Omaha, Nebr., praying for the enactment of legislation granting travel pay to railway postal clerks, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WETMORE presented a petition of the Board of Trade of Providence, R. I., and a petition of the Rhode Island Bar Association, of Providence, R. I., praying for the enactment of legislation to increase the salaries of the United States circuit and district court judges, which were referred to the Committee on the Judiciary.

Mr. DEPEW presented a petition of Local Grange No. 905, Patrons of Husbandry, of Jackson Corners, N. Y., and a petition of Milton-on-Hudson Grange, No. 884, Patrons of Husbandry, of Milton, N. Y., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PILES (for Mr. ANKENY) presented petitions of Mountainside Grange, No. 190, of Van Zandt; of Evartsville Grange, No. 114, of Pullman; and of Pleasant Hill Grange, No. 101, of Castle Rock, all Patrons of Husbandry, in the State of Washington, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming. I am directed by the Committee on the Judiciary, to whom were referred certain bills, to ask that they be discharged from their further consideration and that they be referred to the Committee on Finance, as they relate to the customs.

There being no objection, the Committee on the Judiciary were discharged from the further consideration of the following bills, and they were referred to the Committee on Finance:

A bill (S. 7940) to amend an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes;"

A bill (S. 7941) to amend section 3613 of the Revised Statutes of the United States;

A bill (S. 7942) to amend section 2619 of the Revised Statutes of the United States; and

A bill (S. 7943) to amend section 2625 of the Revised Statutes of the United States.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (H. R. 19662) to amend an act entitled "An act to establish the foundation for the promotion of industrial peace," asked to be discharged from its further consideration and that it be referred to the Committee on Education and Labor, which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 6th instant, proposing to increase the salaries of the Chief Justice and the associate justices of the Supreme Court of the United States, intended to be proposed to the legislative, etc., appropriation bill, reported it with amendments and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

ADDITIONAL CLERK TO COMMITTEE ON INDIAN AFFAIRS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution (No. 223) submitted by Mr. CLAPP on the 14th ultimo, reported it with an amendment in the nature of a substitute, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Indian Affairs be, and is hereby, authorized to employ for the remainder of the Sixtieth Congress an additional clerk to be paid from the contingent fund of the Senate at the rate of $120 per month.

BILLS INTRODUCED.

Mr. RAYNER introduced a bill (S. 8316) granting an increase of pension to Owen C. Morris, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 8317) granting a pension to Alphonso Penley, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McLAURIN introduced a bill (S. 8318) for the relief of the legal representative of the owner of certain cotton taken by the United States military authorities in Adams County, Miss., in 1863, which was read twice by its title and referred to the Committee on Claims.

Mr. KEAN introduced a bill (S. 8319) granting an increase of pension to George Schoonover, which was read twice by its title and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 8320) granting an increase of pension to Mary H. Dodge, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 8321) granting an increase of pension to Henry Newhouse, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 8322) granting an increase of pension to Harriet H. Brady, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CRANE introduced a bill (S. 8323) to establish in the Department of the Interior a bureau to be known as the "children's bureau," which was read twice by its title and referred to the Committee on Education and Labor.

He also introduced a bill (S. 8324) for the relief of E. C. Mansfield, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

Mr. GAMBLE introduced a bill (S. 8325) granting an increase of pension to Ole Olson, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SUTHERLAND introduced a bill (S. 8326) granting a pension to A. J. Staley, which was read twice by its title and referred to the Committee on Pensions.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8327) granting an increase of pension to Florencia M. Noel;

A bill (S. 8328) granting a pension to Sarah E. Hood;

A bill (S. 8329) granting a pension to Howard Reeder; and

A bill (S. 8330) granting an increase of pension to Thomas B. Stewart.

Mr. PENROSE introduced a bill (S. 8331) granting an increase of pension to Albion White, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 8332) relating to the conservation of the timber resources of the United States, which was read twice by its title and referred to the Committee on Public Lands.

Mr. CURTIS introduced a bill (S. 8333) to authorize the Edgewater Connecting Railway Company to construct, maintain, and operate a railroad bridge across the Kansas River at or near Kansas City, Kans., in the county of Wyandotte, State of Kansas, which was read twice by its title and referred to the Committee on Commerce.

Mr. WETMORE introduced a bill (S. 8334) granting an increase of pension to Joseph H. Havens, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARNER introduced a bill (S. 8335) granting an increase of pension to Mary J. Voris, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8336) granting a pension to James C. Tryon;

A bill (S. 8337) granting an increase of pension to Herman H. Richter;

A bill (S. 8338) granting an increase of pension to Ozen B. Nichols;

A bill (S. 8339) granting an increase of pension to Joseph Blankenship;

A bill (S. 8340) granting an increase of pension to James R. Rittenhouse;

A bill (S. 8341) granting an increase of pension to William Blair;

A bill (S. 8342) granting an increase of pension to Arthur Eckert;

A bill (S. 8343) granting an increase of pension to George P. Sargent;

A bill (S. 8344) granting an increase of pension to Tobias McQuaid;

A bill (S. 8345) granting an increase of pension to Samuel Workman;

A bill (S. 8346) granting an increase of pension to John Hobart;

A bill (S. 8347) granting an increase of pension to James A. Rutherford;

A bill (S. 8348) granting an increase of pension to Thomas Uptegrove;

A bill (S. 8349) granting an increase of pension to John Burton; and

A bill (S. 8350) granting an increase of pension to Ferdinand Rubin.

Mr. WARREN introduced a bill (S. 8351) for the relief of Patrick Jordan, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. DEPEW introduced a bill (S. 8352) granting an increase of pension to Rida B. Haskell, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PILES (for Mr. ANKENY) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Territories:

A bill (S. 8353) to relieve the Copper River Railway Company in Alaska from taxation; and

A bill (S. 8354) to relieve the Copper River and Northwestern Railway Company in Alaska from taxation.

Mr. BURKETT introduced a bill (S. 8355) for the relief of Frank Blacklock, executor of Rinaldo P. Smith, of Baltimore, Md., which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 8356) to enable the Omaha Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. DIXON introduced a bill (S. 8357) to extend the time for disposing of lands on the Huntley project within the ceded Crow Indian Reservation, Mont., which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. LODGE introduced a joint resolution (S. R. 114) authorizing the Secretary of War to dispose of certain bronze or brass cannon, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. CURTIS introduced a joint resolution (S. R. 115) authorizing the Secretary of War to establish harbor lines in the Kansas River at Kansas City, Kans., which was read twice by its title and referred to the Committee on Commerce.

AMENDMENTS TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ELKINS submitted an amendment proposing to increase the salaries of the chief justice and judges of the Court of Claims, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLINT submitted an amendment proposing to appropriate $2,090,000 for salaries and expenses of collectors of internal revenue and deputy collectors, surveyors, and clerks, etc., in the Internal-Revenue Office, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. TELLER submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

Mr. RAYNER submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

Mr. DICK submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

REPORT ON DISTRICT JAIL.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers (S. Doc. No. 648), referred to the Committee on the District of Columbia and ordered to be printed.

To the Senate and House of Representatives:

I herewith submit the report of the Commissioners on the Jail, Workhouse, etc., in the District of Columbia.

The report is of such exceptional importance that I ask the Congress to consider well all that is therein set forth.

The Congress authorized the appointment of this Commission, marked out the course of its inquiry, and invited its recommendations. The report, therefore, is to be treated not as offered advice or volunteered opinion, but as a direct answer to the questions put by the Congress, which, in substance, were as follows:

1. What is the real condition of things at the Workhouse and the Jail?

2. Ought either or both of these institutions to be removed?

3. What ought to be done generally in respect to the penal and correctional system of the District?

Immediate action is imperative unless we are to be still further committed to the present unfortunate programme of District action concerning the matters touched upon. More than a year ago the Congress appropriated eighty-five thousand dollars to build a new wing to the present workhouse. Later it required this Commission to inquire and report whether the workhouse ought not to be removed. Thereupon the District Commissioners declined to award any contract to build the new wing until this report should come in, so that the Congress might have an opportunity to act upon it. If, however, the Congress should omit to act, they would doubtless feel bound to proceed with that work.

This report represents the opinion of practical men. All three of the Commissioners are public-spirited citizens, who, at great cost of time and convenience, and with a disinterestedness which makes the entire community their debtor, have made the thorough investigation the result of which I put before you. Mr. Edson has lived in Washington for more than forty years, and has been honorably associated with nearly every practical movement for social betterment in this city. Mr. La Dow is Superintendent of Federal Prisons, and has had many years' experience with prisoners and prisons. Judge Stafford, the Chairman of the Commission, who consented to serve only from the highest sense of public duty, has gained his knowledge from his experience in court, eight years of which have been upon the bench and two years in the criminal court of the District.

The report sets forth vividly the really outrageous conditions in the workhouse and jail. The overcrowding is great in the workhouse, and greater still in the jail where, of the six hundred inmates, five hundred are serving sentences in absolute idleness, with no employment and no exercise; in most cases two or three

are confined in a single cell not large enough for one. They belong, moreover, to a class of prisoners that specially need and dread to be put to work. It is no longer a question whether something shall be done, but only a question as to what shall be done, for it is quite impossible that the existing situation should continue. The present antiquated and unsatisfactory plan ought not to be considered for a moment.

The report takes up the criminal problem in general, lays down the true principles concerning the treatment of criminals, deals with conditions here in Washington which have a manifest tendency to produce crime, and urges their removal—considering especially the dark and narrow alleys and unwholesome dwellings where most of the criminal population pass their days. It makes six specific recommendations, as follows:

1. A jail to be used only as a house of detention and never as a place where prisoners should be sent to serve sentences.
2. A probation system for cases that do not absolutely require imprisonment.
3. A reformatory for all who must be imprisoned and yet are hopeful cases.
4. A workhouse for those who are not hopeful cases and yet are not such as must be sent to a penitentiary.
5. Confinement in a penitentiary for the worst offenders.
6. A parole law for prisoners who may be safely released upon conditions before the expiration of their term.

Applying these propositions to the local situation, the report recommends:

First. That the present jail be used as the house of detention after its interior shall have been modernized.

Second. That a probation system be established at once by enacting a simple and inexpensive probation law, a draft of which is submitted with the report.

Third. That a reformatory be established upon a tract of land of not less than one thousand acres, widely separated from any other penal institution, consisting of unreclaimed land which can be cleared, cultivated, and built upon by the prisoners themselves. That eventually there shall be established upon this tract shops wherein a variety of industries may be taught and carried on, the product being easily consumable by the various district departments.

Fourth. That another tract of land of equal size be secured at once as the site for a workhouse. That this also be unreclaimed land upon which the workhouse prisoners may be put to work preparing the land for cultivation, and erecting the necessary buildings.

Fifth. That the class of prisoners not proper to be sent either to the reformatory or the workhouse be sent for the present to the United States penitentiaries at Leavenworth and Atlanta, and that for the present no penitentiary be erected specially for the District of Columbia.

Sixth. That a parole law be enacted upon the principles set forth in the report.

I earnestly ask that the Congress act at once in accordance with the recommendations of the report. The two most urgent measures, for which drafts of bills accompany the report, are, first, a probation law, and, second, an appropriation act which will relieve at once the present impossible situation and set us on our way toward the realization of an adequate prison system.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 11, 1909.*

LEASE OF SAN CLEMENTE ISLAND, CALIFORNIA.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4856) authorizing the Secretary of Commerce and Labor to lease San Clemente Island, California, and for other purposes, which were on page 4, line 2, after "specified," to insert ", and well and truly perform any of the stipulations herein imposed upon it;" and on page 5, line 1, to strike out all after "be" down to and including "Service," in line 2, and insert "covered into the Treasury."

Mr. PERKINS. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 23866. An act to amend an act entitled "An act to authorize the construction of a bridge between Fort Snelling Reservation and St. Paul, Minn.," approved March 17, 1906, was read twice by its title and referred to the Committee on Commerce.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 24831. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 25391. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 25409. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

H. J. Res. 219. Joint resolution to accept the gift of Constitution Island, in the Hudson River, New York, was read twice by its title and referred to the Committee on Military Affairs.

COMMODITY CLAUSE OF THE INTERSTATE-COMMERCE ACT.

The VICE-PRESIDENT. Is there further morning business? [A pause.] If not, morning business is closed, and the calendar under Rule VIII is in order. The first case on the calendar will be stated.

The joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law as announced as the first business in order.

Mr. KEAN. Let the joint resolution go over.

The VICE-PRESIDENT. It will go over, at the request of the Senator from New Jersey.

Mr. KEAN. I think it had better go to the calendar under Rule IX.

The VICE-PRESIDENT. It will go to the calendar under Rule IX, at the request of the Senator from New Jersey.

REORGANIZATION OF NORTHERN PACIFIC RAILROAD COMPANY.

Senate resolution 93, relating to the reorganization of the Northern Pacific Railroad Company, was announced as the next business in order on the calendar.

Mr. KEAN. This resolution had better go over likewise.

The VICE-PRESIDENT. The resolution will go to the calendar under Rule IX, at the request of the Senator from New Jersey.

PROHIBITION ON GOVERNMENT PROPERTY.

The bill (S. 915) to prevent the sale of intoxicating liquors in buildings, ships, navy-yards, and parks and other premises owned or used by the United States Government was announced as the next business on the calendar.

Mr. LODGE. I think the bill had better go over. I myself have no objection to the bill, but I understand it is objected to by a Senator now absent.

The VICE-PRESIDENT. What is the suggestion of the Senator from Massachusetts?

Mr. LODGE. Let the bill be passed over without prejudice, the Senator in charge of it not being here.

The VICE-PRESIDENT. The bill will be passed over without prejudice at the suggestion of the Senator from Massachusetts.

INTERSTATE SHIPMENTS OF INTOXICATING LIQUORS.

The bill (S. 6576) to regulate the interstate-commerce shipments of intoxicating liquors was announced as the next business in order on the calendar.

Mr. KEAN. Let the bill be passed over.

The VICE-PRESIDENT. It will be passed over without prejudice at the request of the Senator from New Jersey.

POSTAL SAVINGS BANKS.

The bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes, was announced as the next business in order on the calendar.

Mr. KEAN. Let the bill, which is the unfinished business, be passed over.

The VICE-PRESIDENT. It will be passed over.

KAW INDIANS IN OKLAHOMA.

The bill (S. 5310) to authorize the Kaw tribe of Indians residing in the State of Oklahoma to bring suit in the Court of Claims, and for other purposes, was announced as the next business in order on the calendar.

Mr. KEAN. Let the bill go over. The Senator from Kansas asked me that the next time it came up it should go to the calendar under Rule IX.

The VICE-PRESIDENT. It will go to the calendar under Rule IX.

INCORPORATION OF BANKS IN THE DISTRICT.

The bill (S. 6495) to provide for the incorporation of banks within the District of Columbia was announced as the next business in order on the calendar.

Mr. KEAN. I myself have no objection to the bill, but the Senator from Vermont [Mr. DILLINGHAM], in charge of the bill, I think would like to have it retain its place. Let it go over.

The VICE-PRESIDENT. The bill will go over, without prejudice, at the request of the Senator from New Jersey.

INLAND WATERWAYS COMMISSION.

The bill (H. R. 21899) providing for the appointment of an inland waterways commission, with the view to the improvement and development of the inland waterways of the United States, was announced as the next business in order on the calendar.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. The same order will be made with respect to this bill.

CONDEMNATION OF GOVERNMENT LANDS.

The bill (S. 6626) providing for the condemnation for any public purpose of lands owned or held by the United States was announced as the next business in order on the calendar.

Mr. FLINT. I ask to have the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from California.

PAROLE OF UNITED STATES PRISONERS.

The bill (S. 4027) to parole United States prisoners, and for other purposes, was announced as the next business in order on the calendar.

The VICE-PRESIDENT. The bill was read in full as in Committee of the Whole January 6, and amendments were considered.

Mr. SMOOT. Let the bill go over without prejudice.

The VICE-PRESIDENT. It will go over without prejudice, at the request of the Senator from Utah.

MISSOURI RIVER BRIDGES AT YANKTON, S. DAK.

The bill (S. 7378) to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton and Gulf Railroad Company was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 7640) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Norfolk and Southern Railway Company was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELECTRIC LIGHT AND POWER IN HAWAII.

The bill (S. 7697) to ratify an act of the legislature of the Territory of Hawaii, authorizing the manufacture and distribution of electric light and power in the district of Lahaina, Territory of Hawaii, was announced as the next business in order on the calendar.

Mr. KEAN. Let this bill, and the succeeding one, being the bill (S. 7698) to ratify and confirm an act of the legislature of the Territory of Hawaii, authorizing the manufacture and distribution of electric light and power in the district of Wailuku, Territory of Hawaii, go over.

The VICE-PRESIDENT. The bills will be passed over without prejudice.

BERNARD W. MURRAY.

The bill (S. 7918) for the relief of Bernard W. Murray was announced as the next business in order on the calendar, and was read.

Mr. CULBERSON. Before the bill is considered, I should like to have the report read.

The VICE-PRESIDENT. The Secretary will read the report, at the request of the Senator from Texas.

The Secretary proceeded to read the report submitted by Mr. FULTON on the 5th instant (S. Rept. No. 709), which is as follows:

The Committee on Claims, to whom was referred the bill (S. 7918) for the relief of Bernard W. Murray, having had the same under consideration, respectfully report the same back to the Senate with the recommendation that it do pass.

The report of the Committee on Claims, made upon a similar bill during the Fifty-eighth Congress, which is hereto attached and made a part hereof, sets forth the facts upon which the claim is based.

[Senate Report No. 1195, Fifty-eighth Congress, second session.]

The Committee on Claims, to whom was referred Senate bill 2113, having considered the same, recommends that said bill be passed.

The facts upon which the foregoing claim is based are as follows:

The claimant, Bernard W. Murray, was on January 8, 1901, appointed overseer of the engineering department at large, and sent to Fort Flagler. His duties as overseer required his presence at all times on the works, and while engaged in that capacity, on the 14th day of August, 1901, he met with an accident, the facts concerning which are quite fully set forth in a letter from Mr. R. H. Ober, superintendent, of which the following is a copy:

FORT FLAGLER, WASH., *January 22, 1902.*

DEAR SIR: Referring to your letter of the 9th instant, relative to accident to Bernard W. Murray, overseer, on August 14, 1901, I have the honor to submit the following report of the circumstances of the accident, with outline sketch showing the arrangement of the plant for mixing concrete at the mortar battery, Fort Flagler:

The sand, gravel, and cement are stored in the bunkers shown at "B" on sketch. Along on a side of the bunkers and below the level of the floor runs a car for measuring the sand and gravel. The sand and gravel run from the bunkers through openings in the side into the car.

The proper proportions of sand, gravel, and cement are placed on the car by two men, who then push the car to position over a second car, shown at "C." A swinging door in the bottom of the measuring car is then opened and the charge of sand, gravel, and cement falls into car "C." The weight of this charge is about 3 tons. Signal is then given the engineer, who is stationed at the hoisting drum "D," by means of a push button, "E," operating an electric gong at the engineer's station. The engineer then starts the hoisting drum, on which is wound a §-inch steel cable passing over a sheave at the top of the incline, thence over a sheave on the front end of the car "C," and then back to the upper end of the incline, where it is fastened. The position of the engineer is such that he can not see the car "C" until it is nearly at the top of the incline, on account of the mixer building and trestle intervening. On arrival at the top of the incline, over the concrete mixer, the car automatically dumps the charge and returns by gravity to the foot of the incline.

On the morning of August 14 work of mixing and laying concrete was begun at 8 a. m. The measuring car at the bunkers was operated by Henry Barter and Aug. Riedel, laborers. The car "C" was operated by Arthur L. Jones as engineer, on signals given by Henry Barter. One charge of materials was hauled to the top of the tramway, the materials dumped into the hopper below, and the car returned to the foot of the tramway. It was observed by Mr. Murray that the car did not run down to quite its proper position for receiving the charge from the measuring car, and he asked Barter if the bearings of the car wheels and the sheave had been oiled that morning. Barter replied in the negative. Mr. Murray obtained an oil can, it is supposed from the other end of the bunkers, and returned to the car with it.

In the meantime Barter and Riedel had pushed the car into position under the measuring car and had dropped the charge into it. Telling them not to give the signal to the engineer until he got through oiling the car, Mr. Murray went down on the track in front of the car and began oiling the sheave. Barter and Riedel stood on the platform behind the measuring car. From the position they occupied it was impossible for them to see Mr. Murray. While Mr. Murray was at work below Barter pushed the button and gave the signal to the engineer to start the car. As soon as this started Mr. Murray was caught by the cable and wheels of the car in such a way as to fracture the left arm, dislocate one of the vertebræ of the spinal column, and severely bruise the left leg near the hip. Hearing Mr. Murray cry out as the car started, Barter immediately gave the signal to stop and back the car. This was obeyed by the engineer, who stopped the car at a point about 16 feet from the starting point and let the car back, leaving Mr. Murray lying on the track. There was no eyewitnesses of the accident, and it is not clear as to the exact manner in which he was caught by the cable and wheels, but it seems to be certain that the car wheels did not pass over him. The accident happened at about 8.15 a. m.

Barter was immediately discharged. His address is care of St. James Hotel, Seattle, Wash. Aug. Riedel quit on September 9 to go to Seattle. Arthur L. Jones quit on November 10. His address is box 42, Station A, Minneapolis, Minn.

It was Mr. Murray's duty to see that everything connected with the concrete plant was in good running order.

Respectfully, yours,

R. H. OBER, *Superintendent.*

Maj. JOHN MILLIS,
Corps of Engineers, U. S. Army, Seattle, Wash.

The nature and character of his injuries are set forth in the following statements:

I, Jacob C. House, being duly sworn, depose and say that I have for fourteen years practiced medicine in the city of Port Townsend, county of Jefferson, and State of Washington, being a regular practitioner under the laws of the State of Washington; that I am well acquainted with Bernard W. Murray; that on the 14th day of August, 1901, I was called in consultation with Doctor Truax, U. S. Army, surgeon at Fort Flagler, in regard to the condition and treatment of said Bernard W. Murray; that said Murray had received severe injuries while underneath a truck car arranging its mechanism, when it was suddenly started, causing a fracture of the left humerus near its middle, a severe contusion of the left hip extending over the lower abdomen, also an injury to the lower dorsal and lumbar spine; that on or about August 21, 1901, I was again called in consultation in the same case for the reason that the injury to the spine was causing severe pain and there was motor paralysis of the lower limbs; that after this consultation and consulting with the son of Bernard W. Murray we decided to send him to the Providence Hospital, at the city of Seattle, where he could receive better nursing. Doctor Truax accompanied him there and placed him in charge of Dr. George M. Horton, of that city.

JACOB C. HOUSE.

Subscribed and sworn to before me this 28th day of July, 1903.

[SEAL.] N. S. SNYDER,
Notary Public in and for the State of Washington, residing at Port Townsend.

To whom it may concern: This is to certify that Mr. B. W. Murray was under my care, confined in Providence Hospital, from September 1, 1901, to the latter part of October of the same year, suffering from an injury which he received at Fort Flagler, at which time he was unable to move himself without assistance, having received a severe injury in the region of his back. My bill for attending Mr. Murray during that time is $75, no part of which has been paid. I further certify that Mr. Murray called upon me October 20, 1903, at my office, still walking with crutches and in a very much crippled condition, and at this time is far from being an able-bodied man, if he ever will be such again.

Respectfully,

GEO. M. HORTON, M. D.,
Attending Physician.

SEATTLE, WASH., *October 29, 1903.*

The Chief of Engineers, to whom the bill was referred, reported thereon as follows:

WAR DEPARTMENT, OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 18, 1904.

SIR: I have the honor to return Senate bill 2113, Fifty-eighth Congress, first session, for the relief of Bernard W. Murray, late overseer of construction at Fort Flagler, Wash.

From a report of Maj. John Millis, Corps of Engineers, dated January 23, 1902, it appears that Mr. Murray was injured while oiling the bearings of a car used for transporting concrete materials at the concrete-mixing plant at Fort Flagler, another employee giving the starting signal while Mr. Murray was down on the track in front of the car. His injuries, as reported at the time, consisted of a fracture of the left arm, a dislocation of one of the vertebræ of the spinal column, and a severely bruised left leg near the hip. A detailed history of the accident will be found in the accompanying copy of a report from R. H. Ober, superintendent.

It is believed that Mr. Murray is entitled to compensation for the injuries he sustained, but I am unable to say whether the amount provided for in the above-mentioned bill is excessive or merely an equitable amount.

Copies of papers on file in the office concerning the case are herewith.

Very respectfully, your obedient servant,

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

Hon. WM. H. TAFT,
Secretary of War.

Mr. CULBERSON. I ask the Senator having the bill in charge to explain it. Does it set a precedent that the Government shall pay for personal injuries?

Mr. LODGE. We now have an act for that purpose.

Mr. CULBERSON. I so understand.

Mr. LODGE. I know nothing about it. I suppose this accident happened before the passage of the act.

Mr. FULTON. Mr. President, the accident occurred to this man while in the employ of the Government on government work. They were transporting some material by means of a car which ran on a track. I do not now recall just the mechanism, but some part of it required oil, and this man who went under it to oil it told the others to be sure to see that the car was not started until he came out. The car was started by touching a button at a point beyond sight of the location where the car was. An employee touched the button and started the car. This man was dragged along the track and crippled for life. He was very seriously injured. The accident affected his backbone, so that he has been paralyzed since.

This is one of those cases where in court, were it against a private corporation, there could be, I think, no possible question of the right of the injured party to recover. It is question simply whether the Government is going to recognize any personal injury claims. The Committee on Claims has not frequently reported in favor of such cases. Where they were exceptionally strong we have done it in the past and probably shall continue to do it in the future, unless the Senate determines that the rule shall be otherwise.

Mr. RAYNER. Mr. President, I have no particular objection to this bill. I do not know anything about it. But why has the Committee on Claims singled out this one case and rejected other cases exactly parallel to it? I have pending before the Committee on Claims a claim which is exactly parallel to this. An employee on the canal was injured without any fault of his. The President of the United States, in view of the serious nature of the case, asked the committee to consider it. I never could get a hearing before the committee. I never could get the case considered or reported upon. Why not make a general rule for cases of this kind? Why select one and reject all cases similar to it. I am not going to interpose any objection to the consideration of this bill, and I am merely asking for information.

Mr. FULTON. The Senator is stating it a little widely when he says that he could not get a hearing before the committee, because the committee has never refused to give any Senator a hearing, and would be very glad to have the Senator from Maryland or any other Senator come before it and present any case in which he may be interested.

In regard to the case to which the Senator from Maryland refers, my recollection is (for although he has not given the name of the claimant, I think I know the one to which he refers) the injury was sustained by a superior on the work through the negligence, if through the negligence of anyone, of an inferior; that is, through the negligence of a subordinate, if negligence at all.

That is as I remember the case to which the Senator refers; and it was on that ground at that time that I was opposed to paying the claim, because we had established the rule that we would not report favorably any claims unless the facts were such as would entitle the claimant to recover were the Government a private corporation.

Now, if you want to put it purely on sentimental grounds, the case the Senator refers to would appeal to one very strongly indeed. We have found, dealing with this vast number of cases, that we must follow some rule, and so we adopted the rule which, as we understood it, obtains between private litigants, and under that rule the claim the Senator refers to could not have obtained in any court.

The Congress has done away with the rule of fellow-servant since that time, and I do not know but that it will open the door very widely; in fact, that must be the case. At that time Congress had not done away with the rule of fellow-servant. Consequently we adopted it and adhered to it as closely as we could.

Mr. RAYNER. Has any general bill on the subject been passed by Congress?

Mr. FULTON. Dealing with the fellow-servant rule?

Mr. LODGE. As the bill will evidently lead to a great deal of debate, let it be passed over.

The VICE-PRESIDENT. The Senator from Massachusetts asks that the bill be passed over. It will be passed over without prejudice.

Mr. FULTON. Mr. President——

Mr. LODGE. I myself have no objection to the bill, but it seemed to me to be likely to lead to a great deal of debate.

Mr. RAYNER. I do not propose to debate it. I intend to vote for it.

Mr. LODGE. I do not object to the bill, and if there is to be no further debate, I withdraw my objection.

Mr. FULTON. Let the bill be voted on one way or the other.

The VICE-PRESIDENT. The Senator from Massachusetts withdraws his objection.

By unanimous consent, as in Committee of the Whole, the Senate proceeded to consider the bill. It proposes to pay $50 per month for sixty months to Bernard W. Murray.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HARLOWTON LAND DISTRICT, MONTANA.

The bill (S. 7925) to create an additional land district in the State of Montana, to be known as the "Harlowton land district," was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BELLE FOURCHE LAND DISTRICT, SOUTH DAKOTA.

The bill (S. 7377) authorizing the creation of a land district in the State of South Dakota, to be known as the "Belle Fourche land district," was announced as next in order.

Mr. KITTREDGE. In the absence of the Senator who introduced the bill, and also reported it, I ask that it go over.

The VICE-PRESIDENT. The bill will be passed over without prejudice at the request of the Senator from South Dakota.

SEQUOIA AND GENERAL GRANT NATIONAL PARKS.

The bill (S. 7257) providing a means for acquiring title to private holdings in the Sequoia and General Grant national parks, in the State of California, in which are big trees and other natural curiosities and wonders, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, in section 3, page 4, line 4, before the word "thousand," to strike out "one hundred and twenty" and insert "ninety," so as to read:

There is hereby appropriated, from any money in the Treasury not otherwise appropriated, the sum of $90,000, or so much thereof as may be necessary, to carry into effect the provisions of this statute.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF INTERSTATE-COMMERCE LAW.

The bill (S. 423) to amend section 6 of an act entitled "An act to regulate commerce," approved February 4, 1887, and acts amendatory thereof, was announced as next in order.

Mr. KEAN. Let the bill go to the calendar under Rule IX. There is an adverse report on it.

Mr. FULTON. I ask the Senator from New Jersey not to insist on that request. I should like to have the bill passed over under Rule VIII.

Mr. KEAN. I will not insist on it.

Mr. FULTON. I wish to offer an amendment to the bill.

The VICE-PRESIDENT. The Senator from New Jersey withdraws his request, and the bill will be passed over without prejudice.

Mr. KEAN. It is an adverse report.

INTERNATIONAL EXPOSITION AT TOKYO.

The bill (S. 7992) to amend an act entitled "An act to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912," approved May 22, 1908, was considered as in Committee of the Whole.

The bill was reported from the Committee on Foreign Relations with amendments.

Mr. CULBERSON. I presume the Senator from Maine [Mr. FRYE] has the bill in charge. I have looked over the report which accompanied it. It shows among other things that Mr. Loomis has been improperly paid $3,000 of salary. I do not know whether restitution has been made in that case since then or not.

Mr. FRYE. He has paid it back.

Mr. CULBERSON. I am glad to hear it. The report also shows that some four or five hundred dollars were spent out of the appropriation at a banquet given by some one at Tokyo. I do not know anything about those matters, but it might be well to consider how far we are going in paying money out of the Public Treasury for banquets.

Mr. FRYE. This bill is intended to stop all unnecessary expenditures; and I think, as it is drawn and has been amended by the Committee on Foreign Relations, it stops every expenditure except $1,000 a year to Mr. Loomis, which was regarded as necessary to keep us in touch with Japan.

Mr. CULBERSON. Very well. If there has been restitution of the salary, and if the appropriation itself is so guarded that extraordinary expenditures can not occur again, of course I have no objection to the bill.

Mr. BACON. The appropriation of $1,000, I understand—I presume it is so expressed—covers not only salary but expenses.

Mr. FRYE. It does. The committee were very careful to stop all expenditures.

The VICE-PRESIDENT. The amendments of the committee will be stated in their order.

The amendments were, on page 1, line 8, after the words "commissioners-general," to insert "who now receives $8,000 per annum;" on page 2, line 3, after the words "nineteen hundred and fourteen," to insert "which amount shall also include his expenses;" in line 11, after the word "secretary," to insert "and other employees;" in line 12, before the word "services," to strike out "his" and insert "their;" in line 14, after the word "thereafter," to insert "the secretary;" and at the end of the bill to add "and that no expenses shall be incurred by the commission or clerical or other assistants employed prior to January 1, 1915," so as to make the bill read:

Be it enacted, etc., That an act entitled "An act to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912," approved May 22, 1908, be, and the same is hereby, amended so that after January 1, 1909, one of the commissioners-general, who now receives $8,000 per annum, appointed under said act, shall receive as compensation for his services the sum of $1,000 per annum until the end of the year 1914, which amount shall also include his expenses, and thereafter the sum of $8,000 per annum until the end of the year 1917, and the other two commissioners-general shall receive no compensation for their services until the end of the year 1914, and thereafter shall receive $5,000 each per annum until the end of the year 1917; and so that the secretary and other employees shall receive no compensation for their services until the end of the year 1914, and thereafter the secretary shall receive $5,000 per annum until the end of the year 1917, and that no expenses shall be incurred by the commission or clerical or other assistants employed prior to January 1, 1915.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OUTWARD ALIEN MANIFESTS.

The bill (S. 7785) relative to outward alien manifests on certain vessels was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in line 12, after the word "Canada," to strike out the words "Newfoundland, the Republic of Cuba," so as to make the bill read:

Be it enacted, etc., That until the provisions of section 12 of the immigration act of February 27, 1907, relating to outward alien manifests, shall be made applicable to passengers going out of the United States to Canada by land carriage, said provisions shall not apply to passengers going by vessels employed exclusively in the trade between the ports of the United States and the Dominion of Canada and the Republic of Mexico.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 2 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 12, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 11, 1909.

APPOINTMENT IN THE ARMY.

COAST ARTILLERY CORPS.

George Roswell Norton, of Massachusetts, to be second lieutenant, with rank from September 25, 1908.

NOTE.—The above-named person was nominated to the Senate December 8, 1908, under the name of George Rothwell Norton, and his nomination was confirmed December 14, 1908. This message is submitted for the purpose of correcting an error in the middle name of the nominee.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Capt. Herbert H. Sargent, Second Cavalry, to be major from January 8, 1909, vice Johnson, Second Cavalry, detailed as paymaster.

First Lieut. Leslie A. I. Chapman, Fourteenth Cavalry, to be captain from January 8, 1909, vice Sargent, Second Cavalry, promoted.

POSTMASTER.

MISSISSIPPI.

Lillie W. Nugent to be postmaster at Rosedale, State of Mississippi, in place of Edward M. Scott, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 11, 1908.

THIRD ASSISTANT SECRETARY OF STATE.

William Phillips, of Massachusetts, to be Third Assistant Secretary of State of the United States.

CONSULS-GENERAL.

Arnold Shanklin, of Missouri, to be consul-general of the United States of class 3 at Mexico, Mexico.

Alban G. Snyder, of West Virginia, to be consul-general of the United States of class 4 at Panama, Panama.

Richard M. Bartleman, of Massachusetts, to be consul-general of the United States of class 5 at Buenos Aires, Argentine Republic.

CONSULS.

David R. Birch, of Pennsylvania, to be consul of the United States of class 6 at Alexandria, Egypt.

Percival Heintzleman, of Pennsylvania, to be consul of the United States of class 8 at Swatow, China.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Capt. John Florentius Wild to be senior captain in the Revenue-Cutter Service of the United States, to rank as such from December 30, 1908.

First Lieut. James Guy Ballinger to be captain in the Revenue-Cutter Service of the United States, to rank as such from December 30, 1908.

COLLECTOR OF CUSTOMS.

Frederick S. Stratton, of California, to be collector of customs for the district of San Francisco, in the State of California.

ASSISTANT TREASURER.

Gideon C. Bantz, of Maryland, to be assistant treasurer of the United States.

DEPUTY ASSISTANT TREASURER.

William H. Gibson, of Pennsylvania, to be deputy assistant treasurer of the United States.

DEPUTY COMPTROLLER OF THE CURRENCY.

Willis J. Fowler, of Indiana, to be deputy comptroller of the currency.

MELTER AND REFINER OF THE MINT.

Edwin R. Leach, of California, to be melter and refiner of the mint of the United States at San Francisco, Cal.

GENERAL APPRAISER OF MERCHANDISE.

Roy H. Chamberlain, of Iowa, to be general appraiser of merchandise.

ASSISTANT APPRAISER OF MERCHANDISE.

John D. McEwen to be assistant appraiser of merchandise in the district of New York, in the State of New York.

COLLECTOR OF INTERNAL REVENUE.

Wanton A. Shippee, of California, to be collector of internal revenue for the fourth district of California.

ASSAYER.

Joseph U. Eldredge, jr., of Utah, to be assayer in charge of the assay office of the United States at Salt Lake City, Utah.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

Horace G. Knowles, of Delaware, to be envoy extraordinary and minister plenipotentiary of the United States to Nicaragua.

Huntington Wilson, of Illinois, to be envoy extraordinary and minister plenipotentiary of the United States to the Argentine Republic.

Spencer F. Eddy, of Illinois, to be envoy extraordinary and minister plenipotentiary of the United States to Roumania and Servia and diplomatic agent in Bulgaria.

THIRD SECRETARY OF EMBASSY.

Seth Low Pierrepont, of Connecticut, to be third secretary of the embassy of the United States at Paris, France.

ASSISTANT COMMISSIONER OF INDIAN AFFAIRS.

Robert G. Valentine, of Holliston, Mass., to be Assistant Commissioner of Indian Affairs.

INDIAN INSPECTORS.

Z. Lewis Dalby, of Roanoke, Va., to be an Indian inspector.

Samuel F. O'Fallon, of Oregon, Mo., to be an Indian inspector.

ISTHMIAN CANAL COMMISSIONER.

Lieut. Col. Harry F. Hodges, Corps of Engineers, U. S. Army, for appointment as a member of the Isthmian Canal Commission.

REGISTER OF THE LAND OFFICE.

Harry Y. Saint, of Grandview, Wash., to be register of the land office at North Yakima, Wash.

PURCHASING AGENT FOR THE POST-OFFICE DEPARTMENT.

John A. Holmes, of the District of Columbia, to be purchasing agent for the Post-Office Department.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Lieut. Col. Daniel M. Appel, Medical Corps, to be colonel.

Maj. John L. Phillips, Medical Corps, to be lieutenant-colonel.

Capt. Francis M. C. Usher, Medical Corps, to be major.

To be colonels.

Lieut. Col. Harry O. Perley, Medical Corps.

Lieut. Col. William B. Davis, Medical Corps.

To be lieutenant-colonels.

Maj. Guy L. Edie, Medical Corps.

Maj. William D. Crosby, Medical Corps.

Maj. Charles M. Gandy, Medical Corps.

Maj. Walter D. McCaw, Medical Corps.

Maj. Jefferson R. Kean, Medical Corps.

To be majors.

Capt. Willard F. Truby, Medical Corps.

Capt. Frederick F. Russell, Medical Corps.

Capt. Edwin P. Wolfe, Medical Corps.

Capt. Henry S. Greenleaf, Medical Corps.

Capt. Louis T. Hess, Medical Corps.

Capt. Christopher C. Collins, Medical Corps.

Capt. Benjamin J. Edger, jr., Medical Corps.

Capt. Samuel M. Waterhouse, Medical Corps.

Capt. Eugene H. Hartnett, Medical Corps.

Capt. Clyde S. Ford, Medical Corps.

Capt. Charles E. Marrow, Medical Corps.

Capt. M. A. W. Shockley, Medical Corps.

Capt. Robert N. Winn, Medical Corps.

Capt. Theodore C. Lyster, Medical Corps.

Capt. Sanford H. Wadhams, Medical Corps.

Capt. Chandler P. Robbins, Medical Corps.

Capt. Thomas L. Rhoads, Medical Corps.

Capt. Harry L. Gilchrist, Medical Corps.

Capt. William J. L. Lyster, Medical Corps.

CAVALRY ARM.

Capt. Carter P. Johnson, Second Cavalry, to be major.

First Lieut. E. Holland Rubottom, Ninth Cavalry, to be captain.

To be first lieutenants.

Second Lieut. Horace N. Munro, First Cavalry.

Second Lieut. Thomas P. Bernard, Third Cavalry.

Second Lieut. Daniel D. Tompkins, Tenth Cavalry.

Second Lieut. Clarence A. Dougherty, Thirteenth Cavalry.

COAST ARTILLERY CORPS.

Lieut. Col. Henry H. Ludlow, Coast Artillery Corps, to be colonel.

Maj. Millard F. Harmon, Coast Artillery Corps, to be lieutenant-colonel.

Capt. Andrew Hero, jr., Coast Artillery Corps, to be major.

First Lieut. Hugh S. Brown, Coast Artillery Corps, to be captain.

First Lieut. Wesley W. K. Hamilton, Coast Artillery Corps, to be captain.

Second Lieut. Richard Donovan, Coast Artillery Corps, to be first lieutenant.

INFANTRY ARM.

To be captains.

First Lieut. Allen Smith, jr., Third Infantry.

First Lieut. John B. Sanford, Twenty-fourth Infantry.

First Lieut. Frank B. Hawkins, Twenty-seventh Infantry.

First Lieut. Harry A. Hegeman, Nineteenth Infantry.

To be first lieutenants.

Second Lieut. Oscar K. Tolley, Fourteenth Infantry.

Second Lieut. Joseph F. Ware, Twenty-first Infantry.

Second Lieut. Harry L. Jordan, Eighth Infantry.

Second Lieut. Dean Halford, Twenty-second Infantry.

Second Lieut. Ralph W. Kingman, Sixteenth Infantry.

Chaplain.

Chaplain Joseph H. Sutherland, Twenty-third Infantry, to be chaplain with the rank of major.

BRIGADIER-GENERAL, RETIRED.

Col. John D. C. Hoskins, U. S. Army, retired, to be placed on the retired list of the army with the rank of brigadier-general.

APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

Frederick Clifford Rogers, of Minnesota, to be second lieutenant.

MEDICAL RESERVE CORPS.

William Jeptha Calvert, of Missouri, late assistant surgeon, U. S. Army, to be first lieutenant.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Charles C. Moses to be a lieutenant in the navy.

Midshipman Miles A. Libbey to be an ensign in the navy.

Lieut. Albert W. Marshall to be a lieutenant-commander in the navy.

Second Lieut. Harry G. Bartlett to be a first lieutenant in the United States Marine Corps.

Asst. Paymaster Leon N. Wertenbaker to be a passed assistant paymaster in the navy.

Second Lieut. Harold H. Utley to be a first lieutenant in the United States Marine Corps.

POSTMASTERS.

ALABAMA.

George W. Russell to be postmaster at Eufaula, Ala.
Dallas B. Smith to be postmaster at Opelika, Ala.

COLORADO.

Jessie G. Baird to be postmaster at Englewood, Colo.
David E. Gray to be postmaster at Greeley, Colo.
Robert R. Kelly to be postmaster at Crested Butte, Colo.

CONNECTICUT.

George W. Fletcher to be postmaster at Simsbury, Conn.
Judson D. Foote to be postmaster at Montowese, Conn.
Jerome S. Gainer to be postmaster at Noroton Heights, Conn.

GEORGIA.

William T. Edwards to be postmaster at Canton, Ga.

ILLINOIS.

Lulu R. Anderson to be postmaster at Kirkland, Ill.
Isaac W. Arnold to be postmaster at St. Elmo, Ill.
Philip H. Baker to be postmaster at Jonesboro, Ill.
Jacob W. Barkdoll to be postmaster at Tremont, Ill.
Cornell H. Brown to be postmaster at Batavia, Ill.
Edward Cosart to be postmaster at Cowden, Ill.
Joseph G. Greeson to be postmaster at Greenup, Ill.
William D. Hall to be postmaster at Table Grove, Ill.
Mabel J. Heavenhill to be postmaster at Sheridan, Ill.
Carrie Hovda to be postmaster at Leland, Ill.
Benjamin F. Louden to be postmaster at Trenton, Ill.
Thomas Millett, jr., to be postmaster at Troy, Ill.
Henry Noll to be postmaster at Virden, Ill.
Seneca Selby to be postmaster at Golden, Ill.
Moses C. Thomas to be postmaster at Homer, Ill.
Fred C. Whisler to be postmaster at Mackinaw, Ill.

IOWA.

Olie H. Anderson to be postmaster at Wesley, Iowa.
Richard M. Boyd to be postmaster at Sanborn, Iowa.
John Buchanan to be postmaster at Eagle Grove, Iowa.
Clinton S. Crouse to be postmaster at Prescott, Iowa.
William L. Gustin to be postmaster at Kellerton, Iowa.
Harry Higman to be postmaster at Winthrop, Iowa.
Albert C. Hotchkiss to be postmaster at Adel, Iowa.
Eva Keith to be postmaster at Goldfield, Iowa.
Albert R. Kullmer to be postmaster at Dysart, Iowa.
Eugene Stiles to be postmaster at Sidney, Iowa.
James W. Thorn to be postmaster at Lacona, Iowa.
M. P. Weaver to be postmaster at Algona, Iowa.
Harper W. Wilson to be postmaster at Audubon, Iowa.

KANSAS.

Joseph E. Aldrich to be postmaster at Sylvia, Kans.
Raymond S. Frazier to be postmaster at Bucklin, Kans.
Frank E. George to be postmaster at Altamont, Kans.
Charles W. Hawes to be postmaster at Augusta, Kans.
James R. Hillhouse to be postmaster at Delphos, Kans.
John P. Lang to be postmaster at Sylvan Grove, Kans.
John F. Price to be postmaster at Cherokee, Kans.
Floyd E. Richmond to be postmaster at Logan, Kans.
Clark C. Thomas to be postmaster at Moran, Kans.
Warren D. Vincent to be postmaster at Hoisington, Kans.
Charles C. Wilson to be postmaster at Scandia, Kans.

MAINE.

Charles E. Atwood to be postmaster at Biddeford, Me.
Guy S. Baker to be postmaster at East Millinocket, Me.
Charles H. Eastman to be postmaster at Millinocket, Me.
Albert Greenlaw to be postmaster at Eastport, Me.

MARYLAND.

William Hall Harris to be postmaster at Baltimore, Md.
Ida E. Macfarlane to be postmaster at Mount Savage, Md.
Asbury C. Riley to be postmaster at Snow Hill, Md.
Rose E. Walls to be postmaster at Millington, Md.
Jesse West to be postmaster at North East, Md.

MASSACHUSETTS.

George A. Birnie to be postmaster at Ludlow, Mass.
Charles E. Brady to be postmaster at Sandwich, Mass.
Henry Converse to be postmaster at Rutland, Mass.

MICHIGAN.

Simon H. Heath to be postmaster at Richmond, Mich.
R. F. Lemon to be postmaster at Harbor Springs, Mich.
Carl M. Lund to be postmaster at Harrisville, Mich.
Louis H. Tovatt to be postmaster at Standish, Mich.
George L. Worthington to be postmaster at Brooklyn, Mich.

MINNESOTA.

Iver Bondy to be postmaster at Henning, Minn.
Truman B. Horton to be postmaster at Stewartville, Minn.
Benjamin D. Underwood to be postmaster at Fergus Falls, Minn.
Harvey M. Webster to be postmaster at Ulen, Minn.

MISSISSIPPI.

Robert W. Hinton to be postmaster at Lumberton, Miss.
Samuel M. Howry to be postmaster at Oxford, Miss.
Rosa Mayers to be postmaster at Shelby, Miss.
Nannie B. Richardson to be postmaster at Woodville, Miss.
Alexander Yates to be postmaster at Utica, Miss.

MISSOURI.

Charles Ferguson to be postmaster at Willow Springs, Mo.
Elmer E. Hart to be postmaster at Eldon, Mo.
Francis M. Jones to be postmaster at Winona, Mo.
John A. Knowles to be postmaster at Flat River, Mo.
Benjamin C. Nichols to be postmaster at Trenton, Mo.
Warren W. Parrish to be postmaster at Adrain, Mo.
George B. Wade to be postmaster at Jasper, Mo.
Edward R. Williams to be postmaster at Richmond, Mo.

MONTANA.

Emma Dimmick to be postmaster at Eureka, Mont.
Ithel Sheldon Eldred to be postmaster at Deer Lodge, Mont.
Henry I. Grant to be postmaster at Columbus, Mont.
Percy J. Gosden to be postmaster at Bonner, Mont.
Albert Pfaus to be postmaster at Lewistown, Mont.
Benjamin T. Stevens to be postmaster at Harlowton, Mont.

NEBRASKA.

William E. Alexander to be postmaster at Orchard, Nebr.
Hubert L. Buckingham to be postmaster at Plainview, Nebr.
John G. Cannon to be postmaster at Pender, Nebr.
Benton Cotterman to be postmaster at Petersburg, Nebr.
Estella M. Davisson to be postmaster at Long Pine, Nebr.
Levi O. Dodge to be postmaster at Shickley, Nebr.
Darwin C. Grow to be postmaster at Loup City, Nebr.
Frances B. Horham to be postmaster at Adams, Nebr.

NEW HAMPSHIRE.

Arthur W. Charles to be postmaster at North Conway, N. H.

NEW JERSEY.

Joshua L. Allen to be postmaster at Pennington, N. J.
Samuel Gordon to be postmaster at South River, N. J.
Farley F. Holcombe to be postmaster at Hopewell, N. J.
William H. Jernee to be postmaster at Jamesburg, N. J.
Charlotte C. Ketcham to be postmaster at Belvidere, N. J.

NEW MEXICO.

W. A. Davis to be postmaster at Clovis, N. Mex.

NEW YORK.

Dana Brasted to be postmaster at Westport, N. Y.
James N. Bellinger to be postmaster at Mohawk, N. Y.
Jarius S. Chase to be postmaster at Windsor, N. Y.
John M. Gilmour to be postmaster at Morristown, N. Y.
David L. Jamieson to be postmaster at New York Mills, N. Y.
Frank H. Johnson to be postmaster at Interlaken, N. Y.
Frantz Murray to be postmaster at Dolgeville, N. Y.
Edward L. Ware to be postmaster at Lake Placid, N. Y.
Philo C. Wheeler to be postmaster at Cincinnatus, N. Y.
Charles N. Wood to be postmaster at Angola, N. Y.

NORTH DAKOTA.

Ole J. Bye to be postmaster at Ryder, N. Dak.
Henry Engelter to be postmaster at New Salem, N. Dak.
Maggie Fox to be postmaster at Michigan, N. Dak.
Alice Gilbertson to be postmaster at Towner, N. Dak.

PENNSYLVANIA.

Abraham F. Berkey to be postmaster at Windber, Pa.
Julia C. Gleason to be postmaster at Villanova, Pa.

RHODE ISLAND.

Edward S. Payne to be postmaster at Block Island, R. I.

SOUTH DAKOTA.

Irene Fuller to be postmaster at Blunt, S. Dak.

TENNESSEE.

Jasper N. Fitzwater to be postmaster at Collierville, Tenn.

TEXAS.

Lora L. Rowell to be postmaster at Pearsall, Tex.
Edward H. Clark to be postmaster at Victoria, Tex.
Prince A. Hazzard to be postmaster at Colorado, Tex.

Jacob M. Harrell to be postmaster at Manor, Tex.
James H. Johnson to be postmaster at Lubbock, Tex.
Thomas J. Stevens to be postmaster at Sourlake, Tex.
Anderson C. Vinson to be postmaster at Timpson, Tex.

UTAH.

L. W. Shurtliff to be postmaster at Ogden, Utah.

VERMONT.

David K. Simonds to be postmaster at Manchester, Vt.
Henry S. Webster to be postmaster at Orleans (late Barton Landing), Vt.

VIRGINIA.

Harry Fulwiler to be postmaster at Buchanan, Va.
Clarence C. Middleton to be postmaster at The Plains, Va.
A. Redfern to be postmaster at Strasburg, Va.
M. L. Slemp to be postmaster at Pennington Gap, Va.

WEST VIRGINIA.

Paul H. Metcalf to be postmaster at Williamstown, W. Va.

WISCONSIN.

Herman M. Blumenthal to be postmaster at Columbus, Wis.
Frank B. Goodhue to be postmaster at Whitewater, Wis.

WYOMING.

Paul A. Kenyon to be postmaster at Kemmerer, Wyo.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 11, 1909.*

The House met at 12 o'clock noon.
Prayer by the Chaplain, Rev. Henry N. Couden, D. D.
The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8143. An act granting to the Chicago and Northwestern Railway Company a right to change the location of its right of way across the Niobrara Military Reservation; and

S. 4490. An act to correct the military record of David R. B. Winniford.

The message also announced that the Senate had passed the following resolutions:

Resolved, That it is with deep regret and profound sorrow that the Senate has heard the announcement of the death of Hon. REDFIELD PROCTOR, late a Senator from the State of Vermont.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Secretary transmit to the family of the deceased a copy of these resolutions, with the action of the Senate thereon.

Resolved That the Secretary communicate these resolutions to the House of Representatives.

Resolved, As a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 16954. An act to provide for the Thirteenth and subsequent decennial censuses.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 8143. An act granting to the Chicago and Northwestern Railway Company a right to change the location of its right of way across the Niobrara Military Reservation—to the Committee on Military Affairs.

S. 4490. An act to correct the military record of David R. B. Winniford—to the Committee on Military Affairs.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had, on January 5, 1909, approved and signed bill of the following title:

H. R. 24832. An act for the relief of citizens of Italy.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had this day presented to the President of the United States for his approval the following bill:

H. R. 22306. An act to authorize the Delaware, Lackawanna and Western Railroad Company and the Lackawanna Railroad Company of New Jersey to construct and maintain a bridge across the Delaware River from a point near the village of Columbia, Knowlton Township, Warren County, N. J., to the village of Slateford, Northampton County, Pa.

FRAUDS AND DEPREDATIONS IN PUBLIC SERVICE.

The SPEAKER. The Chair announces the following committee, in pursuance of the resolution (H. Res. 480) adopted on Saturday last.

The Clerk read as follows:

Mr. OLMSTED of Pennsylvania, Mr. CURRIER of New Hampshire, Mr. YOUNG of Michigan, Mr. BRANTLEY of Georgia, and Mr. BOWERS of Mississippi.

CENSUS BILL.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the census bill, take the same from the Speaker's table, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Chair lays before the House from the Speaker's table the following House bill, with Senate amendments.

The Clerk read as follows:

H. R. 16954. An act to provide for the Thirtenth and subsequent decennial censuses, with amendments.

Mr. FITZGERALD. Mr. Speaker, I wish to inquire whether the gentleman from Indiana will state whether he intends the House to vote upon the amendment providing for printing outside of the Government Printing Office. If that is the case——

Mr. CRUMPACKER. I would expect, of course, the House would have an opportunity to vote upon this question under any circumstance, and, judging by my own attitude in the matter, I would feel like taking the instructions of the House before agreeing either to that amendment or the one providing for the purchase of a census building.

Mr. FITZGERALD. Well, if that is the intention of the gentleman from Indiana, I have no objection; otherwise I desire that the House have an opportunity to express its opinion on both of those amendments.

Mr. CRUMPACKER. Before consenting to either one of those amendments, speaking for myself, if I should be one of the conferees, I would bring the matter before the House for instructions and information.

The SPEAKER. The bill will be referred to the Committee of the Whole House——

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill, that the Senate amendments be disagreed to, and that the House ask for a conference.

The SPEAKER. Really, the Chair supposes what the gentleman desires to do—under the rule this bill will go to the Committee on the Census—is to take the bill from the Speaker's table at once and ask unanimous consent to disagree to the Senate amendments and ask for a committee of conference.

Mr. CRUMPACKER. That is exactly what I desire to do.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman for an assurance that the House will have an opportunity to vote directly upon the amendments of the Senate in reference to the purchase of a site and providing for the construction of a building.

Mr. CRUMPACKER. Why, unless the Senate recedes from its amendments, I think I can assure the House that opportunity will be given.

Mr. MANN. The gentleman says he "thinks he can assure the House;" he is able to assure the House without any thinking about it at all.

Mr. CRUMPACKER. I will say as far as I may be able to control the matter the House will have an opportunity to vote upon the proposition.

Mr. HULL of Iowa. Will he give the same assurance in regard to printing outside of the Government Printing Office?

Mr. CRUMPACKER. The same assurance in relation to the provision respecting the printing of the reports.

Mr. KEIFER. I suggest it might be a good time now to take the judgment of the House so that the committee would go with that knowledge with them. This pro forma action means nothing.

Mr. CRUMPACKER. I do not believe this is a proper time to take it up. In the first place, I have not had an opportunity to investigate these two propositions sufficiently myself. I want a little time to make some investigation.

Mr. KEIFER. Perhaps it would be better to take the time now than later.

Mr. CRUMPACKER. I do not think we should take it up now.

Mr. GARRETT. Ought that not to be investigated by the whole committee?

Mr. CRUMPACKER. It is not the usual way. It will come before the House for full discussion and consideration in due time, and it will expedite the work to put it in conference now.

Mr. GARRETT. If unanimous consent is granted now, will

it in anywise change the parliamentary status and aspect of this bill?

Mr. CRUMPACKER. In a degree it advances it one or two stages, from a parliamentary standpoint. Then it will be in conference, and I have no doubt that each of these important amendments will be submitted to the House for full debate and consideration before any final action is taken by the committee.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER announced the following conferees:

Mr. CRUMPACKER, Mr. BURLEIGH, and Mr. HAY.

COMMISSIONS TO RETIRED OFFICERS.

The SPEAKER laid before the House, from the Speaker's table, the bill (S. 653) to authorize commissions to issue in the cases of officers in the army retired with increased rank, with Senate amendments.

The Senate amendments were read.

Mr. HULL of Iowa. Mr. Speaker, I move to disagree to the Senate amendments, and ask for a conference.

Mr. MANN. Mr. Speaker, will the gentleman yield for a moment?

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Illinois?

Mr. HULL of Iowa. I do.

Mr. MANN. The bill, as it was originally, proposed to give commissions for increased rank to the army. That was changed to give commissions to the Army, Navy, and Marine Corps. Now, the amendment is to apply the same rule to the Revenue-Cutter Service. I may say to the gentleman from Iowa [Mr. HULL] that the law provides for the retirement of revenue-cutter officers who receive their commissions in the same manner as they do in the Army, Navy, and Marine Corps, with an advanced rank for those who served in the civil war. Precisely the same condition exists as to the Revenue-Cutter Service that exist as to the Army, the Navy, and the Marine Corps. Why not accept the Senate amendments?

Mr. HULL of Iowa. Mr. Speaker, the army was given an increased rank for civil-war service by special law and they have that rank so far as pay and allowances are concerned.

Mr. MANN. That is true of the Revenue-Cutter Service.

Mr. HULL of Iowa. The navy was given the same before the army had it. The other is the same. Within the last year or so you commissioned the Revenue-Cutter Service. It is not an army service, it is not a navy service, but a treasury service, and if the gentleman's statement is correct, when the conference gets together, and it is simply doing exact justice, it will be easy to agree. I doubt the correctness of the gentleman's statement.

Mr. MANN. I am sure the gentleman will not doubt the correctness of my statement about the Revenue-Cutter Service. The gentleman is mistaken in saying that in the last few years they have been commissioned. The officers of the Revenue-Cutter Service have been commissioned for more than a hundred years.

Mr. HULL of Iowa. Now, let me ask the gentleman this question: I understand that they were not commissioned in a sense on the retired list of Revenue-Cutter Service for years. They have been kept in the service because it was considered cruel to discharge men who were no longer capable of discharging the duties of the office, and the retired list was created some years ago for that reason, in order to get rid of what you gentlemen familiar with that service called the "dead timber" in the service. Now, where is the law passed by Congress that requires those who had served and had the grade to have this increased commission given them? I believe that was done for the Navy, the Army, and the Marine Corps. The Revenue-Cutter Service, according to the gentleman's own statement, in a way were retired with an increased grade when they were retired. They got the same commission then that they would in the case of an army officer retired by operation of law.

We have an increased grade and have a commission on retirement now with the officers of the army. If, for instance a captain comes up for examination for major, if he is not physically qualified he is retired and gets his commission as a major on being retired. It does not require this bill to give it to him, and so on all the way down the line; when he reaches the age of retirement now the law requires that he shall have that grade. But this is for a different class of people, who were taken en bloc on the retired list and given a grade for civil-war service. It does not affect the men on the active list at the date of the passage of this act. They get their commission when put on the retired list. These men, who were on the retired list when the bill for increased rank and pay was passed, get the rank and pay and the title without the commission. It is simply to issue to them a parchment. If it is true in your Revenue-Cutter Service, let us find it out, and that will be easy to adjust, but I do not think they are the same as the Army, Navy, and Marine Corps.

Mr. MANN. I very much regret that the gentleman from Iowa doubts my statement. It is true, nevertheless. If the gentleman desires to avail himself of a better source of information than I am, I am perfectly willing that he should have that opportunity.

Mr. HULL of Iowa. Can the gentleman point to any law that provides that members of the Revenue-Cutter Service now on the retired list who had civil-war service shall have one advance grade?

Mr. MANN. Oh.

Mr. HULL of Iowa. These people were in the active service, and they have got their advanced grade and the commission for it.

Mr. MANN. I think there is only one officer affected by it. I am not at all particular about it, but I do not want a discrimination made against the Revenue-Cutter Service.

Mr. HULL of Iowa. We can find out the facts.

Mr. MANN. It should be the same in both services. There is no difficulty whatever as to the facts.

Mr. HULL of Iowa. Can the gentleman point to any law of Congress that provides that when an officer of the Revenue-Cutter Service who had civil-war service is put on the retired list that he shall be advanced one rank?

Mr. MANN. They are all retired with an advanced grade, now.

Mr. HULL of Iowa. But they were all on the active list, and when the law passed there was nobody on the retired list. There is the point of difference between the gentleman and myself.

Mr. MANN. No.

Mr. HULL of Iowa. You had no retired list in the Revenue-Cutter Service until you passed that act——

Mr. MANN. A number of years ago.

Mr. HULL of Iowa (continuing). Under the statement made by the chairman on the floor, and, I think, the gentleman from Illinois.

Mr. MANN. "The gentleman from Illinois" was opposed to the bill then, and would be now.

Mr. HULL of Iowa. The point I make is this: That many of these men were kept on the active list simply because it would be cruel to turn them out. They were old and incapable of performing their duties in many cases. But when the retired list was created, they were on the active list, and when they had their retirement they had it with the advanced grade. All there is in this bill is where a man has retired with the advanced rank he shall have a commission issued to him of that rank. It does not give a man any advance in rank.

Mr. MANN. Well, it is issued to those who were in the civil war, and it only applies to the retired list.

Mr. HULL of Iowa. It only applies to the retired list, and has nothing to do with those on the active list. My own judgment is that the gentleman from Illinois is mistaken as to his facts.

Mr. MANN. If I am, I am very much mistaken as to the statement made by the gentleman upon the passage of this bill.

The SPEAKER. What is the gentleman's motion?

Mr. HULL of Iowa. To disagree to the Senate amendments and ask for a conference.

The question was taken, and the motion was agreed to.

The SPEAKER announced the appointment of Mr. HULL of Iowa, Mr. CAPRON, and Mr. HAY as conferees on the part of the House.

CORDOVA BAY, ALASKA.

The SPEAKER laid before the House the bill (S. 6418) authorizing the sale of land at the head of Cordova Bay, in the Territory of Alaska, and for other purposes, with House amendments disagreed to by the Senate and a request for a conference.

Mr. MONDELL. I move that the House insist on its amendments and agree to the conference asked for by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. MONDELL, Mr. VOLSTEAD, and Mr. GAINES of Tennessee.

JAIL AND WORKHOUSE, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the following message (S. Doc. No. 648) from the President of the United States:

To the Senate and House of Representatives:

I herewith submit the report of the commissioners on the jail, workhouse, etc., in the District of Columbia.

The report is of such exceptional importance that I ask the Congress to consider well all that is therein set forth.

The Congress authorized the appointment of this commission, marked out the course of its inquiry, and invited its recommendations. The report, therefore, is to be treated not as offered advice or volunteered opinion, but as a direct answer to the questions put by the Congress, which, in substance, were as follows:

1. What is the real condition of things at the workhouse and the jail?

2. Ought either or both of these institutions to be removed?

3. What ought to be done generally in respect to the penal and correctional system of the District?

Immediate action is imperative unless we are to be still further committed to the present unfortunate programme of District action concerning the matters touched upon. More than a year ago the Congress appropriated $85,000 to build a new wing to the present workhouse. Later it required this commission to inquire and report whether the workhouse ought not to be removed. Thereupon the District Commissioners declined to award any contract to build the new wing until this report should come in, so that the Congress might have an opportunity to act upon it. If, however, the Congress should omit to act, they would doubtless feel bound to proceed with that work.

This report represents the opinion of practical men. All three of the commissioners are public-spirited citizens, who, at great cost of time and convenience, and with a disinterestedness which makes the entire community their debtor, have made the thorough investigation the result of which I put before you. Mr. Edson has lived in Washington for more than forty years and has been honorably associated with nearly every practical movement for social betterment in this city. Mr. La Dow is superintendent of federal prisons and has had many years' experience with prisoners and prisons. Judge Stafford, the chairman of the commission, who consented to serve only from the highest sense of public duty, has gained his knowledge from his experience in court, eight years of which have been upon the bench and two years in the criminal court of the District.

The report sets forth vividly the really outrageous conditions in the workhouse and jail. The overcrowding is great in the workhouse, and greater still in the jail where, of the six hundred inmates, five hundred are serving sentences in absolute idleness, with no employment and no exercise; in most cases two or three are confined in a single cell not large enough for one. They belong, moreover, to a class of prisoners that specially need and dread to be put to work. It is no longer a question whether something shall be done, but only a question as to what shall be done, for it is quite impossible that the existing situation should continue. The present antiquated and unsatisfactory plan ought not to be considered for a moment.

The report takes up the criminal problem in general, lays down the true principles concerning the treatment of criminals, deals with conditions here in Washington which have a manifest tendency to produce crime, and urges their removal—considering especially the dark and narrow alleys and unwholesome dwellings where most of the criminal population pass their days. It makes six specific recommendations, as follows:

1. A jail to be used only as a house of detention and never as a place where prisoners should be sent to serve sentences.

2. A probation system for cases that do not absolutely require imprisonment.

3. A reformatory for all who must be imprisoned and yet are hopeful cases.

4. A workhouse for those who are not hopeful cases and yet are not such as must be sent to a penitentiary.

5. Confinement in a penitentiary for the worst offenders.

6. A parole law for prisoners who may be safely released upon conditions before the expiration of their term.

Applying these propositions to the local situation, the report recommends:

First. That the present jail be used as the house of detention after its interior shall have been modernized.

Second. That a probation system be established at once by enacting a simple and inexpensive probation law, a draft of which is submitted with the report.

Third. That a reformatory be established upon a tract of land of not less than one thousand acres, widely separated from any other penal institution, consisting of unreclaimed land which can be cleared, cultivated, and built upon by the prisoners themselves. That eventually there shall be established upon this tract shops wherein a variety of industries may be taught and carried on, the product being easily consumable by the various district departments.

Fourth. That another tract of land of equal size be secured at once as the site for a workhouse. That this also be unreclaimed land upon which the workhouse prisoners may be put to work preparing the land for cultivation, and erecting the necessary buildings.

Fifth. That the class of prisoners not proper to be sent either to the reformatory or the workhouse be sent for the present to the United States penitentiaries at Leavenworth and Atlanta, and that for the present no penitentiary be erected specially for the District of Columbia.

Sixth. That a parole law be enacted upon the principles set forth in the report.

I earnestly ask that the Congress act at once in accordance with the recommendations of the report. The two most urgent measures, for which drafts of bills accompany the report, are, first, a probation law, and, second, an appropriation act which will relieve at once the present impossible situation and set us on our way toward the realization of an adequate prison system.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 11, 1909.*

The SPEAKER. The Chair has listened to the reading of this message, and although there may be some doubt as to the committee to which it should be referred. it seems to the Chair that under the rule it should go to the Committee on the Judiciary, and he therefore makes that reference, and the message and the accompanying documents will be printed.

WOMEN NURSES FOR THE UNITED STATES NAVY.

Mr. DAWSON. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 15438) for the establishment and organization of a corps of trained women nurses for the United States Navy, and that the same lie on the table. This bill was incorporated in the naval appropriation bill which passed in the closing days of the last session.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DISTRICT OF COLUMBIA BUSINESS.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of District of Columbia business.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. STERLING in the chair.

JUSTICES OF THE PEACE IN THE DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (S. 6359) to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia, and desire to say that the bill had been read and discussed at some length when we were obliged to conclude our labors on the last District day, and a request had been made that the bill be read under the five-minute rule, which request I now renew.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

Mr. FITZGERALD. What does the gentleman want to have done?

The CHAIRMAN. The request is that the bill be read under the five-minute rule.

Mr. FITZGERALD. Before the bill is read under the five-minute rule, I wish to say a very words.

In my judgment this bill should not pass in this form. These inferior civil justices were provided for the purpose of sitting in various parts of the District of Columbia, in their districts. The District Code provided that the justices of the supreme court should divide the District into districts for these justices and should designate the places in the districts where they should sit. In pursuance of that law the supreme court justices did divide the District of Columbia into these inferior-court districts, but they divided it in such a way, in my judgment, as entirely to destroy the purpose intended to be accomplished by Congress. They made the districts in such a manner that they all centered in the business section of the District of Columbia, and they designated practically in one location a place for the offices and holding of the court for all these judges. I differ with the committee as to how and where these judges should sit. In my opinion, the District of Columbia should be divided so that the inferior-court judges would sit in various parts of the District of Columbia—a judge in Georgetown, one in the central part of the city, and others in various other parts of the city—so that the courts would be close to the people who naturally would do business in the court. I know that the men who sit in the courts are opposed to this, and I also know that the lawyers are opposed to it.

It is much more convenient for the judges and for the lawyers to sit in a comparatively restricted space, but the poor litigants, who are compelled to come from all parts of the District, are not benefited, and they would be aided materially if the judges sat in the localities where the business arises.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MANN. Is the gentleman aware that under existing law and practice it frequently happens that the defendant who is being sued is cited into the wrong court because the parties can not very well ascertain, or do not ascertain, the exact limits of the dividing line between the districts?

Mr. FITZGERALD. The gentleman can see how easy it is to be deceived about a certain designation of the district if they were all centered in one particular place. A person can hardly walk in the business section of this city without walking through all of these districts, while if the District of Columbia was divided up in a practical manner, there would be no difficulty at all about it.

Mr. MANN. That being the case, the existing conditions the gentleman admits are bad.

Mr. FITZGERALD. They are bad because the law was badly executed.

Mr. MANN. That may be.

Mr. FITZGERALD. If common sense had been exercised, the conditions would not be bad.

Mr. MANN. Well, it is too much to expect that common sense will always be exercised by those who have the execution of the laws in the District, or elsewhere. We must presume against that; but, it being admitted that existing condiions are bad, and that having been an experiment, would it not be fairly wise to try and change these conditions and see whether this plan will not work better?

Mr. FITZGERALD. My judgment is that it would be better to carry out the original intention of the Congress, and then if that turns out not to be workable, to try some other innovation. Congress intended a certain thing should be done and it never has been done.

Mr. DRISCOLL. How are these districts established in Brooklyn?

Mr. FITZGERALD. The city is divided into municipal districts, and the court sits in the locality where the business arises. They are not centralized.

Mr. MANN. Is the gentleman from New York aware of the class of business that constitutes the major portion of the business before the justice courts here in this District?

Mr. FITZGERALD. Not so much here as I am in other localities.

Mr. MANN. I do not think the gentleman knows much about justices of the peace courts; I hope he does not.

Mr. FITZGERALD. I never thought myself so superior that I could not practice in courts of that character.

Mr. MANN. I have been informed by one of the judges here, since the matter was up the other day, that the most of the business here, the larger class of the cases at least, are what is called "landlord and tenant cases," over which justices of the peace have exclusive original jurisdiction, and it often happens that a number of cases may be brought by one renting agency.

Mr. FITZGERALD. Yes; and they want to bring them all in one locality instead of having the poor people who are to be dispossessed attending court where it is more convenient for them.

Mr. MANN. I made the statement because I understood the gentleman to say that it would not be so convenient for attorneys, and plainly in a case of that sort it would be more convenient to them to have all the cases brought where they could be heard in regular order.

Mr. FITZGERALD. I presume it is true in all courts of this character that the majority of the business consists of landlord and tenant business. It is due to the fact that under the Republican administration the poor are unable to earn enough money to pay their rent. [Laughter.]

Mr. MANN. That is the best argument the gentleman has made on this subject yet.

Mr. FITZGERALD. I may make some additional ones before I am done; I certainly will if I bring this administration into the discussion. Has the gentleman from Illinois completed his question? [Laughter.]

Mr. MANN. I have some others, but I thought the gentleman would prefer to answer them in my time.

Mr. FITZGERALD. I didn't know but that the gentleman was discouraged when he began to think of the enormous amount of misery that has been inflicted upon the poor by this administration. I suppose that checked him for a time. Mr. Chairman, I do not wish unnecessarily to delay the committee, but I did wish to express my opinion on the bill, and so for that reason I shall vote against its passage.

Mr. SIMS. Mr. Chairman, I am opposed to this bill in its present state. Primarily it is a bill to convert the justices of the peace into judges of a court, to give them the incidental powers and jurisdiction of a court. If that is going to be done, this bill ought to be amended, and if not amended it ought to be defeated. If I am correct about it—I do not know, and I will ask the chairman or the gentleman in charge of the bill to give me the information—are juries impaneled to try cases before justices of the peace in this District?

Mr. CAMPBELL. I understand so, when called for.

Mr. SIMS. Does this bill make any change in that respect?

Mr. CAMPBELL. None whatever.

Mr. SIMS. This bill provides for the exclusive jurisdiction up to $100?

Mr. CAMPBELL. Raises the exclusive jurisdiction from $50 to $100, and the concurrent jurisdiction from $300 to $500.

Mr. SIMS. I will ask the gentleman from Kansas, can an appeal be taken to the District court from any case tried in the justice court, regardless of amount?

Mr. CAMPBELL. We do not change any existing law in this bill, except as to the jurisdiction——

Mr. SIMS. I am asking what the existing law is.

Mr. CAMPBELL. I am not advised as to the matter of appeals.

Mr. SIMS. I am not familiar with these questions.

Mr. MANN. The gentleman will find on page 3, lines 14 and 15, that this bill reserves the right to remove any case by certiorari; that is, in cases of concurrent jurisdiction.

Mr. SIMS. I am asking about direct appeal. The gentleman can not tell me whether an appeal is granted in all cases, regardless of the amount involved?

Mr. CAMPBELL. I am not informed as to that matter, but the exclusive jurisdiction of the justice has been from $50 to $300, and I take it there would naturally, therefore, be no appeal between those amounts.

Mr. SIMS. That is, up to $50 there could be no appeal to the District court?

Mr. CAMPBELL. That would be my opinion.

Mr. SIMS. If this bill passes, there can be no appeal from the decision in justices' courts unless the amount involved is over $100.

Mr. CAMPBELL. I do not say so. We are not changing the law on that subject, except that we increase the exclusive jurisdiction from $50 to $100, and the concurrent jurisdiction from $300 to $500.

Mr. SIMS. I will ask the chairman whether he can inform me whether an appeal can be taken as the law now is from any case decided by a justice of the peace where the amount involved is less than $50?

Mr. SMITH of Michigan. I am not sure where the amount is less than $50. I am not sure as to that.

Mr. SIMS. The gentleman can not advise me as to that?

Mr. SMITH of Michigan. I am not certain about it; no, sir.

Mr. SIMS. Mr. Chairman, there is no doubt that in the enactment and inception of the original law it was intended that these justice of the peace should hold their courts in such portion of their districts as would be convenient to the people living within the area of a particular district. The districts have been laid off now so as to practically nullify that intention of the law, if such was their intention, and we are asked to create a municipal court. I am not opposed to that; but if we are going to create a court, let us create one and give it jurisdiction worthy of the name of a court. Let us give it jurisdiction to the extent of $1,000. If we have to have a court here, with judges and clerks and all the surroundings of a real court, I can not see why their jurisdiction should be limited to the petty sum of $500. Many of these cases no doubt would not be appealed. The commissioners in their report say that the District supreme court is now so crowded that the exclusive jurisdiction of these justices of the peace should be increased to $1,000; that often you can not get a trial there now for a year or more after the suit is brought—I suppose the appeal is taken. If we have judges here with a salary of $3,000 or $2,500, which is equal to the salary of any judge in the State of Tennessee, except one sitting upon the supreme bench, the court of appeals, why can not they try cases involving more than $500? The limit of their jurisdiction is such as to impeach the dignity of anybody who would be a judge of any court, and the importance and the reliability to be attached to it.

Mr. BATES. May I ask the gentleman a question? Do I not understand that by the provisions of this bill the compensation of the judges is to be decreased from the present rate of $3,000 a year to $2,500 a year?

Mr. SIMS. Well, nominally, because it is now $3,000, but they have only appropriated $2,500.

Mr. BATES. It is now $3,000.

Mr. SIMS. For justices of the peace.

Mr. BATES. But the bill only carries an appropriation of $2,500.

Mr. SIMS. This appropriation bill heretofore making appropriations only appropriates $2,500, instead of $3,000.

Mr. BATES. Well, I had been led to believe this bill was in the interest of economy as well as consolidation of courts.

Mr. SIMS. There is really no economy in it whatever. Now, I have been told, I do not assert——

Mr. BATES. It is an economy in reducing the compensation——

Mr. SIMS. No; there is only $2,500 appropriated now.

Mr. CAMPBELL. They are paying them $3,000 a year.

Mr. SIMS. I understood they are appropriating only $2,500.

Mr. BATES. I understand it is $3,000.

Mr. SIMS. I may be mistaken in that; I have not got it from an official source. But, Mr. Chairman, I think if there are going to be justices of the peace, if they are going to remain justices of the peace, they should hold their court, as no doubt was the intention, in the center of population of their respective districts. If it is going to be a court, their appointment should not be limited to any particular area or district in the District of Columbia. If we are going to make it a court, let us make it one, and authorize the appointment of these judges from anywhere in the District, and authorize suits to be brought from any part of the District before any one of these judges in this court. Now, I can not see why we should increase the exclusive jurisdiction from $50 to $100, and then not increase the maximum jurisdiction beyond the petty sum of $500, unless it is perchance to cut off appeals from the poorer classes, whose suits do not involve the amount. Of course, if the law is that way——

Mr. CAMPBELL. If the gentleman will permit me.

Mr. SIMS. Certainly.

Mr. CAMPBELL. The concurrent jurisdiction now is increased from $300 to $500. You may bring a suit in this court now for a thousand or fifteen hundred dollars or $2,000 if you wish.

Mr. SIMS. You do not mean before a justice of the peace.

Mr. CAMPBELL. Why not?

Mr. SIMS. You do not mean you can bring under the present law a suit for $2,000?

Mr. CAMPBELL. Certainly, if you wish. Their jurisdiction is not limited. The concurrent jurisdiction has been increased from $300 to $500.

Mr. SIMS. What is the limit of the jurisdiction of a suit brought before a justice of the peace as the law now stands?

Mr. CAMPBELL. Three hundred dollars, as I understand it, and we are increasing it to $500.

Mr. SIMS. We are increasing the maximum jurisdiction to $500?

Mr. CAMPBELL. Yes.

Mr. SIMS. Now, the only difference between a justice of the peace and the court is $200 in the amount involved, because justices of the peace now have cases brought up to $500 and remain nothing but a justice of the peace with a right to bring a suit and appeal from the court in any sum exceeding $500.

Mr. MANN. Will the gentleman yield for an interruption?

Mr. SIMS. I will be glad to do so.

Mr. MANN. Would it satisfy the gentleman if this bill would be amended so as to increase the jurisdiction from $300 to $1,000?

Mr. SIMS. Decidedly.

Mr. MANN. I agree with the gentleman. Suppose we do that and pass the bill.

Mr. SIMS. I am perfectly willing to do that if we amend the bill so as to make it a real court and not permit these judges to be appointed from a particular locality in the District of Columbia, and then not require them to hold court in that locality. We ought to go further——

Mr. MANN. It does not seem to me it makes so much difference what localities they are appointed from, although I think this is an absurd provision.

Mr. SIMS. Yes.

Mr. MANN. I assume the President will be able to find a fairly good piece of material in any one of these districts for a reasonably good judge.

Mr. SIMS. Now, let me ask a question there. Does the gentleman from Illinois understand—and I will address this also to the chairman of the committee or the gentleman who reported the bill—and if this becomes a law will the President be required to appoint bona fide citizens of the District of Columbia as these judges?

Mr. CAMPBELL. Yes——

Mr. SMITH of Michigan. Yes; you will find that on page 2 of the bill.

Mr. SIMS. That is exactly what I want. I want the jurisdiction increased as large as you can get it, with a jury to try these cases, and not have so many and so often the rights of local citizens brought before judges who live and vote in other States and yet hold court here and determine causes here.

Mr. BATES. Allow me to ask one other question.

Mr. SIMS. I am in favor of the bill if it is made the right kind of a bill.

Mr. CAMPBELL. I will ask if the gentleman has read the bill?

Mr. SIMS. I have.

Mr. BATES. Is the gentleman aware of the fact that this is only a justices' court and not a court of record, and would the gentleman go on record as advocating a bill giving jurisdiction to courts not of record and as high as $1,000?

Mr. SIMS. Absolutely so, I would—unhesitatingly.

Mr. BATES. I think the gentleman's judgment on that subject could be amended.

Mr. SIMS. It is not a matter of judgment. It is a matter of actual experience and knowledge for many years. Let me tell the gentleman that in my own State justices of the peace have jurisdiction of notes, bills, checks, and everything of that kind up to $1,000, and for unliquidated damage accounts up to $500. They are not courts of record. They do not get any salary. They get only the fees, but from every decision of the justice of the peace there can be an appeal to the circuit court, where you can get trial by jury. Why should not a justice of the peace be able to render a judgment on any litigated note or matter of that kind?

Mr. BATES. The courts of record in the States of the Union are limited to $300.

Mr. MACON. Right there I will ask the gentleman if this bill does not propose to make it a court of record and give them a clerk to keep the record?

Mr. BATES. I will ask the chairman of the committee if his bill makes it a court of record? Does it not give them a clerk?

Mr. CAMPBELL. It makes a clerk for the court.

Mr. MACON. What is a court of record if it is anything more than a judge and a clerk to keep the record?

Mr. CAMPBELL. This clerk will keep the same books that are now being kept by the justices of the peace. He is not given a seal, as I understand it.

Mr. SHACKLEFORD. Does this court have a seal?

Mr. CAMPBELL. No; it has no seal.

Mr. SIMS. This is a justice of the peace, misnamed a judge?

Mr. MACON. That is it.

Mr. SIMS. If you are going to make it a court, let us give them the powers and dignity of a court.

Mr. MANN. Let us make it a thousand dollars.

Mr. SIMS. It certainly ought to be a thousand dollars. I think, further, if the supreme court here is crowded, it would be good legislation, if we are going to create this court, to give it exclusive jurisdiction for the bringing of a suit up to the amount of their jurisdiction, with the unlimited right of appeal to the supreme court.

Mr. CAMPBELL. Will the gentleman permit me? The hearings before the committee disclosed the fact that justices' dockets are now so crowded that poor litigants have to wait indefinitely in order to have their causes heard, and the concurrent jurisdiction is only $300. You are increasing the exclusive jurisdiction from $50 to $100, and the concurrent jurisdiction from $300 to $500, which will enlarge the business of these justices or of this court.

Mr. SIMS. Does the gentleman think that these justices are an overworked set of men now?

Mr. CAMPBELL. I only go by what the testimony before the committee shows. It shows that fact. It shows that the court is crowded, and I have letters here showing that litigants have to wait and that it is practically impossible to have trials disposed of immediately after they are filed.

Mr. SIMS. With four justices of the peace?

Mr. CAMPBELL. With six justices of the peace.

Mr. SIMS. And yet you are going to expedite business by reducing them to four?

Mr. CAMPBELL. There is now no transfer from one justice to another.

Mr. MANN. One justice may be crowded and the other five have nothing to do.

Mr. SIMS. But as a body they are not crowded.

Mr. CAMPBELL. Oh, yes; when this court is created the six justices are consolidated; then the business can be distributed among them by the clerk, so that they can take care of the business and enable them to dispose of it more expeditiously.

Mr. SIMS. If the bill passes without an amendment, will not the suit have to be brought before the justice representing the district in which the plaintiff lives?

Mr. CAMPBELL. Not at all.

Mr. SIMS. Will each judge under this bill have concurrent jurisdiction with all the other judges on any suitor in the district, wherever he may live?

Mr. CAMPBELL. He will. The case is filed with the clerk. The clerk assigns it for trial to Justice A, Justice B, or Justice K, as the case may be, wherever the docket of the judge justifies the assignment.

Mr. MANN. Will the gentleman yield to me? Will not this be the case, or should not this be the case? The case is filed with the clerk. When the court convenes one case will be sent to one judge, another case to another judge, and when any judge is without a case he will notify the clerk, who will send him another case.

Mr. CAMPBELL. Beginning at line 16, page 3, explains just how the cases shall be assigned.

Mr. SIMS. Will the suit still have to be brought before the justice?

Mr. MANN. Not before the justice.

Mr. CAMPBELL. It is brought in the municipal court in the District of Columbia.

Mr. SIMS. Now, you have to bring it in a certain district in which the plaintiff or defendant resides.

Mr. MACON. It wipes out all of this.

Mr. SIMS. In effect it does.

Mr. MANN. I think it ought to.

Mr. SIMS. I think so.

Mr. MANN. You bring it to the court, and it makes no difference to the defendant or plaintiff.

Mr. SIMS. Mr. Chairman, I will admit very frankly that I was not on the subcommittee that handled this bill and not as familiar as I should be with it to state the effect of its passage. My only object is, if we are going to do something, that it should be something worth while. I think the jurisdiction ought to be increased to $1,000; but if no appeal is allowed, and the sum is now $50, it ought to remain at $50.

Mr. MANN. I take it that will be the amount that will be generally covered. I have no doubt it is the same here as in other cities; a number of the cases will be forcible entry and detainer—landlord cases—where the amount involved may be only a month's rent. The real necessity for the measure is much larger than, I take it, necessarily is with cases of that kind.

Mr. SIMS. Mr. Chairman, what I am trying to convey to the committee is that if we are trying to do something, let us try not to do something that we would not do thoroughly. I do not think this measure when before the House was fully understood. I tried to have the House understand it by inquiries. I am heartily in favor of increasing the jurisdiction and thus make it a court in fact as well as in name, and if we are to create a court of this kind and give position, let us give the position to bona fide citizens of this District, who do not claim, and have not for a number of years, to be citizens of any State in the Union. Now, I am heartily in favor of the amendment suggested by the gentleman from Illinois to increase the jurisdiction to a thousand dollars. These other matters, which have appeared to me to be in the way, have no serious objection that may prevent the bill from being submitted to the judgment of the House.

Mr. SMITH of Michigan. Does the gentleman from Illinois expect to press his amendment?

Mr. MANN. I do; and I want to be heard a few moments on it.

Mr. SIMS. I reserve the balance of my time.

Mr. DRISCOLL. Mr. Chairman, I was present before the Christmas holidays, when this bill was under consideration, and since that time I have talked with several men in the District of Columbia, and they all favor the idea of segregating these courts in the center of the city and in one building. Now, there seem to be only two objections to this bill on the part of those who are against it, and one is that they do not like to have a man formerly called a justice of the peace now called a judge. I have no such objection. I am always willing to dignify courts as far as possible, and always willing to raise the dignity of courts when it does not cost anything to the Government; and I am inclined to think——

Mr. SMITH of Michigan. In this case I want to say we pay them less than we do now.

Mr. DRISCOLL. And specially am I in favor of raising the dignity of a court when I can reduce the cost, because I am inclined to think that the ordinary person may have more respect for the judgment given by one who is called a "judge" than for a judgment rendered by an official who is called and known as a justice of the peace.

It strikes me the increase of the exclusive jurisdiction from $50 to $100 is a very proper amendment to the old law. Now the main objection here is that these courts will be all in the center of Washington, instead of being held in the outlying districts.

Mr. SIMS. They are not held that way now, I understand.

Mr. DRISCOLL. They were intended to be so held. The city is divided up into districts, and for convenience they have as a matter of fact located the offices of the different justices of the peace practically in the center of the city. So they have done as a result of practical experience and for the convenience of witnesses, litigants, and lawyers exactly what this bill proposes to do. It is better that there be a central court, and that cases be assigned to one or another of the judges who may not be otherwise occupied. If the city were divided up into small districts, and each justice required to hold his office in the district in which he lives, a justice would often have to try and decide cases in which his neighbors were interested, which might be embarrassing to him; and the fact that a case under this proposed act can be submitted for trial to a judge who lives in another part of the city and does not know anything about the local conditions, and is not acquainted with the people who are interested, will tend toward impartiality, and therefore a higher administration of justice. I am inclined to think that on the simple question of economy and of convenience it is better for the litigants to come to the center of the town and bring their witnesses than it would be to hire the lawyers to go from the center of the town to try the cases in remote parts of the district. All of the street railway lines center at or near the same place, just as all roads used to lead to Rome, and it is quite as convenient for anybody to come from a remote part of the town to the center as to go across lots a much shorter distance.

So that purely for convenience and for the saving of time and expense it strikes me it is better to have this court located in the heart of the city.

In the city of Syracuse, where I live, we have had some experience in this matter. Syracuse, N. Y., is a city of 130,000 or 140,000 people, a very prosperous and enterprising town. In any other State than New York it would be regarded as quite metropolitan. There are, I believe, twenty-nine States in this Union in none of which is there a city as large as Syracuse, but in the State of New York it suffers by comparison, for it is overshadowed somewhat by the greater cities of New York and Buffalo.

Mr. MANN. The city may be overshadowed, but its representative never is.

Mr. DRISCOLL. In Syracuse we had five or six justices of the peace until about ten years ago, when we reorganized our justice courts. We created a municipal court with two judges, who hold their court in the county court-house, in the center of the city, and who have jurisdiction, I think, up to $1,000. These judges get $3,000 a year. So far as I have ever heard, that judicial system for the trial of small cases has been very satisfactory to the people—not only to the bar, but to the litigants—and there is no desire on the part of any of our people to change the names of our judicial officers to justices of the peace or to go back to the old system.

Mr. MACON. You have no justices of the peace in your county at all?

Mr. DRISCOLL. We have in the county.

Mr. MACON. But not in the city?

Mr. DRISCOLL. In the towns outside of the city we have the old-fashioned system of justices of the peace and courts of special sessions, but in the city of Syracuse we have no justices of the peace. We have these municipal judges and a police judge, and they do all the civil and criminal work ordinarily done by magistrates and justices of the peace.

I do not think there is much opposition to this bill. There can not be any reasonable objection to changing the title from justice of the peace to judge as long as the people of Washington want it. Since the lawyers and litigants want a change from holding courts in separate districts to one building in the center of the city, we should not object. This bill in its main provisions is a meritorious one and should pass.

Mr. SIMS. I understood the gentleman from Kansas to say that this bill provided that the justices of the peace, the

judges, after the bill became a law, must be appointed from citizens of the District of Columbia; am I correct?

Mr. CAMPBELL. The law now requires that, and we do not change that.

Mr. SIMS. But the bill says this:

That no person shall be appointed to said office unless he shall have been a bona fide resident of said District for the period of at least five years.

He can still be a citizen of a State, as I understand, and they are doing it here—voting and participating in political matters at home, in the States, and yet being a judge of a court in the District of Columbia.

Mr. SMITH of Michigan. I do not think the President has at any time appointed a justice who was not a resident of the District.

Mr. SIMS. What is the difference between the appointment of a justice of the peace and the judge of a higher court?

Mr. CAMPBELL. The bill provides that he must be a resident of the District.

Mr. SIMS. Why not provide that he shall be a citizen as well as a resident, and that he shall not claim or exercise acts of citizenship elsewhere? At the present time a justice of the peace must be appointed from among the citizens of this District, but if this bill passes he will be merely a resident, and if the bill passes I shall ask that an amendment be inserted providing that he shall be a bona fide citizen of the District of Columbia and not exercise acts of citizenship elsewhere for the period mentioned in the bill of five years.

Mr. SMITH of Michigan. How would you gain anything? A man only gets a citizenship here by residing here.

Mr. SIMS. No; he can be a citizen here by ceasing to be one anywhere else.

Mr. CAMPBELL. How can he acquire citizenship here except by residence?

Mr. SIMS. By not exercising it anywhere else, repudiating citizenship anywhere else.

Mr. CAMPBELL. Oh, I have constituents in my district who have not exercised the right of citizenship in my district for thirty years, and who still say that they live in Cedarville.

Mr. DOUGLAS. Then, they belong to the Ananias Club. [Laughter.]

Mr. CAMPBELL. Oh, no.

Mr. SIMS. How will the amendment I suggest hurt your bill if they are not citizens elsewhere?

Mr. CAMPBELL. They can not acquire citizenship here by voting.

Mr. SIMS. No; but they can by not exercising citizenship elsewhere.

Now, on page 3 the bill says, with reference to the jurisdiction:

That said jurisdiction shall be exclusive when the amount claimed for debt or damages or the value of personal property claimed does not exceed $100, and concurrent with the supreme court of the District of Columbia when it exceeds $100 and is not in excess of $500, with the same right to remove any case by certiorari as heretofore in cases of concurrent jurisdiction.

I want to ask the gentleman from Kansas if there is no method of appealing from the decision of a justice of the peace to the supreme court except by this method of certiorari?

Mr. CAMPBELL (reading)—

The appeals from the justice of the peace shall be heard and determined by the circuit court.

So I take it that the appeals are provided for.

Mr. SIMS. It is provided for the removal only by certiorari.

Mr. CAMPBELL. It does not restrict it to removal by certiorari.

Mr. SIMS. It says:

With the same right to remove any case by certiorari as heretofore in cases of concurrent jurisdiction.

Mr. CAMPBELL. Certainly.

Mr. SIMS. If I understand the office of certiorari in lieu of an appeal, it can only be used where the right of appeal has been lost through blameless misfortune by the party seeking to appeal.

Mr. CAMPBELL. Certainly. But we do not change the code of the District in this bill.

Mr. SIMS. But you are repealing all laws inconsistent with it.

Mr. CAMPBELL. We are not changing the code as to the qualifications of the justice or of the judge; we are not changing the matter of residence. The same language that is used to-day in the code is used in this bill touching the residence of the applicant for a place on the bench.

Mr. SIMS. I will state that I shall offer the amendment at the right time. I did not know that it would be necessary to offer it if I had an explanation, but I believe it will be.

Mr. MANN. Mr. Chairman, the question was raised a few moments ago as to the salary of justices of the peace, and the committee assumes that it figures out a saving of $200 a year in the pending bill. The salaries we now pay justices of the peace are $2,500 a year.

Mr. SMITH of Michigan. I think the code reads $3,000 a year.

Mr. MANN. The law provides, and I read from the bill of this year, which is the identical language with the act of appropriation—

for six justices of the peace, at $2,500 each, and the further sum of $400 each for rent, clerical service, stationery, and other expenses—in all $17,400.

I do not think that is a very important matter, and I refer to it only in connection with the question that was raised. The pending appropriation bill, which will be called up again to-morrow, also provides that the next vacancy in the court of the office of justice of the peace for the District of Columbia shall not be filled, and thereafter the number of justices of the peace for the District of Columbia shall not exceed five.

I suppose that would be a real saving in money. Whether it would otherwise or not, I do not undertake to say. But, Mr. Chairman, it seems to me that this bill should pass. At first blush, for myself I thought it was probably along erroneous lines, but upon consideration I concluded that it is a good bill and ought to pass.

Congress provided for the division of the District of Columbia into various districts, each district to have a justice of the peace, and each justice of the peace to have jurisdiction in his district of suits brought against defendants residing in his district. Undoubtedly many who voted for such provisions contemplated the division of the District into districts so that the justices of the peace would be in different portions of the District of Columbia—one in Georgetown, one at the other end of the District, and in various parts of the city of Washington, perhaps. For reasons, whether good or bad it does not make much difference, probably good, when it came to a division into justice of the peace districts, the District was so divided that they all centered in one locality. The result of that was that in making this division lines narrowed to a point, and there are many buildings in the city of Washington now, as I am informed by one of the justices of the peace since this matter was up for discussion before, where it is almost impossible, if not impossible, to tell which district the building is located in, and the result of that is that often a defendant is sued in one court and it is ascertained in court that that defendant is sued in the wrong district when it is learned where his residence is. I have a letter here from one of the justices, written since the discussion of this matter before, in which he says:

Without any natural boundaries, the several districts now have to be marked out by lines on the city plat running along the centers of streets. It was thought that the subdistricts so marked would be plain, and that any house having a number could be easily located. But this is not found to be true in practice, and even with the aid of a map there are many buildings in the city and suburbs which are not easily located as between two contiguous subdistricts. The consequences of bringing suit in a wrong subdistrict are that the plaintiff loses his initial cost and one or more day's time. This is a source of vexation with no compensating advantages.

And I presume also that the defendant is brought into court twice, probably.

Mr. COOPER of Wisconsin. How does the bill before us seek to cure that?

Mr. MANN. The bill now pending does away with the exclusive jurisdiction of a justice in a particular district and provides that all of these justices shall hold their courts in one building, that suits shall be commenced by filing the proper papers with a common clerk to all of the justices, and, under rules to be provided by the judge, the clerk shall apportion the different suits between the judges.

Mr. DRISCOLL. From what is the gentleman reading?

Mr. MANN. I read from a letter of one of the justices of the peace. In reference to the matter of expense under the proposed bill the fees are all paid to an officer provided for, a clerk or otherwise, I do not remember which. This particular justice of the peace from whose letter I have been reading, says in reference to that matter:

Let me say a word now relating to the most vexatious duty justices of the peace under the present system have to perform, to wit, the handling of money paid into court as fees. And first I will say, under our system the justice receives no other money except such as is paid for his fees and that of the marshal, and as to the marshal's fees, he acts as a convenience merely, to receive and pay over each day the fees for that day's business. Under existing arrangements the justice must submit to constant interruptions, no matter how much he may be absorbed in the trial of a cause, to receive new cases, count the money, and make change; and when we add to this the many other miscellaneous duties which could be so much better done by the clerk or his deputy, who is not already preoccupied, it must, I think, be apparent that the justice's duties are too many and too various to be advantageously performed by one man.

Mr. Chairman, my first impression upon seeing this bill was that it was not to the interest of the poor defendant or the poor plaintiff, but upon consideration of the bill it seems to me that it is not only in the interests of good administration in the courts, but is to the interests both of the plaintiff and the defendant, who will be detained far less time under the provisions of this bill than under the existing practice.

Mr. MACON. Will the gentleman yield for a question?

Mr. MANN. Certainly. I always yield to my distinguished friend from Arkansas.

Mr. MACON. I thank the gentleman. Does not the gentleman believe if all these courts are located in one building that there will soon grow up a professional jury system, whereby cases will be decided according to favoritism, prejudice, or whim, rather than according to merit? The gentleman knows that in almost all courts where they are held regularly or continuously, that a lot of professional jurors hang around all the time for the purpose of getting on juries, and it is often the case that they do not pay any more attention to the merits of the causes submitted to them than they do to the wind that is blowing on the outside of the building in which they sit. They try the cases according to favoritism or whim or prejudice.

Mr. DRISCOLL. That has not been so up our way.

Mr. MACON. Oh, I have seen it done, and I think others have seen it as well as myself. New York, the gentleman's State, I take it, is not entirely different to all of the other States in this Union along that line.

Mr. CAMPBELL. In answer to the gentleman from Arkansas, I wish to read section 7 of the Code of the District of Columbia, which is as follows:

Trial by jury before justices of the peace is hereby abolished.

Mr. MACON. What, doing away with a jury entirely?

Mr. CAMPBELL. Oh, no; that is the law now.

Mr. SIMS. Then the gentleman answered me incorrectly when he said they had trial by a jury.

Mr. CAMPBELL. I did. I sent for the code and I am reading it.

Mr. MACON. We are not to have juries in the municipal court then?

Mr. CAMPBELL. We are not changing the law as to that.

Mr. MANN. The gentleman will find there is an appeal provided for, and they can appeal.

Mr. CAMPBELL. Oh, there is an appeal provided for, and a jury may be had in the appellate court.

Mr. SIMS. Can they appeal from any amount?

Mr. CAMPBELL. Yes; any amount above $5.

Mr. SIMS. I understood they could not appeal for any amount less than $50.

Mr. CAMPBELL. They may appeal from any amount that has been triable in a justice's court.

Mr. MANN. I remarked to the gentleman a while ago that the principal classes of cases are landlord and tenant cases. Most of those cases are brought by a real-estate agent, and the law and the practice is that no judgment shall be rendered in such case without the personal attendance either of the plaintiff or his agent. The result of it is that a real-estate firm having a large rent business, sometimes filing a dozen or fifteen cases a day possibly, is required to file them in all of the six different courts. That requires a much greater amount of labor for the plaintiff without any corresponding benefit to the defendant at all, because most of those cases are default cases, without being able to have one person attend in court on all cases at once. One person must attend one court and the same person attend another court at a different hour, or else different persons attending different courts.

Mr. FITZGERALD. Mr. Chairman, that is a very remarkable condition that no judgment can be entered in a court unless the attendance and oath of some person is required. Does the gentleman know of any court where there is a judgment without some testimony or statement by some one under oath?

Mr. MANN. I think very often you can get a judgment on a promissory note without bringing other testimony. In my city you can get judgment without getting any testimony, and so you can in New York.

Mr. FITZGERALD. The bill or complaint must at least be verified, and this is the most remarkable statement I have heard, that it might be required in this court before they enter judgment that somebody should make oath as to the purpose for which judgment is entered. That is really a startling condition.

Mr. MANN. Well, it probably is startling to the gentleman, but when he has practiced law a few years longer, really practiced law, he will discover that his own State provides for the entry of judgment in many cases without oath when——

Mr. FITZGERALD. Not in a single instance in my State or, I may add, in the State of the gentleman from Illinois. Perhaps he will state some instance in his State where judgment can be entered, even on a promissory note; because the defendant defaults there the party must come and testify when the inquest is taken, or else there must be a verified plea, but the oath to the facts must be made at some stage of the proceedings.

Mr. MANN. On the contrary. In the gentleman's State, as in mine, if you file a copy of a promissory note with a declaration, or whatever you call it in your State, and the defendant makes no answer to it you obtain a deferred judgment. So, Mr. Chairman, it seems to me it would be desirable to pass this bill. Personally I should prefer to see the jurisdiction of the court raised and the salary not decreased.

Mr. EDWARDS of Georgia. What is the salary now?

Mr. MANN. The salary appropriated is $2,500.

Mr. CAMPBELL. Mr. Chairman, I have no pride of authorship in this bill. It was introduced in the Senate, considered by the Senate Committee on the District of Columbia, passed by the Senate, and sent to this House and referred to the Committee on the District of Columbia, and by that committee to the subcommittee, of which I happen to be chairman. I called the committee together, and we had a hearing on the bill and considered it carefully. Many persons appeared in favor of the bill as it passed the Senate. It was noted in the papers here that there would be a hearing on the bill on a particular day. No one appeared in opposition to the bill. No one appeared with any criticism of any provision in it.

Of my own motion, I suggested that six justices, centered as proposed in this bill, under the name of the "municipal court of the District of Columbia," and with a clerk, might be reduced to four. Nearly everyone who took any notice whatever of that proposition said that the six justices now are crowded with business, and that litigants in many instances had to wait in order to have their causes tried. The idea, therefore, of having the number reduced to four was abandoned, and the bill was reported——

Mr. SIMS. You have reported the amendment at four.

Mr. CAMPBELL. That refers to reducing the terms from six years to four years.

Mr. SIMS. There is no subsequent report here.

Mr. CAMPBELL. I went to every member of the subcommittee, as well as to others, and they signed a supplemental report.

Mr. SIMS. There is no evidence of that in the report here. The bill never went back to the committee, so I naturally supposed it was four. The bill does not change the law of the District of Columbia in any way except in centralizing these officers in a particular place, giving them a clerk, and calling them a municipal court instead of justices of the peace. Can the gentleman tell me, without trouble, what jurisdiction the justices of the peace now have? I mean what is the subject-matter? I confess my ignorance by asking the question, but then I think I ought to know it, and I think the House ought to know it.

Mr. CAMPBELL. They have jurisdiction for trespass, replevin, damages——

Mr. SIMS. What is the amount? Name it as you go along.

Mr. CAMPBELL. Up to $300.

Mr. SIMS. In all of those?

Mr. CAMPBELL. In all of these. Then, there is forcible detainer. Of course that is for the detention of rented property.

Mr. SIMS. What about bills, notes, and other evidences of debt?

Mr. CAMPBELL. That would be the same up to $300, as the law now stands.

Mr. MANN. Up to $300.

Mr. SIMS. A case appealed from this court and tried in the District supreme court may be tried by jury?

Mr. CAMPBELL. Yes; on demand. Where the appeal is asked, and the value of the property claimed exceeds $5 and in actions for the recovery of the possession of real estate, either party who may think himself aggrieved by the final order of the justice of the peace may appeal to the supreme court of the District of Columbia, if the appeal is asked for within six days after entering of the judgment.

Mr. SIMS. Upon what condition?

Mr. CAMPBELL. Upon filing of bond, if the justice requires such bond.

Mr. SIMS. I wish you would read that part of it.

Mr. CAMPBELL. Here is the provision:

No appeal shall be allowed unless the appellant, with sufficient surety, approved by the justice, shall enter into an undertaking to satisfy and pay whatever final judgment may be recovered in the appellate court, and agree that such judgment may be entered against principal and sureties.

Mr. SIMS. Is there no provision for appealing without bond by persons making oath that they are poor and can not give bond?

Mr. CAMPBELL. I will read further:

Such undertaking must be given within six days, exclusive of Sundays and legal holidays, after the entry of judgment. And where said undertaking has been given the justice shall immediately file the original papers, and a copy of his docket entries, in the office of the clerk of the supreme court, and notify the appellant or his attorney thereof.

That is the provision.

Mr. SIMS. Is there no provision here by which a person can make what is usually called a "pauper oath and appeal" without giving bond?

Mr. CAMPBELL. I have not come across that section yet.

Mr. SIMS. If it is not there I think we ought to make it.

Mr. MANN. If they are so poor, what difference does it make whether anybody gets a judgment or not?

Mr. SIMS. Every State in the Union that I know anything about has it.

Mr. DOUGLAS. I notice on page 2 of this bill that it provides that this court shall sit in a building to be rented at a cost of not to exceed $1,800 per annum. I would like to know if, since the new building was built, it is still necessary to rent in the District of Columbia rooms for these justices' courts?

Mr. CAMPBELL. I think so. I do not think there is room there for them.

Mr. DOUGLAS. The building is larger than the other building.

Mr. SMITH of Michigan. There is no place, no building, that can be used for the court. Of course there is a large auditorium for the hearings of the Commissioners, but that can not be used for the court.

Mr. SIMS. Why can not that be used as a court?

Mr. SMITH of Michigan. That would interfere with the use of the room by the Commissioners, who have hearings every week, and have two, three, and four hundred persons present at the hearings.

Mr. DOUGLAS. Is it possible that we have gone to this enormous expense to erect the new building here, and that we are still going outside to rent rooms for the justices of the peace?

Mr. SIMS. It is not only true in this case, but in others. There are many private residences being rented for the use of the Government.

Mr. CAMPBELL. We rent the offices for these justices of the peace now.

Mr. DOUGLAS. That may be; but here is a new building that cost four or five million dollars.

Mr. MANN. More than that, it is not only for a court; but does not the gentleman know that whenever there is a private building that can not be rented, there is always a chance to rent it to the Government, with proper activity on the part of the owner?

Mr. SIMS. And it is also the case with vacant lots which can not be sold to anybody else.

Mr. MANN. Yes.

Mr. SIMS. There is an activity to get the Government to buy them.

Mr. CAMPBELL. The reasons for enacting this bill into law originated not with the justices of the peace nor with lawyers, but with the auditor of the District of Columbia. In his report for 1907 he made the suggestion that much money could be saved to the District, much time could be saved to those justices, as well as doing something that would relieve the justices from the work of taking care of the money deposited for costs, payment of costs, and payment on judgments. The clerk provided for would also take charge of the deposits of cost in fees and the amounts paid in on judgments.

Mr. SIMS. Does not the gentleman think it would be better legislation if we would provide that these justices or judges should have all the fees of their court, not exceeding $2,500 a year each, and that the balance be turned into the Treasury, than to pay them a salary out of the Treasury?

Mr. CAMPBELL. Their fees would be more than their salaries.

Mr. SIMS. But if they are turned into the Treasury it is a self-sustaining court. I understood the auditor said it was nearly impossible to get these fees.

Mr. CAMPBELL. Oh, no; not impossible, but inconvenient.

Mr. SIMS. The amount does not as a general thing exceed three or four thousand dollars.

Mr. MANN. That is some money.

Mr. SIMS. And the cost of renting a court-house is some money.

Mr. CAMPBELL. But we are reducing the expense of the office by having one office which will be used for all of them.

Mr. SIMS. And then you will have to have a court-house, and we will be required to erect a municipal court-house.

Mr. CAMPBELL. At any rate it has been thought wise from every point of view to enact this bill into law, and not one word has been said in opposition to it by those interested in this measure.

Mr. SIMS. Oh, Mr. Chairman, a great many poor people who are dragged up to this court know nothing about that, and it is only the lawyers and the justices and the men who are engaged there who would have any interest in it. They do not know when they are going to be sued, and they can not even appeal in forma pauperis, as I understand.

Mr. CAMPBELL. They would be just as much opposed to the justice whether he sat as judge of the municipal court of the District of Columbia or justice if he found against them. I ask for the reading of the bill.

Mr. KEIFER. I desire five minutes.

Mr. Chairman, I do not rise so much for the purpose of criticising this bill or opposing it as to say, in a general way, that it is opening in the legislation of this country to take away the most important judicial office in it, to wit, the justice of the peace. If anyone thinks that is an extraordinary statement, let him study the history of any State in this Union, from the beginning of its settlement to the present, and he will find there is more good to the common people coming from these justices of the peace than any other court in it. Some States maintain their principal local courts yet through boards of justices of the peace; but primarily the justice of the peace belongs to the common people. The justice of the peace is not necessarily a lawyer; he generally is not a lawyer. The justice of the peace is generally more celebrated for the cases he does not try than for those he does try. He is, as was originally intended, a peacemaker. That was the original idea, introduced early in practice in the States of Virginia and in other States. Justices of the peace existed in the colonies. I think the practice still prevails in some of the States of making them county courts in the shape of boards of justices of the peace. In my experience, justices of the peace have tended more to protect the peace of our people and maintain the personal independence of the citizen than any other court; and that is the sense in which I say it is a most important thing. This bill proposes to wipe out the justice's court in the District of Columbia. I do not believe that the conditions here are such that the justice's court should disappear entirely.

Mr. CAMPBELL. Will the gentleman permit me to interrupt him?

Mr. KEIFER. Certainly.

Mr. CAMPBELL. We do not wipe out these justices.

Mr. KEIFER. Certainly you do; you make the justice a municipal judge. A different title and name is given. You make him judge; you will address him as such, the same as any other court, and they, under this bill, will be municipal judges of a municipal court, so that the justice of the peace disappears. And then, in some sense, you make it a court of record, while the jurisdiction may not be much different. It may be in large part like that of the justice of the peace of the past, still not that element which made the justice's court that which it has been in the past and ought ever to be.

Mr. SMITH of Michigan. I should like to ask the gentleman whether in addressing a justice of the peace or a justice of the Supreme Court or of the court of appeals we do not all address him as "your honor?"

Mr. KEIFER. Suppose we do.

Mr. SMITH of Michigan. Then we do not change the form in which we address him.

Mr. KEIFER. That is because when a man is sitting as a judge or justice, in the trial of a case, we have respect enough for his position to address him in that way.

Mr. CAMPBELL. Out in my country we address a police judge in the same way.

Mr. KEIFER. Certainly. I suppose you are polite in your country as well as elsewhere. I do not see why you should not be; but nevertheless I have seen many evidences of the importance of this court, and I am now here simply protesting against striking it down. I was for a time in the island of Cuba, when there was some effort made to build up conditions arising in consequence of the people being but recently relieved from the administration of the laws of Spain. Some of our people there were very greatly exercised over the idea of creating a supreme court for those humble people. It was discovered that what they wanted down there were justices of the peace and not justices of the supreme court; justices of their

own selection, who would be able to advise them and direct them when somebody was trespassing upon their tobacco patches, and so on, and to teach them that first lesson in civil and political liberty, that they had individual, personal rights, and that they were also bound to concede the same rights to their neighbors. Justices of the peace have conduced more to that first lesson in personal liberty than any court we have ever had in this country.

Mr. DRISCOLL. Is the gentleman's principal objection to the name "judge," instead of the former name, "justice of the peace?"

Mr. KEIFER. Well, Mr. Chairman, the distinguished gentleman will have to make a definition of my objections to suit himself. I do object to striking down the name justice of the peace and creating a court of another name and another character, in large part, and to taking from the common people of the District of Columbia that officer so long known as "justice of the peace."

Mr. DRISCOLL. Is it not a fact that that officer was taken from the people of this District many years ago and that the present judicial officers known as "justices of the peace" are not, in fact, justices of the peace according to the conception and description of those peace officers by the distinguished gentleman? These justices are paid salaries. Under the old system they received their compensation in fees.

Mr. KEIFER. Yes.

Mr. DRISCOLL. Under this system there are no juries, and under the old system juries could always be called.

Mr. KEIFER. Not always.

Mr. DRISCOLL. In any case under the old system a man who wanted to call a jury could have it; a jury consisting of six men in our State and, I think, in every other State.

Mr. KEIFER. It is probably so generally.

Mr. DRISCOLL. Under the old system the justice of the peace also held a court of special sessions to try small criminal cases.

Mr. KEIFER. Not in every State.

Mr. DRISCOLL. As it is now, there is a criminal court in this city, and the justices of the peace here do not try criminal cases. So that this proposed change is very small. The principal change from the old-fashioned justice of the peace described by the gentleman, who is a peacemaker, has already been made in this city.

Mr. KEIFER. Answering the first part of this exceedingly long question that came to be something of a speech and a very good one, I can say that I am not very familiar with the judicial system of the District of Columbia, but I have assumed that the first sentence of this bill which we are called on to pass states the truth, that the inferior court known as "justice of the peace" in the District of Columbia shall remain as now constituted. That is to say, it assumes that we have a court known as a "court of the justice of the peace."

Mr. DRISCOLL. And the court will continue so, but by a different name.

Mr. KEIFER. The gentleman says it will continue so, but the bill says that it shall be known as the "municipal court of the District of Columbia." Thereafter it will not continue to be a justice's court, and then the jurisdiction is also changed so that it no longer has the character or qualities of a justice's court. It ought to be an elective court, as is usual if not general in the States, because I rather like the justice of the peace that his neighbors select, not because he is a distinguished lawyer, but because of his general make-up and character as estimated by his neighbors—that he is a man of peace and order, and when a person comes to lay a complaint before him, he probably sends for the other side and settles it and charges no fee. I have known some men who held the office of that kind and tried very few cases, and held the office of justice of the peace for a lifetime, and they have been the best justices of the peace we ever had. The gentleman says the fee system is changed. The fees are usually very small, and ought to be in a justice's court, and now it is to be a salary.

Mr. DRISCOLL. Oh, but it is a salary now.

Mr. KEIFER. The gentleman probably gives some information that I do not possess, but it is a bad sort of thing to put justices of the peace on salaries. They are paid through a fee system in Ohio, and always should be. There is a very good story told about Gen. Arthur St. Clair, who was the first governor of the Territory of Ohio, the first Territory organized northwest of the Ohio River. He had some trouble in his administration, and he had the veto power over the territorial legislature. The people complained of the fee system, and they wanted a salary for the governor and to abolish the fee system. He, as governor, charged fees for notaries' commissions and for various things, and so the territorial legislature passed two bills—one was a bill to repeal the fee system and the other was to pay the governor a salary in lieu thereof. The governor approved the salary bill and disapproved of the other, and they had both after that. [Laughter.] That hastened the organization of the State of Ohio and brought it into the Union, and was perhaps the only good that grew out of it. Here they want to have the system of salaries extended to justices of the peace, and I am opposed to that.

Mr. SMITH of Michigan. Is not there a prevailing sentiment throughout the country to-day that the fee system of courts and officers should be changed to salaries?

Mr. KEIFER. That is so with reference to probate judges and clerks and some other state and county officers, but not, I think, as to justices of the peace.

Mr. SMITH of Michigan. It extends to sheriffs, county clerks, registers of deeds, and all officers.

Mr. KEIFER. I do not think it is so extensive as that.

Mr. DRISCOLL. I would like to ask the gentleman from Ohio a question.

Mr. KEIFER. Certainly.

Mr. DRISCOLL. I would like to ask the gentleman from Ohio, on account of his experience and observation, if he thinks that the fee system as it is and was under the old justice-of-the-peace system in the country, by which the justice looked to the litigants for his fees and had to get his pay out of the cases decided—if that system tended toward impartiality in the decision of cases?

Mr. KEIFER. I think it did not work badly at all—not to the justices of the peace of the class I have undertaken to state. Many of these justices of the peace are farmers in their fields when they are appealed to, and are not looking out for their salary or their fees, but are looking out to have peace and order in their community and in their region where they were elected.

Mr. DRISCOLL. They are in our State.

Mr. KEIFER. They are in Ohio—three in every municipal township.

Mr. DRISCOLL. Justices of the peace are human, and when they are paid by fees it is apt to warp the judgment of some of them.

Mr. KEIFER. If we were to pay them a salary, they would set up as dictators, and not justices of the peace, as they ought to be.

Mr. GARRETT. Let me ask the gentleman a question. Would not the salary system beget an indifference which would be worse than whatever partiality might be begotten by the fee system?

Mr. DRISCOLL. If that is the case, the whole judicial system from top down to a justice of the peace is all wrong, because all of the judges are paid annual salaries and they do not get any more for deciding a case one way than the other; whereas under the old system of justices of the peace a justice did get his pay if he decided it one way, and if he decided it the other he was very apt not to get it.

Mr. CAMPBELL. As one justice remarked, No defendant ever brought a case in his court. [Laughter.]

Mr. GARRETT. But a decision of a justice of the peace is not final.

Mr. DRISCOLL. Neither is a decision of the trial court of unlimited jurisdiction final. But under the old system the fees might depend on the way the justice decided his case. The argument urged by the gentleman from Tennessee [Mr. GARRETT] against paying salaries would apply to our whole system of jurisprudence and to all our judges, from Chief Justice Fuller down.

Mr. GARRETT. Oh, they are human.

Mr. DRISCOLL. And you can not say that men are so high or so unselfish always as not to be influenced in their judgment by their own financial considerations. It never is safe to leave a man's pay for his work dependent on the way he decides the case.

Mr. GARRETT. That has never happened.

Mr. DRISCOLL. That is the fact under the old justice of the peace system, and I want to say that I tried a great many cases in the justice court in my first three or four years of practice. When I was for the defendant I always called for a jury of six men, on the theory that if the case was worth trying at all it was worth trying before a jury of six men, because that is the only way I ever expected to get justice, and human nature is about the same in all parts of the country.

Mr. GARRETT. The system is different, then, from that in my own State. We have no juries before justices of the peace.

Mr. KEIFER. I never knew a justice of the peace that I can recall that was influenced in his decision by the side that the costs were to come from. We have our justices in our

country selected generally on the theory that they do not want costs or fees, but that they want to have peace and order and good feeling among their neighbors.

Mr. SIMS. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. I think the gentleman did not reserve his time.

Mr. SIMS. Yes; I reserved my time.

The CHAIRMAN. At the end of the gentleman's first speech?

Mr. SIMS. Yes; but the next time I arose was for the purpose of asking a question. I did not make a second speech—at least I did not so intend—but I simply asked questions of the gentleman from Kansas [Mr. CAMPBELL].

The CHAIRMAN. The gentleman has twenty minutes remaining.

Mr. SIMS. Mr. Chairman, I do not wish to use it. I wish to make a statement that, with the misunderstanding I entertained as to the trial of cases by jury before justices of the peace, I readily agreed to the amendment to increase the amount of jurisdiction to $1,000, but if there are to be no juries in these courts and no taking of appeals, then I do not want to increase the jurisdiction, but prefer to reduce it.

Further, as to the discussion in respect to the report. This is the full report of the committee, and reduces by amendment the number from six to four.

Mr. CAMPBELL. Oh, that is the number of years for which they will hold office.

Mr. SIMS. And not the number of justices of the peace? Then I am misled as to that. I understood the gentleman to say that there was an amendment to bring it to four.

Mr. CAMPBELL. I stated that in the committee, but it was not agreed to. We do agree to reduce the number of years from six to four.

Mr. SIMS. Mr. Chairman, I don't think there is any need of six justices of the peace or six judges. There is some legislation needed—there is no doubt about that—either to make these justices of the peace hold their courts centrally, where it will accommodate the greatest number of people who bring suits before them, or provide for a central place of holding the court. It seems, as was said by the gentleman from New York [Mr. FITZGERALD], that in laying out these districts the object of the law originally has been changed, ignored, avoided. If we are going to have a lot of judges of a municipal court here, before which no suit can be brought in forma pauperis, from which no appeal can be taken when, as it is admitted, the greatest amount of litigation before them is litigation between the agents of landlords and the victims of landlords, I would rather abolish all of them.

I appreciate what was said by the gentleman from Ohio [Mr. KEIFER] as to making judges of these justices of the peace. After a while they may want a gown, they may want to assume a lot of dignity and become, as it were, petty tyrants. If we are going to make judges of them, let us make a court of them, and this bill is too crude in its present form and we know too little about it. Therefore I am in favor of defeating the whole bill and having a new bill, if we have any, that will reach the objects that have been referred to by the gentleman from Illinois [Mr. MANN] and make it a very different measure from this. This bill provides for the appointment of bona fide residents. A man can be a resident here and a citizen of another State, which is often the case. If we are to have a local court, let us have it filled by local citizens. Therefore I shall offer that amendment. I do not know that it will be adopted. I do think there should be opportunity for appeal in proper cases and in forma pauperis, as is the law in almost all the States that I know anything about. It is true in my State in certain cases a defendant can not appeal in forma pauperis without giving a bond; but the idea that a man sued for damages could not bring that suit in forma pauperis and appeal from the decision rendered to me is out of line with all of the States of the Union and should not be permitted in this District. As I did not pass the law which invested the justices of the peace with such jurisdiction and with lack of this kind of an appeal, I will not now vote for a bill that ratifies it and increases the jurisdiction and the power and dignity of these justices of the peace by making them judges. I think this is a good bill to defeat all along the line. I shall offer my amendments when the proper time comes.

Mr. SMITH of Michigan. Mr. Chairman, I ask for the reading of the bill under the five-minute rule.

The CHAIRMAN. If there is no further general debate the Clerk will read the bill by sections under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That the inferior court known as "justice of the peace" in the District of Columbia shall remain as now constituted, but shall hereafter be known as "the municipal court of the District of Columbia." It shall consist of the six present justices of the peace of said District, who shall serve as the judges of said court for the unexpired terms of their now existing commissions, and who shall not be required to be recommissioned for said unexpired terms. Thereafter, and upon the expiration of the commission of any of said members, his successor shall be appointed by the President of the United States, by and with the advice and consent of the Senate, for a term of six years, unless sooner removed as provided by law: *Provided*, That no person shall be appointed to said office unless he shall have been a bona fide resident of said District for the continuous period of at least five years immediately preceding his appointment, and shall either have been a judge of said court for at least one year, or shall have been engaged in the actual practice of law before the supreme court of the District of Columbia for a period of at least five years prior to his appointment. Each judge, when appointed, shall take an oath for the faithful and impartial performance of the duties of his office. The judges of said court shall no longer be required to give bond as heretofore, but a bond shall be given by the clerk of said court, who shall receive and account for all fees as hereinafter provided. Said municipal court shall sit for the trial of causes in one building, to be designated by the Commissioners of the District of Columbia, to be rented by said District of Columbia at a rental not to exceed $1,800 per annum.

The said court and each member thereof shall exercise the same jurisdiction as was vested in them as justice of the peace immediately before the passage of this act, and no more, and shall be governed by the laws then in force, except as said laws and said jurisdiction are expressly changed or enlarged hereby.

Any member of said court may try any case within its jurisdiction according to law, regardless of the place and residence of the defendant therein. The jurisdiction of said court is hereby increased from $300 to $500 in the class of cases over which it had jurisdiction immediately prior to the passage of this act; that said jurisdiction shall be exclusive when the amount claimed for debt or damages or the value of personal property claimed does not exceed $100, and concurrent with the supreme court of the District of Columbia when it exceeds $100 and is not in excess of $500, with the same right to remove any case by certiorari, as heretofore, in cases of concurrent jurisdiction.

All pending actions and all actions hereinafter instituted shall be assigned for trial among the members of said court in nearly equal numbers and in such manner as may be agreed upon between them. The judges of said court shall hold separate sessions as heretofore, and are empowered to make rules for the apportionment of the business between them, and the act of each of said judges respecting the business of said court shall be deemed and taken to be the act of said court. Each of said judges is hereby empowered to administer oaths. The judges of said court shall receive the annual salary of $2,500 in lieu of the salary heretofore provided for justices of the peace by section 6 of the Code of Law for the District of Columbia, to be paid monthly, as heretofore, but they shall not receive the allowance heretofore granted for rent, stationery, and other expenses. In case of sickness, absence, disability, expiration of term of service of or death of either of the judges of the police court or of the juvenile court any one of the justices of the supreme court of the District of Columbia may designate one of the judges of the municipal court to discharge the duties of said judges until such disability be removed or vacancy filled. The justice so designated shall take the same oath prescribed for these judges.

The said court shall have power to appoint a clerk at an annual salary of $1,500 and an assistant clerk at an annual salary of $1,000, payable monthly by the District of Columbia, which clerks shall hold office at the pleasure of the court.

The clerks shall receive and care for all deposits for costs made and fees exacted under the rules governing the fee charges of said court, and shall make a weekly deposit with the collector of taxes for the District of Columbia of all fees earned during the preceding week.

He shall return to suitors making such deposits any proportion of a deposit which shall remain in his hands over and above the earned fees in completed cases, and shall render an itemized statement to the auditor of the District of Columbia of every fee earned, on such forms and in such manner as shall be prescribed by the auditor of the District of Columbia. In case there shall remain in the hands of the said clerk for a term of three years a balance or part of a deposit in any case which shall not have been called for by the party or parties entitled to receive the same, the same shall revert to the District of Columbia, and be paid forthwith to the collector of taxes as part of the revenues of the District of Columbia.

In all suits in said court process shall be signed by the said clerk or assistant clerk in the name of the court. The assistant clerk may sign the name of the clerk to any official act required by law or by the practice of the court to be performed by the clerk. In such case the signature shall be "——— ———, Clerk, by ——— ———, Assistant Clerk."

Both the clerk and assistant clerk are hereby given authority to administer oaths in all cases pending in said court, or about to be filed therein.

The clerk shall perform such other and further duties as may from time to time be prescribed by the municipal court.

He shall give bond to the District of Columbia in the sum of $5,000, with surety or sureties to be approved by the Commissioners of the District of Columbia, for the faithful performance of the duties of his office, and the assistant clerk shall give a like bond in the sum of $2,000.

The said clerk shall keep a docket similar to the one heretofore provided for justices of the peace.

The committee amendment was read, as follows:

Strike out of page 2, line 2, the word "six" and insert in lieu thereof the word "four."

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. SIMS. Mr. Chairman, on page 1, line 6, I move to strike out the word "six" and substitute in lieu thereof the word "three."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 6, strike out the word "six" and insert "three," so as to read, "it shall consist of the three present justices of the peace."

And so forth.

Mr. SIMS. That is correct. Now, Mr. Chairman, I have not a bit of doubt but that three judges, who will have jurisdiction over any suit brought by anybody against anybody wherever they may live in the District, can try all of those cases and keep up. My information—I was not at the hearing and it was gathered elsewhere—is that they become crowded more or as much on account of bringing suit before the wrong justice as in any other way. Now, if people living anywhere in the District can bring a suit against anybody living anywhere in the District, or a corporation, before any one of these judges, I have not any doubt but that three judges can do all that is necessary to be done.

Mr. SMITH of Michigan. Mr. Chairman, I understand the Committee on Appropriations are going to report hereafter that there shall be only five. Now, they having made perhaps more investigation than any of us at the present time, it seems to me that perhaps it would be the better course——

Mr. SIMS. That will be subject to a point of order. We are now legislating and reorganizing the whole system, changing it from justices of the peace to a court, and I insist on the amendment. I feel confident that three can and will do, under the jurisdiction provided by this bill, all that will be needed.

Mr. SMITH of Michigan. I desire to say that the information we have on the subject is that they could not get along with three.

Mr. DRISCOLL. How about four?

Mr. SMITH of Michigan. I, of course, would be glad if they could get along with one, but it does not seem to me we ought to cripple conditions here by undertaking to have the number reduced to such a number as they could not get along with.

Mr. SIMS. Mr. Chairman, it has appeared recently in legislation where the rates of railroads have been reduced that the courts would not undertake to say whether they were confiscatory on the face of them, but said they would let them try it. I am in favor of trying three judges, and I have not got a bit of doubt in my mind that if they do their duty that they can do all that is to be done, or is now being done by the six justices of the peace.

Mr. CAMPBELL. Mr. Chairman——

Mr. CHANEY. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Indiana rise?

Mr. CHANEY. To take the floor on this amendment.

Mr. KEIFER. I desire to ask the gentleman a question.

Mr. SIMS. Certainly.

Mr. KEIFER. I understand your amendment is to insert, on page 1, line 6 of the bill, the word "three" in lieu of the word "six." I understand there are now six justices of the peace. What will become of the other three if your amendment should prevail?

Mr. SIMS. Well, three of them would not become judges under this law.

Mr. KEIFER. Would they still be justices of the peace?

Mr. SIMS. If the jurisdiction is taken from them and business taken from them they are just with the simple title and nothing else and not even entitled to the salary.

Mr. OLCOTT. They will draw the salary.

Mr. SIMS. When you abolish the court you take the salary away, too.

Mr. KEIFER. You are paying them a salary now and the salary would still go on until they die.

Mr. SIMS. We had a case of that kind tried in Tennessee, where they abolished courts presided over by judges whose terms of office had not expired, and they brought suit to have the act declared unconstitutional, and they brought suit for the recovery of salaries and lost.

Mr. KEIFER. That is not the same case. Which three of these would you make the judges?

Mr. SIMS. I do not know any of them.

Mr. KEIFER. Who would determine it under your amendment? Who would say which of the three would be judges?

Mr. MANN. I would suggest to the gentleman from Tennessee that he would have to change the language of his amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks for five minutes more. Is there objection?

There was no objection.

Mr. MANN. The language now reads:

Shall consist of the six present justices of the peace.

The amendment which you offered was simply to strike out six and insert three. That would read:

Shall consist of the three present justices of the peace.

What the gentleman, I suppose, means to say is:

Shall consist of three of the present justices of the peace.

Mr. SIMS. That is exactly it. I do not know but it would be a good idea to strike out "present."

Mr. MANN. No; because that might mean three new justices.

Mr. SIMS. I accept that suggestion.

Mr. KEIFER. Which three?

Mr. MANN. You will have to fix that. They are to be designated by the President.

Mr. SIMS. Let me get the amendment in shape.

That it shall consist of three of the present justices of the peace of said District, who shall be designated by the President.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend so as to read:

"It shall consist of three of the present justices of the peace of said District, who shall be designated by the President."

Mr. CAMPBELL. Mr. Chairman, I am opposed to this amendment, because I have information from those who are well informed that the six justices will have all their time taken in transacting the business that comes before that court.

Mr. DRISCOLL. Mr. Chairman, I have been standing here to ask somebody who can give me the information, a question. If the gentleman will yield, I would like to ask him a question. I would like to know whether the present justices of the peace now practice their profession.

Mr. CAMPBELL. They do not.

Mr. DRISCOLL. To any extent?

Mr. CAMPBELL. To any extent whatever.

Mr. DRISCOLL. Do they give all their time to this work?

Mr. CAMPBELL. Yes; that is my information.

Mr. DRISCOLL. Under the law are they permitted to practice?

Mr. CAMPBELL. I have no information on that point. I do not yield for any purpose except for a question.

Mr. DRISCOLL. That is the question. The question is, Are they permitted under the law?

Mr. CAMPBELL. I say I have no information on that subject.

Mr. DRISCOLL. The gentleman ought to be informed.

Mr. CAMPBELL. I have no greater obligation than the gentleman from New York.

Mr. DRISCOLL. Oh, yes.

Mr. CAMPBELL. I have the code here, that I will turn over to him. I suggested when the bill was under consideration before the subcommittee that the number might be reduced to four. That suggestion, made at the hearing, brought a number of letters from persons in the District well informed as to the work of these justices. One of the letters says:

This municipal-court bill increases the jurisdiction of the justices of the peace by giving them exclusive jurisdiction in cases involving sums up to $100 and increasing their concurrent jurisdiction from $300 to $500. This will necessarily increase to a large extent the business usually conducted before these judges.

It has been demonstrated beyond question during the past few years that the business required to be attended to by the six justices of the peace has been of such volume as to keep them busy all the time.

Mr. NYE. Who writes that letter?

Mr. CAMPBELL. Mr. George E. Hamilton.

Mr. NYE. Who is he?

Mr. CAMPBELL. A very reputable citizen and a lawyer here.

Mr. MANN. He is a big lawyer in town, who, I suppose, has not been in a justice's court for years.

Mr. CAMPBELL. I think, however, that he knows more about the work that is done in the offices of the justices of the peace than either the gentleman from Illinois [Mr. MANN] or the gentleman from Tennessee [Mr. SIMS].

Mr. HUGHES of New Jersey. Will the gentleman yield for a question?

Mr. CAMPBELL. When I have finished this letter. I will read:

In fact it has been our experience that whenever one or more of the justices has been absent on account of sickness or other cause, it was almost a matter of impossibility, not to mention the inconvenience and delay, in having the work properly attended to by the remaining justices.

In view, therefore, of the increased jurisdiction given to justices by this bill, which, as above stated, will necessarily greatly increase the amount of work to be performed by them, and also because of the increase of business generally in the District of Columbia, it would be most inadvisable to decrease the number of judges at this time.

One of the principal objects of establishing these minor courts is to give poor litigants a cheap and speedy method of having their causes determined, and the reduction in the number of the judges would, in our opinion, greatly interfere with the accomplishment of such objects.

We also desire to call attention to the fact that the expense of maintaining these courts is paid out of the fees collected by them in the cases which come before them for determination, and therefore a passage of the bill as it came from the Senate providing for six judges

will not in any manner subject the Government or the District of Columbia to additional expense.

We therefore earnestly urge that the Senate bill be passed without amendment.

Very respectfully, GEORGE E. HAMILTON.

Mr. MANN. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the time of the gentleman may be extended five minutes.

The CHAIRMAN. Is there objection. [After a pause.] The Chair hears none.

Mr. MANN. Will the gentleman yield for a question in that connection?

Mr. CAMPBELL. Yes.

Mr. MANN. I notice that this bill provides, on page 4, that the fees that are exacted shall be deposited with the collector of taxes of the District of Columbia.

Mr. CAMPBELL. Yes.

Mr. MANN. What does he do with that money?

Mr. CAMPBELL. He turns it into the District fund in the Treasury.

Mr. MANN. In other words, it goes into the Treasury of the United States to the credit of the District of Columbia?

Mr. CAMPBELL. Yes.

Mr. MANN. Now, I call the attention of the gentleman to the fact, which evidently had escaped the attention of the gentleman who wrote this letter, that that fund is there only as belonging to the District, as the fund which the District contributes toward the appropriations. The Government contributes one-half toward the appropriations for the District of Columbia, and the District of Columbia's half is paid out of that part to the credit of the District. So that the Government pays the expense of these justices and all their fees instead of the District paying its half.

Mr. CAMPBELL. I have an amendment that will cure all that.

Mr. MANN. I was calling the attention of the gentleman to that feature in the letter.

Mr. CAMPBELL. What the gentleman who wrote the letter intended to say to me was——

Mr. MANN. I am not criticising the gentleman who wrote the letter——

Mr. CAMPBELL (continuing). That the fees collected would amount in all to more than the salaries of the judges. I have another letter here along the same line, which shows that the fees amount to considerably more than the salaries of these six justices of the peace. Evidently, therefore, there is a large volume of business here before these justices. I should be glad to see it well done here. As I said in the beginning, I have no pride in this bill; I have no interest in it whatever, aside from the interest I have in seeing a good law pass.

Mr. HUGHES of New Jersey. Will the gentleman yield for a question?

Mr. CAMPBELL. Yes.

Mr. HUGHES of New Jersey. I would ask the gentleman what is the amount of the jurisdiction of the judges of these courts?

Mr. CAMPBELL. That they have now, or is in the proposed bill?

Mr. HUGHES of New Jersey. In the proposed bill.

Mr. CAMPBELL. The exclusive jurisdiction of the judge is from $100 down, and the concurrent jurisdiction with the supreme court of the District is from $100 to $500.

Mr. HUGHES of New Jersey. The judges of the supreme court sit at all times?

Mr. CAMPBELL. I think so.

Mr. HUGHES of New Jersey. They have more than one branch, have they not?

Mr. CAMPBELL. I think there are six judges.

Mr. HUGHES of New Jersey. Six judges—holding six separate courts.

Mr. OLCOTT. But that includes criminal jurisdiction and everything else.

Mr. HUGHES of New Jersey. This would make six more having special jurisdiction.

Mr. OLCOTT. There are six now; it merely rearranges them.

Mr. HUGHES of New Jersey. Do I understand these six judges of the supreme court have jurisdiction?

Mr. OLCOTT. They have, from $1 to $500. These justices of the peace do not have any criminal cases tried before them.

Mr. HUGHES of New Jersey. What is the population of the District of Columbia over which these judges will have jurisdiction?

Mr. CAMPBELL. The entire District of Columbia.

Mr. HUGHES of New Jersey. What is the population?

Mr. OLCOTT. About 300,000.

Mr. CAMPBELL. Mr. Chairman, I hope that the amendment offered by the gentleman from Tennessee will not prevail. The object of having these six officers is that the business may be transacted as rapidly as possible and that these matters of dispute that go before the justices of the peace may be disposed of without unnecessary delay.

Mr. COX of Indiana. Do I understand the gentleman from Kansas to say——

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX of Indiana. I ask that the gentleman may have two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. COX of Indiana. Do I understand the gentleman from Kansas to say that heretofore these courts have been exclusively upon a fee basis?

Mr. CAMPBELL. Not at all; they are on a salary now.

Mr. COX of Indiana. Already on a salary?

Mr. CAMPBELL. The code provides a salary of $3,000, and we are reducing the salary to $2,500. The fees that are collected by these officers amount to more than their salary.

Mr. COX of Indiana. Has that been true in the past?

Mr. CAMPBELL. That has been true in the past.

Mr. COX of Indiana. And is it the judgment of the committee that the fees that will be collected in the future will at least be equal to the salaries which are given in this bill?

Mr. CAMPBELL. Yes; that is the judgment of the committee.

Mr. SABATH. What is the present salary of these judges?

Mr. CAMPBELL. Three thousand dollars; I understand, however, that the Committee on Appropriations only appropriates $2,500 a year.

Mr. CHANEY. I happen to know enough about the workings of the justice of the peace courts in the District of Columbia to know that they are occupied with very important business. More prompt action can be had in this court than in the supreme court of the District of Columbia, because that court is considerably behind in its business, and necessarily and naturally there is a delay in the prosecution of cases. As anyone can see, there is a large amount of court business in a District such as this in amounts of $500 and under. I understand from those who have talked with me about this business that they want to get the jurisdiction of the justice's court up to $500, so that this large class of cases may be tried in the justice court, relieving to that extent the business to be brought before the supreme court of the District of Columbia. In order to make that a more desirable tribunal in which to bring this business this bill undertakes to establish, instead of the justice of the peace court, a regular municipal court that would have jurisdiction in cases of the kind I have mentioned. The justices of the peace already have about as much business as the six of them can do, and when the jurisdiction is enlarged to $500 the six judges of the court will hardly be able to do more than the business that would come before that court. It is possible that five judges might do it, but it is very doubtful if they could. The bill has passed the Senate providing six judges for this municipal court, and I am disposed to think we ought to stand by the bill, and for myself I feel like voting against the amendment.

Mr. HUGHES of New Jersey. I should like to submit a few remarks on the amendment offered by the gentleman from Tennessee, which, as I understand, reduces the number of these justices from six to three.

Mr. SIMS. It reduces the number of these judges, as they will be, from six to three.

Mr. HUGHES of New Jersey. It seems to me we ought to go that far, at least. I have made some inquiries with reference to the population of the District, and I am informed that it is about 300,000, and that these judges will have jurisdiction in suits ranging from $500 down for 300,000 people. I want to say that I live in a city the population of which is about 120,000. In that city we have one district court, of about the nature of those designed to be created by this bill. The judge of that district court receives about the same salary as the judges will receive under this bill. That judge tries all the cases from $500 down arising in that city and has concurrent jurisdiction in the whole county, embracing another city of 30,000 inhabitants and comprising a total population of perhaps 250,000.

He sits but two days a week, and he gets through his cases usually in about half a day. Now, here we are proposing calmly and deliberately to have six judges appointed, to be paid the same salary that this judge receives, or perhaps a little less, and it is proposed to give them a clerk and all sorts of perquisites, when it seems to me it is absolutely impossible that there can be sufficient business in this community to oc-

cupy those judges anything like their entire time. We hear a great deal of talk about economy, and it is virtually agreed that many needed improvements will have to be cut down or abandoned. Things that everybody knows should be done are not to be done, and here we are willing lightly to enter upon the expenditure of this money, to fasten these judges upon this District, because anybody who knows anything about the way things are done in this House knows that when these judges are appointed under this act their number may be increased, but never will be diminished. Now, we, of course, have the right to appropriate this money. We have the right to throw this money away under the forms of law if we so desire; but it seems to me that there can not be any real reason why an amendment going as far at least as the amendment offered by the gentleman from Tennessee [Mr. SIMS] should not be adopted. It seems to me that three judges would be more than ample, would be more than we could justify; but I can not see how the committee can possibly justify itself, if it takes into consideration the expenditure, in providing for six of these judges.

Mr. OLCOTT. Mr. Chairman, it seems to me that the gentleman who has offered this amendment is laboring under a considerable amount of misinformation. We have here in the city of Washington now six justices of the peace. They are receiving $2,500 a year. We have made this a municipal court, and are going to keep exactly the same number of judges. The committee has not done this lightly or illadvisedly. It took all the information it could get from the corporation counsel, who appeared before the committee; it took all the information it could get from the commissioners. The greatest difficulty that comes to the people of the poorer classes who are litigants is the expense of obtaining hearings of their cases, and the delay in getting their cases tried expeditiously. The commissioners have given full acquiescence to this bill, and believe that there is necessity for the six judges. It makes, in my mind, little difference whether we call them justices of the peace or judges of the municipal courts.

For us to say when the testimony has been given to our committee that these six justices of the peace are fully occupied in the proper conduct of their duties in settling the disputes of the poorer people, for us to arbitrarily say—because no one who has spoken in favor of three judges has more information than our committee when we decided in favor of six—for them to arbitrarily say, "Let us try three judges and find out whether they can not do as well as six heretofore," is folly. I hope the amendment will not prevail. I hope that this House, unless they can show some absolute condition which we have overlooked, unless they can come to us with some facts showing that these courts are not properly performing their duties, will not say arbitrarily that the city of Washington can get along with three justices when the members of the bar of this District, the corporation counsel, and the commissioners have come before us and have said in their opinion six judges of this court are necessary; that they are necessary because the six justices of the peace are now fully occupied, and also because of the increased jurisdiction granted by this bill. I hope that the House will not adopt this amendment.

Mr. MACON. Mr. Chairman, I can see some reason why the amendment offered by the gentleman from Tennessee ought to be adopted, regardless of the fact that gentlemen who oppose it are emphatic in their statements that they believe that these justices of the peace, or judges, as they will be if this bill becomes a law, are now overworked, and will be overworked, if this bill passes. I believe that the two clerks that are being given to this court in this bill will do more work than any four of the justices of the peace have heretofore done in the matter of expediting the business of the court. Heretofore the magistrates have each had a district laid out for them, and they have been their own clerks, and a great deal of their time has been taken up with clerical work, with assessing costs, investigating the law to see what would be proper costs in each case, and in that way a great deal of their time has been taken up. Again, each of them now has exclusive jurisdiction of all matters and things brought before the court of the district he represents.

That being the case, when one of them is sick or absent from his court for any other cause, the business of that court is for the time being at a standstill, and, of course, the work of the court would accumulate. But when they are given coequal jurisdiction, when, in fact, segregated jurisdiction is practically wiped out so that each judge will have jurisdiction over the whole District of Columbia, it strikes me there can be no delay of causes or accumulation of work on that account. For if one judge is not able to sit, his work will be passed over to another judge, and in that way the work of the court will go on all the time. The business of the court will continue all the time, whereas heretofore it has had to cease with each absence of a justice of the peace for a particular district.

Again, gentlemen talk about the increased jurisdiction; they say that because the concurrent jurisdiction of the court is increased from $300 to $500 that that will entail upon the judges of the municipal court additional work. I insist, sir, that the supreme court of the District will still have the jurisdiction it has always had, and if a litigant finds that the lower court is clogged with business, and they want to bring a suit where the amount in controversy exceeds $300, that being the amount justice of the peace courts now have jurisdiction of, they will file their cases in the supreme court just as they file them there now; so there will be no reason why the municipal court should be overburdened with work on account of the increased concurrent jurisdiction.

I speak of this matter on the ground of economy. We all know that Congress is apparently going mad in the matter of appropriating the money of the people; that it is continually making appropriations without proper regard for the interests of the toiling masses of the country, passing bill after bill creating new offices, increasing salaries, and calling upon the people all the time to furnish the money "to pay the bills." I am opposed to that kind of procedure, and hence I favor the amendment of the gentleman from Tennessee, and I sincerely hope it will be adopted.

Mr. CAMPBELL. Mr. Chairman, in this bill we are proposing to reduce the salary of the justices, who now receive $3,000, to $2,500, and the testimony before the committee shows that the fees they collect amount to more than the salary we propose to pay. In what way, therefore, are we unnecessarily increasing salaries and expenses?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MACON. I ask unanimous consent to proceed for five minutes more, Mr. Chairman.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Will the gentleman from Arkansas allow me to make a suggestion in answer to that, that a bill like this is sure to lead to bailiffs and clerks for each court?

Mr. MACON. Certainly; and in answer to what the gentleman has said, I will say that I am reliably informed that we do not pay these justices of the peace more than $2,500 each.

Mr. BURLESON. That is true.

Mr. MACON. Then, if we are paying them only $2,500, how in the name of common sense is it that we are reducing their salaries from $3,000 to $2,500 when we only propose to pay them $2,500 now, just the amount that they are receiving at this time?

Mr. OLCOTT. Because they get some fees.

Mr. MACON. I have heard that all the fees were paid into the hands of the proper officer, to go into the General Treasury.

Mr. CAMPBELL. And that it amounts to more than their salaries.

Mr. MACON. Why, if a judge is not worth more than the salary he is paid to the people he represents, then he is worth mighty little to the constituency that he happens to serve. Therefore that question does not enter into this discussion at all. To say that the services of an officer will bring into the Treasury a little more than his salary is not enough.

Mr. CAMPBELL. It goes to show what the volume of the business transacted here is and the necessity that there should be enough men to take care of that business.

Mr. MACON. Well, I believe just as sincerely as the gentleman believes on the other hand that three judges will be able to discharge the duties of the court expeditiously when it is organized, and that there will be no reason for delay when each member of it has jurisdiction of every case brought to the court, coupled with the assistance of two clerks to help them in the preparation of their cases. It ought to be done expeditiously.

Mr. OLCOTT. What facts has the gentleman to make him think that we can get along so perfectly with three?

Mr. MACON. I have this fact: I never saw a court in my life where there was a clerk attached to it that he did not do ten times as much work as the presiding officer by way of expediting the business of it.

Mr. OLCOTT. That answer satisfies me.

Mr. MACON. And with two clerks in this particular court, they will do twenty times as much work in the matter of expediting the business of the court as the presiding officers, and for that reason, if no other, I believe that three judges will be ample in this instance, and hence I support the amendment.

Mr. SIMS. Mr. Chairman, I am serious in offering this amendment. I have no doubt that three judges with a $1,500 clerk and a $1,000 assistant clerk, and as suggested by the

gentleman from Illinois [Mr. MANN] with bailiffs and other employees, can and will do all the business that will be brought before them. There is a tendency in this District to increase officeholders, and increase clerks, and increase everything, the half of which expense is to be paid by the National Treasury. Here we have the recorder of wills, with I don't know how many employees, and because the fees collected are a little more than the amount of the salaries, they want a rearrangement by increasing the fees so as to be able to pay more salaries.

The recorder of deeds wants a cashier at an increased salary. I have not a particle of doubt from the evidence that I have had given to me, but not at the hearings, that these justices of the peace are not an overworked lot of officials, and three of them as judges, when any one of them can try a case in any part of the District, and when a suit can be brought before any one of them against anyone in the District, can easily do the work. Here is an increase of $2,500 for clerk hire alone, here is an increase for rent, and if I had my way I would put these gentlemen to holding their courts in their own districts at a place most convenient to the poor people who are litigating in said courts; but at this time, when we are running behind and our revenues are running down, when our deficit is increasing, why, then, we are going to have six judges made out of six justices of the peace, with additional expense, but without additional labor or work.

Mr. HAY. Where do these justices of the peace now hold their courts?

Mr. SIMS. I understand the District has been laid out so that each district comes near or to the court-house, and they all hold their courts at practically one place.

Mr. HAY. They all hold them separately from each other?

Mr. SIMS. Yes.

Mr. HAY. Therefore they can do more business separately than they could if they were to put them into one court?

Mr. SIMS. I do not think they are doing more than they can and ought to do now.

Mr. HAY. I mean it would be more convenient for the people to have these six justices sitting separately than to have one court?

Mr. SIMS. Oh, I think so—decidedly and especially if they hold court nearer the litigants—but you must have them here at a central point, so that everybody in every part of the District must patronize the street cars or walk. Now, take Mr. Hamilton, a man for whom I have the greatest respect, and who is getting $15,000 a year as president of the Capital Traction Company, a street car company, and a man who is attorney for the terminal company; he is a very worthy man, but it strikes me he is hardly the proper man to come here and plead for legislation that will cause the poor people of this District to patronize the street car lines in order to get to one central point.

Mr. CAMPBELL. Does the gentleman really believe that Mr. Hamilton would advocate retaining the number of justices at six in order to create business for his railroad company? Now, honestly?

Mr. SIMS. Oh, I do not think he would advocate it for that reason alone, but I say an appeal from such a man does not weigh with me, for I know he must have almost no business before these courts as an attorney, but I say we are capable of judging of this matter for ourselves. I do not resent the letter, I do not resent any man's opinion who has an opportunity to know, but the reading of such a letter as that in this House does not appeal to me. Cut down these six justices of the peace to three judges, if you are going to make them judges, or let them remain as they are. Just as the gentleman from Illinois said, these fees are turned over to the exclusive use or credit of the District of Columbia, but the judges' salaries and clerks' salaries and the rent and all other expenses incidental to the courts come one-half out of the United States Treasury. I can see a reason that some gentlemen who have got taxes to pay might want it without impugning their motives. I do not mean Members of Congress, but gentlemen who advocate it.

The only real argument I have heard was made by the gentleman from Illinois in favor of a central court, and that of Auditor Tweedale, and that was on account of the difficulty he experienced in collecting these fees. If we are going to lose more by having these courts than we gain by having fees better collected, it makes little difference whether we collect them or not. I am absolutely in earnest about striking out "six" and putting in "three," or I do not care if you strike out the present justices of the peace and let the President appoint new judges altogether, if he sees proper.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX of Indiana. I ask that the gentleman have two more minutes, in order that I may ask him a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none.

Mr. COX of Indiana. It was announced upon the floor by several gentlemen that the fees equaled the salary.

Mr. SIMS. I have heard that; I do not know.

Mr. CAMPBELL. They amount to more than the salary.

Mr. COX of Indiana. That may or may not be the cause of inducing certain Members on this floor to vote against this bill. Now, I would like to ask whether or not the gentleman knows that these fees have been actually collected and paid into the Treasury heretofore.

Mr. SIMS. As I was not on the subcommittee that had the hearings, I will have to ask some of my colleagues to answer that inquiry.

Mr. CAMPBELL. The report of the auditor is to the effect that more have been collected than the salaries of the judges.

Mr. SABATH. Can the gentleman give the amount that has been collected and what has been paid out to the judges, clerks, bailiffs, etc., to maintain these courts?

Mr. MANN. The expense is $17,000, and all that is governed by the appropriation bill. That covers salaries, rent, and stationery accounts.

Mr. SABATH. What has been turned into the Treasury? Can the gentleman state the amount that has been turned in?

Mr. SIMS. The fees are paid by the unfortunate or fortunate litigants, and usually by the unfortunate—those who lose—and are in the nature of a penalty. If litigants are paying more fees than necessary reduce the fees instead of increasing the expenses by making the justices of the peace judges of courts. Just as the gentleman from Ohio [General KEIFER] said, the litigants ought to be enabled to plead or conduct their own lawsuits without having to employ a lawyer in this sort of lawsuit, and there is no use of raising the dignity and increasing the powers of these men by making them judges.

Mr. MANN. If the gentleman will yield, I will say that the fees for the last fiscal year from the justices of the peace amounted to $28,000, turned into the Treasury.

Mr. SIMS. Twenty-eight thousand dollars?

The CHAIRMAN. The time of the gentleman has expired.

The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. SIMS].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. SIMS. Division, Mr. Chairman.

The committee divided; and there were—ayes 43, noes 21.

Mr. CAMPBELL. I ask for tellers, Mr. Chairman.

Tellers were refused.

So the amendment was agreed to.

Mr. SIMS. Mr. Chairman, I offer the following amendment:

On page 2, at the end of line 4, after the words "bona fide," insert "citizen and resident of the District of Columbia who has not claimed or exercised the rights or functions of a citizen of any State or Territory or foreign country for the period of at least five years."

Mr. MANN. What is the gentleman's amendment?

Mr. SIMS. The amendment is this: Beginning at the end of line 4, after the words "bona fide," insert:

Citizen and resident of the District of Columbia who has not claimed or exercised the rights and functions of a citizen of any State or Territory or foreign country.

Mr. MANN. Make that "bona fide citizen."

Mr. SIMS. Striking out the words "resident of said District?"

Mr. MANN. We would have to employ the Secret Service in order to ascertain that information.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

On page 2, lines 2, 4, and 5, strike out the words "resident of said District," and after the words "bona fide" insert "citizen and resident of the District of Columbia who has not claimed or exercised the rights and functions of a citizen in any State or Territory or foreign country."

Mr. SIMS. Strike out the words "resident of said District," beginning on line 5.

The Clerk read as follows:

So that the proviso shall read:

"*Provided*, That no person shall be appointed to said office unless he shall have been a bona fide citizen and resident of the District of Columbia who has not claimed or exercised the rights or functions of a citizen in any State or Territory or foreign country for the continuous period of five years."

Mr. SIMS. I will amend the amendment by accepting the suggestion of the gentleman from Illinois by striking out, after the words "District of Columbia," the words "bona fide resident of the District of Columbia," and striking out the rest of the amendment, so it will read "bona fide citizen and resident of the District of Columbia."

The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

After the words "bona fide" strike out "resident of said District" and insert "citizen and resident of the District of Columbia," so that it will read "shall have been a bona fide citizen and resident of the District of Columbia for the continuous period of at least five years."

Mr. WALDO. Will the gentleman state to the House what a citizen of the District of Columbia is?

Mr. SIMS. I explained my amendment. It is a person who does not exercise the acts of a citizen or claims of a citizen in a State, Territory, or foreign country; and a bona fide citizen may be also a resident, but a bona fide resident may not be a bona fide citizen. Mr. Chairman, the object of this amendment is this: The bill as reported says "resident." A man is often a resident here for many years. I have heard of them being here for fifteen or twenty, who did not live in their States, and do nothing there except to go home and vote. Under the circumstances I am not censuring the gentlemen for doing that. It is the most valuable power that he can possibly have in a republic like ours, and he would rather retain and exercise it in the State of the Union from which he comes. So he continues to do so. That kind of man I do not want appointed as one of the judges of this court. This is a local court—a municipal court—that will have to do with the people that live here and who will continue to live here.

As has often been stated before, if they are sued for possession of the property the litigants are forced in those cases to be almost entirely confined to actual residents of the District.

Mr. HARDWICK. Will the gentleman allow me to ask him a question?

Mr. SIMS. Certainly.

Mr. HARDWICK. Will not these judges have jurisdiction of any case that is to be tried if they reside in the District of Columbia?

Mr. SIMS. They are already residents.

Mr. HARDWICK. Suppose one commits any offense in the District, would he not be tried here?

Mr. SIMS. They do not have any criminal jurisdiction.

Mr. HARDWICK. That is what I wanted to know.

Mr. SIMS. I do not see why it is not a good experiment; it is carrying out the spirit of the bill, and is simply making it specific.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

Mr. DRISCOLL. I would like to have the amendment reported again.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. CAMPBELL. Division!

The committee divided; and there were—ayes 26, noes 22.

Mr. CAMPBELL. I ask for tellers.

The CHAIRMAN. Twelve gentlemen have arisen; not a sufficient number; tellers are refused. The ayes have it, and the amendment is agreed to.

Mr. SIMS. Mr. Chairman, on page 3, at the beginning of line 15, I move to insert, before the word "certiorari," the words "appeal or."

The Clerk read as follows:

On page 3, line 15, before the word "certiorari," insert the words "appeal or."

Mr. MANN. I do not think the gentleman wants to put that in there. Mr. Chairman, this provision, as I understand it, refers to the provision of the code providing for the removal for trial by certiorari of any case from one court to another, not merely an appeal. Now, I think a bill has already provided for the appeal.

Mr. SIMS. If the appeal is provided for, that is all I am after.

Mr. MANN. It is already provided.

Mr. SIMS. Not in this bill.

Mr. MANN. Not in this bill.

Mr. SIMS. We might repeal it by implication.

Mr. MANN. Not at all. Here is the case as it stands: These courts have now concurrent jurisdiction above a hundred dollars. If a suit is filed in the justice's court, you can go to the supreme court and sue out a certiorari and have that removed from the justice's court and be tried by the supreme court, so that it will not be tried in the justice's court at all.

Mr. SIMS. If the gentleman is absolutely sure about it.

Mr. MANN. I will not say that I am absolutely sure; but I understand that to be the case, and that is in accordance with the original bill.

Mr. SIMS. It does involve that part of the original bill, but there is no appeal provided in this bill.

Mr. MANN. It is not necessary to provide an appeal. This is to cover the increased jurisdiction from three to five hundred dollars, so that they may get a writ of certiorari and apply it to cases above $300 and under $500. It is not in lieu of appeal.

Mr. SIMS. I thought they might use the word certiorari for the purpose of removal and in lieu of appeal. The fear was that it was in lieu of or instead of an appeal.

Mr. HUGHES of New Jersey. I would like to have the gentleman from Tennessee yield while I ask the gentleman from Illinois whether the supreme court has any appellate jurisdiction.

Mr. MANN. I understand you can appeal from the justice's court in any case. It seems to me that the language should be retained.

Mr. SIMS. I will ask the gentleman from Kansas if he will answer that, as I confess to a lack of knowledge of it.

Mr. CAMPBELL. I read the section to the gentleman a moment ago.

Mr. SIMS. The appeal is to provide for any sum over $300?

Mr. CAMPBELL. Oh, yes; covering the entire jurisdiction of the subject.

Mr. SIMS. This section is not intended to take its place?

Mr. CAMPBELL. Oh, no; not at all. That is provided for also in the code.

Mr. SIMS. All I am anxious about is that by implication we do not repeal part of the law that we now have.

Mr. CAMPBELL. It does not repeal that provision.

Mr. SIMS. If the gentleman from Kansas is correct, and the gentleman from Illinois, why, this word "appeal" would not help it.

Mr. CAMPBELL. The appeal is provided for in the code.

Mr. SIMS. If that is the case, I withdraw the amendment. I only wanted to be sure about it. I withdraw the amendment with that understanding.

The CHAIRMAN. If there be no objection, the amendment will be considered as withdrawn.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I understood the gentleman from Kansas to say that he had an amendment to offer, covering the payment of fees into the Treasury.

Mr. CAMPBELL. In view of the action of the committee, I hardly think it necessary to offer the amendment. The number of justices has been reduced from six to three, and I do not think that they can do the business that comes before their court. I had an amendment that I proposed to offer here.

Mr. MANN. It seems to me that it would be wise for the gentleman to offer the amendment; because while the United States pays half the expense of this court out of the General Treasury, I suspect that all of the fees go into the Treasury to the credit of the District of Columbia, which also contributes its half. It seems to me that while there are fees for this court work, it would be proper to have the expense of the court paid out of those fees.

In other words, we have been in the habit in Washington for years past to appropriate for certain officers, half of the expense to be paid out of the General Treasury and half out of the revenues of the District, and then certain fees coming in as the result of the work done by these officials are all put into the District treasury. I called the attention of the Committee of the Whole to this matter some years ago, and I think it has in the main been corrected by the Committee on Appropriations. Now, here is a proposition to contribute $17,000, half of which comes out of the General Treasury, but all of the $28,000 that comes in goes, I suspect, to the credit of the District of Columbia.

Mr. CAMPBELL. It goes into the District of Columbia fund. Hoping, Mr. Chairman, that before this bill becomes a law it will provide for enough justices to take care of the business of the District, I offer the amendment that I send to the Clerk's desk.

Mr. MANN. Whether it is enough or not, as far as it is, it ought to go.

The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

Provided, That the expense to be incurred under any of the provisions of this bill shall not be a charge upon the United States Treasury, but shall be paid solely out of the revenues and fees of the said municipal court, and shall not in any case exceed said revenues and fees.

Mr. NORRIS. Where does that amendment come in?

Mr. MANN. Is it to be offered after line 23, on page 4?

Mr. CAMPBELL. I offer that after line 23, on page 4.

Mr. SIMS. I am certainly in hearty favor of that amendment.

Mr. NORRIS. I notice from the reading of the amendment that it refers to "this bill." Would it not be better to say "this act?"

Mr. CAMPBELL. If the amendment reads "this bill," it should read "this act." I accept the suggestion of the gentleman from Nebraska.

The CHAIRMAN. If there be no objection the word "bill" will be changed to "act."

There was no objection.

The amendment of Mr. CAMPBELL was agreed to.

The CHAIRMAN. Are there any further amendments?

Mr. CAMPBELL. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

INAUGURATION OF THE PRESIDENT-ELECT.

Mr. SMITH of Michigan. Mr. Chairman, I call up House joint resolution 202, authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1909, and so forth.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of the Interior is hereby authorized and directed to grant a permit to the committee on inaugural ceremonies for the use of the Pension building, in the city of Washington, on the occasion of the inauguration of the President-elect on the 4th day of March, 1909, subject to such restrictions and regulations as the said Secretary may prescribe in respect of the period and manner of such use, including all necessary safeguards against fire and for the extinguishing of fire.

SEC. 2. That the Secretary of War is hereby authorized to grant permits under such restrictions as he may deem necessary, to the committee on inaugural ceremonies for the use of any reservations or other public spaces in the city of Washington on the occasion of the inauguration of the President-elect on the 4th day of March, 1909, which, in his, opinion will inflict no serious or permanent injuries upon such reservations or public spaces or statuary thereon; and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said city of Washington as they may deem proper and necessary: *Provided, however*, That all stands or platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said inaugural committee and in accordance with the plans and designs to be approved by the Engineer Commissioner of the District of Columbia, the officer in charge of the public buildings and grounds, and the Superintendent of the United States Capitol Building and Grounds: *And provided further*, That the reservations or public spaces occupied by the stands or other structures shall be restored to their original condition before such occupation, and that the inaugural committee shall indemnify the War Department for any damage to structures of any kind whatsoever upon such reservations or spaces.

SEC. 3. That the Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the inaugural committee for the inaugural ceremonies, March, 1909, to stretch suitable overhead conductors, with sufficient supports wherever necessary and in the nearest practicable connection with the present supply of light, for the purpose of effecting the said illumination: *Provided*, That if it shall be necessary to erect wires for illuminating purposes over any park or reservation in the District of Columbia the work of erection and removal of said wires shall be under the supervision of the official in charge of said park or reservation: *Provided further*, That the said conductors shall not be used for the conveying of electrical currents after March 7, 1909, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before March 15, 1909: *And provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced, that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *Provided further*, That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia.

SEC. 4. That $23,000, or so much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia in equal parts, is hereby appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from the 28th of February to the 10th of March, 1909, both inclusive. Said commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property and fixing fares by public conveyance, and to make special regulations respecting the standing, movements, and operating of vehicles of whatever character or kind during said period. Such regulations shall be in force one week prior to said inauguration, during said inauguration, and one week subsequent thereto, and shall be published in one or more of the daily newspapers published in the District of Columbia; and no penalty prescribed for the violation of any of such regulations shall be enforced until five days after such publication. Any person violating any of such regulations shall be liable for each such offense to a fine not to exceed $100, in the police court of said District, and in default of payment thereof to imprisonment in the workhouse of said District for not longer than sixty days. And the sum of $2,000, or so much thereof as may be necessary, is hereby likewise appropriated, to be expended by the Commissioners of the District of Columbia for the construction, maintenance, and expenses incident to the operation of temporary public-comfort stations and information booths during the period aforesaid.

SEC. 5. That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the committee on inaugural ceremonies such ensigns, flags, etc., belonging to the Government of the United States (except battle flags), that are not now in use and may be suitable and proper for decoration and may, in their judgment, be spared without detriment to the public service, such flags to be used in connection with said ceremonies by said committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them, in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Mansion and the interior of the reception hall: *Provided*, That the loan of the said ensigns, flags, signal numbers, etc., to said chairman shall not take place prior to the 24th day of February, and they shall be returned by him by the 10th day of March, 1909: *Provided further*, That the said committee shall indemnify the said departments, or either of them, for any loss or damage to such flags not necessarily incident to such use. That the Secretary of War is hereby authorized to loan to the inaugural committee, for the purpose of caring for the sick, injured, and infirm on the occasion of the inauguration of the President of the United States, March 4, 1909, such hospital tents and camp appliances and other necessaries, hospital furniture and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the inauguration: *Provided*, That the inaugural committee shall indemnify the War Department for any loss or damage to such hospital tents and appliances as aforesaid not necessarily incident to such use: *And provided further*, That the said inaugural committee shall give bond, with security satisfactory to the Secretary of War, to do the same.

SEC. 6. That the Commissioners of the District of Columbia be, and they are hereby, authorized to permit the Western Union Telegraph Company and the Postal Telegraph Company to extend overhead wires into the Pension building, and to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within ten days after the conclusion of the ceremonies on the 4th day of March, 1909.

Mr. SMITH of Michigan. Mr. Chairman, I ask that the report of the committee be printed in the RECORD, but I only ask the reading at this time of the letter of the Commissioner of Pensions, found on page 3 of the report.

The Clerk read the letter of the Commissioner of Pensions contained in the report.

The report (by Mr. SMITH of Michigan) is as follows:

The Committee on the District of Columbia, to whom was referred the resolution (H. J. Res. 202) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1909, etc., report the same back to the House with the recommendation that it do pass.

The joint resolution herewith reported is identical in text with the joint resolution passed by the Congress on the occasion of the inaugural ceremonies of four years ago, the only differences between the two being slight ones rendered necessary by changes in circumstances. The increase of $5,000 in the appropriation over that of four years ago is accounted for later in this report.

The joint resolution was submitted for examination and report to the Secretary of the Interior, the Secretary of War, the Secretary of the Navy, and the Commissioners of the District of Columbia, from all of whom reports were received as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, December 14, 1908.

DEAR SIR: The Commissioners of the District of Columbia recommend favorable action upon House joint resolution 202, "Authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1909, etc.," which you referred to them on the 12th instant for examination and report.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. S. W. SMITH,
Chairman of Committee on District of Columbia,
House of Representatives.

NAVY DEPARTMENT,
Washington, December 15, 1908.

SIR: Referring to your letter of the 12th instant requesting comment concerning the provisions of House joint resolution 202 "Authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1909, etc." I have to state that no objection is perceived, so far as this department is concerned, to the legislation proposed.

Very respectfully,

TRUMAN H. NEWBERRY, *Secretary.*

Hon. SAMUEL W. SMITH,
Chairman Committee on the District of Columbia,
House of Representatives.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, December 15, 1908.

Respectfully returned to the Secretary of War.

So much of the subject-matter of the accompanying joint resolution (H. J. Res. 202) as pertains to this department is believed to be satisfactory, and the interests of the Government appear to be fully protected.

I do not know any objection to the passage of the resolution by Congress.

W. L. MARSHALL,
Chief of Engineers, U. S. Army.

(Through the Quartermaster-General.)

[Third indorsement.]

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER-GENERAL,
Washington, December 16, 1908.

Respectfully transmitted to the Surgeon-General.

So much of the accompanying joint resolution (H. J. Res. 202) as relates to the Quartermaster's Department is considered to be satisfactory, and no objection to its passage is known to this office.

J. B. ALESHIRE,
Quartermaster-General, U. S. Army.

[Fourth indorsement.]

WAR DEPARTMENT,
OFFICE OF THE SURGEON-GENERAL,
December 17, 1908.

Respectfully returned to the honorable the Secretary of War.

So much of the accompanying joint resolution (H. J. Res. 202) as relates to the Medical Department is considered satisfactory, and no objection to its passage is known to this office.

R. M. O'REILLY,
Surgeon-General, U. S. Army.

[Fifth indorsement.]

WAR DEPARTMENT, *December 17, 1908.*

Respectfully returned to the chairman Committee on the District of Columbia, House of Representatives, inviting attention to the preceding indorsements hereon.

The War Department knows of no objection to the passage of this resolution.

LUKE E. WRIGHT,
Secretary of War.

SECRETARY'S OFFICE,
DEPARTMENT OF THE INTERIOR,
Washington, D. C., December 17, 1908.

DEAR SIR: In accordance with your request of December 12, I forward you a report from the Commissioner of Pensions relative to that portion of House joint resolution No. 202 which refers to the proposed use of the Pension building for the inaugural ball.

Neither Commissioner Warner nor I desire to raise any unnecessary question regarding this proposal, as we both appreciate the difficulty the inaugural committee has in obtaining a suitable building, but before Congress directs such use the conditions should be thoroughly understood.

If the committee determines that the Pension Office shall be used, I call particular attention to the need of providing for the use of the portion of the building occupied by the pension agency, so that pensioners can be promptly paid.

I have requested Commissioner Warner to appear before your committee at the hearing on this subject to-day, so that the committee may have opportunity to make any further inquiry.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. S. W. SMITH,
Chairman Committee on the District of Columbia,
House of Representatives.

DECEMBER 16, 1908.

MR. SECRETARY: I have the honor to acknowledge the receipt, by reference from you, of House joint resolution 202, authorizing and directing you to grant a permit to the committee on inaugural ceremonies to use the Pension building on the occasion of the inauguration of the President-elect on March 4, 1909, and respectfully to submit the following report:

While the resolution contemplates the exclusive use of the building by the committee for the purpose indicated, it does not specify for what length of time, and in making this report I assume that the occupancy and treatment of the building and the disposition of its present contents by the committee will be substantially as that of similar committees on like occasions in the past.

While the committee may not have exclusive possession of the building more than ten days, its possession of the building in removing desks, file cases, records, and furniture from its rooms, and in arranging decorations, platforms, stands, electric-light wires, fixtures, etc., and in attempting to restore the building and its contents to the condition in which the committee found them, will, so far as carrying on the business of the Pension Bureau is concerned, amount in effect to the exclusive use of the building by the committee for twenty days, and during that time the business of the Pension Bureau and the agency for the payment of pensions therein would be practically entirely suspended.

There are at present 1,248 employees in the Pension Bureau building, the total of their daily salaries being $4,773.70, and the sum total of their salaries for the twenty days will be $95,474, which will be paid them, as they will be on enforced idleness during that time.

If the resolution passes as it now reads, its substantial effect will be the cost in money to the Government of $95,474.

If the resolution is amended so as to stop the pay of the employees in the Pension building during their enforced idleness, it will substantially compel the employees to donate to the committee that amount, and if the purpose of the resolution is to enable the committee to reimburse itself or to provide means to pay the expenses of the unofficial inaugural ceremonies it would be much better for the Government to appropriate and give the committee that amount outright instead of turning over to the committee the Pension Bureau during that time.

Since the last inaugural ceremonies there has been located in the building an agency for the payment of pensions. That agency pays between 53,000 and 54,000 pensioners, and the next payment by that agency commences on the 4th day of March, 1909. If the building is surrendered to the committee, as contemplated by the resolution, the payments due on March 4, 1909, will be delayed at least two weeks, and it is not necessary to suggest what such a delay will mean to those who confidently expect that their pensions will be paid promptly when due, as they have been in the past.

There are in the building 1,433 desks, 154 tables, 570 file cases, with their contents, each one weighing, when full, 1,600 pounds, and when empty 503 pounds, and many other articles of office furniture and books of record, and these would have to be removed before the ceremonies and afterwards replaced. The file cases contain cases and are not supplied with locks.

It would be necessary to remove all the above to some place not now provided and have them carefully guarded, at some expense at least, until returned to their proper places in the Pension building.

Heretofore the building has been greatly disfigured and damaged by the installation of an additional electric plant for its lighting and by having nailed and attached to its walls and columns the decorations provided by the committee.

In addition, heretofore on such occasions many papers that could not be duplicated have been stolen or destroyed, and on each previous like occasion fires have occurred in the building on account of the carelessness of its temporary occupants; and in moving from and returning to the building the desks, tables, file cases, etc., they have been greatly damaged.

We can not expect any less damage to the building and its contents by the contemplated occupancy than the building and its contents sustained by the like occupancy in the past, and the damage in every way by the proposed occupancy can not be estimated.

Very respectfully,

V. WARNER,
Commissioner of Pensions.

THE SECRETARY OF THE INTERIOR.

It will be noted that the foregoing communications all give unqualified approval to the resolution except that in the report from the Commissioner of Pensions, transmitted by the Secretary of the Interior, certain suggestions are submitted regarding the use of the Pension building for the inaugural reception.

The Pension building has been successively used for the inaugural reception to the President and Vice-President elect since the inauguration of President Cleveland in 1885. No other building, public or private, is available to accommodate the many thousands who attend this function. Such receptions have been accorded each incoming Chief Executive since the time of President Washington. It has hence become by custom a recognized part of the inaugural ceremonies whereto the representatives of all the nations are invited guests. As part of the nation's quadrennial installation of its Chief Executive, it has become in a practical sense a national function.

The court of the Pension building, 400 by 116 feet, and the galleries opening thereon afford ample and safe accommodation, and as the building is wholly fireproof and all decorations of every sort, except flowers used on this occasion, are rendered noncombustible by the use of fireproof solutions, the danger from fire is practically eliminated. The building is also most effectively guarded from fire or accident by the constant presence of trained firemen and policemen, and in the successive inaugural occasions for the past twenty-five years no injury to persons or property has occurred from fire or accident. The band concerts which follow the inaugural reception afford ample opportunity for all who do not attend the reception to visit the building and enjoy a view of the decorated interior.

The suggestions of the Commissioner of Pensions as to the cost to the Government in the enforced idleness of the pension-office force during the occupancy of the building for this purpose is, in the view of the committee, met by the plain answer that such force is continuing in service, and as the work of the bureau is now substantially up to current date the suggested loss is not real—such as would occur in a manufacturing plant where the output ceases when the employees are idle.

The further suggestion that delay in payment of quarterly pensions, now carried on in part in the Pension building, will be delayed can and will be fully obviated by the reservation of proper rooms and space now used therefor on the ground floor of the building—a matter fully within the control of the Secretary of the Interior under the power conferred upon the Secretary by the express terms of section 1 of the resolution. This is a matter fully understood by the Secretary of the Interior and the inaugural committee. Therefore no delay or inconvenience on that account can occur.

The safe storage of the files and furniture of the office has been provided for on all such former occasions and, as the committee is advised, the files are removed from the great court to the basement, where they are fully protected by the same fireproof, solid brick construction which makes the entire building indestructible.

In response to the request of your committee for further information as to the necessity of the proposed increase of $5,000 in the appropriation asked for over that of four years ago, the commissioners submitted the following communication, accompanied by the statement of the auditor of the District of the expenditures from the former appropriation:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, December 17, 1908.

SIR: The Commissioners of the District of Columbia, supplementing their letter of December 14, 1908, making report upon H. J. Res. 202, authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect and Vice-President-elect, on March 4, 1909, have the honor to add that the appropriation of $23,000 provided for in section 4 thereof is necessary to enable the commissioners to maintain public order and protect life and property in the District between February 28 and March 10, 1909, both inclusive. This sum has been carefully estimated and is necessary for the pay and expenses of additional police, detective, and other services connected therewith, essential to the preservation of order and the protection of life and property during the inaugural occasion, when so many thousands of visitors are added to the normal population of the District. The commissioners therefore earnestly recommend the appropriation of the amount stated for this necessary purpose.

The commissioners inclose a statement by the auditor of the District of Columbia of the expenditures made under a similar appropriation four years ago.

Very respectfully, yours,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. S. W. SMITH,
Chairman Committee on District of Columbia,
House of Representatives.

Classified statement of expenditures under the appropriation of $20,000, provided by public resolution approved January 17, 1905, for maintaining public order, etc., at the inauguration of President Roosevelt, March 4, 1905.

Amount allowed for public order, $18,000.

EXPENDITURES.

Amount paid as compensation of detectives from outside cities	$3,500.00
Railway fare of detectives from other cities coming and returning	1,122.26
Board and lodging of detectives from cities	858.00
Compensation of special policemen	8,586.00
Pay rolls, laborers, cart hire, and mechanics	1,191.58
Services of nurses	15.00
Hire of horses and buggies	70.00

Police whistles	$31.25
Police badges and special badges	151.45
Engraving police badges	23.18
Repairs to police badges	6.00
Lunches to officers, ambulance drivers along line of parade, and to laborers on emergency work	118.95
Car tickets for police department	100.00
Printing inaugural regulations	120.02
Printing sign cards	58.59
Advertising inaugural-ball regulations and public-order regulations	53.55
Advertising regulations for inaugural receiving stand	35.10
Tin signs	6.00
Surgeon supplies	10.68
Rope	290.75
Lumber	92.34
Furnishing and hauling sand and gravel	73.35
Sewer brick	9.87
Chairs	35.00
Cement	14.40
Hardware	14.02
Brooms and mops	.24
Iron pipe	235.44
Glass tumblers	.83
Drugs	3.35
Repairing cuts in pavements	63.28
	16,890.48

Amount allowed for public comfort stations, $2,000.

EXPENDITURES.

Salaries of attendants and superintendent at public comfort stations	285.50
Pay rolls of laborers, mechanics, and cart hire	66.57
Constructing and hauling public comfort stations (temporary stations)	1,187.80
Erecting temporary information booths	250.00
Rent of oil heaters for comfort stations	32.00
Couches and chairs for comfort stations	19.20
Mirrors for comfort stations	10.00
Curtains for comfort stations	18.00
Toilet supplies	1.71
Laundry service for comfort stations	6.36
Whisk brooms, mops, buckets, and miscellaneous supplies for comfort stations	20.14
Connecting and disconnecting comfort stations with water and sewer service	15.45
Manhole frames and covers for comfort stations	5.00
Lumber for comfort stations	7.50
Lanterns and oil for comfort stations	16.80
Terra-cotta pipe for comfort stations	9.06
Plumbing supplies for comfort stations	13.74
Hauling supplies for comfort stations	7.15
Cement	1.44
Repairing sewer cuts	5.25
	1,978.67
Total amount expended from the appropriation of $20,000 for maintaining public order and public convenience stations during the inaugural ceremonies of March 4, 1905	18,869.15

After a full consideration of the premises the committee recommends that the joint resolution be passed.

Mr. SMITH of Michigan. Mr. Chairman, I desire to make a brief statement: The resolution is identical with the resolution passed four years ago, with the exception of an additional appropriation of $5,000 that is asked for, and in the resolution of four years ago there was what was known as "section 7," which provided for temporary tracks in the District. With reference to the report of the honorable Commissioner of Pensions that the expense will amount to something like $95,000, I desire to say that there evidently is an opportunity to at least disagree with the commissioner as to what the cost may be. I think it fair to assume that four years ago there were more clerks in the Pension Office than at this time, because it is generally admitted that the work is less now than it was then, and if that is the case I think it is fair to assume that there is a less number of clerks. Four years ago, upon making a report of this same resolution, with two slight exceptions which I have called attention to, Mr. Hitchcock, then Secretary of the Interior, said:

As a matter of information, it may be stated that as a result of the occupancy of this building at the last inauguration, in 1901, to say nothing of the incidental damage to the building and the furniture by reason of such use, the loss of time of the employees of that bureau, I am credibly informed, aggregated in value $30,000.

That was the report of the Secretary of the Interior at that time, and the report of the honorable commissioner at this time is that it will cost ninety-five thousand and some odd dollars. With respect to that provision in the commissioner's report that there has been a new pension agency provided for and has an office in the Pension building, I desire to say that they will suffer no inconvenience, because under the provisions of the joint resolution, on the first page, it is placed entirely within the jurisdiction of the Secretary of the Interior, and I desire at the proper time to offer a slight amendment that was passed by the Senate District Committee, which makes it all the more sure and certain that these pensioners can not in any way be injured by the passage of this resolution.

Mr. GILLETT. Will the gentleman state what that amendment is?

Mr. SMITH of Michigan. Yes. On the first page of the joint resolution, line 8, at the end of the word "regulation," I shall offer at the proper time these words: "and limitations as to space." I think that will fully cover it.

Mr. HULL of Iowa. Will that fix it so that the room occupied by the pension agent in Washington, whose duties it is to pay the pensioners on the 4th of March, will have his space reserved so that he can go on and pay the pensioners?

Mr. SMITH of Michigan. His particular room will not be reserved, but there will be rooms on the first floor which he can use.

Mr. HULL of Iowa. Yes; and then you would have to move all of his records down there. Why not reserve the room that he now occupies and provide that they shall not be taken? You will delay the old pensioners at least twenty days by taking his room and compelling him to pack up his records and move them out and then move them back again before he can go on with his work. Most of these old pensioners are hungry for their pay on the first day that it is due.

Mr. SMITH of Michigan. The pensioner will get his pay when it is due. We are providing ample room on the first floor in the east end of the building. I am informed by those who have had charge of this arrangement for twenty years that they need this room that the commissioner occupies.

Now, there is some claim made in the report that occasionally they have had some fires in the Pension building, whereas, as a matter of fact, there was no fire four years ago, and it is my deliberate judgment that there is less danger down there at this time than there is in the ordinary public building in the city of Washington, because of the additional precautions taken at that time. To show you that these fires occasionally occur, I remember the very first day of this year in picking up a morning paper in the city of Washington and reading of a fire that had broken out in the State, War, and Navy building. From what I read it appeared that it did not do any considerable damage; but these fires, such as we occasionally read of, break out in the public buildings here in Washington as elsewhere.

Mr. ADAIR. Will the gentleman yield for a question?

Mr. SMITH of Michigan. Certainly.

Mr. ADAIR. I want to ask the gentleman if it is not true that all the file cases on the lower floor containing the papers in the various pension cases are removed entirely out of the building into temporary quarters?

Mr. SMITH of Michigan. No; to the basement below; and the entire Pension building from basement to the roof is a so-called "fireproof building."

Mr. ADAIR. I was informed by the commissioner that it had been done the other way, and that that was the real danger of fire.

Mr. SMITH of Michigan. I am relying myself largely upon those who have had this particular work to do for twenty-odd years.

Mr. ADAIR. Does the gentleman know that it has never been done the other way?

Mr. SMITH of Michigan. No; I have not been there to witness it. I am giving, to the best of my opinion, what I understand to be the facts, that in the grand court below all the file cases are taken into the basement. In the use of that building at the inaugural ball they never use the third and fourth floors of the building at all; but on the second floor, I am further informed, in these rooms where there are desks, in many of the rooms, they do not move them out of the particular room, but, as they express it, they move them out toward the window.

Mr. ADAIR. Is not this true that these papers are all removed from the lower floor even to the basement or outside, and that that stops the work in the various departments by reason of the fact that they are not able to procure the papers?

Mr. SMITH of Michigan. There is no denial of the fact that probably for a period of eight or ten days the entire work of the department must cease.

Mr. ADAIR. The commissioner says twenty days.

Mr. SMITH of Michigan. I think it is apparent to anybody who goes and examines it that when they are putting the decorations on the large pillars in the grand court, and certain other preliminary work that must be done, it need not necessarily interfere with the work of the clerks.

Mr. HULL of Iowa. Have not they got to take the files out before they can begin to do that and put them in the basement?

Mr. SMITH of Michigan. No; and one has only to visit this grand court, as it is called, and examine the way the file cases are situated. You can see that these pillars can be decorated without removal of the file cases. I desire to say, for the benefit of any who may question what this additional expense is for in the resolution, that it will be noticed on pages 5 and 6 of the report of the committee that we have an itemized

statement of the amount of money and how it was expended four years ago. While there was an appropriation of $20,000 they expended only $18,869.15, giving item by item what it was expended for.

It may be of interest to the committee to know that four years ago the receipts from the inaugural ball were $59,327.50 and the expenditures $42,240.36, so there was an excess of ball receipts over ball expenditures amounting to $17,097.14. Mr. Chairman, if there is no objection, I would like to insert in the RECORD the receipts and the expenditures of the last inaugural ball, in 1905. Perhaps it may be of interest also to the committee to know the receipts and disbursements of the inaugural committee four years ago. If there is no objection, I would like to insert these in the RECORD. I find if we are going to have an inaugural ball held at the Pension Office each four years, that it will save considerable time in looking up some of these items if this be done. The receipts of the inaugural ball for 1905 were $150,221.95, but I desire to say that as a part of those receipts there was the guaranty fund of $62,380.

Mr. MANN. What does the gentleman mean by receipts?

Mr. SMITH of Michigan. It will take but just a moment for me to read it. I want to say they have here in the city of Washington, and have for many years, found it wise to raise what they term a "guaranty fund," and on at least two occasions during the last twenty or twenty-five years the citizens of Washington have had to put their hands in their pockets by reason of bad weather and for other causes and meet some of these expenses.

Mr. SIMS. Are those the only pockets they have been putting their hands into—their own?

Mr. SMITH of Michigan. I do not know.

Mr. MANN. And to what extent have they ever put their hands in their own pockets for this purpose?

Mr. SMITH of Michigan. I will say to the gentleman from Illinois that while I could not give the exact figures as to that, I am informed by a gentleman who has had to do with this for more or less of twenty years that on two different occasions they did have to do so.

Mr. MANN. Has the gentleman any estimate as to the extent to which they contributed?

Mr. SMITH of Michigan. I understand it was several thousand dollars.

Mr. LANDIS. Can the gentleman from Michigan give us a good reason why the people of the District of Columbia should put their hands in their pockets and pay the expenses of this inauguration of the President and Vice-President?

Mr. SMITH of Michigan. No.

Mr. MANN. And can the gentleman from Indiana give any good reason why they should be permitted to conduct the inauguration?

Mr. LANDIS. I do not understand that they desire to do it.

Mr. MANN. They are doing it.

Mr. LANDIS. Yes; because it is turned over to them.

Mr. SMITH of Michigan. I may add that it has been the custom for some years to hold a series of concerts in the Pension building for at least three or four days after the inauguration, so as to give not only citizens of the District, but many visitors, friends of ours, who come here and do not have the opportunity to attend the ball, an opportunity to visit the Pension building and view the decorations, and from that there is a revenue.

I will read to the committee a list of the receipts and disbursements of the inaugural committee for 1905. It is as follows:

Receipts.

Guaranty fund	$62,380.00
Ball tickets	46,345.00
Concert tickets	11,052.00
Supper tickets	1,676.00
Grand stand tickets, sale of privileges and of old material used on grand stands	26,759.95
Souvenirs and medals	264.50
Official programme	700.00
Old material	12.50
Certified check returned by officers in charge of public buildings and grounds	1,000.00
Sundry small checks and cash items returned to the treasurer	32.00
Total	150,221.95

Disbursements.

Inaugural	$4,906.99
Grand marshal's office	852.61
Finance	1,034.64
Reception	203.75
Press	3.50
Printing	22.10
Souvenirs and tickets	5,195.27
Medals and badges	2,256.86
Transportation	16.00
Public comfort	1,564.49
Public order	30.54
Military organizations	172.12
Civic organizations	725.39
Reviewing stands	$15,141.78
Street decoration	3,932.91
Historic sites	193.25
Illumination	4,733.00
Fireworks	3,015.23
Music	5,374.90
Ballroom decorations	17,999.19
Comfort at ball	3,007.17
Floor	116.10
Supper	5,807.70
Carriages	3,501.64
Guaranty fund	62,380.00
Deposits with officer in charge of public buildings and grounds (check returned in full to treasurer inaugural fund)	1,000.00
Transportation and care of Indians, including Carlisle Cadets	2,000.00
Care of cowboys	250.00
Auditorium committee	120.65
Relief fund (poor of District of Columbia)	4,664.17
Total	150,221.95

If we take the guaranty fund of $62,308 and add to that the $4,664.17 that was turned over by the inaugural committee four years ago to the District Commissioners to be made a part of the poor fund of the District, that will make a total of $67,444.17, which, deducted from the $150,221.95, shows that the inaugural expenses four years ago were $83,177.75.

Mr. GILLETT. How is it that $83,000 should be taken as expenses if they really made expenses by the sale of tickets to the inaugural ball, grand-stand seats, etc.?

Mr. SMITH of Michigan. Certainly; but that is one of the ways that they took of raising the money.

Mr. GILLETT. So the real expense was only about $20,000?

Mr. SMITH of Michigan. No; but that is one way they took, of selling tickets, to raise the money to pay the inaugural expenses.

Mr. KEIFER. Has the gentleman finished his preliminary statement?

Mr. SMITH of Michigan. Yes; and I will yield to the gentleman. I reserve the balance of my time.

Mr. KEIFER. Mr. Chairman, I am not going to oppose this bill, although I am inclined to think it is not very wise practice to take the Pension Office every four years for a dance. Figured out properly, I think, taking the estimate of the Commissioner of Pensions, we could spend $100,000 in building a temporary building, if you please, and have better accommodations than we are going to get and we would save money to the Government, but, as I am not opposing this measure, I want to come to the matter I think we ought to be specific about, and that is the matter of reserving the rooms in this Pension building now used and occupied by the pension agent in paying pensions. There are five of these rooms, as I understand it, on the first floor in the southeast corner of the building. They are absolutely essential to the preservation of the records and to doing the work of paying somewhere between 53,000 and 54,000 pensioners. Pension day and pay day commences on the 4th of March next, the day of the inauguration of the new President and the day of the inaugural ball.

Some days prior to that to pay pensioners would be lost in the matter of making preparation to pay pensioners. Pension day, which of itself is an important one for certain pensioners who get their pension papers in the pension agent's office the morning of that day or early in the day, would be lost, and the length of time figured by the Commissioner of Pensions that would be lost in the way of paying pensions would be at least twelve days after the day of paying pensions begins. Some estimate the time that will be lost at twenty days, because in the matter of readjusting the records and papers and matters of that kind there would be a great loss of time, to say nothing about the loss of papers that has happened in the past by the use of the Pension Office. Now, it is said that there is a provision in this bill for the purpose of reserving these rooms used by the pension agent. There is no such provision in the bill, and the amendment suggested in that direction made by the gentleman [Mr. SMITH] in charge of this bill is of a very doubtful construction.

Mr. SMITH of Michigan. May I ask the gentleman what the language means on the first page of the joint resolution?

Mr. KEIFER. I will read it, and then you will not have to ask about it.

Mr. SMITH of Michigan. Well, I have read it myself, and I have not any doubt about the meaning of the language there.

Mr. KEIFER. And I will read it now. I will read from the beginning of the section so as to have the entire connection. Section 1 says:

That the Secretary of the Interior is hereby authorized and directed to grant a permit to the committee on inaugural ceremonies for the use of the Pension building, in the city of Washington, on the occasion of the inauguration of the President-elect on the 4th day of March, 1909, subject to such restrictions and regulations as the said Secretary may prescribe in respect to the period and manner of said use——

Mr. SMITH of Michigan. Yes; but will the gentleman——

Mr. KEIFER. Now, the period of use carries with it the idea that all the building is to be used, and that the manner of the use relates to the matter of not use, but to the time of use, the inaugural committee having taken possession of all of it.

Mr. SMITH of Michigan. May I ask the gentleman a question?

Mr. KEIFER. Oh, surely.

Mr. SMITH of Michigan. In line 8—I think the gentleman will recall that I said a moment ago that at the proper time I would offer an amendment—after the word "regulations," to add the words "and limitations as to space," so that is entirely in the control of the Secretary of the Interior.

Mr. HULL of Iowa. Why not have that limitation made here?

Mr. SMITH of Michigan. I said I would offer it at the proper time.

Mr. KEIFER. The limitation as to space would leave the matter of construction with the Secretary. What I want, if allowed the privilege, is to move to amend this section by inserting, after the word "Washington," in line 6 of the first section, these words, "except such rooms therein as are used and occupied for the payment of pensions." Then there will be no doubt about it. And if the gentleman's proposed amendment is intended to have the same effect as my amendment, let us put one of them in and have no doubt about it. That is my suggestion in reference to this matter.

I regret exceedingly that the applicants for pensions are to be delayed about twenty days in having their applications considered in the Pension Office in order that we may have on inauguration day a ball and a dance.

I reserve the balance of my time.

Mr. SIMS. Mr. Chairman, I want to state briefly as near as I can the history of the bills or resolutions for inaugurations that have been passed since I have been here. And I wish the Members of the House, and especially those who have not been here at any previous inauguration, to disabuse their minds of the supposed fact that this is any part of official inaugural ceremony. It has absolutely nothing to do with it. If we should not have it, it would be no offense to anybody, be no discrimination to the great man who has been elected President. I imagine he would feel a relief if he did not have to go over there and show himself that night in order to induce people to pay $5 for the opportunity of seeing him—$5 for yourself, $5 for your wife, and $5 for any other man's wife if you take her. The inaugural ball is no part of the official ceremony; no part of the inauguration, in fact.

In 1900 the usual legislation was had and some public property belonging to the United States was destroyed by fire, as I remember it, amounting to several thousand dollars, and the inaugural committee would not pay one cent and did not pay one cent for that damage. That resulted in the passing of the act of Congress of 1902, as follows:

> That hereafter no public building or the approaches thereto, other than the Capitol building and the White House, in the District of Columbia, shall be used or occupied in any manner whatever in connection with ceremonies attending the inauguration of the President of the United States, or other public function, except as may hereafter be expressly authorized by law.

That is the act of 1902, passed deliberately by this House. But in two years afterwards, prior to the inauguration to occur in 1905, the inaugural committee, or those representing them, came before the House District Committee and made the plea that they had not had time in that short period to provide a proper building, which they had assured us, upon the honor of gentlemen, they were able to do and would do if given sufficient time. They assured us that it was the last time that they would ever ask to hold the inaugural ball in a Government building in the District of Columbia if we would let them have it at that time. The bill was first reported here by the House Committee on the District of Columbia to allow them to use the Library of Congress building on the ground of the danger there was in using the Pension building. Then in the House it was first defeated on suspension day, and then amended so as to authorize the use of the Pension building once more, upon the sacred assurance of honorable gentlemen that they would never come to Congress and ask for its use again.

But here are the same gentlemen asking for the same thing again. We suspended the law passed in 1902 on account of conditions which the inaugural committee could not control at that time. Here is the great Capital City, the home of millionaires, with six years since that law was passed, in 1902, in which to build a proper building in which they could hold inaugural balls and all other balls, conventions, and other meetings that bring thousands of people to the District of Columbia and which are a great source of revenue to the people who live here and have business here. Yet here they come, six years after the act, and say, "Let us have it again."

Now, what equity have they got to present this time? Absolutely nothing, only they have not kept their word with Congress.

Mr. OVERSTREET. Does the gentleman mean to leave the impression that the same identical men who made that assurance are now asking again?

Mr. SIMS. I do not know that they are the same identical individuals, but the same committee, or those representing the inaugural committee. And I will state further that I believe some of the identical gentlemen that made that statement appeared before the committee in favor of this resolution.

Mr. SMITH of Michigan. Will the gentleman allow me to ask him a question?

Mr. SIMS. Certainly.

Mr. SMITH of Michigan. I will ask him if in the four years that have elapsed these same gentlemen have not raised $260,000 for the building of an auditorium, and many of the citizens thought it was not a good-paying investment, and therefore they were not able to raise the amount?

Mr. SIMS. I have heard that such was the case. I do not know whether it is or not, but I do not believe anyone here thought it would appear to them to be a dividend-paying investment—never a dollar. And that is what it has come to—a matter of paying dividends and not entertainment of visiting guests. [Applause.]

Mr. LANDIS. Will the gentleman allow me to ask him a question?

Mr. SIMS. Certainly.

Mr. LANDIS. I would ask him whether he thinks there is a city in his State in which the citizens would band together and voluntarily contribute out of their own pockets a million dollars for the construction of a convention hall for the entertainment of people who came to the city if they did not think there would be some sort of compensation for it?

Mr. SIMS. There is not a city in my State that has not already, at its own expense, provided such a hall to accommodate every kind of a meeting that it is probable or likely to be held in those cities.

Mr. LANDIS. Without profit?

Mr. SIMS. I do not care anything about the profits they may make or do not make.

Mr. LANDIS. But they do.

Mr. SIMS. I do not know whether they do or not. There is not a city in the State of Tennessee making such provision, whose only object is the dividends expected of it; and I think the same remark will apply to Indiana. We have a letter from the Commissioner of Pensions, who was a soldier in the federal army, who faced the bullets in my county and in my district at Shiloh. He served many years on the floor of this House; and yet we are asked here to pooh-pooh what he says under oath as an officer, as a man who knows whereof he speaks, when he tells of three incipient fires having occurred in the Pension Office by reason of balls; when he tells us that the garret lofts in this Pension building are full of valuable records, liable to be burned; when he tells us that during the last inaugural ball valuable papers were either stolen or lost. Now, destroy these records which are necessary in order to examine pensions, and which have been gathered at Government expense, and who can go out and supply these records?

We all know that when records are lost in reference to claims or pensions or anything else, the Government suffers. Why should we do this for a thing that is no part of the official inauguration? Why, four years ago I would not say anything. I was asked why. I said I was a Democrat, and the new President was a Republican. I was pretty lonesome then, and still lonesome——

Mr. MANN. And will be for years.

Mr. SIMS. Well, that may be true; and shall I wait here, I will ask you, and shall I continue to wait until a Democratic President is inaugurated before I shall say what I think as to this matter of inaugural balls? [Cries of "No!"] Well, then, I will ask you gentlemen to do your duty when you are in full charge and responsible to the country for this pay ball—this commercial ball, that anybody can attend if he has the price.

Now, the commissioner tells us that it amounts to a loss of twenty days to 1,278 clerks; not an indirect but a direct loss of $95,000, and a delay of twenty days in the consideration of pension claims, because they will never catch up. You will not make the pension clerks work overtime in order that people coming here at great expense desiring to witness the inauguration

may be relieved of some of their money in giving it for admission to the inauguration ball. It is only a commercial affair, to enable gentlemen to get money out of the people, whom they make feel they are entertaining, while the people who are being entertained are paying the expense.

Now, there are many Republicans in the United States that would make great Presidents from the Republican ideal and standpoint. I think Secretary Taft will come up to expectations, and we Democrats hope that he will even exceed that standard. Now, I have no resentment that prompts me to take this position.

Judge Taft, as soon as he was nominated, went to Virginia, and stayed until he left to go on a speech-making tour. As soon as he was elected he went down to the State of Georgia, down to the State of Bob Toombs. And, so far as I know, his feelings toward my section of the country and my party is as good, or better, than could be expected. Consequently, I do not wish any person to think I have any little, mean feeling animating me in what I am doing. Another thing which may appeal to some gentlemen here to-day:

A Member of this House has been elected Vice-President; taken from a field of great activity and usefulness, where for twenty years he has demonstrated his ability and fitness, taken from us to become the presiding officer in another body, where, of course, he will be all that any Vice-President has ever been while Vice-President; but I think the country suffered a loss when he was taken out of this House and transferred to the other. [Applause.] But he was willing to make the sacrifice. Now, do not think we are discriminating against him.

If Congress was giving a ball or an entertainment for him or for Mr. Taft, it would be a different thing. There would be no charges and no fees; but I do not believe that the Vice-President-elect and the President-elect wish a ball for the benefit of the people of this District, or I will go further and say for the benefit of those who attend, risking the destruction of property of the United States and delaying the consideration of pensions, original applications and increases, for soldiers who are dying every day. Delay the business of that office for twenty days, and it is twenty days that never can be recovered. I wrote a couple of letters to the chairman of the inaugural committee and asked him——

Mr. MANN. Before the gentleman gets to those letters, which I suppose relate to the expense——

Mr. SIMS. Yes.

Mr. MANN. Will the gentleman yield for a question for information?

Mr. SIMS. Yes.

Mr. MANN. I notice in the report of the Pension Commissioner he apparently states that the loss to the Government will be $95,474 in salaries paid——

Mr. SIMS. Yes.

Mr. MANN. In addition, the expense of moving the file cases and various other things of that sort.

Mr. SIMS. Yes.

Mr. MANN. Probably a total of $100,000.

Mr. SIMS. In all probability.

Mr. MANN. Does the gentleman have any doubt about that being a fairly accurate estimate of the least expense to the Government?

Mr. SIMS. I have not any doubt that it will amount to $100,000 on account of this inaugural ball.

Mr. MANN. I understood the gentleman from Michigan [Mr. SMITH] to state that four years ago Secretary Hitchcock, then a member of the Cabinet of the President who was then to be reinaugurated, estimated the expense at between $20,000 and $30,000.

Mr. SMITH of Michigan. I am credibly informed that he said the expense aggregated $30,000.

Mr. MANN. They had at that time more employees in the Pension Office than they have now.

Mr. ADAIR. Oh, no; I think not.

Mr. MANN. Well, I will say to the gentleman that they did have more employees in the Pension Office then than they have now. We have been reducing the number of employees in the Pension Office the last few years. Now, how could they arrive at an estimate of $30,000? Upon what basis could it possibly be arrived at unless it was the basis of a cabinet officer making a report?

Mr. SIMS. It must have been upon the basis of using a less estimate of time than twenty days.

Mr. MANN. Well, even ten days.

Mr. KEIFER. If you will notice, the Secretary of the Interior four years ago did not say that there was any estimate made, but he said he was informed that $30,000 was what the Government would lose. Now we have an estimate.

Mr. SMITH of Michigan. Yes; and he doubtless got his information four years ago from the Commissioner of Pensions.

Mr. KEIFER. He does not say so.

Mr. SMITH of Michigan. No; he does not say so.

Mr. MANN. The sum of $30,000 would not even cover one week's work in the Pension Office.

Mr. SIMS. Not at all.

Mr. CLARK of Missouri. Is it not simply a question of arithmetic?

Mr. MANN. That is the way it looks to me.

Mr. CLARK of Missouri. Simply to take the number of employees down there and the number of days and multiply one by the other.

Mr. MANN. That is the way it looks to me. I was trying to find out how they arrived at the estimate four years ago.

Mr. CLARK of Missouri. Now, I want to propound a question to anybody who wants to answer it. How can we justify hanging up these old pensioners for even one day, or spending even a $5 bill down there to have a dance?

Mr. MANN. There is no dance, I am sorry to say; it is a ball, not a dance. If you should take the $100,000, the admitted expense to the Government, capitalize it, even at 10 per cent it would amount to $1,000,000, at 5 per cent $5,000,000, at 2 per cent to $5,000,000; and so practically the Government is contributing this year, by this bill, the capital of $5,000,000, as against nothing paid by the District of Columbia.

Mr. NORRIS. Will the gentleman tell us how long the Pension building was occupied four years ago?

Mr. SIMS. I know nothing about it, except what the Commissioner reports.

Mr. NORRIS. It is safe to say that the Commissioner's report on the present resolution is based on his conclusion as to what actually happened four years ago, and it seems to me that it ought to be almost conclusive that he is right.

Mr. SIMS. Now, I want the committee to listen to what Secretary Hitchcock said four years ago.

Whether or not its use should be permitted as contemplated in this resolution is problematical. The according of the use of the building will necessitate the suspension of business in the Pension Office for a considerable period, the safe removal and satisfactory storage in practically fireproof quarters of all pending file cases from the court of the building, the removal to places of safety of furniture from as many of the floors of the building as will be utilized, the absolute surrender of a number of rooms on such floors, and the fixing in place in the great court of the building and along the balconies of bunting and other decorations of an inflammable character, to say nothing of the installation of additional electric lights, which will in all probability be required on that occasion. The handling of furniture in removal from the rooms for storage racks injures it considerably, and the danger of damage in the removal and handling of papers and records is necessarily great.

The element of danger from fire and loss of papers attendant upon such occupancy of the building is one which can not be lightly passed over when it is considered that the loss of papers and evidence in pending claims, which can not be duplicated, would be irreparable and work great injury upon many deserving claimants, doubtless preventing favorable action by the bureau on their claims and necessitating the petitioning of Congress for relief. Aside from the large mass of records and papers in the various divisions of the office in everyday use in the work of this great bureau, it should be borne in mind that there are stored in the upper portion of the building the papers in 1,650,400 adjudicated pension claims, and on the floor of the court there are 369 file cases, in four sections, containing 450,000 pending applications and abandoned files. All this material is of inflammable character.

As a matter of information, it may be stated that as a result of the occupancy of this building at the last inauguration in 1901, to say nothing of the incidental damage to the building and the furniture by reason of such use, the loss of time of the employees of that bureau, I am credibly informed, aggregated in value $30,000.

Now, gentlemen, could you make a stronger argument against permitting the use of this building than is made by Secretary Hitchcock, unless it be the argument made by Commissioner Warner?

I wrote to Mr. Stellwagen for some facts, and here are the letters that I received:

WASHINGTON, *December 31, 1908.*

Hon. THETUS W. SIMS,
United States House of Representatives, Washington, D. C.

DEAR SIR: As promised in my letter of yesterday, I have pleasure in sending you herewith two letters from Mr. Milton E. Ailes, giving the information asked for in your favors of December 29.

Yours, very truly,

EDWARD J. STELLWAGEN, *Chairman.*

THE RIGGS NATIONAL BANK OF WASHINGTON, D. C.,
Washington, D. C., December 30, 1908.

Mr. EDWARD J. STELLWAGEN,
Chairman Inaugural Committee, Washington, D. C.

DEAR SIR: I have the honor to acknowledge the receipt by reference from you of the letter of Hon. T. W. SIMS, dated December 29, 1908, as follows:

"Hon. CHAIRMAN OF THE INAUGURAL COMMITTEE,
"*Washington, D. C.*

"DEAR SIR: Will you kindly furnish me the facts as to receipts, net and gross, to the inaugural committee from the inaugural ball and incidental thereto held at the Pension Bureau building in 1904?

"I am anxious to know the amount of net profits or income to the committee above all expenses properly chargeable or pro rata chargeable to the inaugural ball.

"Very truly, yours, T. W. SIMS."

The receipts from the inaugural ball of 1905 and incidental thereto were as follows:

Receipts.

Sale of ball tickets	$46,345.00
Sale of concert tickets	11,052.00
Sale of ball souvenirs	264.50
Sale of supper tickets	1,676.00
Total ball receipts	59,337.50

The expenditures on account of the inaugural ball of 1905 and incidental thereto were as follows:

Expenditures.

Finance committee, expenses distribution and sale of ball, supper, and concert tickets	$1,034.64
Reception committee	203.75
Ball souvenirs and tickets	5,195.27
Music	5,374.90
Ballroom decorations	17,999.19
Comfort at ball	3,007.17
Floor committee	116.10
Supper at ball	5,807.70
Carriages (including construction of carriage entrances to Pension Office)	3,501.64
Total expense of ball	42,240.36

There was therefore an excess of ball receipts over ball expenditures amounting to $17,097.14.

Mr. SIMS's letter is returned herewith.

Respectfully, yours, MILTON E. AILES,
Treasurer Inaugural Committee of 1905.

THE RIGGS NATIONAL BANK OF WASHINGTON, D. C.,
Washington, D. C., December 30, 1908.

Mr. EDWARD J. STELLWAGEN,
Chairman Inaugural Committee, Washington, D. C.

DEAR SIR: I have the honor to acknowledge the receipt by reference from you of the letter of Hon. T. W. SIMS, dated December 29, 1908, as follows:

"Hon. CHAIRMAN OF THE INAUGURAL COMMITTEE,
"Washington, D. C.

"DEAR SIR: Please give me if you can the net and gross receipts from every source received by the inaugural committee incidental to the inauguration of President Roosevelt in 1905. And whether or not the subscriptions by citizens and corporations to the inaugural committee were returned to them out of the receipts from all sources in whole or in part.

"Very truly, yours, T. W. SIMS."

The receipts and disbursements of the inaugural committee of 1905 were as follows:

Receipts.

Guaranty fund	$62,380.00
Ball tickets	46,345.00
Concert tickets	11,052.00
Supper tickets	1,676.00
Grand-stand tickets, sale of privileges and of old material used on grand stands	26,759.95
Souvenirs and medals	264.50
Official programme	700.00
Old material	12.50
Certified check returned by officers in charge of public buildings and grounds	1,000.00
Sundry small checks and cash items returned to the treasurer	32.00
Total	150,221.95

Disbursements.

Inaugural	$4,906.99
Grand marshal's office	852.61
Finance	1,034.64
Reception	203.75
Press	3.50
Printing	22.10
Souvenirs and tickets	5,195.27
Medals and badges	2,256.86
Transportation	16.00
Public comfort	1,564.49
Public order	30.54
Military organizations	172.12
Civic organizations	725.39
Reviewing stands	15,141.78
Street decorations	3,932.91
Historic sites	193.25
Illumination	4,733.00
Fireworks	3,015.23
Music	5,374.90
Ballroom decorations	17,999.19
Comfort at ball	3,007.17
Floor	116.10
Supper	5,807.70
Carriages	3,501.64
Guarantee fund	62,380.00
Deposits with officer in charge of public buildings and grounds (check returned in full to treasurer inaugural fund)	1,000.00
Transportation and care of Indians, including Carlisle cadets	2,000.00
Care of cowboys	250.00
Auditorium committee	120.65
Relief fund (poor of District of Columbia)	4,664.17
Total	150,221.95

The balance of $4,664.17, above shown, was turned over to the Commissioners of the District of Columbia for the relief fund of the poor of the District of Columbia.

Mr. SIMS's letter is returned herewith.

Respectfully, MILTON E. AILES,
Treasurer Inaugural Committee of 1905.

Every one of these subscriptions was returned, if ever paid out; I do not think a cent of these subscriptions was ever paid; they are simply in the nature of a guaranty. Every cent was paid back, and after paying all expenses there was a balance of $4,464.10, which was turned over to the Commissioners of the District of Columbia for local charities.

This inaugural ball paid for itself. These concessions of public property to this inaugural committee not only paid all expenses, which included profitable employment by a number of District people in connection therewith, as well as the lumber and material purchased of business men, and then they turn over nearly $5,000 after all expenses are paid to the charitable institutions of the District of Columbia. There is a net profit, because when you pay to the charitable institutions of the District of Columbia, you relieve the people of that much of a drain upon their resources.

Mr. NORRIS. If the gentleman will allow me, is he not mistaken? Is it not a little over $17,000?

Mr. SIMS. That was from the ball. Now, the impression was given in the hearings before our committee that the ball was given to get money with which to discharge expenses. They get $17,000, net, speaking in round numbers, and the Government of the United States loses $100,000 in order for them to get $17,000. Gentlemen, had we not better make a direct contribution? That is what Commissioner Warner says. I say here and now, that while I would not vote to appropriate money for the use of the building for an inaugural ball, I would vote a proper and reasonable amount as a part contribution to a building to be built by the citizens of the District of Columbia, and it would be far better than to lose directly $100,000 in order for them to make $17,000 out of our constituents, and take the risk of burning the files and depriving soldiers of what they are entitled to at the time they are entitled to receive it.

To show you that I am not actuated by any feeling on account of partisanship, I am going to have read by the Clerk a communication published in the Cleveland Plain Dealer, a paper published in Ohio, the home of the next President, written by W. S. Couch, who, I am informed, is a friend of the President-elect, and whom Mr. Taft delights to number among his friends.

The Clerk read as follows:

INAUGURATION OF PRESIDENT THE ONE FINE FINANCIAL FLIMFLAM—"PATRIOTIC" WASHINGTON BUSINESS MEN "CONTRIBUTE" AND GET IT ALL BACK, TOGETHER WITH MUCH ADVERTISING—VALUABLE CONCESSIONS SOLD—FOUR YEARS AGO A FEW VISITORS TOOK THEIR WATCHES AND CLOTHES HOME WITH THEM, BUT THAT WAS AN OVERSIGHT.

[W. S. Couch.]

PLAIN DEALER BUREAU,
Washington, January 2, 1909.

The city of Washington is preparing to collect its quadrennial dividend. In other words, rapid progress is being made with the plans for the inauguration of William Howard Taft as President. Four years ago several visitors took their clothes and watches home with them. That was an oversight, and it will not happen again, if the inaugural committee can help it.

As far as the United States Government is concerned, the business of inducting a new President into office occupies about two hours and is a simple matter. At the close of these brief but impressive official ceremonies the President and the crowd are turned over to the city of Washington for exploitation, and the city of Washington makes the most of both. The climax comes when the weary Chief Executive of the United States of America is dragged to an inaugural ball as Exhibit A and shown off in all his paces before as many visitors as are willing to pay $5 to take a look at him. The inaugural ball is just as official as the annual Cuyahoga County Republican picnic at Luna Park—but it pays rather better to the promoters.

The first sign of an approaching inauguration is the noisy announcement in the Washington papers that public-spirited men of this city have subscribed from $100,000 to $150,000 for the inauguration fund. This listens very well indeed. The public-spirited men aforesaid get their photographs run in all the local papers and try to bear their Carnegie honors with the modesty conducive to collecting all possible advertising out of their contributions for the clothing and department stores they own. Some months later the soft pedal is applied to the admission that these patriotic subscribers have been repaid the total of their subscriptions, with interest, and that the "balance" remaining has been divided between the Washington hospitals.

This "subscription" list, like the inauguration hospitality, is not pocket deep. The inaugural ball and the price of the concessions for erecting stands along Pennsylvania avenue more than repay all the subscriptions made. The subscribers know this, and there is a rush of them every four years to get on the list. It means good advertising.

THE REAL INAUGURATION.

The official inauguration ceremonies are as follows: The President and Vice-President elect, with their outgoing predecessors, drive to the Capitol just before noon. They come in state, with a cavalry escort clattering about them, but this feature really has no part in the business. As far as the Constitution is concerned, they are free to come in trolley cars.

In the small Senate Chamber gathers the Senate, the House of Representatives, the diplomatic corps, the members of the Supreme Court, members of the Cabinet, and a few distinguished citizens who have secured cards. The Senate galleries are packed with the wives, daughters, cousins, uncles, and aunts of the aforesaid. Here the Vice-President of the United States is sworn in, and he takes his place. Then everybody pours out to the front of the Capitol, where a huge stand has been erected. The front of each wing is likewise decorated with a huge stand. All these seats are the property of the Senate and House Members and officials of the Government to allot as it pleases them. The great square between the Capitol and the Congressional Library is filled with the public, footsore from long standing and being trod upon by the horses of mounted policemen.

At the front of this stand, with West Point and Annapolis cadets standing between him and the public, the President-elect is sworn in by the Chief Justice of the Supreme Court. As soon as he is sworn in, the President reads his inaugural address, which is not a legal part of the ceremonies and which nobody can hear, as a rule. The inaugural address finished, the President rides back to the White House, which the retiring President turns over to him. This ends the official inauguration. All the rest is a part of the money-making scheme of the city of Washington.

THE PARADE.

When the President starts for the White House, with his escort clattering along, the inaugural parade steps out behind the official carriage. When the President approaches to within a block of the White House the head of the inaugural parade stops and the whole shows suspends while the new Chief Executive gets his lunch, which he takes in the White House with a few friends. Usually it is raining by this time—a cold, drizzly rain, a March rain—and the gold-laced soldier paraders and the silk-hatted political clubs stand dripping in the street and wish they had some of that lunch which is keeping everything waiting. The public wiggles miserably on the rough plank seats for which it has paid from $1 to $5 in order to see the parade and also wishes that it had some of that lunch.

Finally, the lunch finished, the President reluctantly leaves the warm shelter of the White House for a chilly stand erected on the sidewalk in front of that building. The stand is covered with dripping, discolored bunting, but minus oil stoves or foot warmers. Here the Chief Executive is supposed to sit, collecting the germs of colds, bronchitis, and pneumonia, while the long procession passes. In time he is almost as chilled and miserable as the ordinary spectators in the stands.

The inaugural parade has been developed because the opportunity to see the actual inauguration is limited to so few people. The city of Washington, which wants the money, knows that some sort of a show must be provided for the thousands who come to see a President inaugurated and who can not. Consequently the city of Washington and the inaugural committee work overtime to encourage the parade. This parade is all that most people ever see of the March 4 ceremonial.

The inaugural parade has also developed because of the passion of the average man to parade. There is a sort of hazy tradition that every member of a political marching club which passes by the White House stand is personally remembered by the President and that every marcher's name is written at the head of the list of men to be considered for appointments under the new administration. Consequently they turn out nobly, ward heelers by the thousand, under uncomfortable silk hats, wrapped in badly fitting tan coats, and carrying grotesque red, white, and blue umbrellas. As a matter of fact, the military part of the parade is long enough to take the keen edge off any spectator's enthusiasm. By the time the civic end of the procession comes along there are groans and muttered queries as to "How long, oh Lord, how long?" heard in the White House stand.

THE INAUGURAL BALL.

When evening comes everybody is tired out. Everybody is wet, as well as weary. Everybody is in the mood to make good resolutions about attending inauguration ceremonies, and the President is becoming converted to the one-term idea. The relentless local committee, like Shylock, will have its pound of flesh, however. The inaugural ball is a brutal necessity. Besides, one has purchased the tickets, at $5 per ticket.

Then is witnessed the spectacle of the tired paraders working themselves into rented evening clothes, at $2 per suit, and the trousers refusing to fit. They have to do it, though, because this is where the wives and daughters of the paraders get their innings after a chilly afternoon in the stands. Nobody bothers about dinner, because the $5 ticket for the inaugural ball covers refreshments, does it not? What do you want, two or three dinners in one day?

The hackmen of Washington get their share of the visitors' money in this one night. Nobody knows where the Pension building is located—the Pension building in which the ball is always held. So they pile into hacks for the short drive and the hackmen charge all the traffic will bear, and then some.

An inaugural ball may be safely reckoned among the saddest of life's spectacles. None of the natives go. No members of the official set go whose duties do not take them there, and the latter go in the train of the new President and hurry away when he hurries away. As for supper at the inaugural ball, six oysters and a glass of water or a cup of coffee is regarded as a full ration. If the guest shows a disposition to demand more, plain clothes men are put on his trail. For the rest, the oddest assorted crowd possible to imagine mills around helplessly and watches for the President and his party. They come, stay a few minutes, and go. There is real enthusiasm about their going. The President and his party have done their duty, however. They have shown themselves. The local committee can collect.

SLEEPING AND EATING.

Next to the inaugural ball and the parade stands, the softest thing in the inauguration line is renting rooms. The first-class hotels put their rates in the J. P. Morgan class, the second-class hotels charge like those of the first class, and the boarding houses and private houses hold a cot somewhat dearer than a Goldfield mining claim.

When the last inauguration happened, "Dry Dollar" Sullivan, of New York, had been living all winter at a Washington hotel of the second class. His rooms had three windows fronting on Pennsylvania avenue, where the parade was to pass. "Dry Dollar" had spent money without stint in this hostelry. He had a year's contract on his lodgings, too. Shortly before the inauguration, however, he was informed that he could not look out of his own windows on inauguration day unless he paid $25 apiece for that privilege. Shortly after this "Dry Dollar" returned to New York and Tammany Hall. Washington, he said, was too strong for him.

SUGGESTED REFORM.

It is this sort of an orgy for which preparations are now being made in Washington. A local chairman of the inauguration committee has been selected with great pomp and ceremony. The usual farce of collecting local subscriptions has been carried on to the usual extreme. The usual controversy has taken place as to whether the Pension Bureau building shall be used for the inaugural ball, and it has been decided, as usual, that it shall. Uncle Sam's pockets are to be picked with neatness and dispatch in the usual fashion. Four years ago the inauguration was characterized by rough riders, cow punchers, and Indians of various degrees of wildness. This time Yale clubs will have the posts of honor; the gown and mortar board will be the standard uniform, and dignity and decorum will be the keynotes. The visitors, however, will be charged just as much as usual. They will see just as little of the actual inauguration as usual.

It has been suggested that the ill feeling developed here every four years could be avoided by a simple expedient. If a local committee would meet every visitor at the train, relieve him of all his money, and give him coupons enough to cover his style of living for three or four days, it would save restaurant and hotel keepers, hack drivers, and souvenir vendors any amount of trouble. The money is taken away from the visitor anyway. The process is sure, and as it is now worked it is unpleasant and attended with quarrels and bickering. Depriving the stranger of his money on arrival, however, would avoid all this. He would be assured of as good and wasteful a time as the town could afford one of his means. He would go home with just as much money as he now carries away.

WHY DO THEY COME?

The real problem is, "Why does anyone come to an inauguration?" That question has never been answered to the satisfaction of those who are compelled to witness one of these functions after the other. Troop A, of Cleveland, has to come, of course, because it is the standing escort of presidents about to be inaugurated—Ohio presidents, at least, and as most every other one is from Ohio it works out just the same. Outside of Troop A, of Cleveland, there seems to be no real reason for anybody to come to Washington for the inauguration. Still they continue to come—and suffer.

Mr. SIMS. Mr. Chairman, I have had that read to show the Ohio idea of the inaugural ball. They are going to furnish us the President, and they have furnished us the reasons why we have these things. As I am not from Ohio, and not of the party of the President, I am not supposed to know the inside of matters, but I have had the article read to let Congress know how others see us and view and look upon this ball. It is a fact, I know myself by sad experience, that all the hotels in Washington—well, I will not say all, because I have not tried all, but some of them I do know, which I have tried—double their charge on inauguration day or during inauguration. If the ordinary charge is $2, they make it $4; and if $4, then they make it $8. The railroads reduce their fares to get the people here, and then the hotels double their fare in order to obtain what they have after they get here.

Mr. McMILLAN. Will the gentleman admit that this is a pictorial criticism for the amusement of the American people rather than anything that will affect them in legislation?

Mr. SIMS. I do not know how it appeals to the gentleman from New York. I suppose he is treating it as a pictorial matter, not paying much attention to it.

Mr. MACON. The gentleman from New York [Mr. McMILLAN] can not help but see, however, that this pictorial amusement fits like a glove. The writer of it describes the situation from A to Z.

Mr. SIMS. In other words, it is the truth told in an entertaining way so Congress will listen to it. Now, let us take another thing. They talk about this great parade down these avenues. Go down here and try to get a window for your friends, and you, unless you are a rich man, will have to view the parade from the cellar, as you will not be able to pay for a window for even two hours. [Laughter.] Why, it is the best season in four years that can occur to the people of Washington. They even charge you to look out on an avenue. They charge you for everything you can be charged for. They do not do like the railroads, reduce the rates, but, not following them, they increase them, they double them, and the so-called "subscription to entertain people" is one merely in form and not in fact.

Mr. McMILLAN. Are they not the owners of this privilege for which they charge? Have they not paid the taxes for that right?

Mr. SIMS. They are the owners of these buildings, or the lessees, or they could not charge, but their patriotism is such that when your constituents and mine pay one-half of the taxes of this city to relieving these buildings to that extent they charge them outrageous prices to occupy even a window of a building.

Mr. McMILLAN. One other question, please.

Mr. SIMS. Certainly, and one other answer.

Mr. McMILLAN. What is exorbitant? Does the gentleman know of any exorbitant charge that has been made whereby he can base this statement?

Mr. SIMS. Does the gentleman think when a hotel charges one price all the time until inauguration and then doubles it, that that is not exorbitant?

Mr. McMILLAN. I claim that a hotel that has a license from the Committee on the District of Columbia, that is under the jurisdiction of that committee, is answerable to that committee.

Mr. SIMS. Mr. Chairman, I have been on that committee a long time, and when it comes to my dealing with hotels I find they have always got the upper hand and I am the gentleman that has to yield and not them. [Laughter.] If the gentleman by his association on that committee for a short time has found out what I have not been able to in ten years, I want to confer with him. [Laughter.] Of course, it will be in the cellar and not looking out of these Washington windows.

Mr. McMILLAN. Another question, please.

Mr. SIMS. Certainly.

Mr. McMILLAN. I just want to say that my short experience on the committee with the gentleman has been very pleasant.

Mr. SIMS. I thank the gentleman, and say that so has mine with him, and nobody regrets more than I do that he is going to leave us.

Mr. McMILLAN. I thank the gentleman, for that is complimentary, but I want to say I believe the unearned increment which belongs to the soil and the privilege of Washington belongs to the people of Washington, and I can find no spot or place within my short experience where they have abused it.

Mr. SIMS. Then why do they not build their own buildings, like the gentleman's city does and like mine does? Why do they come to us and pledge us that they will build them if we will only let them have it one time more, and then come back and practically admit that they have made no effort? But, away from all these things. I do not care how much my colleague from New York dances here or elsewhere. I would be glad to see him dance; he is of a happy disposition, and should be called "SUNNY MCMILLAN," for such he is.

But let us not dance over the delayed claims of the old soldiers of this country. How could you feel merry while they look on and wait? It is a commercial dance. If it were a dance or a ball really in honor of the President, you would not hear me making a word of complaint, but it is a dance to get money without any reference to any other object that I can see than getting the money by that enterprise, and, as suggested by a friend on my right, there never will be any building built by the people of Washington as long as Congress will go along year after year, as we have done heretofore, authorizing the use of the Pension Office every four years simply for the asking.

I am opposing this bill, looking to having a building here to hold these conventions and public gatherings in, for these public gatherings are the very life of the people of Washington, added to the official salaries paid out here and the expenses that are incurred by the people who come here.

You have a great man elected as President, who would not regard this ball as essential. He is too big to do it. He will justify your action, and he no doubt will be glad to be relieved of attending the so-called "inaugural ball" rather than have it in the Pension building, should that be the case. Why, I have a sympathy for him many of you do not realize, and that is that I come nearer weighing as much as he does than any one of you; but after a whole day, after his inaugural speech making and standing in that reviewing stand on Pennsylvania avenue for hours he will no doubt be delighted and relieved not to have to go to that ball, where ladies exhibit their beautiful faces, their arms, and their shoulders, with beautiful necklaces of pearls, and diamond brooches, and when he thinks that the old soldiers' pensions have been delayed twenty days in order that this may be, when he knows that possible fires may destroy valuable records, how much do you think he will enjoy that ball? If we are going to have an inauguration ball, make a direct appropriation for it.

You ought not to go home to your Christian constituents, to the people of your district, and say you voted against the soldier in favor of a commercial dance, in favor of a so-called "inaugural ball" that has nothing pertaining to the inauguration except the name. If you are going to provide a ball, then do it at government expense and under government supervision, and do not charge $5 or any other amount, but give the invitations to those whom you think will do honor to the ball by their presence. There is no better time to call a halt in this matter. Four years ago the amount of the appropriation asked for was $20,000. They did not spend it as the report shows. Now, they come and ask for $23,000. Is it the custom that the Appropriations Committee allow what people think they may want? No; they report what it is shown they need and have to have. I shall offer an amendment to reduce this to $20,000, and I shall offer an amendment to strike out the Pension Office. It is true that these secretaries of the other departments, the Secretary of War, and so forth, as far as their departments are affected, say that they have no objection.

I am not making any fight on account of taking up space for the erection of stands, and so forth, and charging from $1 to $5 for a seat in the rain; but let us protect the Pension Office. We can not do otherwise in good faith to ourselves, and to treat the demand of this inaugural committee, or those who represented it four years ago, when they said if we would let them have it then they would never again ask for it. I do not see any better use we can put a minority Member to than telling the truth about matters that a majority Member might feel embarrassed to tell himself, but which he recognizes and believes. I would honor these gentlemen who have been elected to these high offices, but I do not consider this ball does them more honor than would a Coney Island dance——

Mr. DRISCOLL. Will the gentleman yield for a question? I would very much like to know whether the gentleman himself would like to have this resolution defeated.

Mr. SIMS. Unless you can take out the Pension building I want to help to defeat the whole business.

Mr. DRISCOLL. You really would not have a ball if you could.

Mr. SIMS. Not at such a risk as that.

Mr. DWIGHT. Will the gentleman allow me a question? Have you any assurance if you do not allow them to have the Pension building that citizens will build a new hall?

Mr. SIMS. I believe as truly as that I am standing here that if we refuse to give them these public buildings one time, at the next inauguration a suitable building will be erected. They will lose nothing on it, and if necessary we can make an appropriation to help the thing along.

Mr. GILLETT. Will the gentleman yield? Is not the converse certain, that if we do give them the building this time they never will build one?

Mr. SIMS. Absolutely, when they see that Congress is so easy. Each and every time an inauguration takes place we give them just what they want. I suppose I would be just like them. They have got a soft, easy snap up here, so they go ahead and do not put up their own money. The enterprise will return dividends. There are a great many conventions held here. They had an international tuberculosis congress here this summer, with no place in which to hold it. If we stop this thing, let them know we are in earnest, they will erect the building. If we do not, the same thing will occur in four years from now.

I reserve the balance of my time.

The CHAIRMAN. The gentleman has four minutes remaining.

Mr. OLCOTT. Mr. Chairman, I think the mind of the gentleman from Tennessee [Mr. SIMS] is unnecessarily perturbed in regard to the resolution which is before this committee. It is only to make possible the proper and dignified conduct of a great and important event. We provide in this resolution that the police will have some additional powers to those now given to them. We provide that the Department of War may, in its discretion, lend such bunting and decorations as may be a part of their supplies, in order to give dignity to a national occasion. There is nothing that so attracts me as to see the flag of our country used as our best decoration; and that use, in my opinion, must add to the pleasure of those who come to Washington to see the President of the United States inaugurated.

There are provisions in this resolution for the proper extension of the hospital service and of the ambulance service, of the additional wires that the telegraph companies and the telephone companies need in order to provide for the comfort of people who flock to this city, as we all know, in such great numbers that the present facilities could not care for them. That is the most important part of this resolution.

Of course I appreciate that there has been from almost time immemorial a gay and festive part of the inaugural proceedings, known as an "inaugural ball," and it has been the custom for a number of years to charge admission to it. The money so obtained has gone through the hands of the inaugural committee to pay the expenses that were unusual. I can see no serious reason why this should not be continued. I appreciate perfectly, provided the White House were large enough, unquestionably the incoming President, provided he had money enough, would be only too happy to entertain, with something in the way of refreshments, all of the people who take part on the festive occasion, but unfortunately that can not be done under the limitations of the White House. Therefore it has seemed fitting in times gone by, and I think it is proper now, to allow the inaugural committee to hold a ball at which they ask the outgoing President and the incoming President, and such people of dis-

tinction as may be in the city of Washington, to appear, to show themselves, if you choose; and the people that come here from our several constituencies would rather go to that inaugural ball at the price of $5 apiece than take any other part in the inaugural ceremonies, unless they were of the comparatively few who could get into the Senate Chamber at the time of the actual ceremonies of the inauguration.

I listened with a great deal of interest to the article that was read from a newspaper at the request of the gentleman from Tennessee [Mr. SIMS]. But, honestly, it did not convince me very much. It struck me that that was a clever, facetious article, written by some gentleman connected with some newspaper who knew if he wrote so clever and readable an article he would probably get a higher amount of pay than he otherwise would have received. But it scarcely seems to me it is fitting for the gentleman from Tennessee to give that as an argument against the passage of a resolution that must in some way be passed, because you can not have the inauguration ceremonies in the city of Washington, and have 350,000 or 400,000 people coming here, without making some particular and especial police and hospital regulations for the care of those people.

Mr. GILLETT. May I ask the gentleman a question?

Mr. OLCOTT. Certainly.

Mr. GILLETT. Even if this first section were stricken out, that remaining would provide for the purposes that you speak of, would it not?

Mr. OLCOTT. The bill was not being read under the rule. The gentleman was not speaking to any amendment; he was speaking generally on the bill.

Mr. GILLETT. I am asking your opinion.

Mr. OLCOTT. He stated that if the provision for the use of the Pension building for the use of the inaugural ball remained in he hoped the resolution would not pass.

Mr. GILLETT. I am asking, if the first section were stricken out, would the remainder take care of most of the things you speak of?

Mr. OLCOTT. I beg your pardon; I was rather answering the gentleman from Tennessee than the gentleman from Massachusetts. Unquestionably that is true.

In regard to this question. The gentleman from Tennessee [Mr. SIMS] talked about the expense it is to move the files of the Pension Office. I think it is unquestionably true the expense is considerable, but we have appropriated $23,000 under this resolution for it. I do not believe there is going to be any such loss as is calculated by the commissioner because certain employees of the Pension Department will not have any place to work. Personally I believe that under the resolution, with the supervision and instruction of the Secretary of the Interior, such portion of the Pension Office can be reserved that there can be no danger of having any payments that are due to the old soldiers delayed for a minute. I know perfectly well that in the city where I live we have very much inferior quarters for those who are conducting the distribution of such payments to those which they have in the city of Washington, and the amount of space is entirely inferior to that used especially for that purpose in the city of Washington and the number of checks very much larger.

Is it for Congress to call upon the citizens of Washington to erect some enormous convention building suitable for these purposes? I do not think the Pension building itself can be injured; I do not think that the expense is extravagant; I do not think that any serious disturbance of the business of the Pension Office will occur. I do believe that a great majority of the people that come here, and the people throughout this country, would prefer to have an inaugural ball, even if it is sneeringly referred to as a "pay ball." Most people who go to balls have to pay something for admission, whether in subscription beforehand or in the mere purchase of tickets, so that it still takes on a social character.

Mr. JOHNSON of South Carolina. How many people come to the city of Washington during the inauguration?

Mr. OLCOTT. Something like 425,000 people.

Mr. JOHNSON of South Carolina. How many will attend the ball?

Mr. OLCOTT. As many as can possibly get in the building.

Mr. JOHNSON of South Carolina. How many will that be?

Mr. OLCOTT. I suppose ten or fifteen thousand people.

Mr. MANN. Forty-five thousand dollars was raised at the last inaugural ball at $5 apiece.

Mr. OLCOTT. That would be 9,000.

Mr. JOHNSON of South Carolina. Is there any method of extending invitations to people to attend the ball, or is it for anybody who pays the $5?

Mr. OLCOTT. I think anybody who pays the $5 can get in there. There are no invitations. I know I have always seen tickets for sale in the hotels when I have been here before in inauguration times.

Mr. McMILLAN. Is it not for the purpose of giving everybody an opportunity to attend, making it universal, and not making it up for different classes and stations? Does it not mean that any man can go who pays?

Mr. OLCOTT. Unquestionably.

Mr. McMILLAN. Is not that Americanism? [Applause.]

Mr. OLCOTT. I think unquestionably the object in charging is so that anybody can have an opportunity of attending who desires to do so.

Mr. McMILLAN. They are compelled to raise money?

Mr. OLCOTT. Of course the inaugural committee wants money so as to make both ends meet. But the gentleman from Tennessee had something to say about the hotels. He talked considerably in regard to the hotels putting up their fare. He does not live in a great city. I have attended conventions in several instances when hotels have charged a great deal more than they do when fewer people are clamoring for accommodation.

Mr. ADAIR. Will the gentleman yield for a question?

Mr. OLCOTT. Certainly.

Mr. ADAIR. The gentleman stated that he does not believe that the business of the office will be materially delayed, or that the expense will be enormous, in holding the ball in the Pension building. Now, the Commissioner of Pensions has made a statement in which he says that it will lay off 1,248 clerks for a period of about twenty days, which will cost the Government $95,400 and some odd.

Mr. OLCOTT. Yes. That is his statement.

Mr. ADAIR. Now, does the gentleman believe that the Commissioner of Pensions does not know what he is talking about when he makes this statement?

Mr. OLCOTT. Oh, no; there is no one who has higher regard for the present Commissioner of Pensions than I have——

Mr. ADAIR. Then why does the gentleman say——

Mr. OLCOTT. But I think at this particular time the natural feeling that the head of that great department would have in regard to anything like disturbance in his work has led him (it is entirely an estimate, anyway) to greatly exaggerate the possible disturbance. And in this connection I should like to read what the Secretary of the Interior, his superior officer, has said. He says:

> Heretofore the building has been greatly disfigured and damaged by the installation of an additional electric plant for its lighting and by having nailed and attached to its walls and columns the decorations provided by the committee.
>
> In addition, heretofore on such occasions many papers that could not be duplicated have been stolen or destroyed, and on each previous like occasion fires have occurred in the building on account of the carelessness of its temporary occupants; and in moving from and returning to the building the desks, tables, file cases, etc., have been greatly damaged. damaged.
>
> We can not expect any less damage to the building and its contents by the contemplated occupancy than the building and its contents sustained by the like occupancy in the past, and the damage in every way by the proposed occupancy can not be estimated.

Mr. ADAIR. It will delay the progress of the work in the consideration of claims before the department.

Mr. OLCOTT. But you appreciate that in the very first paragraph of the resolution we have expressly given the use of this building, subject to such restrictions as the Secretary of the Interior may impose.

Mr. ADAIR. I understand that all right, but the Commissioner of Pensions has stated the cost and the delay that will be incurred in the use of the building. That is not denied or disputed, is it?

Mr. OLCOTT. Oh, yes.

Mr. ADAIR. Except in so far as the gentleman has stated that he believes that the matter is somewhat exaggerated.

Mr. OLCOTT. Except in so far as the chairman of the Committee on the District of Columbia has stated and put into the RECORD the report of exactly what the delay cost at the last inauguration, which was something like $20,000, I believe.

Mr. MANN. Oh, he did not make any such statement as that.

Mr. ADAIR. That was not an estimate.

Mr. OLCOTT. Well, at any rate, very much less than $90,000.

Mr. MANN. He made no statement at all as to what the cost was before.

Mr. NORRIS. That was just in regard to the damage.

Mr. MANN. That was a statement made before the last inauguration was had.

Mr. SMITH of Michigan. It was a statement made by Secretary Hitchcock, under the same circumstances as Secretary Garfield now makes his statement.

Mr. MANN. But it was not a statement as to what it had cost.

Mr. SMITH of Michigan. No; as far as I know there is nobody who has made a statement of that.

Mr. NORRIS. Can the gentleman tell us how long the operations of the office were suspended on the last occasion?

Mr. OLCOTT. They were never suspended. They were somewhat disturbed.

Mr. NORRIS. How long were they somewhat disturbed?

Mr. OLCOTT. They were disturbed for twenty days.

Mr. NORRIS. Four years ago?

Mr. OLCOTT. That is the information I have.

Mr. NORRIS. If they were disturbed for twenty days, then the Commissioner of Pensions is correct in his estimate.

Mr. OLCOTT. No; I think not; because he takes every employee in the building in his estimate.

Mr. NORRIS. To what extent was the suspension four years ago? Were they not all compelled to suspend?

Mr. OLCOTT. Oh, no; of course they were not.

Mr. NORRIS. What proportion of them were?

Mr. SMITH of Michigan. The whole force, not over eight or ten days.

Mr. MANN. My information is that four years ago it was three weeks.

Mr. McMILLAN. I should like to ask the gentleman, Does he regard this as a national function?

Mr. OLCOTT. In my opinion it certainly is a national function.

Mr. McMILLAN. What is the fatherhood of the expense of the District of Columbia? Is it national or is it upon the District or divided?

Mr. OLCOTT. As most of us know, one-half of the expenses is paid by the National Government and one-half by the District of Columbia.

Mr. McMILLAN. Then why is it not reasonable, this being a national function, that we should honor the inauguration of the great head of our Nation by supporting it from the money of the function by which it was created?

Mr. OLCOTT. I think it is reasonable, and am entirely in favor of the use of the Pension building for the inaugural ball, and hope that the resolution as reported from the committee will pass.

Mr. CLARK of Missouri. Mr. Chairman, it seems that this is a very seasonable occasion to discuss inaugurations in general. Nobody that knows anything about it will charge that I have any partisan feeling in this matter, or that I am undertaking to mar the pleasure of Judge Taft in his inauguration. I have a very high opinion of him, personally, and have had since the first time I ever laid eyes upon him. This proposal to hold an inaugural ball in the Pension Office has nothing whatever to do with the inauguration ceremony. The truth is, that the first thing the new Congress should do, the House at least, after we get rid of the tariff bill, is to address ourselves to a change of the date of inauguration. The President of the United States ought to be elected for six years, and he ought to be made forever ineligible for another term. The presidential election ought to be held the first Monday in August, and the President ought to be inaugurated the first Monday in October. The new Congress ought to be elected at the same time he is elected and start in the same day that he is inaugurated. The dates of inaugurating a President and the convening of Congress were fixed with reference to the exigencies of the stagecoach age and not for the age of steam and electricity.

There is no sort of sense in seeking out the man you suppose to be best fitted—as you gentlemen did—for President of the United States; go to all the expense and loss of business and worry of electing him, and then expect him to stand out on the east portico of the Capitol on the 4th day of March, in such weather as we usually have here on that day, and imperil his life speaking to a crowd that he can not reach the limits of with his voice, when his inaugural address could just as easily be read the next day in the newspapers.

The President of the United States ought to be inaugurated in the House of Representatives. That is where he was originally inaugurated, and where he ought to be inaugurated now. [Applause.] The circumstances of the country, with its progress and growth, will bring larger and larger crowds to each succeeding inauguration as long as the Republic exists. If we were going to inaugurate a Democratic President here on the 4th of March there would be at least 250,000 visitors in this town, and they would not be asking for anything except to spend their money.

Mr. CAMPBELL. And a job. [Laughter.]

Mr. CLARK of Missouri. It so happens that I have been here fourteen years, and about this time quadrennially we repeat this same debate.

I think the people of Washington are the most sociable people in the world, the kindest, the most accommodating. None of them has ever gouged me in prices. I have no complaint to make whatever on that score; but the very fact that they are so kind and polite is one reason why they are always getting things out of Congress that Congress has no right to give them. They come around to the best of us, and the least polite of us, and beg of us and plead with us until we do not want to be hard on them, and we agree inadvertently and unadvisedly to do these things, and then when the time arrives, if we are honest, we go on and do what we promised to do.

Four years ago they promised solemnly that they would never ask for the use of the Pension Office again. If we do this thing that these men want done—I do not know how many of us will be here four years from now; I hope we all will, except vacant seats enough on that side to give us the House [laughter], and I would like to pick them out [laughter]—but those of us that will be here four years from now will be going through this same debate again, and the Congress four years after that will be going again through it, and so on ad infinitum.

Last summer one of the most distinguished bodies of men in the civilized world met in this city, the International Tuberculosis Congress, made up of the very best of the medical profession the wide world over. There was not any place in Washington outside of a public building where they could be properly entertained. A proposition was brought in here to give them the use of the Hall of the House of Representatives and the use of the House Office Building, and I voted against it. I did so with the greatest reluctance, because they were engaged in a great and noble work.

But here was this trouble about it. If we gave them the right to use this Hall, if we gave them the right to use the House Office Building, we could not turn down the innumerable requests made in days to come, and the House acted wisely.

Mr. OLCOTT. We did provide them some accommodations that proved fitting, did we not?

Mr. CLARK of Missouri. Certainly we did; we did the best we could.

Mr. McMILLAN. I would like to ask the gentleman from Missouri if he ever knew a bride that did not want a wedding, and if he ever knew of a President of the United States that did not want an inaugural ball?

Mr. CLARK of Missouri. I never heard of a President of the United States that wanted an inaugural ball.

Mr. McMILLAN. All right, but——

Mr. CLARK of Missouri. How many of them want it? I do not know.

Mr. McMILLAN. Well, do you know of anybody that did not?

Mr. CLARK of Missouri. Why, no; I do not say that I knew any President that did not; but I will tell you how I have acted for a long time about this committee. Here is my friend from Tennessee [Mr. SIMS], who has been one of the leading members of this committee for several years. I have found that he was honest; I have found that he was intelligent; I have found that he was industrious and courageous, and I have followed him. [Applause on the Democratic side.] I can not learn everything for myself, so in District matters I support him. Now, let us go back to this other proposition. These people in Washington are a fine set of people. I want to repeat that so that nobody can take exceptions to what I am saying, but the people of Washington ought to be taught to walk alone. This is the only time in the United States——

Mr. McMILLAN. Hold on, let us have another question. Walk alone? Is this not our national home?

Mr. CLARK of Missouri. Yes. It ought to be out in the Ozark Mountains, but it is here.

Mr. McMILLAN. Then, if it is our national home, it does not need to walk alone.

Mr. CLARK of Missouri. I can not understand the gentleman's question.

Mr. McMILLAN. The question is, This is the home of the United States; this is where we all come. This is the Paris of the United States.

Mr. CLARK of Missouri. It is no more the home of the United States than is the city in which I live.

Mr. McMILLAN. This is where every deed and every work that is done in the great United States should show the best.

Mr. CLARK of Missouri. Oh, wait a minute. I did not yield to the gentleman for a speech. I yielded for a question. I started to say—and I believe I am within the strict limits of

truth when I do say—that this is the only city of any considerable size in the United States where the people do not go down in their own pockets and fish up the money to build a large auditorium, or whatever you please to call it, in which to entertain great public gatherings.

I will give two examples of that: Eight years ago the Democratic national convention was located at Kansas City. After it was located, a magnificent coliseum or auditorium which they had there was burned down. The enterprising people of that enterprising town went to work and built a new auditorium before that convention met that would seat 15,000 people. [Applause.] Kansas City is not as big as Washington, although it is growing very fast. Even the two Kansas Cities—Kansas City, Mo., and Kansas City, Kans.—practically one town, are not as big as this town. Last year the national Democratic committee met here to decide where they were going to have the national convention. I was not a member of that committee, but I was present in a kind of advisory capacity. I had an interest in it. I was opposed to Denver. Among other things, I did not believe they had an auditorium in Denver that would house a national convention. The Denver people won out. They did not have an auditorium that would seat a national convention, but with that splendid spirit which prevails in the western country they went to work and built an auditorium which is not only a credit to Denver and to Colorado but which is a credit to the United States of America. [Applause.]

I can prove by my friend from Alabama [Mr. CLAYTON], by my friend from Minnesota [Mr. HAMMOND], by my other friend from Alabama [Captain HOBSON], by my friend from Kentucky [OLLIE M. JAMES], and by every man who made a speech in that auditorium, that it is the best auditorium in America for the purpose of making speeches. I cheerfully bear testimony to that fact. Now, what Denver did on such a short notice, what Kansas City did on shorter notice, what every other city of any consequence in the United States has done on its own motion, the people of Washington ought to do. They ought to build an auditorium, and then if they want to give this ball they will have a place in which to give it. I understand the fact to be that real estate in the city of Washington is extremely profitable.

Mr. McMILLAN. But are they an independent civic body? They are trammeled by the National Government, and the things such as the District of Columbia Committee puts in their way and this House puts in their way.

Mr. CLARK of Missouri. I can not understand the gentleman's question.

Mr. McMILLAN. Well, the gentleman can understand this, that we are oleomargarine; we are neither butter nor grease, we are half national and half civic. Does the gentleman understand that?

Mr. CLARK of Missouri. Well, what of it? [Laughter.] I say this, that the Congress of the United States ought to quit loaning them buildings, and the people of Washington should go to work and build a suitable auditorium in this city to accommodate the wants of this city; but they will never do it until we cut off their free use of the United States buildings. Now, coming down to the question before the House—whether the Pension Office ought to be turned over to them—I am dead against it, and I am against it on good grounds. In the first place, it will cost somewhere from $75,000 to $100,000 of actual money to do it; that is, money lost to the Government in clerk hire. That money does not belong to us to give away. It is not our money. It is the money of the people of the United States, and there is not a man living who can justify that waste of public money, I do not care a straw where he comes from. Another thing about it. It holds up the granting of these pensions for twenty or thirty days. If a man is ever going to get it at all, he ought to get a pension before he dies. Then there is another thing. If that building should accidentally catch fire and burn up all the public records in there, it would cost from ten to twenty millions of dollars to replace those papers.

You can not afford to take any such risk. A great many of them could not be replaced, as the gentleman from Texas [Mr. BURLESON] says. Some years ago there was a murderer acquitted in Cincinnati whom everybody except his lawyers and the jury thought ought to be hanged. They made up a mob and burned down the court-house. I have heard it said that it cost the city of Cincinnati and the county of Hamilton at least $10,000,000 to replace the papers in that building. I do not know whether the people of this town practice extortion or not. They never practiced it on me. Nobody ever turned me out of a hotel or boarding house because an inauguration came around; but there is a man sitting on that side of the House, a Republican brother of high character—I have him in my eye now and I look away so as not to seek him out—and I met him on a street car a day or two before either the last inauguration or the one before. He was in great distress. He said his landlady or his landlord—I have forgotten which, but generally it is a landlady—where he was boarding and where he had boarded the winter with his family had notified him two or three days before that he had to give up those rooms he was occupying or pay four or five dollars a day apiece, I have forgotten which. Such things do happen. And what does it amount to after you have seen an inauguration?

Judge Taft would be just as much President of the United States if he went down before one of the justices of the peace we have been talking about to-day and took the oath of office and walked over to the White House and assumed the functions of the President. This great hullaballoo that goes on in front of the east portico of the Capitol is not a very hilarious performance for men sitting on benches out in the snow and catching their death of cold. I understand, as my friend from Alabama [Mr. CLAYTON] says, it killed Senator Bate. The day that Cleveland was inaugurated the second time was the worst I ever saw in America, and I was caught in a Kansas blizzard once. It hailed and snowed and rained and blew, and I understood afterwards, as stated by the papers, that the death of at least 60 men could be fairly attributed to marching around in the snow and mud that day. I repeat, if I had my way about it, Judge Taft would come in and be sworn in the House of Representatives, but that can not be.

Mr. McMILLAN. Will the gentleman permit? It puts a million and a half dollars into circulation.

Mr. CLARK of Missouri. Well, it will get into circulation anyhow. I do not intend for the inaugural committee to put any of my money into circulation this time; they have done it before.

Mr. McMILLAN. That is all it is.

Mr. CLARK of Missouri. I want to one inaugural ball once, because my wife wanted me to go. I never spent so sad an evening anywhere in my lifetime, except at a funeral.

Mr. BONYNGE. Was it at a Republican inauguration?

Mr. CLARK of Missouri. Yes; but that was not it; that did not have anything to do with it. I did not see 100 people down there whom I knew, and I had a lonesome time of it. I want to repeat, Mr. Chairman, that the three arguments that no man can answer against letting out this Pension building for the inaugural ball are that we are not justified by any process of reasoning known among men in spending the amount of money that it would cost. In the second place, it holds up the issuance of pensions to a multitude of old men and women. In the third place, we run the risk of destroying the records down there, which are worth millions of dollars, and I do not believe it should be done. [Applause.]

Mr. McMILLAN. Mr. Chairman, I want to speak for the pensioners. There is not one of them to-day but will sacrifice the time, or twice the time, with that same patriotic impulse with which they bore the stress and the rigors of war. [Applause.]

Mr. LANDIS. Mr. Chairman, the hour is getting late, and therefore I shall not trespass upon the patience of the committee any further than to say I do not believe there is a nation on earth that installs, inaugurates, or crowns a head of the nation the ceremonies incident to which are as simple as the ceremonies that mark the inauguration of the President of the United States. [Applause.] I noticed a short time ago that there was spent for the harness on the horses that drew the equipage that carried Prince Albert at the time of his coronation, $80,000. That is almost as much money as we spend for all the ceremonies incident to the inauguration of an American President. I contend that the ceremonies that we witness quadrennially are not elaborate. They are simple ceremonies, and ceremonies befitting our people and our form of government, possibly a little more elaborate than I would frame if it were left to me.

I do not know but that I would follow the suggestion made by my friend from Missouri [Mr. CLARK] if I had my way about it, and have the President elect come to Washington unattended, stop at a third-class hotel, take the oath of office before a justice of the peace, and then proceed to business; but that is not the way we have been doing it. We have been having an inaugural parade, we have been having ceremonies on the east portico of the Capitol, and we have been having an inaugural ball.

The first inaugural ball in the Pension building, I am informed, was held in 1885, when Mr. Cleveland was elected President of the United States. This ball has been held every four years since, as I understand it, in that building.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman a question.

Mr. LANDIS. All right.

Mr. CLARK of Missouri. Does the gentleman know that

President Arthur was sworn in by a notary public in New York City before he came on here?

Mr. LANDIS. Yes.

Mr. CLARK of Missouri. And that President Hayes was sworn in by a justice of the peace, or something like that, over here in the White House the day before he was inaugurated?

Mr. LANDIS. Yes; and I contend that Mr. Cleveland would have made just as good a President as he did make, and that we would have had just as good times as we did have under him, if that inaugural ball had not been held in the Pension building.

Mr. CLARK of Missouri. No doubt.

Mr. LANDIS. But we had the ball then, we have had it every four years since, and it is just as much a recognized function of this inaugural season as is the splendid parade down Pennsylvania avenue.

Mr. WILLIAMS. Mr. Chairman, I would like to ask the gentleman a question. Has he not a clear recollection that four years ago we were assured here upon the floor by the gentlemen representing, or proposing to represent, the business people of the city of Washington that if we would permit the inaugural ball once more in the Pension building by the next time the President came in they would have erected a great convention hall?

Mr. LANDIS. Yes; I remember that.

Mr. WILLIAMS. Is the gentleman not also aware of the fact that the business men of Washington make a great deal of money out of this grand concourse of people who come here?

Mr. LANDIS. No; not at all.

Mr. WILLIAMS. And that they also get a great deal out of the Federal Government in one way or another and give very little in return? Now, does not the gentleman think the best way and the only way of impressing upon them the proper civic pride and making them erect a building suitable for conventions and inaugural balls is for Congress to quit appropriating for it?

Mr. LANDIS. I will answer that question toward the close of my brief remarks. I was speaking of the Pension building. My friend from Missouri [Mr. CLARK] stated that among the objections laid against granting the use of this building for this purpose was the expense it would be to the Government by reason of the effect it would have in obstructing the force at work in the Pension building. I do not imagine that that will be great. As a matter of fact, the clerks in the Pension Bureau by accelerating their activities just a little could make up what might be lost by their possible eight or ten days' absence from the building.

I recently had a conversation with the gentleman who is going to do the decorating and with another gentleman who has had to do with the decoration of that building. They both assured me that the time this building would be required would not exceed eight days, so the expense, as even figured by the Commissioner of Pensions, would be divided in three. No one has a higher regard for the Commissioner of Pensions than I. I do not know that we ever had a more admirable gentleman or a more capable Commissioner of Pensions than he, and I can understand his natural prejudice against turning the building over for this purpose. But this ball is a recognized feature of the inaugural season, and this House will not be justified in taking a position that will lead to its elimination. We hear mention of danger from fire. Everyone knows that if there is an absolutely fireproof building in the city of Washington it is the Pension building. As General Sheridan once said, "that is the regrettable feature as regards that building." I am given to understand that no bunting, no flags, nothing in the way of decorations will be placed in that building that has not been treated in such a way as to render it absolutely free from danger of taking fire. It could not be burned if a torch were applied to it. The building with the decorations will be absolutely fireproof.

Now, my friend from Mississippi [Mr. WILLIAMS] referred to the pledges that were made to this House four years ago with reference to the construction of a convention building. I heard those pledges made at that time. I thought then that the gentlemen who made them would never be able to make them good, because I remembered that of the 300,000 people in Washington 100,000 were colored people and 100,000 to 150,000 of them were clerks in the employ of the Government, or those who were dependent upon them in some way, leaving from 50,000 to 75,000 people who were recognized as citizens who might be expected to contribute to an enterprise of this character. Many, although residents, are not citizens—birds of passage—people who do not pay taxes upon anything here except a house that they may live in, if they have even gone that far. They are nonproducers. Should you circulate a petition asking for subscriptions for a great convention hall, this class of people would not sign it. Many of these splendid apartment houses, these splendid hotels, most of these buildings in the city of Washington that are attracting attention and indicate wealth and stability, independent of the government buildings, are not owned by the people of Washington. They are owned by people in New York, Philadelphia, Baltimore, Pittsburg, and other cities.

Washington, in so far as the people who actually reside here are concerned, is not a wealthy city. But suppose Washington were a wealthy city, will you give me any reason why her citizens should bear the expense of this inauguration?

Mr. WILLIAMS. Because they get the profit of it.

Mr. LANDIS. They did not elect the next President; they did not vote for the next President. We elected him; we cast the votes for him. The Republicans and many Democrats. [Cries of "Oh, no!" on the Democratic side.] We voted for him; we bring him down here to be inaugurated, and yet you say to the citizens of Washington: "You pay for the expense of his inauguration."

Mr. WILLIAMS. If the gentleman will permit, I will venture the assertion that if any other city of the United States were to be given the privilege of having the inaugural ball held there and the inauguration, that they would be very willing to pay for the hall in which to hold it. Another question I would like to ask the gentleman: Does not the gentleman think that Cincinnati, Chicago, or Pittsburg would be wealthier if they could swap off 100,000 day laborers, who receive from $1.50 to $3 a day, for the same number of clerks and other officials of the Government, who are receiving from $900 to $2,500 a year?

Mr. LANDIS. No, I do not, because I say that the clerks spend their money——

Mr. WILLIAMS. They certainly make a better market than the same number of day laborers.

Mr. LANDIS. Those people work in the factories in those manufacturing cities. They build up the wealth of those great productive localities and remain there permanently building homes.

Mr. WILLIAMS. The capital remains here permanently.

Mr. LANDIS. The people of Pittsburg and other cities are not on all fours with the people of Washington. I have always contended, and do now contend, that Congress should bear the expense incident to this inauguration.

It is a national function. It is not a function originated by the people of the District of Columbia, or for which they should be held responsible.

Mr. SABATH. Does the gentleman from Indiana contend that the ball is any portion of the inauguration?

Mr. LANDIS. No; nor is the parade.

Mr. SABATH. Or that it is absolutely necessary?

Mr. LANDIS. No; I do not; but this Congress shifts to the people of the District of Columbia the responsibility of the care of this inauguration. These people circulate a paper, and $100,000 expense money is guaranteed. These men do not want to go down into their pockets and pay the expense of this inauguration, and they should not be expected to do so.

Mr. SABATH. Is it not——

Mr. LANDIS. Wait a minute. They are willing to guarantee the expense, unless it can be made good in some other way.

Mr. GARRETT. And this is the way.

Mr. LANDIS. They have this inaugural ball and concerts in the Pension Office. They charge for tickets to the inaugural ball. They charge for tickets to the concerts in the Pension building, and in that way they raise the money to pay the expense incident to the inauguration.

Mr. SIMS. How much?

Mr. LANDIS. In other wards, a——

Mr. SABATH. Is not this ball a purely commercial venture?

Mr. LANDIS. In other words, they go to a great deal of trouble to raise the money to pay the expense of a national function that this Congress should shoulder, but which it has shifted upon them.

Mr. SIMS. How much does the inaugural ball net? Seventeen thousand dollars last year?

Mr. LANDIS. Yes.

Mr. SIMS. You want to make it cost the Government a hundred thousand dollars and take the risk of burning up those files, in order that the inaugural committee may make $17,000?

Mr. LANDIS. Oh, there is no danger of burning, the gentleman knows.

Mr. SIMS. Why not propose to pay them $17,000 and have done with it?

Mr. LANDIS. I would pay the entire expense if I had my way about it.

Mr. GARRETT. You can do it.

Mr. LANDIS. I would pay the entire expense.

Mr. SIMS. There is no expense. It is a profit. They make money out of it.

Mr. LANDIS. No man makes a dollar out of it. The gentlemen in charge donate their services. The ball forms a feature of this inauguration, just as much as the parade down Pennsylvania avenue.

Mr. SIMS. The inaugural committee does it all.

Mr. LANDIS. There are many people who come here to attend the inaugural ball. I shall never forget the time I saw the gentleman from Tennessee, to the inspiring strains of a Strauss waltz, floating rhythmically down that great hall——

Mr. SIMS. If the gentleman thinks he ever saw me there doing anything of that kind, the gentleman was not in a condition to know what he did see. [Laughter.]

Mr. LANDIS. Does the gentleman deny it?

Mr. SIMS. I never was at any inaugural ball in my life, and I never expect to be, if they have 10,000 inaugurations and all Democrats.

Mr. LANDIS. Greatly to the loss and disadvantage of the ball. [Laughter.]

Mr. ADAIR. Will the gentleman permit just a word?

Mr. LANDIS. Yes.

Mr. ADAIR. Are we not getting away from the real issue? I am opposed to this resolution, not because of the appropriation. I would be perfectly willing to appropriate any necessary sum of money to pay the expense of these inaugural ceremonies, no matter whether it was $100,000 or $200,000. I think we are going to inaugurate a great President, and I want him to be inaugurated in modern style. [Applause.] But what I object to is the delay caused by the use of this Pension building and these inaugural ceremonies. We care little for the money expense, but we do not want to deprive the old soldiers of this country of the pensions that they ought to have had many years ago.

Mr. LANDIS. I agree with the gentleman on that proposition; but we have shifted the responsibility of this expense to the people of the District of Columbia in that way, and by erecting seats along the Avenue and by selling privileges they raise the money to make themselves good. As long as we do not shoulder this financial burden I am willing to assist them by any means in my power in raising the money necessary to inaugurate the President whom we elect.

Mr. SMITH of Michigan. Mr. Chairman, I ask that the bill be read by paragraph.

The CHAIRMAN. If there is no further debate, the bill will be read under the five-minute rule.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Interior is hereby authorized and directed to grant a permit to the committee on inaugural ceremonies for the use of the Pension building, in the city of Washington, on the occasion of the inauguration of the President-elect on the 4th day of March, 1909, subject to such restrictions and regulations as the said Secretary may prescribe in respect of the period and manner of such use, including all necessary safeguards against fire and for the extinguishing of fire.

Mr. SIMS. Mr. Chairman, I move to strike out the section just read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all of section 1.

Mr. KEIFER. Mr. Chairman, I think it is in order to perfect the section before a vote is taken upon a motion to strike out. I offer an amendment now to the section proposed to be struck out.

The CHAIRMAN. Does the gentleman from Tennessee move to strike out the first section or the enacting clause?

Mr. SIMS. The first section.

The CHAIRMAN. All except the enacting clause?

Mr. SIMS. All of the first section except the enacting clause.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Line 5, after the word "building," insert:
"Except such rooms therein as are used and occupied for the payment of pensions."

Mr. KEIFER. Mr. Chairman, this provision is one that is proposed to be inserted to make the section clear. If the building is to be taken, these rooms, consisting of five on the southeast corner of the first floor of the building, should be excepted. I am assured by the Secretary of the Interior, who was here this afternoon, and by the Commissioner of Pensions and the pension agent, that it is absolutely essential that they should have these five rooms reserved for the payment of pensions, and that it could be done without destroying the use of the building for the ball. They can make some arrangement for making payments outside the windows, and payment can go on and the dance can go on.

Mr. SIMS. If the gentleman's motion does not interfere with the motion which I have made to strike out, I have no objection.

Mr. KEIFER. My motion takes precedence. We can perfect the section and then vote on striking it out afterwards. Your motion is to strike it all out, and my motion is to amend it before you vote on striking it out.

Mr. SMITH of Michigan. I am opposed to the motion to strike out.

The CHAIRMAN. The motion of the gentleman from Ohio takes precedence.

Mr. SMITH of Michigan. I desire to say that I do not object to any amendment that will in any way aid in paying the pensions as suggested in the resolution, but I do object to striking out the whole section.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was agreed to.

Mr. SIMS. Now, Mr. Chairman, I move to strike out the section as amended.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee.

The question was taken, and on a division (demanded by Mr. SIMS) there were 62 ayes and 41 noes.

Mr. SMITH of Michigan. I call for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. SMITH of Michigan and Mr. SIMS.

The committee again divided, and the tellers reported that there were 58 ayes and 37 noes.

So the amendment was agreed to.

Mr. SMITH of Michigan. I raise the point, Mr. Chairman, that there is no quorum.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and three Members present, a quorum.

Mr. SMITH of Michigan. I move that the committee do now rise.

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Did the Chair announce the result of the vote on the motion to strike out?

The CHAIRMAN. The Chair did announce that the ayes had it, and the amendment was agreed to.

Mr. MANN. Let us read the next section.

The CHAIRMAN. The question is on the motion of the gentleman from Michigan that the committee do now rise.

The question was taken, and on a division (demanded by Mr. WILLIAMS and others) there were 40 ayes and 51 noes.

So the motion was lost.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk continued and concluded the reading of the bill, the last section of which is as follows:

SEC. 6. That the Commissioners of the District of Columbia be, and they are hereby, authorized to permit the Western Union Telegraph Company and the Postal Telegraph Company to extend overhead wires into the Pension building, and to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within ten days after the conclusion of the ceremonies on the 4th day of March, 1909.

Mr. MANN. Mr. Chairman, I move to amend the last section by striking out, in line 25, page 6, and line 1, page 7, the words "into the Pension building and," so that it will read "to extend overhead wires to such points along the line of parade."

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Pages 6 and 7, strike out the words beginning on line 25, page 6, "into the Pension building and."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and on a division (demanded by Mr. SMITH of Michigan) there were 47 ayes and 26 noes.

Mr. SMITH of Michigan. I ask for tellers.

The question was taken, and tellers were refused.

The CHAIRMAN. The amendment offered by the gentleman from Illinois is agreed to.

Mr. SMITH of Michigan. I move that the committee do now rise and favorably report the bill to the House.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. STERLING, Chairman of the Committee of the Whole House on the state of the Union,

reported that that committee had had under consideration the bill (S. 6359) to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia, and resolution (H. J. Res. 202) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1909, etc., and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and the bills as amended be passed.

Mr. SMITH of Michigan. Mr. Speaker, I demand the previous question on the resolution and all amendments to its final passage.

ADJOURNMENT.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 59 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for additional land for target range at Fort Leavenworth, Kans. (H. Doc. No. 1309)—to the Committee on Military Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for care of insane Philippine soldiers (H. Doc. No. 1307)—to the Committee on Military Affairs and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Connecticut River between Hartford and Holyoke (H. Doc. No. 1311)—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of St. Lucia Inlet, Florida (H. Doc. No. 1312)—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

A letter from the Secretary of War, transmitting abstracts of proposals received during the year ended June 30, 1908, for materials and labor in connection with works under the Engineer Department (H. Doc. No. 1314)—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for construction of a new hospital at Fort H. G. Wright, N. Y. (H. Doc. No. 1308)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Navy, transmitting a list of vessels requiring repairs of an estimated cost exceeding the limit of law (H. Doc. No. 1306)—to the Committee on Naval Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an estimate of appropriation for collecting the revenue from customs for the fiscal year ending June 30, 1910 (H. Doc. No. 1313)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to enable Indians in certain cases to relinquish their allotments (H. Doc. No. 1304)—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of the Interior, transmitting draft of proposed legislation to set aside land in San Carlos Indian Reservation, Ariz., containing tufa stone (H. Doc. No. 1305)—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation on the subject of unsurveyed lands in Oklahoma belonging to the Five Civilized Tribes (H. Doc. No. 1310)—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for completion of the bridge at Fort Snelling, Minn. (H. Doc. No. 1303)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CAULFIELD, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 4535) to amend section 714 of the Revised Statutes of the United States, relating to the resignation of judges of the courts of the United States, reported the same with amendment, accompanied by a report (No. 1833), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25806) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1832), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 23595) granting an increase of pension to John B. Peters—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23684) granting an increase of pension to Patrick A. Galvin—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25710) granting an increase of pension to Andrew McClory—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25728) granting an increase of pension to Arthur B. Carr—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17377) granting a pension to Sarah Goff Beach—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 25316) granting an increase of pension to Lucretia Ritchhart—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 25317) granting an increase of pension to Denton P. Sheeks—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 24326) for the relief of owners of outstanding and unsatisfied military bounty-land warrants heretofore issued by the United States, and all outstanding and unsatisfied certificates of location heretofore issued by the United States under the closing part of section 3 of the act of June 2, 1858 (11 Stat., p. 294)—Committee on War Claims discharged, and referred to the Committee on the Public Lands.

A bill (H. R. 3690) granting a pension to George A. De Voe—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25381) granting an increase of pension to William Briney—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25424) granting an increase of pension to William J. Smalling—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24925) granting an increase of pension to James F. Kilburn—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 25807) to authorize the maintenance of actions for negligence causing death in maritime causes—to the Committee on the Judiciary.

Also, a bill (H. R. 25808) to permit the owners of certain vessels and the owners or underwriters of cargoes laden thereon to sue the United States—to the Committee on the Judiciary.

By Mr. FULTON: A bill (H. R. 25809) to provide free homes for settlers in Oklahoma—to the Committee on the Public Lands.

By Mr. ENGLEBRIGHT: A bill (H. R. 25810) limiting the expenditure by the Secretary of the Interior of the reclamation fund, and other matters relating to the Reclamation Service—to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 25811) providing that hereafter no national forest shall be created nor additions made to one here-

tofore created within the limits of the State of California except by act of Congress—to the Committee on the Public Lands.

By Mr. WILSON of Pennsylvania: A bill (H. R. 25812) to make the one hundredth anniversary of the birth of Abraham Lincoln a legal holiday in the District of Columbia—to the Committee on the Judiciary.

By Mr. KEIFER: A bill (H. R. 25813) to authorize the appointment of a board of engineers to make a preliminary location, survey, and plans for a ship canal connecting the waters of Lake Erie and the Ohio River on the line of the Miami and Erie Canal from Toledo to Cincinnati, Ohio, and to estimate the cost thereof—to the Committee on Rivers and Harbors.

By Mr. HULL of Iowa: A bill (H. R. 25814) authorizing the President to appoint a professor of mathematics in the navy, etc.—to the Committee on Naval Affairs.

By Mr. THISTLEWOOD: A bill (H. R. 25815) making appropriation for the protection of the banks of the Mississippi River at Cairo, Ill., and immediate vicinity—to the Committee on Rivers and Harbors.

By Mr. GORDON: A bill (H. R. 25816) requiring railroads and other common carriers engaged in interstate commerce to make prompt acknowledgment and adjustment of claims for overcharge on freight and for loss and injury to same—to the Committee on Interstate and Foreign Commerce.

By Mr. MUDD: A bill (H. R. 25817) to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company of Maryland to enter the District of Columbia, approved February 18, 1907—to the Committee on the District of Columbia.

By Mr. MAYNARD: A bill (H. R. 25818) providing for the survey and examination of the Nansemond River in Virginia, with a view to widening and straightening the channel and increasing the depth thereof to 25 feet—to the Committee on Rivers and Harbors.

By Mr. McCALL: A bill (H. R. 25819) providing for the appointment of probation officers and for the suspension of sentence in United States courts—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: A bill (H. R. 25820) to survey Thoroughfare Bay, Carteret County, N. C., or the waters of eastern Carteret County known as "The Thoroughfare"—to the Committee on Rivers and Harbors.

By Mr. HOWELL of Utah: A bill (H. R. 25821) to limit the jurisdiction of certain judges appointed under the authority of the United States—to the Committee on the Judiciary.

By Mr. McLAIN: A bill (H. R. 25822) for the protection of Marengo Bend, near Natchez, Miss.—to the Committee on Rivers and Harbors.

By Mr. LAFEAN: A bill (H. R. 25823) to amend an act entitled "An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes," approved February 21, 1907—to the Committee on the Territories.

By Mr. HOWELL of New Jersey: Joint resolution (H. J. Res. 227) authorizing the Secretary of War to deliver a condemned cannon to the Grand Army of the Republic—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CHAPMAN, from the Committee on Invalid Pensions: A bill (H. R. 25806) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. ANDREWS: A bill (H. R. 25824) granting a pension to Edward Johnson—to the Committee on Invalid Pensions.

By Mr. BARCLAY: A bill (H. R. 25825) granting an increase of pension to Abram V. Miller—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 25826) granting an increase of pension to James M. Howe—to the Committee on Pensions.

Also, a bill (H. R. 25827) granting an increase of pension to Levie H. Colburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25828) granting an increase of pension to Daniel Dalton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25829) granting an increase of pension to Peter Stamm—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25830) granting an increase of pension to Richard Swearingin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25831) granting an increase of pension to John Holliday—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25832) granting an increase of pension to John Gillon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25833) granting an increase of pension to George Hedge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25834) granting an increase of pension to David M. Ferguson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25835) granting an increase of pension to Montville Cooksey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25836) granting an increase of pension to William Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25837) granting an increase of pension to William M. Barber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25838) granting an increase of pension to William J. Collier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25839) granting an increase of pension to Cad Ingram—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25840) granting an increase of pension to Harvey W. Cartee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25841) granting an increase of pension to Isaac N. Slade—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25842) granting a pension to Mary M. Hurd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25843) granting a pension to Martha A. Ham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25844) granting a pension to Martha J. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25845) granting a pension to Louisa Borders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25846) granting a pension to George L. Goodpaster—to the Committee on Pensions.

Also, a bill (H. R. 25847) granting a pension to Stephen McKinney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25848) granting a pension to Trave W. Myers—to the Committee on Pensions.

By Mr. BROUSSARD: A bill (H. R. 25849) for the relief of the heirs of James Billiu—to the Committee on War Claims.

By Mr. BROWNLOW: A bill (H. R. 25850) granting a pension to James Collins—to the Committee on Invalid Pensions.

By Mr. BURLESON: A bill (H. R. 25851) for the relief of Carl G. and John Palm—to the Committee on War Claims.

By Mr. CALDWELL: A bill (H. R. 25852) granting an increase of pension to Mary W. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25853) to remove the charge of desertion now standing on the records against John F. Harbaugh—to the Committee on Military Affairs.

By Mr. CAMPBELL: A bill (H. R. 25854) granting an increase of pension to James E. Noble—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 25855) granting an increase of pension to David Strickland—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 25856) granting a pension to Lucinda M. Peck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25857) granting an increase of pension to John Beidelman—to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 25858) granting an increase of pension to William G. Le Duc—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 25859) granting an increase of pension to Levi Runyan—to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 25860) granting an increase of pension to John Hiett—to the Committee on Invalid Pensions.

By Mr. DOUGLAS: A bill (H. R. 25861) granting an increase of pension to George W. Brittenham—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 25862) granting a pension to Liston H. Pearce—to the Committee on Pensions.

Also, a bill (H. R. 25863) granting a pension to Lucy A. Emerson—to the Committee on Pensions.

Also, a bill (H. R. 25864) granting a pension to Mary J. Kitter—to the Committee on Pensions.

Also, a bill (H. R. 25865) granting an increase of pension to Martin V. B. Northrop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25866) granting an increase of pension to Edward Beebe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25867) granting an increase of pension to Michael Campion—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 25868) granting a pension to Elizabeth M. Seacord—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25869) granting an increase of pension to Seth Barrows—to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 25870) to correct the military record of Cleveland W. Goff—to the Committee on Military Affairs.

By Mr. FULTON: A bill (H. R. 25871) granting an increase of pension to Zachariah T. Underwood—to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 25872) granting an increase of pension to David S. Hurst—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25873) granting an increase of pension to Uriah Clark—to the Committee on Invalid Pensions.

By Mr. GREENE: A bill (H. R. 25874) granting a pension to Henry Malone—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25875) granting a pension to Thomas Gurnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25876) granting a pension to Elizabeth Brownell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25877) granting a pension to George C. Pratt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25878) granting a pension to Jacob S. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25879) granting a pension to John Marshall—to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 25880) granting a pension to Martha J. Gordon—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 25881) granting a pension to Frank C. Griffith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25882) granting an increase of pension to Richard P. Chandler—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 25883) granting an increase of pension to Theodore Messinger—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 25884) granting an increase of pension to Milton B. Bishop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25885) granting an increase of pension to William S. Shuster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25886) granting an increase of pension to John Driskell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25887) granting an increase of pension to John L. Lashells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25888) granting an increase of pension to David Dowd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25889) granting an increase of pension to Byron C. Elms—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25890) granting an increase of pension to Joseph Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25891) granting an increase of pension to Lyman D. Stilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25892) granting an increase of pension to William McKenney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25893) granting a pension to Lucy B. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25894) to correct the military record of William Walther—to the Committee on Military Affairs.

By Mr. HOWELL of Utah: A bill (H. R. 25895) granting an increase of pension to Joseph M. Westwood—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 25896) granting an increase of pension to Thomas Norris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25897) to remove the charge of desertion standing against Elijah Randolph—to the Committee on Military Affairs.

Also, a bill (H. R. 25898) directing the Secretary of the Interior to pay to Newton Hodge his pension, without deducting same from his liability to the Government—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 25899) granting an increase of pension to Charles T. Shepard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25900) granting an increase of pension to Albert H. Jenkins—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 25901) granting an increase of pension to David Bash—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 25902) granting an increase of pension to Frederick Appenzeller—to the Committee on Invalid Pensions.

By Mr. LANING: A bill (H. R. 25903) granting a pension to Maggie Osborn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25904) granting a pension to George M. Patterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25905) granting an increase of pension to Harvey Johnson—to the Committee on Pensions.

Also, a bill (H. R. 25906) granting an increase of pension to George C. Jeffries—to the Committee on Invalid Pensions.

By Mr. LEGARE: A bill (H. R. 25907) for the relief of Clarendon County, State of South Carolina—to the Committee on War Claims.

By Mr. LONGWORTH: A bill (H. R. 25908) granting a pension to Sarah E. Wiggins—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 25909) granting an increase of pension to John H. Walker—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 25910) granting an increase of pension to Henry Harrison Pond—to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 25911) granting an increase of pension to Lewis C. Olson—to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 25912) granting a pension to Margaret Fowler Merritt—to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 25913) granting an increase of pension to Jessie G. Hoppock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25914) granting an increase of pension to William F. Terry—to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 25915) granting an increase of pension to James R. Bruner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25916) granting an increase of pension to Isaac Smithson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25917) granting an increase of pension to Burgess Ray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25918) granting an increase of pension to John Crawford—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 25919) granting a pension to William Dickson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25920) granting an increase of pension to Winfred Munson—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 25921) granting an increase of pension to Mary J. Utter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25922) granting an increase of pension to Albert McConnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25923) for the relief of the heirs of J. A. Patillo—to the Committee on War Claims.

By Mr. RUSSELL of Missouri: A bill (H. R. 25924) for the relief of James W. Fisher—to the Committee on Military Affairs.

Also, a bill (H. R. 25925) granting a pension to Hiram Downing—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 25926) for the relief of John H. Claiborne—to the Committee on War Claims.

By Mr. SMITH of Michigan: A bill (H. R. 25927) granting an increase of pension to William Francis Ball—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25928) granting an increase of pension to Benjamin F. Tifft—to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 25929) granting a pension to Sarah Jane Schafer—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 25930) granting an increase of pension to Mathew Sullivan—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 25931) for the relief of Hugh Thompson—to the Committee on Claims.

Also, a bill (H. R. 25932) for the relief of Sylvester Peterson—to the Committee on Claims.

Also, a bill (H. R. 25933) for the relief of R. J. Montague—to the Committee on Claims.

By Mr. STURGISS: A bill (H. R. 25934) granting an increase of pension to Isaac Gour—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25935) granting an increase of pension to George W. McVicker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25936) granting an increase of pension to Margaret E. Pierce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25937) granting an increase of pension to Edward D. Madden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25938) granting a pension to John A. McCauley—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 25939) granting an increase of pension to Alphonso B. Rayner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25940) granting an increase of pension to William B. Underhill—to the Committee on Invalid Pensions.

By Mr. SWASEY: A bill (H. R. 25941) granting a pension to Sarah E. Averill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25942) granting an increase of pension to Ansel G. Marston—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 25943) for the relief of the heirs of William Swindell—to the Committee on War Claims.

Also, a bill (H. R. 25944) for the relief of the heirs of John B. Wolf, deceased—to the Committee on War Claims.

Also, a bill (H. R. 25945) for the relief of the estate of Seth Waters—to the Committee on War Claims.

By Mr. THOMAS of Ohio: A bill (H. R. 25946) granting an increase of pension to Henry H. Kellogg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25947) granting an increase of pension to Thomas T. Miller—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 25948) granting a pension to Arvilla Boop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25949) granting a pension to Manuel P. Grundisch—to the Committee on Pensions.

By Mr. VREELAND: A bill (H. R. 25950) granting an increase of pension to Wallace M. Bennett—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 25951) granting an increase of pension to Jonas L. Mull—to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 25952) to correct the military record of Hiram B. Willson—to the Committee on Military Affairs.

By Mr. BENNET of New York: A bill (H. R. 25953) granting an increase of pension to Guy Mazza—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 25954) granting an increase of pension to Henry Bucklin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25955) granting an increase of pension to Henry J. Le Valley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25956) granting an increase of pension to James Buchanan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25957) granting an increase of pension to John P. Case—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 25958) granting an increase of pension to William Miller—to the Committee on Invalid Pensions.

By Mr. DIEKEMA: A bill (H. R. 25959) granting an increase of pension to Harvey Hilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25960) granting an increase of pension to Edwin R. Hunt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25961) granting a pension to Alexander L. Smith—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 25962) granting an increase of pension to Albert Varnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25963) granting an increase of pension to Robert Godfrey—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 25964) granting an increase of pension to William L. Davis—to the Committee on Invalid Pensions.

By Mr. KIPP: A bill (H. R. 25965) granting an increase of pension to James Corby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25966) granting an increase of pension to Emmet Flint—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25967) granting an increase of pension to Charles E. Storrs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25968) granting an increase of pension to John W. Furgison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25969) granting an increase of pension to Daniel Younker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25970) granting an increase of pension to Locern W. Kelley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25971) granting an increase of pension to Abraham Kizer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25972) granting an increase of pension to Martin V. Billings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25973) granting an increase of pension to George Fetzer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25974) granting a pension to Charles R. Green—to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 25975) granting an increase of pension to James Arnold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25976) granting an increase of pension to Milton Cooper—to the Committee on Invalid Pensions.

By Mr. LEGARE: A bill (H. R. 25977) for the relief of Mrs. Julia Borner, widow of Fred. C. Borner, deceased—to the Committee on War Claims.

Also, a bill (H. R. 25978) for the relief of John P. Daly and others, heirs at law of Benjamin Chaplin, sr., deceased—to the Committee on War Claims.

By Mr. RANSDELL of Louisiana: A bill (H. R. 25979) granting a pension to Ann Elizabeth Davis—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 25980) for the relief of Sarah J. Fowler—to the Committee on the District of Columbia.

By Mr. VREELAND: Resolution (H. Res. 482) to pay to Clarence M. Hooker and others certain sum of money—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of Farmers' Institute of Williams County, Ohio, for a parcels-post law and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. ASHBROOK: Paper to accompany bill for relief of John C. Thomas—to the Committee on Invalid Pensions.

Also, petition of Thanesville Grange, No. 1443, favoring bill (S. 5122) providing for a system of parcel delivery on rural mail routes, and bill (S. 6484) for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. BEALL of Texas: Petition from United States Navy recruiting station, for legislation retiring petty officers and enlisted men of the United States Navy after twenty-five years of actual service—to the Committee on Naval Affairs.

By Mr. BEDE: Petition of citizens of Big Fork and Duluth, Minn., favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BENNET of New York: Paper to accompany bill for relief of Guy Mazza—to the Committee on Invalid Pensions.

By Mr. BRADLEY: Petitions of I. A. Hendricks, of Rye; A. W. Burton, of Tappan; and John H. Wood, of Ossining, all in the State of New York, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. BROUSSARD: Paper to accompany bill for relief of Ferdinand Venissat—to the Committee on War Claims.

By Mr. BURKE: Petition of Federation of Jewish Organizations, for appointment of a chaplain in the army and navy for the well-being and comfort of Jewish soldiers—to the Committee on Naval Affairs.

Also, petition of Merchants' Association of New York, for legislation to encourage the return of railway business to normal conditions—to the Committee on Interstate and Foreign Commerce.

Also, petition of board of public charities of Philadelphia, favoring appropriation of $50,000 to defray expenses of the International Prison Congress—to the Committee on Appropriations.

Also, petition of W. S. Buvinger, favoring legislation permitting illustration of postage stamps for educational purposes—to the Committee on the Post-Office and Post-Roads.

Also, petition of Thomas L. Montgomery, Pennsylvania state librarian, against taking public library books from the free list—to the Committee on Ways and Means.

Also, petition of Armstrong Cork Company, of Pittsburg, Pa., favoring H. R. 24137, to purchase the Oldroyd collection of relics of Lincoln—to the Committee on Appropriations.

By Mr. BURLEIGH: Paper to accompany bill for relief of Della R. Rowe—to the Committee on Invalid Pensions.

By Mr. CALDER: Petition of C. W. Cowtay, favoring H. R. 19250, providing for retirement of civil-war volunteer officers—to the Committee on Invalid Pensions.

Also, petition of Samuel E. Larsen, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. CAPRON: Paper to accompany bill for relief of Henry J. Le Valley—to the Committee on Invalid Pensions.

Also, petition of Rhode Island State Grange, favoring H. R. 21318, 18204, etc., for protection against insecticides and fungicides and for benefit of agricultural schools—to the Committee on Agriculture.

Also paper to accompany bill for relief of James Buchanan—to the Committee on Invalid Pensions.

Also, petition of Hill Grange, No. 27, Patrons of Husbandry, and Arthur G. Kennedy and others, favoring parcels-post and savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. COOPER of Wisconsin: Petition of residents of Racine County, Wis., against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petition of Du Lac Grange, of Milton, Wis., favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVENPORT: Paper to accompany bill for relief of heirs of Anna Irons (H. R. 17158)—to the Committee on War Claims.

By Mr. DAWSON: Petition of Commercial Club of Council Bluffs, Iowa, favoring legislation to provide for expenses of railway mail clerks while on their runs—to the Committee on the Post-Office and Post-Roads.

Also, petition of Cheyenne Branch of Railway Postal Clerks, against H. R. 21261 (retirement plan for superannuated employees)—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of New York Board of Trade and Transportation, against legislation inimical to railway interests—to the Committee on Interstate and Foreign Commerce.

By Mr. DUREY: Petition of business men of Johnstown, N. Y., against parcels post on rural free-delivery routes and for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. FITZGERALD: Petition of American Prison Association of Richmond, Va., for legislation to provide for preliminary work of International Prison Congress—to the Committee on Appropriations.

Also, petition of Federation of Jewish Organizations, favoring appointment of chaplains in army and navy for the religious comfort of Jewish citizens enlisted therein—to the Committee on Naval Affairs.

Also, petition of National Woman's Christian Temperance Union, favoring the Littlefield bill, designed to protect prohibition territory against liquor traffic through interstate commerce—to the Committee on the Judiciary.

Also, petition of Cheyenne Branch of Railway Postal Clerks, against retirement plan for superannuated employees in the classified service (H. R. 21261) unless the plan be made wholly voluntary—to the Committee on Reform in the Civil Service.

Also, petition of merchants of New York, for enactment of legislation only imperatively demanded to regulate railroads—to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Public Library, against taking public library books off the free list—to the Committee on Ways and Means.

By Mr. FOCHT: Petition of citizens of Altenwald, Franklin County, Pa., favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Michael Nave—to the Committee on Military Affairs.

By Mr. FULLER: Petition of Edward P. North, for repeal of duties on goods to and from the Philippines and other islands when carried in American vessels—to the Committee on Ways and Means.

Also, petition of National Negro Fair Association, of Mobile, for an appropriation to aid National Negro Exposition near city of Mobile—to the Committee on Industrial Arts and Expositions.

By Mr. FULTON: Petition of citizens of Oklahoma, against Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

Also, petition of citizens of Oklahoma, favoring legislation allowing homesteaders in Beaver, Texas, and Cimarron counties to make final proof on their homesteads after one year's bona fide residence without payment of $200 now required—to the Committee on the Public Lands.

By Mr. GRAHAM: Petition of the Merchants' Association of New York, for legislation to encourage return of railway business to normal conditions—to the Committee on Interstate and Foreign Commerce.

Also, petition of Federation of Jewish Organizations, for appointment of a chaplain in the army and navy for promotion of comfort and well-being of Jewish soldiers and sailors—to the Committee on Military Affairs.

By Mr. GREENE: Petition of J. F. Adams and others, of West Tisbury, Mass., favoring a parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. GRONNA: Petition of citizens of Nelson County, N. Dak., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. HALE: Paper to accompany bill for relief of Richard P. Chandler—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: Petitions of business men of Buchanan, Three Oaks, Dowagiac, and Niles, Mich., against parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

Also, petitions of citizens of Sturgis, Mich., and of Berrien and Cass counties, Mich., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. HAMMOND: Petition of J. J. Durve & Son and others, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petition of state board of health of California and the city board of health of San Francisco, asking for the continuation of the antiplague measures in San Francisco—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Theodore Messinger—to the Committee on Invalid Pensions.

Also, petitions of J. M. McIntosh and 143 citizens of Bakersfield, Cal.; W. E. Anderson and 38 citizens of Wendall, N. C.; Adam Cramer and 35 citizens of Cockeysville, Md.; J. Riley Rogers and 47 citizens of Byfield, Mass.; James Rogers and 123 citizens of Bakersfield, Cal.; and Lou Smith and 95 citizens of San Jose, Cal., favoring an effective Asiatic exclusion law against all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HINSHAW: Papers to accompany bills for relief of Joseph T. Roller (H. R. 23579), Joseph Miller, and Milton B. Bishop—to the Committee on Invalid Pensions.

By Mr. HOUSTON: Paper to accompany bill for relief of Eveline B. Weakley—to the Committee on War Claims.

By Mr. HOWELL of Utah: Petitions of citizens of Salt Lake City and Eureka, Utah, against reduction of tariff on lead and lead ores—to the Committee on Ways and Means.

By Mr. HUFF: Petition of Merchants' Association of New York, against unjust censure of railroad management—to the Committee on Interstate and Foreign Commerce.

By Mr. HUGHES of New Jersey: Petition of citizens of New Jersey, for parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. JOHNSON: Paper to accompany bill for relief of Matt C. Mayes—to the Committee on War Claims.

By Mr. LANING: Petition of citizens of Mansfield, Ohio, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. LINDBERGH: Petitions of citizens of Alexandria, Minn., and of Stevens and Wadena counties, Minn., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. LONGWORTH: Petition of citizens of Cincinnati, Ohio, for an effective exclusion law against all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. McCALL: Petition of the American Peace Society, against further appropriation for increase of the navy—to the Committee on Naval Affairs.

By Mr. MADISON: Petition of citizens of Gray County, Kans., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. RANSDELL of Louisiana: Paper to accompany bill for relief of Edmund J. Davis—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Petition of postal clerks, for increase of salaries of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON: Papers to accompany bill granting an increase of pension to Stephen P. Moore (H. R. 16249), and papers to accompany bill granting a pension to R. B. Rankin (H. R. 23704)—to the Committee on Invalid Pensions.

By Mr. RHINOCK: Papers to accompany bills for relief of James W. Mullins (H. R. 11186) and Coleman Reynolds—to the Committee on Invalid Pensions.

By Mr. PADGETT: Papers to accompany bills for the relief of William C. Hodge, James Johnston, Nancy E. Pullen, and Andrew B. Phillips—to the Committee on War Claims.

By Mr. POLLARD: Petition of citizens of Collegeview, Nebr., against passage of Senate bill 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. PRATT: Paper to accompany bill for relief of Jessie G. Hoppock—to the Committee on Invalid Pensions.

By Mr. PRAY: Petition of Basin Miners' Union, Western Federation of Miners, of Basin, Mont., for legislation providing investigation of the Treadwell Mining Company, of Alaska—to the Committee on Mines and Mining.

Also, petition of J. J. Coffee, chairman of Montana Pharmaceutical Association and secretary of state board of pharmacy, against H. R. 21982, to amend food and drug act—to the Committee on Interstate and Foreign Commerce.

By Mr. STEENERSON: Petition of Bottlers' Association, requesting the retention of duties on soda, ginger ale, and other carbureted beverages—to the Committee on Ways and Means.

By Mr. STURGISS: Petition of the C. A. Miller Grocery Company, of Martinsburg, W. Va., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. SWASEY: Petition of citizens of North Jay, Me., favoring a parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS of North Carolina: Papers to accompany bills for relief of William Swindell, estate of Seth Waters, and heirs of John B. Wolf—to the Committee on War Claims.

By Mr. VREELAND: Petition for parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

SENATE.

TUESDAY, *January 12, 1909.*

Prayer by the Chaplain, Rev. Edward Everett Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN and by unanimous consent, the further reading was dispensed with.

U. S. TUG APACHE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, requesting that the name of the U. S. tug *Apache* be added to the list formerly submitted of vessels requiring general overhauling to the extent of $200,000 or more (H. Doc. No. 1306), which was referred to the Committee on Naval Affairs and ordered to be printed.

ELECTORAL VOTE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, authenticated copies of the final ascertainment of electors for President and Vice-President in the States of Pennsylvania and Nevada, which, with the accompanying papers, were ordered to be filed.

GEORGETOWN BARGE, DOCK, ELEVATOR AND RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Georgetown Barge, Dock, Elevator and Railway Company for the fiscal year ending December 31, 1908 (S. Doc. No. 650), which was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16954) to provide for the Thirteenth and subsequent decennial censuses, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CRUMPACKER, Mr. BURLEIGH, and Mr. HAY managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (S. 653) to authorize commissions to issue in the cases of officers in the army retired with increased rank, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL of Iowa, Mr. CAPRON, and Mr. HAY managers at the conference on the part of the House.

The message further announced that the House insists upon its amendments to the bill (S. 6418) authorizing the sale of land at the head of Cordova Bay, in the Territory of Alaska, and for other purposes, disagreed to by the Senate, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MONDELL, Mr. VOLSTEAD, and Mr. GAINES of Tennessee managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Merchants' Association of New York, praying for the limiting of proposed new legislation with respect to new railroads to such measures as have been carefully investigated and studied, which was referred to the Committee on Interstate Commerce.

Mr. FRYE presented the petition of F. W. Hitchcock and sundry other citizens of the State of Maine, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT presented the memorial of B. F. Witback, of New York City, N. Y., remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which was referred to the Committee on Interstate Commerce.

He also presented petitions of Local Grange No. 480, of Dewittville; of Local Grange No. 956, of Ellenville; and of Bristol Valley Grange No. 109, of Bristol Center, all Patrons of Husbandry, in the State of New York, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS presented petitions of Local Grange No. 296, of Trowbridge; of Local Grange No. 459, of De Witt; and of Local Grange of Ypsilanti, all Patrons of Husbandry, in the State of Michigan, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DILLINGHAM presented a petition of sundry citizens of the State of Vermont, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT presented the petition of D. Mayer, of Charleston, W. Va., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. HEYBURN presented a petition of sundry citizens of Canyon County, Idaho, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Miners' Union No. 11, United Mine Workers of America, of Genesee, Idaho, praying that an investigation be made into the conditions of mines operated by the Treadwell Mining Company on Douglas Island, Alaska, which was referred to the Committee on Mines and Mining.

Mr. DICK presented petitions of Local Grange No. 499, of Bryan; of Local Grange No. 644, of Bryan, and of Local Grange No. 1491, of Milford, all Patrons of Husbandry; and of the Farmers' Institute, of Barnesville, all in the State of Ohio, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CURTIS presented petitions of sundry citizens of the State of Kansas, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HOPKINS presented a memorial of the Trades and Labor Assembly of Belleville, Ill., remonstrating against certain decisions of the judiciary against organized labor, which was referred to the Committee on the Judiciary.

Mr. HALE presented petitions of Local Grange of Fryeburg; of Crooked River Grange, No. 32, of Harrison; of West Brook Grange, of Highland Lake; of Local Grange No. 10, of North Jay; of Local Grange No. 214, of Pittston, all Patrons of Husbandry; and of sundry citizens of Palermo, all in the State of Maine, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MCENERY presented a petition of sundry citizens of New Orleans, La., praying for the enactment of legislation granting pensions to the surviving members of the United States Military Telegraph Corps who served in the civil war, which was referred to the Committee on Pensions.

Mr. LA FOLLETTE presented a petition of sundry members of the bar of Milwaukee, Racine, Kenosha, Sheboygan, Fond du Lac, Green Bay, Manitowoc, Neenah, Eau Claire, Grand Rapids, Delavan, and Beaver Dam, all in the State of Wisconsin, praying for the enactment of legislation providing for an increase in the salaries of district and circuit court judges, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Milwaukee Retail Grocers' Association, of Milwaukee, Wis., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Wisconsin, praying for the enactment of legislation to investigate and develop methods of treatment of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of sundry citizens of Adams and Juneau counties, Wis., praying that an appropriation of $20,000 be made for the construction of an iron bridge across the Wisconsin River, which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of Racine County, Wis., remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters and also against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Rushford Grange, Patrons of Husbandry, of Ono, Wis., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Janesville, Wis., praynig for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers who served in the civil war, which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 23849) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 728) thereon.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. 23850) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 729) thereon.

Mr. PILES, from the Committee on Commerce, to whom was referred the bill (H. R. 23866) to amend an act entitled "An act to authorize the construction of a bridge between Fort Snelling Reservation and St. Paul, Minn.," approved March 17, 1906, reported it without amendment.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (S. 7971) for the relief of Samuel W. Campbell, reported it without amendment and submitted a report (No. 731) thereon.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 7631) to grant an honorable discharge from the navy to John McKinnon, alias John Mack, reported it with an amendment and submitted a report (No. 734) thereon.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (S. 4033) to satisfy certain claims against the Government arising under the Navy Department, reported it without amendment and submitted a report (No. 733) thereon.

He also, from the same committee, to whom was referred the bill (S. 4984) for the relief of James D. Elliott, reported it without amendment and submitted a report (No. 732) thereon.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (H. R. 24344) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, reported it without amendment and submitted a report (No. 730) thereon.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 8358) providing for the free transportation of all mail matter sent by Mrs. Frances F. Cleveland, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 8359) to amend an act entitled "An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes," approved February 21, 1907, which was read twice by its title and referred to the Committee on Territories.

He also introduced a bill (S. 8360) for the relief of the executor of the estate of William Boyle, deceased, which was read twice by its title and referred to the Committee on Finance.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8361) granting an increase of pension to John Mack;

A bill (S. 8362) granting an increase of pension to William H. Fetter; and

A bill (S. 8363) granting a pension to Maggie Wickersham.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8364) granting an increase of pension to George M. Jordan; and

A bill (S. 8365) granting an increase of pension to Patrick Ambrose.

Mr. CLARK of Wyoming introduced a bill (S. 8366) to amend section 1014 of the Revised Statutes of the United States, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. DICK introduced a bill (S. 8367) granting an increase of pension to Margaret W. Goodwin, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 8368) to regulate the retirement of certain veterans of the civil war, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. HEYBURN introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8369) granting an increase of pension to James K. Watts;

A bill (S. 8370) granting an increase of pension to John Todd;

A bill (S. 8371) granting an increase of pension to Leander McGrew;

A bill (S. 8372) granting an increase of pension to Lafayette Platt;

A bill (S. 8373) granting an increase of pension to Simon Jenson;

A bill (S. 8374) granting an increase of pension to Michael Savage; and

A bill (S. 8375) granting an increase of pension to James R. Vassar.

Mr. HEYBURN introduced a bill (S. 8376) providing for the reappraisement of unsold lots in town sites on reclamation projects, and for other purposes, which was read twice by its title and referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. FRYE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8377) granting a pension to Emma C. Orr; and

A bill (S. 8378) granting a pension to James Welch (with the accompanying papers).

Mr. FULTON introduced a bill (S. 8379) for the relief of the owners of the British steamship *Maroa*, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. MONEY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 8380) for the relief of the heirs of B. Strong;

A bill (S. 8381) for the relief of the heirs of M. L. Strong; and

A bill (S. 8382) for the relief of the heirs of E. Strong.

Mr. TAYLOR introduced a bill (S. 8383) for the relief of Louis L. Coleman, which was read twice by its title and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8384) granting an increase of pension to Jesse M. Moore;

A bill (S. 8385) granting an increase of pension to Winslow Hart Reaves;

A bill (S. 8386) granting a pension to Darius Gregg;

A bill (S. 8387) granting a pension to William Manly (with the accompanying papers); and

A bill (S. 8388) granting an increase of pension to Francis M. Brannon.

Mr. BRIGGS introduced a bill (S. 8389) appropriating $10,000 to aid in the erection of a monument in memory of the late President James A. Garfield at Long Branch, N. J., which was read twice by its title and referred to the Committee on the Library.

Mr. BEVERIDGE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8390) granting an increase of pension to John Martin;

A bill (S. 8391) granting an increase of pension to Robert I. Patterson; and

A bill (S. 8392) granting an increase of pension to Henry M. Krouse.

Mr. BEVERIDGE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8393) granting an increase of pension to Samuel J. Taylor; and

A bill (S. 8394) granting a pension to Jane M. Harris.

Mr. LODGE introduced the following bills, which were severally read twice by their titles and referred to the Committee on the Judiciary:

A bill (S. 8395) incorporating the National Institute of Arts and Letters; and

A bill (S. 8396) incorporating the National Academy of Arts and Letters.

Mr. LODGE introduced the following bills, which were severally read twice by their titles:

A bill (S. 8397) to authorize the maintenance of actions for negligence causing death in maritime causes;

A bill (S. 8398) to permit the owners of certain vessels, and the owners or underwriters of cargoes laden thereon, to sue the United States; and

A bill (S. 8399) providing for liens on vessels for repairs, supplies, or other necessaries.

Mr. LODGE. I am not sure whether those bills should go to the Judiciary Committee or the Committee on Commerce. They propose changes in the law in regard to certain actions, but they are all actions to be taken in an admiralty court. Therefore I suppose the bills will properly go to the Judiciary Committee.

Mr. FRYE. Yes.

The VICE-PRESIDENT. The bills will be referred to the Committee on the Judiciary.

Mr. LODGE introduced a bill (S. 8400) granting an increase of pension to Don F. Willis, which was read twice by its title and referred to the Committee on Pensions.

Mr. WETMORE introduced a bill (S. 8401) granting an increase of pension to William F. Chappell, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SMITH of Michigan introduced a bill (S. 8402) granting an increase of pension to Napoleon B. Bowker, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DEPEW introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8403) granting a pension to Augusta Hendricks; and

A bill (S. 8404) granting an increase of pension to Barbara Downer.

Mr. JOHNSTON introduced a bill (S. 8405) for the relief of the estate of Mrs. Susan Augusta Jones Wilson, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. HOPKINS introduced a bill (S. 8406) granting an increase of pension to Eugene H. Harding, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 8407) to amend an act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, which was read twice by its title and referred to the Committee on Interoceanic Canals.

Mr. BORAH introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8408) granting an increase of pension to Recorder M. Mudgett;

A bill (S. 8409) granting an increase of pension to David Sutherland;

A bill (S. 8410) granting an increase of pension to Amos W. Melugin; and

A bill (S. 8411) granting an increase of pension to Volney H. Maxwell.

Mr. CURTIS introduced a bill (S. 8412) granting an increase of pension to Hubbard D. Carr, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 8413) for the relief of Cumberlain Smith, which was read twice by its title and referred to the Committee on Claims.

Mr. DOLLIVER introduced a bill (S. 8414) granting a pension to Susan C. Carpenter, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8415) granting a pension to William J. Ludley; and

A bill (S. 8416) granting an increase of pension to Alvin Eck.

Mr. BEVERIDGE introduced a bill (S. 8417) granting a pension to George W. Clain, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8418) granting an increase of pension to Benjamin F. Welker; and

A bill (S. 8419) granting an increase of pension to Theodore Pridemore.

Mr. McENERY introduced a bill (S. 8420) granting an increase of pension to Kate B. Jarvis, which was read twice by its title and referred to the Committee on Pensions.

Mr. LA FOLLETTE introduced a bill (S. 8421) granting an increase of pension to Henry F. Houser, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. KNOX submitted an amendment authorizing the President to appoint by and with the consent of the Senate an Under Secretary of State, and also a Fourth Assistant Secretary of State, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

Mr. LONG submitted an amendment proposing to appropriate $90,000 to increase the limit of cost for an addition to the public building at Kansas City, Kans., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. CRANE (for Mr. BULKELEY) submitted three amendments intended to be proposed to the omnibus claims bill, which were ordered to lie on the table and be printed.

IMPERIAL VALLEY OR SALTON SINK REGION.

On motion of Mr. FLINT it was:

Ordered, That Senate Document No. 212, Fifty-ninth Congress, second session, "Imperial Valley or Salton Sink Region," be reprinted.

IMPROVEMENT OF HARBOR AT PORT SANILAC, MICH.

Mr. SMITH of Michigan submitted the following concurrent resolution (S. C. Res. 66), which, with the accompanying papers, was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of the harbor at Port Sanilac, Sanilac County, Mich., with a view to deepening the same to a depth of 20 feet, and to submit a plan and estimate for such improvement.

IMPROVEMENT OF HARBOR AT FORESTER, MICH.

Mr. SMITH of Michigan submitted the following concurrent resolution (S. C. Res. 67), which, with the accompanying papers, was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of the harbor at Forester, Mich., with a view to deepening the same to a depth of 20 feet, and to submit a plan and estimate for such improvement.

PAYMENTS FROM EMERGENCY FUND.

Mr. FORAKER submitted the following resolution (S. Res. 247), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to the Senate in detail, item by item, all payments and expenditures and the purposes of the same, made out of the appropriation of $3,000,000, made in the deficiency act of March 3, 1899 (30 S. L., p. 1223), to be expended at the discretion of the President for emergency fund to meet contingencies constantly arising, which appropriation is in the following language:

"For emergency fund to meet unforeseen contingencies constantly arising, to be expended at the discretion of the President, $3,000,000."

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

The Senate having under consideration the bill (S. 5729) providing for the reenlistment of the soldiers of the Twenty-fifth United States Infantry, discharged without honor, Mr. FORAKER said: Mr. President, in the first Brownsville message, sent to the Senate by the President December 19, 1906, when there was nothing before him except only the testimony collected by Major Blocksom and some private letters and official reports, he stated that, according to this testimony, it was shown that certain members of the battalion were guilty of the "murderous conduct of shooting up the town of Brownsville," and that many of the other members of these companies were guilty of a "conspiracy of silence" to save the criminals from justice.

Further commenting on this testimony, he said:

Major Blocksom's report is most careful, is based upon the testimony *of scores of eyewitnesses*—testimony which conflicted only in non-essentials and which established the essential facts *beyond chance of successful contradiction.*

He then sets forth the facts as established by Major Blocksom's investigation, and states that they "*have not been and, in my judgment, can not be successfully controverted.*"

He further states in this same message:

As to the noncommissioned officers and enlisted men, there *can be no doubt whatever* that many were necessarily privy, after if not before the attack, to the conduct of those who took actual part in this murderous riot. I refer to Major Blocksom's report for proof of the fact that *certainly some and probably all of the noncommissioned officers* in charge of quarters who were responsible for the gun racks and had keys thereto in their personal possession knew what men were engaged in the attack.

* * * * * * *

The *effort to confute* this testimony so far has consisted in the assertion or *implication that the townspeople shot one another* in order to discredit the soldiers—an *absurdity too gross to need discussion and unsupported by a shred of evidence.* There is no question as to the murder and the attempted murders; there *is no question that some of the soldiers* were guilty thereof; there is *no question* that *many* of their comrades, *privy to* the deed, have *combined to shelter the* criminals from justice.

Further along in his message, he says:

In short, *the evidence proves conclusively* that a number of the soldiers engaged in a deliberate and concerted attack, etc. * * * It (the attack) has been *supplemented* by *another,* only *less black,* in the shape of a *successful conspiracy of silence* for the purpose of shielding those who took part in the original conspiracy of murder.

In a later paragraph of this same message he says:

Yet *some of the noncommissioned* officers and *many of the men* of the *three companies* in question *have banded together in a conspiracy* to protect the *assassins* and *would-be assassins* who have disgraced their uniform by the conduct above related. *Many* of these noncommissioned officers and men *must have* known, and *all* of them *may* have known, circumstances which would have led to the conviction of those engaged in the murderous assault. They *have stolidly* and as *one man broken their* oaths of enlistment and refused to help discover the criminals.

All those declarations and repetitions of declarations were made in one message.

Anyone reading this message and not examining for himself the testimony upon which these statements are based would naturally conclude that the facts stated had been established by clear and overwhelming evidence, especially so if he had no previous knowledge of the President.

To show that this testimony upon which the President made these unqualified statements was utterly unreliable and that it failed absolutely to establish the facts so unqualifiedly set forth by him in his message, it was not necessary to do more than analyze it in the presence of the Senate.

By that analysis it was shown that, instead of "scores of eyewitnesses" to the shooting, there were only eight, all told, who even claimed to be eyewitnesses to any of the facts, and their testimony was so indefinite and uncertain as to be entirely insufficient to warrant the serious and unqualified conclusions that were drawn therefrom.

In recognition of the manifest weakness and insufficiency of this testimony when thus pointed out, the President directed Mr. Purdy, an assistant to the Attorney-General, and Major Blocksom to return to Brownsville and retake, *ex parte,* in affidavit form, without any notice whatever to the soldiers and without any representative of the soldiers present, the testimony that had been submitted and to gather such additional testimony as it might be possible to secure.

January 14, 1907, this testimony was submitted to the Senate by the President in a message in which he stated that he had directed it to be taken because the sufficiency of the testimony formerly submitted had been questioned, which was only one way of admitting that it had not stood the test to which it had been subjected.

Speaking of the new testimony, he says in this message that the exhibits attached to it, consisting of clips, bullets, and empty shells, were proof of themselves—

Conclusive that the new Springfield rifle was the weapon used by the midnight assassins, and could not by any possibility have been any other rifle of any kind in the world. This of itself establishes the fact that the assailants were United States soldiers, *and would be conclusive* on this point *if not one soldier had been seen or heard* by any residents in Brownsville on the night in question.

Speaking of the testimony of these eye-and-ear witnesses, he said:

The testimony of these eye-and-ear witnesses would establish beyond all possibility of contradiction the fact that the shooting was committed by 10 or 15 or more of the negro troops from the garrison, and this testimony of theirs would be amply sufficient in itself if not a cartridge or bullet had been found; exactly as the bullets and cartridges that were found would have established the guilt of the troops even had not a single eyewitness seen them or other witnesses heard them.

The testimony of the witnesses and the position of the bullet holes show that 15 or 20 of the negro troops gathered inside the fort, and that the first shots fired into the town were fired from within the fort; some of them, at least, from the upper galleries of the barracks.

Later on in his message, in his further comments upon this testimony, he says:

There is conflict of testimony on some of the minor points, but every essential point is established beyond possibility of honest question. * * *

Nobody could doubt and be honest about it.

Indeed, the fuller details as established by the additional evidence taken since I last communicated with the Senate make it likely that there were very few, if any, of the soldiers dismissed who could have been ignorant of what occurred. It is well-nigh impossible that any of the noncommissioned officers who were at the barracks should not have known what occurred.

The additional evidence thus taken renders it, in my opinion, impossible to question the conclusions upon which my order was based. I have gone most carefully over every issue of law and fact that has been raised.

Later, on March 11, 1908, after the Committee on Military Affairs had made its report, the President sent another message to the Senate, in which he sets forth that the Committee on Military Affairs "*finds that the facts upon which my order of discharge of November 9, 1906, was based are substantiated by the evidence.*"

Thereupon, he recommends, as a result of it all—though we had come to the end of taking testimony, as we all supposed, and had a right to suppose—that he be authorized by appropriate legislation to reinstate all who may be able to come forward and "*prove their innocence to his satisfaction!*"

It will be noted that the guilt of these soldiers, as charged by the President, was, according to the President, "conclusively" established by the testimony first submitted. He took occasion to repeat this in his first message over and over again. Why he should so often repeat it is inexplicable except upon the theory that he is, after all, like other men, and that, notwithstanding all he had said, he had some doubt about the sufficiency of the testimony upon which he had acted; for, if he had no doubt, there could have been no necessity for such unusual repetition of the statement of that fact. At any rate, it would at least appear to the ordinary mind that after the weakness and insufficiency of this testimony was pointed out he recognized the necessity for strengthening his case, and thereupon dispatched Mr. Purdy and Major Blocksom to Brownsville to secure the evidence reported by them.

When he submitted these affidavits to the Senate he again, as in his former message, affirmed that it "*conclusively and overwhelmingly*" established the guilt of the men, as charged by him, and went so far as to say that there was no room left for any "*honest difference*" of opinion, and to intimate that men who professed to have doubt had some unworthy motive prompting that doubt or that they merely pretended to have doubt in order that they might accomplish some unworthy purpose.

In the message he sent to the Senate after the report of the Committee on Military Affairs he reiterated that the facts claimed by him had been, by that testimony, *thoroughly established.*

Hence it was that when the committee reported everybody apparently supposed the investigation was ended, and if anyone had thought about it at all he surely would have supposed that the President, who had formally, in his messages to the Senate, over and over again, more than a dozen times, asserted that the testimony "overwhelmingly" and "conclusively" and "beyond any doubt" and so thoroughly as to admit of "no honest difference of opinion" about it established the guilt of the soldiers, would be content to rest upon the testimony that had in these numerous ways been gathered together.

But not so. As though conscious that, notwithstanding all his assertions and declarations as to the sufficiency of the testimony, it was, in fact, unreliable and insufficient to justify his order of discharge, we were favored with the further message of December 14, 1908, in which we were informed that detectives have been employed by the War Department and that they have been at work for months, ever since April 16, 1908, just a month, speaking in a round way, after the report was made by the Committee on Military Affairs of the Senate and while we were engaged here in this Chamber in discussing the case upon the merits of it as presented by the testimony so reported. Ever since that date these detectives have been traveling about over the country, visiting these discharged soldiers wherever they can find them, trying to secure from them incriminating statements and confessions of guilt, and as a result we now have another batch of "conclusive and overwhelming testimony which no honest man can doubt."

We learn from this message and the exhibits submitted therewith that these detectives have personally visited thirty States

of the Union, and that they have "located"—whatever that may mean—130 of these discharged soldiers. We are told that—

* * * the report and documents contain some information of great value and some statements that are obviously worthless, but I submit them in their entirety.

This report enables us to fix with *tolerable definiteness*—

Tolerable definiteness—

at least, some of the *criminals* who took the lead in the murderous shooting of private citizens at Brownsville. *It establishes clearly the fact that the colored soldiers did the shooting;* but upon this point further record was unnecessary, as the fact that the colored soldiers did the shooting has already been established beyond all possibility of doubt. The investigation has not gone far enough to enable us to determine all the facts, and we will proceed with it; but it has gone far enough to determine with sufficient accuracy certain facts of enough importance to make it advisable that I place the report before you. It *appears that almost all* the *members of Company B* must have been *actively concerned* in the shooting, either to the extent of *being participants* or to the extent of virtually *encouraging* those who were participants. As to Companies C and D, there *can be no question* that *practically every man in them must have had knowledge* that the shooting was done *by some of the* soldiers *of B Troop,* and *possibly* by *one or two others* in one of the other troops. This concealment was itself a grave offense, which was greatly aggravated by their testifying before the Senate committee that they were ignorant of what they must have known. Nevertheless, it is to be said in partial extenuation that they were *probably cowed by threats,* made by *the more desperate* of the men who had actually been engaged in the shooting—

Probable, *probable,* all the way through it is "probable," as though you were to convict men of murder upon probabilities, and they growing out of the imagination, not resting upon any testimony.

Probably cowed by threats, made by the more desperate of the men who had actually been engaged in the shooting as to what would happen to any man who failed to protect the wrongdoers. Moreover, there are *circumstances tending to show that these misguided men were encouraged by outsiders* to persist in their course of concealment and denial.

I do not know, but I suppose that has reference to a letter I wrote, which was read to the Senate when this report was sent to the Senate, a letter which every Senator knows who heard it read was free from anything whatever that would justify any such deduction.

I feel, therefore, that the guilt of the men who, after the event, thus shielded the perpetrators of the wrong by refusing to tell the truth about them, though serious, was in part due to the unwise and improper attitude of others, and that some measure of allowance should be made for the misconduct. In other words, *I believe we can afford to reinstate any of these men who can truthfully tell what has happened,* give all the aid they can to fix the responsibility upon those who are really guilty, and show that they themselves had no guilty knowledge beforehand and were in no way implicated in the affair, save by having knowledge of it afterwards and failing and refusing to divulge it. *Under the circumstances,* and *in view of the length of time* they have been out of the service, and their loss of the benefit that would have accrued to them by continuous long-time service, *we can afford to treat the men who meet the requirements* given above as having been sufficiently punished by the consequences they brought upon themselves when they rendered necessary the exercise of the disciplinary power. *I recommend that a law be passed allowing the Secretary of War, within a fixed period of time,* say, *a year,* to reinstate any of these soldiers whom he, after careful examination, finds to have been innocent, *and whom he finds to have done all in his power to help bring to justice the guilty.*

Meanwhile the investigation will be continued.

With this message and its exhibits before us, I felt it my duty to ask for full and detailed information, and as a result I offered a resolution calling therefor, which has been answered by the Secretary of War as follows.

I shall not stop to read it, but will ask to have it incorporated in my remarks as a part of them at this point as though read.

The VICE-PRESIDENT. Without objection, permission is granted.

The communication referred to is as follows:

[S. Doc. No. 626, 60th Cong., 2d sess.]

EMPLOYMENT OF HERBERT J. BROWNE AND W. G. BALDWIN BY THE WAR DEPARTMENT AT BROWNSVILLE.

Letter from the Secretary of War, transmitting, by direction of the President, in response to Senate resolution of December 16, 1908, a report as to when Herbert J. Browne and W. G. Baldwin were employed by the War Department to investigate what happened at Brownsville on the 13th and 14th of August, 1906, the terms of that employment, etc. January 5, 1909.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT,
Washington, January 2, 1909.

SIR: I have the honor to acknowledge the receipt of a resolution adopted by the Senate on December 16, 1908, to the effect that—

"The Secretary of War be, and he is hereby, directed to report to the Senate when Herbert J. Browne and W. G. Baldwin, mentioned in the President's message of December 14, 1908, relating to the Brownsville shooting affray, were employed by the War Department to investigate what happened at Brownsville on the 13th and 14th of August, 1906, the terms of that employment, and whether any other; and, if so, *who were,* or at *any time have been, employed to assist them or to render a like service,* and *whether white or colored,* with *full names and residences of same;* and whether the said Herbert J. Browne and W. G. Baldwin and any others who may have been so employed are still in such employment, and under what instructions they have been acting; and if such instructions are in writing to send to the Senate a copy of the same; and what has been paid said parties, or any of them, on such account either as compensation for services rendered or on account of expenses by them incurred in connection with said employment; and also by what authority they, or any expense they may have incurred, were paid, and out of what fund or funds, giving such account item by item."

In response to the foregoing resolution I have the honor to submit the following report, by direction of the President:

Since the order directing the discharge of certain enlisted men of Companies B, C, and D of the Twenty-fifth Infantry was promulgated frequent applications for reenlistment have been received from former members of those organizations. As it appeared to the department that some members of the command had not participated in the unlawful acts which were alleged to have been committed on August 13–14, 1906, and with a view to enable testimony showing their nonparticipation in those occurrences to be submitted, an opportunity was extended to such as desired to appear for that purpose, and officers of the army were designated by my predecessor, Secretary Taft, to communicate with such applicants and to hear any testimony which could properly be considered in connection with their application for reenlistment. These hearings were directed to be held at places in the South which were convenient of access to the former members of the companies constituting the garrison at Brownsville. Applications continue to be received at the department from time to time in which the innocence of the applicants is confidently asserted and a desire to reenter the military service is expressed.

During a considerable portion of the time which has intervened since the discharges were executed, a committee of the Senate has been engaged in the prosecution of a similar inquiry, and as a result of such legislative interest two resolutions looking to the reinstatement of some of the discharged men have been introduced in the Senate and a day fixed for their consideration. In May last Mr. Herbert J. Browne, a journalist of this city, who, during a visit to Brownsville in April and May of 1907, had made the occurrence the subject of considerable study, was authorized by the department to undertake an independent investigation of the incident and to associate with him in that undertaking Mr. William G. Baldwin, *a railway detective of large experience* and *of unusual ability* in the prosecution of similar inquiries. Mr. Baldwin's character and capacity had been cordially commended to the department by the presidents of several of the principal lines of railway in the South.

As the *ordinary agencies* at the disposal of the Executive, which *had been employed from time to time with a view* to place the department in possession of the facts, had not *been completely successful, especially* in *determining what particular individuals, if any,* had *been engaged in the affair as participants,* it was determined by the President, as an incident of his authority as Commander in Chief, on the *recommendation of* the Secretary of War and in the execution of the discretion vested in him by the act of March 3, 1899, to accept the offer of Messrs. Browne and Baldwin and to place the conduct of the investigation in their hands.

To that end an expression of view from the *Judge-Advocate-General* as to the legality of the undertaking was called for, and it was *his opinion,* in view of the existing executive and legislative conditions above referred to, that a *contingency existed sufficiently urgent* in *character to bring it within* the operation of the *emergency* clause of the deficiency appropriation act of March 3, 1899 (30 Stat. L., 1223), which provided that—

"For emergency fund to meet unforeseen contingencies constantly arising, to be expended at the discretion of the President, $3,000,000."

The discretion provided for in the statute above cited having been exercised by the President, and an allotment of funds having been made in conformity to the requirements of the enactment above cited, an agreement was entered into with Messrs. Browne and Baldwin on April 16, 1908, in the operation of which they charged themselves with the duty of ascertaining *what members* of the regiment, *if any,* were engaged in the commission of unlawful acts on the night of August 13–14, 1906. In consideration of the service so rendered, the department undertook to pay the sum of $5,000 in installments, as provided for in their contract of April 16, 1908, a copy of which is attached to this report as Appendix A.

Considerable difficulties were encountered in locating the former members of the regiment, but before the expiration of the time mentioned in the contract *sufficient information* had been obtained to *warrant the department* in *continuing the investigation* under the same persons, and a supplemental agreement to that end was entered into on September 1, 1908, for a further consideration of $5,000. Payments under these agreements are fully set forth in Appendix D. The final report of Messrs. Browne and Baldwin, embodying the results of their investigations, was submitted to the department on December 5, 1908, and was duly transmitted to the Senate by the President.

The *whereabouts* of *some* of the former members of Company B, Twenty-fifth Infantry, whom the agents employed by the department had considerable difficulty in finding, *were finally traced and located,* and, as it seemed not only desirable but highly important to the public interest that the *part taken by them* in the disturbance should be determined, a new agreement looking to a further prosecution of the inquiry was entered into by the Judge-Advocate-General, with my approval, *on December 11, 1908.* The report of this supplemental investigation will be transmitted to the Senate as soon as it has been received and examined at the department.

The selection of individual agents in the prosecution of the inquiry was left to the contractors and, save as they are alluded to in their report of December 5, no reports have been received of the names of the agents so employed. I am *advised that a very considerable force was employed by the contractors, at an expense averaging considerably above $100 per day.* The instructions under which the contractors have acted in the prosecution of the inquiry are embodied in the contract of April 16, 1908, the details of the investigation, except as they were embodied in that instrument, being committed to their discretion. The contract of April 16, 1908, provides that—

"The parties of the first part shall conduct such investigation and inquiries into the conduct of certain enlisted men of the Twenty-fifth Infantry, at Brownsville, Tex., on the 13th and 14th days of August, 1906, as will enable the principal participants in such unlawful acts to be identified and determined. They shall also inquire into and investigate the facts connected with a subsequent conspiracy entered into by certain enlisted men of said regiment, with a view to prevent the identification and discovery of the participants in such unlawful acts and the identification and disclosure of the names of said participants. (Contract of April 16, 1908, Appendix A.)"

No specific instructions in writing have been communicated to the contractors at any time. Copies of the contracts are attached to this report as Appendices A, B, and C. I ask your especial attention to

the copy of a report from Secretary Taft to the President, dated April 16, 1908. For the reasons above stated, no account of expenses incurred by the contractors has been submitted to the department. The payments set forth in Exhibit D, all of which were made in the execution of the contracts hereinbefore referred to, constituted a charge against the deficiency appropriation act of March 3, 1899, from which the several obligations incurred in the operation of the undertakings hereinbefore referred to were satisfied.

Very respectfully,

LUKE E. WRIGHT,
Secretary of War.

The PRESIDENT UNITED STATES SENATE.

APPENDIX A.

These articles of agreement made this 16th day of April, 1908, between Herbert J. Browne and William G. Baldwin, of the first part, and the Secretary of War, acting for and on behalf of the United States, of the second part, witness, that it is hereby agreed between said parties as follows:

1. The parties of the first part shall conduct such investigation and inquiries into the conduct of certain enlisted men of the Twenty-fifth Infantry at Brownsville, Tex., on the 13th and 14th days of August, 1906, *as will enable the principal participants* in such *unlawful acts to be identified and determined.* They shall also inquire into and investigate the facts connected with *a subsequent conspiracy* entered into by certain enlisted men of said regiment with a view to prevent the identification and discovery of the participants in such unlawful acts and the identification and disclosure of the names of said participants.

2. The parties of the first part shall make and submit to the Secretary of War a preliminary report, in writing, of the information obtained by them, on or before May 10, 1908, and a final report containing the names of participants, accompanied by affidavits of witnesses and such other testimony as they shall have succeeded in obtaining, such final report to be submitted to the department not later than June 15, 1908.

3. In consideration hereof the United States shall make payments as follows: One thousand two hundred and fifty dollars to be paid to the parties of the first part on Monday, April 20, 1908; $1,250 on Monday, April 27, 1908; $1,250 on Saturday, May 16, 1908; and $1,250 on Saturday, May 30, 1908.

4. The party of the second part reserves the right to terminate this agreement, in the discretion of the Secretary of War, on May 15, 1908, by giving five days' telegraphic notice thereof to the parties of the first part, in which case the payments hereinbefore provided for after that date shall cease and shall not become payable to the parties of the first part.

Witness our signatures the date first hereinbefore written.

In presence of—

GEO. B. DAVIS, as to HERBERT J. BROWNE.
FRED W. CARPENTER, as to WM. G. BALDWIN.

WM. H. TAFT,
Secretary of War.

APPENDIX B.

These articles of agreement, made this 1st day of September, 1908, between Herbert J. Browne and William G. Baldwin, of the first part, and George B. Davis, Judge-Advocate-General, U. S. Army, acting for and on behalf of the United States, of the second part, witness, that it is hereby agreed between said parties as follows:

1. The parties of the first part shall conduct such investigation into certain unlawful acts committed by enlisted men of the Twenty-fifth Infantry at Brownsville, Tex., on the 13th and 14th days of August, 1906, as will enable the participants in such unlawful acts to be identified and determined. They shall also investigate the facts connected with a subsequent agreement among the enlisted men of said regiment with a view to prevent the identification and discovery of the participants in such unlawful acts, and the verification and disclosure of the names of said participants.

2. The parties of the first part shall report to the Judge-Advocate-General of the army, in writing, from time to time, any information obtained by them in connection with said investigation, and shall submit a final report, containing the names of participants, accompanied by affidavits of witnesses and such other testimony as they shall have succeeded in obtaining, such final report to be submitted to the department not later than October 10, 1908.

3. In consideration hereof the United States shall make payments to the parties of the first part as follows: Two thousand dollars to be paid to the parties of the first part on September 10, 1908; $1,000 on September 20, 1908; $1,000 on September 30, 1908; and $1,000 on October 10, 1908.

4. The party of the second part reserves the right to terminate this agreement, in the discretion of the Secretary of War, on September 30, 1908, by giving five days' telegraphic notice thereof to the parties of the first part, in which case the payments hereinbefore determined upon to be made after that date shall cease and shall not become payable to the parties of the first part.

Witness our signatures the date first hereinbefore written.

In presence of—

JNO. BIDDLE PORTER, as to HERBERT J. BROWNE.
ESTELLE L. MEADOWS. WILLIAM G. BALDWIN.
JAMES P. DODSON.
JNO. BIDDLE PORTER, as to GEO. B. DAVIS,
Judge-Advocate-General U. S. Army.
JAMES P. DODSON.

Approved.

LUKE E. WRIGHT,
Secretary of War.

APPENDIX C.

These articles of agreement, made this 11th day of December, 1908, between Herbert J. Browne, of the first part, and George B. Davis, Judge-Advocate-General, U. S. Army, acting for and on behalf of the United States, of the second part, witness, that it is hereby agreed between said parties as follows:

1. The party of the first part shall conduct such investigation into certain unlawful acts committed by enlisted men of the Twenty-fifth Infantry at Brownsville, Tex., on the 13th and 14th days of August, 1906, as will enable all the participants in such acts to be identified and determined. He shall also investigate the facts connected with a subsequent agreement among the enlisted men of said regiment with a view to prevent the identification and discovery of the participants in such unlawful acts, and the verification and disclosure of the names of said participants.

2. The party of the first part shall report to the Judge-Advocate-General of the Army, in writing, from time to time, such information obtained by him in connection with said investigation, and shall submit a final report, containing the names of all parties and accessories to said transactions, accompanied by affidavits of witnesses and such other testimony as he shall have succeeded in obtaining, such final report to be submitted to the department not later than January 15, 1909.

3. In consideration hereof the United States shall make payments to the party of the first part as follows: Two thousand five hundred dollars to be paid to the party of the first part on December 12, 1908, and $2,500 on January 1, 1909.

Witness our signatures the date first hereinbefore written.

HERBERT J. BROWNE.

In the presence of—
JNO. BIDDLE PORTER.
L. W. CALL.

GEORGE B. DAVIS,
Judge-Advocate-General, U. S. Army.

APPENDIX D.

WAR DEPARTMENT,
Washington, January 2, 1909.

Report of payments under the contracts with Herbert J. Browne and William G. Baldwin, dated April 16 and September 1, 1908, and with Herbert J. Browne, dated December 11, 1908:

April 24, 1908	$1,250.00
April 27, 1908	1,250.00
May 16, 1908	1,250.00
June 2, 1908	1,250.00
September 10, 1908	2,000.00
September 21, 1908	1,000.00
September 30, 1908	1,000.00
October 10, 1908	1,000.00
December 12, 1908	2,500.00
January 2, 1909	2,500.00
	15,000.00

Respectfully submitted.

SYDNEY E. SMITH,
Disbursing Clerk.

APPENDIX E.

[Confidential.]

WAR DEPARTMENT,
Washington, April 16, 1908.

MY DEAR MR. PRESIDENT: The Brownsville investigation before the Senate, while it *establishes beyond any reasonable doubt the correctness* of the conclusion reached by you on the report of the inspectors and the other evidence, *has done nothing to identify the particular members* of the battalion who did the shooting or who were accessories before or after the fact. If the bill now pending, introduced by Mr. WARREN, passes, it will throw upon you the duty of a further examination into the evidence to determine whether certain of those now discharged ought not to be restored *on the ground that they were not parties to the shooting,* did not *know the persons who did it,* and were unable to give any clues to the perpetrators. It becomes your duty, therefore, and that of the department, to make every effort possible to identify the men who did the shooting and to establish the innocence of as many as are innocent among those discharged.

In pursuit of that purpose I have had a conference with Herbert J. Browne, who, under circumstances not necessary to repeat, made an investigation into the circumstances of the affray, and is a journalist of considerable experience; and with Mr. W. G. Baldwin, *the head of a large detective agency* at Roanoke, Va., serving the three great railways that pass through that town. I have written to the presidents of the three railways which Mr. Baldwin serves to know whether he is considered by them to be trustworthy, reliable, and skillful, and *until I have an affirmative answer from them on this subject I shall not sign the contract.* The contract has been prepared by the Judge-Advocate-General. I have talked with Mr. Baldwin and with Mr. Browne, and they think that unless within thirty days the prospects of success are bright it would be useless to continue the investigation further. If, however, their clues are found, as they expect to find them, *through the use of the large force of detectives* in the employ of Mr. Baldwin, then thirty days further may be needed in order to render the proof satisfactory. There is, as you will see in the contract, the right to cancel the contract at the end of thirty days and thus save half of the expense proposed should it turn out that the effort is wholly useless. You will find written upon the back of the contract *a formal indorsement* and *authorization for you to sign in order* that the *money to satisfy the contract* may be withdrawn and paid from the appropriation there mentioned.

Very sincerely, yours,

WM. H. TAFT.

The PRESIDENT.

Mr. FORAKER. I want to make a few comments on the report before passing it.

In the resolution, in response to which this communication came to the Senate, I asked not only for the authority by which the detectives had been employed, but I asked to have the Secretary of War state the number of detectives who have been employed, whether they were white or colored, and if both, how many of each kind, and to give us the name and address of each. The Senate will remember that I asked also that he state out of what funds these men had been paid and were being paid. In this answer the Secretary of War says he is unable to state the number of detectives that have been employed and is unable to give us any information in regard to them, because the whole transaction was in the nature of a contract between the United States Government on the one part, represented by the Secretary of War, and Mr.

Herbert J. Browne and Mr. W. G. Baldwin, on the other part, representing themselves.

We are told that Mr. Browne is a journalist and that Mr. Baldwin is the head of one of the most important detective agencies in the country; that the details of the work were left to them and no instructions given them, except only such as were embodied in the contracts of which they submit copies. I will call attention to those in a moment.

The Secretary of War, in making this report to the Senate, says that Mr. Baldwin is a railway detective of large experience and of unusual ability. He further says:

As the ordinary agencies at the disposal of the Executive, which had been employed from time to time with a view to place the department in possession of the facts, had not been completely successful, especially in determining what particular individuals, if any, had been engaged in the affair as participants, it was determined by the President, as an incident of his authority as Commander in Chief, on the recommendation of the Secretary of War and in the execution of the discretion vested in him by the act of March 3, 1899, to accept the offer of Messrs. Browne and Baldwin and to place the conduct of the investigation in their hands.

It will be noted—and I want to comment on that in passing—that prior to the employment of these detectives, the departments and the Government usually had been employing all the facilities and agents of the "ordinary" kind to try to accomplish the results they are seeking now specifically to accomplish under this employment; that they had failed to accomplish any such results; in other words, that they had failed to identify any man in that battalion as a participator in that shooting affray; they had failed to identify any man in the battalion as guilty of this newly described crime—a conspiracy of silence—that they had failed to find one guilty of membership in that new order. So they resorted to the employment of these detectives.

I am going into this with some detail, because I have some remarks to make about it a little bit later. Now, when this was determined upon, the Secretary tells us:

To that end an expression of view from the Judge-Advocate-General as to the legality of the undertaking was called for, and it was his opinion, in view of the existing executive and legislative conditions above referred to, that a contingency existed sufficiently urgent in character to bring it within the operation of the emergency clause of the deficiency appropriation act of March 3, 1899 (30 Stat. L., 1223), which provided that—

"For emergency fund to meet unforeseen contingencies constantly arising, to be expended at the discretion of the President, $3,000,000." (Act of March 3, 1899, 30 Stat. L., 1223.)

He attaches copies of three contracts which were entered into between the Government and Mr. Browne and Mr. Baldwin. The first is dated April 16, 1908, and it recites that it is made between the United States and these parties, as I have already set forth.

1. The parties of the first part shall conduct such investigation and inquiries into the conduct of certain enlisted men of the Twenty-fifth Infantry at Brownsville, Tex., on the 13th and 14th days of August, 1906, as will enable the principal participants in such unlawful acts to be identified and determined. They shall also inquire into and investigate the facts connected with a subsequent conspiracy entered into by certain enlisted men of said regiment with a view to prevent the identification and discovery of the participants in such unlawful acts and the identification and disclosure of the names of said participants.

All that was to be done in consideration of the payment by the Government to Browne and Baldwin of the sum of $5,000, to be paid in four equal installments of $1,250 each.

The 1st day of September following a similar contract was entered into between Browne and Baldwin, of the first part, and the United States, represented by George B. Davis, Judge-Advocate-General of the United States Army. Five thousand dollars were to be paid under that. A third contract was entered into on the 11th day of December, after Congress had reconvened, and a few days before this matter was coming up as a special order of the Senate.

The third contract is between the United States and Herbert J. Browne alone. Mr. Baldwin's name is not mentioned in this contract, although I have been told he is still engaged in this important service. This contract undertakes to pay $5,000. There is an appendix attached, which shows that the whole $15,000 was contracted to be paid, and has been paid.

Under this last contract, on the 12th day of December $2,500 was paid, and on January 2, 1909, after the President had sent his report to the Senate and after enough had been presented here in answer to it to put him on guard that he was being imposed on, there was paid $2,500 more.

I am not using strong language when I say "after he had been imposed upon," and every Senator here will agree with me before I have concluded. My only astonishment is at my moderation.

On April 16, 1908—nine months ago—Herbert J. Browne says in his report that he was employed at that time and that he has been continuously engaged in this employment ever since. We have an account of only this $15,000 having been paid out, but Secretary Wright tells us in his report:

I am advised that a very considerable force—

Of detectives he was referring to—

was employed by the contractors at an expense averaging considerably above $100 per day.

At $100 a day the sum would amount to a great deal more in nine months than $15,000, and I have reason to believe that a much larger sum than $15,000 has been paid by the Government to these men and others to prosecute this infamous work.

Attached to this report is a very singular document. It is a letter from the then Secretary of War, Mr. William H. Taft, the President-elect, to the President. Mr. Taft was then a Cabinet officer; he was communicating to the President his opinion and his advice with respect to a very important public matter, a matter that every man in the country had a right to know all about, at least in due season; and yet this letter is marked "confidential." Why confidential? Let some one answer who can. But what I want to say is that, if properly confidential, why is it sent to the Senate now and given to the public in the way in which it has been? Why should there be any confidential communication of this character? But the fact that it is marked "confidential" does not detract from its importance in considering this case. It is dated April 16, the very day the contract was signed, and reads as follows:

APPENDIX E.

[Confidential.]

WAR DEPARTMENT,
Washington, April 16, 1908.

MY DEAR MR. PRESIDENT: The Brownsville investigation before the Senate, while it establishes beyond any reasonable doubt the correctness of the conclusion reached by you on the report of the inspectors and the other evidence, has done nothing to identify the particular members of the battalion who did the shooting or who were accessories before or after the fact. * * *

I call attention to that as a very important statement. Nearly two years had elapsed; these men had been examined over and over again; they had been subjected not only to examination and cross-examination, but to examinations of the most rigid character. They had been brought here to this great Capitol, where most of them had never before been; they were ushered into that committee room where were seated at a table 12 Senators who were examining and cross-examining these poor men, helpless and ignorant, without any assistance, except only such little as I might be able to give, and yet, simply because of the power of truth they were able to meet successfully all the efforts of the Government, both ordinary and extraordinary, to convict them—efforts of the Government they had been protecting during long years of faithful service—to convict them of a crime which, in my judgment, they had nothing whatever to do with, any more than the men sitting in this Chamber participated in it. This letter reads:

If the bill now pending, introduced by Mr. WARREN—

Evidently that meant Mr. WARNER—

passes, it will throw upon you—

The President—

the duty of a further examination into the evidence to determine whether certain of those now discharged ought not to be restored on the ground that they were not parties to the shooting, did not know the persons who did it, and were unable to give any clues to the perpetrators. It becomes your duty, therefore, and that of the department, to make every effort possible to identify the men who did the shooting, and to establish the innocence of as many as are innocent among those discharged.

In pursuit of that purpose I have had a conference with Herbert J. Browne, who, under circumstances not necessary to repeat, made an investigation into the circumstances of the affray, and is a journalist of considerable experience; and with Mr. W. G. Baldwin, the head of a large detective agency at Roanoke, Va., serving the three great railways that pass through that town. I have written to the presidents of the three railways which Mr. Baldwin serves to know whether he is considered by them to be trustworthy, reliable, and skillful, and until I have an affirmative answer from them on this subject I shall not sign the contract.

His letter is dated April 16. The contract purports to have been signed on that date. So he was not long in hearing, apparently:

The contract has been prepared by the Judge-Advocate-General. I have talked with Mr. Baldwin and with Mr. Browne, and they think that unless within thirty days the prospects of success are bright, it would be useless to continue the investigation further. If, however, their clews are found, as they expect to find them, through the use of the large force of detectives in the employ of Mr. Baldwin—

I call especial attention to this phrase—

If, however, their clews are found, as they expect to find them, through the use of the large force of detectives in the employ of Mr. Baldwin, then thirty days further may be needed in order to render the proof satisfactory. There is, as you will see in the contract, the right to cancel the contract at the end of thirty days, and thus save half of the expense proposed should it turn out that the effort is wholly useless. You will find written upon the back of the contract a formal indorsement and authorization for you to sign in order that the

money to satisfy the contract may be withdrawn and paid from the appropriation there mentioned.

Very sincerely, yours,

WM. H. TAFT.

The PRESIDENT.

This message of the President, with its exhibits, and this report of the Secretary of War present a new and most serious feature of this unhappy business. They not only disclose determined effort on the part of the President to again bolster up the case against these men, which he has heretofore, on numerous occasions, both officially and unofficially characterized as "conclusive" and "overwhelming," but that he has resorted to a method in his effort to secure such testimony that can not be fittingly characterized without the use of language which, if employed, might appear to be disrespectful to the Chief Executive. And worst of all, in this endeavor to secure such testimony the President has, himself, committed the serious offense—condemned by every court that administers the common law that has ever had occasion to speak on the subject—of holding out to these men an inducement, or a reward, for giving such testimony, in the form of reenlistment, with full pay, of which they had been deprived, and reinstatement to all their rights as soldiers.

It does not lessen the gravity of his offense that it appears to be imperceptible to him; or, if not so, that he has become utterly oblivious to all the restraints of law, decency, and propriety in his mad pursuit of these helpless victims of his ill-considered action. I shall be able to show, I think, that all this has been done without the authority of law and with public money that has been literally filched from the Public Treasury in flat defiance both of the Constitution of the United States and of statutes enacted by Congress applicable thereto.

I do not hesitate to say that in my opinion, aside from the question whether there has been a misappropriation of public funds, no precedent for anything so shocking can be found in all the history of American criminal jurisprudence.

It will appear from the President's message—and that is what I refer to when I say that, and the exhibits thereto attached showing the mode in which the detectives are operating, and the testimony in answer thereto, which I shall submit presently—that fraudulent impersonation, misrepresentation, lying, deceit, treachery, liquor, and intoxication, coupled with promises of immunity and the excitement of hope and fear and the offer of employment and remunerative wages, have been resorted to to secure the testimony sought for, and that the so-called "confessions" are not confined to such as affect the parties making them, or to those affected by them who may be present when such confessions are made, but extend also to those not present when they are made, but who are absent and without knowledge of what is transpiring, and without any opportunity whatever to be heard in their own defense, even to make an objection that such statements and such confessions are untruthful.

These facts make all such testimony utterly incompetent and worthless according to the decisions of all the courts in which is administered the common law.

The following letters show how they approached George W. Gray, one of the discharged soldiers, and with what proposals they sought to deceive him and make him their tool in the accomplishment of their purposes:

HOTEL RUFFNER,
Charleston, W. Va., December 17, 1908.

SENATOR FORAKER: I am a member of C Company, and was suppœnaed before the committee. Now, I have a point to lay before you. I have been troubled a great deal with Col. W. G. Baldwin. I had a very good job at the time, and Mr. Baldwin writes and offers me a job at $60 a month and expenses. I told him I would accept, so he asked me if I would go around and try to see if I could get anything out of them. I told him I would, as I was innocent and ignorant, and if the guilt could be found that easy, I would try. So there was nothing I found, and he tried very hard to get me to say something false; and after he found out he could not handle me, he failed to come up to his promise in regards to the pay. Then I came back, and since then he sends me $25 and asked me if I would make a statement that the shooting came from B Company, and there was none in C or D; and I have the letter that he sent me, his name signed, and I thought it might do you some good, and if you want the letter where he pays me to make a false statement, write to 500 Capitol street.

Respectfully,

G. W. GRAY.

And then he adds a postscript:

I have three or four of his letters.

That letter was received at Cincinnati in my absence. It was answered by one of my clerks, as follows:

CINCINNATI, OHIO,
December 23, 1908.

G. W. GRAY, Esq.,
No. 500 Capitol street, Charleston, W. Va.

DEAR SIR: In the absence of Senator Foraker, I write to acknowledge the receipt of your letter to him of the 17th instant, and to say that he will be home to-morrow, and it will then be brought to his attention. The information you give him is important. If you could send him the Baldwin letters, they might be very helpful to him. Anything you may send to him at No. 1004 Traction Building, Cincinnati, Ohio, will reach him promptly.

Hoping you will comply with the above suggestion, I remain,

Very truly, yours, etc.,

S. C. CHENOWETH.

In answer he sent me a number of letters, from which I quote only two:

Roanoke, Va., May 2, 1908—

These are but samples of what the others are—

ROANOKE, VA., *May 2, 1908.*

Mr. GEORGE W. GRAY, *Sun, W. Va.*

DEAR SIR: As your name has been handed me as a reliable colored man, who has served in the United States Army as a soldier, and in whom I could place confidence, I am writing you to know if you will accept a position under me at $60 per month and your expenses. If you are not engaged at this time, please reply at an early date in the inclosed envelope.

Very truly,

WALLACE L. GRAY,
P. O. Box 25, Roanoke, Va.

It turns out from the testimony that "Wallace L. Gray" was an alias name for W. G. Baldwin, the contractor and representative of the Government dealing with some of the discharged soldiers of the Government.

Here is the second letter he sent:

ROANOKE, VA., *October 8, 1908.*

Mr. GEO. W. GRAY,
Hotel Dunglen, Thurmond, W. Va.

DEAR SIR: Inclosed I hand you a check for twenty-five dollars ($25). I wish you would try and see if you can locate your brother or John Brown, who is in Philadelphia.

Could you make a statement that from the sounds of the guns and flashes that you are satisfied that the shooting came from B barrack, and that you are satisfied that no shots were fired by either C or D?

Yours, truly,

W. G. BALDWIN.

As reflecting further light on the operations of these representatives (?) of the Government, I call attention to the following letters:

Oklahoma City, December 20, 1908—

I might read many more if I cared to do so. I read just enough to show the scope of their operations and the character of them:

OKLAHOMA CITY, *December 20, 1908.*

DEAR SENATOR: I am writing to inform you that a Mr. Ward called to see me on the 15th instant and said that he had instructions from you to see me and get other information, if any, concerning the Brownsville affair.

He also stated that you had notified me to give him all the aid I possibly could, in order that he might see as many of the discharged soldiers as was in the city, which I did.

But since I have failed to hear from you, as he stated, thought I would call your attention to the matter.

I had no new information, as I don't know any more about the Brownsville affair now than I did when it first happened.

Best wishes for your success in the fight you are now in, for which we all feel proud.

Yours, truly, JERRY E. REEVES.

No. 225 West Grand avenue.

Reeves was a sergeant of one of the companies, and testified as a witness before the Military Affairs Committee.

Now, again:

OMAHA, NEBR., *December 22, 1908.*

MY DEAR SENATOR: Last Thursday a man who gave his name as G. S. Ward—

The same man, evidently, as the "Mr. Ward" referred to in the previous letter—

was in Omaha and called upon Corpl. J. A. Coltrane, who was in Company B of the Twenty-fifth Regiment when the company was discharged in 1906. He pretended to be representing you, and had with him a list of names which he claimed were the names of the soldiers who had confessed their complicity in the Brownsville affair.

He interviewed Corporal Coltrane for three hours and a half, but failed to get any information. But during the course of the interview he asked Corporal Coltrane if he had seen any communication from you since the Senate hearing. Corporal told him he had seen a letter which you had written to me concerning the affair. Your letter to me was dated May 18, 1908. Nothing further was said about the letter that night. However, on the following day Mr. Ward sent a telegram to Corporal Coltrane from Des Moines, Iowa, which read as follows: "Please request loan of letter from Senator FORAKER to Lawyer Pinkett and mail same to me, general delivery, Des Moines, Iowa."

* * * * * * *

He then goes on to say that he did not send my letter to him.

Thanking you for the fight you have made and are making, I am,

Sincerely,

H. J. PINKETT.

Senator J. B. FORAKER,
United States Senate, Washington, D. C.

I do not know Lawyer Pinkett. He is somebody who wrote me in regard to it, and, if he is so disposed, he can publish my letter to all the world; for, Mr. President, let it be said and understood now, once and for all, that I have written no letter or word of any kind to any human being on earth in regard to this or any other matter, so far as that is concerned, that the world may not know about if it wants to; and I give my per-

mission without any qualification whatever for such publication. I have doubtless written some letters that might need explanation. I may have written some letters, as perhaps every other man has, that I would not have written if I had at the time of writing the benefit of information subsequently acquired; but I never wrote a line since I left my mother's knee that all the world might not see. I may have written what might need explanation, but it would not require any lying, or any dodging, or any misrepresentation, or any evasion on my part, to satisfy anybody that it was honest, sincere, and truthful, as I understood the truth.

But, resuming, we have a lot of men employed as hired detectives, going about over the country to convict men of a crime that I do not believe them guilty of; and, in connection with that, trying to pry out something in the nature of private correspondence that might be sent to the Senate, as another communication has been recently sent to the Senate.

If I show zeal in commenting upon this or display any energy, it is not through anger, but only because of that indignant resentment which any self-respecting man must feel to be spied upon by paid detectives at the expense of the Government he is himself trying to serve, employed to hound him, and this, that, and every other man. Mr. President, no language is adequate fittingly to describe such a shameful performance, and I do not exempt anybody who is connected with it from that remark, from the highest to the lowest.

These men wrote similar letters to Boyd Conyers and then sought to mislead and entrap him with slanderous lies that his comrades were "peaching," as he expressed it, and that if he would escape arrest and extradition to Texas, from where he would probably never return to his young wife and child, he, too, must make a statement falsely accusing his absent comrades; and then, when he refused to comply, asserting his innocence, they fabricated a story of confession and attempted suicide, which was a base falsehood from beginning to end, as I shall completely, and to the satisfaction of every man who hears or will read, show by the testimony I shall offer.

In all the history of crime and its detection nothing more atrocious, disreputable, and disgraceful has ever been recorded.

It seems a waste of time to cite cases in support of propositions so elementary as that confessions involving criminal guilt are never permitted in any court, unless it can be shown that they were given voluntarily, without inducement or hope of reward, or promise of immunity, or without any duress, or without any suggestion of benefit of any kind or nature whatsoever to the party making the confession. This elementary principle of the law was well known to the detective, Herbert J. Browne, who made the report transmitted to the Senate by the President, for in it he takes care to say that "no promises of immunity were made."

This statement falls to the ground, however, with all the rest of his wicked fabrications, in the presence of the established facts, as I shall presently establish them.

This is not the first time men have resorted to misrepresentation to make it appear that so-called "confessions" secured by them were voluntary.

The case of Bram *v.* United States (168 U. S., p. 532) is an illustration in point. It shows how jealously the law, and the courts in expounding the law, protect men who are accused of crime from the danger of conviction upon such testimony. In that case three homicides had been committed on the high seas. It was claimed that Bram, the accused, had made a confession. The officer to whom it was alleged he made the confession testified, in response to the interrogatories of the court, as follows:

> Q. You say there was no inducement to him in the way of promise or expectation of advantage?—A. Not any, your honor.
> Q. Held out?—A. Not any, your honor.
> Q. Nor anything said in the way of suggestion to him that he might suffer if he did not—that it might be worse for him?—A. No, sir; not any.
> Q. So far as you were concerned, it was entirely voluntary?—A. Voluntary, indeed.
> Q. No influence on your part exerted to persuade him one way or the other?—A. None whatever, sir; none whatever.

These statements were made under oath; they were made in the presence of the court; they were made in answer to interrogatories propounded by the judge presiding over the court; and such were the answers.

Thereupon counsel for the defendant interrupted the examination the court was making and urged that inasmuch as the defendant was at the time of his alleged confession in the custody of the officer to whom he had made his alleged confession his statement could not be free and voluntary, as the law required to make it competent.

The objection was overruled, and the defendant excepted.

Thereupon the officer, in response to the inquiries of the court, continued his statement, as follows:

> When Mr. Bram came into my office, I said to him: "Bram, we are trying to unravel this horrible mystery." I said: "Your position is rather an awkward one. I have had Brown—

He was another man charged with complicity in the crime and was under arrest—

> in this office, and he made a statement that he saw you do the murder." He said: "He could not have seen me. Where was he?" I said: "He states he was at the wheel." "Well," he said, "he could not see me from there." I said: "Now, look here, Bram; I am satisfied that you killed the captain, from all I have heard from Mr. Brown. But," I said, "some of us here think you could not have done all that crime alone. If you had an accomplice, you should say so and not have the blame of this horrible crime on your own shoulders." He said: "Well, I *think*, and many others on board the ship *think*, that Brown is the murderer; but I don't know anything about it." He was rather short in his replies.
> Q. Anything further said by either of you?—A. No; there was nothing further said on that occasion.

It should be stated that not only was Bram accused of the murder of the captain of the vessel and two others on board, but also the man Brown, referred to in the examination, was similarly accused. Brown was not present when Bram made his alleged confession.

It will be noted that this officer, who is shown by the record in the case to have been one of many years' experience, testified that he held out no inducement and made no suggestion calculated to influence the accused to make a confession; and yet under examination he was compelled to testify that he told the accused that his position was an awkward one, and that Brown, the other defendant, had been in that same office and had made a statement that he saw him (Bram) commit the murders, and that he told Bram that he was satisfied that he was guilty from what he had heard from Brown, but that some of them thought he (Bram) could not have done all that crime alone, and if he had an accomplice he should say so and not have all the blame saddled upon his shoulders.

Notwithstanding these statements, the trial court admitted the confession; but the Supreme Court, in reviewing the case, among other things, said:

> In 3 Russell on Crimes (6th ed.), 478, it is stated as follows: "But a confession, in order to be admissible, must be free and voluntary; that is, must not be extracted by any sort of threats or violence, nor obtained by any direct or implied promises, *however slight*, nor by the exertion of any improper influence. * * * A confession can never be received in evidence where the prisoner has been influenced by any threat or promise, for the law can not measure the force of the influence used or decide upon its effect upon the mind of the prisoner, and therefore excludes the declaration if any degree of influence has been exerted."
> And this summary of the law is in harmony with the doctrine as expressed by other writers, although the form in which they couch its statement may be different. (Citing Greenleaf, Wharton, Taylor, Bishop, etc.)
> These writers but express the result of a multitude of American and English cases, which will be found collected by the authors and editors either in the text or in notes, especially in the ninth edition of Taylor, second volume, tenth chapter, and the American notes, following pages 588, where a very full reference is made to decided cases. The statement of the rule is also in entire accord with the decisions of this court on the subject. (Citing 110 U. S., 574; 156 U. S., 51, 55; 160 U. S., 355; and 162 U. S., 613.)

After a rather elaborate discussion of the whole subject and the citation of many authorities, the court proceeds, at page 546, to say:

> Gilbert, in his Treatise on Evidence (2d ed., published in 1760), says, at page 140: "* * * But then this confession must be voluntary and without compulsion; for our law in this differs from the civil law, that it will not force any man to accuse himself; and in this we do certainly follow the law of nature, which commands every man to endeavor his own preservation; and therefore pain and force may compel men to confess what is not the truth of facts, and consequently such extorted confessions are not to be depended on."

In support of its ruling, the court, on page 547, among other quotations, gives the following as a note to Gilham's case, 2 Moody, pages 194–195:

> The human mind, under the pressure of calamity, is easily seduced; and is liable, in the alarm of danger, to acknowledge indiscriminately a falsehood or a truth, as different agitations may prevail. A confession, therefore, whether made upon an official examination or in discourse with private persons, which is obtained from a defendant, either by the flattery of hope, or by the impressions of fear, however slightly the emotions may be implanted, is not admissible evidence, for the law will not suffer a prisoner to be made the deluded instrument of his own conviction.

The quotations I have made were in cases where the accused were in the custody of the law, under arrest, and charged with crime, and in some instances indicted and being proceeded against. The soldiers from whom these detectives are now, by the methods shown, seeking to get confessions and statements that will show guilt, are not under indictment nor under arrest, for the controlling reason, among others, that there is no testimony on which to find an indictment and no testimony to warrant any man in taking the responsibility of causing the arrest of any one of them.

It will be remembered that 12 of them were arrested immediately after the affray, at the suggestion of Captain McDonald, of the Texas Rangers, and that they were held in custody at San Antonio until the grand jury of Cameron County, Tex., in which Brownsville is situated, could investigate and determine whether or not they should be indicted; and that this grand jury, after investigating the charges against these 12 men for a period of three weeks, found that there was not even probable cause on which to indict any one of them, and they were thereupon discharged.

But the books are full of cases where so-called "confessions," when made after mere accusation but before arrest and when there was no official duress and no proceeding against the accused of any kind, were held to be incompetent upon the same general principles that are applied in the rulings already quoted—if the inducements or threats or rewards or punishments or persuasions were held out by one claiming to represent or have authority to speak for the Government.

In Rex *v.* Thompson (1783), 1 Leach (4th ed.), 291, cited in Bram *v.* United States (168 U. S., 551) it was held that—

> * * * A declaration to a *suspected* person that unless he gave a more satisfactory account of his connection with a stolen bank note his interrogator would take him before a magistrate was held equivalent to stating that it would be better to confess, and to have operated to lead the prisoner to believe that he would not be taken before a magistrate if he confessed. Baron Hotham, after commenting upon the evidence, in substance and said that the prisoner was hardly a free agent at the time, as, though the language addressed to him scarcely amounted to a threat, it was certainly a strong invitation to the prisoner to confess, the manner in which it has been expressed rendering it more efficacious.

As illustrating how careful the law is in protecting the accused from confessions that are not absolutely voluntary and free from fear, threat, menace, persuasion, or hope of reward, the Supreme Court has in the Bram case cited, at page 552, numerous cases, from which are culled the following:

> In Cass's case (1784) (1 Leach, 293), a confession induced by the statement of the prosecutor to the accused, "I am in great distress about my irons; if you will tell me where they are, I will be favorable to you," was held inadmissible. Mr. Justice Gould said that the slightest hopes of mercy held out to a prisoner to induce him to disclose the fact was sufficient to invalidate a confession.

In Rex *v.* Griffin, decided in 1809 (Russ & Ry., 151), a statement made by a prisoner was rejected because it was shown that he had been told that "it would be better for him to confess."

In another case it was held by the same court that the statement of the prisoner should be rejected because it was shown that the prosecuting witness said to the accused that—

> He only wanted his money, and if the prisoner gave him that, he might go to the devil if he pleased.

In another case, decided in 1830 (reported in 4 Car. & P., 387), a so-called "confession" was rejected because it was shown that some one said to the prisoner:

> You are under suspicion of this, and you had better tell all you know.

The same ruling was made in the case of Rex *v.* Enoch and Pulley, decided in 1833, because it was shown that some one said to the prisoner:

> You had better tell the truth, or it will lie upon you and the man go free.

In Rex *v.* Mills, cited in the same connection, the confession was rejected when it was shown that it was said to the prisoner:

> It is no use for you to deny it, for there is a man and the boy who will swear they saw you do it.

While in Sherrington's case the same ruling was made because it was shown that the remark was made to the prisoner:

> There is no doubt thou wilt be found guilty: It will be better for you if you will confess.

In another case the confession was rejected because it was shown that the prisoner was told:

> You had better split and not suffer for all of them.

The ground of rejection in another case was the statement to the prisoner:

> If you are guilty, do confess. It will perhaps save your neck. You will have to go to prison. If William H. (another person suspected, and whom the prisoner had charged) is found clear, the guilt will fall on you. Pray tell me if you did it.

In Reg. *v.* Croydon, decided in 1846, the confession was rejected because it was shown that it was said to the witness:

> I dare say you had a hand in it; you may as well tell me all about it.

While in the case of Reg. *v.* Garner the ground of objection was the statement to the prisoner:

> It will be better for you to speak out.

So I might go on and cite a dozen more cases similar in character.

It will be noted that in no one of these cases was there any promise of immunity, but only the suggestion, in an advisory way, that it would probably secure favor or redound to the benefit of the prisoner if he should make a confession. These are all English cases, but they are all cited with approval by the Supreme Court of the United States.

Numerous American cases of the same general character are also cited in this same opinion.

Before turning away from the English cases I call attention to another—the latest of the decisions cited by our Supreme Court. It was that of Reg. *v.* Thompson (2 Q. B., 12). Our Supreme Court, in citing this case and the rule made, says:

> At the trial a confession was offered in evidence which had been made by the defendant *before his arrest* upon the charge of having embezzled funds of a certain corporation. Objection was interposed to its reception in evidence, on the ground that it had been made under the operation of an inducement held out by the chairman of the company in a statement *to a relative* of the accused, intended to be and actually communicated to the latter, that "it will be the right thing for Marcellus (the accused) to make a clean breast of it." * * * And added: "If these principles and the reasons for them are, as it seems impossible to doubt, well founded, they afford to magistrates a simple test by which the admissibility of a confession may be decided. They have to ask, Is it proved affirmatively that the confession was free and voluntary—that is, was it preceded by any inducement to make a statement held out by a person in authority? If so, and the inducement has not clearly been removed before the statement was made, evidence of the statement is inadmissible."

Coming to the American authorities, the court said (p. 557):

> In this court the general rule that the confession must be free and voluntary—that is, not produced by inducements engendering either hope or fear—is settled by the authorities referred to at the outset.

After reviewing the American cases and the statutory provisions of some of the States, and pointing out how, by the courts of the different States, confessions had been rejected and the grounds therefor, the court reviewed the facts of the case as heretofore set forth, and held that they showed that the confession was not voluntary and that the court below erred in admitting it.

Applying now what the Supreme Court of the United States has in this recent case held to be the law governing the admissibility of confessions and incriminating statements as evidence to establish guilt, it will be found from an examination of the testimony already produced that the so-called "confessions and statements" relied upon to again establish the guilt of these soldiers is wholly inadmissible as evidence, and that not only is the testimony itself condemned by all authority as unreliable and incompetent, but also the methods whereby it has been secured. They are condemned as contrary to the elementary principles of common-law justice and as so unworthy and reprehensible in character that nothing so produced will be received, but all must be condemned and excluded wherever human life or human rights or human liberty may be involved.

If, therefore, the statements of Browne, Lawson, Baldwin, and others, acting under employment by the War Department and under the immediate direction of the President, to whom they personally report, were absolutely truthful, all that they have done would be incompetent, according to all authority, as evidence to show the guilt of any of these discharged soldiers, either as participators in the shooting affray or as participators in a conspiracy of silence to withhold knowledge of facts that might lead to the identification of those who did participate.

But, happily for these unfortunate soldiers, it is not necessary for them or for me, speaking in their behalf, to rely upon any technical objections to the legality or sufficiency or propriety of this kind of testimony or the unwarranted and unlawful methods whereby it has been secured.

It will be remembered that when the President's message of December 14, 1908, was read in the Senate I immediately read in answer thereto a number of letters from Boyd Conyers, the discharged soldier who is charged with being one of the leaders in getting up the conspiracy, and in executing it, to shoot up the town of Brownsville, which letters by chance I had with me at my desk that morning. He is now living at Monroe, Ga., and it was charged that he had made a confession. In the letters he fully and unqualifiedly denied and refuted all that was said against him in that regard. I called attention to the fact while engaged in reading these letters that, according to his statements, the sheriff of the county, Hon. E. C. Arnold, and Captain Mobley, a cashier in one of the banks, and other citizens—white men of character and position—were shown by the letters to have knowledge as to the truthfulness of what Conyers had written, and that if his statements were not true, as I believed them to be, it would be easy by the testimony of such men to overthrow his defense.

On the next day there appeared in all the newspapers an Associated Press dispatch giving an interview with Hon. E. C. Arnold, of Monroe, Ga., sheriff of Walton County, fully confirming and supporting all the statements of Conyers and deny-

ing the truthfulness of all the essential statements of Browne and the detectives.

The letters of Conyers, coupled with this confirmation from Sheriff Arnold, at once satisfied every fair-minded man from one ocean to the other who wanted to look at this matter honestly that the so-called testimony submitted by Browne, Baldwin, et al., was unworthy of credence. But I am now able to answer those charges more specifically and completely. I invite the attention of the Senate to the following affidavits and unsworn statement of Capt. Albert B. Mobley.

I have copied them as they are here on this table, and any Senator who wishes may examine the originals, because I have been accused of so much in this matter that I do not want to take anything for granted. I have been accused, I hope, of about all I will ever be accused of. There is ahead—not far ahead—of us a time when men will not lightly fall into such invective and such base charges and insinuations, when they will be out of power and where they can be called to account as other men can be called to account.

I read first the affidavit of Boyd Conyers:

GEORGIA, *Walton County:*

In person appeared before me Boyd Conyers, who on being duly sworn deposes and says: The statements made by me in the several letters written by me to Senator FORAKER and published in the CONGRESSIONAL RECORD of December 14, 1908, are true.

Senators will remember the report that Boyd Conyers made a confession to William Lawson, a negro detective, ignorant and illiterate, who signed his name with his mark. He gave the day and date that the confession was made to him. Then Browne testified under oath that he interviewed Conyers in Georgia and secured a confession. Here is what Conyers says under oath:

I desire to further say that I did not have any conversation with William Lawson, the negro detective, as stated by him, on the morning of June 8, because I was at work 3 miles from the city of Monroe at that time, helping to grade the target range for Company H, Second Georgia Regiment, National Guard. I did not go to Gainesville, as stated by him, on the negro excursion June 15, for I was at work cleaning up the post-office until dinner time that day, and after dinner I went out to the target range and helped to put up the targets. I did not see and talk to him on June the 29th, as stated by him, for my wife was dangerously sick at that time and expected to die. I never did at any time have any private talk with him, and I most solemnly swear that every word of his statement as to talks had with me or confessions made by me to him, or statements made by me to him, in regard to the Brownsville affair, or affecting me in any way, is utterly and absolutely false.

I desire to say, further, that Sheriff E. C. Arnold was present at all of the interviews between Mr. Herbert J. Browne and me and took an active part in trying to get me to make a confession. He knows, for he was present and heard every word that I said, that I made no confession, that I denied all the time knowing anything about it; and I here say that I made no confession of any kind to Mr. Browne, and that the statement or report made by him and published in the CONGRESSIONAL RECORD of December 14, in so far as the same refers to me or affects me in any way, is not true, but a misrepresentation of the real truth.

BOYD CONYERS.

Sworn to and subscribed to before me January 4, 1909.

J. O. LAWRENCE,
Notary Public, ex-officio Justice of the Peace,
Walton County, Ga.

Now I will read the affidavit of E. C. Arnold. I see present the junior Senator from Georgia [Mr. CLAY]. I should like to know whether he knows E. C. Arnold, sheriff of Walton County; and if so, what kind of a man he is.

Mr. CLAY. I have known Mr. Arnold for fifteen or twenty years. He is a most excellent man in every respect.

Mr. FORAKER. I should judge so from this affidavit and from the position he holds in his county. I do not think Mr. Arnold needs a certificate of character, except only to those who imagine that every man who does not agree to what is put out from certain places is dishonest or actuated by some unworthy purpose or motive. I venture to say he would compare favorably either with Herbert J. Browne or William Lawson.

STATE OF GEORGIA, *Walton County:*

In person appeared before me E. C. Arnold, who, after being duly sworn, deposes and says:

I am at present and have been for twelve years the sheriff of Walton County, residing in the city of Monroe. For several years prior to my election to the office of sheriff I was chief of police of Monroe. I have recently been elected ordinary of the county, and will begin the duties of that office to-morrow, January 1, 1909. I desire to say that I know very little about the statements made by William Lawson, the negro detective, in his affidavit published in the CONGRESSIONAL RECORD of December 14 as to the conversations had with and confessions made to him by Boyd (Buddie) Conyers.

He is apparently known there as "Buddie"—

But I do know, in all reason, that that part of his statement about he and Conyers "stopping under a storehouse porch near Main street and taking a drink or two of liquor" is necessarily false. There is only one such place that he could have reference to, and that is right in the business heart of the city, in full view of the court-house, of the public square, the city hall, and other public buildings. In fact, it is one of the most public and conspicuous places in the city, and in my opinion it would have been impossible for them to have taken a drink at that place without being seen and cases made against them in the police court.

As to the report made by Herbert J. Browne and published in the CONGRESSIONAL RECORD of December 14, I desire to say that on the morning of October 6 Hon. George M. Napier, who until recently was judge-advocate-general of the state troops (national guard), came into the court room, court then being in session, and requested me to come over to his law office, as he wanted to see me on some important business. In a little while I went to his office, where he introduced to me Mr. Herbert J. Browne as a special agent of the Government sent here to investigate the Brownsville raid. Captain Napier told me that Gov. Hoke Smith had called him up over the phone and had requested him to see me and ask me to assist Mr. Browne in every possible way in the matter. I talked over the matter fully with Mr. Browne during the day, arranging plans and details. Early after supper I had Boyd Conyers to meet us at my office. I fastened the doors, so no one could interrupt us, and then we put him through the most rigid examination I have ever seen any person subjected to in all of my long experience in dealing with criminals. I had always believed that some of the soldiers "shot up Brownsville," and for this reason I was glad of an opportunity to aid in getting at the bottom of it, finding out the guilty ones, so that they might be properly punished. I, therefore, went into the matter with Mr. Browne with my whole heart in the work. We kept Conyers under a most severe cross-examination until about 11 o'clock that night, but without getting any information, he positively denying all the time that he knew anything to tell, as he was asleep at the time of the shooting. We then adjourned for the night, but made an engagement with him to meet us the next morning. Conyers came promptly, but Mr. Browne, in the meantime, had changed his plans and decided to go back to Atlanta, so we had no conference with Conyers that morning. At noon of October 11 Mr. Browne returned to Monroe, and just after dinner I went for Conyers and had him come to my office. We again kept him under a most rigid examination until after dark. I was personally present all the time at both of these interviews, assisting Mr. Browne in every way possible, and heard everything that was said. On both of these occasions we used all the power, skill, and means at our command to get a confession out of Conyers or to get him to tell who did the shooting, but he continued to deny knowing anything about it. Mr. Browne had told me that Conyers had made a confession to William Lawson, the negro detective, but that he wanted to get a confirmation of it direct from Conyers. He *said that he was direct from the President—*

And he was; and he was acting under his immediate direction and upon his suggestion in this matter, infamous as it is—

and was prepared to offer Conyers absolute immunity from any punishment and a pardon from the President if he would only tell what he knew. Conyers had known me all of his life and had absolute confidence in my ability to carry out any promise I made him. *I told him that if he would just tell the whole thing—just own up and tell it—no matter how guilty he might be, I had it in my power to see that he was pardoned and would not be punished, but if he did not tell it and it had to be proved on him, then he would be severely punished. We made all sorts of promises to him—*

Remember the authorities that I have read. It seemed tedious when I was reading them, but I was reading them because they fit this case, and I want Senators to know how judges in administering our law comment on such performances as this.

We made all sorts of promises to him; then we told him *what the consequences would be if he did not tell it,* but he still denied knowing anything or who did the shooting. Mr. Browne then told him about his confession to Lawson. Conyers said Lawson had lied; that he had had no talk with Lawson about the matter. Then Mr. Browne told him that about *twenty of the soldiers were talking already* and *telling it,* and that *the truth was coming out,* and *if he wanted to escape punishment he had better tell it.* Conyers *still denied* knowing anything, or who did the shooting. I desire to state further that *I have carefully read the several letters* written by Boyd Conyers to Senator FORAKER in regard to what took place between him and Mr. Browne, published in the CONGRESSIONAL RECORD of December 14, and the *whole thing took place just as he has outlined it in these letters,* only he omitted to state the part taken by me in the matter. *The details as set out by him in these letters are stated with remarkable accuracy.*

Mr. Browne told Conyers, in my presence, that Lawson had told him that Conyers made the confession to him on the excursion trip to Gainesville. Conyers told Mr. Browne that Lawson had lied, because he, Conyers, did not go to Gainesville on the excursion, and could prove it. I desire to state further that the report—

Now, I call careful attention to this:

I desire to state further that the report of Mr. Herbert J. Browne in this matter as published in the CONGRESSIONAL RECORD *of December 14,* in so far as the same relates to these conversations with Boyd Conyers, *is not true. To the contrary, and I say it under my solemn oath, it is the most absolutely false, the most willful misrepresentation of the truth, and the most shameful perversion of what really did take place between them that I have ever seen over the signature of any person.*

Yet a President of the United States, acting through the Secretary of War, is continuing the employment of a man who is infamous scoundrel enough to thus undertake to impose upon the President and upon the Senate, and this is being continued after warning was given from here of the character of this man Browne.

If I speak plainly, Mr. President, it is because we have reached the point where only plain talk would seem to properly meet the requirements of the case.

Now, that is not all—

The most willful misrepresentation of the truth, and the most shameful perversion of what really did take place between them that I have ever seen over the signature of any person. Surely Mr. Browne must have thought that this report would never be seen or read by me, or he would not have made it. I was both *shocked and horrified when I read it.*

I wish somebody else, who prates about the dishonesty of other people, would be shocked and horrified by something.

When we *had utterly failed* to get a confession or any information out of Conyers as to who did the shooting, then Mr. Browne asked him to give the names of some of the baseball players and also the names of some of the most reckless and turbulent members of his company. This Conyers did, giving several names, and these same names, so given by Conyers in my presence, Mr. Browne, in his report, says were furnished him by Conyers as the ones participating in the shooting. I point this out as a fair example as to how Mr. Browne has perverted the truth and the real facts in the case in his report.

I will state further that Mr. W. G. Baldwin came here. He told me that the letter purporting to be written by James Powell, as published in the CONGRESSIONAL RECORD of December 14, was a decoy letter written by him.

Senators will remember that one of the conspirators who, it was alleged, helped to plan and helped to execute the shooting up of Brownsville was this man James Powell, an ex-soldier of this battalion, as charged, and they introduced a letter written by James Powell to Boyd Conyers, his comrade and friend, at Monroe, Ga. When Conyers was asked about that letter he said: "I do not know that man Powell. I got such a letter, but I do not know him at all. I never saw him. I never heard of him. There is no reason why he should write to me." Now, it comes out that that was a decoy letter, and not written by James Powell, but written by W. G. Baldwin, this representative of the Government. And then, later, Mr. President, it turns out by his own confession, by his own statement, that James Powell never belonged to this battalion. He had been a soldier in some other regiment some years ago, but he had been living in Atlanta since long before the shooting affray occurred, in the service there of a Doctor Crenshaw. The Senators from Georgia may know him. Then he said he had no knowledge whatever of Brownsville, and had never been there.

Oh, such plotting, such planning, simply to save somebody's face—I need not say whose. That is the plain English of it. That is what the power of this Government and the Public Treasury of the United States are being subjected to in this matter.

He—

Mr. Baldwin—

also told me that he knew very little about William Lawson, the negro detective, as he had only been with him a few weeks (having been sent to him by his brother), and that he had already caught him in several crooked statements. He also said that he had sent George Gray—

From whom I read a letter a few minutes ago—

a private in Company C, and who was in the army with Conyers, here to see Conyers after Lawson had left. That Gray came here and spent the day with Conyers, and on his return reported no information.

E. C. ARNOLD.

Signed and subscribed to before me December 31, 1908.

JNO. T. ROBERTSON,
Clerk Walton Superior Court.

Now I read the affidavit of W. J. Mayfield, also a witness:

STATE OF GEORGIA, *Walton County:*

In person appeared before me, W. J. Mayfield, who, on oath, after being duly sworn, deposes and says:

That in June, 1908, he was employed to superintend the work of grading and preparing the target range for Company H, Monroe National Guard, Second Georgia Regiment. I have read the statement of William Lawson in the CONGRESSIONAL RECORD in regard to a conversation he had with Boyd (Buddie) Conyers on the morning of June 8, near Main street, between 8 and 9 o'clock. I desire to say that statement *is absolutely false*, and could not possibly be true, for the reason that the target range is 3 miles from Monroe and Conyers was working for me on the target range that day. We began work about 6 o'clock, or sunup, in the morning, and worked until sundown in the afternoon, and it was impossible for Conyers to have had the conversation at the time and place mentioned by Lawson. *In addition to my memory* as to the above facts *my time book* kept by me bears me out as to the correctness of my memory. Lawson's statement as to that conversation *is a fabrication and falsehood* out of the whole cloth. Conyers was already at work on the range when I took charge of it, and continued to work there under me every day until it was completed.

W. J. MAYFIELD.

Sworn and subscribed to before me this December 30, 1908.

JNO. T. ROBERTSON,
Clerk Walton Superior Court.

Then, I have the testimony here of a man by the name of John Blassingame:

STATE OF GEORGIA, *County of Walton:*

In person appeared before me, John Blassingame, who, being duly sworn, deposes and says: I am at present and was on May 6, 1908, the proprietor of a pressing club in the city of Monroe, Ga.; that I was present when William Lawson, the colored detective, was introduced at my place to Boyd (Buddie) Conyers. It is not true, as stated by him as published in the CONGRESSIONAL RECORD on page 191, that he was introduced to Conyers as an "old soldier." He was introduced or introduced himself to Conyers as traveling with and a helper to a hat drummer. I further swear that I was present on the occasion when Lawson says that he offered Conyers liquor in my place of business, and that his statement to that effect is not true. I further swear *that I went on the negro excursion to Gainesville* on the morning *of June 15*, and that Boyd Conyers *did not go on that excursion.* The excursion train left Monroe about 7 o'clock in the morning and did not return until about 9 o'clock that night, and that Conyers was not on the train either on its departure or return.

JOHN BLASSINGAME.

Sworn and subscribed to before me December 31, 1908.

J. O. LAWRENCE,
Notary Public ex officio Justice of the Peace,
Walton County, Ga.

So that that story is a lie.

Then, O. J. Adams, who is also a white man and clerk in the post-office, testifies:

STATE OF GEORGIA, *County of Walton:*

Personally appeared before me, O. J. Adams, who being duly sworn, deposes and says:

On the morning of June 15, 1908, I began my duties as clerk of the postmaster in the post-office at Monroe, Ga., which position I still fill at the present time. I know Boyd (Buddie) Conyers personally. I know of my own personal knowledge that *he did not go on the negro excursion to Gainesville* on the morning of that date, because he worked in the post-office until 11 or 12 o'clock that morning, giving the office a general cleaning up, washing the windows, etc. The excursion went up early in the morning and he was working in the office as above stated several hours after it had left here. I know that *I can not possibly be mistaken* as to what I have above stated for the reason that *it was the day I* began work *as a clerk in the post-office.*

O. J. ADAMS.

Sworn and subscribed to before me, an officer of said State, duly authorized by law to administer oaths. January 4, 1909.

J. O. LAWRENCE,
Notary Public, Ex Officio Justice of the Peace,
Walton County, Ga.

Now here, in order that Senators may know what kind of methods are resorted to to get testimony, let me read the following affidavit from Frederick D. McGarity. He is the assistant cashier of the leading bank in Monroe, a white man.

STATE OF GEORGIA, *Walton County:*

In person appeared before me Fred D. McGarity, white, who, after being duly sworn, deposed and said that on the night of November 28, 1908, and immediately after supper, a gentleman who registered at the hotel where I boarded introduced himself to me as *A. H. Baldwin*, having previously learned that I was a notary public, and requested me to go with him to the house of one Lewis Anderson, colored, for the purpose of attesting an affidavit. I went with him, as it was only a few hundred yards, not knowing the nature of the business. When we reached the place we found there *Lewis Anderson and one William Lawson*, a negro detective, who then requested Anderson to repeat what he had told him that Boyd (Buddie) Conyers had told him about the Brownsville raid. Anderson, who is an old man, vehemently denied having told Lawson anything about Conyers; said that Conyers's name had never been mentioned between them but one time, and that was on one occasion when Conyers passed by and Lawson asked him if that was Conyers, and he told him yes. Anderson further stated that he had had no talk with Conyers; that he had only spoken to him one time, and then only to say "howdy;" that he had nothing to do with "these young niggers." Lawson insisted on Anderson making an affidavit that Conyers had admitted to him that he knew a great deal more about the shooting at Brownsville than he had told. Lawson insisted that Anderson had told him these things while out fishing. Anderson strongly denied having told Lawson any such thing, and got his Bible and placed his hands on it and denied that he had ever made any such statements to Lawson, or that he had ever had any conversation with Conyers about the matter in any way, at the same time calling upon, or stating that God would strike him dead if he was telling a lie. Anderson denied making such statement to Lawson and refused to make the desired affidavit. Mr. Baldwin and I then went to the home of Boyd Conyers. Mr. Baldwin asked Conyers if he knew Lawson. Conyers stated that he knew him when he saw him. Baldwin asked him if he went on the excursion to Gainesville. Conyers answered that he did not. Baldwin told him that Lawson said he went and made a confession to him on the trip in the presence of Lonzo Hennon, and that he, Baldwin, had Hennon's affidavit in his pocket showing this to be true. Conyers replied that he could not help what he had; that it was not true; that he did not go on the Gainesville excursion and had made no confession to Lawson or to anyone else. Baldwin then asked Conyers how many men were arrested after the shooting. Conyers told him 13. Baldwin asked him to give him the names of those arrested, and Conyers did so. He asked Conyers if he was arrested, and Conyers said no. He asked Conyers who sent for him when he went to Washington. Conyers told him D. M. Ransdell, Sergeant-at-Arms United States Senate. He then asked him how much he got per day and how much expense money, etc. Conyers told him, but I do not remember the exact amount.

I was present during all of the conversation and heard it all. Conyers positively denied knowing anything about the shooting, stating that he was asleep at the time the shooting took place. Conyers said nothing that would tend in any way to show that he had anything to do with the shooting, or that he knew anything about who did it. I am assistant to the cashier in the Bank of Monroe.

FRED D. MCGARRITY.

Sworn and subscribed to before me January 4, 1908.

J. O. LAWRENCE,
Notary Public and ex officio Justice of the Peace,
Walton County, Ga.

Then, here is the affidavit signed and sworn to by G. W. Giles, who was one of the parties in charge of the excursion to Gainesville:

STATE OF GEORGIA, *Walton County:*

In person appeared before me G. Wes Giles, who being duly sworn, deposes and says: That on Monday morning, June 8, several of us left Monroe and went out to grade the target range, about 3 miles out from town. Boyd Conyers was one of the party. We were working under Mr. W. J. Mayfield, and we went out in the wagon with him. We left town about 6 o'clock or sunup that morning and did not return to town until dark that evening. I know of my own knowledge that

William Lawson did not have any conversation with Conyers between 8 and 9 o'clock that morning in Monroe, as stated by Lawson, for the reason that I was at work with Conyers, 3 miles from Monroe from sunup in the morning until after sundown in the evening, and Conyers did not go to town during the day.

I further swear that *I was one of the parties in charge* of the *excursion to Gainesville* on June 15. I was in charge of the refreshment car. I tried to get Conyers to go on the excursion, but he told me *that he had a family to keep up* and would have to work. I know of my own knowledge that Conyers did not go on that excursion. The excursion train left Monroe about 7 o'clock in the morning and returned about 9 o'clock that night.

G. W. GILES.

Georgia, Walton County, sworn and subscribed to before me January 4, 1909.

J. O. LAWRENCE,
Notary Public, ex officio Justice of the Peace,
Walton County, Ga.

Now, here follows a statement made by the captain of the national guard company, who is the cashier of the bank; not sworn to. It reads as follows:

MONROE, GA., *December 24, 1908.*

To whom it may concern:

This is to certify that I have known Boyd Conyers for twelve to fifteen years, during the most of which time he has resided here. He has been in my employ a number of times, and during the past year he has been janitor for the Walton Guards, Company H, Second Infantry, National Guard of Georgia, of which I am captain. I secured him for this position on account of his experience in military service, which made him efficient in the matter of care of military property. I have always found "Buddie," as he is known in Monroe, to be honest, reliable, and trustworthy. I have talked with him a number of times about the Brownsville trouble, and he has always told me the same story, to wit, that he had no part in the shooting, and did not know anyone who did; that he was on guard duty; and that he was asleep at the time the difficulty occurred. *From my knowledge of him, I do not think he would have taken part in such an affair,* for he *has always borne the reputation of being a quiet, peaceful, and law-abiding citizen.* When the report became current in Monroe that he had confessed to a detective that he took part in the Brownsville shooting, he was very much exercised over it, and came to me and insisted that he had made no such confession, and I was impressed with his sincerity in the matter.

Respectfully, ALBERT B. MOBLEY.

Now, Mr. President, I hazard nothing in saying that this testimony will prove sufficient to firmly establish in the minds of all honest men—I have gotten so that I rather like to use that word myself—to firmly establish in the minds of all "honest" men, from one end of this land to the other, not only that the reports of these so-called "detectives," in so far as they attempt to show confessions and incriminating statements made by Conyers, are base fabrications, without any truth whatever on which to rest, but that the whole work in which they have been engaged is the result of a plot and a conspiracy blacker and more damnable than anything that has been charged against the soldiers themselves, even if the worst that has been said should prove to be the truth; for, atrocious and indefensible as is the crime of murder, more atrocious and more indefensible still is a cold, scheming, calculating plot and conspiracy to fasten the crime of murder upon an innocent man.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from Ohio will proceed.

Mr. FORAKER. If Senators could but see Boyd Conyers, as I recall him when he appeared upon the witness stand, a young man, a mere lad, who was serving his first enlistment, who had been a member of the battalion only one year, who is spoken of by Herbert J. Browne in his report as a recruit, and who was doubtless regarded by the older soldiers of the battalion as a mere recruit—for so would one appear to a soldier of twenty or twenty-five years' service who was serving in the first year of his first enlistment—if Senators could but see his frank, open, manly face and manner as he testified, manifestly anxious to tell the truth and the whole truth, and withholding nothing whatever, they would conclude with me that he was the last man to be thought of as capable of the plotting of a conspiracy in which he was to involve his older and more influential comrades—a conspiracy that involved the most serious violation of every duty as a soldier, not only for himself, but for everybody else connected with the plot—if Senators could only see what I see—as I now recall him, it would not require any word of argument or of testimony from anybody to show the utter wickedness of these charges against him.

According to the citizens of Monroe, Ga., who have known him all his life, he is a man with a blameless record, enjoying the confidence and respect of every white man, as well as every colored man in that community, and this, according to their testimony, was true of him not only before his enlistment, but is true of him since his return from the army. Is it possible that in one short year in the service under strict discipline he turned to be such a desperado as Mr. Browne and his fellow-conspirators would have us believe; and then instantly turned back again to his former self when he was turned out of the service? If he thus turned criminal, why did he do it?

There is not one word of testimony to show that either he or any member of Company B had the slightest trouble with any citizen of Brownsville. On the contrary, the testimony is uncontradicted and conclusive that no member of that battalion had any trouble with the citizens of Brownsville, except only three or four men of Company C; and it was on account of these troubles of men belonging to Company C, coupled with the fact that Company C had trouble about opening its gun racks, and on account of the delay so occasioned—they were violently broken open—that Major Blocksom intimates in his report that members of Company C probably planned the raid and executed it. That was the only company that had any provocation to do anything of the kind. But the testimony before the Senate committee showed that it was impossible for anybody connected with Company C to have participated in the raid, and all pretence of charging Company C with such responsibility has been long since abandoned.

I will not review the testimony here, but simply content myself with a reference to former speeches in the Senate in which I have called attention to the evidence on this point.

ELMER BROWN.

Now I come to another soldier, Elmer Brown.

Mr. Herbert J. Browne states in his report that Elmer Brown, of Company B, who slept in the corral, furnished him "a list of suspects"—eight names in all.

Elmer Brown unqualifiedly denies that he ever made any such statement to Mr. Browne or anybody else. He makes the following affidavit:

DISTRICT OF COLUMBIA, *City of Washington, ss:*

AFFIDAVIT OF ELMER BROWN.

Elmer Brown, being first duly sworn, says that he was a member of Company B, Twenty-fifth U. S. Infantry, and that he was discharged from that company without honor at El Reno in November, 1906; that he was in Brownsville at the time the shooting affray occurred, August 13–14, on account of which the soldiers were discharged; that he was at that time, and had been for two years prior thereto, on special detailed duty, taking care of the horses of Major Penrose, and acting as his mounted orderly on practice marches and on other occasions when the Major rode.

That on the night of the shooting he was sleeping in the private stable in which the horses of Major Penrose were kept, which stable was situated in what was known as the "corral," about six or seven hundred yards from the barracks in which the men were quartered.

Back in the rear part of the reservation.

Affiant further says that he was asleep when the firing occurred and did not know anything about it until he was awakened by Alfred Williams and told of it. Affiant further says that he has testified fully before the Senate committee and on other occasions that he has no knowledge whatever as to who did the shooting; neither does he know of any one belonging to either of the companies who has any knowledge or who has ever at any time withheld any knowledge with respect thereto; that his statements on these points as heretofore made are absolutely truthful.

Affiant further says since last August he has been employed as a laborer cleaning steam presses at the Bureau of Engraving and Printing; that while he was so employed there, some time during the month of July last, a gentleman called upon him, who said he wanted to talk with him about the Brownsville matter. Affiant asked whether he was an officer of the army, and the man replied that he was not an officer, but that he was connected with the army. He said he had been sent to affiant by Judge-Advocate-General Davis. Later affiant called upon Judge-Advocate-General Davis and asked him whether he had sent such a man to him, and the Judge-Advocate-General told him yes, he had sent a Mr. Browne to him. In this way affiant learned the name of the party who thus called upon him.

This party told affiant that he was trying to get information that would enable the President to restore the men to the army, and that he wanted affiant to tell him who did the shooting, and all he knew about it. Affiant told him he had no knowledge on the subject, and that his testimony as theretofore given was full and complete and truthful. Mr. Browne thereupon told him that if he would tell who did the shooting and all about it, he would take affiant's name to the President, and the President would reinstate him in the army.

Affiant further states that Browne talked over the matter at great length, saying among other things that the shooting was done by men belonging to B Company. He said they had found that out, and that George Jackson and Sergeant Reid, who was sergeant of the guard that night, knew all about it.

Later, about the first week in August, as nearly as affiant can recall, Mr. Browne visited him at the Bureau of Engraving and Printing a second time. At this time he had with him a group photograph of the baseball club belonging to Company B. He asked affiant the names of all these men shown in the group, and put the names down, as affiant gave them, on a piece of paper. He had with him, also, the roll of the company, and called off each man's name in turn and asked affiant about it. Affiant answered his questions as well as he could, but affiant told him if he wanted the records of the men he should go to the War Department; that they could be furnished there better than affiant could give them.

At no time and in no way did affiant admit to Browne, or has he ever admitted to anybody else, that he or anybody connected with the battalion had done the shooting, and he insisted in all his answers to Mr. Browne, as he has to everybody else, that he does not know who did the shooting. He was not present in the barracks that night nor with his company until the shooting was all over, and affiant has no knowledge whatever except what he has heretofore testified about.

Affiant denies unqualifiedly that he gave Browne or that he has ever given to anybody else any list of suspects, as stated by Browne in his report shown in the CONGRESSIONAL RECORD of December 14, 1908. What affiant refers to as appearing in that report is the following:

"Elmer Brown, Company B, who slept in the corral, furnished the following list of suspects:

"James Bailey, Carolina de Saussure, C. E. Cooper, John Holloman, James (Rastus) Johnson, Henry Jimerson, William Lemons, and J. L. Wilson."

Affiant denies that he ever named any such list, or ever named anyone mentioned in the list as suspected by him of having anything to do with the shooting, or as having knowledge of the shooting. The statement, in other words, made by the Browne report in that respect is a falsehood, without any truth whatever on which to base it so far as anything is concerned that affiant may have said.

Affiant says that since December 14, 1908, as nearly as affiant can now recall—probably about the 21st day of December—this same man called upon him for the addresses of all the men living here in the city that affiant might be able to give him.

He thereupon asked affiant about various things that he claimed had happened in connection with Company B and different members thereof, running back for several years prior to the time of the shooting. As to a number of these matters, affiant had never heard anything about them. He answered as best he could, giving him such information as he could as to the matters about which he did have knowledge or about which he had heard anything.

He thereupon told affiant that they now had positive proof that Sergeant Reid, John Holloman, Carolina de Saussure, and Henry Jimerson and George Jackson were all guilty of participating in the shooting or of having been parties to it, and that they had them all located and could lay their hands on them any time they wanted to. He did not mention in this conversation, or ever at any time in any of his conversations with affiant, the name of Boyd Conyers.

He then stated that in about a month or six weeks the President would be able to put half to two-thirds of the men back in the army, and that if affiant wanted to get back in the army he must tell all he knew.

Thereupon affiant appealed to him to arrange it so he (affiant) could himself go and see the President and prove his innocence.

Does that sound like the talk of a guilty man? This poor soldier appealing to this man who thus goes to him as the President's representative, that he may be allowed to go in person directly to the President and state in his own way his case, not doubting he could prove to the satisfaction of the President that he was innocent, for he felt that if he could talk to the President he could satisfy him that he was not guilty either of participating in the shooting or of keeping any knowledge of it from anybody. But affiant was told by Browne that it would be impossible for him to see the President, for if the President should act on his case alone—if he should see affiant and let him go back in the army—he would have to see every other man and let him go back; that Browne would see the President for affiant, and that affiant would have to tell him about it.

The President could not be reached except through his representative.

Affiant replied that he had no knowledge whatever on the subject that he could give Browne. Affiant asked Browne whether he wanted him to commit perjury. Browne said no, he did not want him to commit perjury, but he wanted him to tell about it; and affiant then told him that he had told all he knew about it, which was nothing. Thereupon Browne left and affiant has not since seen him.

ELMER BROWN.

DISTRICT OF COLUMBIA, *City of Washington, ss:*

Before me, Edgar L. Cornelius, a notary public in and for the city of Washington, District of Columbia, personally appeared the above-named affiant, Elmer Brown, and made oath to the statement contained in the foregoing affidavit.

[SEAL.] EDGAR L. CORNELIUS,
Notary Public.

JANUARY 7, 1909.

Elmer Brown also testified before the Senate committee. He was an older soldier. At the time of this affray he was serving his sixth enlistment. The official record of this soldier as furnished by the War Department is as follows:

Enlisted May 18, 1892; was honorably discharged as a private of Troop I, Tenth Cavalry, August 17, 1895, upon his own request, at the expiration of three years and three months' service, he having enlisted for five years; character excellent.

Reenlisted November 2, 1895; was discharged as a private of Company B, Twenty-fifth Infantry, November 1, 1898, on expiration of term of enlistment; character very good.

Reenlisted November 2, 1898; was discharged as a corporal of Company I, Twenty-fifth Infantry, November 1, 1901, on expiration of term of enlistment; character excellent.

Reenlisted November 7, 1901; was honorably discharged as a corporal of Company B, Twenty-fifth Infantry, November 26, 1902, in connection with the reduction of the army; character excellent.

Reenlisted February 25, 1903; was discharged as a private of Company B, Twenty-fifth Infantry, February 24, 1907, on expiration of term of enlistment; character excellent.

Reenlisted February 25, 1906; was discharged without honor as a private of Company B, Twenty-fifth Infantry, November 22, 1906.

It is impossible for him to reach the President, who ordered that disgrace to be put upon him, except only through this man Herbert J. Browne.

Upon this record alone every presumption is in favor of Elmer Brown as against Herbert J. Browne. But we are not without evidence as to who Elmer Brown was. The evidence shows that at the time of this shooting affray he was, and had been for two years, on detailed service, taking care of the horses of Major Penrose and acting as his orderly. Major Penrose testifies that he was a trusty, faithful man in whom he had entire confidence and upon whom he thoroughly relied. Not a breath of suspicion or charge has ever been made against him until now.

Every member of the Military Affairs Committee who can recall him as he appeared on the witness stand will know without citing his record and without any argument in his behalf that what Herbert J. Browne has said of him is an untruthful libel, without any excuse whatever. If the President would only grant the pathetic appeal of this veteran soldier of the Republic and give him a chance to be heard, he would be in better company and in better business than he is when listening to his scheming traducer, and if happily he should be moved to do him justice, the act would add honor to his distinguished career and gladden his heart for all time to come.

And so I might go on as to each and every other man who is attacked by Herbert J. Browne and his fellow-conspirators, with the same result as to each, but it is unnecessary.

Falsus in uno, falsus in omnibus.

Especially should that maxim apply where it is shown that the great vital proposition upon which the whole report rests, that Boyd Conyers made a confession, is a lie out of whole cloth, without anything whatever in all the realm of truth on which to base it and without any explanation, except only that the men who were put at this iniquitous and unholy work were anxious to make a report that would secure their retention in the employment that had been given them. It was vital to the continuance of their relations to the Treasury that they should appear to be making progress.

It is impossible to find language with which to fittingly characterize such a procedure as this detective business has been from its incipiency down to the monstrous stages it has reached.

It is atrocious, revolting, shocking to every sense of fairness, justice, and even common decency; and yet, bad as it is, it is no worse than what usually occurs when hired detectives are employed to "work up cases." The reports are full of such comments as the following, viz:

A man who will deliberately ingratiate himself into the confidence of another, for the purpose of betraying that confidence, and while with words of friendship upon his lips he is seeking by every means in his power to obtain an admission which can be tortured into a confession of guilt which he may blazon to the world as a means to accomplish the downfall of one for whom he professes great friendship, can not be possessed of a very high sense of honor or of moral obligation. Hence the law looks with suspicion on the testimony of such witnesses, and the jury should be specially instructed that in weighing their testimony greater care is to be exercised than in the case of witnesses wholly disinterested. (30 Northwestern, 628.)

While there may be nothing in the conduct of a hired private detective to warrant *superlative* denunciation, his testimony should undoubtedly be scrutinized with caution, as that of a biased witness. The acts of a detective may be "so void of decency, so utterly repugnant to all notions of how an honorable man should conduct himself," that a court will disregard his testimony entirely. (74 Fed., 235; 187 N. Y., 160.)

I think that fits the case.

A super-serviceable detective is very apt to discover in his eagerness to illustrate his fidelity to a self-imposed master what he seeks. (92 Federal, 774.)

When a man sets up as a hired discoverer of supposed delinquencies, when the amount of his pay depends upon the extent of his employment and the extent of his employment depends upon the discoveries he is able to make, then that man becomes a most dangerous instrument. (Sopwith *v.* Sopwith, 4 S. W., Tr., p. 243, quoted in 70 Ill., 818.)

A person who would engage himself for hire to spy out affairs of that kind and make proof of them is entitled to no credit whatever. (16 Pac. Rep., 282.)

Detectives are employed to get evidence, and they always get it; many times, however, without any facts whatever to sustain it, which is the reason of the suspicion necessarily attaching to this class of testimony. (34 N. Y. App. Div., 460.)

A person employed for money to discover evidence to establish any fact is eager to attain his object, and whether such be the arrangement in fact or not he is very likely to believe, especially in a case like this, where his employer has the deepest interest in his success, that his reward will to a very large extent depend upon the success of his efforts. (39 N. J. Eq., 148.)

I might quote a hundred others just as pertinent, but time forbids it.

EMPLOYMENT OF DETECTIVES.

But there is another feature that needs attention. It appears from the answer of the Secretary of War that contracts were entered into between Herbert J. Browne and William G. Baldwin, on the one part, and the Secretary of War, on the other part, representing the United States, whereby Browne and Baldwin were engaged to employ detectives to secure from the men

testimony that would lead to the identification of the participators in the shooting affray.

It appears from the "confidential" letter of Mr. Taft, then Secretary of War, to the President, dated April 16, 1908, that Mr. Browne was known to him as a "journalist of considerable experience," and that W. G. Baldwin "was the head of a large detective agency at Roanoke, Va., serving the three great railways that passed through that town."

He further says:

I have talked with Mr. Baldwin and with Mr. Browne, and they think that unless within thirty days the prospects of success are bright it would be useless to continue the investigation further. If, however, their clews are found as they expect to find them *through the use of the large force of detectives in the employ of Mr. Baldwin*, then thirty days further may be needed in order to render the proof satisfactory.

In other words, it clearly appears that it was known at the time when the contract of April 16, 1908, was entered into between Browne and Baldwin on the one hand and the Secretary of War on the other, that the Secretary of War, as the head of the War Department, acting on behalf of the Government, was employing a detective agency with the expectation that "a large force of detectives" in the employment of Mr. Baldwin, chief of the agency, would be put to work to pursue these men with a view to securing from them the much desired testimony.

We are further told in this report from the present Secretary of War that there were three of these contracts, each providing for an expenditure of $5,000, or an aggregate of $15,000, and that all the money so contracted to be paid has been paid in accordance with these contracts.

We are further informed that this money has been paid out of an appropriation of $3,000,000, made by the deficiency act of March 3, 1899, the language of which appropriation is as follows:

For emergency fund to meet unforeseen contingencies constantly arising, to be expended at the discretion of the President, $3,000,000.

This appropriation—Senators will kindly note with care—is found under the general subhead "War Department," and under the special subhead of "Military establishment—Contingencies of the army." It was for no other kind of contingencies but "contingencies of the army." I have looked it up, but I did not get it in time to embody it in this manuscript, and I found that the appropriation was made upon the request of the Secretary of War and for the use of the department. Therefore, having been so made, having been so put down in the statute under "War Department," "Military establishment—Contingencies of the army," it was clearly an appropriation made by Congress under its constitutional power to "support" the army, and not under or by virtue of any other power whatever.

It will probably be surprising information to the Appropriations Committee—and I call the attention of the honorable acting chairman of the committee [Mr. HALE] to that, as he sits near me—as it will be to most Senators, that this appropriation, made ten years ago at the close of the Spanish-American war, to enable the President to meet emergency army contingencies such as were then arising in connection with our military establishment, should have been construed to be a permanent appropriation, and that there is still a large unexpended balance out of which payments of the character now under consideration are being made.

Especially so, in view of the fact that the Constitution of the United States provides in the enumeration of the powers of Congress that it shall have power—

To raise and support armies, *but no appropriation of money to that use shall be for a longer term than two years.*

That is what the Constitution says. It seems, however, that the Constitution suffered in this instance, as it has in a great many others during the last three or four years.

Under this provision of the Constitution, as well as under the general statutory provision on the subject, the appropriation lapsed at the end of the fiscal year of 1901, and no exception of the statute in favor of "permanent" or "specific" appropriations could keep it in force beyond that date. At that time it became the duty of the Secretary of the Treasury to carry the unexpended balance to the general fund or apply to Congress for a reappropriation. It was doubtless in view of this fact that the War Department at that time estimated for the further appropriation of $1,000,000, as the report shows of the Secretary of War for the fiscal year ending June 30, 1902, which estimate was, however, disallowed.

Then what happened? It would be interesting to know—I mean it would be interesting to know how, why, and by whose authority the unexpended balance of this fund has been kept available, and for what variety of purposes and upon what kind of vouchers it has been illegally drawn upon during all these years. Were the men at the head of the War Department, was the President of the United States, were any of the officials charged with the disbursement of these funds ignorant of the constitutional provision I have read? Not one of them.

I thought I would get full detailed information with respect to this fund without resorting to a resolution, but failing in that, I this morning offered a resolution, which the Senate adopted, calling for a detailed itemized statement of all the appropriations made out of this fund. I have been told that during this year, without one whit more authority than there is for the payment of this $15,000, in the neighborhood of $70,000 have been paid out from this fund on "contingencies" of one kind and another.

I also call attention to the fact that it is provided by section 193 of the Revised Statutes, enacted first in 1842, and from that date until now in substantially its present form the law of the land:

SEC. 193. That the head of each department shall make an annual report to Congress, giving a detailed statement of the manner in which the contingent fund for his department, and the bureaus and offices thereunder, has been expended, giving the names of every person to whom any portion thereof has been paid; * * * and the amount of all former appropriations in each case on hand, either in the Treasury or in the hands of any disbursing officer or agent. And he shall require of the disbursing officers, acting under his direction and authority, the return of precise and analytical statements of receipts for all the moneys which may have been from time to time during the next preceding year expended by them, and shall communicate the results of such returns and the sums total, annually, to Congress.

Whether the $3,000,000 fund drawn upon in this case is under the control of the Chief Executive or the Secretary of War, it would seem to be the duty of somebody to make a report with respect to it such as that called for by this section; and this duty so to report is not relieved by section 3690 or any other statute which excepts from the operation of such statutes "appropriations known as permanent or indefinite appropriations." If I should be in error about this, I am rendering an important public service in calling attention to much-needed legislation, of which, I trust, the Committee on Appropriations will take notice.

This appropriation being for the War Department, the report should have been made by the Secretary of War, and he is not relieved of that duty by the fact that the money can be expended only with the approval of the President. The Secretary of War evidently has entertained this view, but so far as I can ascertain no detailed or itemized reports to Congress of expenditures from this fund have been made, but only general reports showing the aggregate sums expended for each year. There is nowhere any statement as to the status of the fund at the end of each year for which the report is made; no detailed statement of any kind.

These general reports or statements are found in the annual reports of the Secretary of War showing the expenditures of the War Department for each fiscal year from its "emergency fund," as, for instance, for the fiscal year ending June 30, 1900, we find under the subhead "Military establishment:"

Emergency fund	$1,040,000.00
Emergency fund, 1901	360,583.00
Emergency fund, 1902	42,362.00
Emergency fund, 1903	76,187.43

Since 1903 a different form of statement has been used, on account of which I am unable to state definitely even aggregate amounts. If I were a member of the Committee on Appropriations I think I could get it; but in no instance is any such itemized statement given, so far as I can discover, as the statute requires.

It would be instructive and may be interesting to have such statements for each of the years, and that is why I offered the resolution which the Senate has adopted. But I pass that for the present because another very interesting question arises, passed upon by the Judge-Advocate-General, we are told, in favor of the availability of this money, as to whether or not, within the true construction of this appropriation of 1899, the securing of testimony by the methods resorted to was to meet an emergency contingency of the army such as the statute contemplated.

What is the ground upon which it is held to be such a contingency? The Secretary of War tells us that Mr. Taft told the President in his confidential letter of date April 16, 1908, that if the bill for the reenlistment of these soldiers which had been introduced by Mr. WARREN (WARNER?) passes—

It will throw upon you (the President) the duty of a further examination into the evidence to determine whether certain of those now discharged ought now to be restored on the ground that they were not parties to the shooting, did not know the persons who did it, and were unable to give any clues to the perpetrators. It becomes your duty, therefore, and that of the department, to make every effort possible to identify the men who did the shooting and to establish the innocence of as many as are innocent among those discharged.

In other words, the "contingency" was the exceedingly remote one that a pending bill, providing that men should be required to prove their innocence of a crime before a judge who had already pronounced them guilty, should be favorably acted upon by the Congress of the United States. And all this in the presence of the fact that there was the most bitter and determined opposition to the measure and that there was another measure pending which provided that all might be reenlisted who cared to reenlist, but that the right to further prosecute before civil or military tribunals should be reserved as to all against whom any evidence might be secured in any manner at any time after such enactment.

But waiving all technical or doubtful objections, and assuming for the sake of the argument that the constitutional provision quoted does not apply, and that the ruling of the Treasury Department that the appropriation is permanent is correct, and that it continues to stand, and will stand, as an available appropriation for such purposes as those for which it was intended until entirely exhausted, the question remains whether such payments as are now under consideration are legitimate and proper to be made from it. It would seem that, granting all I have indicated, they are yet, nevertheless, clearly illegal and in flat violation of the following statutory provisions found at page 368, volume 27, United States Statutes at Large, namely:

That no employee of the Pinkerton Detective Agency or similar agency shall be employed in any government service, or by any officer of the District of Columbia.

This provision was enacted in 1892 and has been in full force and effect ever since. But, inasmuch as it was found in an appropriation bill, it was thought proper in 1893 to reenact it, amended so as to employ the word "hereafter," to the end that there might be no question whatever about its being the continuing law of the land until repealed.

This reenactment was in 1893, and is found at page 591, 27 U. S. Statutes at Large. It reads as follows:

That hereafter no employee of the Pinkerton Detective Agency, or similar agency, shall be employed in any government service or by any officer of the District of Columbia.

This statute is still in force and effect, unrepealed and unqualified. It was in full force and effect at the time when these contracts with Browne and Baldwin were made by the Secretary of War.

In view of these statutes, all these payments are clearly illegal, not only without warrant or authority of law, but in plain violation thereof.

Summarizing: If the testimony taken by Browne and Baldwin and their detectives and submitted to the Senate by the President as exhibits of his message of December 14, 1908, were all truthful, it would be incompetent as proof of guilt, for the reason that upon the facts shown it was not free and voluntary.

2. The testimony I have submitted in answer to these statements shows that they are wholly false in every essential particular, being nothing more than malicious fabrications of the most villainous character.

3. These contracts of employment and all payments under them are utterly invalid.

4. In view of the fact that Browne and Baldwin have apparently induced the President to continue them in service and to pay them money out of the Public Treasury, upon the theory that they were rendering legitimate service when they were not, each and every such payment to them constitutes a clear case of obtaining money under false pretenses, and I call the attention of the law officers of the Government to the fact, as well as to the perjury that has been committed, in order that they may institute appropriate prosecutions.

Finally, in consideration of the general character of this whole miserable business, I feel more keenly than ever that it is the duty of the Congress to put an end, at once and for all time, to the possibility of continuing such outrageous and illegal proceedings by so amending my bill and then passing it as to provide a tribunal before which these men can appear and be heard in their own defense, if there be any person, anywhere, to prefer any charge against any one of them, and where they can be fairly judged by men old enough in service and in years and high enough in rank to be independent of every improper influence.

Before the debate is closed I shall try to find opportunity to show again, as I have heretofore shown, that this bill does not, as the Senator from Massachusetts has contended, infringe upon any right of the President as the Commander in Chief of the Army, and to either answer or obviate by amendment or modification any other objection that may be urged against it.

Mr. LODGE. Mr. President, I do not rise to review any phase of the Brownsville affair. I expressed my views some weeks ago, based exclusively upon the evidence presented in the court-martial and before the Committee on Military Affairs.

The Senators were kind enough to listen to me with great patience, and I have no intention of abusing their indulgence again. I have nothing to retract in the opinions I then expressed. Certainly at present I see no reason to add anything to what I then said.

There is, however, a single point to which I wish to address myself—one raised by the Senator from Ohio [Mr. FORAKER] at the close of the speech to which the Senate has been listening, and that is in regard to the legality of the employment of the two men, Browne and Baldwin, without any reference to the character of their methods or the merits of their work.

The Senator from Ohio read a letter from the Secretary of War written on April 16, 1908. I need not read it again, but I will ask that it be printed at this point in my remarks.

The VICE-PRESIDENT. Without objection, permission is granted.

The letter referred to is as follows:

[Confidential.]

WAR DEPARTMENT,
Washington, April 16, 1908.

MY DEAR MR. PRESIDENT: The Brownsville investigation before the Senate, while it establishes beyond any reasonable doubt the correctness of the conclusion reached by you on the report of the inspectors and the other evidence, has done nothing to identify the particular members of the battalion who did the shooting or who were accessories before or after the fact. If the bill now pending, introduced by Mr. WARREN, passes, it will throw upon you the duty of a further examination into the evidence to determine whether certain of those now discharged ought not to be restored on the ground that they were not parties to the shooting, did not know the persons who did it, and were unable to give any clues to the perpetrators. It becomes your duty, therefore, and that of the department, to make every effort possible to identify the men who did the shooting and to establish the innocence of as many as are innocent among those discharged.

In pursuit of that purpose I have had a conference with Herbert J. Browne, who, under circumstances not necessary to repeat, made an investigation into the circumstances of the affray, and is a journalist of considerable experience; and with Mr. W. G. Baldwin, the head of a large detective agency at Roanoke, Va., serving the three great railways that pass through that town. I have written to the presidents of the three railways which Mr. Baldwin serves to know whether he is considered by them to be trustworthy, reliable, and skillful, and until I have an affirmative answer from them on this subject I shall not sign the contract. The contract has been prepared by the Judge-Advocate-General. I have talked with Mr. Baldwin and with Mr. Browne, and they think that unless within thirty days the prospects of success are bright, it would be useless to continue the investigation further. If, however, their clues are found, as they expect to find them, through the use of the large force of detectives in the employ of Mr. Baldwin, then thirty days further may be needed in order to render the proof satisfactory. There is, as you will see in the contract, the right to cancel the contract at the end of thirty days, and thus save half of the expense proposed should it turn out that the effort is wholly useless. You will find written upon the back of the contract a formal indorsement and authorization for you to sign in order that the money to satisfy the contract may be withdrawn and paid from the appropriation there mentioned.

Very sincerely, yours, WM. H. TAFT.

The PRESIDENT.

Mr. LODGE. The Secretary of War at that time who wrote that letter was, as is well known, Mr. Taft. The President, of course, is absolutely responsible for what is done by any of his Cabinet officers, but the action taken was advised by the Secretary of War. Mr. Taft is a lawyer eminent at the bar, and he has been a judge distinguished on the bench. I do not believe that he himself would violate or advise anyone else to violate the laws of the United States, and it occurred to me that there must be some reason for the advice which he then gave to the President.

No one has a higher respect than I have for the great lawyers of the Senate, but I hope that I shall not be thought disloyal to the body to which I have the honor to belong if I suggest that there are good lawyers outside of the Senate.

The clause in the appropriation bill under which these expenditures were made was passed in 1899. Therefore, expenditures have been made from it under President McKinley and under President Roosevelt, under Mr. Root as Secretary of War, under Mr. Taft as Secretary of War, and under General Wright as Secretary of War. I feel that I am speaking within bounds when I say that Mr. Root deserves to be considered a great lawyer, and I believe the Senate may possibly in the future have more immediate demonstration of that fact. Mr. Taft's standing at the bar and his reputation on the bench are well known, and General Wright, if I am not misinformed, is a lawyer of the highest standing in the State from which he comes.

Now, Mr. President, to suppose, without any investigation, that eminent public men of this character and standing in the legal profession, supported by the advice of the Judge-Advocate-General of the department, have been engaged for a series of years, since 1899, in fact, in illegally expending the money of the Government is a rather startling proposition. For myself,

I was somewhat surprised to see the suggestion advanced that there has been any illegality in drawing money from the fund.

I can not see what relation the appropriation has to the constitutional provision limiting the raising and supporting of armies to two years, which, as is well known, is based on the famous "mutiny act" of England. This was a fund set aside and given to the War Department to meet unforeseen contingencies. It was interpreted by the War Department as a continuing fund, so interpreted by all the Secretaries I have mentioned, and no voice has ever before been raised in protest against this construction of the statute. If it is illegal now to draw money from that fund, it was illegal in 1901 and has been illegal every year since. The clause which has already been read to the Senate is as follows:

For emergency fund to meet unforeseen contingencies, constantly arising—

Not annually arising, but constantly arising—

to be expended at the discretion of the President, $3,000,000.

I do not think a plainer clause was ever put into an appropriation bill. I do not believe more absolute discretion was ever conferred upon the President in the expenditure of any fund. It leaves him the sole judge of the contingency.

Now, from that fund this money has been taken. I do not care to dwell further upon that point. My belief is that, whether the system of appropriating in that way is right or wrong, there is no question that that fund was put at the absolute disposition of the President and the War Department—not for this purpose or that, but for unforeseen contingencies constantly arising. This Brownsville affair was a contingency arising in connection with the discipline of the army. It related solely to soldiers, and nothing else.

I shall pass from that to the other point, about the employment of detectives.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. CULBERSON. It is merely for a question.

Mr. LODGE. Certainly.

Mr. CULBERSON. I wish to ask the Senator if there is anything in the opinion of the Judge-Advocate-General showing that his attention was especially called to this prohibitory statute alluded to by the Senator from Ohio.

Mr. LODGE. There is nothing in it, as quoted in the message. I have not his full opinion—that is, I have not seen his full opinion. I have seen only what is in the message, in which he seemed, as I gathered, to rest his advice solely on the ground that the employment of detectives was a contingency within the meaning of the statute.

Now, coming to the detectives employed, Browne's was clearly not an illegal employment, for he was not a detective by profession, and he belonged to no agency. The clause under which the objection to the employment is made is that—

No employee of the Pinkerton Detective Agency, or similar agency, shall be employed in any government service, or by any officer of the District of Columbia.

Therefore the question comes down to the employment of Baldwin. He is the head of a large detective agency. He apparently does the work of three railroads. Railroads are soulless corporations. They are not yet sufficiently advanced to understand that it is iniquitous to have a detective force to look up criminals. They are so hard and uncivilized that they employ detectives, although it may hurt the feelings of the people whom they suspect of crime. He is what I suppose is prettily called in the newspapers a "sleuth." "Sleuth" does not mean a detective, I will say in passing. It means a track or trail, and not the person who tracks or trails. I could not avoid that digression, because the use of the word "sleuth," which means a track or trail to indicate a man or an animal who tracks or trails, is an abuse of language. That is merely a personal confession, and I pass on.

He is a detective and the head of a body of detectives used by the railroads, and apparently he stands well with his employers.

Mr. President, it is with respect to the employment of Captain Baldwin, against which the clause cited by the Senator from Ohio, and which I have read, seems to militate, that I desire to say a few words. The statute is so simple in its language and yet so vague that I wanted, if I could, to discover the intention of Congress in passing it. I believe I am not mistaken in saying that courts often inquire into the intention of Congress when they are interpreting a statute, and it seems to me that it at least was worth looking into to see whether the Judge-Advocate-General of the Army and the Secretary of War had not some ground somewhere for advising action which, at the first glance, appears to be in violation of the statute.

In the first place, let me say that the employment of expert detective services in connection with the apprehension and detection of counterfeiting has been recognized by Congress for a number of years past, in a clause of appropriation, which is executed by the Secretary of the Treasury. It is sufficient to say as to this that the War Department—I have made inquiry on this point—has never, save in time of war, made any use of the force so authorized and maintained, nor has it at any time derived any benefit from the services of its personnel. Apart from the legislation respecting this Treasury secret-service force, the matter was first made the subject of statutory regulation or prohibition in the sundry civil act of 1892, which I will presently cite.

To obtain a correct idea of the scope and operation of the act of 1892, it is necessary to recall the circumstances and incidents which suggested its adoption by Congress. The Homestead strikes were in progress during the summer of that year. There were numerous disturbances and there was forcible opposition to the operation of the laws in Homestead and other places in the vicinity of Pittsburg. Certain employers of labor in Homestead and elsewhere entered into an undertaking with the Pinkerton Detective Agency for procuring the services of very considerable numbers of armed men, who were to be employed in the protection of their establishments from injury, and to secure an immunity from forcible molestation in behalf of their employees.

These Pinkerton forces were not to be used in the performance of detective work, but, as we all remember, as private armed forces, which were recruited and organized in another State and brought into the State of Pennsylvania, where they were armed and employed, not as a part of the sheriff's posse comitatus, or under the direction of the sheriff or other peace officer of the Commonwealth of Pennsylvania, but as a private armed force for the protection of private property which was alleged to be in danger of spoliation and destruction. This is indicated by the language used in the resolution of Representative Williams of Massachusetts, in a resolution introduced by him on July 6, 1892, as follows:

Whereas the Pinkerton detective or private police force to the number of several hundred is now engaged in an armed conflict at Homestead, Pa., with the late employees of the Carnegie Iron Works at said place, and great loss of human life and destruction of property are likely to result from the same; and

Whereas the Judiciary Committee has been directed by a resolution of the House to investigate the nature and character of the employment of Pinkerton detectives by corporations engaged in interstate commerce: Therefore be it

Resolved, That said committee shall investigate and report on the character of the employment of said forces in the present instance, and the causes and conditions of the sanguinary conflict now going on at Homestead, Pa. (H. Repts., 52d Cong., 2d sess., 1892–3, vol. 3, Rept. 2447.)

The Judiciary Committee of the House was charged with the investigation and rendered its report on February 7, 1893, the concluding words of the report being:

Your committee believe that the practice of employing Pinkerton watchmen or guards by corporations in case of strikes and labor troubles has grown very largely out of the sloth and dilatoriness of the civil authorities to render efficient and prompt protection to persons and property in such cases, but to allow, without the consent of the State and in the first instance, corporations to employ such agencies as the Pinkerton watchmen—in large numbers drawn from other States—is well calculated to produce irritation among the strikers, frequently resulting in hostile demonstrations and bloodshed. Such action upon the part of a corporation or association should never be allowed without the consent first obtained of the State in which the trouble occurs. A contrary course tends to bring the local civil authority into contempt, whereas its employment, its officers appreciating their duty, is the surest guaranty for the protection of life and property and the maintenance of the public peace. Exasperated strikers will not molest or resist the officers of the State when, under exactly similar circumstances, they will assault the watchmen or guards hired by the corporation.

* * * * * * *

Every State may make and enforce whatever police regulation it pleases pertaining to the health, morals, and happiness of its people not inconsistent with the Constitution of the United States. No case of concurrent jurisdiction between Congress and the state legislatures is here presented, if indeed such a thing exists in any case.

Your committee, finding Congress without constitutional authority to legislate as hereinbefore set forth, respectfully suggest that it rests with the States to pass such laws as may be necessary to regulate or prohibit the employment of Pinkerton watchmen or guards within their respective jurisdictions. (Ibid., pp. 15, 16.)

Minority reports were submitted and appear as appendices to the general report of the committee.

A similar inquiry was ordered by the Senate, and a report was presented by Senator GALLINGER on February 10, 1893, in which the following was stated as the subject of its inquiry:

In the investigation your committee was confined to three inquiries, to wit: First, the reasons for the creation of organized bodies of armed men for private purposes, their character and uses; where, when, how, and by whom such men have been employed and paid for any services they may have rendered; and under what authority of law, if any, they have been so employed and paid. Second, to consider and report, by bill or otherwise, what legislation, if any, is necessary to prevent

further unlawful use or employment of such armed bodies of men for private purposes. Third, to make report as to the more effective organization and employment of the posse comitatus in the District of Columbia and the Territories of the United States for the maintenance and execution of the laws. (S. Repts., 52d Cong., 2d sess., 1892–3, Vol. I, Rept. 1280.)

In concluding its report, the committee says:

Your committee is of opinion that the employment of the private armed guards at Homestead was unnecessary. There is no evidence to show that the slightest damage was done, or attempted to be done, to property on the part of the strikers. True, there was apparently an unlawful assemblage, which refused to obey the authority of a weak and irresolute sheriff and committed acts that can not be defended; but their submission to the governing authority of the State showed that the power resided in the State to execute the laws after the sheriff had failed to invoke the power of his authority, and that order would have been retored without the interference of armed men from another State, brought there clandestinely. Indeed, the bringing of those men greatly excited the populace, called to the scene thousands of men from other localities, and doubtless led to many of the excesses which followed. At the same time there seems to be no excuse for the scenes of disorder and terrorism for which the strikers were themselves responsible. Laboring men should everywhere learn the lesson that they can not better their condition by violating law or resisting lawful authority. They are strong so long as they have the active sympathy of the people on their side; they are weak when they commit acts which shock the sense of justice or violate the principles of right.

The testimony of Robert A. Pinkerton shows that the Carnegie Steel Works opened negotiations with his agency for armed men as early as June 15, or nineteen days before the strike actually occurred.

It is a significant fact that while Mr. Frick had arranged for a conference with the men on the 24th of June, he was at the same time in communication, by long-distance telephone from his office at Pittsburg to their office in New York, with the Pinkerton Detective Agency to supply him armed men, if needed. The query naturally arises, Would not the chances for an amicable adjustment of the differences between the Carnegie Steel Company and the workmen have been improved had the negotiations been freed from preparations to import armed men from Chicago and New York to accomplish the purposes of the great manufacturing concern represented by Mr. Frick? It so seems to your committee, who are further impressed with the belief that if the same effort and money had been expended to secure protection at the hands of the legitimate forces of the municipality, the county and the State, a more speedy adjustment would have been secured and the shedding of blood might have been averted.

* * * * * * *

Whether assumedly legal or not, the employment of armed bodies of men for private purposes, either by employers or employees, is to be deprecated and should not be resorted to. Such use of private armed men is an assumption of the state's authority by private citizens. If the State is incapable of protecting its citizens in their rights of person and property, then anarchy is the result, and the original law of force should neither be approved, encouraged, nor tolerated until all known legal processes have failed.

As to the matter of legislation. The States have undoubted authority to legislate against the employment of armed bodies of men for private purposes, as many of them are doing. As to the power of Congress to legislate, that is not so clear, though it would seem that Congress ought not to be powerless to prevent the movement of bodies of private citizens from one State to another State for the purpose of taking part, with arms in their hands, in the settlement of disputes between employers and their workmen. The probabilities are that all of the States will soon enact statutes on the subject, in which event action by Congress, even if constitutional, will be unnecessary. (Ibid, pp. 13–15.)

Now, Mr. President, I have read enough to show that there was nothing under consideration by Congress at that time except the employment of Pinkerton detectives as a private armed force and armed guard. There was no movement at that time in existence directed against the employment of detectives as a means of discovering crime and bringing criminals to punishment.

The clause of the appropriation bill of 1892 as first recommended for adoption appeared in the following form:

It shall not be lawful for any officer of the Government authorized to make contracts, nor for any officer in the District of Columbia, to contract with any person, firm, or corporation who employ Pinkerton detectives or any other association of men as armed guards—

That was the first form of the resolution.

This, I think, is important as showing further that it was the use of Pinkerton men as a private armed force, and not the legitimate employment of detectives, which was aimed at in the resolution. This is made clear by the remarks of Mr. O'Neill, whom many of us well remember as a Representative from Philadelphia for so many years. In presenting the report of the conference committee to the House of Representatives he said:

But does not the gentleman from Indiana [Mr. Holman] well know *that nobody objects to the legitimate use of a Pinkerton detective as such?* (He was an old-fashioned man and thought the use of detectives in the discovery and punishment of crime "legitimate.") It is their use as armed guards that is objected to, and it is the sending of these armed guards from one State into another that is objected to; and it is the sending of these armed guards from one State into another that has brought up a protest from every section of this land, and has even resulted in the enactment of a law by the State from which the gentleman comes prohibiting that class of men from coming into that State. It is the armed-guard principle that we protest against. (CONGRESSIONAL RECORD, 52d Cong., 1st sess., p. 7120.)

As the final result the first part of the original resolution was dropped, and with a view to prevent and prohibit the use of private armed forces by the several departments of the Government the following clause of legislation was inserted in the sundry civil bill of 1892:

That no employee of the Pinkerton Detective Agency, or similar agency, shall be employed in any government service or by any officer of the District of Columbia. (Act of August 5, 1892, 27 Stat. L., 368.)

Now, the object of that clause was simply to prevent the use of detective agencies for armed guards, to be transported as a private army from one State to another, and Mr. O'Neill's speech, which I have quoted, shows that that was the uniform opinion of Congress. He expressly disclaimed that it had any intent to interfere with the employment of men on what in those less well-informed days was called the "legitimate use of Pinkerton detectives."

A clause of legislation identical in terms with that above cited was inserted in the sundry civil act for the following year. (Act of March 3, 1893, 27 Stat. L., 591.)

If the enactment first cited be carefully read it will be seen that it does not expressly prohibit the use of detectives in government business where appropriations for such a purpose are available. Except where the word is used in connection with the title "Pinkerton Detective Agency," the term "detective" is not used in the statute, and there, of course, it is merely descriptive. It would seem clear from what has been said that it was the employment of private armed forces which was aimed at in the statute hereinbefore cited and not the use of expert investigators with a view to ascertain and verify questions of fact. This plain intention of Congress can not be disregarded, and it has not been shown by anyone that Captain Baldwin and his assistants come within the definition of the persons whose employment was forbidden by the statute of 1902 or were at all within the intention of Congress in its act of prohibition. In the employment of Messrs. Browne and Baldwin—and we may leave Browne out; there is no question that he is not within the statute—no "detective agency" similar to the Pinkerton Detective Agency was resorted to. An agreement was entered into with two persons, each acting in an individual capacity, the principal one a newspaper man of standing and reputation, as I have always understood. In the operation of this undertaking the personal services of Messrs. Browne and Baldwin were obtained for the conduct of a confidential investigation. The terms "detective" or "detective agency" are neither of them used in either of the contracts so entered into. The services secured were those of persons who were known to possess the requisite skill and experience to warrant the department in committing to their hands the conduct of the inquiry.

Of course it appears in Mr. Taft's letter that he knew Mr. Baldwin was the head of a great agency and that he would use men in his employment. There was no attempt to conceal that fact. The work does not appear in the contracts, but of course that does not affect the character of Mr. Baldwin or what his business was, and the legality of his employment rests on much broader and firmer grounds.

When the question was presented to the department the following conditions existed: As a result of the investigation which had been in progress in the Military Committee of the Senate, of which I have the honor to be a member, during a considerable part of the time which had intervened since the occurrences at Brownsville on August 13–14, 1906, two resolutions were introduced in the Senate. In each of these the President is charged with an important exercise of judgment and discretion. If either of those resolutions had passed, he would have been obliged to exercise his discretion, and it seemed not improbable at that time that one might pass, and he would then have been obliged to restore every man whom he believed innocent. He could not be absolutely satisfied of the innocence of any man unless he could show who the guilty were. The resolutions were introduced with a view to obtain the legislative action of Congress upon the subject to which they related, and a date in the following December was fixed for their consideration. To enable the President to give intelligent and satisfactory execution to either resolution, or to any resolution in pari materia that might be adopted by Congress, it would be necessary for him to obtain information in respect to the participation of the discharged enlisted men of the Twenty-fifth Infantry in the occurrences of August 13–14, 1906.

The ordinary executive instrumentalities, the ordinary military authorities, had not succeeded in identifying the men who, as they believed, had done the shooting. They had not pointed out the particular enlisted men who had taken part, as they believed and as I believe, in the several acts there committed. Considerable time would necessarily be consumed in any kind of investigation to which the President might resort with a view to obtain the information above described. These condi-

tions of fact seemed to bring the case within the operation of the act of March 3, 1899, which provided:

For emergency fund to meet unforeseen contingencies constantly arising, to be expended at the discretion of the President, $3,000,000.

I have already discussed that paragraph which provides for the emergency fund and which the Judge-Advocate-General advised the Secretary of War was available for this particular business. Having determined that the emergency existed, the Secretary of War decided that it was proper to employ these persons as detectives, and so advised the President.

Something has been said, I think, about the clause of the appropriation act for the current year, which we passed last year, and to that I want to call attention briefly. It provides:

No part of any money appropriated by this act shall be used in payment of compensation or expenses of any person detailed or transferred from the Secret Service Division of the Treasury Department or who may at any time during the fiscal year 1909 have been employed by or under said Secret Service Division. (Act of May 27, 1908, 35 Stat. L., 328.)

That legislation has no relation, of course, to the detectives employed by the War Department. It applies to the Secret Service, and those officers were not employed in this investigation at all.

Mr. President, I am not going to detain the Senate. The hour is late. I merely wished to reply to the assertion of the Senator from Ohio that the Secretary of War, and of course the President, who was responsible, had been guilty of illegal action—first, in taking the funds from the appropriation, which I venture to think can not be sustained; and, second, in the employment of Baldwin, in view of the clause contained in the act of 1892. That clause, as I have demonstrated, had no relation to the employment of detectives. It was intended solely to apply to armed guards. The idea of excluding detectives was expressly disclaimed by the gentleman in charge of the bill. The whole debate, every resolution, the report of our committee, the report of the committee of the House, all pointed to its being used in that particular way, for the exclusion of private armed guards, not to prevent inquiry by detectives.

Mr. President, it seems to me to be going pretty far to press the technicality of that statute because Mr. Baldwin happens to be the head of a detective agency and urge that he was excluded under the vague clause put into the appropriation bill of 1892, simply in order to strike at the employment of armed guards, and then to contend further that it should be twisted to mean that it was intended by that act to prevent the employment of any detectives by the Government, when it has never been shown that Baldwin was within the prohibited class. If that is a true interpretation and we proceed to cut off all the people who are called "sleuths," in order to excite odium, and all secret-service men, without any regard to what their duties really are, we shall soon find the Government unable to expose any crimes which the various departments are obliged to prosecute.

The Senator from Ohio [Mr. FORAKER], for example, alluded to a decoy letter as if it were the last expression of human depravity. I am not concerned to defend detectives or their methods, either private detectives or public detectives. But it is a necessity of a detective force that they should use certain arts and certain deceptions if they would reach the crimes which they are created to suppress. There is not a week goes by hardly, certainly not a month, that there are not decoy letters sent out by post-office inspectors in order to catch men who are robbing the mails. It is the commonest thing in the world, and are we to be told that we must not protect the mails because the inspectors use decoy letters in their endeavor to catch criminals who are taking money from the mails?

Mr. President, the methods of detection of crime may be very unpleasant. They may be those which no man in his personal capacity would like to pursue and that no honorable man would pursue in the general conduct of business. But if the methods employed in the detection of crime are unpleasant, crime is a great deal more unpleasant than the methods used for its detection, and I for one, Mr. President, think we ought to pause before we assent to the proposition that the President, advised by as eminent a lawyer as was the Secretary of War in 1908 to take this action, was engaged in an illegal act. I can not pretend at this late hour and with no opportunity for anything like proper preparation to do more than to ask that the Senate will consider this question very carefully before it assents to the proposition that men such as I have mentioned—the series of Secretaries of War, the two Presidents—have been engaged in spending a fund in violation of the Constitution and the law, and that the predecessor of the present Secretary of War advised an illegal employment. I think there is sufficient in the history of the law under which it is hoped to maintain that proposition at least to give us pause and cause us to consider the case very carefully.

Mr. FORAKER. Mr. President, it requires so little time to answer the Senator from Massachusetts that I prefer to answer him now. The complete answer is in the fact, known and appreciated by every Senator, that if the Congress of the United States had intended to prohibit the employment of only armed detectives the word "armed" would have been inserted in the statute. It was not so inserted, although in the debate, as the Senator has pointed out, it was discussed, and that point was considered.

Now, having answered the Senator sufficiently, as I think, I want to inquire whether any other Senator desires to speak on the bill, and if not——

Mr. LODGE. Before the Senator proceeds, I want to say that, although he has said he has answered me sufficiently, his answer seems to me to be as insufficient as it is brief.

Mr. FORAKER. I think not.

Mr. LODGE. We have all a right to our own opinion.

Mr. FORAKER. I have no doubt that the Senator has a right to his own opinion and that his opinion is exactly what he states. Mr. President, I am also entitled to my opinion, and I was but expressing my own opinion, and I adhere to it, notwithstanding what the Senator has said.

Now, if no other Senator wants to address the Senate on this measure—and that reminds me to inquire whether or not I asked that Senate bill 5729 should be laid before the Senate before I began to speak. If not, I wish to have that order made now.

The VICE-PRESIDENT. The Senator did not make the request. Without objection, the bill will be regarded as having been laid before the Senate.

Mr. LODGE. Does that request displace the unfinished business?

Mr. FORAKER. It does not.

The VICE-PRESIDENT. It does not displace the unfinished business.

Mr. FORAKER. The unfinished business has been temporarily laid aside, and I am not interfering with it by proceeding to the further consideration of the bill at this time. Does any Senator want to speak on it? If not, I should like to ask Senators when we can take a vote on the bill and all amendments to it that have been proposed or may be offered.

Mr. WARREN. Mr. President, I am unable to answer as perhaps the Senator from Ohio would like to have me answer, as two of the members of the Committee on Military Affairs are absent on official duty as Visitors to West Point. I am unable to say when they will complete that duty or when they will be ready to deliver the speeches of which notice has been given of an intention to do.

Mr. FORAKER. To what Senators does the Senator allude?

Mr. WARREN. The Senator from Ohio, I think, perhaps, recalls them.

Mr. FORAKER. I recall the Senator from Tennessee [Mr. FRAZIER].

Mr. WARREN. The Senator from Tennessee [Mr. FRAZIER] stated that he was unable on the day he was addressed concerning it to make a speech, but he would make it at a later time.

Mr. FORAKER. Is there any other Senator who has given notice?

Mr. WARREN. I do not think that other Senators have given notice. I have understood that one or two others would desire to make some remarks. The intention was to give the Senator from Tennessee the floor whenever he should seek it, and when his address was made the others would determine whether they would continue the debate or not.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. FORAKER. Certainly.

Mr. McLAURIN. Lest I may be considered as being precluded by not saying anything at this time, I will say to the Senator from Ohio that, while I may not make a speech upon the bill, it was my intention to submit to the Senate some observations in respect to it before it was voted on. I do not know that I shall do so, but I do not want to be understood as having been cut off by my silence.

Mr. FORAKER. I know only the Senator from Mississippi, who has just now given notice that he may desire to speak, and the Senator from Tennessee [Mr. FRAZIER], who is absent, who have expressed any desire to discuss these measures. I spoke to the Senator from Tennessee last week here one day before he left—I do not remember just when it was—and he thought he would be able to speak at almost any time after he returned.

Now, that being the case, I do not see why we may not fix a day when we can have a vote. If we could fix a day, then we could all conform to it. I do not want to have to stay here hour after hour, every minute of time.

Mr. CLAPP. Mr. President, it has been my intention to speak on this bill, but I am rather disinclined now to do so and rather of the opinion that I will not. There is one thing, however, I want at this time to say in regard to it.

The policy of the department in using this money has grown up, but whether it is technically within or technically without the law I do not deem it necessary to discuss at this time. It has certainly grown up and has been a custom. To my mind the proposition of sending this case to a tribunal, as proposed by the Senator from Ohio, has no direct connection with the question whether the appropriation has been improperly used or not.

I simply want to make this statement, disassociating the two, and expecting to vote for the measure that is the best and most practical method of disposing of the question; at least, so far as I am concerned, it is not to be considered in any manner as a support of what has been said upon the other proposition.

Mr. FORAKER. I wish to say, in answer to the suggestion of the Senator from Minnesota, that I have offered this proposed amendment only because I learned that this further investigation was being conducted, and I thought it was all right to have the matter probed further if anybody thought that there was any possibility of finding out who did do that shooting. But I thought if there was any further probing it ought to be done in a way that would allow these men to know what was being done, and give them an opportunity to appear somewhere to present their defense against these charges. It seems to me utterly infamous that men should be hounded as it seems these men are—poor, ignorant, helpless men—all kinds of stories being fabricated, and there ought to be a tribunal somewhere before which they may appear.

In the bill as I drew it I think there is a provision which is better than what I now propose, and I offered my amendment with great reluctance only to meet this new feature of the case. The provision in the bill as originally drafted was that if at any time after these men are reinstated anybody should be able to produce any testimony tending to implicate anybody, the right should be reserved to try them before a court-martial or before a civil tribunal, as the case might seem to require. These men would be under the eye of their officers and they could be ordered before a court-martial at any moment, or they could be turned over to the civil authorities at any moment, and the trial would be conducted fairly, according to the rules and regulations of the army, or according to the laws of the land, if civil. It seems to me that is a better way, and I would rather have the bill passed in that form. But I prepared the amendment simply out of consideration for a new situation that had not arisen when I drafted the bill.

Mr. FULTON. Mr. President, I simply wish to suggest to the Senator from Ohio that if he does reach an agreement by which some time certain shall be fixed for voting on this measure it would be well to adopt a practice which, I think, has quite generally obtained here in the Senate of providing for a few minutes to any Member who may wish to explain his position. I do not intend or contemplate making a speech, but there are a few propositions on which I wish to place in the RECORD my view. I was a member of the committee during the time the testimony was being taken, and while I reached a conclusion quite satisfactory to my own mind that some of these men must have done the shooting, I reached also the conclusion that only a comparatively few of them were engaged in it or knew of it, and that the very great majority of them were entirely innocent of any participation in it or knowledge of it. Therefore I have felt all the time that the men who are innocent, or who I believe to be innocent, ought not to be subjected to punishment, and there ought to be some tribunal where there would be an opportunity to have the matter fully investigated.

I have not gone over the bill of the Senator from Ohio carefully, but it is a better plan, I understand, and more nearly conforms to my idea of what should be done than the provisions of the bill favored by a majority of the committee. On that point I wish to submit a few observations, and on the further proposition, as contended for by the Senator from Massachusetts [Mr. LODGE] in his very able speech the other day, that it is incongruous to provide for the reenlistment of these men without infringing on the prerogative of the President. I can not consent to that proposition, and I wish at some time for a few minutes the indulgence of the Senate to give my views upon it.

Mr. FORAKER. Mr. President, I expect to undertake to make an answer to the Senator from Massachusetts on that proposition. I did not undertake to do so to-day, because the speech I did make occupied as much time as I thought I ought to take of the Senate in one day. But there is that proposition which I have heretofore discussed to my satisfaction and about which I have no question whatever in my mind, and there are a number of other propositons that I want to address the Senate on before the debate is concluded. I am waiting, however, until Senators are heard on the other side.

I suppose in the advocacy of my bill I would naturally be entitled to close the debate. At any rate, before we get through with the debate I want to point out upon authority why it is that, in my judgment, the President has not anything more to do with the enlistment of men than the Senator himself has—not as much, because the Senator is a member of Congress, and as such does have some say about who shall be enlisted. The President is Commander in Chief of the Army, and as such can send it here, there, yonder, and everywhere, as he may see fit, but he has no more right to say than the man in the moon how the army shall be raised, who shall be enlisted in the army, or how it shall be mustered out, except only as Congress provides. That I shall address myself to at the proper time.

But the session is rapidly drawing to a close; my voice will soon be heard in this Chamber no more forever in all probability, and I want to ask my brother Senators to let me have a vote on the bill. I shall go away happier if you do.

I think under all the circumstances, in view of the way the bill has heretofore been dealt with, and the agreement generally under which it went over until this session, Senators ought to agree with me upon some date. Put it at the end of next week, if you will. I appeal to the Senator from Wyoming, the chairman of the Committee on Military Affairs. I have tried to accommodate everybody heretofore, and I want somebody to try to accommodate me now.

Mr. WARREN. I know the Senator from Ohio will admit that we have all undertaken to accommodate him also.

Mr. FORAKER. Well, I have not entered any complaint.

Mr. WARREN. I think I will be unable to-day to propose any time, because the Senator can see as well as I do that there is, as there should be, very wide interest in this subject. There are a good many Senators who want to be heard on it, and I think it would be wrong for me to agree to a date now in the absence of a part of the Committee on Military Affairs, who are performing a duty that it was irksome for them to undertake. We were able to get only a small number of the committee to go, because the Military Committee is a working body. In their absence, and without knowing how long they will be engaged, I shall not feel willing to consent to a date at this time.

Mr. FORAKER. I will speak for the Senator from Tennessee. I had a conversation with him about it. He said he could speak at almost any time after he got back. That is what I understood him to say. I do not suppose he will be absent longer than this week. He is simply a visitor at West Point, and I understand that heretofore they have not taken longer than a week.

Mr. WARREN. I will say to the Senator on that point that we have entered upon a new régime concerning the visit to West Point. The House sent us a bill which we finally agreed upon that has changed the mode and manner of it. The examinations previously were held at the close of the year, when all the arrangements were made. I am unable to say, because I have not been informed since the arrival of the members there, how much work they will have to do or how long it will take. I think if the Senator will permit the matter to go over, when they get back we will be able to arrive at some conclusion, but I do not feel willing to-day to agree upon a date.

Mr. FORAKER. I should like to have an agreement for an early date when we can take a vote. I do not want to have it so early but that everybody can be heard who desires to be heard. I think the Senator from Oregon made a good suggestion, that the last day be devoted to speeches of half an hour, or whatever time may be agreed upon.

Mr. FULTON. Fifteen minutes.

Mr. FORAKER. Fifteen minutes he now suggests. I will let it go over, then, for the day.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On January 11:

S. 1729. An act for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford.

On January 12:

S. 1559. An act for the relief of the Citizens' Bank of Louisiana.

RELIEF OF EARTHQUAKE SUFFERERS IN ITALY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No.

649), which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit a report of the Secretary of State, submitting a translation of a note from the ambassador of Italy at this capital, in which, under instruction of his Government, he expresses his desire to convey to the Congress of the United States the lively sentiments of the gratitude of the Italian Government for the sympathy shown by that body in view of the disasters that have devastated Sicily and Calabria, and for the generous appropriation made for the relief of the sufferers.

THEODORE ROOSEVELT.

THE WHITE HOUSE,
Washington, January 12, 1909.

THIRTEENTH AND SUBSEQUENT CENSUSES.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 16954) to provide for the Thirteenth and subsequent decennial censuses and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LONG. I move that the Senate insist upon its amendments and agree to the conference asked for by the House of Representatives, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. LONG, Mr. HALE, and Mr. MCENERY.

The VICE-PRESIDENT. Does the Senator from Kansas desire to have a reprint of the bill?

Mr. LONG. I desire to have a reprint of the bill, with the Senate amendments numbered.

The VICE-PRESIDENT. Without objection, it is so ordered.

COMMISSIONS TO RETIRED OFFICERS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the amendments of the House to the bill (S. 653) to authorize commissions to issue in the cases of officers of the army retired with increased rank and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motoin was agreed to, and the Vice-President appointed Mr. WARREN, Mr. SCOTT, and Mr. TALIAFERRO.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 3 o'clock and 42 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 13, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 12, 1909.

UNITED STATES MARSHAL.

George F. White, of Georgia, to be United States marshal for the southern district of Georgia. A reappointment, his term having expired on December 12, 1908.

REGISTER OF THE LAND OFFICE.

Lon E. Foote, of Colorado, whose term will expire January 17, 1909, to be register of the land office at Hugo, Colo. (Reappointment.)

PROMOTIONS IN THE NAVY.

Commander Washington I. Chambers to be a captain in the navy from the 23d day of December, 1908, vice Engineer in Chief John K. Barton, retired.

Lieut. Thomas A. Kearney to be a lieutenant-commander in the navy from the 17th day of December, 1908, vice Lieut. Commander Charles M. McCormick, promoted.

William P. Sedgwick, a citizen of New York, and late a midshipman in the navy, to be an ensign in the navy from the 5th day of January, 1909, in accordance with the provisions of an act of Congress approved on that date.

POSTMASTERS.

COLORADO.

Austin M. Reed to be postmaster at Silverton, Colo., in place of Austin M. Reed. Incumbent's commission expired April 12, 1908.

CONNECTICUT.

William E. Gates to be postmaster at Glastonbury, Conn., in place of William E. Gates. Incumbent's commission expired January 9, 1909.

Tudor Gowdy to be postmaster at Thompsonville, Conn., in place of Tudor Gowdy. Incumbent's commission expired January 9, 1909.

DELAWARE.

Irwin M. Chipman to be postmaster at Seaford, Del., in place of Edward F. Prettyman. Incumbent's commission expires January 14, 1909.

INDIANA.

Hattie Yarger to be postmaster at Wanatah, Ind. Office became presidential January 1, 1909.

Shad Young to be postmaster at Cicero, Ind., in place of John A. Hall, resigned.

IOWA.

Hays H. McElroy to be postmaster at Vinton, Iowa, in place of George K. Covert. Incumbent's commission expired December 12, 1908.

Edgar O. Winter to be postmaster at Redfield, Iowa, in place of Edgar O. Winter. Incumbent's commission expired January 9, 1909.

KANSAS.

Eva M. Baird to be postmaster at Spearville, Kans. Office became presidential January 1, 1909.

Clarence P. Dutton to be postmaster at McCracken, Kans. Office became presidential January 1, 1909.

Guy A. Swallow to be postmaster at Fort Leavenworth, Kans., in place of Laura Goodfellow, removed.

KENTUCKY.

W. S. Griffith to be postmaster at Benton, Ky., in place of James H. Ford, deceased.

William J. Wade to be postmaster at Smiths Grove, Ky. Office became presidential January 1, 1909.

LOUISIANA.

John Dominique to be postmaster at Bastrop, La., in place of John Dominique. Incumbent's commission expires January 31, 1909.

Francis S. Norfleet to be postmaster at Lecompte, La. Office became presidential January 1, 1909.

MAINE.

Jacob F. Hersey to be postmaster at Patten, Me., in place of Jacob F. Hersey. Incumbent's commission expires January 23, 1909.

MICHIGAN.

Ben F. McMillen to be postmaster at Tekonsha, Mich., in place of Justin A. Harsh. Incumbent's commission expires January 27, 1909.

MINNESOTA.

Frank E. Bardwell to be postmaster at Excelsior, Minn., in place of Frank E. Bardwell. Incumbent's commission expired January 9, 1909.

Elias Steenerson to be postmaster at Crookston, Minn., in place of Elias Steenerson. Incumbent's commission expired December 12, 1908.

MISSISSIPPI.

David A. Adams to be postmaster at Iuka, Miss., in place of Mary G. Stone. Incumbent's commission expires January 31, 1909.

MISSOURI.

J. E. Duncan to be postmaster at Carothersville, Mo., in place of Charles A. Crow, resigned.

Warren T. Myers to be postmaster at Warsaw, Mo., in place of Warren T. Myers. Incumbent's commission expires February 9, 1909.

MONTANA.

C. L. Gayle to be postmaster at Manhattan, Mont. Office became presidential January 1, 1909.

NEBRASKA.

James W. Fairfield to be postmaster at Mason City, Nebr. Office became presidential January 1, 1909.

William A. Grant to be postmaster at Coleridge, Nebr. Office became presidential January 1, 1909.

Lucy K. Partridge to be postmaster at Kenesaw, Nebr. Office became presidential January 1, 1909.

NEW YORK.

Isaac Decker to be postmaster at Williamson, N. Y., in place of Isaac Decker. Incumbent's commission expired January 9, 1909.

Fred A. Green to be postmaster at Copenhagen, N. Y., in place of Fred A. Green. Incumbent's commission expired January 9, 1909.

John W. Hedges to be postmaster at Pine Plains, N. Y., in place of Jay Jackson. Incumbent's commission expired December 14, 1908.

George A. McKinnon to be postmaster at Sidney, N. Y., in place of George A. McKinnon. Incumbent's commission expired December 14, 1908.

William A. Serven to be postmaster at Pearl River, N. Y., in place of William A. Serven. Incumbent's commission expired December 13, 1908.

OHIO.

William W. Reed to be postmaster at Kent, Ohio, in place of William W. Reed. Incumbent's commission expires January 20, 1909.

OKLAHOMA.

James M. Lusk to be postmaster at Dewey, Okla. Office became presidential January 1, 1908.

Mary H. McBrian to be postmaster at Ryan, Okla. Office became presidential January 1, 1908.

Philo R. Smith to be postmaster at Wakita, Okla. Office became presidential January 1, 1909.

OREGON.

Wilbur W. McEldowney to be postmaster at Forest Grove, Oreg., in place of Homer C. Atwell. Incumbent's commission expires January 31, 1909.

Charles W. Parks to be postmaster at Roseburg, Oreg., in place of Charles W. Parks. Incumbent's commission expired December 8, 1908.

PENNSYLVANIA.

David L. Barton to be postmaster at Mercer, Pa., in place of Charles Clawson. Incumbent's commission expired December 15, 1908.

Alexander H. Ingram to be postmaster at Oxford, Pa., in place of Thomas D. Alexander. Incumbent's commission expired December 15, 1908.

Henry G. Moyer to be postmaster at Perkasie, Pa., in place of Henry G. Moyer. Incumbent's commission expires January 31, 1909.

PORTO RICO.

Jose Carrera to be postmaster at Humacao, P. R., in place of Jose Carrera. Incumbent's commission expired December 14, 1908.

TEXAS.

E. P. Butler to be postmaster at Cuero, Tex., in place of William Drawe. Incumbent's commission expired January 20, 1907.

Charles F. Darnall to be postmaster at Llano, Tex., in place of Charles F. Darnall. Incumbent's commission expired December 12, 1908.

Newton H. Eades to be postmaster at Blossom, Tex. Office became presidential January 1, 1909.

Hugh E. Exum to be postmaster at Shamrock, Tex. Office became presidential January 1, 1909.

Frederick Loudon to be postmaster at Fredericksburg, Tex., in place of James Larson, resigned.

Ben Lowenstein to be postmaster at Rockdale, Tex., in place of E. J. M. Hopkins. Incumbent's commission expired December 7, 1907.

John S. McEldowney to be postmaster at Midlothian, Tex., in place of John S. McEldowney. Incumbent's commission expired December 12, 1908.

U. S. Weddington to be postmaster at Childress, Tex., in place of Frankie Houssels. Incumbent's commission expired April 21, 1908.

VIRGINIA.

Howard P. Dodge to be postmaster at Manassas, Va., in place of Howard P. Dodge. Incumbent's commission expires February 27, 1909.

John W. Gregg to be postmaster at Purcellville, Va. Office became presidential October 1, 1908.

WASHINGTON.

F. W. Martin to be postmaster at Cle Elum, Wash., in place of Harry C. Bilger. Incumbent's commission expired December 14, 1908.

William L. Shearer to be postmaster at Toppenish, Wash., in place of William L. Shearer. Incumbent's commission expired December 14, 1908.

WEST VIRGINIA.

Harry W. Smith to be postmaster at Middlebourne, W. Va. Office became presidential January 1, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 12, 1909.

SUPERVISING INSPECTOR OF STEAM VESSELS.

Daniel J. Dougherty, of Pennsylvania, to be supervising inspector of steam vessels for the seventh district, in the Steamboat-Inspection Service.

CONSUL.

James W. Johnson, of New York, to be consul of the United States of class 7 at Corinto, Nicaragua.

ASSISTANT ATTORNEY-GENERAL.

James A. Fowler, of Tennessee, to be Assistant Attorney-General.

UNITED STATES ATTORNEY.

Fred C. Cubberly, of Florida, to be United States attorney for the northern district of Florida.

SUPREME COURT OF PHILIPPINE ISLANDS.

Sherman Moreland, of New York, to be associate justice of the supreme court of the Philippine Islands.

APPOINTMENT IN THE ARMY.

MEDICAL CORPS.

Col. George H. Torney, Medical Corps, to be surgeon-general, with the rank of brigadier-general, for a period of four years from January 14, 1909.

PROMOTIONS IN THE NAVY.

Commander James C. Gillmore to be a captain in the navy.

The following-named citizens to be second lieutenants in the United States Marine Corps:

Wilbur Thing, a citizen of Maine;
Edwin H. Brainard, a citizen of Connecticut;
Alfred A. Cunningham, a citizen of Georgia;
Alley D. Rorex, a citizen of Alabama;
Samuel M. Harrington, a citizen of the District of Columbia;
Harold L. Parsons, a citizen of New York;
Chester L. Gawne, a citizen of New York;
Dwight F. Smith, a citizen of Vermont;
Thomas E. Thrasher, jr., a citizen of Texas;
Ernest A. Perkins, a citizen of Michigan;
Randolph T. Zane, a citizen of Pennsylvania;
Clarence C. Riner, a citizen of Wyoming;
Leon W. Hoyt, a citizen of Ohio;
David S. Combes, a citizen of the District of Columbia;
Julian C. Smith, a citizen of Maryland;
Alfred McC. Robbins, a citizen of the District of Columbia;
Charles J. Miller, a citizen of Wisconsin;
Otto Becker, jr., a citizen of Missouri;
Leander A. Clapp, a citizen of Massachusetts;
William S. Harrison, United States Marine Corps;
Robert W. Voeth, a citizen of Kansas;
Thomas S. Clark, a citizen of New York;
Clarence E. Nutting, a citizen of Massachusetts;
Bernard L. Smith, a citizen of Virginia;
Edward A. Blair, a citizen of Maryland;
Edward M. Reno, a citizen of Pennsylvania;
Joseph C. Fegan, a citizen of Texas;
Adolph B. Miller, a citizen of the District of Columbia;
Armor S. Heffley, a citizen of Indiana;
Joseph D. Murray, United States Marine Corps;
Woolman G. Emory, a citizen of Maryland;
George H. Osterhout, jr., a citizen of Maine;
William J. Platten, a citizen of Wisconsin;
John Q. Adams, a citizen of Maryland;
Francis T. Evans, a citizen of Ohio;
Charles G. Sinclair, a citizen of Virginia;
Allen E. Simon, a citizen of Pennsylvania;
Samuel P. Budd, a citizen of Pennsylvania;
Donald F. Duncan, a citizen of Missouri;
Alexander A. Vandegrift, a citizen of Virginia;
Ralph E. Davis, a citizen of Illinois;
Harry W. Weitzel, a citizen of Kentucky;
Clarence W. Alger, a citizen of South Dakota;
Sidney N. Raynor, a citizen of New York;
Frederick R. Hoyt, a citizen of New Hampshire;
James T. Reid, a citizen of South Carolina; and
Fred S. N. Erskine, a citizen of Massachusetts.

POSTMASTERS.

GEORGIA.

William R. Watson to be postmaster at Lithonia, Ga.

INDIANA.

Charles A. Frazee to be postmaster at Rushville, Ind.

KANSAS.

James W. Crawford to be postmaster at Little River, Kans.
Ulysses S. Davis to be postmaster at Morrill, Kans.
Bert Fancher to be postmaster at Claflin, Kans.
James Hall, jr., to be postmaster at Miltonvale, Kans.

KENTUCKY.

James M. Wilson to be postmaster at Falmouth, Ky.

MAINE.

Roy M. Hescock to be postmaster at Monson, Me.
John C. Nichols to be postmaster at South Windham, Me.

MASSACHUSETTS.

Charles M. Hoyt to be postmaster at Haverhill, Mass.
Frederic Robbins to be postmaster at Watertown, Mass.

MICHIGAN.

Oliver D. Carson to be postmaster at Galesburg, Mich.
Frank A. Kenyon to be postmaster at East Jordan, Mich.
Newton E. Miller to be postmaster at Athens, Mich.
Maynard Palmer to be postmaster at River Rouge, Mich.

MINNESOTA.

Charles H. Hamilton to be postmaster at St. Louis Park, Minn.
Charles A. Lee to be postmaster at Morris, Minn.
John P. Lundin to be postmaster at Stephen, Minn.
William H. Smith to be postmaster at Cambridge, Minn.

MISSOURI.

Edwin S. Brown to be postmaster at Edina, Mo.
Otis M. Gary to be postmaster at Doniphan, Mo.
Bayless L. Guffy to be postmaster at Hayti, Mo.

NEBRASKA.

Charles W. Gibson to be postmaster at Litchfield, Nebr.

NEW YORK.

Henry W. Bischoff to be postmaster at Chappaqua, N. Y.
Robert N. Hunter to be postmaster at Poughkeepsie, N. Y.
William Hutton, jr., to be postmaster at Nanuet, N. Y.
Harry R. Porter to be postmaster at Sonyea, N. Y.

OHIO.

James R. Hicks to be postmaster at Amelia, Ohio.

PENNSYLVANIA.

Marcellus J. B. Brooks to be postmaster at Driftwood, Pa.
Margaret W. Buchanan to be postmaster at Scalp Level, Pa.
Henry Feindt to be postmaster at Lykens, Pa.
Matthew P. Frederick to be postmaster at Gallitzin, Pa.
Christian E. Geyer to be postmaster at Catawissa, Pa.
William S. Gleason to be postmaster at Johnsonburg, Pa.
John Gowland to be postmaster at Philipsburg, Pa.
William Krause to be postmaster at Richland Center, Pa.
William M. Toy to be postmaster at Austin, Pa.

SOUTH CAROLINA.

Ida A. Calhoun to be postmaster at Clemson College, S. C.
James A. Cannon to be postmaster at Fountain Inn, S. C.
James G. Harper to be postmaster at Seneca, S. C.
Arthur L. King to be postmaster at Georgetown, S. C.
Julia E. De Loach to be postmaster at Ninety Six, S. C.
Roberta McAulay to be postmaster at Woodruff, S. C.

TEXAS.

Lyman E. Robbins to be postmaster at Quanah, Tex.

WEST VIRGINIA.

Lynn Kirtland to be postmaster at Sistersville, W. Va.

WISCONSIN.

Charles E. Bartlett to be postmaster at Cameron, Wis.
George M. Carnachan to be postmaster at Bruce, Wis.
James Carr to be postmaster at Bangor, Wis.
Myron W. De Lap to be postmaster at Abbottsford, Wis.
Frank K. Havens to be postmaster at Prescott, Wis.
Elizabeth K. Nevins to be postmaster at Bloomington, Wis.
Irwin R. Nye to be postmaster at Wittenberg, Wis.
Alfred S. Otis to be postmaster at Maiden Rock, Wis.
Matthew O'Regan to be postmaster at National Home, Wis.
James W. Simmons to be postmaster at Corliss, Wis.
John C. Southworth to be postmaster at Whitehall, Wis.

WITHDRAWALS.

Executive nominations withdrawn from the Senate January 12, 1909.

POSTMASTERS.

SOUTH DAKOTA.

J. R. Calder to be postmaster at Edgemont, in the State of South Dakota.

John D. Cotton to be postmaster at Parker, in the State of South Dakota.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 12, 1909.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

CHALMETTE NATIONAL CEMETERY.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent that House documents 1179 and 226, on a new roadway to Chalmette (La.) National Cemetery, be reported back from the Committee on Military Affairs, and reference of the same changed from that committee to the Committee on Appropriations, which committee has jurisdiction over appropriations for national cemeteries. This refers to a change in the boundaries.

Mr. UNDERWOOD. Mr. Speaker, do I understand this is merely a change of reference that is asked for?

Mr. HULL of Iowa. That is all.

The SPEAKER. Without objection, the change of reference will be made to the Committee on Appropriations.

There was no objection.

BANKRUPTCY ACT.

Mr. TIRRELL, by direction of the Committee on the Judiciary, reported the bill (H. R. 21929) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by act approved February 5, 1903.

Mr. TIRRELL. Mr. Speaker, I ask unanimous consent in this connection that the minority of the committee may have one week within which to file their views.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I move the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25392—the District of Columbia appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill, with Mr. OLMSTED in the chair.

Mr. GARDNER of Michigan. Mr. Chairman, by action of the House on Saturday last, debate on this bill is limited to two hours, one half to be controlled by the majority and the other half by the minority. I yield fifteen minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, there has been considerable discussion in the House and throughout the country in reference to a change of the existing rules of the House. It is not my purpose to discuss, in the fifteen minutes allotted to me, the existing rules at all, but the other day we heard two very distinguished Members of considerable length of service in the House, each of whom suggested a change of rules which in each case seemed to the Member to be the desirable change of rules necessary. The distinguished gentleman from New York [Mr. COCKRAN] made the suggestion that the method of changing the rules should be by permitting one-fifth of the membership of the House, or possibly of those present, to demand that any bill in the House should be instantly placed on its passage on a roll call, adding that the same privilege should be extended to the leader of the minority; and this, Mr. Chairman, to be done for the purpose of permitting the expedition of business in the House. There is, in my opinion, no proposition ever submitted to the House in reference to a change of rules which has proved so obstructive to legislation as the suggestion offered.

Imagine the situation during the last session of Congress if the distinguished gentleman from Mississippi [Mr. WILLIAMS], the then leader of the minority, had the right on demand to commence with bill No. 1 of the House, going down as far as he could get toward bill No. 25000, demanding a roll call on each bill as a privileged matter! Yet that was the suggestion seriously made to the House by a Member of long standing in the House, who properly prided himself on the fact that he came here many years ago. Nor would such a rule if in force be to the interest of the minority so far as actual legislation is concerned. It is to be noted, Mr. Chairman, that the suggestion of the gentleman from New York is toward eliminating debate in the House. He had reference in his mind to a minority putting the majority in a hole in the House. But supposing the rule should be in force, and at the next session of the House, when we have before us a tariff bill, one-fifth or 20 per cent of the Republican Members of the House should

demand a roll call on the tariff bill without consideration, without debate, without amendment. It might be a desirable thing from the point of view of some Members of the House, but would any gentleman here seriously favor that that should be done, as suggested by the gentleman from New York, at the request of one-fifth of the membership of the House, to vote upon the passage of a great tariff bill without debate, without amendment, without opportunity for consideration? The mere suggestion seems to me to be sufficient to eliminate the proposed amendments of the gentleman from New York [Mr. COCKRAN.]

Mr. FITZGERALD. Mr. Chairman, is not it practically true that, on the suggestion of the majority, the currency bill as finally passed was adopted practically without amendment or opportunity of amendment?

Mr. MANN. Well, does the gentleman approve of it?

Mr. FITZGERALD. No.

Mr. MANN. Then, if the gentleman does not approve of it, why does he call it to my attention for the purpose of proving the desirability of a rule permitting any bills to be passed that way?

Mr. FITZGERALD. The gentleman has been criticising a suggestion of what might be done at the instance of the minority leader, and yet he supported a rule that made it possible to do it at the suggestion of the majority. What is the difference?

Mr. DOUGLAS. Was it not a rule of the minority leader?

Mr. MANN. No; the gentleman may give an instance, but when asked if he approves of it he says he does not, and yet does he approve of the suggestion of his colleague that any bill may be presented for passage at the request, not of the majority of the House, but at the request of one-fifth of the membership of the House, or at the request of one Member of the House, the leader of the minority? Now, Mr. Chairman, having called attention to the suggestion——

Mr. DOUGLAS. Will the gentleman yield?

Mr. MANN. I only have fifteen minutes.

Mr. DOUGLAS. Very well; I only thought the gentleman did not state the proposition correctly.

Mr. MANN. The gentleman says I did not state the proposition correctly. Very likely not. I stated it to the best of my ability. Now, I wish to call attention to another amendment, worked out in careful detail by one of the Members of this House, who, in my opinion, is as well posted on the rules of the House as any Member in it, the gentleman from Massachusetts [Mr. GARDNER]. I regret that in his discussion of the rules of the House the other day he did not discuss his own rule. I did not have the honor to hear all of his speech then, but this morning I read it in the RECORD, and I supposed there would be an explanation of the rule. I wish to call attention, in the few moments which I now have, to what the effect would be, or might be, by the adoption of this rule so carefully worked out by this distinguished parliamentarian, who knows the rules as well as anyone in the House does, in my opinion. His rule proposes that there shall be set apart one day in each week during the session of Congress for the consideration of certain bills on the House and Union Calendars and not otherwise privileged; that on those days one day in the month is to be set aside for the consideration of bills on the House Calendar or bills on the House Calendar having preference. The other Tuesdays are to be for bills on the Union Calendar. Under the proposed amendment the House must commence the consideration of these bills immediately after the reading of the Journal, without any other business.

The rule provides on calendar Tuesday, except as provided in clauses 8 and 9 in that rule, no business shall be in order except prayer by the Chaplain, reading and approval of the Journal, business on the calendar of the Committee of the Whole, and business on the House Calendar, provided that business under clause 61 of Rule XI, or under clause 9 of Rule XIV, shall not be in order. Under this proposed rule it would not be possible for the House on these days to transact any business except the business suggested until the time of adjournment came or after the hour of 4.45. The House could not receive a conference report; it could not act upon a conference report; it could not in any way dispose of a conference report; it could not adjourn even if a Member of the House should die on the floor of the House; it could not take a recess if the Capitol should be on fire——

Mr. GARDNER of Massachusetts. Will the gentleman permit?

Mr. MANN. Certainly.

Mr. GARDNER of Massachusetts. I desire to call the attention of the gentleman from Illinois that I provided for just such contingencies on motion of a two-thirds vote and also for reverting to the regular order of business in case those calendars are exhausted.

Mr. MANN. I will endeavor to explain to the satisfaction of the gentleman that he has provided no such rule.

Mr. COCKRAN. Will the gentleman yield to me? I have just come in. I understood the gentleman to state I proposed that the same number required to order the yeas and nays—that is, one-fifth of those present—should have the right to move the consideration of any measure, and that a vote should be taken on the motion without debate. I did not make it an absolute condition that the vote should be taken without debate. Whether debate should be allowed and the extent of it would always be under the control of the House.

Mr. MANN. How would they get a vote if the majority had unlimited debate?

Mr. COCKRAN. Nobody contends for a moment, Mr. Chairman, that these other rules, cutting short debate, should be removed from the control of the majority.

Mr. MANN. Unless the gentleman's proposed rule would force a measure to debate, it amounts to nothing, and if it does it permits the cutting off of debate absolutely.

Mr. COCKRAN. Mr. Chairman, I must ask the gentleman to excuse me, as I was not present when he made his statement. I supposes he does not want to criticise anything that was not actually said. All that I contend for is that the majority in control of the House should always be held to show that it is a majority, and that some appreciable proportion of the membership of the House, not necessarily one-fifth—a majority, if you choose—in some way or other ought to be given power to move consideration of a measure and to get a vote on that proposal, the extent of debate, if any, always being in control of the majority present. That was my contention.

Mr. MANN. I hope the gentleman will properly revise his remarks when they appear in the RECORD.

Mr. COCKRAN. They will be in the RECORD to-morrow. I have been away.

Mr. MANN. Referring to what the gentleman said on the floor of the House——

Mr. COCKRAN. It is entirely my fault that the remarks are not in the RECORD now. They will be in the RECORD to-morrow morning.

Mr. MANN. I am not criticising the gentleman in that respect.

Here would be the first situation that would arise under the proposed rule of the gentleman from Massachusetts [Mr. GARDNER]: This morning there is not a quorum in the House. Under the rule proposed by the gentleman from Massachusetts, if we should choose now to make a point of no quorum in the House, you could not even have a call of the House.

Mr. GARDNER of Massachusetts. Why not?

Mr. MANN. Because the call of the House is business of the House.

Mr. GARDNER of Massachusetts. That is a motion which is permitted under the general rules. None of the general rules are suspended.

Mr. MANN. Oh, here is the proposed rule of the gentleman, providing, in clauses 8 and 9 of the rule, that no business shall be in order except prayer by the Chaplain, reading and approving of the Journal, and business on the House and Union Calendars, which may be considered under the rule, and if there is no quorum in the House, the House can not proceed to a call of the House, because that is business.

Mr. GARDNER of Massachusetts. The gentleman may be correct. It was my object in introducing this rule that small points like that should be pointed out.

Mr. MANN. That is the reason I am endeavoring to help the gentleman by calling attention to this matter, so that he may add a lot more sections to his rule to cover these possibilities.

Mr. GARDNER of Massachusetts. I understand the gentleman from Illinois [Mr. MANN] approves the general purpose of the rule?

Mr. MANN. The gentleman has a very vivid imagination.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. GARDNER of Michigan. I would like to ask how much more time the gentleman from Illinois desires to consume?

Mr. BURLESON. I will yield the gentleman from Illinois fifteen minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized for fifteen minutes more.

Mr. MANN. Now, the gentleman suggests that under his rule you could have a call of the House. The Constitution provides that less than a quorum may adjourn. It provides that the House may by its rules authorize a smaller number

than a quorum to compel the attendance of absent Members, but that is business. The gentleman's amendment would not permit the House to transact any business at all on any Tuesday of the session unless, after the reading of the Journal, there was a quorum in the House and any Member chose to make the objection. That is not all. The Committee on Enrolled Bills of the House has the privilege of reporting bills constantly now, and in the last days of the session it is very important that that committee should be permitted to report to the House at any time. But the gentleman's amendment forbids the Committee on Enrolled Bills reporting a privileged measure to the House.

Mr. GARDNER of Massachusetts. Mr. Chairman——

Mr. MANN. I yield to the gentleman.

Mr. GARDNER of Massachusetts. I will ask the gentleman from Illinois to read the very first line of the very first section of the rule for calendar Tuesday.

Mr. MANN (reading)—

Except during the last six days of a session.

Mr. GARDNER of Massachusetts. That answers the gentleman's contention.

Mr. MANN. Does the gentleman think it essential that during the last six days of a session the rule should not be in force?

Mr. GARDNER of Massachusetts. Inasmuch as it is in the very first line, it is a fair assumption that I do not think it should be in force.

Mr. MANN. May I ask the gentleman a question? Does the gentleman think it essential that the rule should not be in force?

Mr. GARDNER of Massachusetts. I am not prepared to say, but my rule suggests that it shall not be in force, which is in the rule.

Mr. MANN. Quite the contrary. The rule suggests nothing of the sort. During the last six days of the short session the rule would not be in force, but during the last six days of the first session the rule would be in force.

Mr. GARDNER of Massachusetts. Mr. Chairman——

Mr. MANN. If the gentleman will content himself, his rule will be in force except "during the last six days of the session or after the adoption by both Houses of Congress of a concurrent resolution of adjournment sine die."

Now, we all know that it is impossible to adopt a rule for final adjournment by both Houses at the long session of Congress until we come up to the last day of the session. Whenever this House has been first prevailed upon to send over a resolution to the Senate earlier in the session adopting a final day for adjournment, we have found that the House invariably has been held up by the Senate in conference, until the practice has come to be for the House, in defense of its having the custom of originating the resolution for final adjournment, not to provide for final adjournment until the business of the session is practically disposed of. By the gentleman's amendment, if the House were in session on Monday or Tuesday and wanted to adjourn on Wednesday, it could not receive any of the business practically belonging to the session, because engaged, perhaps, in discussing the final passage of a bill that could not possibly become law.

Mr. GARDNER of Massachusetts. Will the gentleman allow me?

Mr. MANN. I yield to the gentleman.

Mr. GARDNER of Massachusetts. Mr. Chairman, I would like to ask permission of the gentleman from Illinois to offer in his time, if it be permissible in Committee of the Whole, as an answer to his question, a number of precedents to the contrary.

Mr. MANN. Very likely the precedents are different. Usually, when I first came here, the resolution would be presented and sent to the Senate, fixing the date for adjournment. It was never finally passed by the House unless we yielded to the Senate conferees or the legislation would be lost.

Now, Mr. Chairman, the rule further provides with reference to the Union Calendar, the Speaker, without having a motion made, without putting a motion—

shall immediately leave the chair after the reading of the Journal, resolve the House into Committee of the Whole House, and call a chairman to the chair.

The House puts itself into Committee of the Whole. Of course the purpose is to have the House then proceed with business on the Union Calendar. Suppose this rule had been in force during this Congress; let us see what the practical effect would have been. We have for some time been considering the penal code. The penal code was the second public bill reported to the House at the last session of Congress. It was the only bill that belonged on the Union Calendar on the first calendar Tuesday in January, there having been no bills on the calendar in December; and under this rule the penal code would have come up for consideration in Committee of the Whole House on the first calendar Tuesday in January, and we would still be considering the penal code on this calendar Tuesday up to this time.

Mr. GARDNER of Massachusetts. Mr. Chairman——

Mr. MANN. I yield to the gentleman.

Mr. GARDNER of Massachusetts. The gentleman entirely forgets that the question of consideration can be raised in Committee of the Whole.

Mr. MANN. I will call attention to the fact that that question can not be raised at all in Committee of the Whole.

Mr. GARDNER of Massachusetts. Oh, Mr. Chairman——

Mr. MANN. The gentleman's rule provides that—

In Committee of the Whole the chairman of the committee shall call each standing committee in regular order, and the committee when named may call up for consideration any bill reported by it on a previous day.

The committee has the right under the proposed rule, when it is named, to call up any bill on that calendar. But that is not all. Under another provision of the rule it provides—

That if when the committee rise that bill is not disposed of, and this committee goes into session again on the next calendar Tuesday, preference shall be given to the last measure under consideration.

There is no escape. It does not leave it to the committee to decide, but the House, by its rule, decides that the bill, having been under consideration in one session, the House shall continue to consider it until it is disposed of. Now I yield to the gentleman.

Mr. GARDNER of Massachusetts. In the first place, that provision in the rule is copied verbatim from the present rule for call of the calendar, and I doubt if the construction has ever been put upon it that the question of consideration can not be raised.

Mr. MANN. Ah, but the gentleman——

Mr. GARDNER of Massachusetts. One minute. Please let me finish. The other day in debate the gentleman from Pennsylvania [Mr. OLMSTED] made that statement, that the question of consideration could not be raised in the Committee of the Whole. I asked the parliamentarian of the House, and he rendered a different opinion.

Mr. MANN. I do not know what the parliamentarian of the House may have said about it. One thing is quite certain: The parliamentarian of the House can not openly override the express language of the House rule.

Mr. GARDNER of Massachusetts. By no means.

Mr. MANN. Here is the express language of the House:

This bill shall be considered in preference to all other bills.

Now, what happens further? Under the rule proposed, no motion to adjourn, or to take a recess, or that the Committee of the Whole rise shall be in order before 4 o'clock and 45 minutes, unless the business in order under clause 4 of this rule has been disposed of. Every bill on the Union Calendar except privileged bills, every bill on the House Calendar, is in order under the rule on these days; so that until all the business on the calendar is disposed of and the calendar is cleared it is not in order, under this proposed rule, to rise or to adjourn or to take a recess.

Then comes the next rule. And it is peculiar, to my mind, that the gentlemen who most criticise the rules of the House because they permit legislation without debate invariably propose that their bills shall be passed without consideration.

Mr. GARDNER of Massachusetts. If the House by a majority vote says so.

Mr. MANN. That is the case now. The gentleman's rule proposes to limit debate. He proposes that at any time after the expiration of forty minutes devoted to the consideration of a measure in Committee of the Whole it shall be in order to move to close general debate, and this motion shall be decided without debate.

Let us understand how this rule might work. The gentleman has charge of a bill on the floor of the House. He occupies an hour's time under the rules, unless he is cut off. He speaks for forty minutes in favor of the bill. The majority do not wish the minority to discuss the bill in general debate, and after the gentleman has occupied forty minutes, by a preconceived plan, I arise and ask the attention of the Chair and move to close general debate. I can take the gentleman off his feet to make that motion. The gentleman has expended forty minutes' time speaking for the majority in favor of the bill. The majority votes in favor of the motion to close debate. The minority is left without a chance to discuss the bill at all. And yet the gentleman's measure comes in as a proposition to permit the consideration of bills.

I have not wondered sometimes that some of the gentlemen who were criticising the rules because certain measures had

not been disposed of in the House wished to stop debate. Many of those measures will not bear the light of day in debate, and I do not wonder that often, having bills of that sort, they wish to bring them before the House as the gentleman from Massachusetts [Mr. GARDNER] does, and as I have understood—though I do not now understand it that way—the gentleman from New York desired—to force a vote without debate and without consideration.

Mr. GARDNER of Massachusetts rose.

Mr. MANN. I yield to the gentleman.

Mr. GARDNER of Massachusetts. The gentleman has not contended that the objection to stopping debate was because it stopped discussion but because it stopped amendments, and that provision included in my rule does not stop amendments. As it is at present, you can stop debate after one minute's discussion.

Mr. MANN. Oh, you can do that under your rule. Your rule does not change it as to the House. Your rule only limits debate in Committee of the Whole, but does not change it in the House.

Mr. GARDNER of Massachusetts. But it does not prevent amendment.

Mr. MANN. You extend to the Committee of the Whole less time for debate than is now given by the rules of the House. You propose to take away the privilege that the Committee of the Whole has always exercised. The purpose for which the Committee of the Whole is created is to permit more debate than can well be permitted in the House. Now, I wish to proceed. I have not much time.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BURLESON. I yield to the gentleman five minutes more.

Mr. MANN. Mr. Chairman, having provided in his amendment that the House should not adjourn or the committee rise until 4.45 o'clock, he then brings in an exception, which he called attention to a while ago, and which I wish very briefly to discuss. I am sorry I have not time to discuss all the other provisions of the resolution.

Clause 8. On calendar Tuesday, either in the House or in Committee of the Whole House on the state of the Union, at any time when no measure is under consideration, shall be in order to move that further proceedings under this rule be suspended for the day.

The motion could not be made when any measure is under consideration. I call the attention of the House or the committee to the proposition that if this rule had been in force at the last session of Congress we would probably have been engaged, if anybody desired it, every calendar Tuesday in Committee of the Whole in consideration of the penal code; and while the measure was under consideration no motion to rise could be made, no matter if nine-tenths of the committee wished to rise.

Mr. GARDNER of Massachusetts. That is a good criticism.

Mr. MANN. For instance, we have the penal code yet before us. There is no chance for the House bill penal code to become a law; there may be a chance for the penal code to become a law in the end by conference on the Senate bill; and yet under the gentleman's proposed rule we could be kept here every Tuesday on the penal code, or, if the code was out of the way, on the next long bill on the calendar, discussing every Tuesday a bill without a chance to conclude it, without a chance to rise, without a chance to do any other business, or without a chance to enact it into law.

That would be coming to a pretty pass, with one day of the week absolutely wiped off the calendar so far as the transaction of business is concerned under the gentleman's rule. Of course the gentleman assumes that the House and committee might not do all of these things or, perhaps, that such a bill would not be presented; but the object of the gentleman is to force the House, or the minority of the House, or, perhaps, the majority of the House, into the consideration of something it does not wish to consider, and the gentleman must remember that no matter what rules may be enacted, when people wish to obstruct legislation they use the power that is in the rules, and if the gentleman's rule permits it, then he fails to accomplish the purpose he seeks.

That would not be all. We might under the gentleman's rule be kept sitting here from 12 o'clock to 4.45 o'clock, calling the committees one after the other, time and again, without a chance to rise or adjourn. They could commence with the first committee and call down to the end, and then commence again with the first committee and call to the end, and then go to the head of the first committee and call through them all again; and if no committee called up a bill, it would still be without the power of the Chair to entertain a motion to rise, because until every bill on the calendar is disposed of that bill is in order whether called up or not, and the House could not adjourn so long as a bill remained on the calendar which could be called up.

Mr. GARDNER of Massachusetts. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. GARDNER of Massachusetts. Does the gentleman remember the first time that the call of committees took place this session?

Mr. MANN. I do.

Mr. GARDNER of Massachusetts. Less than an hour was occupied therein. Was the call repeated?

Mr. MANN. The next day, I believe.

Mr. GARDNER of Massachusetts. But not during that same hour?

Mr. MANN. No; but we were not operating under the gentleman's rule. We adjourned when we finished the call of the calendar that day, but the gentleman does not permit an adjournment so long as there is any business on the calendar that is in order under the rule, and any bill on the calendar except privileged bills is in order under the rule, whether called up or not.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BURLESON. Mr. Chairman, I yield sufficient time to the gentleman from New York [Mr. COCKRAN] to ask a question.

Mr. COCKRAN. I desire to ask the gentleman from Illinois if he would object, or can suggest any grounds of objection, to the appointment of a committee representing both sides of the Chamber to consider whether the rules are capable of amendment, and to make its recommendations before the end of this session? That is the only proposal I made to the committee.

Mr. MANN. I did not so understand the gentleman. What I would suggest is, the gentleman from New York having had a very long experience in the House and being one of its shining lights, that he prepare the amendments that he thinks should be made to the rules and introduce them as amendments to the rules so that we may consider them. There are many things which the House might do. They might appoint a committee on every conceivable purpose in the world, but let us have suggestions made for the amendment of the rules. I do not regard the rules like the laws of the Medes and Persians. I regard the rules as capable of amendment, and I would like to consider the amendment which is proposed.

Mr. COCKRAN. Will the gentleman allow me? The gentleman will bear me witness, I think, that in the discussion which occurred the other day my proposal simply was that some means should be devised by which the existence of a majority could be challenged on the one side and established on the other on a motion for consideration of any specific proposal. I did not suggest a way by which that could be done, because I do not profess to know a way, but I do suggest that able parliamentarians like the gentleman from Illinois, in the interest of the credit to which this House is entitled, but which I do not think it enjoys in the full degree of its merits, should devise a method by which that very desirable result might be accomplished. That is the whole of my proposal. Does the gentleman think that it is other than valuable?

Mr. MANN. Oh, Mr. Chairman, I think that anything that emanates from the gentleman is of value to the House; any contribution he makes either in regard to the rules or any other subject before the House is a valuable contribution to the House and to the country. Now, the gentleman and I would agree upon this——

Mr. COCKRAN. That is all I want to get at—a point of agreement.

Mr. MANN. That the prime purpose of a rule is to permit the enactment of business and at the same time secure the rights of the individual Member and in party government the rights of the minority.

Mr. COCKRAN. Well, the gentleman, I think, misapprehends what I said in regard to that. I stated that the only right of the minority is to be sure that it is a minority, and the only way you can establish that is by counting it.

Mr. MANN. I am talking about a partisan majority.

Mr. COCKRAN. A gentleman here suggests to me now that the majority was established at the election. My conception of the constitution and government of this House is that the existence of a majority should be established on each specific proposal.

Mr. MANN. I fully agree with the gentleman on that proposition.

Mr. COCKRAN. And therefore I think the gentleman is at one with me—that it would be advisable to see if we could establish some method by which the existence of a majority

could be established whenever challenged from a responsible source.

Mr. MANN. I will say to the gentleman that under the rules as now in force if I had charge of a bill which I wished to force to a vote, with a majority behind me, I would not care what the bill was under the rules as they now exist. I have that power directly, and not indirectly as has been suggested by the gentleman from Massachusetts [Mr. GARDNER].

Mr. PAYNE. And without regard to the attitude of the Speaker.

Mr. MANN. Without regard to the attitude of the Speaker.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURLESON. Mr. Chairman, I yield twenty minutes to the gentleman from Alabama [Mr. UNDERWOOD], or so much thereof as he desires to consume.

Mr. UNDERWOOD. Mr. Chairman, in the discussion of this question of rules I take it that it depends very largely on the size of the body that is to be governed by the rules as to what kind of rules we need for the government. The rules that we now have in this House have come down to us with some amendments, not many, from the original Congress. They have been changed from time to time to meet the emergencies and conditions of the business of this House as it develops. I believe that when the original Congress assembled there were 65 men then Members of this body. To-day we have 391. It is apparent that a very different set of rules would be suitable to the government of 65 men from the rules that would be needed to properly govern a body consisting of 391 men. I take it that the primary object of a set of rules is to do business. That is the first proposition, and the next proposition is to do business by the will of the majority of the legislative body that has adopted the rules.

Now, in the early history of this country we had reasonably lax rules for the government of the House of Representatives. It is apparent that a board of directors consisting of twelve or fifteen men practically need no set of rules to run their business. That a Congress consisting of 65 men needed very little in the way of rules to transact business is quite apparent. It is shown in the United States Senate to-day, where they have less than 100 members, and it is not necessary for them to adopt a cloture rule at all to do business; but I do not suppose there is a man in this House who will not readily agree that it would be impossible for the House of Representatives to do business at all without a cloture rule. We would simply be a mob of 400 men if we did not have rules under which we could transact the business of this House. With the large number of bills that are introduced here, the thousands of bills that are put on the calendar and the Members desire considered, it is absolutely necessary that we shall have some governing body to direct our movements toward the passage of bills. It is the same as if you had a tank at which 100 horses could get water and you brought a thousand horses there to water. Somebody would have to select the 100 horses that were going to receive the water. It is the same way with the government of this House. Somebody must determine what bills are going to be considered and at what time.

Mr. GILLESPIE. Will the gentleman yield for a question?

Mr. UNDERWOOD. Yes.

Mr. GILLESPIE. Now, if you take time enough, by watering 100 horses at a time you could water the 1,000.

Mr. UNDERWOOD. Oh, I assumed that there was water enough in the tank only for 100 horses.

Mr. GILLESPIE. The same rules that will govern a body of 65 men may govern a body of 400, if the 400 would take more time and devote more time to the business of the Government. Now, do we want to frame a set of rules that will enable 400 men, under the control of probably 20 of them, to come here and in from thirty to ninety days rush through such of the business of the country as these few men may think proper, or should we have more liberal interpretation of the rules securing larger debate and freer use of the right of amendment? It appears to me the latter is what we need; and then remain in session longer and devote more time than we do to the consideration of measures of general public interest.

Mr. UNDERWOOD. I agree with the gentleman in part, but not in all. I do not think we want any rule, I do not think we want any management, of this House that will rush the business of this Congress through in ninety days; neither do we want a rule of this House which will enable any party by a filibuster to take three hundred and sixty-five days to do its work and then not finish its work. Now, under the old system of rules we originally had in this House it was possible for a small minority to prevent business in any way and at any time, and I say that these rules should have been abandoned at the time they were abandoned. They were good enough for a small body of men, but when the number of men in this House increased to the size where these rules could not prevent a filibuster and could not prevent the passage of legislation by a small minority of men, but prevent a real majority from doing business, then they should have been abolished when they were abolished by this House, and the country approved of it, and we approve of it to-day. Now, I say, when we come from that point, a point where it was necessary for us to adopt rules under which this House could do business and do business by the will of the majority, the pendulum swung to the extreme end of the other side.

Instead of adopting a rule by which this House could do business by the will of the majority, we adopted a rule by which we could do business by the will of one man. That is my objection to these rules, and not that the House should not do business and not that the majority should not do business in the way that the majority elects to transact business.

Mr. OLLIE M. JAMES. Will the gentleman yield——

Mr. UNDERWOOD. But I do object to a set of rules that enables one man to absolutely hold the veto of the legislation of this country.

Mr. OLLIE M. JAMES. I would like to ask the gentleman if it is not true that the curtailment of debate and the shutting off of all amendment to all important bills which we have had for the last two Congresses has been caused by special rules which were adopted by a majority of the House and against the protest of the minority always?

Mr. UNDERWOOD. Oh, undoubtedly.

Mr. MANN. The railroad rate legislation was as important as any brought before the Congress.

Mr. UNDERWOOD. Oh, we have had many important bills considered in this House by unanimous consent. There are times in this House when we can consider the most important legislation without any rule at all; but I say that these rules now are written so that if the Speaker does not desire the consideration of any question to come before this House that a majority wish, he can prevent it. I am not talking about political parties—not the Republican side of the House nor the Democratic side of the House—but I am talking about a majority that consists of more than half of the Members on the floor voting on the subject; that is what I mean by a majority. Now, I am not criticising the present Speaker. I have served on the Committee on Rules under one of his predecessors, a gentleman whom I respected and loved very much in his personal character, but I know this, as a member of that Rules Committee, that when an important question came up and a meeting of the Committee on Rules was called and the minority members came into the committee, with a smile the Speaker informed us that he had summoned us there to tell us what he is going to do. That is what we were sent for, to receive information of what was going to be done.

Now, I say that kind of procedure may be responsive to the wishes of a political party; it may be responsive to the wishes of a majority of a political party in power in this House, but it is not responsive to the wishes of a majority of the people of this House, and it is not always responsive to the wishes of a majority of the people of the country. Having met that condition and reached that position, I say that the time has come when we need another amendment to these rules. As I stated before, we amended the rules of the House some years back so that a majority could do business, or so the House could do business, and I say the time now has come when we should again amend these rules so that a majority of this House shall say what business shall be done. There is no Member of this House who is not on the Rules Committee, or there is no Member of this House, except the Speaker of the House—and, mark you, I am not criticising the present Speaker, who is working under the rules that we put in his hands; we have given him the power and he is carrying out the powers that we have given him—who can say what business we will transact to-morrow morning.

It is absolutely in his power. If two-thirds of the membership on the floor of this House desired some particular bill to come up first to-morrow morning for consideration, and it did not meet with the approval of the Speaker, you could not take it up, and you know it. Although the Rules Committee could bring in a rule, and there are two other gentlemen on the Rules Committee besides the Speaker, you know and I know that they will not report a bill to this House that does not meet with the approval of the Speaker.

Now, I do not agree with the proposition of the gentleman from Massachusetts [Mr. GARDNER] who wants to fix a calendar by which we shall do business, a machine where you can put a nickel in the slot and grind out legislation. This House should be governed by intelligence, not by machinery. The House

should take up intelligently the bills it wants to consider and enact them into law. There are many bills on the calendar of greater or less importance, and we would displace the consideration of an important bill by adopting a machine rule that requires us first to consider unimportant legislation.

But I do say there is one way in which this matter can be remedied, and only one. Make the Committee on Rules responsive to the will of the majority of the Members of this House. When you have done that you will have under the rules the power to do business, and you will have under the rules the power to do the business that the majority of this House wants done. It will only take a few lines written in the present rules, simply saying that this House shall elect a Committee on Rules at the beginning of each session of Congress, who shall have the same powers that are invested in the present Committee on Rules, and that that Committee on Rules, elected by this House, shall be subject to removal by a majority of the Members of this House at any time by resolution offered. You would then have a committee before which you could appear, present your bills, argue your case and ask for consideration. You would have a committee that, scattered through the membership of this House, would come in daily contact with that membership. You would have a committee that reflected the real sentiment of the membership of this House and the real sentiment of the country.

Mr. CAMPBELL. Will the gentleman permit a question?

Mr. UNDERWOOD. Certainly.

Mr. CAMPBELL. How large would you make that committee?

Mr. UNDERWOOD. I would make it large enough to reflect the sentiment of this House. I would put 15 men on the committee. What we want to do is to transact the business that the majority of this House wants and the country wants, and not have one man determine what business we ought to legislate about.

Mr. CAMPBELL. How would you divide that committee in the House as between the parties?

Mr. UNDERWOOD. I would give liberally to the majority party in the House. The majority party in this House is responsible for its legislation. It is responsible for its government, and I would give a liberal majority of the Committee on Rules to the majority party of the House. But there might be times when the majority party was not responsive to the will of the country, and that then some of its Members going to the minority party would bring legislation before the House that the country demanded and wanted, and rightly bring it before the House. But if you had a committee of 15 men, I would not resist a proposition to give the majority 10 of them and the minority 5. I would have no desire in the world to break down the power of the majority party in this House to do business, but I have a great desire to institute a rule in this House by which a majority of the Members of the House may say what business shall be transacted. [Applause.]

I yield back the balance of my time.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. BOUTELL having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed joint resolution and bills of the following titles:

On January 6, 1909:

H. J. Res. 208. Joint resolution providing for expenses of the House Office Building.

On January 9, 1909:

H. R. 22879. An act to amend an act entitled "An act to amend an act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved January 23, 1908.

On January 11, 1909:

H. R. 13649. An act providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

Mr. BURLESON. Mr. Chairman, I yield to the gentleman from Ohio [Mr. DOUGLAS] three minutes.

Mr. DOUGLAS. Mr. Chairman, I simply want to say that in the short time that I have been a Member here I have listened carefully to the criticisms that have been made from time to time of the rules of the House. I insist that there is too much of dealing in general criticism, without anything specific. I hoped the gentleman from Alabama [Mr. UNDERWOOD] would say what rule or rules of the House give to the Speaker of the House the inordinate powers which he claims he exercises. I confess I do not find it.

Mr. NORRIS. Will the gentleman permit a question?

Mr. DOUGLAS. I beg pardon, but I have only three minutes, and I want to speak of another matter.

It seems to me this, that the mistake of the gentleman from New York [Mr. COCKRAN] consists in the assertion that this House should be and is at all times to be governed by the majority present. I do not believe that is the theory of our Government. It is, as I said to him here in our seats just now, the permanent majority of this House that is responsible to the country for the Government and the laws—the majority elected by the people.

Mr. UNDERWOOD. I would like to ask the gentleman from Ohio where he finds in the Constitution of the United States any theory by which a political party shall govern this country, and not a majority of its representatives?

Mr. DOUGLAS. I do not find it written in the laws, but neither do I find anything in the laws of England providing that England shall be governed by a cabinet. The cabinet is not recognized by the laws of England anywhere, and yet England is governed substantially by this cabinet.

Mr. UNDERWOOD. Just let me say this: The gentleman will find in the Constitution of the United States a very distinct provision that the laws of this country shall be enacted by the majority of the membership of this House.

Mr. DOUGLAS. That is true. But the majority of this House which is responsible for the laws is the permanent political majority which exists in the House, and not the temporary majority which may be here from day to day. That, I think, is the inherent trouble with the argument of the gentleman from New York [Mr. COCKRAN], who urges that the majority at any time present in the House should have the right to insist on the consideration of this or that bill. As a matter of fact, Mr. Chairman, the majority in this House is a political majority. It is here in the contemplation of the people and of the House all the time, and it, and not the majority which may be present to-day or to-morrow, is responsible for the laws passed and for the business of the House.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FOSTER of Vermont, having taken the chair as Speaker pro tempore, a message from the Senate by Mr. Crockett, its reading clerk, announced that the Senate had passed bills of the Senate of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7925. An act to create an additional land district in the State of Montana, to be known as the "Harlowton land district;"

S. 7992. An act to amend an act entitled "An act to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912," approved May 22, 1908;

S. 7918. An act for the relief of Bernard W. Murray;

S. 7785. An act relative to outward alien manifests on certain vessels;

S. 7640. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company;

S. 7378. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton and Gulf Railroad Company.

S. 7257. An act providing a means for acquiring title to private holdings in the Sequoia and General Grant national parks in the State of California, in which are big trees and other natural curiosities and wonders.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill of the following title:

S. 4856. An act authorizing the Secretary of Commerce and Labor to lease San Clemente Island, California, and for other purposes.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

Mr. BURLESON. I yield to the gentleman from Nebraska one minute.

Mr. NORRIS. Mr. Chairman, I have but one minute, but in that time I want to answer the question of the gentleman from Ohio. He says he wants somebody to point out to him the rule that gives to the Speaker this great power that is complained of

so much. My answer to the gentleman is that the rule that gives the Speaker power to appoint all the standing committees of the House, which practically control all of the legislation of the House, is, in my judgment, the rule that is obnoxious to those who think that the Speaker has too much power. [Applause.] At a future time, when I can get sufficient time, I want to go further into the proposition upon which the gentleman has invited discussion, and to point out wherein the rules are objectionable, and wherein, in the minds, at least, of some of us, they can be improved.

Mr. GARDNER of Michigan. Does the gentleman from Texas wish to occupy any more time now?

Mr. BURLESON. No.

Mr. GARDNER of Michigan. Mr. Chairman, in the five legislative days that have intervened since this bill was reported to the House for its consideration much of interest has occurred, some of it historic and much otherwise. Nothing in all of the debates on the various themes has touched the bill under consideration, a bill which more deeply concerns the Capital City of the Nation and the residents therein for the ensuing fiscal year than any other measure before the House or that is likely to come before it.

The Committee on Appropriations, in framing the District of Columbia appropriation bill for the fiscal year ending June 30, 1910, were confronted by a financial consideration, present and prospective, that they felt ought to be laid before the House.

The Commissioners of the District estimate the needs for the ensuing fiscal year at $16,000,000, in round numbers. The revenues of the District were estimated at a little over $6,000,000. This sum, supplemented by the contribution of the General Government, provides $12,000,000 for the revenues and for the expenditures of the District for the next fiscal year, if it shall live within its income. The estimates are therefore nearly $4,000,000 more than the revenues.

The unfunded debt of the District on the 1st day of July next, it is estimated, will be $4,184,000. This debt arises from the advances that have been made from time to time during the last eight years out of the Treasury of the General Government to enable the District to carry on certain important and, in the main, necessary enterprises of a permanent nature, now largely completed. Some of these enterprises are the sewage-disposal plant, costing over $5,000,000; the filtration plant, about three and a half million dollars; the District municipal building, two and a half millions; elimination of grade and grade crossings, considerably over a million dollars; the new Union Station, a million and a half dollars; Highway Bridge and the approaches thereto, about $1,200,000; the Connecticut Avenue Bridge, about $865,000; the Anacostia River bridge, $469,000; the Massachusetts Avenue Bridge, $250,000 in round numbers; the Piney Branch bridge, $50,000; and for tuberculosis hospital, $205,000. These aggregate, in round numbers, seventeen and a quarter millions of dollars.

In addition to this unfunded debt there is a funded debt, authorized in 1874, to run, by the issue of bonds, fifty years. On the 1st of July, 1878, that debt was $22,106,000. Last year on the 1st of July the unfunded debt was $10,117,000. So that there remains to be paid in the next fifteen years as much of the funded debt, less $2,000,000, as has been paid in the last thirty years. This funded debt carries a rate of interest of 3.65 per cent, the unfunded debt a rate of 2 per cent. The law requires that, beginning with July 1 next, the unfunded debt shall be paid, the whole of it, in the ensuing five years. Now, there are three methods, possibly four, by which the present financial condition in which the District finds itself may be provided for. One is to issue another series of long-time bonds or to continue indefinitely to receive advances from the National Treasury equal to the amount expended over the current revenues. This, in the main, is the proposition of the District Commissioners, supported to a considerable extent by the business men of the city and several civic associations in different parts of the District.

Mr. DOUGLAS. Which proposition is supported by the District Commissioners and others? Where they rely upon the General Government?

Mr. GARDNER of Michigan. One is the alternative of two others. To create a new bonded debt, or to continue as now to have advances made out of the National Treasury to make up any deficit in the revenues provided. Another method of meeting the situation is to raise the rate of taxation or the rate of valuation on real property, on which the rate of taxation is 1½ per cent on all real and personal property in the District of Columbia, and that at two-thirds of its true value.

I think it may be stated, on the authority of a statistician who knows local conditions, that the real assessed valuation today does not exceed on an average 45 per cent on the real estate, judging from the assessed valuations and what the property sold for where sales take place.

Now, as a matter of fact, the rate of taxation is less in the city of Washington than in any other city of like size and like privileges in the United States.

Mr. STAFFORD. Will the gentleman permit me right there? Is that one of the reasons why so many wealthy people are taking up their domiciles here, in order to escape the taxation that they would have to pay at their real residences in their States?

Mr. GARDNER of Michigan. I will come to that in a moment. I know it is not safe as a basis of comparison to take either the rate of taxation or the assessed valuation to determine the relative rate of taxation between different municipalities, but there is a way that is fairly accurate and just, and that is to determine by the per capita tax raised in the several cities for municipal expenses. It should be borne in mind that the District of Columbia is not only a municipality, but in a sense it is a state government, in another sense a county government, and in another sense a municipal government, all three in one. Now, in nine cities that may be classed with this capital city, all but two cost more per capita for the conduct of the municipal business alone than does the city of Washington for all three of these combined. So well is this understood that certain persons living in the city of Washington have for obvious reasons advertised and sent broadcast over the United States circulars inviting citizens of other States to come here and live, not only on account of the desirability of living in the capital, but because of the low taxation.

Mr. GOULDEN. What is the assessed valuation of the city of Washington?

Mr. GARDNER of Michigan. I have not the figures in mind. I will ask the gentleman from Texas [Mr. BURLESON] to answer that later.

Mr. GOULDEN. I know it is very low indeed, but I wanted to know just what it was.

Mr. GARDNER of Michigan. The assessed valuation is two-thirds of the true value. Does the gentleman mean the aggregate?

Mr. GOULDEN. I do mean the aggregate.

Mr. MANN. That is what the law says.

Mr. GARDNER of Michigan. The law says not less than two-thirds of the true value.

Mr. GOULDEN. And yet, in your judgment, it is only about 45 per cent?

Mr. GARDNER of Michigan. Not in my judgment, but upon the authority of one on whose judgment I rely.

Mr. GOULDEN. On information that you received?

Mr. GARDNER of Michigan. Yes.

Mr. STAFFORD. I assume that these gentlemen who send out these circulars advising of the advantageous conditions that present themselves here to the wealthy classes for residential purposes, so as to escape a higher rate of taxation in their homes, are interested in the stimulation of real-estate values.

Mr. GARDNER of Michigan. Naturally.

Mr. DOUGLAS. Will the gentleman be courteous enough to yield to all of us for information on this interesting subject?

Mr. GARDNER of Michigan. Certainly.

Mr. DOUGLAS. What effort is made in the city of Washington to secure returns of the personal property which you say is taxed at a certain rate here? Is it not true that a very large part of the personal property owned by the citizens entirely escapes taxation, and is not that advertised, and is not that one of the reasons why so many men of large means come here to live, to escape taxation entirely on their personal property?

Mr. GARDNER of Michigan. I will say to the gentleman, in the first place, that household goods to the value of $1,000 are entirely exempt from taxation. In relation to the other I would not want to state on my own authority definitely. Every man can make his own inquiry. I presume every one of us knows men who have come here to this city who have given up their residence in their home States, as is believed in those States, for the purpose of avoiding taxation. I do not say it is so, but it is common rumor in our respective localities or districts.

Now, Mr. Chairman, to come back, it will be easy, therefore, if you lift the valuation on the one hand, so that, as in New York and Boston, the rate is fixed at 100 per cent of the true value of the real estate, to increase the revenues.

I think I may say in behalf of the committee and Congress that if the District of Columbia will increase its revenues by an addition to the existing two-thirds, Congress will meet the result, dollar for dollar, and so take care not only of the current expenses, but within reasonable limits the projects of a permanent nature that may be undertaken and carried on.

Mr. DAVIS. Will the gentleman yield?

Mr. GARDNER of Michigan. Certainly.

Mr. DAVIS. Is that species of personal property known as "money, bonds, mortgages, and other securities" taxed at all in the District of Columbia?

Mr. GARDNER of Michigan. Yes; supposed to be where it can be gotten at.

Mr. BURLESON. The gentleman from Michigan is mistaken. Money, notes, mortgages, stocks, bonds, and household effects under $1,000 are not taxable at all.

Mr. DAVIS. That was my understanding, and that was the reason that has been given to me heretofore why many wealthy men come here for the purpose of escaping personal-property taxation. Will the gentleman from Michigan yield for a further question?

Mr. GARDNER of Michigan. Surely.

Mr. DAVIS. How long has it been since articles known as "heirlooms," diamonds, and so forth, have been taxed at all? Is it not a fact that it is only within the last two or three years that articles known as diamonds and expensive bric-a-brac, paintings, and costly furnishings have been taxed at all, but were exempt under the title of "heirlooms?"

Mr. GARDNER of Michigan. I think that is true. I may say that there has been, as I have been led to believe, an insistent and persistent effort to increase the amount of taxes to be raised upon personal property.

Mr. DAVIS. Is it not a fact that under the present system of taxation within the District property of that kind is more exempt from taxation than in any other city of its size in the United States?

Mr. GARDNER of Michigan. It may be so. Allow me to say that I have the figures as submitted by the auditor and assessor and collector of taxes. The realty current taxes are $4,300,000. The personal current taxes are $900,000.

Mr. STAFFORD. Will the gentleman yield?

Mr. GARDNER of Michigan. I will.

Mr. STAFFORD. In view of the persistent effort which the gentleman speaks of, has there been any effort by the committee to include bonds and other like securities on the personal-property tax roll?

Mr. GARDNER of Michigan. No, sir; I think that would not come within the province of the Committee on Appropriations.

Mr. STAFFORD. You propose to increase the taxable limit of real estate, but do not suggest anything about bringing in the bonds and stocks, mortgages, and so forth.

Mr. GARDNER of Michigan. The law provides that the taxes shall not be less than two-thirds. There is no change in that law.

Now, Mr. Chairman, a third way out of this difficulty is to follow the law, pure and simple. The law says that the Commissioners of the District of Columbia shall transmit estimates to the Congress, approved by the Secretary of the Treasury; and I may say in passing that since I have been a member of this committee the Secretary of the Treasury prior to the present one has uniformly reduced the estimates of the commissioners. The present Secretary, at the request of the commissioners, submitted the estimates as they were presented to him. Now, what is the law? In the organic act it says:

> That to the extent to which Congress shall approve said estimates the Congress shall appropriate the amount at 50 per centum thereof, and the remaining 50 per centum of such approved estimates shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and the District of Columbia.

That seems to me to be clear in this, that Congress intended under that provision that no unfunded debt should be created, by these words, "the remaining 50 per centum of such approved estimates."

Now, the commissioners estimate this year for $16,000,000, in round numbers. If Congress shall approve these estimates to the extent of $16,000,000, the law requires that there shall be levied upon the real and personal property of the District an amount to cover the $8,000,000 for its share, less that which is derived from special privileges; so that it is up to the commissioners. They make the estimates, and, as the Congress shall approve, the law requires that the District shall pay 50 per cent of the amount approved and the United States the remainder. If that were done, and, I may say, if the commissioners were fairly conservative, we would have plenty of money to meet the current needs of the District and provide within reasonable limits for improvements of a permanent nature.

Mr. DAVIS. Mr. Chairman, I judge from the statement of the gentleman from Michigan that the financial condition of the District of Columbia is now and for some years has been somewhat embarrassed, owing to the fact that the revenues have not been equal to the expenditures.

I would like to suggest, not only to the gentleman, but to certain members of the District Committee present, who are the real legislative body, Would it not be wise or would it not be proper that the real estate of the city be taxed to at least a moderate extent for the improvement of streets and sidewalks along the adjoining private property? And I would like to ask the gentleman, If at the present time private property is not virtually exempt from expense for any improvements thereto by way of construction of streets, alleys, or sidewalks in front of and adjoining the property?

Mr. GARDNER of Michigan. To a large extent that is true.

Mr. DAVIS. Is it not true that a real estate owner where a street is located and to be established under an act reported by the District Committee—that the expenses dependent upon the original location and condemnation of the property is so distributed that the property bears a certain proportion of that expense, but when it comes to improving the street otherwise, asphalting it, putting down sidewalks, planting trees, or possibly sewerage, the individual pays no expense whatever, but it is paid out of the joint revenue as comprised in the amount received from the Federal Treasury and the taxation of District property?

Does not the gentleman think that that is a bad system, and does he not know that there is not any other city in the United States where private property is thus improved and enhanced in value without one dollar of expense to the property? And, I will continue and the gentleman may answer all the questions together: Is it not another reason why wealthy men come here and invest in real estate and obtain opening of streets through and adjoining their property, in order that the Government and the District of Columbia, out of the joint revenues, may improve the property and thus increase the value to the owners?

Mr. GARDNER of Michigan. Mr. Chairman, answering the question of fact, I would state that, as I understand it, the gentleman is correct; but we have had some discussion here lately as to challenging the motives of men——

Mr. DAVIS. Excuse me, but I do not wish to challenge the motive of anyone. But does not the gentleman think that if that matter was legislated upon, and put in what I know the gentleman would consider a proper condition, it would do away with this discrepancy, as it were, between the revenues of the District and the expense? In other words, that the burden would be lightened upon the taxpayer and upon the Federal Treasury, and the real beneficiary would be called upon to respond, thus equalizing the revenues with the expenditures?

Mr. GARDNER of Michigan. Mr. Chairman, I know of no reason why the gentleman living in his town, or I living in mine, or any other gentleman living in his, should be compelled either to pay for the benefits to abutting property, along the line of his suggestions, and then by removing to Washington escape all those and have the half of such improvements paid out of the General Government, of which every taxpayer in the country has to meet his proportionate share. If the gentleman's idea was adopted and put in operation, it would largely reduce the annual budget.

Mr. COLE. How is railroad property in the District of Columbia rated for taxation?

Mr. GARDNER of Michigan. The street railway, I think, pays 4 per cent on the gross receipts.

Mr. BURLESON. There is 4 per cent on the gross receipts of the street railway.

Mr. GARDNER of Michigan. As to steam railways, I can not tell.

Mr. COLE. Is there any excise tax on the steam railways?

Mr. GARDNER of Michigan. I think not.

Mr. GOULDEN. Who is responsible for this state of affairs spoken of by the gentleman from Minnesota [Mr. DAVIS]?

Mr. GARDNER of Michigan. The Congress of the United States.

Mr. GOULDEN. What particular committee of the Congress?

Mr. GARDNER of Michigan. Certainly not the Committee on Appropriations, because we do not make the law. I am simply calling attention to these things this morning because as a committee we are compelled to confront the conditions in which we find ourselves and to act accordingly in making the appropriations.

Mr. GOULDEN. It is a most astonishing condition. I have never heard of it in any other city, that the abutting property paid nothing for the improvement—cutting through, grading, and macadamizing, and so forth.

Mr. BURLESON. Oh, that is not quite true.

Mr. GOULDEN. Did I not understand the gentleman from Minnesota correctly?

Mr. DAVIS. That is correct, except in this: That when the street is originally located under the bill emanating from the

District Committee, the property then pays a proportionate share for the taking of the property and in the condemnation proceedings.

Mr. MANN. Pays all of it.

Mr. GOULDEN. But not for grading and paving and improving, and so forth?

Mr. DAVIS. None whatever.

Mr. MANN. In the gentleman's own city it is only paid the first time, while in my city we pay for it each time it is improved.

Mr. GOULDEN. Yes.

Mr. MANN. We pay for it every time.

Mr. GOULDEN. If the streets are dug up after permanent improvement by the city, who then pays for that being dug up, in order that gas or water pipes, we will say, may be put in?

Mr. GARDNER of Michigan. The corporation in charge, and here is a specific illustration: Between the Capitol and the Library of Congress the gentleman will remember that the street was rendered impassable by the tunneling under to reach the Union Station. The railroads, as I understand it, replaced that street in proper condition. I refer now to the steam railroads. They did it without cost to the District or the General Government.

Now, I have not been there recently, but since I came it has been in an almost impassable condition, made so by the street railways laying tracks along there where there had not been any before, they in turn meeting all the expenses of that change.

Mr. GOULDEN. I alluded to private property. Say I own a house on Connecticut avenue, and I go there and put in water or gas pipes. Who is made to restore that street to its original normal condition, the property owner who has the benefit of it or the General Government and the District combined?

Mr. MANN. The property owner, theoretically, who gets the permit. I would like to suggest, if I may in the gentleman's time, this reason in reference to the city of Washington, D. C., paying the entire cost out of the appropriations which are made, and that is on the theory that it is manifestly out of the question in the District of Columbia to make special assessments against government property, because the Government owns so much property. It is out of the question to improve streets of Washington by special assessments without assessing the Government's property, and that is part of the original agreement between the District and the Government.

Mr. GOULDEN. I will say I had reference to long lines of streets laid out in every direction in which there was no government property at all. I understand it is very often the case they do not need the improvements, and they do not have to expend the money unless they desire to do so.

Mr. DAVIS. I do not wish to interrupt the gentleman, but this is a District matter, and any information I can obtain I would like to have along this line. Another idea suggested by the gentleman from Illinois is, he speaks about the Government owning such a vast amount of property in the District. I have heard it stated that the Government should pay one-half of the expense of maintaining this city because they own one-half or more property. I challenge that statement, and say that the reason given or the figures given to me when I was investigating that matter to confirm their statement that the Federal Government owns one-half of the property is made up of this: In this city, when a street is located by act of Congress the fee of the street is vested in the Government, contrary to what is the case in other cities; so that when a street is extended, the fee of the street at once becomes the property of the Government. The streets thus being included in the amount of property owned by the Government, it is thus claimed that one-half of all real estate of the District is owned by the Government.

Mr. MANN. Streets and the parks.

Mr. DAVIS. Yes. Of course the parks are for the benefit of Members of Congress as well as the residents of the city, but it is unequal. Public property of that kind, including the surface of the street, is figured in and charged to the government ownership, so when it comes to the ownership of the property, aside from streets and parks, my contention is that the private ownership here far exceeds the government ownership.

Mr. GARDNER of Michigan. Yes; the surface of the streets, alleys, parks, and so forth, makes 51 per cent of the entire surface in the city, and that is one of the reasons alleged for liberality on the part of the General Government. Now, Mr. Chairman, I want to call attention to this phase of the financial condition of the District. Under the law, the District is compelled to pay $975,000 annually on the bonded debt. The net decrease of the debt of the city, funded and unfunded, last year was about $128,000. In other words, the excess of the expenditures, interest on the unfunded debt added to the funded debt, was enough almost to take up the entire payment of the funded debt, and if the estimates are allowed to stand this year you will add nearly $4,000,000 to the unfunded debt and bring it to within $2,000,000 of the funded debt, the interest on the two now aggregating nearly half a million dollars a year. There is one other method that has been suggested—personally I am frank to say I do not fall in with it, but it is made by a very prominent resident and a property owner and taxpayer of this city—namely, that the Government shall increase its per centum to the maximum of, say, 75 per cent of the entire expenses of the District of Columbia for current and extraordinary improvements.

Mr. DAVIS. It ought to go the other way, and the federal expense decreased.

Mr. SABATH. Should it not go the other way?

Mr. GARDNER of Michigan. I am simply giving you the opinion of an intelligent gentleman, a taxpayer, and a long-time resident of the city, to meet the emergency we are in. My own judgment is to raise the rate of taxation or increase the valuation. If you increase the valuation and tax it at one and one-half on a hundred per cent of its true value, we will not be troubled, with any reasonable economy, with a debt for current and extraordinary expenses. And yet, with that advance, the citizens living in Washington City and the District of Columbia will pay less taxes than in your city or mine—state, county, and national taxes combined. I think I can make that statement without any fear of its being controverted.

Mr. FORNES. May I interrupt the gentleman? What is the rate at present?

Mr. GARDNER of Michigan. The rate is 1½ per cent on two-thirds of the true value of the real estate.

Mr. FORNES. Then it follows that if you assessed at full market value the citizens of Washington would pay a higher proportion of taxes, because of increased assessment, whereas the government property, not being assessed at all, would be relieved of that much taxation?

Mr. GARDNER of Michigan. No; the Government under the law would meet dollar for dollar the amount that the District raised.

Mr. FORNES. Yes. Suppose you had $12,000 to raise?

Mr. GARDNER of Michigan. Put it twelve millions.

Mr. FORNES. Well, any figure.

Mr. GARDNER of Michigan. That is about the figure.

Mr. FORNES. And the present rate of taxation, property being assessed at two-thirds, so to say, of its market value——

Mr. GARDNER of Michigan. No; not its market value. It has been stated that at its market value it was assessed at about 45 per cent.

Mr. FORNES. Only 45 per cent? Suppose, then, that you double that assessment and the city would pay, so to say, upon double the assessment; would that not necessarily make the taxation against the Government less?

Mr. GARDNER of Michigan. No; not under the law.

Mr. DAVIS. It would increase it.

Mr. GARDNER of Michigan. It would increase it. I read from the organic act some time ago.

Mr. FORNES. You have to pay dollar for dollar. If, as you say, it is about $16,000,000——

Mr. GARDNER of Michigan. The debt is about $14,000,000 now.

Mr. FORNES. I thought you stated $16,600,000.

Mr. GARDNER of Michigan. Those were the estimates for the next fiscal year.

Mr. FORNES. Therefore, if you increase the assessment you either can reduce the rate, or by reducing the rate only a small percentage, of course, the revenue will be larger. The revenue being larger from the real estate in the city, I can not understand why, if the city bears its full share of the cost of government, the rate against the Government should not be less.

Mr. GARDNER of Michigan. I will read to the gentleman, and he will see at once. The matter was gone over when he was not in the Chamber:

> The Commissioners of the District of Columbia shall make estimates which, when approved by the Secretary of the Treasury, shall be transmitted to the Congress.

Now, section 16 provides:

> That to the extent to which Congress shall approve of said estimates, Congress shall appropriate the amount of 50 per cent thereof, and the remaining 50 per cent of such approved estimates shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and of the District of Columbia.

Mr. FORNES. I understand. Now, that which is paid by the Government is paid by the country at large. It is charged to the citizens of the country, who are paying a taxation—and all this money which is paid by the Government comes from taxation. Is it fair for the city of Chicago or the city of New

York or the city of Philadelphia or any other city which is paying taxation upon the market value of the property, as it is called, to be offset by 45 per cent of the market value in the District of Columbia?

Mr. GARDNER of Michigan. Well, that is a matter that is up to the Congress. The Congress has already acted. It is in the law, and there is no way but for us to follow it until the law is changed.

Mr. FORNES. Then, is it not justly due to the people that Congress should so adjust the assessment in this District that it will correspond with the assessment generally throughout the country?

Mr. MANN. That would only increase our own expenditure.

Mr. GOULDEN. The gentleman himself is a Member of Congress, and therefore, I believe, equally capable.

Mr. GARDNER of Michigan. Mr. Chairman, in conclusion I want to say that the committee, facing this financial condition, not only now, but in the near future—for there are projects that have already been recommended, definitely and indefinitely, that will require a number of millions of dollars to carry out—I say the committee, facing this condition of things, felt that they ought to frame a bill strictly in accordance with the law. They have endeavored that no important interest should really suffer by the present bill, and at the same time have provided for a material payment upon the unfunded debt on the 1st of next July.

Mr. SABATH. What is the unfunded debt?

Mr. GARDNER of Michigan. It will be $4,184,000 on the 1st of July.

Mr. BURLESON. Mr. Chairman, I will occupy the attention of the committee only for a moment for the purpose of supplementing the admirable statement made by the gentleman from Michigan with one suggestion: Since 1901, from year to year, Congress has been advancing to the District government out of the general revenues certain sums of money to meet the current expenses of the District. These advances now aggregate $3,650,563.06. From the 1st of the coming July, under the law, this amount, which is part of the unfunded debt of the District of Columbia, must be paid within the next succeeding five years. Now, this condition confronts Congress: Either it must authorize an increase of the bonded indebtedness of the District of Columbia, or to meet the growing necessities of the District of Columbia there must be bills reported increasing the tax rate, or requiring the people of the city of Washington to assess their property nearer its real value.

Mr. DAVIS. Or decrease the budget along the line of expenditures which should be borne upon private property.

Mr. BURLESON. I do not think, Mr. Chairman, it is possible to decrease the budget. What the budget carries at this time is what is absolutely necessary to properly conduct the affairs of the District of Columbia.

Mr. DAVIS. Will the gentleman permit another question?

Mr. BURLESON. Certainly.

Mr. DAVIS. Is there not contained in nearly every appropriation bill—I have not examined this one—appropriations of several hundred thousand dollars for the improvement of streets that comprise part of this budget?

Mr. BURLESON. Certainly.

Mr. DAVIS. Now, if the District Committee or Congress shall change that system it would reduce the budget quite an extent?

Mr. BURLESON. Oh, certainly. But that would require the enactment of law, with which the Appropriation Committee has nothing to do except to vote as Members of Congress on such bills when brought before the House by the District Committee.

Mr. DAVIS. I understand that.

Mr. BURLESON. Now, as I was saying, Mr. Chairman, the Committee on Appropriations have in mind to carry out the law as it is, and require the District of Columbia to repay its unfunded indebtedness within five years; and if the District of Columbia budget is to be increased to meet extraordinary expenses or any other character of expenses, there must either be an increase in the tax rate and assessed values, an increase of the funded indebtedness of the District of Columbia, or an increase of the bonded indebtedness.

Mr. GOULDEN. Will the gentleman permit me to ask him one question?

Mr. BURLESON. Certainly.

Mr. GOULDEN. I hope the gentleman will have the kindness to answer a question in regard to the assessment value for taxation purposes referred to by the chairman of the subcommittee.

Mr. BURLESON. I am unable to state the aggregate assessed property—of real property—in the District.

Mr. GOULDEN. Can you approximate it?

Mr. BURLESON. I can tell you the amount collected on real estate in the way of taxes last year. There was collected from real property within the District of Columbia, $3,400,000.

Mr. SABATH. How much on personal property?

Mr. BURLESON. Nine hundred thousand dollars.

The CHAIRMAN. The time for general debate under the order of the House having expired, the Clerk will report the bill for amendments.

The Clerk read as follows:

The Commissioners of the District of Columbia are hereby authorized and directed, from time to time, to prescribe a schedule of fees to be paid for permits, certificates, and transcripts of records issued by the inspector of buildings of the District of Columbia, for the erection, alteration, repair, or removal of buildings and their appurtenances, and for the location of certain establishments for which permits are now or hereafter may be required under the building regulations of the District of Columbia, said fees to cover the cost and expense of the issuance of said permits and certificates and of the inspection of the work done under said permits; said schedule shall be printed and conspicuously displayed in the office of said inspector of buildings; said fees shall be paid to the collector of taxes of the District of Columbia and shall be deposited by him in the Treasury of the United States to the credit of the revenues of the District of Columbia.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I notice that this proposition, which looks to be eminently proper in intent, provides that the fees shall be paid into the Treasury to the credit wholly of the District of Columbia. In other words, as I understand it—I shall be very glad to be corrected if I am in error—the Government pays its half of the expenses of running this office. These fees are paid in for the purpose of covering that expense, but when it comes to crediting the fees, they are credited wholly to the District of Columbia revenues.

Mr. GARDNER of Michigan. Mr. Chairman, at the present time those who erect buildings in the District of Columbia pay simply for doing the clerical work in connection with the permits. It is now proposed that those making such improvements here in the city shall pay, in addition to the clerical work, substantially enough to cover the cost of inspection in all its departments; and the improvement being here in the District of Columbia, in its real estate, the committee recommend that the fees collected should be credited to the District revenues. Personally I am not particular whether it shall go into the revenues of the District or one-half into the District revenues and one-half into the Treasury of the United States.

Mr. MANN. Here is the point: That the revision itself undertakes to collect enough money to cover the cost and expense of the issuance of permits and certificates, and the inspection of the work done under the permits. Now, all of that service is paid for out of the appropriation, one-half being contributed by the Government out of the General Treasury; but, although we collect this money for the purpose of equaling this expense, we do not reimburse the General Treasury for any of its expense, but turn it over wholly to the District of Columbia, and that is such an unfair proposition that I do not think the gentleman will contend for it.

Mr. GARDNER of Michigan. If the gentleman will make his amendment, I will accept it.

Mr. MANN. I have no amendment prepared.

Mr. GARDNER of Michigan. This is the uniform practice in the District. It would be a departure to do otherwise.

Mr. MANN. I think the gentleman is mistaken. That used to be the uniform custom, but I called the attention of the District subcommittee of the Committee on Appropriations to this sort of a scheme that was in the appropriation bill in a number of places before, and I notice that they have eliminated it from every other place in the bill except this, and I suspect this crept in by inadvertence.

Mr. GARDNER of Michigan. The taxes on saloons and other special privileges are all given to the District of Columbia.

Mr. MANN. That is a different proposition. Here is a proposition to cover the expense of inspection.

Mr. GARDNER of Michigan. The fines from the police court all go into the District treasury.

Mr. MANN. Oh, yes; that is quite a different proposition.

Mr. GARDNER of Michigan. The Government pays half the cost of conducting these courts, but the police court gets the benefit of all the fines.

Mr. MANN. Yes; but that is quite a different proposition. Here is a building to be constructed. There is a certain expense about the issuing of the permits and a certain expense about the inspection certificates. Now, we provide for the officials who issue the permits and who do the inspection work. We pay for the expense of that out of the General Treasury. Then we provide that the man who obtains a permit shall pay in enough money to cover the cost of doing this work, and we think we have got it fixed then and paid back. But then we find, according to the bill, that this money is paid over to the

credit of the District, and so the District makes a profit, because the District only pays one-half the expense, and the General Government pays the other half. It seems to me the proposition is so utterly unfair that nobody can contend for it.

Mr. GARDNER of Michigan. Has the gentleman finished?

Mr. MANN. I have a point of order pending.

Mr. GARDNER of Michigan. I may say to the gentleman that not only the police-court fines, but the supreme-court fines, the liquor licenses, the plumbing licenses, the insurance licenses, the electrical permits, the building permits, the engineer's licenses, the fees from tax certificates, the railing permits, the water permits, the sewer and gas permits, the inspector of gas and meter fees, the dog-pound fees, the justice-court fees, the health-department permits, the surveyor's fees, the fees of the sealer of weights and measures, the penalty and interest on taxes; all these are deposited wholly to the credit of the fund of the District of Columbia. So that this would be the exception and not the rule. The fees now under this very language are all deposited in the treasury of the District of Columbia.

Mr. MANN. Then it is no advantage to the General Treasury to have this provision go into the bill?

Mr. GARDNER of Michigan. Yes; by so much as the one-half shall reduce the whole.

Mr. MANN. The one-half will not reduce anything, it only increases the expense to the General Treasury. None of this gets back into the General Treasury.

Mr. GARDNER of Michigan. It helps to pay the inspectors——

Mr. MANN. Not at all; it does not.

Mr. GARDNER of Michigan (continuing). Out of the District treasury.

Mr. MANN. It does not help to pay them. We appropriate directly for them out of the General Treasury.

Mr. GARDNER of Michigan. Oh, no.

Mr. MANN. Well, will the gentleman call my attention to a provision that the inspector shall be paid wholly out of the funds of the District of Columbia——

Mr. GARDNER of Michigan. I do not mean that.

Mr. FOSTER of Vermont. He means that it helps pay the District's one-half.

Mr. MANN. That swells the amount we have to pay out of the General Treasury.

Mr. GARDNER of Michigan. It still remains that this increases the resources which the District so much needs, and is in perfect harmony with the previous action of the District along that line.

Mr. MANN. The gentleman may be able to help me find something that I am looking for in the bill. There is a provision in the bill itself in reference to one lot of fees that shall be reimbursed to the fund out of which the service is paid.

Mr. GARDNER of Michigan. I do not recollect it at this moment.

Mr. MANN. Well, I shall be compelled to insist on the point of order.

Mr. GARDNER of Michigan. Will not the gentleman from Illinois withdraw his point of order or let it go over?

Mr. MANN. I am willing to let it go over, but not to withdraw it. The gentleman can ask unanimous consent that this be passed over without prejudice.

Mr. BOWERS. Would the gentleman withdraw the point of order if the provision was so amended that the deposit in the Treasury should be one-half to the credit of the United States and one-half to the credit of the District of Columbia?

Mr. MANN. Yes; but I think it should be so amended that the money would be for the services rendered.

Mr. GARDNER of Michigan. That is the purpose of it, that it shall furnish a fund that shall meet every expense of inspection.

Mr. MANN. But you do not do it by this provision.

Mr. GARDNER of Michigan. I have no objection to what the gentleman seeks to do. How would this do: Say that one-half of the receipts shall be deposited with the treasurer of the District of Columbia and one-half in the Treasury of the United States?

Mr. MANN. That would suit me, although I think it would be better to pass over the provision now. I ask unanimous consent, Mr. Chairman, that this paragraph may be passed for the present without prejudice.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that this paragraph may be passed for the present without prejudice. Is there objection? [After a pause.] The Chair hears no objection.

The Clerk read as follows:

For assessor's office: For assessor, $3,500, and $500 additional as chairman of the excise and personal tax boards; 2 assistant assessors, at $2,000 each; 2 clerks, at $1,400 each; clerk, arrears division, $1,400; 4 clerks, at $1,200 each; draftsman, $1,200; 4 clerks, at $1,000 each; assistant or clerk, $900; clerk in charge of records, $1,000; 2 clerks, at $900 each; license clerk, $1,200; 2 clerks, at $1,000 each; inspector of licenses, $1,200; assistant inspector of licenses, $1,000; messenger, $600; 3 assistant assessors, at $3,000 each; clerk to board of assistant assessors, $1,500; messenger and driver, for board of assistant assessors, $600; clerk, $600; temporary clerk hire, $500; in all, $44,100.

Mr. NORRIS. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the chairman of the committee. How often, under the law, is property of the District of Columbia assessed?

Mr. GARDNER of Michigan. Once in three years; that is, the real estate is assessed once in three years.

Mr. NORRIS. How often is the personal property assessed?

Mr. GARDNER of Michigan. Annually.

Mr. NORRIS. Now, as to the employees mentioned here for the assessor's office, is that the regular number that is on the roll all the time? Is there any law by which, when the assessment of real estate is to take place, the clerks and employees shall be increased?

Mr. GARDNER of Michigan. There is a provision made for additional force when the assessment of real estate is to be made.

Mr. NORRIS. When was the last real estate assessment made?

Mr. BOWERS. Last year.

Mr. GARDNER of Michigan. We get the benefit of it for the first time in the ensuing fiscal year.

Mr. NORRIS. Is it not true that the force is now just as large as it was then?

Mr. GARDNER of Michigan. About the same.

Mr. NORRIS. Is the work about the same?

Mr. GARDNER of Michigan. They want an increase; they say they can not do the work with the present force.

Mr. NORRIS. Is it necessary to keep the entire force the entire three years in order to make an assessment?

Mr. BOWERS. Let me explain. Last year's bill carried with it a provision such as is carried every three years for additional clerk hire—temporary clerk hire—made necessary by the triennial assessment of real estate. That provision is left out of this bill, and it appears only when that assessment is made, and that constitutes the difference between the work which occurs annually and that which occurs only every three years.

Mr. NORRIS. That makes the proposition plain.

Mr. COX of Indiana. Mr. Chairman, I will ask the gentleman in charge of the bill, What is the excise board? What has it to do with the property of the District of Columbia?

Mr. GARDNER of Michigan. Primarily the determination of the liquor licenses.

Mr. COX of Indiana. I see this bill makes the assessor the chairman of that board.

Mr. GARDNER of Michigan. Yes; the assessors are members of that board. That is a part of their duties continuously.

Mr. COX of Indiana. Is this excise board in continuous session, or only occasionally?

Mr. GARDNER of Michigan. It is a continuing board, but not in continuous session.

Mr. COX of Indiana. How much of its time is occupied while sitting as a board?

Mr. GARDNER of Michigan. I can not say as to that, but the presumption is that there may be applications for liquor licenses at any time.

Mr. COX of Indiana. How much of the assessor's time is taken up by his being chairman of that board?

Mr. GARDNER of Michigan. It will be easy for the gentleman to see that a member of this committee, unless he has gone specifically into that thing—which is surely a question of administration which we ought to leave to the various boards, because it would produce an infinite amount of detail, much of it valueless—would be unable to answer that question; and I am very frank to say that I do not know anything about how much, and that would be true of a multitude of other matters of information and detail.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

For engineer's office, record division: For engineer of highways, $3,000; engineer of bridges, $2,100; superintendent of streets, $2,000; superintendent of county roads, $1,500, and $500 additional as assistant engineer in Rock Creek Park; superintendent of sewers, $3,000; inspector of asphalts and cements, $2,400 (*Provided*, That the inspector of asphalts and cements shall not receive or accept compensation of any kind from, or perform any work or render any services of a character required of him officially by the District of Columbia to, any person, firm, corporation, or municipality other than the District of Columbia); assistant inspector of asphalts and cements, $1,500; superintendent of repairs, $1,500; superintendent of trees and parkings, $1,800; assistant

superintendent of trees and parkings, $1,000; assistant engineer, $2,200; assistant engineer, $2,100; 4 assistant engineers, at $1,800 each; 1 assistant engineer, $1,600; 5 assistant engineers, at $1,500 each; 1 assistant engineer, $1,350; 1 assistant engineer, $1,200; 2 transit men, at $1,200 each; 1 transit man, $1,050; 4 rodmen, at $900 each; 8 rodmen, at $780 each; 12 chainmen, at $650 each; 2 draftsmen, at $1,350 each; 2 draftsmen, at $1,200 each; 1 draftsman, $1,050; 1 general inspector of sewers, $1,300; 1 inspector of sewers, $1,200; 1 bridge inspector, $1,200; 2 inspectors, at $1,500 each; 3 inspectors of streets, at $1,200 each; 3 inspectors, at $1,200 each; 1 inspector, $1,000; 1 inspector, $900; 12 foremen, at $1,200 each; 1 foreman, Rock Creek Park, $1,200; 3 subforemen, at $1,050 each; 1 foreman, $1,050; 10 foremen, at $900 each; 1 bridge keeper, $650; 3 bridge keepers, at $600 each; 2 inspectors of property, at $936 each; 2 property yard keepers, at $1,000 each; 1 inspector of material, $1,200; chief clerk, $1,900; clerk, $1,800; clerk, $1,600; 2 clerks, at $1,500 each; permit clerk, $1,500; assistant permit clerk, $1,000; index clerk and typewriter, $900; 2 clerks, at $1,400 each; 2 clerks, at $1,350 each; 5 clerks, at $1,200 each; 1 clerk, $1,050; 2 clerks, at $1,000 each; clerk, $900; clerk, $840; 2 clerks, at $750 each; clerk, $620; clerk, $600; 7 messengers, at $540 each; 2 skilled laborers, at $600 each; skilled laborer, $625; janitor, $720; principal steam engineer, $1,800; 3 steam engineers, at $1,200 each; 3 assistant steam engineers, at $1,050 each; 6 oilers, at $600 each; 6 firemen, at $875 each; inspector, $1,400; storekeeper, $900; superintendent of stables, $1,500; blacksmith, $975; 2 watchmen, at $630 each; 2 drivers, at $630 each; driver, $540; inspector of gas and meters, $2,000; assistant inspector of gas and meters, $840; messenger, $540; boss carpenter, $1,200; boss painter, $1,200; boss tinner, $1,200; boss plumber, $1,200; boss steam fitter, $1,200; boss grader, $1,000; municipal architect, whose duty it shall be to supervise the preparation of plans for and the construction of all municipal buildings and the repair and improvement of all buildings belonging to the District of Columbia under the direction of the engineer commissioner of the District of Columbia, $3,600; and all laws or parts of laws placing such duties upon the inspector of buildings of the District of Columbia are hereby repealed; in all, $200,062.

Mr. MACON. Mr. Chairman, I reserve the point of order against the language beginning with "municipal architect," on page 13, line 24, and ending on page 14, line 7, with the word "repealed," for the purpose of making the point of order at the proper time, if the gentleman in charge of the bill can not explain the matter satisfactorily.

Mr. MANN. Mr. Chairman, I reserve the point of order on the entire paragraph.

Mr. MACON. My point of order, the gentleman from Michigan [Mr. GARDNER] will understand, is against the creation of a new office—a municipal architect, at a salary of $3,600. Is not that a new office that is being created?

Mr. GARDNER of Michigan. Mr. Chairman, in reply to the gentleman, I would say that the inspector of buildings has, as a matter of fact, been to a very large extent the municipal architect. It is well known that there has been a great deal of criticism of him personally and of the conduct of the office. The board of education requested that there be an architect employed purely for the purpose of constructing school buildings. It is believed that a municipal architect will be able to do the duties both for the school board and the municipality at large, and release to that extent the inspector of buildings for the purpose designed in the creation of that office.

Mr. MACON. Is the work of the inspector of buildings so great that he can not attend to it. Has it outgrown him?

Mr. GARDNER of Michigan. Substantially, that is the theory advanced.

Mr. BURLESON. Mr. Chairman, I will state to the gentleman from Arkansas [Mr. MACON] that recently we have had several unfortunate accidents to buildings in course of erection in the city, which directed attention to the fact that the building inspector's force is overburdened with work, and the District Commissioners urge the creation of this new office in order that the building inspector's force might be relieved of the work to be done by this municipal architect, which is now imposed upon the inspectors under the law; and instead of increasing the inspecting force, which is adequate for ordinary purposes of inspection, we create this new office and relieve the inspector's division of the duties imposed upon it by this work to be done by the architect. It is the most economical way and satisfactory way of handling the situation.

Mr. GARDNER of Michigan. Right along the last remark of the gentleman from Arkansas, that it is the most economical way of doing it, I would say that the present method of conducting the business is to employ outside architects and pay them 3 per cent or more or less in individual cases. It is believed that if the proper officer is secured to perform the duties expected of him, it would result in a material saving. In other words, that as against employing outside architects at a per centum, he will save his salary several times in the course of the year.

Mr. MANN. Mr. Chairman, I understood the gentleman to say that the present method was to employ outside architects upon the basis of 3 per cent commission?

Mr. GARDNER of Michigan. Yes.

Mr. MANN. Is the gentleman sure about the commission? That is a very small commission for architect's services.

Mr. GARDNER of Michigan. That, I think, is about the minimum.

Mr. MANN. And I should say that 3 per cent commission would not cover the cost of preparing the plans and specifications and inspecting the work at all. I doubt whether it is done for 3 per cent, and if it be true, if the gentleman be right that it is done for 3 per cent, this will not save any money, because nobody can do this work for less than 3 per cent of the cost.

Mr. GARDNER of Michigan. Mr. Chairman, I find that either I misstated myself or that the gentleman from Illinois has misunderstood me. It is 3 per cent for the preparation of the plans, not for the supervision of the buildings after the plans are being put into execution.

Mr. MANN. Well, 3 per cent for the preparation of plans is not an exorbitant amount for architect's services. The actual work of preparing plans and specifications for a building is very great, as the gentleman will ascertain if he studies the offices of architects.

Now, who selects these architects at present?

Mr. GARDNER of Michigan. I presume the Commissioners of the District in their collective capacity.

Mr. MANN. Who has charge of the construction of school buildings in the District, the District Commissioners or the school board?

Mr. GARDNER of Michigan. The District Commissioners with the inspector of buildings in consultation with the school board.

Mr. MANN. Of course under this provision the school board would have nothing to say about it.

Mr. GARDNER of Michigan. Oh, they would be consulted, no doubt.

Mr. MANN. Why would they be consulted? They might be consulted, but they would not have to be consulted.

Mr. BURLESON. They always are consulted.

Mr. MANN. I do not know whether they are or are not, or whether they ought to be, but this provision undertakes to give absolute control over the construction of new school buildings, or the repair and improvement of all the old school buildings, or the repair and improvement of any other building, to one officer at a salary of $3,600. It can not be done if it is tried, and ought not to be, in my opinion.

Mr. BURLESON. I will say to the gentleman from Illinois that it is not the intention that this municipal architect shall supervise the construction of all school buildings, or that he shall prepare plans for all the school buildings to be erected in the District. It is contemplated that he shall do about one-half of this work. The commissioners would still employ outside architects for the larger buildings, because they do not want all the school buildings of the District of Columbia to be turned out of the same mold; they want some variety in the architectural design, and it is contemplated that outside architects shall be employed in probably, as I now recollect, 50 per cent of the school buildings to be erected in the District.

Mr. MANN. Well, I think the gentleman and I agree. Now will the gentleman explain the meaning of this language:

> Municipal architect, whose duty it shall be to supervise the preparation of plans for and the construction of all municipal buildings and the repair and improvement of all buildings belonging to the District of Columbia.

Mr. BURLESON. Well, it would seem the language read would impose upon the architect the duty of supervising all; but that was not contemplated by the committee, as I recall it, though I am not positive about it, but I think the hearings will disclose that it was intended that this official would prepare the plans of only about 50 per cent of the school buildings.

Mr. GARDNER of Michigan. If the gentleman from Texas will allow me to read from Commissioner Morrow's hearing, page 19, near the bottom of the page. He said:

> We do not intend that this man—
>
> The municipal architect—
>
> shall do all of the architectural work of the District. He will probably design half of the school buildings. Probably a quarter of the school buildings are now designed in the office of the inspector of buildings. He will simply employ architects and supervise their work.

Mr. BURLESON. That answers the question of the gentleman from Illinois. I would now like his further attention for a moment. The hearings show that outside architects are to be employed to act under the supervision of the municipal architect.

Mr. MANN. Do I understand that under this proposition, where the municipal architect is to be employed at a salary of $3,600 a year, we are still to continue to pay these outside men, which the gentleman from Michigan assured us we would not pay?

Mr. GARDNER of Michigan. Mr. Chairman, if the gentleman would have given attention instead of visiting with some neighbor——

Mr. MANN. I do not think anybody in the House can accuse the gentleman from Illinois of not giving attention.

Mr. GARDNER of Michigan (continuing). He would have been fully enlightened. Did the gentleman hear and apprehend and comprehend the statement of Major Morrow?

Mr. MANN. Yes; but I take the wording of the bill against the statement of somebody before your committee about what they mean and the statement of the gentleman from Michigan himself. The gentleman from Michigan stated the purpose of this was to have this man prepare all the plans and pay him, saving several times the salary by saving the 3 per cent commission. I stated in reply that it would cost 3 per cent to make the plans. Now, the purpose is to pay the salary and the commissions besides.

Mr. GARDNER of Michigan. I think the gentleman is a little at fault there, or else the gentleman from Michigan misspoke himself when he said "all the plans." Now, in regard to the cost. I apprehend they are paying out from 2½ to 3½ per cent for plans, averaging probably 3 per cent. Five per cent is the maximum where they do the work of designing the plans and supervising the construction.

Mr. MANN. It is an architect's usual commission.

Mr. MACON. Mr. Chairman, unless the gentleman in charge of this bill can assure me that all this 3 per cent business will be stopped, I am going to insist upon my point of order.

Mr. GARDNER of Michigan. I do not quite get the statement of the gentleman from Arkansas.

Mr. MACON. I say that unless the gentleman from Michigan [Mr. GARDNER], who is in charge of this bill, can assure me that all of this 3 per cent commission business is going to stop in connection with municipal architectural work, I am going to insist on my point of order, for I am strictly opposed to the idea of creating new offices or increasing salaries in almost every paragraph of the annual appropriation bills.

Mr. GARDNER of Michigan. Mr. Chairman, I may say, in a general way, that this bill is surprisingly free from the creation of new offices and the increasing of salaries or the reduction of salaries. Occasionally, as the exigencies have developed in the course of the hearings, some changes have been made. I am sure the gentleman from Arkansas [Mr. MACON] will not insist on the chairman of the committee pledging the committee and the Congress that the new municipal architect shall perform all the duties of that office in the way of originating all plans and the supervision of the construction of buildings. I think it entirely safe to say that with a probable appropriation of from $650,000 to $1,000,000 for school buildings alone it is not within the power, physically speaking, of any one man to do all of that work. At the same time your committee does believe that this office is in the interest of economy and efficiency both.

Mr. MANN. Did the gentleman have any hearings of the members of the school board on this item?

Mr. GARDNER of Michigan. I think there are hearings of the school board incidentally touching this, if not this year, within two or three years preceding. As I stated earlier, they want a school-board architect, pure and simple.

Mr. MANN. Under their control?

Mr. GARDNER of Michigan. Absolutely.

Mr. MANN. That is the reason they want it?

Mr. GARDNER of Michigan. Absolutely.

Mr. MANN. I undertake to say I do not know which is right, but it seems to me we ought to consider very seriously the proposition to have the construction of the school buildings solely under the control of the District Commissioners, under an architect responsible to the District Commissioners, who is not required to consult the school board about anything.

Mr. GARDNER of Michigan. I may say, Mr. Chairman, that practically members of the school board have been consulted constantly and changes have been made in accordance with their suggestions. This matter has been gone into, not only this year but other years, with a great deal of care, and this provision is a result of the best judgment of the Committee on Appropriations.

Mr. BOWERS. Will the gentleman from Arkansas yield to me now?

Mr. MACON. Certainly.

Mr. BOWERS. I am thoroughly in sympathy with the gentleman in his opposition to new offices, and I think if he will examine this bill and the bill that was reported for the maintenance of the District of Columbia last year, or if he will peruse the newspapers of this city published since this bill was reported to the House, he will be satisfied that it is characterized by the most rigid economy.

Mr. MACON. I want to say "amen" to that statement right now.

Mr. BOWERS. I do not think, therefore, that any criticism as to the creation of new offices can fairly be leveled at this bill. Now, as to the gentleman's suggestion that he will insist upon his point of order unless he can be absolutely assured that all of the "present per cent business" will be done away with, I say to him frankly that as a member of the committee and of the subcommittee that considered this bill, we can not by the creation of this office and the putting of these duties on this officer dispense with all the outside architects who are employed to make plans and do work.

Mr. MACON. Does it dispense with any appreciable number?

Mr. BOWERS. We can dispense, and will dispense, as we believe, with a great part of it, with infinitely more in amount than the salary of this officer. And it was in the interest of economy and with a view of reducing the expenses of the District that this provision was incorporated in the bill. Let me call the gentleman's attention again to what the engineer commissioner of the District, Major Morrow, had to say on that point:

We do not intend that this man shall do all the architectural work of the District.

He could not do it all.

He will probably design half of the school buildings. Probably a quarter of the school buildings are now designed in the office of the inspector of buildings.

In addition to that, I may say, he will design half of the structures needed for the municipality.

He will supervise the other work in addition to the work that he does in the preparation of the plans here. That is the most that we can get, and it seems to me it justifies the provision.

Mr. COX of Indiana. Will the gentleman allow me to ask him a question?

Mr. BOWERS. Certainly.

Mr. COX of Indiana. Suppose that this bill with the language in it becomes law; and suppose that the municipal architect insists upon his right to make all the plans for all the municipal buildings. Do you not believe it to be a fact, under authority of this bill, that he would have exclusive right to do it to the exclusion of everybody else?

Mr. BOWERS. I will say in response to that that I think the matter would be up to the Commissioners of the District. I do not think there is any right vested in the municipal architect to do all the work required by this provision. In fact, I do not believe the provision requires him to do it, and if we should require him to do so it would be fruitless, because I do not believe he could do it all; and if after one year's trial it transpires that this is not justified, that he is not doing the work we expected him to do, it would be very easy to strike out the appropriation from the next bill, and nobody would be more ready to do it than the committee which originated it.

Mr. MACON. I have not seen any appropriations of this character dropped when once they are established.

Mr. BOWERS. If you pass this bill with this provision in it and the occasion ever requires it, you will see it.

Mr. MACON. The gentleman from Mississippi may have the very best intentions on earth to do that very thing, and I believe his intentions are good, but there are others on the committee besides him, and they are in the majority. [Laughter.]

Mr. MANN. Is not this the inevitable result in all propositions of this kind, whether they be right or wrong? If this architect's office is created, he has to have plans and specifications prepared. He takes the expense of them out of the appropriation for the building. So there is no provision made for these expenses of the office.

Mr. BOWERS. That will be done on the outside.

Mr. MANN. Well, he has an office force. If the office force finish one building, will they seek an opportunity to be discharged or an opportunity for continued service?

Mr. BOWERS. I assume they could continue designing the buildings and doing the other work.

Mr. MANN. The next thing that we would find would be that he required an enlargement of that force. So that in a few years we will have an office force for the entire matter, I take it.

Mr. BOWERS. Suppose we do have such a force. Will they not be discharging the duties that will be required?

Mr. MANN. I was calling attention to the gentleman's proposition that 25 or 50 per cent of the buildings would have their plans prepared by this architect and the rest by outside architects.

Mr. BOWERS. We are informed that in many places, indeed, in a majority of the places where such an official exists, that the aid of outside architects is constantly called in; that no one man designs all the buildings that are needed, and that

it would be undesirable for one architect to design all if for no other reason because you want a variety in architecture and not the sameness of idea permeating all the buildings of a great city.

Mr. MANN. The gentleman does not believe that to be desirable?

Mr. BOWERS. No; I do not.

Mr. MANN. And yet the committee of the gentleman reports a bill to the House for the Supervising Architect of the Treasury, who constructs buildings all over the United States, and not one of the plans is prepared outside of the Supervising Architect's office.

Mr. BOWERS. The office of the Supervising Architect?

Mr. MANN. Certainly.

Mr. BOWERS. Why my understanding is that he advertises, and plans are made by architects all over the country and submitted to that office and adopted by him.

Mr. MANN. Oh, I know that once in a while that is done. The plan of the Chicago post-office was prepared by an outside architect, authorized by a special act of Congress. Once in a while they do provide by a law authorizing it, but it is not generally the case.

Mr. HARRISON. Does the gentleman believe that you can have the services of a competent architect for $3,500 a year?

Mr. BOWERS. I think the District can have the benefit of the skill that is needed to do the work in a position of this kind for that salary. He will certainly be able to make the plans for the smaller school buildings and other buildings of that kind, and if the salary is not sufficient, then the commissioners, who have recommended this provision, have woefully underestimated what the salary should be, and it will be the only case of underestimation by them which this committee has discovered.

Mr. HARRISON. Is the gentleman familiar with the work that is done by like men in other cities? In New York State we have a state architect. Is the gentleman aware of what he gets?

Mr. BOWERS. No.

Mr. HARRISON. He gets a salary, and has been known also to collect bills for service as architect. What guaranty is there that this will not occur under the provisions of this paragraph?

Mr. BOWERS. I do not believe that would be possible here. I do not believe that practice would be tolerated for an instant here.

Mr. GARRETT. Just one question.

Mr. BOWERS. I can not say what the New York practice is, but I do not think such a practice as that would be tolerated here for an instant.

Mr. HARRISON. I think this proposition opens the door for all kinds of bills and expenses in the future.

Mr. GARRETT. The gentleman from Mississippi intimates that there might be some danger of this architect drawing the designs for all the buildings in the city. Does the gentleman from Mississippi not think that there would be more danger of his not drawing any of the plans rather than all the plans?

Mr. BOWERS. I do not think he is going to overwork himself. I think he will do a fair and proper amount of work. I think he will do what he ought to do, and not more than that.

Mr. GARDNER or Michigan. I understood the gentleman from Illinois [Mr. MANN] to say that the plans for all federal buildings are made down here in the office of the Supervising Architect. Am I correct?

Mr. MANN. What the gentleman from Illinois stated was that there were cases where they had been made by outside architects, and that the law authorized it, but that as a matter of fact at present they are invariably made, as I understand, in the office of the Supervising Architect.

Mr. GARDNER of Michigan. If the gentleman means to-day, I can not say; but I do know that the plans for the last public building erected in the district that I represent were made entirely in the city of Detroit. Not only that; there is a general law authorizing the Supervising Architect to employ outside talent for preparing plans for federal buildings.

Mr. BOWERS. And they do that.

Mr. GARDNER of Michigan. The act known as the "Tarsney Act," introduced by a distinguished former Member of this House from my own State, is the law to which I refer.

Mr. MACON. Mr. Chairman, I am afraid that if this act is allowed to create this new office, it will not be more than a year or two before we will have some kind of an assistant architect established. I notice here in this bill we have an assessor to be appropriated for and then we have two assistant assessors. They are on page 6. On page 8 I notice that we have a corporation counsel whom we pay $4,500, and then we appropriate so much for a first assistant corporation counsel, so much for a second assistant corporation counsel, so much for a third assistant corporation counsel, and so on. I believe that if we allow this new office to be created here, it will only be a very short time before we shall have to pay not only $3,600 for a municipal architect, but so much for a first assistant municipal architect, so much for a second assistant architect, and so on. For fear that is the course which will be taken in connection with this matter, I will insist on my point of order and stop it at the very beginning.

Mr. GARDNER of Michigan. I hope the gentleman from Arkansas will not insist on his point of order at this moment.

Mr. MACON. I will withhold my point of order.

Mr. GARDNER of Michigan. Let me say to the gentleman that he builds up objections that may arise in the future, and cites assistants for the district attorney as examples. Why, there is not a populous county in the United States that has not its attorney and its assistant attorney, and more than one assistant where necessary. The reason for this is that it is not possible for one lawyer to be in several different courts at the same time, or to attend to all the business. Precisely so with the assessor's office. You may conjure up, if you wish, any kind of objection and defeat any proposition in that way if you choose. I am not here to say that the time may not come when this city shall have half a million or a million inhabitants, a condition of things that is not very far away, when the necessity will demand an assistant municipal architect; and when he is necessary he ought to be provided for; but "sufficient unto the day is the evil thereof." Provide for the necessities now. I say to the gentleman from Arkansas that his objections are purely speculative. The committee has gone into this proposition with the greatest care, not only at this session, but in preceding hearings, and we have given to you our very best judgment for the welfare of the city and for economy in the administration of municipal affairs. I hope the gentleman will not insist on his point of order.

Mr. MACON. Mr. Chairman, I dislike very much to object to anything that the gentleman from Michigan favors, because I believe he is very conscientious in his desire to do right, and that is all any man can do. No one ought to be asked to do more than that. The gentleman from Mississippi, I believe, purposes to do right, and I may say the same about all of the other members of the Appropriations Committee. But, sir, I want to insist that they have from time to time, since I have been a Member of this House, brought in propositions to create new offices or to increase salaries that they have stated were absolutely necessary, and I have been instrumental in having some of these increases stopped—I have been instrumental in having some of these intended offices fail of creation—and yet the affairs of the Government have gone on just as efficiently as before; so I have concluded that it is not absolutely necessary for the proper conduct of the affairs of the Government of the United States to allow every office to be created that the members of the Committee on Appropriations may have in mind or desire to have created; that it is not absolutely necessary for the proper conduct of the affairs of this great Nation to have every salary increased that the Committee on Appropriations desires to have increased.

In reply to what the gentleman from Michigan has said about assistants for nearly all officers, I want to say that I have known of some public officers who did not have assistants. I myself had the honor to serve a circuit of five large counties in my own State, and we have some criminals—I have heard it stated that Arkansas had some criminals in it, and especially in that part of it in which I happen to live, known as the "black belt," on the Mississippi River—but I did not have an assistant. So I believe it is possible for a public official to get along without assistants if he will do something himself; and, sir, I am inclined to think, from what I have heard on both sides of this question, that it is possible for this government to get along without this new office, and for that reason I am going to insist on my point of order.

The CHAIRMAN. Does the gentleman from Illinois insist on his point of order against the whole paragraph?

Mr. MANN. I would like, first, to ask the gentleman in reference to the provision in the bill, on page 10, concerning the inspector of asphalt and cement, which as it stands is subject to a point of order, although I do not feel disposed to make the point of order; but there has been so much said lately in regard to a scandal in the District that I wish the gentleman in charge of the bill, or some other member of the committee, would give us some authoritative statement on the subject.

Mr. GARDNER of Michigan. The gentleman says page 10 of the bill. We have passed that.

Mr. MANN. I was asking about this so-called scandal, if it be one. I do not know that it is a scandal. But it concerns the

measurement of asphalt and cement under the jurisdiction of this inspector. What information can the gentleman give us?

Mr. GARDNER of Michigan. I think that has nothing to do with this provision.

Mr. MANN. I am not at all certain that it has; but whether it has or not, this provision came into the bill about the time that scandal commenced.

Mr. GARDNER of Michigan. Allow me to say that this provision has been in the bill for some time.

Mr. MANN. Several years.

Mr. GARDNER of Michigan. It originated in this way: It was thought that the inspector was not only serving the Government of the United States in his office as inspector, but serving himself in giving his opinion in regard to certain properties, and accompanying that opinion, either authoritatively or suggestively, as a Government guaranty, that it was what it purported to be; and this was put in to correct that. It had nothing whatever to do with the so-called scandal with reference to resurfacing asphalt.

Mr. MANN. I do not know whether it had or not.

Mr. GARDNER of Michigan. I say it had not when it was put in.

Mr. MANN. Oh, I understand that.

Mr. GARDNER of Michigan. So far as I know, it had not then and has not now.

Mr. MANN. Is the scandal the result of this provision in the bill?

Mr. GARDNER of Michigan. Not in the least, as I understand it.

Mr. MANN. Well, the gentleman has had the District Commissioners before the committee and this subject must have been referred to. It is claimed that the District lost $50,000 or $60,000 by false measurement. I do not wish to obtain any information which is secret or which the commissioners intend to use on the trial, but if it is public I think we ought to know about it.

Mr. GARDNER of Michigan. I will say that to which the gentleman refers became known to the committee and to the country after this bill was reported and had gone to the printer.

Mr. BURLESON. I will state that the gentleman from New York [Mr. FITZGERALD] is the author of that provision.

Mr. MANN. I understand that; I talked with the gentleman from New York before it was put in the bill. I was disposed to make a point of order then, but upon his representation of the need of it I did not do it, because of the confidence I have in the judgment of the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, the inspector of asphalt and cement in this city had a laboratory provided by the Government and was doing this work for the District. It was ascertained that he was also being held out as a federal expert and going about the country doing this work in other cities. The committee thought that it was improper that a man in the employ of the municipal government should be held out as a United States expert and going about engaging in private enterprise. I thought so then, and I think so now. I think in work of that character it is improper that an employee of the municipality or of the District, provided with a laboratory by the Government, should be advertising as an expert of the United States Government and going about the country doing similar work for individual corporations, either public or private.

Mr. MANN. As I understand, and as I remarked before, I have very great confidence in the judgment of the gentleman from New York [Mr. FITZGERALD], but he put this provision in to head off a particular individual at the time.

Mr. FITZGERALD. It happened that at that time the then inspector was doing that work.

Mr. MANN. He was the same inspector who at that time agreed upon the measurements under which the District now claims it has been defrauded out of fifty or sixty or seventy thousand dollars.

Mr. FITZGERALD. I know nothing about that except what I saw in the public press, and that was to the effect that the boxes, or whatever they are, in which they measure asphalt were found to contain more or less, whichever way it would work out, than it was supposed, and that the District was paying for more than it was really getting. I have understood from what I have seen in the public press that it is claimed the contractor has collected over $70,000 in excess of the amount he would have been entitled to if the measurements had been correct.

Mr. MANN. Very well. Mr. Chairman, I understand the gentleman from Arkansas insists on his point of order, and I shall withdraw the point of order as against the whole paragraph.

The CHAIRMAN. Very well. The Chair will then consider the point of order of the gentleman from Arkansas. We have a rule, with which the committee is familiar, against changing existing law in an appropriation bill or any amendment thereto. This bill, in the 5th line, on page 14, provides for the repeal of all laws or parts of laws doing certain things. Of course anything which curtails something by cutting its head clear off changes it, and the point of order is sustained. The Chair will ask how far the point of order extends?

Mr. MACON. It commences with the words "municipal architect," on line 24, page 13, and extends down until the word "repealed," in line 7.

The CHAIRMAN. The point of order is sustained. Without objection, the total will be changed to accord with the facts.

Mr. MACON. Mr. Chairman, I move to strike out the last word. Without any intention of throwing bouquets, I simply desire to congratulate the gentlemen who compose the subcommittee on appropriations which brought in this bill for its cleanness. I also desire to congratulate the country, a small part of which I represent, upon having such a subcommittee, for they have brought in an appropriation bill consisting of 104 pages, and I have gone through it, beginning with the first line and ending with the last, and notwithstanding I have a slight disposition to make points of order now and then when I find anything in an appropriation bill that I do not think ought to be in it, I must confess that the point I have just made, and which has been sustained, is the only one, in my humble judgment, to be found within the pages of this measure that ought to be made against it.

The CHAIRMAN. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WANGER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 16954) to provide for the Thirteenth and subsequent decennial censuses, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LONG, Mr. HALE, and Mr. MCENERY as the conferees on the part of the Senate.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Department of insurance: For superintendent of insurance, $3,500; examiner, $1,500; statistician, $1,500; clerk, $1,000; stenographer, $720; temporary clerk hire, $900; in all, $9,120.

Mr. GARDNER of Michigan. Mr. Chairman, I desire to correct an error made under a misapprehension in this paragraph, and I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Line 16, page 15, strike out "nine hundred" and insert "twelve hundred." In the same line strike out "one" and insert "four."

Mr. MANN. Mr. Chairman, I will ask the gentleman if he proposes to make it what it was last year?

Mr. GARDNER of Michigan. Yes. They asked for another officer, and we refused that, and at the same time, under a misapprehension, reduced the amount. We simply restore what we had last year, without an additional officer.

The CHAIRMAN. The question is on the two amendments offered by the gentleman from Michigan, which, without objection, will be considered together.

The question was taken, and the amendments were agreed to.

The Clerk read as follows:

For services of temporary draftsmen, computers, laborers, additional field party when required, purchase of supplies, care or hire of teams, purchase and maintenance of a motor vehicle, $5,000; all expenditures hereunder to be made only on the written authority of the Commissioners of the District of Columbia, and may include the purchase of a motor vehicle at a cost not exceeding $1,500, said vehicle to be driven by a member of the field party using the same.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice that the gentleman does not increase the amount that is appropriated for this service, but does provide that $1,500 of the $5,000 shall be used for motor-vehicle purposes. How much of this $5,000 is ordinarily used?

Mr. GARDNER of Michigan. So far as I know, substantially the whole of it; but it is believed, and this was put in the bill by the clear statement of the engineer commissioner, that it would add greatly to the economy of the service if they could have the motor vehicle. As is known, they go over the various parts of the District of Columbia at points widely divergent. They now employ a horse or horses and drive, taking the men with them, and the horses are weighted, and the men go on with the work.

Mr. MANN. They had authority this year to purchase a motor vehicle.

Mr. GARDNER of Michigan. They did not purchase it, and ask that they might purchase one.

Mr. MANN. I can not see what this last provision amounts to. There was a provision in the bill last year authorizing them to purchase a motor vehicle, but I judge they had not money enough. Now, you put in the same authority and then put in express authority to use $1,500, but do not add anything to the appropriation.

Mr. GARDNER of Michigan. Out of the lump sum.

Mr. MANN. They could have done that without this last provision.

Mr. GARDNER of Michigan. They did not.

Mr. MANN. I suppose they did not have money enough. If it is desirable to purchase a motor vehicle, why did we not appropriate money enough to permit them to get it?

Mr. BOWERS. The appropriation was increased last year by $3,000. The increase is from $5,000 to $8,000, and the reason for the concluding language is to limit the price that might be paid. Part is cared for by the increase of work, and the statement of the engineer commissioner is that this will accomplish about 50 per cent more work, or twice as much work, in outlying sections. The appropriation for 1909 was about $5,000.

Mr. MANN. That is what it is now. It is $5,000 now, and there is no need of an increase——

Mr. BOWERS. I see the gentleman is right. I was misled by the estimates.

Mr. MANN. Exactly what I wanted to call attention to. The estimate is undoubtedly larger. I do not know whether they need a motor vehicle or not. If it is economy to let them have it it is economy to give them money enough to purchase it.

Mr. GARDNER of Michigan. Was that cleared up?

Mr. MANN. Not at all; the gentleman finds he was in error.

Mr. GARDNER of Michigan. I think I can make that clear to the gentleman. There were three assistant engineers, at $1,500 each, last year——

Mr. MANN. But I am not talking about assistant engineers.

Mr. GARDNER of Michigan. Hear me a moment, please. This bill carries three assistant engineers, at $1,500. The same amount is appropriated for them, but the $1,500 is allowed to stand and is used in the purchase of a motor vehicle, there being at this time but two assistant engineers paid out of this.

Mr. MANN. If there is $5,000 for this, why did not they purchase one out of the existing appropriation?

Mr. GARDNER of Michigan. I think I could not have made myself clear to the gentleman.

Mr. MANN. You certainly have not made yourself clear to me on that point. They have $5,000 under the current appropriation law, with authority to purchase a motor vehicle. Now you propose to give $5,000 in the next appropriation, with authority to purchase a motor vehicle, with especial authority to use $1,500 to purchase that motor vehicle.

Mr. GARDNER of Michigan. Now, if the gentleman will be kind enough to pay attention, I will see if I can not make myself understood. They have now two assistant engineers. This bill provides for three——

Mr. BOWERS. I will state to the gentleman from Illinois that if he will read a copy of last year's bill he will find that there is no provision in that bill for a motor vehicle.

Mr. MANN. I find that is true. That was not so marked on my copy of the bill, but the appropriation is the same. If the gentleman is satisfied, I have no reason to complain, but it is perfectly clear you have authority to use an appropriation for the current year, or else you have not got enough for the ensuing year if you are going to use one-third for the purchase of a motor vehicle.

Mr. GARDNER of Michigan. Allow me to say—I think the gentleman will bear with me for a moment—we carried one assistant engineer on the per diem roll last year at $1,500. Now, that $1,500 remains in this bill, but the engineer on the per diem roll last year is paid out of the other sum, leaving $1,500 to be used for the purchase of a motor vehicle, which amount last year was paid for an engineer on the per diem roll.

Mr. MANN. Well, do I understand they pay an engineer on the per diem roll out of an appropriation providing for the services of temporary draftsmen, computers, laborers, additional field parties when required, purchase of supplies, care or hire of teams, and so forth?

Mr. GARDNER of Michigan. I understand they may do that; yes, sir.

Mr. MANN. Very well, though I would say it was a clear evasion of the law.

The Clerk read as follows:

For fuel, lighting, fitting up building, including lunch-room equipment, and other contingent expenses, $7,500.

Mr. MANN. Mr. Chairman, I reserve a point of order on the last paragraph. I would like to ask the gentleman in charge of the bill what this lunch-room equipment is?

Mr. GARDNER of Michigan. Mr. Chairman, there is quite a force of employees at the city library. Some of them live at a considerable distance from where their work requires them to be. Their hours of service do not allow them to go home and get a warm meal. In a room there, not otherwise occupied, there has been provision made where they can make a cup of coffee or tea if they desire to do so. Out of a fund left over in the building of the library this was instituted and has been found a great convenience and conducive to the health and comfort of the employees. I may say that they are paid at a low rate of compensation as compared with many others here in the city, and it is in the interest of health that it is done.

Mr. MANN. What is this lunch-room equipment to cost?

Mr. GARDNER of Michigan. A very small sum.

Mr. BOWERS. It is to replace some dishes and cooking utensils.

Mr. GARDNER of Michigan. A very small sum, whatever it is.

Mr. MANN. I am not so sure. What reason is there which the gentleman can give for providing lunch-room equipment in the Public Library building that can not be given for providing lunch-room equipment in every public building in Washington?

Mr. BOWERS. In reply to the gentleman's last suggestion, the reason as stated by the librarian is that with these employees the hours of some begin in the afternoon and run on continuously into the night, thereby depriving them of the opportunity to go home and get dinner. So they are furnished facilities there for taking their own material, their own food, and putting it into edible shape so that they can have a warm meal in the evening. I am giving the gentleman the librarian's statement of it.

Mr. MANN. There is no caterer maintained there?

Mr. BOWERS. None, as I understand. There are simply facilities for them to heat their own meals.

Mr. MANN. I withdraw the point of order.

Mr. GARDNER of Michigan. On this point I want to say that it involves no increase in the appropriation, but authorizes these purchases to be made under a fund already provided.

Mr. MANN. The fact that it involves no increase in appropriation is no argument at all, because whenever you expend money it involves an increase of expenditure.

The CHAIRMAN. The point of order being withdrawn, the Clerk will read.

The Clerk read as follows:

No part of the money appropriated by this act, except appropriations for the militia, shall be used for the purchase, livery, or maintenance of horses, or for the purchase, maintenance, or repair of buggies or carriages and harness, except as provided for in the appropriation for contingent and miscellaneous expenses or unless the appropriation from which the same is proposed to be paid shall specifically authorize such purchase, livery, maintenance, and repair, and except also as hereinafter authorized.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman whether he would have any objection, as long as these limitations extend only to the old methods of transportation and we are now engaged in a new method of transportation, namely, by motor vehicles, to inserting the words "motor vehicles" in this, so as to read:

Or for the purchase, maintenance, or repair of motor vehicles, buggies, or carriages, and harness.

Is it not time to make this provision apply to motor vehicles as well as to horses and carriages?

Mr. GARDNER of Michigan. Mr. Chairman, I would say in reply to the gentleman that the committee determined to make an express provision wherever there was a variation.

Mr. MANN. But here is a limitation upon the use of money for these purposes unless it be specifically authorized. If that is not necessary, it ought not to be in here. If it is necessary, it does not apply to the purchase of motor vehicles.

Mr. GARDNER of Michigan. Well, I may say in answer to that, that no motor vehicle has been purchased without specific authorization.

Mr. MANN. Probably not. The gentleman may not be informed whether there has or not. I do not know. There had grown up a practice here of buying horses and carriages which the gentleman in charge of the bill knew nothing about.

Mr. GARDNER of Michigan. Well, I think I am safe in saying——

Mr. MANN. This does not merely apply to purchase, but to repair. Should we not know just as well in relation to motor vehicles as in relation to carriages?

I am not criticising the purchase of motor vehicles, but as long as you have commenced it, why not put it on the same basis as you do the others? I move, Mr. Chairman, unless the gentleman from Michigan wishes, to insert after the word——

Mr. GARDNER of Michigan. Just a moment. I would like to ask the gentleman whether that would not be an implied authority to purchase and repair automobiles out of some other provision than this when he makes this amendment?

Mr. MANN. Let me answer the gentleman by asking him a question. Does it imply such authority as that with reference to buggies and carriages as the express provision is? Now, that is the purpose of this limitation.

Mr. GARDNER of Michigan. Already the Commissioners may purchase horses, buggies, and carriages. If you put in this limitation, you endanger enlarging the scope rather than restricting it.

Mr. MANN. Let us see.

No part of the money appropriated by this act, except appropriations for the militia, shall be used for the purchase, livery, or maintenance of horses, or for the purchase, maintenance, or repair of buggies or carriages and harness, except as provided for in the appropriation for contingent and miscellaneous expenses, or unless the appropriation from which the same is proposed to be paid shall specifically authorize such purchase, livery, maintenance and repair, and except also as hereinafter authorized.

Now, under that provision the District Commissioners can not purchase horses unless it is specifically authorized in the bill. They can not purchase buggies or horses unless it is specifically authorized in the bill or an appropriation is made for that purpose. Now, the gentleman himself in the bill specifically authorizes the purchase of a motor vehicle. Why, then, should not that limitation cover motor vehicles and appropriations for that purpose? There is no distinction between a carriage and motor vehicle so far as standing before the law is concerned.

Mr. BOWERS. I think the comptroller has ruled that they can not purchase a motor vehicle out of a general, indefinite appropriation. He has held that a motor vehicle can not be purchased unless specifically appropriated for as such.

Mr. MANN. I undertake to say that there are a dozen items in this bill out of which you might purchase a motor vehicle at $3,500.

Mr. BOWERS. The comptroller has held differently, and that there is a limitation on the purchase. But whether they can do it or not, the commissioners have come to the committee with the request for a specific authorization for the purchase of a motor vehicle, because of this very limitation put on the appropriations made heretofore. They authorized the purchase of vehicles in general terms, and even this has been held by the comptroller as insufficient to authorize the purchase of motor vehicles.

Mr. MANN. Oh, yes; certainly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I offer an amendment to insert, in line 20, page 19, after the word "of," the words "motor vehicles."

The Clerk read as follows:

Line 20, page 19, after the word "of," insert the words "motor vehicles."

Mr. MANN. That would put motor vehicles on the same plane as other vehicles.

Mr. GARDNER of Michigan. Mr. Chairman, allow me to read:

No part of the money appropriated by this act, * * * shall be used for the purchase, livery, or maintenance of horses, or for the purchase, maintenance, or repair of buggies or carriages and harness, except as provided for in the appropriation for contingent and miscellaneous expenses, or unless the appropriation from which the same is proposed to be paid shall specifically authorize such purchase, livery, maintenance, and repair, and except also as hereinafter authorized.

Mr. MANN. But you do not name horses and carriages in this miscellaneous and contingent expense.

Mr. GARDNER of Michigan. What is the use of putting it in here? It is not named.

Mr. MANN. If you have a miscellaneous and contingent expense fund, general in its nature, without any restriction, you can purchase the best French motor vehicle you could buy anywhere.

Mr. GARDNER of Michigan. But it is restricted.

Mr. MANN. There is no restriction.

Mr. GARDNER of Michigan. The restriction is specifically stated here. If you put this in, it makes it universal.

Mr. MANN. But there is no restriction as to the purchase of motor vehicles out of that appropriation.

Mr. GARDNER of Michigan. The comptroller has made that restriction, and ruled upon it.

Mr. MANN. I take it that the comptroller has not ruled any such thing. The comptroller has ruled that an appropriation for a specific purpose can not be used for the purchase of motor vehicles. Now, the appropriation for vehicles does not include motor vehicles.

But if you make an appropriation simply for contingent and miscellaneous expenses—$25,000—they can purchase what they please out of that appropriation, and the comptroller has not otherwise ruled.

Mr. GARDNER of Michigan. I am authorized to say that he has made just such a ruling.

Mr. MANN. I am authorized to say that the appropriation is not what you are talking about; that it is not that kind of an appropriation.

Mr. GARDNER of Michigan. Question.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and there were—ayes 14, noes 25.

Mr. MANN. If the committee will not accept a reasonable amendment of that sort, I think I shall have to make the point of no quorum.

The CHAIRMAN. The gentleman from Illinois makes the point that there is no quorum present. The Chair will count.

Pending the count,

Mr. MANN. Mr. Chairman, I will withdraw the point of no quorum. It is patent that there is no quorum here, and it is equally patent that the committee does not know a good thing when it sees it. [Laughter.]

The CHAIRMAN. The point of order being withdrawn, the amendment is rejected, and the Clerk will read.

The Clerk read as follows:

Repairs, streets, avenues, and alleys: For current work of repairs of streets, avenues, and alleys, including resurfacing and repairs to concrete pavements with the same or other not inferior material, of which sum $50,000 shall be immediately available, $300,000; and this appropriation shall be available for repairing the pavements of the street railways when necessary; the amounts thus expended shall be collected from such railroad company, as provided by section 5 of "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878, and shall be deposited to the credit of the appropriation for the fiscal year in which they are collected: *Provided*, That the Commissioners of the District of Columbia are hereby authorized, in their discretion, to expend not to exceed $100,000 of the sum hereby appropriated in repairing such streets, avenues, and alleys as they may deem advisable by what is known as the heater method of repairs; and to enter into a supplemental contract for such repairs with the present contractor with the District of Columbia for work of resurfacing and repairing asphalt and coal-tar pavements, if a price satisfactory to said commissioners can be agreed upon between said contractor and said commissioners, and in the event that such a satisfactory price can not be agreed upon, the said commissioners are hereby authorized, in their discretion, to enter into a new contract for such work of repairs by the heater method, after competition, in an amount not to exceed $100,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice an item in here which is subject to a point of order, in reference to the heater method of repairs. Will the gentleman give us some information about that?

Mr. GARDNER of Michigan. The gentleman from Texas [Mr. BURLESON] has given attention to that. I will ask him to answer the gentleman from Illinois.

Mr. BURLESON. What does the gentleman wish to know about it?

Mr. MANN. Anything.

Mr. BURLESON. It is a new process of repairing pavements.

Mr. MANN. That is what I supposed. I think we are entitled to some enlightenment.

Mr. BURLESON. We have but little information upon the subject. My understanding is——

Mr. MANN. You have enough information to appropriate a hundred thousand dollars for it.

Mr. BURLESON. Our understanding is that this is a more economical method than has been heretofore used for the repairing of streets, and our idea was if this economical method is used the District and the General Government should get the benefit of it. Consequently we put in this proviso, in order that a contract for the repair of streets by this new method of repairing might be entered into, and if it results in effecting great economy we desire the General Government and the District be given the benefit of it.

Mr. MANN. I quite agree with the gentleman. On the other hand, unless the gentleman has information—I assume that he has some—it is possible under this provision for the District Commissioners, if they wish to, which I assume they do not at present, greatly to favor the present contractor, because they can give him a new contract on this heater method at any price they choose without competition.

Mr. BURLESON. The purpose of the proviso was to prevent such thing; in fact, it was intended to accomplish just the contrary—to effect a saving.

Mr. MANN. The proviso expressly authorizes them to enter into a contract if they choose. I assume that at present they would not.

Mr. BURLESON. It was put in at the request of the engineer commissioner, in order that the District might enter into a contract during the next fiscal year, and by adopting the new method of repairing the streets—the heater method, I believe it is called—effect a saving to the District and the Government.

Mr. GILLETT. It is a method by which they melt the tar right on the street.

Mr. MANN. That is no new method. I have seen that in operation on the streets of my home city for years.

Mr. BURLESON. The method in contemplation may not be new in Chicago, but it is new in Washington.

Mr. MANN. Oh, I think I have seen it in Washington since I have been here.

Mr. BURLESON. Recently, yes; but before last year, I think not.

Mr. MANN. No; not recently, unless I am very much mistaken.

Mr. GILLETT. I think this particular method is new.

Mr. BOWERS. This particular method is new.

Mr. BURLESON. It is entirely new here; was never used before this fiscal year.

Mr. MANN. This particular method may be new; and if it is, it may be extremely desirable. It may be worth hundreds of thousands of dollars to this contractor to have it said that Congress has adopted his patented method. That is the reason we ought to know what the gentleman knows about it.

Mr. BURLESON. Our understanding is that it will effect a considerable saving to the District and the General Government if this new method is adopted, and so at the request of the engineer commissioner we have given him this authority to enter into a contract providing for the repair of the streets by the heater method.

Mr. DRISCOLL. Let me ask the gentleman is this new plan patented?

Mr. BURLESON. I think not.

Mr. MANN. If it is not patented and is a new process and comes in here in an appropriation bill, I will be surprised.

Mr. DRISCOLL. Is it under the control of any one concern?

Mr. BURLESON. I think not.

Mr. DRISCOLL. Does the gentleman from Texas know anything about it?

Mr. BURLESON. I do not claim to have all the information about it. It was used in the District of Columbia for the first time this year.

Mr. DRISCOLL. What is the information of the gentleman as to whether it is controlled by one concern or not?

Mr. BURLESON. I understand that the engineer can enter into a contract for it.

Mr. DRISCOLL. The word "understand" is very indefinite; it is the meanest word in the English language.

Mr. BOWERS. Mr. Chairman, I will ask the gentleman from Illinois to yield to me a moment. I think my friend from Texas is mistaken as to the duration of the contract now in existence in reference to the repairs of the streets. I ask the attention of the chairman of the committee, and the clerk is sitting beside him and he can correct me if I am wrong. The contract extends beyond the present fiscal year. In other words, it is a contract for more than one year. Since the contract was made the particular method of repair which is contemplated by this provision has come into use. The contractor, because the price is less and the profits perhaps less, or for some other reason, declines to proceed with this method, sticking to the old method of doing things, and the object of this provision is to enable the commissioners to flank him by doing the work by other means outside of that contract—by this approved and cheaper method, which the engineer commissioner estimates will be about 80 per cent of the present cost.

Mr. MANN. Now, Mr. Chairman, that information, I think, is very satisfactory to everybody. I want to call attention of the gentlemen to another provision, and that is in reference to the amounts for repairing pavements on street railways where it provides that the moneys collected shall be deposited to the credit of the appropriation for the fiscal year in which they are collected. That was one of the items I had in my mind a while ago in speaking of some provision like that in the bill, although that does not relate to fees collected. Another provision is on page 21, for advertising notices of taxes in arrears, where the fund is reimbursed out of fees collected

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection

The Clerk, proceeding with the reading of the bill, read as follows:

Anacostia flats: For employment of special counsel to investigate and determine the ownership of the land and riparian rights along the Anacostia River, for the purpose of improvement of the Anacostia flats, $5,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the last paragraph. I understand that there is a commission which has been appointed and is now engaged in collecting information in reference to the title of property owned by the Government in the District of Columbia. That was provided for, I think, last year. Now, what is the object of providing for an attorney to do that same work over again?

Mr. GARDNER of Michigan. I do not understand that this is the same proposition. This is specifically to determine the title as to land and riparian rights along the Anacostia River.

Mr. MANN. To determine the title to private property, or to determine whether the property is private property or belongs to the Government?

Mr. GARDNER of Michigan. The latter.

Mr. MANN. We have a commission now in existence doing that very thing.

Mr. BOWERS. What commission does the gentleman from Illinois refer to?

Mr. MANN. A commission to report as to the title to real estate owned by the United States in the District of Columbia.

Mr. BOWERS. When was the commission authorized?

Mr. MANN. I think last year. It grew up, as I remember it, out of the discussion in the Sydney Bieber case, concerning which there was considerable talk in the House and at the other end of the Capitol last year. I see by the papers that the commission has been at work and is likely to make some kind of a report.

Mr. BOWERS. Was it authorized by law or created by executive action?

Mr. MANN. I do not remember, but I do not see that that makes any difference. If the Executive has jurisdiction to direct some one to make an investigation, and he has exercised that power, there is no necessity for making a specific appropriation for the purpose.

Mr. BOWERS. Let me say in reply that if the commission was created, as the gentleman thinks it was, by reason of the discussion that grew out of the Bieber matter a year ago, it is hardly probable that that commission will regard it within the scope of its work to go into this particular matter here, namely, the Anacostia flats. The Appropriation Committee has been confronted year after year with the contention that some improvement, some reclamation, perhaps, was necessary as to the Anacostia flats. It is demanded as a sanitary measure, if for no other reason.

Now, up to this time they have declined to take up the question of the improvement or the reclamation of those flats because the title to the property is uncertain, and it is in dispute whether that property belongs to the Government or is vested in private persons. As a first and preliminary step, an essential to doing anything, if we determine thereafter that anything should be done, it is necessary that the title of the property should be determined, and it seemed to the committee, and I must confess it seems to me now, even though this commission may be at work, that it is eminently wise to have this question of the title examined into and reported upon by a trained lawyer who can make such investigation and make a report upon which Congress can safely proceed in this very important matter.

Mr. MANN. If the Government seeks to do anything with this property, and if it has title, of course it can not lose the title by any process.

Mr. BOWERS. Certainly not. It is proposed, however, that the Government shall do something with this property if for no other reason than to protect the health of the District, and it is suggested that it be done by a reclamation of the land.

We do not want to go into the business of reclaiming the lands of private owners. We want to determine whether this is owned by the Government or whether it is owned by other persons before any step is taken for the reclamation of these flats. If it is private property and some sanitation is needed, the character of legislation will be very essentially different from that which we would enact if it were Government property, and when reclaimed would be the property of the Government.

Mr. MANN. The gentleman has explained the matter very lucidly. The item in the appropriation bill is for the identical purpose I supposed it was—for the purpose of putting the Government on record as commencing a very expensive improvement of the Anacostia flats. There can be no excuse for this appropriation to examine the title to these flats, unless it be the purpose of the Government to proceed with the improvement of

the flats; and it seems to me that we ought to have some intimation on that subject before we insert the entering wedge. This improvement is one of undoubtedly great importance to many people and undoubtedly one of tremendous expense to the Government, if undertaken.

Mr. BOWERS. Does the gentleman think that the mere inquiry into the title of this property would bind the Congress to proceed any further with the matter?

Mr. MANN. No; but the gentleman thinks this: There is no object in inquiring into the title of the property and spending money for that purpose unless it be the intention of the Government to make use of that information, and we can not make use of that information unless we proceed to the improvement of the flats. If it were a private owner, he might lose the title to his property through the statute of limitations. That is quite a different proposition. But the Government does not need to protect itself against the running of the statute of limitations or against laches. The title of the Government, such as it is, will remain in the Government for the next hundred years, although we did nothing concerning this property.

Mr. HARRISON. Why does not the corporation counsel investigate it?

Mr. BOWERS. There is no doubt in the world that this inquiry is the first step, but neither that committee nor this House would ever commit itself to any improvement of the Anacostia flats until a proper plan for their improvement was presented, and until they had critically examined into both the project and the cost and determined upon the advisability of making the expenditure and doing the work according to that given plan.

Mr. HARRISON. Will the gentleman yield?

Mr. BOWERS. Yes.

Mr. HARRISON. Why does not the corporate counsel investigate this title?

Mr. BOWERS. Because the corporation counsel's office has all the work now that it can do, and because the work can be better done by a specialist in land-title examination.

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman from Illinois insist on his point of order?

Mr. MANN. I reserve the point of order for the present.

Mr. EDWARDS of Georgia. How many assistants has the corporation counsel?

Mr. BOWERS. I can not recall now.

Mr. EDWARDS of Georgia. Does the gentleman recall the salary of the corporation counsel?

Mr. BOWERS. I can tell the gentleman by turning to the page of the bill. There are so many figures in the bill that it is impossible to carry them in one head.

Mr. EDWARDS of Georgia. I note that back here on page 23, line 6, there is a provision for the employment of special counsel not to exceed $3,000 per annum.

Mr. BOWERS. That is a provision that runs with every bill. To say the least of it, there is as much work in that office as it is possible for the force to do, working full or perhaps overtime.

Mr. EDWARDS of Georgia. Does not the gentleman think it would be in the interests of economy to add another corporation counsel and cut out these special fees?

Mr. BOWERS. No, I do not; if for no other reason than that given this afternoon by the gentleman from Arkansas [Mr. MACON] at an earlier stage of the proceedings, that when you create an office it is very hard to get rid of that office. Besides, this is the work of a specialist; this is work of a character that ought to be done by men trained to the particular work of investigating titles. It is a piece of work in the nature of an emergency. It is not continuing in its character. It has to be done, and that is the end of it. There is no need for the services afterwards of the man who makes that investigation.

Mr. EDWARDS of Georgia. If you will permit a suggestion, it seems to me that this is work with which the corporation counsel and his office ought to be familiar, and if they are not now familiar with it they ought to begin to get familiar with questions of this kind.

Mr. BOWERS. Every lawyer is more or less familiar with the examination of titles, and yet that does not interfere with the fact, as every lawyer knows, that there are specialists in the matter of the examination of titles who are infinitely better equipped for that work than the best trial lawyer that ever went into a court room.

Mr. EDWARDS of Georgia. But you do not provide there shall be an expert; you simply provide for special counsel.

Mr. BOWERS. Certainly; and under that term they would employ a man who is an expert, an expert in that class of work, just for the same reason that we know they would not employ a brickmaker or a carpenter or a blacksmith.

Mr. EDWARDS of Georgia. I have here the provision in the bill for the office of the corporation counsel, which provides for one corporation counsel at $4,500, a first assistant corporation counsel at $2,500, a second assistant corporation counsel at $1,800, a third assistant counsel at $1,600, a fourth assistant corporation counsel at $1,500, a stenographer, and so forth.

Mr. BOWERS. Yes; does the gentleman think those sums are not necessary for the corporation counsel's office of the District?

Mr. EDWARDS of Georgia. I am unable to tell; but I think it is work that ought to be done through the office of the corporation counsel.

Mr. BOWERS. But the gentleman has not answered my inquiry as to whether the force is too great for the office of the corporation counsel for the District of Columbia.

Mr. EDWARDS of Georgia. I believe the force ought to be added to if the work is more than they can do.

Mr. BOWERS. You would add to the permanent force by reason of a temporary emergency?

Mr. HUGHES of New Jersey. I assume from the language that there are some private landowners interested in this proposition.

Mr. BOWERS. No; the point is this. The understanding of the committee is that this land is claimed by the Government of the United States, that at the same time private proprietors claim to own it. There is a conflict of claims, and it is to determine whether it is Government property that this investigation is made as a preliminary step to moving at all in the premises. In other words, we do not want even to consider this scheme of reclamation if this is private property. If it is Government property, then the question as to whether or not we will consider it will properly arise.

Mr. DRISCOLL. I would like to ask whether there has been a contest to the title of this property in any court?

Mr. BOWERS. None that I am advised of.

Mr. DRISCOLL. What is the complication about the title to this property?

Mr. BOWERS. The complication arises out of the fact that there have been and are adverse claims to this water front, known as the "Anacostia flats."

Mr. DRISCOLL. Who has made adverse claims?

Mr. BOWERS. I do not know the names of the people, but if the gentleman will examine the hearings he will find that this contest over the title to this property has been brought to the attention of Congress time after time, I do not know for how many years back. There is no doubt in the world there is a substantial controversy.

Mr. DRISCOLL. It does not seem to me we should provide a compensation of $5,000 for a man to investigate this title, and there is no use for it, especially when you do not know how much work is involved, and so forth, and if the gentleman from Illinois does not insist upon his point of order I will.

Mr. BOWERS. I will say to the gentleman, as to the compensation, that it was regarded by all the members of the subcommittee, who are lawyers, as being the minimum sum, and not one of them would have undertaken to do such work for that amount or for a considerably larger sum.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. COX of Indiana. Mr. Chairman, I ask that the gentleman's time may be extended for the purpose of asking a question.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the time of the gentleman from Mississippi be extended for the purpose of asking a question. Is there objection? [After a pause.] The Chair hears none.

Mr. COX of Indiana. I desire to ask whether or not there was any showing before the committee as to the probable length of time it would take for this special counsel to look up this matter.

Mr. BOWERS. No; but he was expected to do the work for the lump sum of $5,000.

Mr. COX of Indiana. No matter whether it took six months or a year?

Mr. BOWERS. No matter what time was consumed in the investigation, the sum of $5,000 was to pay for a complete and exhaustive investigation and report on this question.

Mr. COX of Indiana. Was there any special counsel whose names were mentioned or suggested?

Mr. BOWERS. No.

Mr. HARRISON. Will the gentleman yield for a further question?

Mr. BOWERS. Yes.

Mr. HARRISON. Where are these Anacostia flats?

Mr. BOWERS. They are out here on the Anacostia River, sometimes called, I believe, the "Eastern Branch of the Potomac."

Mr. HARRISON. How many acres?

Mr. BOWERS. It is a large body of land.

Mr. MANN. I would like to ask my distinguished friend from Mississippi [Mr. BOWERS] whether he thinks this sum would be the only sum to be appropriated for this purpose?

Mr. BOWERS. I do.

Mr. MANN. Who would have possession of the records at the end of the number of years that would expire?

Mr. BOWERS. The abstract?

Mr. MANN. The numerous abstracts.

Mr. BOWERS. They would be turned over to the Government.

Mr. MANN. Suppose there should be litigation growing out of this between the Government and private owners as to who possessed the title, who would necessarily be employed as counsel for the Government?

Mr. BOWERS. That I can not say.

Mr. MANN. The corporation counsel's office would have no information on the subject. The information would lie mainly in the bosom of the gentleman who had received the $5,000.

Mr. BOWERS. Could not the corporation counsel's office familiarize itself with the subject of taking the abstracts, and would not they necessarily go to the Government as a part of this investigation? If it does not, then the gentleman should perfect this provision by such an amendment as will safeguard that point. It certainly was in the contemplation of the commitee that the abstracts, as well as all other fruits of this investigation, the investigation having been paid for jointly by the Government and the District, should be the property of the Government and the District.

Mr. MANN. I quite agree with the gentleman that the corporation counsel's office could perfect its knowledge in reference to information on the subject, and if there be a dispute between private property owners and the government somebody must perfect the knowledge of the corporation counsel's office on the subject if the corporation counsel's office is to represent the government. And if it is necessary for that office to learn about the titles to these flat properties, then, it seems to me, we might as well do it originally as to do it at secondhand.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has again expired.

Mr. MANN. The gentleman from Illinois is perfectly willing to have it expire, but I thought I had new time. If the time has expired, not yet being satisfied——

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. BOWERS] has also expired.

Mr. BOWERS. I understood, Mr. Chairman, that on the request of the gentleman from Indiana [Mr. Cox] my time had been extended——

The CHAIRMAN. To answer the question of the gentleman from Indiana.

Mr. BOWERS (continuing). Without any limitation on the extension.

The CHAIRMAN. To answer the question of the gentleman from Indiana.

Mr. MANN. I think I will have to insist on the point of order, Mr. Chairman. The language is as follows:

For employment of special counsel to investigate and determine the ownership of the land and riparian rights along the Anacostia River, for the purpose of improvement of the Anacostia flats, $5,000.

There is no authority in law for the appropriation, and in addition to that it is in the nature of legislation as well.

The CHAIRMAN. Does the gentleman from Michigan [Mr. GARDNER] desire to be heard upon that?

Mr. GARDNER of Michigan. No, sir.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For public scales: For purchase, repair, and replacement of public scales, $200.

Mr. GARDNER of Michigan. Mr. Chairman, I ask unanimous consent that the paragraph relating to playgrounds be passed without prejudice until to-morrow morning.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the paragraph which is about to be read may be passed until to-morrow morning without prejudice.

Mr. PARSONS. Mr. Chairman, reserving the right to object, I would like to ask the gentleman in charge of the bill why he makes the request? I desire to offer an amendment.

Mr. KEIFER. I suggest that the gentleman offer the amendment and let it go over with the paragraph.

Mr. MANN. Why does not the gentleman permit the paragraph to be read, then have the amendment read for information and have it go over, too?

Mr. GARDNER of Michigan. I have no objection to that.

Mr. PARSONS. Very well, then, if I may offer my amendment I will do so.

The CHAIRMAN. The Clerk will read the paragraph.

The Clerk read as follows:

Playgrounds: For maintenance and renewal of equipment and planting trees for outdoor playgrounds, $1,500.

The CHAIRMAN. The gentleman from New York (Mr. PARSONS) offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend on page 34, lines 13 and 14, by striking out the words "one thousand five hundred" and inserting in lieu thereof "fifteen thousand."

Mr. GARDNER of Michigan. I reserve all points of order on the amendment, Mr. Chairman. I ask unanimous consent that this go over until to-morrow morning.

The CHAIRMAN. The gentleman from Michigan reserves all points of order, and asks unanimous consent that the paragraph and the amendment——

Mr. GARDNER of Michigan. Be postponed until to-morrow morning and be taken up the first thing after we go into the committee.

The CHAIRMAN. The gentleman asks that it be the first thing in order when the House goes into committee to-morrow morning. Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER of Michigan. Mr. Chairman, I desire at this point to call attention to a matter that was inadvertently omitted and to offer an amendment to change the totals on page 16. I ask that the amendment be read.

The CHAIRMAN. If there be no objection, the committee will return to the paragraph indicated for the purpose of the amendment offered by the gentleman from Michigan, which the Clerk will report.

The Clerk read as follows:

On page 16, line 18, strike out "thirty-four" and insert "twenty-five."

The CHAIRMAN. Is there objection?

There was no objection.

The amendment was agreed to.

Mr. EDWARDS of Georgia. I want to ask the gentleman from Michigan a question about a preceding section, the provision for the bathing beach. Where is that beach, and what is the purpose of it? I ask for information.

Mr. GARDNER of Michigan. The bathing beach is down near the Washington Monument. It will interest the gentleman some time when he has leisure to go down and examine it; not for the purpose of bathing there, but simply to examine it and see the provision which has been made for those who are not provided, as the gentleman is, with a private bath.

Mr. EDWARDS of Georgia. I thank the gentleman. I wanted to get the information. I was not familiar with the facts.

The Clerk read as follows:

For repairs and improvements to school buildings and grounds and for repairing and renewing heating and ventilating apparatus, $50,000.

For necessary repairs to and changes in plumbing in existing school buildings, $50,000. A detailed statement shall be submitted to Congress of the expenditure of the foregoing sum, and for the fiscal year 1910 estimates shall be submitted in detail as to the particular school buildings requiring unusual repairs of and changes in plumbing.

Mr. EDWARDS of Georgia. I would like to ask the gentleman from Michigan a question. Here is an appropriation of $50,000 for necessary repairs to and changes in plumbing. Then, in the preceding paragraph, on page 49, line 3, there is another item of $50,000 for repairs and improvements to school buildings and grounds and for repairing and renewing heating and ventilating apparatus. That $50,000 is to be expended on buildings owned by the Government, is it?

Mr. GARDNER of Michigan. Yes.

Mr. EDWARDS of Georgia. Then how about the next item, $50,000, on page 49, line 7?

Mr. GARDNER of Michigan. That is all on government property.

Mr. EDWARDS of Georgia. Then you have a provision in that paragraph, beginning on line 6, down to line 12, on page 49, for a detailed estimate to be submitted to Congress of the expenditure of the foregoing sum, as to the particular school buildings requiring unusual repairs of and changes in plumbing. Why not also require a detailed statement of the expenditures of the $50,000 provided in the paragraph beginning on line 3 of the same page?

Mr. GARDNER of Michigan. That is another one of these matters of administration that the committee does not deem it

advisable to enter into. We have to intrust these things largely to those to whom are committed the carrying out of the work. To undertake to instruct them specifically would be a task that we should hardly like to undertake.

Mr. EDWARDS of Georgia. You undertake it in one instance and do not in the other. The amount is as large in one case as it is in the other. It is $50,000 in each case.

Mr. MANN. We now waste $50,000 a year in changing the plumbing in these schools, because we require the commissioners to make an estimate every year of the possible changes, and there is an incentive to make a report showing necessary changes. It is absurd to say that the school buildings in Washington require, year after year, $50,000 in the changing of plumbing. Yet that is done, because we require this detailed estimate. If you required a detailed estimate of something else, it would be shown how necessary it was in each case. It is the most expensive provision in the bill.

Mr. EDWARDS of Georgia. Then does the gentleman from Illinois think that provision requiring a detailed statement ought to be stricken from the bill?

Mr. MANN. I think it is ridiculous in there now, year after year.

Mr. CAMPBELL. And expensive.

Mr. MANN. And very expensive. As long as it remains in there you will find they will make the estimate to change from one kind of plumbing to another, and if they run out of new kinds, they will go back and change over again.

Mr. COX of Indiana. I should think it would be a good thing to move to strike it out.

The Clerk read as follows:

No expenditure shall be made under appropriations made by this act for gas or electric current used for any purpose whatsoever at a price exceeding 85 cents per 1,000 cubic feet for gas or 4½ cents per kilowatt hour for electric current. This provision shall not apply to lighting streets, avenues, alleys, or highways, the price for which is otherwise limited by this act.

Mr. HARRISON. Mr. Chairman, I move to amend, by striking out, on page 49, line 21, the word "five," so that it will read "80 cents per 1,000 cubic feet."

The Clerk read as follows:

Page 49, line 21, strike out the word "five," so as to read "80 cents per 1,000 cubic feet."

Mr. HARRISON. Mr. Chairman, I do not propose to make any extended remarks on this subject, because it has been debated in the House as recently as December 14, when the Committee on the District of Columbia brought in a bill fixing the price of gas in the District of Columbia at 90 cents; and my colleague [Mr. FITZGERALD] offered an amendment making it 85 cents, which was accepted and passed the House. Since that day the Supreme Court of the United States has rendered a decision upholding the constitutionality of a law of the State of New York which provides that gas shall be sold in New York at 80 cents. Therefore I think it is only suitable that the District of Columbia should have the same price as the city of New York; but, inasmuch as this section refers to the payment by the Government for services rendered by the companies to the Government itself, it certainly is within the discretion of this body, and very advisable, to fix the price at 80 cents. I therefore offer that amendment.

Mr. GARDNER of Michigan. Mr. Chairman, the committee fixed the price named in the bill, the same as that in the bill recommended by the Committee on the District of Columbia, with the exception in the matter of street lighting, which is fixed at a rate lower than that fixed by the District Committee. I hardly see why a schoolhouse should pay less. The meters have to be read, the bills have to be presented, sometimes they are larger and sometimes smaller, the same as with other consumers of not large quantities. Personally, I have no objection to the amendment, but it seems to me, as a matter of justice and fairness, as the House bill is not yet law, it would be better to let it stand where the committee has placed it.

Mr. HARRISON. I will disagree with the gentleman to this extent, that this is a good place to make a beginning. I think if we are finally to have 80-cent gas in the District, this is a good place to begin.

Mr. MANN. Does not the gentleman think it would be more desirable to get 85 cents and then leave it until the other matter is settled?

Mr. HARRISON. Has the gentleman any assurance that we will get 85-cent gas?

Mr. MANN. No; but the House having passed a bill providing for 85-cent gas, the House can consistently maintain that position; whereas if the gentleman's amendment prevails, we should be one day in favor of 85-cent gas and the next day 80 cents, and would maintain no consistent position.

Mr. HARRISON. The reason for advancing the suggestion is that the situation has changed. We have had the decision of the Supreme Court of the United States on the New York case, which decision has been rendered subsequent to the date of this debate in the House on December 14.

Mr. MANN. I understand; but everyone acquainted with the gas proposition takes the position and admits that the price of gas at a particular place depends upon the circumstances in each particular instance, and the price of gas in New York necessarily has no reference to the proper price of gas in Washington.

Mr. HARRISON. I understand the gentleman's colleague [Mr. MADDEN], who has given an exhaustive study to this subject, stated in the House the other day that he thought 75 cents would be a fair price for gas in the District.

Mr. MANN. I do not undertake to say just what the correct price in the District should be; but my colleague [Mr. MADDEN], who has made an exhaustive study of the subject, was willing the other day to pass the bill at 85 cents.

Mr. HARRISON. Only upon the specific statement that he thought a little improvement was better than none. He was in hopes that the House would pass it at 85 cents, but said that 75 cents was a fair price.

Mr. MANN. He agreed to 85 cents, and the House took that position. This is the only course to take if the House wants to maintain its dignity, to maintain the position which it took the other day, until it gets something. Of course this is something that we can regulate at any time afterwards.

Mr. HARRISON. The events which have occurred since the debate in the House should serve for some sort of reason for such action as I recommend.

Mr. MANN. I do not understand that the decision of the Supreme Court with reference to the gas case of New York would affect the situation here at all.

Mr. HARRISON. It affects it so far as it is evident that a law of that sort is going into operation in our State.

Mr. MANN. In New York?

Mr. HARRISON. Yes.

Mr. MANN. On the other hand, as I understand the case, they held in favor of 80 cents in that locality, but that does not settle it under that decision that the same price will apply to the District of Columbia. I am not referring to the cost of manufacturing gas.

Mr. HARRISON. Upon that I am willing to take the testimony of your colleague [Mr. MADDEN], who said that 75 cents was a fair price for gas.

Mr. MANN. Well, the gentleman takes the testimony of my colleague as to a part of it. I do not know what the gentleman from Illinois, my colleague, stated.

Mr. HARRISON. I remember it distinctly, and I have repeated it.

Mr. MANN. I remember this: That in the testimony before the District Committee no one put the price of gas at less than 80 cents. I do not undertake to say what the price of gas in the District should be. I do not know whether it should be 80 cents or 75 cents or 85 cents. I think there should be a reduction. It is quite evident, from such study as I have given to the gas question in the past that each case depends somewhat on itself, and the price of gas in the city of New York does not necessarily fix the price of gas in the more sparsely settled territory, such as Washington. We have taken a position of 85 cents as to the price of gas, and, if I have my way about it, we will maintain that position if it causes the bill to go over to an extra session of Congress.

Mr. HARRISON. I am glad to have the gentleman say that, because I know that he is in a position to render yeoman service, but I hope the gentleman will vote for this amendment to make gas cheaper.

Mr. MANN. If this amendment is adopted, I think it will cause the price of gas to remain at $1. I do not think the gentleman could offer an amendment that would more surely result in keeping the price of gas up than to offer this one, which changes the position of the House as to price.

Mr. HARRISON. Why?

Mr. MANN. A wabbly man, a man whose position is this way one minute and that way the next, is without influence; nobody cares for his opinion. Nobody can be stubborn who changes his mind every minute.

Mr. HARRISON. A great many Members of the House think that the price of gas ought to be cheaper than that.

Mr. MANN. Well, I will repeat that nobody can be stubborn who changes his mind every minute. The House will have to be mighty stubborn if it gets the price of gas reduced.

Mr. HARRISON. I agree so far as the gentleman goes, but I call attention to the fact that this amendment relates to

the sale by these companies of gas to the Government, and the bill brought into the House the other day fixes the price to all the residents, including the Government. It is not exactly the same thing, and there is no wabbling.

Mr. MANN. There is a wabbling as to price.

Mr. GARDNER of Michigan. Mr. Chairman, I hope, in the interest of the lower price of gas, that the committee may be sustained. I agree with the gentleman from Illinois that it is in the interest of cheaper gas that we all stand solidly in line for gas at 85 cents.

Mr. HARRISON. The gentleman will admit that the committee was by no means solid when the vote was taken before. It was 66 to 38, if my recollection serves me. The gentleman may be voicing the position of the minority that voted against the reduction. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and on a division [demanded by Mr. HARRISON] there were 18 ayes and 21 noes.

So the amendment was lost.

The Clerk read as follows:

For extending the telephone system to one 12-room building in the "fourth division," one 8-room building in the "third division," the Bunker High School, including the cost of the necessary wire, cable, poles, cross arms, braces, conduit connections, extra labor, and other necessary items to be expended under the electrical department, $400.

Mr. EDWARDS of Georgia. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question in regard to extending this telephone system. Is it a public system or a private system?

Mr. GARDNER of Michigan. It is the government system, the public system, and it is to be extended to these school buildings so as to give the teachers ready communication with the superintendent, and also the fire department and the police department.

Mr. EDWARDS of Georgia. I will withdraw the pro forma amendment.

The Clerk read as follows:

Any unexpended balances in the "Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal years ending June 30, 1907 and 1908, and for other purposes, to rent, equip, and care for temporary rooms for classes above the second grade, now on half time, and to provide for the estimated increased enrollment that may be caused by the operation of the compulsory education law," is hereby reappropriated and made immediately available for the purchase, erection, and maintenance of portable schoolhouses for temporary use.

Mr. GARDNER of Michigan. Mr. Chairman, I would like to offer an amendment on page 42, line 24.

The Clerk read as follows:

On page 42, line 24, strike out the word "eighteen" and insert in lieu thereof the words "twenty-two."

Mr. GARDNER of Michigan. The effect of that amendment is simply to correct the enumeration.

The amendment was agreed to.

Mr. GARDNER of Michigan. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25392, the District of Columbia appropriation bill, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4856. An act authorizing the Secretary of Commerce and Labor to lease San Clemente Island, California, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 7378. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton and Gulf Railroad Company—to the Committee on Interstate and Foreign Commerce.

S. 7640. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company—to the Committee on Interstate and Foreign Commerce.

S. 7785. An act relative to outward alien manifests on certain vessels—to the Committee on Immigration and Naturalization.

WITHDRAWAL OF PAPERS.

Mr. PARSONS, by unanimous consent, was given leave to withdraw from the files of the House papers in the case of Gwinthlean Macrae Robinson (H. R. 13802), Sixtieth Congress, no adverse report having been made thereon.

Also, papers in same case (H. R. 17888), Fifty-ninth Congress, no adverse report having been made thereon.

Mr. STEPHENS of Texas, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Reuben Vermillion, Fifty-eighth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. BURTON of Ohio, by unanimous consent, was granted leave of absence for three days, on account of important business.

ITALIAN EARTHQUAKE DISASTER.

The SPEAKER laid before the House the following message from the President of the United States (S. Doc. No. 649), which was read and, with the accompanying papers, by unanimous consent, ordered to be printed and placed in the files of the House:

To the Congress of the United States:

I transmit a report of the Secretary of State, submitting a translation of a note from the ambassador of Italy at this capital, in which, under instruction of his Government, he expresses his desire to convey to the Congress of the United States the lively sentiments of the gratitude of the Italian Government for the sympathy shown by that body in view of the disasters that have devastated Sicily and Calabria and for the generous appropriation made for the relief of the sufferers.

THEODORE ROOSEVELT.

THE WHITE HOUSE,
Washington, January 12, 1909.

ADJOURNMENT.

Then, on motion of Mr. GARDNER of Michigan (at 5 o'clock p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 8143) granting to the Chicago and Northwestern Railway Company a right to change the location of its right of way across the Niobrara Military Reservation, reported the same without amendment, accompanied by a report (No. 1835), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 23863) for the exchange of certain lands situated in the Fort Douglas Military Reservation, State of Utah, for lands adjacent thereto, between the Mount Olivet Cemetery Association, of Salt Lake City, Utah, and the Government of the United States, reported the same without amendment, accompanied by a report (No. 1836), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the Senate (S. 6764) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri, reported the same without amendment, accompanied by a report (No. 1841), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OVERSTREET, from the Committee on the Post-Office and Post-Roads, to which was referred the joint resolution of the House (H. J. Res. 216) for a special Lincoln postage stamp, reported the same without amendment, accompanied by a report (No. 1842), which said joint resolution and report were referred to the Committee on the Whole House on the state of the Union.

Mr. TIRRELL, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 21929) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by an act approved February 5, 1903, reported the same with amendments, accompanied by a report (No. 1834), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SIMS, from the Committee on War Claims, to which was referred House bill 7479, reported in lieu thereof a resolution (H. Res. 483) referring to the Court of Claims the papers in the case of John A. Taft for services rendered during the civil war, accompanied by a report (No. 1838), which said resolution and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred House bill 23799, reported in lieu thereof a resolution (H. Res. 484) referring to the Court of Claims the papers in the case for the relief of William Francis, accompanied by a report (No. 1839), which said resolution and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred House bill 25189, reported in lieu thereof a resolution (H. Res. 485) referring to the Court of Claims the papers in the case for the relief of the estates of George W. and Richard B. Cooper, deceased, accompanied by a report (No. 1840), which said resolution and report were referred to the Private Calendar.

Mr. CANDLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 24303) for the relief of the estate of Charles Fitzgerald, reported the same without amendment, accompanied by a report (No. 1843), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. HOLLIDAY, from the Committee on War Claims, to which was referred the bill of the House (H. R. 3060) for the relief of the estate of Dr. Thomas J. Coward, deceased, reported the same adversely, accompanied by a report (No. 1837), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 22456) granting a pension to Anna E. Siple—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25465) granting a pension to Bedy Wheeler—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25644) granting an increase of pension to Isaiah Clarke Steele—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25913) granting an increase of pension to Jessie G. Hoppock—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17731) granting an increase of pension to Thomas A. Wirt—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. STEPHENS of Texas: A bill (H. R. 25981) for the erection of a federal building for the United States at Bowie, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. WEEKS: A bill (H. R. 25982) changing the status of certain officers on the retired list of the navy who were retired on account of wounds or other disability incident to service—to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 25983) granting a pension to Albert P. Murray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25984) granting a pension to Morgan M. Mills—to the Committee on Invalid Pensions.

By Mr. BANNON: A bill (H. R. 25985) granting an increase of pension to David Holt—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 25986) granting a pension to Henry S. Weir—to the Committee on Pensions.

By Mr. BATES: A bill (H. R. 25987) granting an increase of pension to William Wellman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25988) granting an increase of pension to Edward F. Harter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25989) granting an increase of pension to Abram Gaskill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25990) granting a pension to George W. Eckert—to the Committee on Pensions.

By Mr. BINGHAM: A bill (H. R. 25991) granting a pension to Mary A. Murphy—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 25992) granting an increase of pension to Elizabeth S. Reess—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 25993) granting an increase of pension to James F. Williams—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 25994) granting an increase of pension to George L. Byers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25995) granting an increase of pension to David W. Henderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25996) granting an increase of pension to William H. H. Lease—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25997) granting an increase of pension to Alvy Degood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25998) granting a pension to John Ogan—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 25999) granting an increase of pension to Bevadilla Henry—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 26000) granting an increase of pension to Ira B. Gould—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26001) granting an increase of pension to Lyman M. Ramsay—to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 26002) granting an increase of pension to David S. James—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26003) granting an increase of pension to Daniel C. Boswell—to the Committee on Invalid Pensions.

By Mr. DAWES: A bill (H. R. 26004) granting an increase of pension to Daniel W. Nutting—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 26005) for the relief of Henry C. Wolfe—to the Committee on Military Affairs.

By Mr. GARDNER of Massachusetts: A bill (H. R. 26006) granting a pension to Roxanna N. Wilford—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 26007) to remove the charge of desertion from the military record of John W. Pierce—to the Committee on Military Affairs.

By Mr. GOEBEL: A bill (H. R. 26008) granting an increase of pension to Daniel H. Converse—to the Committee on Invalid Pensions.

By Mr. GREENE: A bill (H. R. 26009) granting a pension to Herbert A. Ballou—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26010) granting a pension to Nathan S. Gibbs—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 26011) to correct the military record of John L. Yohn—to the Committee on Military Affairs.

By Mr. HOLLIDAY: A bill (H. R. 26012) granting an increase of pension to Emri Sites—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 26013) granting an increase of pension to William H. Colsher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26014) granting an increase of pension to Augustus W. Patterson—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 26015) granting an increase of pension to Moses Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26016) granting an increase of pension to Rufus K. Callahan—to the Committee on Invalid Pensions.

By Mr. ADDISON D. JAMES: A bill (H. R. 26017) granting a pension to George W. Goodman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26018) granting a pension to Thomas Blythe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26019) granting a pension to J. H. Bule—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26020) granting a pension to R. B. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26021) granting an increase of pension to George M. Babbitt—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 26022) granting an increase of pension to Samuel Minnick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26023) granting an increase of pension to Philip Heiser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26024) granting an increase of pension to George Reiffenoch—to the Committee on Pensions.

Also, a bill (H. R. 26025) granting an increase of pension to William Dalton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26026) granting a pension to George I. Ribyn—to the Committee on Pensions.

Also, a bill (H. R. 26027) granting a pension to William Kudebeh—to the Committee on Pensions.

By Mr. KINKAID: A bill (H. R. 26028) granting an increase of pension to David Cool—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 26029) granting an increase of pension to William Croft—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26030) granting an increase of pension to Hiram H. Hetler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26031) granting a pension to Benjamin E. Kneibler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26032) granting a pension to Laura C. Robison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26033) granting a pension to Ellen Gunton—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 26034) granting an increase of pension to Edward D. Mundy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26035) granting an increase of pension to James S. Daugherty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26036) granting a pension to Charles H. Stinchfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26037) for the relief of the First National Bank of Bellefourche, S. Dak.—to the Committee on Irrigation of Arid Lands.

By Mr. MOUSER: A bill (H. R. 26038) granting an increase of pension to Daniel T. Cockerill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26039) granting an increase of pension to Rudolph Geisiu—to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 26040) granting an increase of pension to Edward L. Hagan—to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 26041) granting an increase of pension to James E. White—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 26042) granting an increase of pension to Daniel A. Jones—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 26043) granting a pension to Misses M. E. and S. J. Gladney—to the Committee on Pensions.

Also, a bill (H. R. 26044) granting a pension to George H. Preddy—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 26045) granting an increase of pension to Auguste Eisserman—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 26046) granting an increase of pension to Alfred Dodge—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 26047) granting an increase of pension to John I. Cochran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26048) granting an increase of pension to J. W. Hyatt—to the Committee on Invalid Pensions.

By Mr. SMITH of California: A bill (H. R. 26049) granting an increase of pension to Wing Greene—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26050) granting an increase of pension to Iodine, alias Lewis J. Vosburg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26051) granting an increase of pension to George W. Wightman—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 26052) granting an increase of pension to Frank Chase—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 26053) granting an increase of pension to James E. Ledbetter—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 26054) granting an increase of pension to Gardner Wells—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 26055) granting an increase of pension to Mary E. Balch—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 26056) for the relief of the estate of Charles Fitzgerald—to the Committee on Claims.

By Mr. WILSON of Illinois: A bill (H. R. 26057) granting a pension to John R. Shirley—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 26058) granting an increase of pension to Jesse T. Robertson—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 26059) for the relief of Frederick M. Loveless—to the Committee on the Public Lands.

By Mr. WILSON of Pennsylvania: A bill (H. R. 26060) to correct the military record of George O. Pratt—to the Committee on Military Affairs.

Also, a bill (H. R. 26061) granting an increase of pension to John Maneval—to the Committee on Invalid Pensions.

By Mr. SIMS, from the Committee on War Claims: Resolution (H. Res. 483) referring to the Court of Claims the bill H. R. 7479—to the Private Calendar.

By Mr. HASKINS, from the Committee on War Claims: Resolution (H. Res. 484) referring to the Court of Claims the bill H. R. 23799—to the Private Calendar.

By Mr. SIMS, from the Committee on War Claims: Resolution (H. Res. 485) referring to the Court of Claims the bill H. R. 25189—to the Private Calendar.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Federation of Jewish Organizations, for appointment of a chaplain in the army and navy for the religious comfort and well-being of Jewish soldiers—to the Committee on Military Affairs.

Also, petition of Merchants' Association of New York, against unjust censure of railroad management—to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN: Petitions of Naples Grange, of Naples; Crooked River Grange, of Harrison; and Westbrook Grange, of Westbrook, all in the State of Maine, favoring a parcels-post law and postal savings banks law—to the Committee on the Post-Office and Post-Roads.

By Mr. ASHBROOK: Paper to accompany bill for relief of Eliza Sells—to the Committee on Pensions.

Also, petition of R. J. Minesinger and others, of New Philadelphia, Ohio, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. BATES: Petition of Rear-Admiral Henry F. Picking Naval Garrison, No. 4, of Erie, Pa., for legislation retiring petty officers and enlisted men of the navy after twenty-five years of continuous service—to the Committee on Naval Affairs.

Also, paper to accompany bill for relief of William Wellman—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of George H. Eckert—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Edw. F. Harter and Abram Gaskill—to the Committee on Invalid Pensions.

By Mr. BURKE: Petition of National Negro Fair Association, of Mobile, for an appropriation to aid National Negro Exposition near city of Mobile—to the Committee on Industrial Arts and Expositions.

Also, petition of W. A. Avery, J. T. Little, M. D., and others, of Pittsburg, Pa., for legislation prohibiting sale of intoxicants on all property controlled by the United States Government—to the Committee on the Judiciary.

Also, petition of the executive committee of the Prison Association of New York, praying for an appropriation in aid of the International Prison Congress to be held in Washington, D. C., in 1910—to the Committee on the Judiciary.

By Mr. CALDER: Petition of S. M. Erikson, of Brooklyn, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of Leon H. Curtice, for legislation to secure fairer consideration of railway interests—to the Committee on Interstate and Foreign Commerce.

By Mr. CAPRON: Petition of Rhode Island Bar Association, praying for an increase in the salaries of United States circuit and district judges—to the Committee on the Judiciary.

Also, petition of Society of Organized Charity, of Providence, R. I., favoring appropriation in aid of International Prison Congress—to the Committee on Appropriations.

Also, petition of Board of Trade of Providence, R. I., favoring increase of salaries of United States judges—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Henry Bucklin—to the Committee on Invalid Pensions.

By Mr. CAULFIELD: Petition of St. Louis Typographical Union, No. 8, against Judge Wright's decision in case of Samuel Gompers and others—to the Committee on the Judiciary.

By Mr. COCKS of New York: Petition of Henry Keller, H. W. Dupont, and George E. Miller, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. CURRIER: Petition of residents of Washington, N. H., against Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

Also, petitions of George Menton Grange, of Westmoreland; Park Grange, of West Concord; Starr King Grange, of Jefferson; and Meriden Grange, of Meriden, all in the State of New Hampshire, for parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVENPORT: Paper to accompany bill for relief of Daniel C. Bosnell—to the Committee on Invalid Pensions.

By Mr. DAVIS: Petition of citizens of Lake Mills, favoring H. R. 18204, known as the "Davis bill" (national cooperation in technical education)—to the Committee on Agriculture.

Also, petition of Elysian Hardware Company and others, of Elysian, Minn., against parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DAWSON: Petitions of George Boyer and 26 other business firms of West Liberty, Whitmer & Griffith and 16 other business firms of Wilton Junction, Snavely Brothers and 6 other business firms of Ladora, Floerchinger Brothers and 9 other firms of Oxford, and Emil L. Boering and 56 other firms of Iowa City, all in the State of Iowa, against parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of Squires, Sherry & Galusha, of New York, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. DRISCOLL: Petition of J. J. Howe and other citizens of New York, favoring a parcels-post and a postal savings banks law—to the Committee on the Post-Office and Post-Roads.

Also, petition of business firms of Leonardville, N. Y., against postal savings banks and parcels-post laws—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIS of Oregon: Petition of Oregon Commandery of the Order of the Loyal Legion of the United States, in favor of H. R. 19250 (civil-war volunteer officers' retired bill)—to the Committee on Military Affairs.

Also, petition of Astoria Chamber of Commerce and Columbia bar and river pilots, asking for an appropriation for operation of government dredge *Chinook*—to the Committee on Rivers and Harbors.

By Mr. ENGLEBRIGHT: Petition against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. FAIRCHILD: Petition of Ellenville (N. Y.) Grange, No. 956, and Milton (N. Y.) Grange, No. 884, favoring parcels-post system and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. FLOYD: Petition of citizens of Arkansas, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. FORNES: Petition of Frank Hervey Field, favoring H. R. 21455—to the Committee on Patents.

Also, petitions of New York Board of Trade and Transportation, R. C. Nye, W. F. Heller, and H. Klenhans, all of New York City, favoring reconsideration of railroad-rate law—to the Committee on Interstate and Foreign Commerce.

Also, petition of C. B. Fairchild, favoring S. 7274 (civil-war officers' annuity honor roll)—to the Committee on Military Affairs.

By Mr. FULLER: Petition of George A. P. Cummings, of Joliet, Ill., favoring pensions for ex-prisoners of war in the civil war—to the Committee on Invalid Pensions.

Also, petition of Merchants' Association of New York, favoring legislation to secure fair treatment and consideration of railway interests, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. GOEBEL: Paper to accompany bill for relief of Daniel H. Converse—to the Committee on Invalid Pensions.

Also, petition of citizens of Cincinnati, Ohio, for an effective exclusion law against all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. GRAHAM: Petition of American Prison Association, for suitable provision for the preparatory work of the International Prison Commission and for the entertainment of the congress—to the Committee on the Judiciary.

Also, petition of R. M. Trimble, C. C. Boggs, and others, of Pittsburg, Pa., for legislation prohibiting sale of intoxicants on all property controlled by the United States Government—to the Committee on the Judiciary.

Also, petition of National Negro Fair Association, favoring an appropriation in aid of National Negro Exposition near the city of Mobile—to the Committee on Industrial Arts and Expositions.

By Mr. GRONNA: Petition of commercial club of Grand Forks, N. Dak., for improvement of the Red River of the North—to the Committee on Rivers and Harbors.

Also, petition of Cheyenne Branch of Railway Postal Clerks, against retirement plan for superannuated employees in the classified service (H. R. 21261) unless the plan be made wholly voluntary—to the Committee on Reform in the Civil Service.

Also, petition of Asiatic Exclusion League, favoring an exclusion law against all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition for legislation to protect prohibition States from the liquor traffic through interstate commerce—to the Committee on the Judiciary.

Also, petition of citizens of Manvel, N. Dak., for retention of present duty on grain—to the Committee on Ways and Means.

By Mr. HAMILTON of Iowa: Petition of citizens of Sigourney, Iowa, against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petitions of citizens of Delta, Rose Hill, Harper, Keota, Sigourney, Grinnell, Malcom, Brooklyn, Evans, Eddyville, Monroe, Lavilia, and Albia, Iowa, against a parcels-post and a postal savings banks law—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Connecticut: Petition of Plainville Grange, No. 54, Patrons of Husbandry, for parcels post on rural delivery routes and a postal savings banks law—to the Committee on the Post-Office and Post-Roads.

By Mr. KNAPP: Petition of Keenan & Berginen, of Watertown, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. LIVINGSTON: Papers to accompany bills for relief of John Ward, R. Luther Hays, James K. P. Carlton, John Bridwell, and Prince Ponder—to the Committee on War Claims.

By Mr. McKINLEY of Illinois: Petitions of citizens of Fullerton and Decatur, Ill., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of citizens of Chicago, for removal of duty on hides—to the Committee on Ways and Means.

By Mr. MANN: Petition of Federation of Jewish Organizations of New York City, favoring appointment of chaplains in the army and navy for Jewish soldiers—to the Committee on Military Affairs.

Also, petition of the Merchants' Association of New York, for legislation to encourage return of railway business to normal conditions—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Woman's Christian Temperance Union, favoring the Littlefield bill, designed to protect prohibition territory against liquor traffic through interstate commerce—to the Committee on the Judiciary.

Also, petition of Chicago-Toledo-Cincinnati Deep Water Association, for surveys for canal between Toledo and Chicago—to the Committee on Rivers and Harbors.

By Mr. MARTIN: Petitions of Commercial Club of Mitchell, business men of Garden City, and business men of Gayville, all in the State of South Dakota, against parcels-post delivery on rural free-delivery routes and for postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Marshall County, S. Dak., against passage of Senate bill 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

Also, petition of Central City Mining Union and Lead City (S. Dak.) Miners' Union, for legislation to secure investigation of the Treadwell Mining Company in Alaska—to the Committee on Mines and Mining.

Also, petition of L. E. Weller, of Plankinton, S. Dak.; E. S. Lovering, of South Dakota; and Murdo McKenzie, of Mindo, S. Dak., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of estate of William Duncan—to the Committee on War Claims.

By Mr. MUDD: Paper to accompany bill for relief of Rachel A. Ardeeser (previously referred to the Committee on War Claims)—to the Committee on Invalid Pensions.

By Mr. NORRIS: Petitions of business men of fifth district of Nebraska; citizens of Lawrence, Nebr.; and citizens of Grant, Perkins, and Nuckolls counties, Nebr., against parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Nebraska, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. PRATT: Paper to accompany bill for relief of Jessie G. Hopper (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. PRAY: Letter and telegram of Hon. E. R. Taylor, mayor of San Francisco, and C. W. Hodgson, relative to the Hetch Hetchy grant of water privileges to San Francisco—to the Committee on the Public Lands.

Also, petition of Granite Miners' Union of Montana, favoring legal investigation of the Treadwell Mining Company—to the Committee on Mines and Mining.

By Mr. ROBINSON: Papers to accompany bills for relief of Albert McConnell, Mary J. Utter, and Richard B. Rankin—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of heirs of J. A. Patillo—to the Committee on War Claims.

By Mr. THOMAS of Ohio: Petitions of P. N. Krapp and others, Grayce Rawson and others, M. D. Hugley and others, and G. R. Pierce and others, all of the State of Ohio, favoring a parcels-post and postal savings banks bills—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Barberton, Ohio, favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WEEMS: Petitions of E. E. Mansfield and others, and citizens of Carroll County, Ohio, against parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of John D. Vail—to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: Petitions of A. H. Buck and 24 other members of Westfield Grange, No. 1088, of Pennsylvania; W. T. Rich and 32 other members of Chatham Grange; and Francis Reid and 15 other members of Roulette Grange, No. 1289, for a parcels-post system and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Paul Laverents, John W. Baker, and D. R. Kinport, against passage of H. R. 21261 (retirement plan for superannuated employees in the civil service)—to the Committee on the Post-Office and Post-Roads.

SENATE.

WEDNESDAY, *January 13, 1909.*

Prayer by Rev. Henry N. Couden, D. D., Chaplain of the House of Representatives.

The Journal of yesterday's proceedings was read and approved.

ELECTORAL VOTE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, authenticated copies of the final ascertainment of electors for President and Vice-President appointed in the States of North Dakota and Texas, which, with the accompanying papers, were ordered to be filed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. C. R. McKenney, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bill, and it was thereupon signed by the Vice-President:

S. 4856. An act authorizing the Secretary of Commerce and Labor to lease San Clemente Island, California, and for other purposes.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Central Labor Union of Wilmington, Del., remonstrating against the enjoining of Samuel Gompers et al. from exercising their constitutional rights to freedom of speech, which was referred to the Committee on the Judiciary.

He also presented a petition of the Maryland School for the Blind, of Baltimore, Md., praying for the adoption of certain amendments to the census bill with respect to the record to be made of the blind in the United States, which was ordered to lie on the table.

Mr. SCOTT presented a petition of Robinson Grange, No. 251, Patrons of Husbandry, of the State of West Virginia, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Alexander C. Moore, of Clarksburg, W. Va., praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. KITTREDGE presented a petition of the South Dakota Educational Association, of Aberdeen, S. Dak., praying for the enactment of legislation providing for a separation of the Bureau of Education from the Department of the Interior and making it a department under the charge of a secretary of education, which was referred to the Committee on Education and Labor.

Mr. GAMBLE presented a petition of the Black Hills Schoolmasters' Club, of Spearfish, S. Dak., praying that an appropriation be made for making available photographic folios of views taken in the work of the Geological Survey and the Reclamation and Forestry services, which was referred to the Committee on the Geological Survey.

Mr. KEAN presented petitions of Pascack Grange, No. 141, of Woodcliff Lake, Wayne Township Grange, No. 145, of Preakness, and Lincoln Grange, No. 136, of Westwood, Patrons of Husbandry, all in the State of New Jersey, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Archibald G. Smith, of Lambertville, N. J., praying for the passage of the so-called "postal savings banks bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of R. E. Blood, of Clifton, N. J., remonstrating against the enactment of legislation inimical to the railroad interests of the country, which was referred to the Committee on Interstate Commerce.

Mr. FRYE presented a petition of Silver Harvest Grange, Patrons of Husbandry, of Waldo, Me., and a petition of Franklin Grange, Patrons of Husbandry, of Woodstock, Me., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HOPKINS presented a petition of the Wind Mill Manufacturers' Club, of Batavia, Ill., praying for a general reduction of the tariff, and also for the appointment of a permanent nonpartisan tariff commission, which was referred to the Committee on Finance.

Mr. BURKETT presented a petition of the Commercial Club of Norfolk, Nebr., praying for the enactment of legislation granting travel pay to railway postal clerks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the State Federation of Jewish Organizations, of New York City, N. Y., praying for the enactment of legislation to create the office of Jewish chaplain in the army and navy, which was referred to the Committee on Military Affairs.

Mr. DIXON presented a paper to accompany the bill (S. 8273) to amend an act approved May 30, 1908, entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," which was referred to the Committee on Indian Affairs.

Mr. BROWN presented a petition of the Commercial Club of Norfolk, Nebr., praying for the enactment of legislation granting travel pay to railway postal clerks, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. RAYNER presented a petition of Linden Spring Grange, No. 260, Patrons of Husbandry, of the State of Maryland, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

POSTAL SAVINGS BANKS.

Mr. NELSON. I present a paper, by Hon. L. B. Caswell, of Fort Atkinson, Wis., relating to postal savings banks. It is a very short and clear paper, and I move that it be printed as a document (S. Doc. No. 651).

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 8050) for the relief of James R. Wyrick (Report No. 736); and

A bill (S. 7390) for the relief of Christina Rockwell (Report No. 737).

Mr. FULTON, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 13319) for the relief of the heirs of Thomas J. Miller (Report No. 738); and

A bill (H. R. 17344) for the relief of Frederick Daubert. (Report No. 739.)

Mr. BURROWS, from the Committee on Naval Affairs, to whom was referred the bill (S. 7652) to provide suitable civilian clothing and a cash gratuity to naval prisoners on discharge, reported it without amendment and submitted a report (No. 740) thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 7651) to amend article 53 of the Articles for the Government of the Navy (Report No. 741);

A bill (S. 7793) to provide for the naturalization of aliens who have served, or shall hereafter serve, five years in the United States Navy or Marine Corps (Report No. 742); and

A bill (S. 7872) to promote the administration of justice in the navy (Report No. 743).

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 744), accompanied by a bill (S. 8422), granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 86. William T. Johnson;
S. 710. Henry T. Powell;
S. 1062. John L. McKee;
S. 1169. Dexter E. Boyden;
S. 1607. William W. Peck;
S. 1715. George Blake;
S. 1914. Fannie E. Holden;
S. 2060. William W. Scott;
S. 2477. John N. Williams;
S. 2605. Sarah Martin;
S. 3064. Thomas Greenley;
S. 3191. John W. Ervin;
S. 3195. William H. Dodd;
S. 3221. James W. Cobb;
S. 3306. Henry C. Bodkin;
S. 3334. Turner Lacey;
S. 3520. Nelson W. Armstrong;
S. 3598. William J. Conrad;
S. 3788. Thomas S. Wineteer;
S. 4178. Philip H. Showers;
S. 4198. Henry C. Elliott;
S. 4225. Wyman F. Patten;
S. 4253. James D. Davis;
S. 4523. Mary M. Ball;
S. 4597. Jacob Mays;
S. 4621. Charles C. Jones;
S. 5119. Caroline Coburn;
S. 5244. Robert E. Banks;
S. 5494. Isaac H. Isaacs;
S. 5504. James A. Brians;
S. 5561. Hiram B. Lord;
S. 5567. James P. Nowland;
S. 5803. Benoni Lewis;
S. 6034. Sarah A. Horr;
S. 6170. Robert W. McCullough, jr.;
S. 6203. Charles J. Hinds;
S. 6210. Henry M. Barber;
S. 6243. James H. McAllister;
S. 6282. Richard D. Coonen;
S. 6395. Joseph L. Wright;
S. 6501. Isabella R. Vosburgh;
S. 6519. George S. Warren;
S. 6570. Eben T. C. Lord;
S. 6651. Francis Weaver;
S. 6680. John A. Pattee;
S. 6735. Washington F. Landers;
S. 6763. Thomas Phelan;
S. 6779. Calvin Boyer;
S. 6785. James A. Grant;
S. 6814. Frank M. Swann;
S. 6827. Christian Paul;
S. 6842. John W. Knapp;
S. 6860. Arthur R. Curtis;
S. 6889. Henry D. Parsons;
S. 6983. Samuel D. Hurd;
S. 7025. Rodney N. Hall;
S. 7036. Hobert B. Doolittle;
S. 7040. Thomas Fox;
S. 7158. Melzar E. Beard;
S. 7229. Barnum Slocum;
S. 7280. Josiah N. Eastman;
S. 7285. Freeland Q. Andrews;
S. 7295. George P. Tucker;
S. 7300. Henry M. Washburn;
S. 7303. John A. Flanders;
S. 7304. Warren Abbott;
S. 7322. Ira S. Allen;
S. 7323. James Kirby;
S. 7332. Franklin R. St. John;
S. 7333. John W. Son;
S. 7354. Francis N. Brokaw;
S. 7356. David C. Crawford;
S. 7382. Robert L. Wilson;
S. 7383. Edwin B. Paddock;
S. 7385. Melvin P. Miller;
S. 7386. Adam Wingenfield;
S. 7389. George W. Becker;
S. 7397. Berdette M. Sperry;
S. 7409. Charles S. Baker;
S. 7411. Berge Johnson;
S. 7417. John Egan;
S. 7426. William A. Richardson;
S. 7438. Lucius Bigelow;
S. 7440. Edwin M. Haynes;
S. 7453. Eliza Palmer;
S. 7459. Francis I. Gardiner;
S. 7471. Elisha Bridges;
S. 7493. David F. Painter;
S. 7494. Charles H. Rankin;
S. 7512. Ira A. Silvernail;
S. 7517. Allen T. Landress;
S. 7540. Ebenezer Winslow, now known as Eben C. Thomas;
S. 7556. George W. Palmer;
S. 7581. Eli W. Wilhite;
S. 7597. Samuel T. Cromwell;
S. 7621. John B. Hazen;
S. 7658. Thomas K. Hastings;
S. 7671. William H. Knight;
S. 7725. Leander Stillwell;
S. 7736. Stephen M. Gilley;
S. 7798. Emily C. Twitchell;
S. 7807. Almeran A. Stillman;
S. 7820. Julia F. Darling;
S. 7837. Edward E. Houstain;
S. 7933. George W. Curl;
S. 7950. Ann M. Mason;
S. 7985. Thomas Painter;
S. 8027. Oliver S. Adams;
S. 8061. Ezra P. Pyram;
S. 8077. Edwin Potter;
S. 8081. Charles E. Sherman; and
S. 8082. Alexander G. Smith.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the amendment submitted by Mr. KNOX on the 12th instant, authorizing the President, by and with the advice and consent of the Senate, to appoint an Under Secretary of State and also a Fourth Assistant Secretary of State, intended to be proposed to the legislative, etc., appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations, which was agreed to.

OWNERS OF STEAMSHIP "TABASQUENO."

Mr. FRYE. I report back favorably from the Committee on Foreign Relations with an amendment the bill (H. R. 23351) for the relief of the owners of the Mexican steamship *Tabasqueno* and I submit a report (No. 735) thereon. The matter has been pending for a long while and I should like to have it acted on now.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was in line 7, after the word "Tabasqueno," to insert "with interest at 6 per cent from the date of the seizure," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, the sum of $13,485.70 to the owners of the Mexican steamship Tabasqueno, with interest at 6 per cent from

the date of the seizure, being for the arrest and detention of the ship and damage to her cargo during the war with Spain, the same being in full of their claim for the arrest and detention of the said ship and damage to her cargo by reason of the seizure of the U. S. S. Hawk, July 30, 1898.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS INTRODUCED.

Mr. BANKHEAD introduced a bill (S. 8423) for the relief of the heirs of James Y. Brame, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 8424) for the relief of the owners of lighter No. 128, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 8425) granting a pension to Eliza S. Blumer, which was read twice by its title and referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 8426) granting an increase of pension to Virginia L. Caldwell, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 8427) to provide for the payment of installments due on contracts or land entries made under the provisions of an act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, which was read twice by its title and referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. SMOOT introduced a bill (S. 8428) granting an increase of pension to Philander C. Burch, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PILES introduced a bill (S. 8429) to refund certain tonnage taxes and light dues levied on the steamship *Montara*, without register, which was read twice by its title and, with the accompanying papers, referred to the Committee on Commerce.

Mr. PILES (for Mr. ANKENY) introduced a bill (S. 8430) granting an increase of pension to Simon Terwilliger, which was read twice by its title and referred to the Committee on Pensions.

Mr. DAVIS introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8431) granting an increase of pension to Henry B. Wallis; and

A bill (S. 8432) granting an increase of pension to Lucius Fuller.

Mr. GAMBLE introduced a bill (S. 8433) for the relief of the First National Bank of Bellefourche, S. Dak., which was read twice by its title.

The VICE-PRESIDENT. To what committee does the Senator from South Dakota wish to have the bill referred?

Mr. GAMBLE. The Committee on Irrigation.

Mr. CLAPP. It strikes me that that bill and the bill for refunding certain tonnage taxes, recently introduced, should both go to the Committee on Claims.

Mr. GAMBLE. The bill I have just introduced has reference to the construction of an irrigation ditch for the Reclamation Service in Bellefourche, and it is in reference to the appropriation of funds taken up by the Interior Department. I am sure it should be referred to the Committee on Irrigation.

The VICE-PRESIDENT. Without objection, it will be so ordered.

Mr. GAMBLE introduced a bill (S. 8434) granting an increase of pension to Thomas E. Stanley, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KITTREDGE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8435) granting an increase of pension to John E. Green;

A bill (S. 8436) granting a pension to John Lowell; and

A bill (S. 8437) granting an increase of pension to James McKinley.

Mr. CLAY introduced a bill (S. 8438) granting an increase of pension to Carrie Hoyle, which was read twice by its title and referred to the Committee on Pensions.

Mr. DIXON introduced a bill (S. 8439) authorizing the Secretary of the Interior to appraise lands in the Fort Peck Indian Reservation, Mont., and grant the same to the Great Northern Railway, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. BORAH introduced a bill (S. 8440) for the relief of applicants for mineral surveys, which was read twice by its title and referred to the Committee on Mines and Mining.

Mr. CLAPP introduced the following bills, which were severally read twice by their titles and referred to the Committee on Indian Affairs:

A bill (S. 8441) to authorize the Secretary of the Interior to cause to be surveyed any unsurveyed lands belonging to the Five Civilized Tribes, and for other purposes;

A bill (S. 8442) to authorize cancellation of Indian allotments covering unsuitable lands and allotment of lands in lieu thereof, and for other purposes; and

A bill (S. 8443) to authorize the Secretary of the Interior to permit the quarrying and sale of tufa stone from the San Carlos Indian Reservation in Arizona, and for other purposes.

Mr. CLAPP introduced a bill (S. 8444) granting a pension to Miranda A. Wheelock, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 8445) providing for the distribution of Supreme Court reports by the superintendent of documents, and for other purposes, which was read twice by its title and, with the accompanying papers (S. Doc. 652), which were ordered to be printed, referred to the Committee on the Judiciary.

Mr. HEYBURN introduced a bill (S. 8446) to create an additional division in the judicial district of the State of Idaho, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. MARTIN introduced a bill (S. 8447) for the relief of Enoch D. Smith, which was read twice by its title and referred to the Committee on Claims.

Mr. DANIEL introduced a bill (S. 8448) granting a pension to Marcelina J. Cox, which was read twice by its title and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. TELLER submitted an amendment proposing to appropriate $33,400 for the support and education of 200 Indian pupils at the Indian school at Grand Junction, Colo., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. FRYE submitted an amendment proposing to appropriate $25,000 for the construction of a suitable vessel or launch for the Customs Service, for use at and in the vicinity of Portland, Me., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. FLINT submitted an amendment proposing to appropriate $400,000 for the purchase of land for a site, location, and construction of works for fortifications and coast defenses and emplacements therefor at Point Firmin, Cal., intended to be proposed by him to the fortifications appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

IMPROVEMENT OF BIG SIOUX RIVER, SOUTH DAKOTA.

Mr. KITTREDGE submitted the following concurrent resolution (S. C. Res. 68), which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimates to be made for a project of straightening and improvement of the Big Sioux River, in the State of South Dakota, and report same to the Congress.

RELATIONS BETWEEN CONGRESS AND THE EXECUTIVE DEPARTMENTS.

Mr. BACON. Mr. President, I offer a resolution, and after it has been read I will request the Senate to permit me to submit a few remarks upon it.

The resolution (S. Res. 248) was read, as follows:

Resolved by the Senate, That any and every public document, paper, or record, or copy thereof, on the files of any department of the Government, relating to any subject whatever over which Congress has any grant of power, jurisdiction, or control, under the Constitution, and any information relative thereto within the possession of the officers of the department, is subject to the call or inspection of the Senate for its use in the exercise of its constitutional powers and jurisdiction.

Mr. BACON. Mr. President, the particular matter involved in the resolution is one entitled to the serious consideration of the Senate. The importance of the consideration of the question raised by the resolution which has just been read at the

desk is emphasized and made a matter of present interest by a message which has recently been received by the Senate from the President of the United States, in which the right of the Senate to give a direction to a head of a department is, as stated in the message, denied in the most emphatic language. It is a matter of very far-reaching consequence, and affects not simply the dignity of the Senate, or perhaps, in one sense, the authority of the Senate, so far as that authority is an attribute of its dignity, but affects the power of the Senate to perform its legitimate constitutional functions.

The message to which I refer was in response to a resolution offered by the Senator from Texas [Mr. CULBERSON], which is found upon page 543 of the RECORD of this session, January 6. I am going to ask that the resolution and the entire response of the President may be inserted at this point in my remarks. I will not detain the Senate by reading the entire resolution and communication now, because they have so recently been before the Senate that all Senators are familiar with the fact that the resolution was one which related to the question of the action or nonaction of the Attorney-General in regard to the absorption of the Tennessee Coal and Iron Company by the Steel trust, and asking whether there had been such action, and the message of the President in which he informed the Senate that he had directed the Attorney-General not to make response.

The VICE-PRESIDENT. Without objection, the resolution and message will be printed in the RECORD.

The matter referred to is as follows:

To the Senate:

In connection with the following resolution of the Senate, passed January 4, 1909:

"*Resolved*, That the Attorney-General be, and he is hereby, directed to inform the Senate:

"1. Whether legal proceedings under the act of July 2, 1890, have been instituted by him or by his authority against the United States Steel Corporation on account of the absorption by it in the year 1907 of the Tennessee Coal and Iron Company, and if no such proceedings have been instituted state the reasons for such nonaction.

"2. Whether an opinion was rendered by him or under his authority as to the legality of such absorption; and if so, attach a copy if in writing, and if verbal state the substance of it."

I transmit herewith the following letter from the Attorney-General:

OFFICE OF THE ATTORNEY-GENERAL,
Washington, January 6, 1909.

THE PRESIDENT, *The White House.*

SIR: In accordance with your instructions, I have the honor to inclose you a certified copy of the resolution adopted by the Senate wherein I am directed to inform the Senate whether legal proceedings under the act of July 2, 1890, have been instituted by me or by my authority against the United States Steel Corporation on account of the absorption by it, in the year 1907, of the Tennessee Coal and Iron Company. As you are aware, no such proceedings have been instituted.

I remain, yours, most respectfully and truly,

CHARLES J. BONAPARTE,
Attorney-General.

As to the transaction in question I was personally cognizant of and responsible for its every detail. For the information of the Senate I transmit a copy of a letter sent by me to the Attorney-General on November 4, 1907, as follows:

THE WHITE HOUSE,
Washington, November 4, 1907.

MY DEAR MR. ATTORNEY-GENERAL: Judge E. H. Gary and Mr. H. C. Frick, on behalf of the Steel Corporation, have just called upon me. They state that there is a certain business firm (the name of which I have not been told, but which is of real importance in New York business circles) which will undoubtedly fail this week if help is not given. Among its assets are a majority of the securities of the Tennessee Coal Company. Application has been urgently made to the Steel Corporation to purchase this stock as the only means of avoiding a failure. Judge Gary and Mr. Frick inform me that as a mere business transaction they do not care to purchase the stock; that under ordinary circumstances they would not consider purchasing the stock, because but little benefit will come to the Steel Corporation from the purchase; that they are aware that the purchase will be used as a handle for attack upon them on the ground that they are striving to secure a monopoly of the business and prevent competition—not that this would represent what could honestly be said, but what might recklessly and untruthfully be said. They further inform me that as a matter of fact the policy of the company has been to decline to acquire more than 60 per cent of the steel properties, and that this purpose has been persevered in for several years past with the object of preventing these accusations, and as a matter of fact their proportion of steel properties has slightly decreased, so that it is below this 60 per cent, and the acquisition of the property in question will not raise it above 60 per cent. But they feel that it is immensely to their interest, as to the interest of every responsible business man, to try to prevent a panic and general industrial smash up at this time, and that they are willing to go into this transaction, which they would not otherwise go into, because it seems the opinion of those best fitted to express judgment in New York that it will be an important factor in preventing a break that might be ruinous; and that this has been urged upon them by the combination of the most responsible bankers in New York who are now thus engaged in endeavoring to save the situation. But they asserted they did not wish to do this if I stated that it ought not to be done. I answered that while of course I could not advise them to take the action proposed, I felt it no public duty of mine to interpose any objection.

Sincerely, yours,

THEODORE ROOSEVELT.

Hon. CHARLES J. BONAPARTE,
Attorney-General.

After sending this letter I was advised orally by the Attorney-General that, in his opinion, no sufficient ground existed for legal proceedings against the Steel Corporation and that the situation had been in no way changed by its acquisition of the Tennessee Coal and Iron Company.

I have thus given to the Senate all the information in the possession of the executive department which appears to me to be material or relevant on the subject of the resolution. I feel bound, however, to add that I have instructed the Attorney-General not to respond to that portion of the resolution which calls for a statement of his reasons for nonaction. I have done so because I do not conceive it to be within the authority of the Senate to give directions of this character to the head of an executive department, or to demand from him reasons for his action. Heads of the executive departments are subject to the Constitution, and to the laws passed by the Congress in pursuance of the Constitution, and to the directions of the President of the United States, but to no other direction whatever.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 6, 1909.*

Mr. BACON. It will be seen that the President, after himself giving the information which the Senate by its order had directed the Attorney-General to communicate to the Senate, concludes with this language:

I feel bound, however, to add that I have instructed the Attorney-General not to respond to that portion of the resolution which calls for a statement of his reasons for nonaction. I have done so—

And this is the part of the language to which I desire to invite especially the attention of the Senate, as the utterance which calls for some expression on the part of the Senate—

I have done so because I do not conceive it to be within the authority of the Senate to give directions of this character to the head of an executive department, or to demand from him reasons for his action. Heads of the executive departments are subject to the Constitution, and to the laws passed by the Congress in pursuance of the Constitution, and to the directions of the President of the United States, but to no other direction whatever.

There could not be, Mr. President, a bolder and more emphatic denial of the power of the Senate to require any information from the head of a department than is expressed in that language; and the utterance by the President is all the more emphatic and important from the fact that it is a gratuitous denial of the authority of the Senate. If the President had said to the Senate, "I have determined and ordered that this information should not be given to the Senate," and then, as the reason why he had taken that responsibility, had added that he did not conceive it to be within the constitutional power of the Senate, it would not have been a gratuitous utterance. But the President gives all of the information which was desired by the Senate and which was called for by the direction to the Attorney-General, and then, without reason that he should so do, gratuitously, I repeat, makes this emphatic denial of the power on the part of the Senate to require from the head of a department any information by directing him to furnish the same.

I presume the language of the President is intended to convey the opinion that Congress, in its capacity as a lawmaking power, may require of the head of a department any information which it desires, but that the Senate itself can not; he means to say that only by an act of Congress can the head of a department be directed or by the order of the President himself; and in language which is not distinguished by its extreme courtesy he says to the Senate that there is no other power which can give direction to the head of a department.

Mr. President, I have discussed this question before the Senate heretofore, and much that I shall say now I have in substance said before. I think, however, that whenever such a challenge is made by the executive department denying this power on the part of the Senate, it should not be passed by without response, even though that response may be in large part repetition of what may have been said heretofore. If it is within the power of the Executive to lock up the executive departments and say to either House of Congress, "You shall have no information except such as I may permit," then it needs no elaboration to point to the conclusion of the autocracy in fact, whether in name or not, which must result.

Mr. President, while I have very clear views upon this subject, I recognize that if I can bring to the attention of the Senate and of the country, and possibly of the Executive, what has been said upon this subject by some of the greatest lawyers who ever sat in this body, it will have very much more effect than what I might myself say in my own proper place. Therefore, I propose to answer the challenge of the President of the United States in the main by what others have said, and not alone by what I myself shall now say.

It is not the first time, Mr. President, that there has been some friction between the Senate and the Executive upon this question, but I can say—I think without fear of mistake—that it is the first time the denial of the right of the Senate has ever been made in such unlimited and emphatic language as that now employed by the President.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. With pleasure.

Mr. HALE. I wish to ask the Senator a question. There are two distinct propositions in the President's message.

Mr. BACON. The Senator is quite correct.

Mr. HALE. The one relates to the right to call upon a Cabinet minister for his reasons, perhaps for not acting in a given matter. The other (and I should hope that the President has not taken square ground upon that) relates to a right that has been exercised for generations, and I do not know that it has ever been questioned.

Mr. BACON. I trust if the Senator has a question he will propound it.

Mr. HALE. I was going to ask the Senator a question. I will repeat the sentence with leave of the Senator. As to the direction of Congress to transmit papers or information in the department, I do not know that it has ever been questioned. I should hope it never would be questioned really. But I was going to ask the Senator, as I want to attend to what he says, if I can, to which of these propositions is his argument and his citation of authorities to be directed, the right of the Senate to call for reasons or the right of the Senate or of Congress to call for information, papers, and documents in the departments?

Mr. BACON. Possibly the Senator will get a better response to his inquiry in the development of what I have to say rather than in an attempt to state it in advance in a categorical answer to his question.

Mr. HALE. Mr. President, I hope I am not making myself offensive.

Mr. BACON. Not in the least. I am simply saying to the Senator that I will endeavor, in the development, to show to the Senate as fully as I can what my views are in regard to each of them.

Mr. HALE. Does the Senator propose to consider both propositions?

Mr. BACON. Yes; both.

Mr. HALE. I look upon them as wholly distinct.

Mr. BACON. I think they are distinct, but the Senator will agree that the language of the President covers both. If the President had limited this to the question whether reasons could be demanded, it would narrow the issue very much.

Mr. HALE. Very much.

Mr. BACON. And even as to that I think I can show on authority that we have the right to demand reasons. But the Senator requires me to anticipate in the very outset, before I have stated my proposition at all, in asking me what particular propositions I propose to argue.

Mr. HALE. I had a reason. Having been called from the Senate, and having just returned, I wanted to hear the Senator especially upon the distinctive point of the right to call for papers and information. I agree with him on the other.

Mr. BACON. I propose to discuss the entire question; at least I propose not so much to discuss it myself as to show what has been said by other very learned Senators on this floor.

As I was proceeding to say, the President does not stop at that. He does not stop at the question whether or not we have the right to demand reasons, but he goes on to say, in the most emphatic and peremptory language:

> Heads of the executive departments are subject to the Constitution, and to the laws passed by the Congress in pursuance of the Constitution, and to the directions of the President of the United States, but to no other direction whatever.

That is as broad as human language can make it.

Mr. HALE. Let me ask the Senator, then——

The VICE-PRESIDENT. Does the Senator from Georgia yield further to the Senator from Maine?

Mr. BACON. With pleasure.

Mr. HALE. At the risk perhaps—I will not say of offending the Senator, because the Senator knows——

Mr. BACON. The honorable Senator need have no hesitation. I am not in the least offended, and there is no reason why I should be.

Mr. HALE. Does the Senator think that in that language, which I think we all noted with care, the President has committed himself to the proposition that Congress can not call upon the head of a department for information and for papers and documents in the department? I should hope that the President has not committed himself to that proposition.

Mr. BACON. I understand the language to be such as its plain meaning imports. The President says there are but three authorities from which direction can come to the head of a department. One is the Constitution, the other is a law passed in pursuance of the Constitution, and the third is the President himself, and adds—

> but to no other direction whatever.

If the Senator will permit me to proceed, I will endeavor to present the matter in a way that possibly might be more satisfactory than by endeavoring to state in advance the particular line rather than to permit the line to be developed.

Mr. HALE. It is an exceedingly important question, and I wanted to see generally before the Senator started what his propositions were and how far he considered the President has gone in his message; that is all.

Mr. LODGE. Will the Senator kindly again state where that message is in the RECORD?

Mr. BACON. It is on page 543 of the RECORD of January 6.

Mr. President, I believe I had said at the time the Senator from Maine [Mr. HALE] presented his inquiry, that while there had been some differences between the executive departments and the Senate with reference to the question of the power of the Senate to direct the head of a department, there had never been in the history of the Government so emphatic and peremptory a denial of the power of the Senate as is expressed in this message of the President.

The most remarkable discussion which was ever had upon this question occurred in the Senate some twenty-two years ago, during the first administration of Mr. Cleveland. That grew out of a matter connected with the dismissal of a district attorney in Alabama and the appointment by President Cleveland of his successor. When the matter of the confirmation of his successor was before the Senate, the Senate called upon the President for certain letters and other documents, which were alleged to be in the executive department, with a view of ascertaining what were the reasons of the President for the removal of the district attorney. That right was claimed under a law which then existed, known as the "tenure of office law," which required that before the removal of an officer could become effective the consent of the Senate should be had thereto. That law was passed during the administration of President Johnson, at the time of the great controversy between him and the Congress of the United States, with a view to preventing his removal of those whom Congress desired to have retained in office.

Mr. Cleveland denied the right of the Senate to call for those papers. The resolution asserting the right and power of the Senate was referred to the Judiciary Committee of the Senate, then composed of the most distinguished lawyers, I presume, who ever at any one time composed the Judiciary Committee of the Senate. I will read their names. On the part of the majority—they were the Republicans—they were George F. Edmunds, John J. Ingalls, S. J. R. McMillan, James S. Wilson, and William M. Evarts. On the part of the minority they were James L. Pugh, Senator Vest, Senator Coke, and Senator Jackson, who was afterwards a judge of the Supreme Court of the United States.

My attention has been called very kindly by the Senator from Michigan [Mr. BURROWS] to the fact that in reading the list of names I omitted the name of Senator Hoar. Why I did so I do not know; certainly it was not intentional, and the name was before me at the time. Senator Hoar was also a member of the committee at the time, and afterwards its chairman, and one of the most distinguished lawyers and learned scholars who ever sat in this body. I will again read the list to call the attention of the Senate more particularly to this great galaxy of illustrious lawyers—Edmunds, Ingalls, McMillan, Hoar, Wilson, Evarts, Pugh, Vest, Coke, and Jackson—and I repeat that I do not think there has ever been from the foundation of the Government to the present day a collection of such great lawyers at one time upon the Judiciary Committee of the Senate as the men whose names I have just read.

Upon this reference to the committee there was a majority report and a minority report. The remarkable fact is that among all those great lawyers there is no difference of opinion as to the fundamental question of whether or not the Senate has the right—not Congress in its lawmaking capacity, but the Senate—whether or not the Senate has the right, not to request or to ask, but to demand and require the head of any department to furnish any information or any paper or document in his possession or control which may be needed by the Senate in the discharge of its constitutional functions—to direct and command, not to request or to ask. The difference between the majority and the minority of the committee was upon a much narrower question.

It was contended on the part of the minority—the Democrats—that the paper in question did not belong to the official files; that it was a private letter to the President, and therefore not a matter within the power of the Senate to compel the production of.

There was one other distinguished Senator whose name I omitted from the minority—Senator George, of Mississippi, one of the greatest lawyers who ever sat in this or any other body or on any bench.

It was further contended—and that this particular contention was by Senator George was what called my recollection to the

fact that I had omitted his name—that the act of 1869, the tenure-of-office act, was an unconstitutional act, and that, therefore, Congress had no right to proceed under it to enforce the production of a paper which was the private paper of the President or was claimed to be so.

The two reports of those great lawyers absolutely agree upon the fundamental proposition that, so far as it related to any document or any paper or information in the control or keeping or possession of the head of a department, the constitutional right of the Senate was without question. There was no difference among those great lawyers as to that question; but the difference was on the narrower line, which I have indicated. But in arriving at their conclusions elaborate reports were made by each, the majority of the committee and the minority of the committee, and in each instance the report is signed not by the chairman of the committee or by some one representing the minority, but the report of the committee is signed in person by each of the great lawyers of the majority, whose names I have read, and the report of the minority is signed by each of the minority, none the less great lawyers, whose names I have also read.

Mr. President, I am going to read from that report, because it not only comes with greater authority than if the words were uttered by me, but the argument is much more cogently made than it would be within my power to make it; and, with the indulgence of the Senate, a large part of the time which I shall take the liberty of occupying, and of which I am sorry I have already consumed so much, will be occupied in the reading of what others have said.

I am reading, Mr. President, from a report made by the Judiciary Committee, known as Report 135, Forty-ninth Congress, first session, and I begin on the fourth page, although I shall have occasion to read a paragraph hereafter which precedes the one which I now read.

I want to say to the Senate that a large part of this report of the committee, and of the minority report as well, relates of course to the matter of papers and the right of the Senate to direct their production. This naturally followed from the fact that the production of certain papers was the subject-matter of the controversy. But Senators will find in the course of the report and of the debates upon it, from which I shall read, that the contention is not limited to the production of papers, but that it extends to the giving of any information and extends to reasons as well as to information; in other words, there is a recognition of the fullest, broadest, and most controlling power on the part of the Senate to know anything and everything which is in the possession of a department which it is important for the Senate to know in the discharge of its constitutional functions, and to know the reasons therefor. I am going to read this myself, rather than ask the Secretary to do so, if my strength holds out:

The important question, then, is whether it is within the constitutional competence of either House of Congress to have access to the official papers and documents in the various public offices of the United States created by laws enacted by themselves. It may be fully admitted that, except in respect to the Department of the Treasury, there is no statute which commands the head of any department to transmit to either House of Congress on its demand any information whatever concerning the administration of his department, but the committee believes it to be clear that from the very nature of the powers intrusted by the Constitution to the two Houses of Congress it is a necessary incident that either House must have at all times the right to know all that officially exists or takes place in any of the departments of the Government. So perfectly was this proposition understood before and at the time of the formation of the Constitution that the Continental Congress, before the adoption of the present Constitution, in establishing a department of foreign affairs and providing for a principal officer thereof, thought it fit to enact that all books, records, and other papers in that office should be open to the inspection of any Member of Congress, provided that no copy should be taken of matters of secret nature without special leave of Congress. It was not thought necessary to enact that the Congress itself should be entitled to the production and inspection of such papers, for that right was supposed to exist in the very nature of things, and when, under the Constitution, the department came to be created, although the provision that each individual Member of Congress should have access to the papers was omitted (evidently for reasons that can now be quite well understood), it was not thought necessary that an affirmative provision should be inserted giving to the Houses of Congress the right to know the contents of the public papers and records in the public offices of the country whose laws and whose offices they were to assist in creating.

It is believed that there is no instance of civilized governments having bodies representative of the people or of states in which the right and the power of those representative bodies to obtain in one form or another complete information as to every paper and transaction in any of the executive departments thereof does not exist, even though such papers might relate to what is ordinarily an executive function, if that function impinged upon any duty or function of the representative bodies.

Mr. President, I will not, of course, consume the time of the Senate in reading the whole of this report, and I may insert more of it in the RECORD than I now read, with the permission of the Senate.

The VICE-PRESIDENT. Without objection, permission is granted.

Mr. BACON (reading)—

A qualification of this general right may under our Constitution exist in case of calls by the House of Representatives for papers relating to treaties, etc., under consideration and not yet disposed of by the President and Senate.

I am still reading from the majority report—

The committee feels authorized to state, after a somewhat careful research, that within the foregoing limits there is scarcely in the history of this Government until now any instance of a refusal by a head of a department, or even of the President himself, to communicate official facts and information, as distinguished from private and unofficial papers, motions, views, reasons, and opinions, to either House of Congress when unconditionally demanded. Indeed, the early journals of the Senate show great numbers of instances of directions to the heads of departments, as of course, to furnish papers and reports upon all sorts of affairs, both legislative and executive.

The instances of requests to the President and commands to the heads of departments by each House of Congress from those days until now for papers and information on every conceivable subject of public affairs are almost innumerable, for it appears to have been thought by all the Presidents who have carried on the Government now for almost a century that even in respect of requests to them, an independent and coordinate branch of the Government, they were under a constitutional duty and obligation to furnish to either House the papers called for, unless, as has happened in very rare instances, when the request was coupled with an appeal to the discretion of the President in respect of the danger of publicity to send the papers if, in his judgment, it should not be incompatible with the public welfare.

Even in times of the highest party excitement and stress, as in 1826 and 1844, it did not seem to occur to the Chief Executive of the United States that it was possible that any official facts or information existing, either in the departments created by law or within his own possession, could, save as before stated, be withheld from either of the Houses of Congress, although such facts or information sometimes involved very intricate and delicate matters of foreign affairs, as well as sometimes the history and conduct of officers connected with the administration of affairs.

Now, Mr. President, I have here the minority report also, which is in the same volume. I could to advantage read from it at length, but I will read only a little of it:

The minority admit, once for all—

There is the broad recognition of the principle—

The minority admit, once for all, that any and every public document, paper, or record on the files of any department, or in the possession of the President, relating to any subject whatever, over which either House of Congress has any grant of power, jurisdiction, or control under the Constitution, is subject to the call or inspection of either House for use in the exercise of its constitutional powers and jurisdiction. It is on this clearly defined and well-founded constitutional principle that, wherever any power is lodged by the Constitution, all incidents follow such power that are necessary and proper to enable the custodian of it to carry it into execution. Whether the power is granted to Congress, or either House, or to the President, or any department or officer of the Government, or to the President by and with the advice and consent of the Senate, the principle is as fundamental as the Constitution itself, and all the necessary incidents of such grants accompany the grants and belong to and can be exercised by the custodians of such powers, jointly or severally, as they may be vested by the Constitution.

It is on the application and enforcement of this unquestioned rule of construction that either House of Congress has the right inherent in the power itself to direct the head of any department, or request the President to transmit any information in the knowledge of either, or any public or official papers or documents, or their contents, on the files or in the keeping of either, provided such papers or documents relate to subjects, matters, or things in the consideration of which the House making the call can use such information, papers, or documents in the exercise of any right, power, jurisdiction, or privilege granted to Congress, or either House, or to the President by and with the advice and consent of the Senate.

It will be seen that the minority, composed of these great lawyers, in the discussion of the question not only admit and assert most strongly the right of the Senate as to the production of papers, but admit and assert as fully the right to the requirement of the communication of any information of any kind whatsoever which may be within the knowledge of the head of any department or any subordinate officer thereof.

Mr. President, growing out of those two reports there was one of the most extended, earnest, elaborate, and learned constitutional debates which is to be found in the records of the Senate. I can not, through lack of time now, read it at length.

That debate was participated in, Mr. President, by as great lawyers as ever sat in this body—Mr. Edmunds, Mr. Evarts, Mr. Hoar, Mr. Wilson, Mr. Spooner, Mr. Sherman, and Mr. Logan, on the part of the majority; and Mr. Pugh, Mr. George, Mr. Vest, Mr. Coke, Mr. Jackson and others, on the part of the minority—and their speeches, made in that debate, are as valuable a contribution to constitutional literature as can be found from the beginning of the Government to the present time in the record of the debates of Congress.

I am going to read first, Mr. President, something from what was said by our late colleague here, Mr. Spooner. Of course I need to say nothing to the Senate as to the ability of Mr. Spooner as a lawyer, and his devotion to the law. Mr. Spooner, in my opinion, is a lawyer who is loyal to the law. A great many lawyers are not loyal to the law. In this instance he avowed that, while he was a party man, his great interest in this matter grew out of the question as to the constitutional

rights of the Senate, and he premised what he had to say by this language:

Mr. SPOONER. Mr. President, I make no attempt to disguise the fact, or to apologize for it, that the fortunes of the Republican party are very dear to me, and that I wish that party, here and elsewhere, to reap every fair partisan advantage which may be taken from the blunders and from the shortcomings, if any such there are or shall be, of this administration. But I trust I do not forget, and shall not forget, that I am a Senator of the United States as well as a Republican, and that as a Senator my first duty always is to the people, and that I have no right to take action here to subserve a party interest which would be harmful to the interests of the people.

I deny for myself, and I have authority to deny for every Senator upon this side of the Chamber, the statement so often made on the other side that we desire, or are willing, to harrass, hamper, or embarrass the President in the proper exercise of executive functions. Such a motive would be unworthy, and should not be so lightly imputed.

The principle involved in this controversy, to my mind, is far above the question as to who shall hold the offices in the country.

Having, Mr. President, placed himself upon that high plane, this great lawyer, then a Senator from Wisconsin, proceeded to discuss the question, and I quote in part what he then said. Said he:

Look at the bald case as it stands before the Senate and before the people, unaided by the message which the President sent upon the same subject, and which is in some sense an additional statement of fact. The Senate calls for certain papers, filed within a given period in a public department, touching the management of a public office. An executive officer of the United States, recognizing the fact that the papers are in his custody, not denying for a moment their existence, says to the Senate, by direction of the President, that "it is not considered that the public interest will be promoted by a compliance with said resolution and the transmission of the papers and documents therein mentioned to the Senate in executive session."

Is it to be admitted that a Cabinet officer, even by direction of the President, shall be at liberty to refuse to transmit any papers to the Senate in executive session unless satisfied that the purpose for which the Senate desires them is one which in his opinion is wise and proper? Is it to be assumed by an executive officer or by the President that because a nomination is pending in the Senate of a person to fill an office that the Senate may not in executive session lawfully call for the papers filed in a department touching the conduct of that office?

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Illinois?

Mr. BACON. I do.

Mr. HOPKINS. Does the Senator contend that in the adoption of the resolution that called for the reasons of the President in the case which is now being discussed by the Senator the Senate has any greater power or authority to ask for those reasons than has the House of Representatives?

Mr. BACON. We have no greater authority, except in those matters which are peculiarly within the functions and powers of the Senate.

Mr. HOPKINS. Yes. I notice the authorities that are being read by the Senator relate to information touching public officers where the Senate is a coordinate branch of the Government and has a responsibility with the President. Now, in this case the inquiry was as to a law that had been passed by Congress and in connection with which the Senate had no more authority than the House of Representatives. It strikes me that it would be just as pertinent for the President of the United States to ask why the Senate or Congress did not pass a law as for the Senate or the House to ask the President the reasons why action was not taken on a law.

Mr. BACON. Well, Mr. President, the Senator bases his suggestion upon the proposition that the executive departments are within the control of the President and not within the control of Congress. If the Senator will permit me, before I get through I will endeavor to show him that the executive departments are entirely and peculiarly within the control of Congress.

Congress creates them; Congress confers upon them every power which they have; Congress can take from them their power or can give more power. It can create other departments and it can destroy those which exist.

Mr. HOPKINS. But the Senator, if he will allow me there, will note the fact that "Congress" is not asking for the reasons. It is one branch of Congress that is asking for them.

Mr. BACON. Undoubtedly; I understand that.

Mr. HOPKINS. That, to my mind, makes it an entirely different case.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. LODGE. I merely want to ask a question, to see if I am right about the proposition the Senator is making.

Mr. BACON. I should like to answer the question of the Senator from Illinois first.

Mr. LODGE. I beg pardon. I thought the Senator had done so.

Mr. BACON. If the Senator will pardon me until I answer the Senator from Illinois, I will, with pleasure, reply to his inquiry.

Mr. LODGE. Certainly.

Mr. BACON. I was coming to the discussion, but I will anticipate it somewhat. The proposition of the Senator from Illinois is that Congress can demand information of a department, but that either House of Congress can not; in other words, that before a department can be required to give information it must be by a joint resolution or by an act of Congress. That would be true, Mr. President, if there were no separate functions of the two Houses. If Congress has the right to demand of a department or to require of a department any information, it is because Congress has a constitutional function—the function of legislation—which can not properly be performed except it has the information.

Now, the function of legislation, while when it is complete is the joint action of the two Houses, is a function performed by each House in its separate capacity. One House may not be in accord with the other as to the desire for certain legislation, and yet it is certainly within the function of each House to proceed in its own way in the investigations which are necessary for legislation. To say, when the Senate is engaged in the consideration of a question and needs certain information for its own guidance so as to determine how it shall legislate, that it must wait until an act of Congress shall be passed before it can require from a department the information which it needs in that legislation, is certainly without possibility of defense.

Mr. HOPKINS. If the Senator will allow me right there, it seems to me that a mistake is being made by the Senator from Georgia. The inquiry that is being made here is not an inquiry that will aid Congress in this matter at all. It is asking for the reasons why the Attorney-General has failed to act on a law that is upon the statute books of the United States.

Mr. BACON. I understand the Senator's point. How does the Senator know—I will not ask him the question to be answered now, for I prefer the Senator should make a speech in his own time, but I will ask it arguendo—how does the Senator know for what purpose the Senate demands this information? This is information desired as to whether or not a law which is on the statute books has been invoked in the effort to accomplish what is desired in the country in regard to the suppression of monopolies.

Therefore we asked the Attorney-General two questions: First, has there been under the present law any proceeding with reference to the absorption of the Tennessee Coal and Iron Company by the United States Steel Company? If not, why? What is the pertinency of that inquiry? We wish to know, if there has been no such proceeding, whether in the opinion of the Attorney-General the law is ample to cover the case, in order, if not ample, that we may proceed with the information which he gives us to amend that law. Is not that a matter of legislation? Is not the information called for pertinent and necessary for such legislation? And as to whether it is pertinent the Senate, as will be abundantly shown, must necessarily be the sole judge.

Now I will with pleasure hear from the Senator from Massachusetts, but I trust we may shortly get through with this colloquy.

Mr. LODGE. I have no intention at all of arguing the case.

Mr. BACON. I was speaking to the Senator from Illinois in suggesting the end of the colloquy.

Mr. HOPKINS. I will not take the time to argue that proposition. I think I can make a good answer to it——

Mr. BACON. I hope the Senator will.

Mr. HOPKINS. One satisfactory to my own mind at least.

Mr. LODGE. I understand the proposition of the Senator to be that we can require from any department any paper we desire.

Mr. BACON. Or any information we desire relative thereto.

Mr. LODGE. Does that apply to any department?

Mr. BACON. Of course.

Mr. LODGE. Does it apply to the State Department?

Mr. BACON. The Senator well knows——

Mr. LODGE. I am not speaking of the custom and habit——

Mr. BACON. The honorable Senator again interrupts me——

Mr. LODGE. I want to know about the right.

Mr. BACON. We have the right, if the Senator wants to know that.

Mr. LODGE. That is exactly what I want to know.

Mr. BACON. We have the right to compel the Secretary of State to send any papers we want. As to when we shall exercise that right the Senate can be relied upon to use a wise discretion.

Mr. LODGE. If they have the right to refuse in one department, they have in another.

Mr. BACON. I say they have not that right in any department, and I do not base that on my opinion. I am going to give the opinions of such men as Evarts and Hoar and Edmunds and

Wilson and Logan and George and Sherman and others. I could occupy much more time than I can possibly do with propriety to-day with the reading of these utterances by these learned men and Senators.

Mr. HOPKINS. If it does not interrupt the Senator too much, Senator Vest and other Democratic Senators during the Cleveland administration took exactly the opposite view to that expressed by Edmunds and Evarts.

Mr. BACON. I do not know whether the Senator from Illinois has been in the Chamber all morning. I stated earlier in my remarks in what particulars they differed and in what respects they agreed. It is very unfortunate that Senators should be out of the Chamber and come in and ask questions which have been fully discussed in their absence.

Mr. HOPKINS. I always feel unfortunate when I am out of the Chamber when the Senator from Georgia speaks.

Mr. BACON. The Senator will not be often embarrassed in that way. I speak very seldom. I have not made an extended speech before at this session of Congress.

When I was interrupted, I was reading from the speech of the former Senator from Wisconsin, Mr. Spooner, and it is rather unfortunate that so cogent and so closely connected an argument as that made by Mr. Spooner should be interrupted by this long colloquy which the Senator has interjected in order to learn what my view is. I was trying to tell him what Mr. Spooner said. Of course time will not permit me, especially with the frequent interruptions, to read this at length, but I will have to put the extracts in my speech without reading them.

Several SENATORS. Read them.

Mr. BACON. I hope Senators who have honored me with inquiries will listen to what others have said, not what I say, but what was said by men whose shoes I am not worthy to unlatch when it comes to legal ability and legal attainments. Mr. Spooner said:

It has always been supposed that either the House of Representatives or the Senate had plenary power to investigate the departments, had abundant authority to examine the Cabinet officers, even to bring them before the committee, with all papers in the office which would tend to show its condition, and the manner in which it had been conducted. It may be done in order to expose corruption; it may be done in order to uncover defects in the organization of a department; it may be done in order that Congress obtain the information essential to the application of a corrective by new legislation. Such power in great fullness must of necessity exist, to be exercised under varied conditions and circumstances, and with many different purposes.

Is this not the attitude? The President, not denying that there may be circumstances under which either the House or the Senate would be entitled to such papers, to demand them and compel their production, assumes that they are wanted for a purpose which in his judgment is not within the jurisdiction of the Senate. If for any purpose within the power of the Senate it can direct under any circumstances the Attorney-General, or any other Cabinet officer, to transmit to the Senate papers touching the conduct of a particular office, then it is essential to the orderly conduct of the Government that the executive officer should assume that the papers are desired for a legitimate purpose. Or has it come to this, that the Senate or the House demanding the production of papers, which either may rightfully demand for some purpose, must go with eastern salaam to the department door, bound to disclose, first to the Attorney-General or the President, the precise purpose for which the papers are desired, under penalty of not receiving them at all?

How would it look, in response to a resolution adopted by the Senate asking that the Attorney-General or the Secretary of the Interior transmit to the Senate papers like these, in their very nature official, relating to the transaction of the public business, for the President to transmit to the Senate a message of this nature?—"If you desire these papers you must first indicate to me the purpose for which you desire them, and if after having disclosed that purpose I think they are within your jurisdiction, and that the purpose to be subserved is a legitimate purpose, I shall transmit them; otherwise not."

Would that be in effect any different from this response of the Attorney-General? Would it not be humiliating? Would it be anything less than a one-man government? Would it do anything less than enable the President of the United States to shut out at his will the sunlight of investigation from all the public offices? Must the Senate, must the House—because if he may require the performance of that precedent condition of the Senate he may of the House—first advise him of the purpose and submit to his judgment as to whether it is a legitimate one?

Again, Mr. Spooner said:

I assert now the proposition that the Senate has a right to obtain of a Cabinet officer upon demand, and of the President upon request, such information to enable it to act intelligently upon the question as to whether it will advise and consent to a proposed removal.

It might with equal propriety be said "whether it will proceed to legislate upon a certain question."

The Senators on the other side will not, I think, charge that the issue so far as I am concerned is not broad enough.

Mr. Spooner, whom we all know, meant by that to say that he had stated that proposition as strongly and as broadly as it was in his power to state it, and Senators on the other side would not complain that it was not stated broadly enough. Then he goes on to say:

Is the proposition sound in law? I want no other principle of law to guide me to a conclusion in favor of the right of the Senate to the information upon that theory than is found in the report submitted by the minority of the committee—

This may answer, in some degree, the question propounded by the Senator from Illinois—

and the message which the President has seen fit to transmit. I call the attention of the Senate to the statement of the law in the report submitted by the minority of the Judiciary Committee. It is very guarded and very advisedly made and is sufficiently broad and accurate for the purposes for which I desire to use it.

He then quotes from the minority report—

The minority admit—

The part of the minority report I have already read—

The minority admit, once for all, that any and every public document, paper, or record on the files of any department, or in the possession of the President, relating to any subject whatever over which either House of Congress has any grant of power, jurisdiction, or control under the Constitution, is subject to the call or inspection of either House for use in the exercise of its constitutional powers and jurisdiction.

Then he goes on, quoting further, and continues:

Here, in a lawyer-like way, and in a bold way, as lawyers ought to state their case, the minority, without shuffling or technicality, place the question upon this proposition.

Here is Mr. Spooner's construction of what the minority says:

If the Senate of the United States has any jurisdiction over the subject-matter to which papers relate, or to which information in the hands of a department officer or in the hands of the President relates—

Not confining it, you see, to papers—

then they say unqualifiedly, and it would seem to be unmistakable law, the Senate has a right to the inspection of such documents and a right to elicit such information. The President, placing it upon a little different ground, recognizes the same principle, and in doing this he only follows the example of Washington in somewhat the same language upon the same subject, and of every Executive from Washington down, thus:

Then he quotes from the President, as follows:

To the end that the service may be improved, the Senate is invited to the fullest scrutiny of the persons submitted to them for public office, in recognition of the constitutional power of that body to advise and consent to their appointment. I shall continue, as I have thus far done, to furnish, at the request of the confirming body, all the information I possess touching the fitness of the nominees placed before them for their action, both when they are proposed to fill vacancies and to take the place of suspended officials.

Mr. Spooner, resuming, says:

Why? Because under the Constitution the Senate is a factor in the act constituting, on the whole, the appointment of the officer; because, in the language of the minority of the committee, the Senate under the Constitution has jurisdiction over "the subject-matter."

Now, Mr. President, one more extract from Mr. Spooner's speech on that occasion:

Possessing, therefore, the power—

After discussing fully and at length the very proposition which is suggested in the inquiry made of me by the Senator from Illinois, and coming to the conclusion that the power does exist, Senator Spooner goes on to say:

Possessing, therefore, the right to call for papers and information from the executive department of the Government necessary to enable the Senate to discharge with fidelity and intelligence its duty under the law in the matter of removals, it can not forego that right when in its opinion its exercise is necessary.

It can not suffer, by its acquiescence, the principle as to papers, now asserted by the executive department, to grow into precedent. It is not a question of etiquette, nor is it a question of politics. It is very far above either.

The Senate has no right to trench upon the prerogative or powers of the Executive. The maintenance, sacred and inviolate, of the prerogatives of the three great coordinate departments of the system under which we live, as the fathers framed it, is essential to the permanency and success of our Government. Neither should be permitted to trench upon the other, and neither may permit any impairment, through aggression or concession, of its constitutional faculties and prerogatives.

The Senate can not yield the principle that in any case or under any circumstances the files of the departments, evidencing the conduct of public officers, shall be secret from the inspection, or that any paper or letter bearing upon the conduct of a public office, placed upon the files of any department, or in custody of any executive officer, and which ought to be placed upon the files of any department, can, at the will of anybody, even though it be the President, become personal and subject to removal or destruction.

That related solely to the question whether or not the paper called for was on the official files, the President contending it was not, and admitting if it was a part of the official files it would be subject to the order of the Senate.

Mr. President, if it were practicable I should like to read all of this most cogent and logical argument then made by Senator Spooner in that great historic debate.

Now, Mr. President, I will read from Mr. Hoar, who was also, as I have stated, a member of the committee.

I understood the report—

Referring to the report of the committee represented by the majority—

I understood the report to affirm that the existence of this power in the Senate and the obedience to it by the heads of the departments are necessary—

Mark the language. It is Mr. Hoar who said this. I will read it again:

I understood the report to affirm that the existence of this power in the Senate and the obedience to it by the heads of the departments are

necessary for the due and orderly discharge of our constitutional duty, just as the existence of the right of freedom of debate is necessary to the discharge of our constitutional duty.

* * * * * * *

I agree, and I think all the Senate agree with the Senator from Oregon, that the power of seeing what are the papers on the files, on the official files, of the executive department is essential to a proper discharge of the duties of the Senate—a power never denied until this moment.

* * * * * * *

What we affirm is this, that the official papers on the files of this Government are to be seen, whenever they think it is necessary for the discharge of their duty, by the two branches clothed with the powers of legislation, and that is all; and that it is not for the President or the head of a department to determine what use we propose to make of them when we wish them.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business of the Senate be temporarily laid aside. Without objection, it is so ordered, and the Senator from Georgia will proceed.

Mr. BACON. Mr. President, I will now read some things said in that debate by that great constitutional lawyer, William M. Evarts, then a Senator from the State of New York.

I want to call attention to the fact that several of the Senators who participated in that debate had been Cabinet officers, as we call them—heads of departments. We call them by courtesy "Cabinet officers." No such officer as a Cabinet officer is known to the law. As a matter of courtesy they are called "Cabinet officers," not because they are heads of departments, but because the President voluntarily accepts them as his counselors. These distinguished men had been, using the common designation, Cabinet officers, and very eminent Cabinet officers. They were Mr. Evarts and Mr. Sherman; and Mr. Evarts I now read from, after he had served with distinguished honor in the Cabinet, and, as we all know, he was one of the most eminent lawyers of the United States, if not of the world. Mr. Evarts said:

The resolutions of the Judiciary Committee declare that the demand made by the Judiciary Committee for the papers described and under the circumstances in which the information is sought for should have been complied with by the Attorney-General, and that neither his duty nor the instruction of the President justified that refusal. In the minority report I can very briefly find what issue is joined, as I think, so far as a definite issue has been joined by this statement of opinion and duty, as the minority regard it, on the subject:

He again quotes what Senator Spooner quoted as to what the minority admitted was the constitutional right and authority of the Senate. I have already read it, but I will read it again. It can not be read too often:

The minority admit, once for all—

This was the contention, also, of the majority—

The minority admit, once for all, that any and every public document, paper, or record on the files of any department, or in the possession of the President, relating to any subject whatever, over which either House of Congress has any grant of power, jurisdiction, or control under the Constitution, is subject to the call or inspection of either House for use in the exercise of its constitutional powers and jurisdiction.

That is quoted by Mr. Evarts approvingly, having in view, as already stated, the matter in controversy, which was the demand for the production of papers. The reasoning and the expression elsewhere in the reports and in the speeches equally embraces all other information of every kind.

Now, upon this assertion of the Judiciary Committee's resolutions, and upon this admission by the minority of that committee and in the name of the party represented on the other side of the Chamber, it would seem to one familiar that if confinement should be made to the issue there would be very little doubt as to what the conclusion of the Senate would be on these resolutions; but topics have been introduced, topics have been enlarged upon, topics have been made the subject of legal and constitutional argument and of political declamation which, as it seems to me, when they are compared with the issue that is to be decided, when they are compared with the assertion of the Judiciary Committee and the issue presented by the minority of that committee, all, or almost all, that has had this large and general scope and application of political opinion and political issues has no relation to our duty now.

It is said in the first place, and thus the proposition of the committee is sought to be avoided, that the papers called for can by no means touch any matter subject to the public action of the Senate. Let us look a moment at that proposition. Who is to determine—

Here is a vital question—

in the first place that on a topic which the Senate has to do with it has a right to the inspection and use of papers in the departments, but it has no such right when the Senate can not possibly touch or deal with any subject-matter to which those papers relate? Who is to determine, in the first instance, that the Senate may or may not explore and make use of papers that are on file? Certainly the Senate is the judge of that.

The Senate, as a component part of the legislature represented in Congress, is not of limited jurisdiction. It is not confined to this or that topic. Whatever touches, in the language of one of the clauses of the Constitution, the common defense and the general welfare belongs to the two Houses of Congress. When, therefore, either House, under its responsibilities and under the determination of a constitutional majority of votes on any subject in either of these Houses, undertakes itself to deal with public documents and papers in the departments, it deals with what belongs to the Government of the United States for use by the Congress of the United States, and upon its judgment of what its duties, its faculties, and its proposed actions relate to. And now for the first time is it found that a preliminary question arises when the Houses of Congress, one or both of them, have asked for papers on file that there is a preliminary judgment to be exercised and to be final, and to be under the unlimited range of discretion and of personal judgment of the President, whether or not these papers that are described and exist as on the files or on deposit in the departments are, on the face of them, papers that belong to the uses and for the purposes of the duty of the Houses of Congress.

Where is this preliminary line to be drawn? Who is to be patient under it? Who is to look in the face the two Houses of Congress in the illimitable range of their duty, dealing in the matters of the departments, dealing with the matters there deposited and there preserved for the Government for its uses, for action in reference to the Government, and for no other purpose whatever? Who is at liberty to sift and cull out of these papers thus deposited and to be accorded this prejudgment of the action of the two Houses of Congress? Who is to be this arbiter between the Government and the Congress to determine what shall be given and what shall be withheld?

I should like to find votes cast here on the other side of this alley upon that preliminary question. Give us the premises of the powers of the two Houses of Congress under the Constitution that are not disputed here—I mean the general powers—give us the constitution of the departments; give us the arrangements of law regulating the action of these departments; give us the fact that the papers we seek for are in the possession of the Department of Justice and the Attorney-General can lay his hand upon them, and then after that a peremptory instruction of the President can follow out these deposits and select from them those that are suitable for the inspection of the Houses; let it be conceded that it is not thus to be arbitrarily, thus capriciously, thus undutifully, discharged by the President in this preliminary authority; let it be agreed that he means to send to the two Houses all that are useful and pertinent to every public use, how do you by that proposition but advance the most monstrous doctrine—

I call the attention of Senators to the language of Mr. Evarts in this connection—

under the Constitution that the President is the judge of what the duty of the two Houses of Congress relates to, and the further question of what the papers would have to say and to show and to decide whether they were or were not important and interesting to the two Houses of Congress on the very matters that the Congress has authority over.

I have here the speech made in that debate by Senator Logan, from which I now read some extracts:

If the people, through their representatives, can not have access to the records of the country, on the general theory that they are the source of power, when such records or documents are requested to aid in the performance of a duty incumbent upon them in their coordinate capacity, where is such a theory to carry us if it is followed up? We have been told for years by our opponents that the concentration of power was one of our objects, that our theories, as well as the character of our legislation, proved this to be the design of our party, that this had been increasing and growing from year to year, that the power of the Government was being placed in the hands of the few, that the people were being stripped of their power day by day.

I should like for any Senator to tell me what greater concentration of power has been shown during the existence of this Government than the attempt made by the President of the United States to take into his own hands the right to allow or not the people of this country through their representatives to examine public records, documents, and papers as he sees proper. Suppose the man guilty of fraud; suppose he has been guilty of embezzlement; suppose he is charged with any offense, will the President of the United States say, when we send for the papers to examine into the conduct of his office to see how it has been managed, because he has suspended this man the Congress of the United States shall not examine the papers? Will you say that? Suppose the Senate of the United States organizes a committee of investigation to-day and calls upon the President of the United States, the Attorney-General, the Secretary of the Treasury, the Postmaster-General, or any other head of a department, for papers in connection with the case either for or against the man accused, will it be said that the Senate of the United States can not have those papers? If so, why refused? Would it be on the ground that they are private documents? Is that the ground?

If this theory is to be carried out, the head of a department might suppress papers that would convict his friends; he might suppress papers that would convict criminals; he might suppress papers that would convict himself if he be corrupt enough, and this merely upon the ground that they were private papers and could not be given out. Suppose papers charging men with violations of law, charging them with robbery, with theft, with murder, with arson, no matter what crime, came to the Secretary of the Treasury as a letter directed to him making these charges, because the letter is written to him and not officially, but is filed with the papers in the archives of the Government, when the Senate calls on him for those papers he says, "It is a private letter. I shall not give it to the Senate or the Congress of the United States," though on the files. Would not that be covering up crime under the guise of private papers on the ground that they will not deliver documents to the Congress of the United States that might involve in criminal proceedings some individual who happens to be an official of the Government and friend of the Secretary?

* * * * * * *

I do not know what is to be the final result of this question. "You may pass these resolutions," said a Senator yesterday, "but when you do that, what have you accomplished? You can not force the President to send these papers."

Well, sir, that is true; with a House of Representatives against the theory that we act upon, there is no remedy for the present; but we can do this, and we will do it; we will bring the fact to the minds of the American people that no man can be a Cæsar in this country; that this is a Government where the people can and will be heard. It may be deferred for a short time, but only for a short time. When the people are or ever have been heard in reference to questions where unwarranted power has been attempted by anyone in this Government, the

people have always repudiated the exercise of that unwarranted power, and I believe they ever will.

Senator George, justly estimated as one of the most learned lawyers of his day, in his speech in that debate used this language:

Still, the obligation of the President to uncover, to make known his thoughts and actions, and what he does in his great office, and the reasons for what he does, is to the American people and not to the American Senate, unless in cases in which the Senate may need information to enable it to perform rightly a constitutional duty.

The learned Senator by that plainly implied that where the information was needed by the Senate to perform rightly its constitutional duty, it is necessary and mandatory that the President and, necessarily, each head of a department should, in the language of the Senator, uncover and disclose everything which may be required.

Mr. Sherman in that debate said:

That we have a right to call for information of any kind whatever in any *department of* the Government, whether it be by written order or by parol, I do not think there is the slightest doubt. Indeed, but for that we could not legislate; but for that we could not act wisely in executive session.

I read now something from what was said in that debate by Senator Edmunds, everywhere recognized as one of the greatest lawyers who ever sat in this body:

Mr. President—

This is Mr. Edmunds from whom I now quote—

Mr. President, the calm and orderly administration of a constitutional government is the subject in which the Senate and the House of Representatives and the President of the United States and the people are all equally interested, and for which they are all, in their respective stations and places, equally responsible. It is in support of that calm and orderly and constitutional exercise of the function of government that I now address myself to these resolutions.

It has been at least forty years since any occasion of this kind has arisen between the executive department of the Government and the Senate; and when a little more than forty years ago a similar but not the same question arose, it had then been a long time before that any such question, or any question like it, had engaged the attention of the Senate or the House of Representatives or the people; for the instances in which there has been evinced the slightest reluctance on the part either of the Executive or the heads of departments to respond to the calls of either House or of their committees for papers in possession either of the Executive or of the departments have been very few indeed. Sometimes in a case of political fever, as it might be called, there have been evinced, wide years apart, a reluctance and a hesitation on the part of the Executive or of the heads of departments to do this thing; and then, that storm being over, the orderly administration of constitutional government went on as before, and either House of Congress on its request or demand, as the case might be, and the committees of either House of Congress acting without a direct and positive authority to send for persons and papers, have always obtained from the departments on their mere request everything that either House or its committees thought necessary for the proper discharge of their duties.

Continuing, Mr. Edmunds says:

The question is whether, on the theory of the Attorney-General or the President of the United States or the minority of this committee, official papers in the Department of Justice bearing upon the administration of the officer that we are asked to remove are relevant to the subject.

I take it there is but one answer to that, although I should say here by way of parenthesis, lest I should forget it by and by, that I do not admit and I do not think any Member of the Senate will admit that the question of the relevancy of official information that we think we need and call for depends upon anybody's judgment but our own.

There is the whole thing in a nutshell. The Senate is the judge of what it needs, and when it has determined what it needs, neither the President nor the head of any department has the right to refuse to give what it demands.

I do not think the warmest administration man on the other side would say, take it year in and year out, decade in and decade out, and century in and century out, that it is any part of the constitutional or legal or other mission of the President of the United States or any head of a department to determine whether official information that exists in the departments and is desired by either House of Congress is to be sent or not, according to his opinion whether it will be useful to them or relevant to their deliberations. I think I am safe in saying that.

In other words, Mr. Edmunds scouts the idea that it is possible that the power rests in the President or in the head of a department to determine whether, when Congress demands any information, it is a legitimate demand and whether Congress has a legitimate use for the information desired. That is a matter for Congress to determine, and not for either the President or the head of a department. Mr. Edmunds absolutely scouts the idea that the contrary of that proposiion could be maintained or recognized for a moment.

Have we got to the point where we can know nothing about the operations of this Government—because all its operations are executive and neither House of Congress has any executive power at all; it only makes laws or the Senate advises treaties and advises appointments; all the operations of the Government are executive, every one of them; and have we come to the day that inasmuch as the President of the United States is the Chief Executive and on his constitutional responsibility must see that the laws are faithfully executed, neither House of Congress can know anything of the facts and circumstances relating to the execution of the laws, because, if they did, they might be able to comprehend the motives and reasons of the President in carrying those laws into execution? Such a statement is shocking, and yet that is the logic of the whole thing, and it is the statement of it in the letter of the Attorney-General, and in the message of the President of the United States, and in the report of the minority of this committee, that however important this official information which exists in the Department of Justice may be to knowing the truth about this case and in other cases, the truth about all others, it can not be given to a branch of the Government that is to act upon the subject, because, if given, the private motives or official motives or reasons of the Executive might be guessed at or known.

Thus said Senator Edmunds, absolutely scouting the idea that such a proposition for a moment could be entertained in the Senate of the United States and recognized as a correct statement of law. He winds up that particular part of it by saying:

That would be the end of all information.

It would seem from what he said in this memorable debate that this great Senator, this acknowledged preeminent constitutional lawyer, thought the Senate, and the House as well, within its sphere, entitled to know upon its demand not only every fact within the knowledge of a department, but also something in regard to the motives and reasons of the officers of the department in their action, or in their nonaction, in the performance of the official duties which the laws enacted by Congress imposed upon them.

Senator Edmunds continued, and I quote him somewhat at length, because he was chairman of the committee and his speech is exhaustive and demonstrates the proposition beyond possibility of logical refutation:

The jurisdiction of the Senate and the House of Representatives, composing the Congress of the United States, is just as broad, aye, even broader than that of the President of the United States. He is an officer to execute law, nothing else. The executive power is vested in a President of the United States, and he is to swear that he will faithfully see to it that the laws are executed. He is not the maker of law, he is not the maker of war or the maker of peace, without the consent of the Houses.

Their jurisdiction is infinitely broader than his, and when the Constitution of the United States commanded him in affirmative terms to from time to time give Congress information of the state of the Union—he shall do it, says the Constitution—it had reference to the universal power of knowledge and information of the two Houses of Congress in respect of every operation of the Government of the United States and every one of its officers, foreign and domestic.

That is "the state of the Union." The "state of the Union" is made up of every drop in the bucket of the execution of every law and the performance of every office under the law, either within its borders or out of it. There is no one mass, no one cue, or quantity, or subject that makes up "the state of the Union," as every gentleman—and there are a good many here who have been Members of the House of Representatives—when they go into the Committee of the Whole on the state of the Union, knows. It is the condition of the Government and every part of it, not only its legislative part, about which the President of the United States could communicate no information without impertinence, for the Constitution, has declared that the two Houses are to regulate themselves, but he is to give to Congress, as a positive command, from time to time information on the state of the Union; and that is because they are entitled to have it, and they are entitled to have it every time they call for it, and he violates a positive command of the Constitution when on a constitutional call and in a regular way by either House he omits to do it.

That is the reason why, since the beginning of the Government, from its earliest day until now, when either House, in calling for information, feels that there may be a question as to the public interests being involved in undue and early disclosures of some confidential fact which they are entitled to know, they then usually leave it to the President to send the information, just then or not, according to his judgment as to whether the public interest will be preserved or injured by its being done then.

So, going more broadly than the limitation of the minority of the committee, and speaking for a government of law and a government of the people, I maintain that either House of Congress has a right to know everything that is in the executive departments of the Government. I will state the extremest case possible, and that is either House calling on the President or the Secretary of State for information as to the disbursement of the contingent fund for the payment of the expenses of foreign intercourse, which is ordinarily called the secret-service fund. There is the money of the people from the Treasury appropriated under a law which says that a voucher of the President of the United States shall be good with the accounting officers of the Treasury that the money has been properly expended, while in the State Department are the real vouchers which show whether the money has been expended for one purpose or another, or if there be no voucher and no money, which would show, of course, by a simple proposition in arithmetic and common sense, that it had been embezzled.

Suppose some President of the United States two or three years ago, when I believe we appropriated one or two or three hundred thousand dollars, a very large sum of money, for the contingent expenses of foreign intercourse, not long preceding a great political election, should have turned into the Treasury a lump voucher for that whole hundred or two hundred thousand dollars, whatever the amount was. Suppose at the next meeting of the Senate or the House of Representatives they should be of opinion that for the security of good government and as a guard against any corruption and improper use of that money it was necessary that they should know what had become of it, would it be within the power of the Secretary of State or the President of the United States to say no? If so, we had better be extremely careful hereafter as to how much money we put into the contingent fund for foreign intercourse, if it is a sealed book to the two Houses of Congress. Nobody has yet ever contended that it was, and there is an instance which I shall show to you as illustrating the extremest case that can be stated ,where a Democratic Senate of the United States, if that makes it any better, though I do not think it does, called for that very information, as to what sum of money, how it had been expended by a particular private and secret agent of the United States in another country, and they got it. But, to be sure, the age of reform had not come in. The improvement in public methods, so far as we have yet gone, would

seem to be chiefly and most conspicuously the suppression and concealment of public papers, with the best intentions undoubtedly; but I repeat, for the first time in forty years and more, so far as I have been able to discover, has either House failed on its call to get the information that it has asked for from the public departments of the Government.

Upon the question of the authority of the President to direct the heads of departments I cite one other extract from the report of the committee signed by each of these great constitutional lawyers of the majority of the committee:

Your committee is unable to discover, either in the original act of 1789 creating the office of Attorney-General, or in the act of 1870 creating the Department of Justice, any provision which makes the Attorney-General of the United States in any sense the servant of or controlled by the Executive in the performance of the duties imputed to him by law or the nature of his office. It is true that in the creation of the Department of State, of War, and of the Navy it was provided in substance that these Secretaries should perform such duties as should from time to time be enjoined upon them by the President, and should conduct the business of their departments in such manner as the President should direct, but the committee does not think it important to the main question under consideration that such direction is not to be found in the statute creating the Department of Justice, for it is thought it must be obvious that the authority intrusted by the statute in these cases to the President to direct and control the performance of duties was only a superintending authority to regulate the performance of the duties that the law required, and not to require the performance of duties that the laws had not devolved upon the heads of departments, and not to dispense with or forbid the performance of such duties according as it might suit the discretion or the fancy of the Executive. The Executive is bound by the Constitution and by his oath to take care that the laws be faithfully executed, and he is himself as much bound by the regulations of law as the humblest officer in the service of the United States, and he can not have authority to undertake to faithfully execute the laws, whether applied to his own special functions or those of the Departments created by law, otherwise than by causing, so far as he lawfully may, and by lawful methods, the heads of departments and other officers of the United States to do the duties which the law, and not his will, has imputed to them.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. BACON. Certainly.

Mr. ALDRICH. Does the Senator from Georgia agree with the sentiments which were uttered by Senator Edmunds?

Mr. BACON. I do, undoubtedly.

Mr. ALDRICH. Do the Senators upon the other side of the Chamber generally agree to that?

Mr. BACON. I can not speak for anybody but myself, but I have sufficient confidence in them to believe that they do.

Mr. ALDRICH. Judging by the RECORD, some of them do not.

Mr. BACON. I do not know to what the Senator refers.

Mr. ALDRICH. I refer to the debate which——

Mr. BACON. You mean the sentiments in this case?

Mr. ALDRICH. In cases similar to it.

Mr. BACON. The Senator refers to the controversy that was then before the Senate. I thought the Senator was referring to Senators here at the present day. If the Senator is referring to the question at issue between the Democratic and Republican Senators in 1885 or 1886, when this controversy was had, of course that is different. I have a different answer to the question, if that is what the Senator refers to. But, as I have already shown, while the honorable Senator was not in the Chamber, the Democratic Senators and the Republican Senators all agreed in that debate on the fundamental principle for which I now contend.

Mr. ALDRICH. It was at that time more or less a partisan discussion upon which the Senate divided, I think, equally. I think the Senate divided upon party lines equally.

Mr. BACON. They did not divide on that question at all.

Mr. ALDRICH. Pretty nearly.

Mr. BACON. Not at all. They absolutely agreed upon the fundamental proposition, and in the very speech of Senator Edmunds, from which I am reading, I have already read what he quoted from the minority report to show that they did agree upon the fundamental proposition that every paper and all information within the possession of a department which the Senate had need for in the exercise of its constitutional functions could be demanded by the Senate, not requested, and that it would be the duty of a department to furnish it. Both sides agreed on that.

Mr. ALDRICH. Does the Senator contend that the House of Representatives, for instance, could call on the President of the United States for correspondence between our Executive and a foreign government in diplomatic negotiations between the President and the representative of a foreign government?

Mr. BACON. Certainly not. The Senate can do that, not the House. The House can not, because it is not within its constitutional functions; but the Senate can, because it is within its constitutional functions.

Mr. ALDRICH. The Senate has nothing to do with diplomatic negotiations.

Mr. BACON. That opens a very wide question, and one that it would not be possible now to debate. I will state to the Senator that I did once have the opportunity to debate that question, and the former Senator from Wisconsin, Mr. Spooner, and myself, in common parlance, thrashed it out here for two or three days. I think it can be abundantly shown that, while the Senate can not require the President to enter upon any negotiations, it is within the proper functions of the Senate to advise the President as to negotiations before he enters upon them if it sees proper to do so, and it has repeatedly done so. Not only so, but the President of the United States in more than one instance has himself advised with the Senate officially and as a body before he entered upon certain negotiations.

Not only so, but during all the period from the foundation of the Government it has been the custom of Secretaries of State to advise individually with Senators. But, as I say, it is a very broad question that the Senator asked me, which I can not now enter upon without abandoning the discussion upon which I am now engaged. I only throw that out. As suggested to me by my distinguished friend, the Senator from Mississippi [Mr. MONEY], Washington came personally and took the opinion and advice of the Senate. There is one particular and very noted instance in the diplomatic history of the Government where the President of the United States, desiring to enter upon certain diplomatic negotiations, appointed commissioners and sent their names to the Senate to be confirmed before they entered upon any negotiations. I could go on for some time with that, but it is manifestly outside the line of my present argument.

Mr. ALDRICH. I do not desire to interrupt the Senator, but I suppose he will admit that that action was entirely voluntary on the part of the President.

Mr. BACON. Voluntary, but none the less proper. We can not require the President of the United States to enter upon negotiations. We can advise him that we think he should do so, and it is not improper that we should. In the same way the President himself may take counsel with the Senate before he proceeds with negotiations. But I do not see the pertinency of that question to the particular line that I am now trying in my feeble way to present to the Senate.

Mr. ALDRICH. It has no pertinency except that I was desirous of finding out the exact contention of the Senator from Georgia and its full extent.

Mr. BACON. The contention that I make is, if the Senator wants to know it in one sentence, that the Senate of the United States, in the consideration of any matter within its constitutional jurisdiction or for the performance of any duty within its constitutional jurisdiction, has the right, not to request, but to require and direct any department of the Government to furnish to the Senate any paper or any information which it may have relative to the matter.

Mr. HALE. Let me ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. I do.

Mr. HALE. Has the Senator any doubt that under the Constitution—I will not go beyond that—the Senate has that right?

Mr. BACON. None, whatever; not a particle.

Mr. HALE. I agree fully with the Senator.

Mr. BACON. Mr. President, I want to say to the distinguished and honorable Senator from Maine that if I had any doubt about it, it would be impossible for me to read the debate, from which I have given only a few extracts, without being convinced beyond the shadow of a doubt of the truth of the proposition in its broadest and most radical aspect that it is not for the Senate of the United States (and it is true also of the House as to matters within their jurisdiction) to go to a department and request that it be furnished with certain information. A request if limited to a request implies the right to refuse. A direction or a command implies the right to have an answer without a refusal, and that is what I say is the power of the Senate.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. BACON. I do.

Mr. TILLMAN. When the Senate in addressing the President for information uses the words, "if in his opinion it is not incompatible with the public interests," it recognizes his discretion in certain cases.

Mr. BACON. So far as those words are concerned which the Senator from South Carolina quotes, they are the words of courtesy which we address always to the President, even where we think we have the absolute right. They are the words of caution which we address to the President when we deal with

matters where we recognize that possibly and even probably it may not be proper that the fact should be disclosed to the public. And especially is this invariably recognized by the Senate whenever the inquiry thus addressed to the President relates to matters concerning our foreign relations. And for this reason the inquiries relating to foreign affairs are usually addressed to the President, and not to the Secretary of State, and are couched in this language, putting it in the discretion of the President.

Mr. TILLMAN. But we always direct the heads of departments.

Mr. BACON. Of course, I am trying to say that much myself, and to contend for the power and right to do so.

Mr. President, what does it mean? What does it mean if we have not the right to require, to command? What are the departments? Where do they originate, and by whose power and by whose authority do they continue to exercise their functions? When the Government was formed there were no departments. The Constitution of the United States did not create any departments. The Constitution of the United States makes but one mention of departments. It says that the President of the United States—

> May require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices.

That is the only time they are mentioned in the Constitution of the United States, excepting where it is said in the succeeding section that Congress may vest in the heads of departments the appointment of certain inferior officers.

Here is a Government formed, a Constitution which creates the two legislative branches of the Government, which creates the executive head of the Government, which creates the Supreme Court, and there are provided in the Constitution no other departments of the Government and no machinery for carrying out the governmental functions which are going to be necessarily performed, but all that is left for the subsequent constructive work of Congress. Congress, in pursuance of its legislative functions, as designed and intended by the Constitution, enacts laws creating these departments for the purpose of executing the laws. And this is the way, and the only way, in which these departments have come into existence. Can it be conceived for a moment that over a hundred years ago, when these departments, or most of them, were organized, when Congress was considering what powers should be conferred upon the departments, it was for a moment suspected or imagined that the time would ever come that these departments thus being created by Congress should grow into such power that they should say to their creator, "You shall not even inquire as to how I am discharging the duties which you devolve upon me?" And when I say "inquire" I mean "demand."

As I was saying a moment ago, a request, if limited to a request, implies the right to refuse. A command recognizes the right or the obligation of obedience without the right to refuse.

Consider for a moment the condition of affairs if it be true that a department can shut its door and say to a legislative branch——

Mr. FULTON rose.

Mr. BACON. The Senator will pardon me for a moment. I will not yield now; I will a little later.

Mr. FULTON. Very well.

Mr. BACON. Consider for a moment the condition of affairs if an executive department can shut its doors and say to Congress, or to either the Senate or the House, "I will open them when I think they ought to be opened, and I will keep them shut to your demand whenever in my judgment they ought to be closed." We are speaking now not of what they are apt to do, but on the question of their power to do. What could they do under that power? Could they not absolutely block the wheels of Government? Could the House of Representatives or the Senate perform its legislative functions if the departments should exercise such a power? And if they have the power, they can exercise it. If the departments should exercise the power and say, "I will not let you have any information except, in my judgment, it is information which you ought to have," and if they should exercise that power in the extreme, to such an extent that Congress would not have the information necessary to know whether the functions of government were being properly exercised by them or not, what becomes of the legislative branch of the Government, and how are its functions to be performed?

If the President of the United States himself can do it—if the President of the United States can lock the doors of a department and say to Congress:

> You shall have information if I deem it proper that you shall have it, and shall not have it if I am of the opinion it is unreasonable.

What is the result? Manifestly in the exercise of such powers he would be an irresponsible autocrat and the design of the Constitution in creating a representative republic would be utterly defeated. Mr. President, the Congress of the United States is clothed by the Constitution of the United States with the greatest of all powers. The President of the United States is clothed with but one royal power to be exercised by himself alone, and that is the pardoning power. Every other power which he has is exercised either in connection with Congress or with the Senate. He can enact no law. He can make no treaty or appoint any officer of the Government, from a second lieutenant to the Chief Justice of the Supreme Court, without the consent of the Senate. Sir, let me refresh the memory of Senators and of the country in reading the enumeration of the great powers conferred by the Constitution upon Congress. The first line in the first article of the Constitution is as follows:

> All legislative powers herein granted shall be vested in a Congress of the United States.

And then section 8 of Article I proceeds to enumerate those powers, as follows:

> SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;
>
> To borrow money on the credit of the United States;
>
> To regulate commerce with foreign nations and among the several States, and with the Indian tribes;
>
> To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;
>
> To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;
>
> To provide for the punishment of counterfeiting the securities and current coin of the United States;
>
> To establish post-offices and post-roads;
>
> To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;
>
> To constitute tribunals inferior to the Supreme Court;
>
> To define and punish piracies and felonies committed on the high seas and offenses against the law of nations;
>
> To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;
>
> To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;
>
> To provide and maintain a navy;
>
> To make rules for the government and regulation of the land and naval forces;
>
> To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;
>
> To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;
>
> To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding 10 miles square)—

Referring to the District of Columbia—

> as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

And finally, as if all this enumeration of powers was not sufficient, the Constitution continues, as the conclusion and summary of all these great powers:

> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Nor is this all. The Congress of the United States, in one branch as an accuser and the other as a court, can try any officer in the United States and remove him from office, including the President himself. If it be true that the President of the United States can lock the doors of a department and say, "I will only open them when I wish," the great function of Congress, the great power of Congress to impeach and remove a President or any head of a department from office for malfeasance in office would be defeated. If the Congress of the United States, or rather, if the House of Representatives, were satisfied of corruption in a department with the connivance of an Executive (of course I am not speaking of any present officers) and desired to get information upon which to base articles of impeachment, and the contention of some Senators who have interrupted me here to-day is correct, denying to either House of Congress the right to have the doors opened upon their demand, and only conceding the right to request and only to secure it with the voluntary permission of the Executive, the President of the United States could in such case lock the doors of a department in which corruption existed and say, "You shall not come in to make an investigation." If it would be lawful for the President to do so, there would be no remedy. That would defeat the impeachment.

It will not do to say that it would be an impeachable offense for the President thus to lock the doors and deny admission to the House, because if it is lawful for him to lock the doors he could not be impeached for doing that lawful act. Extreme cases prove the law, and this is an extreme case, of course, an absolutely improbable case, but nevertheless it proves the law—that it is inconsistent with the exercise of the constitutional functions of either the Senate or the House for a moment to admit that there is any authority which can say "no," when either the Senate or the House demands to know anything which is in any department of the Government which relates to matters within the jurisdiction of such constitutional functions.

Mr. President, upon what possible basis can rest the contention of the President of the United States that the executive departments are subject to his direction, and not to the direction of the Senate in the exercise of its constitutional functions? Are the executive departments a part of the power included in that sentence in the Constitution which says that the "executive power shall be vested in a President of the United States?" Is the executive power one which covers and extends over the powers exercised by the heads of the departments? Most assuredly not.

The executive power as conferred upon the President by the Constitution of the United States can not be added to by the Congress of the United States nor can it be subtracted from. It is there intact and complete; it can be neither added to nor taken from.

How do the executive departments get their power? Where do they get their authority? From the President? From the grant of power under the Constitution to the President that he shall exercise executive power? If so, then the President of the United States undoubtedly has a right to the creation of these departments, and Congress has no such right. If so, the President undoubtedly has the right to say what departments shall exist and what departments shall not exist. If so, the President has the right to say what shall be the functions of each executive department, what they shall do, and what they shall not. Does any man for a moment contend that?

Nor, Mr. President, is it true that in conferring the power upon the executive departments Congress has, in so doing, taken away in any degree from the President of the United States the executive power conferred upon him by the Constitution of the United States, because if that were true, Congress could chip away one part of the executive power by the creation of one department, and then it could chip away another part of the executive power by the creation of another department, and so on until all the executive power of the President of the United States was destroyed.

The truth is that neither proposition is correct. The executive power conferred by the Constitution of the United States does not relate to the powers of the executive departments, because if it did, as I have said, they would be for his creation and not for the creation of Congress. On the other hand, the creation of the executive departments by Congress does not trench in any manner upon the executive power of the President, because, if it did, it would be within the power of Congress to absolutely destroy the power of the Executive.

Thus it stands. The executive departments are created by Congress. They are in their essence created by Congress. They are in all their powers created by Congress. It is for Congress to maintain them in the exercise of their present powers. It is for Congress to take away any part it may see fit of their present powers, and it is equally for Congress, if it sees proper, to add to any of their present powers. These departments are the very breath of the mouth of Congress. By a word Congress has created each and every one of them and conferred upon them without exception each and every power which they possess. By another word Congress can abolish any one of these departments and create another in its stead or confer its powers upon another department. Since I have been a member of the Senate Congress has created the Department of Commerce and Labor, in its creation conferring upon it each and every power which it possesses, and in doing so conferred upon it, among other powers, some of the powers which were for the purpose taken away from the Department of the Interior. And thus it has the unrestrained and unrestrainable power as to the creation or abolition of other departments or the changing of their powers and duties.

It is an impossible contention that a power absolute and unrestrained thus to create and to destroy, thus to change or to set up or to pull down at its will, does not carry with it the power of unlimited control; and equally impossible is the contention that the power thus to control does not carry with it the power to demand and receive all information within the possession of the department which may by Congress, or either House, be deemed within the sphere of its constitutional functions.

Congress is the authority to which the departments are responsible. They are also responsible, within the law, to the President for the proper discharge of their duties. It is his duty to see that they discharge their duties, because it is his duty to see to the execution of the laws. But it is none the less—nay, more; it is much more—the duty of Congress to supervise the workings of the departments and see that they do that which the law commands them to do and to see whether or not the law is sufficient for the purpose for which it was designed. If it can be that the President of the United States or the head of a department can stand at the door and say "no" when Congress makes a demand for information of any kind as to any matter connected with the discharge of the duties of that office, then the functions of the Senate in the discharge of its constitutional duties are practically destroyed. If it is a request, we are petitioners; if it is a command to be obeyed, then we occupy the position which the Constitution of the United States intended we should occupy, and we are discharging the duties and exercising the authority which its terms confer upon us.

The power of the President in directing the heads of departments is clearly stated in the majority report made by these great lawyers. It is the power, in their words, to direct—

> by lawful methods, the heads of departments and other officers of the United States to do the duties which the law, and not his will, has imputed to them.

Mr. President, there is no need of friction between the legislative and the executive departments on this question. While the power in the legislative department certainly and necessarily exists, either House of Congress can be relied upon, in the future as in the past, to exercise it wisely and with discretion; and whenever a direction is given which for any reason is unwise, it will be withdrawn whenever that unwisdom is properly shown.

Sir, I do not underestimate these departments, nor would I in any degree depreciate them or the distinguished officers who preside over them. They are great, stupendous departments, the agencies and the means by which all the complicated and vast machinery of this gigantic government is kept in successful action; and from the beginning of the Government in the very first administration of Washington, down to the present times, the ablest and the most illustrious men of the nation have esteemed themselves honored in being chosen as the heads of these great departments.

Mr. FULTON. Mr. President, the phase of the proposition about which I wish to ask has been discussed when I was absent from the Chamber, and I wish to ask the Senator regarding it, because he has studied it very carefully. Assuming that either House of Congress has the right, or that the Senate has the right, to demand this information—I am speaking of the right to do it, for in one sense I agree with the Senator that that is a correct proposition—but is that a right that can be enforced otherwise than by congressional legislation?

Mr. BACON. Enforced by congressional legislation?

Mr. FULTON. Well, by legislation—joint action.

Mr. BACON. The Senator means whether we have a right to demand it unless we have an act of Congress saying that the Senate may do so?

Mr. FULTON. We have no right; that is, we would have no power to enforce it except through that.

Mr. BACON. The question of enforcement is a matter of some difficulty. I will say to the Senator that Senator Logan, in the debate I have been quoting, discussed that very question. He seemed to concede the fact that there was no present or immediate remedy in case the head of a department or the President should refuse.

Mr. FULTON. Exactly.

Mr. BACON. But he seemed to think that the disclosure to the public of their refusal would have its proper rebuke and remedy at the hands of the people.

I will say to the Senator, in considering that question another suggestion has occurred to me, and that is, when the Senate orders the head of a department or any subordinate of that department to give certain information and he refuses to do so he is certainly in contempt of the Senate, and the Senate, in my opinion—I will not say "in my opinion," for I have not examined the law upon the subject, and so will not give it as a conclusion—but the impression on my mind is that the Senate could certainly deal with it as a matter of contempt. It could certainly deal with it in the matter of the payment of salaries, which would be a very efficient method of securing a recognition of our power.

Mr. FULTON. Certainly. But it seems to me doubtful whether the Senate could proceed as for contempt unless there should first be a statute of Congress so providing. However, I only make the suggestion.

Mr. BACON. If the Senator will pardon me, I do not think that that should be any reason why we should fail to recognize and insist upon the recognition of our prerogatives, not only of our prerogatives in the matter of pride and dignity, but of our prerogatives which are essential to the proper discharge of the functions which the Constitution devolves upon us, and which, as has been clearly shown, have been exercised for more than a hundred years. Why should we abandon them for fear some one would fail to obey the law?

Mr. FULTON. It seems to me it would be a right which would be a barren right if we have no way of enforcing it.

Mr. BACON. I do not think so. If that were the case, there are a great many things that are barren in the machinery of the Government. Suppose the Supreme Court of the United States, when a case was to be tried, should say, "We do not intend to hold any court this year," or "We do not intend to hold court for the next ten years." We could impeach them, but we could not compel them to do it. You might say that is a barren right. Of course I am illustrating by the most extreme and impossible case.

Mr. FULTON. I mean to go right back to my prior suggestion, that Congress may, by joint action of the two Houses, pass a law in order to make that a punishable offense.

Mr. BACON. Not only that, but Congress by the two Houses can impeach and remove from office, and in the same way Congress can impeach and remove one of these officers from his office.

Mr. FULTON. I only made the suggestion. It seems to me there is no doubt that Congress can provide by joint action for either House demanding and securing such information in all proper cases; but it seems to me probable that there is no remedy otherwise than that.

Mr. TILLMAN. Who would be the judge as to what are proper cases?

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. BACON. I do.

Mr. TELLER. I should like to suggest to the Senator from Oregon [Mr. FULTON] that in several statutes we have already provided, for instance, as to the Secretary of the Treasury, that he shall make reports when called upon by Congress or by either House of Congress.

Mr. BACON. Mr. President, it is a well-recognized principle of law——

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Texas?

Mr. BACON. I do.

Mr. CULBERSON. In addition to what the Senator from Colorado [Mr. TELLER] has just pointed out, I want to call attention to the last paragraph of section 8 of the act creating the Department of Commerce and Labor, which says:

He shall—

Referring to the Secretary—

He shall also, from time to time, make such special investigations and reports as he may be required to do by the President, or by either House of Congress, or which he himself may deem necessary and urgent.

That act was approved by the President of the United States who now holds that office. So, Mr. President, the Chief Executive is committed to the principle that the power exists to compel the head of a department to make special answers to inquiries of either House of Congress.

Mr. FULTON. That simply supports the view I expressed. That by legislative or joint action of the two Houses we can require information to be furnished, I have no doubt, because we can fix the penalty for refusal to comply. But without some such legislation it seems to me that it is hardly to be contended that, in the strict sense of right, it is a right any further than any right that may be put into legislation and through legislation enforced as a right. It is perhaps within the constitutional competency of Congress to provide for it; but it hardly strikes me as being thoroughly sound and logical to say that it is the right of the Senate to demand this, when all there is of it is that we have the power to legislate so that we can put ourselves in the position to demand it and secure it, but without legislation we may demand it but can not require it.

Mr. BACON. Mr. President, it is a well-recognized principle of law, known to everybody, that every function which is essential to the execution of power which is conferred upon a body is a function which it has the right to exercise without any further legislative authority. The principle is well stated in the minority report, as follows:

It is on this clearly defined and well-founded constitutional principle that wherever any power is lodged by the Constitution all incidents follow such power that are necessary and proper to enable the custodian of it to carry it into execution.

We have got just as much authority now as we would have if there were a statute about it. The only thing that could be done would be to pass a law which would prescribe a penalty for failure to do it. But if Congress at every session should pass a law which should say that the Senate would have the right to require and demand this information in cases where the proper discharge of its constitutional functions required it, it would not give us any greater authority to require it and to demand it than we have under the Constitution when it imposes upon us the legislative function.

Mr. FULTON. That simply means that we have a right to demand, but we have no power to compel compliance with the demand.

Mr. BACON. I will concede, if the Senator will be satisfied with that, that we have no power to enforce it, though I do not think he is right, but I will concede it for the argument. There is certainly the power of impeachment which the House could set in motion. But even if there were no power of enforcement, that is no reason why we should surrender a great constitutional right, not of a theoretical character, but of a most practical and fundamental character.

Mr. FULTON. I agree with the Senator.

Mr. BACON. Then why does the Senator disagree?

Mr. FULTON. I do not mean it offensively, but I will say that, on the part of the Senator, I think it is idle to attempt to prove that this is a right, when we must admit that we have no way of enforcing it. My idea is that we may provide a way of enforcing these rights.

Mr. BACON. I will remit that part of it to the honorable Senator from Oregon. I myself am content to have it remain as it is.

Now, an important fact to which I want to call the attention of the Senate is this: The President of the United States says that there are but three powers which can direct an executive officer. One is the President of the United States, another is the Constitution of the United States, and the third is the Congress of the United States. That denies to either House of Congress the right to issue a direction to a department. On the one side of this constitutional question stands the present President of the United States. On the other side, as shown by this report in which instances are cited that from the foundation of the Government the contrary has been recognized as the law, stands the great array of Senators who have sat in this and in the other Chamber for a hundred years or more—the greatest names that ornament the history of the United States—Senators who, during that more than a century, have acted upon the correctness of that proposition and have directed the departments and have not requested them.

Why, I remember, Mr. President, one of the first things which I heard when I came into the Senate of the United States, about fourteen years ago, was a suggestion by Mr. Sherman, of Ohio, who was sitting, I think, right where the honorable Senator from California [Mr. PERKINS] now sits—or the seat in front of him, I have forgotten which, but in that immediate neighborhood—when some Senator, like myself, who had recently come into the body, introduced a resolution requesting a department to furnish certain information. Senator Sherman, who himself had been a distinguished member of the Cabinet, rose in his place and moved to amend the resolution—no; asked for an amendment; he did not move it, because no action was necessary—to strike out the word "requested" and insert "directed." It was done in that instance, and I have seen him do it a dozen times in the Senate. Not only so—and I mention that simply as a matter within my personal observation—but, as shown by this report, it had been the custom of the Senate for more than a hundred years to use the word "direct." Was it an idle exercise of boastful power or pretended power on the part of those great Senators, or were they using the word advisedly because they knew they had the right to use it? When the President of the United States uses such language as this:

Heads of the executive departments are subject to the Constitution, and to the laws passed by the Congress in pursuance of the Constitution, and to the directions of the President of the United States, but to no other direction whatever.

I put against his word and his opinion the utterances and the practices of the illustrious men who for over one hundred years have ornamented the Senate—constitutional lawyers, the superiors of whom in many instances have not been known to the American bar. Mr. President, in this most learned report and in this great debate those great Senators recognized the

fact that this was a vital question; that it was a question which related to the proper discharge of their constitutional duties; that it was a question which related to the ultimate, absolute control of the Government by the executive power or the executive officer and the absorption to himself of all power, and they set out in their report something upon this line which I will trespass a little further upon the Senate to read. It is upon the question as to whether or not the exercise of unlimited power by the President of the United States to shut up the doors of the departments, to lock them and to say to Congress, "You shall not enter except when I will," armed him with power which would, in connection with the control of great patronage, ultimately lead to despotism and autocracy.

In the appendix to their report, in discussing this very question, they said some things about the power of the Executive in dispensing patronage and about the encroachment of the Executive upon other departments of the Government, which, though spoken in 1826, would be quite applicable to the conditions of the present day:

> In 1826 Mr. Benton made a report to the Senate, embracing in part this subject, which ought to be carefully read by every American—

This, now mark you, Mr. President, is what is brought to the attention of the Senate by George F. Edmunds, Mr. Hoar, Mr. Evarts, Mr. McMillan, Mr. Ingalls, and Mr. Wilson, Republican members of the Judiciary Committee. This is what they themselves presented to the Senate:

> In 1826 Mr. Benton made a report to the Senate, embracing in part this subject, which ought to be carefully read by every American. In that paper we find this powerful passage: "The King of England is 'the fountain of honor;' the President of the United States is the source of patronage. He presides over the entire system of federal appointments, jobs, and contracts. He has power over the 'support' of the individuals who administer the system. He makes and unmakes them. He chooses from the circle of his friends and supporters and may dismiss them, and, upon all the principles of human actions, he will dismiss them as often as they disappoint his expectations. There may be exceptions, but the truth of the general rule is proved by the exception. The intended check and control of the Senate, without new constitutional or statutory provisions, will cease to operate. Patronage will penetrate this body, subdue its capacity of resistance, chain it to the car of power, and enable the President to rule as easily and much more securely with than without the nominal check of the Senate.
>
> If the President himself was the officer of the people, elected by them and responsible to them, there would be less danger from this concentration of all power in his hands; but it is the business of statesmen to act upon things as they are, and not as they would wish them to be. We must look forward to the time when the public revenue will be doubled; when the civil and military officers of the Government will be quadrupled; when its influence over individuals will be multiplied to an indefinite extent; when the nomination of the President can carry any man through the Senate, and his recommendation can carry any measure through the two Houses of Congress; when the principle of public action will be open and avowed—the President wants my vote, and I want his patronage; I will vote as he wishes, and he will give me the office I wish for. What will this be but the government of one man? And what is the government of one man but a monarchy? Names are nothing. The nature of a thing is in its substance, and the name soon accommodates itself to the substance.

Now, Senators may think that this has nothing to do with the question I am discussing; and yet those learned Senators thought that it had much to do with the discussion of the exact question which was then before the Senate—the right of the Senate to demand—not to ask, but to demand—and receive from the head of a department all information of every kind, documentary or otherwise.

Mr. President, the Senator from Texas [Mr. CULBERSON] has handed to me certain precedents. With the permission of the Senate I will include them in my remarks. They are precedents cited by this same committee in their report. I say that in response to the suggestion made by the Senator from Maine [Mr. HALE] when I first began.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. BACON. I do.

Mr. CLAPP. It does seem to me, with all due deference to the Senator, that that is the important matter. If we have precedents that are to form a part of this argument, I for one—and I believe many other Senators—will be very glad indeed to have the time taken for the presentation of that phase of the argument.

Mr. BACON. I will say to the Senator that throughout this debate, extracts from which I will include in the RECORD, there is a particular inclusion of all matters of information, everything which relates to the acts of the departments as contended for by those Senators.

Mr. CULBERSON. I will say to the Senator that the precedents are on page 7.

Mr. BACON. I will read two of them now——

Mr. TILLMAN. Will the Senator allow me to make a suggestion?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. BACON. Certainly.

Mr. TILLMAN. This is a matter of such vital importance to the Senate, collectively and individually, that I feel that the Senator would be warranted in taking—and I am sure I should be very glad indeed to have him take—the time in the morning to read the precedents and further discuss this question, so that, once for all, if it is possible, we may come to some clear understanding or conviction as to what are our powers and rights, and, if possible, set about obtaining them.

I hope the Senator will not be hurried to the conclusion of his speech and gloss things over, though he never intentionally glosses over anything; but he would necessarily be obliged to neglect to give us the meat and the essence of this argument if he should now conclude his speech and simply incorporate this, that, and the other precedent. Therefore he had better take the time to do so now. There is nothing so important, in my judgment, as the present situation between the Executive and the Senate, and I hope the Senator will either go on now and give us the full benefit of what he is going to say, or that he will take the time to do so to-morrow.

Mr. BACON. Mr. President, much that I have said many Senators have not heard. Unfortunately for me, the Senator from South Carolina has not been in the Chamber during all of my argument, and, therefore, he has not heard it all.

Mr. TILLMAN. Many Senators have not been in the Chamber.

Mr. BACON. That is the reason they have not heard it. I do not complain of it at all. I am simply saying that in response to the suggestion of the Senator from Minnesota [Mr. CLAPP] and also that of the Senator from South Carolina [Mr. TILLMAN]. There is much that I have gone over that does relate to the matters which are now suggested.

I think that this is a matter of such extreme importance that it ought to go to the Judiciary Committee. That would be much better than for me to continue to read to the Senate the opinions of others or to state opinions of my own, and I think that under the challenge made by the President of the United States it ought to go to the Judiciary Committee, and that the committee should report to the Senate what are our own rights in the matter—whether we are limited to requests or whether we are empowered to command.

Now, as to my continuing, in order to cover the ground the Senator suggests I should have to repeat very much of what I have already said.

Mr. TILLMAN. No. I have only suggested that the Senator read the precedents and comment upon them at such length as he deems proper.

Mr. BACON. I can not go over the same ground again. I have practically gone over it, not citing the entire matter I intend to incorporate because it would take too long, and it is not necessary to go over it again. And as to the suggestion of the Senator with respect to its importance and that it should be settled by the Senate in an authoritative way, the only way is that the law committee of the body shall take it up and state what the powers of the Senate are in the matter. If I am wrong, I am perfectly content to abide by the judgment of the Judiciary Committee; and if I am right, I shall be more than gratified to be fortified by the views of that committee.

Mr. McCUMBER. Mr. President——

Mr. BACON. If the Senator from North Dakota will pardon me, I want to read what the Senator from Texas handed me, and then I will be through.

Mr. McCUMBER. I simply desire to ask the Senator, before he closes, a question concerning the construction of the language used by the President, because I wish to have his opinion upon it. What I wish to ask the Senator is whether or not, in his opinion, the last four lines in this paragraph, which say:

> Heads of executive departments are subject to the Constitution and to the laws passed by the Congress in pursuance of the Constitution and to the directions of the President of the United States, but to no other direction whatever—

should not be considered as limited by the preceding declaration, in which the President states:

> I feel bound, however, to add that I have instructed the Attorney-General not to respond to that portion of the resolution which calls for a statement of his reasons for nonaction.

Should we not consider that the statements made by the President—all of them—refer to that portion which calls for his reasons for nonaction and not that portion which demands papers or demands information? It seems to me that that is the only construction which can be placed upon it, although I admit that the words in closing are very broad and general. But I want the Senator's opinion on that proposition.

Mr. BACON. Mr. President, really the principal thing asked of the Attorney-General was his reason, because the fact was well known, although the form may have been whether he had or

had not instituted proceedings, that he had not, and it was the matter of reasons which was inquired into. If the President stopped with that sentence it would have conveyed the entire idea that he would wish to convey if the Senator's suggestion is correct that he was simply denying the right of the Senate to demand reasons. But when he goes further he not only includes his denial of the right of the Senate to demand reasons, but he denies the right of the Senate to make any demand whatever, because he uses language incapable of mistake. If he had used language which might be susceptible of the construction that he was referring to that, we might take that as the intention of the President. But he goes on to specify what powers have the right. Does the Senator understand that the President meant to say that the Constitution——

Mr. McCUMBER. Mr. President——

Mr. BACON. The Senator will pardon me until I get through.

Mr. McCUMBER. Certainly.

Mr. BACON. Does the Senator mean to say that he understands the President in what he says to say that the Constitution has the right to demand reasons, but the Senate has not the right to demand reasons, but could demand facts; that the Congress has the right to demand reasons, but the Senate has not the right to demand reasons, but could demand facts; that the President has the right to demand reasons, but the Senate has not the right to demand reasons, but could demand facts? That while the Senate can not demand reasons, it may demand information? No. In the last sentence he had not reasons alone in contemplation. He is speaking of the power to direct in any particular, and he not only denies the power of the Senate to direct in any particular, but specifically enumerates the powers which have the authority to direct, to wit, the Constitution of the United States, the Congress of the United States, and the President of the United States.

I will not stop to comment on the fact that the Constitution does not lay any commands on the heads of departments, because they are not known to the Constitution.

The Senator from Texas has called my attention to these precedents, and there are others, which I will read in response to the suggestion of the Senator from Minnesota. This is set out in this report:

On the 6th December, 1866, when there was much irritation existing between the Houses of Congress and the Executive, the House of Representatives adopted a resolution directing the Postmaster-General to communicate to the House information of all the postmasters removed from office between the 28th July, 1866, and said 6th of December, together with the reasons or causes of such removals, and the names of all persons appointed in their places, etc. This command—

It speaks of it as a command addressed to the Postmaster-General—

was on the 18th February, 1867, complied with by the Postmaster-General without, in the least degree, questioning the right of the House of Representatives to have that information.

Two instances occurring during the administration of President Hayes, under circumstances when there would be naturally a disposition on the part of the Executive to stand upon his constitutional rights, may be of interest. On the 9th January, 1879, the Senate passed a resolution directing the Secretary of the Treasury to transmit charges on file against the Supervising Inspector-General of Steamboats and the papers connected therewith; which was also promptly complied with.

At the same session a similar resolution called for papers on file in the Treasury Department "showing why—

Which is the same thing as giving the reasons—

Lieutenant Devereux was removed from the Revenue Marine Service," which was also complied with.

Mr. CLAPP. Will the Senator from Georgia pardon me?

Mr. BACON. Certainly.

Mr. CLAPP. I think there is a very plain line of demarcation between those cases and the broad proposition that we can require the reason for an act in the sense in which that term has been used in this discussion. In the post-office case the word "reason" was used there perhaps inadvertently, but in the same sense as "what were the complaints made." The inquiry made is, "What were the complaints made?" I do not think, having given only slight attention to this matter, that those two cases go to the point where we can fathom the motive of an executive officer by inquiry.

Mr. BACON. There is no ground upon which it could be contended that Congress could demand reasons of a department while the Senate could not demand reasons. In each case if the right to demand reasons exists, it is because the information is needed in the discharge of constitutional functions, and the constitutional function exists in the case of the Senate as surely and as completely as it exists in Congress.

Mr. HALE. Mr. President, before this important subject passes from the consideration of the Senate to-day I wish to say that I do not interpret the language the President has used at the end of his letter as committing him to the proposition that the Senate can not direct the heads of departments to communicate to the Senate information, documents, and papers on file in the departments required by the Senate in the course of its regular proceedings as a part of the legislative body of the Government; and I hope, Mr. President—and I think I may say I trust—that the Chief Magistrate of this Republic will not commit himself to that proposition. I for one am in complete accord with the proposition that it is not practicable for us to ransack the mind of an executive officer and demand from him the reason why he has or has not done a certain thing. I do not think that a feasible thing. I think it is going too far. I do not think it is needed in the quest in which the Senate is engaged to secure such information as may be the basis for proper and fitting action by this body.

But, Mr. President, if it shall ever be declared by any President that when the Senate, in dealing with legislation as a coordinate branch of the Government, as a part of the legislative branch, directs the head of a department to transmit papers and documents and information for the benefit of the Senate in that proper and legitimate quest, it is in his power and discretion to forbid it, it goes to the foundation of the right of this body to participate in legislation.

So vast is the domain of legislation and so correlated are the subjects between the different branches of the Government that there are but few great subjects upon which the Senate is not entitled to and needs information from the great departments of the Government. It can not legislate intelligently and satisfactorily unless it can call upon the departments for the information lodged in the archives of the departments. The great heads of departments are recognized by the Senate, which participates in their selection and confirms their appointments. They are a part of the entire Government, recognized not formally by, but under the operation of, the Constitution as a part of the Government. They are more than the head clerks of the President of the United States.

I do not sympathize with the proposition—I believe and hope it is not entertained in the mind of the President—that the heads of these great departments are to be lowered in their standing and their rank and are to be considered only as the head clerks of the President, and that when the Congress, the Senate, or the House directs information to help it in its action in legislating for the country the President can say, "These are my head clerks and I direct them to refuse this information."

Mr. President, I deprecate any such locking of horns on this great question. I do not agree with the Senator from Georgia [Mr. BACON] that the language of the President commits him to any such proposition. I do not believe that he will take that position. I do agree, as I have said, with the other proposition, and I think the bent and the purpose and the significance of the letter of the President dwell upon and surround the other proposition, of the right to call for reasons.

Only time will manifest how far this is to go. I think the Senator is wrong. I think he has put a forced construction upon the language of the President, and I hope and believe that we shall not be confronted with such a situation.

Mr. BACON. I should be very much gratified if the President would say that the construction put upon his language by the Senator from Maine [Mr. HALE] is correct. I do not think he will say so. If he will say so, I shall be content to let the matter rest; and if he had not used this language in the message, which in my opinion plainly and unmistakably implied the contrary, I should have said nothing.

I will say to the Senator from Maine and the Senate that the construction which I put upon it is the construction which has generally been put upon it. It has not only been put upon it by individuals but by the press.

I recollect that in this city a few days since one of the morning papers had an editorial upon the subject and applauded the President and commended him and approved him upon the ground that as the Senate had said that these departments should not of their own motion communicate directly with the Senate, but only through the President, it was nothing but right that no command should go from the Senate to the head of a department, but that all should go through the President.

Mr. HALE. Of course the Senator recognizes the distinction we have always maintained—and the Senate has been firm in it—that no Secretary can originate and send matter to the Senate?

Mr. BACON. I quite agree with that, of course.

Mr. HALE. That is another question.

Mr. BACON. I was speaking of the grounds upon which the editorial was based, recognizing, as it did, the language of the President to mean as I have construed it to mean.

Mr. HALE. But the other case, when the Senate directs that information be sent, presents an entirely distinct proposition.

Mr. BACON. I quite agree with the Senator; but I am calling attention to the fact that others do not agree with him upon the construction which he puts upon the President's language.

Mr. HALE. I hope——

Mr. BACON. And I repeat, I hope the Senator is correct in the construction he places upon the President's language.

Mr. HALE. I hope I am correct.

Mr. BACON. If he is correct, the trouble is removed.

I think, so far as the question of reasons is concerned, that is a minor matter, but all information is what we are entitled to, whether it is documentary or otherwise. Everything that is known to the departments we are entitled to know, and if there are reasons why a law is ineffective, why that which was designed by the law, to wit, the prevention of the suppression of competition and the prevention of monopoly, can not be attained, and why in a noted instance there has been no attempt to enforce the law, it is important that we should know it in order that we may correct any defects there may be in the law, if such defects there be.

Mr. TELLER. Mr. President, I do not intend at this late hour, and after the long debate, to discuss this question to any extent at least. I do not know whether the resolution will come up again soon, so that an opportunity will be afforded to be heard on it further. I believe it is not a special order. I believe it will go to the calendar if we do not act on it to-day. Does it not? I would ask, if it is in order, that it may lie on the table, to be called up at a subsequent time.

The VICE-PRESIDENT. The Senator from Colorado asks that the resolution submitted by the Senator from Georgia lie on the table, subject to call.

Mr. FULTON. Will that interfere with the special order?

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. TELLER. Mr. President, I will take occasion at some other time to express some opinions on this question. I recall very well the discussion which the Senator from Georgia [Mr. BACON] has brought out here, and I think I know what the distinction was between the minority and the majority. But there is no time to go into that to-night.

I desire to say just a word about what the Senator from Maine [Mr. HALE] has said, that the members of the President's Cabinet are not mere clerks. That may depend upon who is at the head of the Government——

Mr. TILLMAN. And who are under him.

Mr. TELLER. And what kind of men may be at the head of departments. That has been the rule heretofore, I admit. The President may give directions generally to his Cabinet as to what his policy is; not, I think, as to details, but as to the general policy of his administration, and very properly. I do not think any self-respecting Secretary would take orders from the President a great while. I do not think we have had a great many Secretaries who would.

There are conditions under which the head of a department is absolutely independent of the President. Whenever there is a statute directing the head of a department to do a certain thing, he is absolutely independent of, and can take no orders from the President. He must obey the statute. That is his chief. Up to the time when something of that kind occurs, of course there should be, and probably always will be, a conference and consideration between the head of the Government and the Secretary who has to act. Whenever there is a statute that directs him to do a certain thing, the Secretary or any other officer of the Government must do it, or he must answer why.

I do not understand that this resolution really calls for what we call "reasons." The resolution offered—I have just looked at it—does say what reasons he gives for not having brought the suit. If it had said, "Will you tell us why you did not bring the suit?" I suppose it would have been just as well, and it would not have been the reasons. I do not believe, where an officer of the Government exercises a discretionary power lodged with him, that the Senate or anybody else can ask him for his reasons. He can do as he sees fit. When it comes to the performance of a statutory duty, then I say we may call upon him to state why he did or why he did not. Ordinarily you would not have to ask him why he did, but why he did not do it. That is what in this case the Senator from Texas wants to know.

When there is an opportunity, I want to speak a little more fully on this subject. Precedents do not entirely govern anybody, and yet a very large proportion of the law of this country comes from precedents. All of the common law comes from precedents. In the very beginning of this Government the Senate and the House independently, without consulting, called on the heads of departments for reports. Committees of the Senate have from time to time called the heads of departments before them to tell them what they wanted to know about the departments. I do not believe in the whole history of the Senate you can find a case where any head of a department has declined to respond. Why? Because nobody supposed they were independent of Congress—and a committee is an agent of Congress; one branch, of course. We are only one branch of Congress. But if Congress has the right to call on them in order to facilitate legislation, then one branch of it ought to be able to call on them in order to complete and perfect its legislation, which it must do with the other branch.

Fifty-four years ago one of the ablest men that ever was Attorney-General of the United States, Caleb Cushing, settled, I think, although I will not read it, for it is too long, what was the duty of the heads of departments. He recognized in the most ample manner the right of each branch of Congress to call on the head of a department, and that he must respond. He afterwards became, as all know, somewhat noted in the country, and was always regarded as a great lawyer, one whose legal acumen and legal ability were recognized even by his political opponents. He was a great lawyer in the minds even of men who did not agree with him on important questions of public affairs.

I think a hundred times, when a resolution was presented requesting some officer of the Cabinet to report, I have seen a Senator rise and say "the Senate does not request anybody but the President; the Senate directs." I remember that within a very few weeks after I came into the Senate Senator Edmunds, sitting about where the Senator from Illinois [Mr. CULLOM] sits now, if I recollect correctly, with a good deal of dignity, when a question of that kind was presented, said emphatically, "The Senate never requests an officer to do anything; it commands."

Mr. HALE. Directs.

Mr. TELLER. Directs; and he moved to have it amended, and the word "direct" went into the resolution.

Mr. President, I have never forgotten that. I have myself again and again asked to have a resolution or whatever it might be amended so as to read "directed." That is worth something, at least as a precedent. I do not suppose there ever was a session of Congress in which we did not direct a department to furnish information. I hope, with the Senator from Maine, that the President does not intend what his words plainly import; that he does not intend to say that his heads of departments will not respond.

I want to say one word about what the Senator from Oregon has said—that we can not do anything about it. We have not had the power to do anything about it for more than a century. We have been doing it, and everybody has responded upon the theory that every man holding a public office will do his duty when called upon to do it. There has been no occasion to provide a penalty for one who has failed to reply. I know sometimes we have had delay in getting replies, but nobody has ever said before that they would not reply and no head of a department has said that yet.

Now, Mr. President, I am going to leave this matter, and when it comes up again I will want to say a few words upon it, more in the way of citing precedents than of making remarks.

Mr. HEYBURN. Mr. President, I wish to ask a question of the Senator from Colorado before he takes his seat. I should like to take advantage of this occasion to inquire if, in the judgment of the Senator from Colorado, all the communications addressed to the executive department of the Government should not properly be addressed to the President, and as to whether any communication is proper between the Senate of the United States or the Congress and any one less than the head of one of the coordinate branches of the Government.

Mr. TELLER. I will respond to that by saying that, whatever might be the ethics of the question originally, one hundred years and more have made it very reputable and respectable for the Senate of the United States to call upon a government officer. Perhaps in theory it would be true that we ought to ask the President, as the head of the executive branch of the Government, but we never did that, not even in the days when there was greater punctiliousness and greater feeling on the part of the President, at least, in the early days, as to his prerogatives. We never did it even then; but I do not think any President has ever complained of it at any time. So I can not answer what ought to have been done, but I can answer what has been done.

Mr. HEYBURN. I merely suggest that I have always been impressed with the idea, since I have been a member of this body, that communications from this coordinate branch of the Government ought to be addressed to the head of whatever coordinate branch of the Government the information is sought to be obtained from. It has always seemed to me that that should be the rule.

I have some doubt in my mind—I do not know that the question has been ultimately settled—as to the extent of the authority of Congress over a Cabinet officer. The term "Cabinet

officer" has no legal origin. They are not constitutional officers or officers under the Constitution of the United States. While in the Belknap trial the question would doubtless have been raised, it has not to my knowledge been determined that there is any power of impeachment over a Cabinet officer, because it is not an office created or contemplated by the Constitution.

Mr. TELLER. I should like to say to the Senator from Idaho that, leaving out the Belknap case—I will not touch that—we have in a hundred cases, at least, directed heads of departments by statute.

Mr. HEYBURN. I know the fact, but I was merely questioning the practice.

Mr. MONEY. Mr. President, there has been no effort made here or elsewhere to direct a Cabinet officer. He has been directed, as the head of an executive department. A man can be a Cabinet officer without being the head of an executive department. There is no law on the statute book which makes the Postmaster-General a member of the Cabinet of the President of the United States. What made that officer a member of the Cabinet? It was a note of three lines from General Jackson to Mr. Barry, then Postmaster-General, requiring him, or inviting him, to attend the Cabinet meeting the next day and thereafter. That made him a Cabinet officer.

Mr. HALE. He had never attended a Cabinet meeting before.

Mr. MONEY. He had never attended a Cabinet meeting before; and had never dreamed of attending one.

I want to say to the Senator from Idaho, the President can make every Assistant Attorney-General, every Assistant Postmaster-General, every Assistant Secretary of the Interior, or Assistant Secretary of the Treasury, or elsewhere, Cabinet offices if he chooses to call them into council.

Mr. TILLMAN. Even in the kitchen cabinet.

Mr. MONEY. He can make anybody who is not a member of one of the other coordinate branches of the Government a Cabinet officer. Nobody here is consulting or directing or requesting any Cabinet officer to do anything. He is the President's councilor, whom he chooses as he pleases.

Now, when it comes to an executive officer, that is an entirely different business. I am not going to continue this debate to supplement in any way the extremely able and lucid speech of the Senator from Georgia [Mr. BACON] or the brief and able and lucid speech of the Senator from Maine [Mr. HALE]. To my mind, there is a very substantial agreement between the Senator from Georgia and the Senator from Maine, because I think the Senator from Maine has somewhat confounded reasons with motives. When we ask an executive officer why he has not complied with the law, it is a perfectly pertinent question which we need to ask in the discharge of those functions which are devolved upon us by the Constitution. It is a legitimate inquiry which he is compelled to answer. It is made so by law. There is no inquiry into the motives that impelled him to decline his duty under the law; it is no search into his private reasons, but it is a demand for the public reasons that impelled him from the execution of the law devolved upon him.

I say, and I am glad to hear the Senator from Maine say, that there is no authority by the Constitution or the laws resting in the President of the United States to instruct any member of the Cabinet to withhold information of any sort demanded by the Senate or the House. These two bodies are absolutely independent and must perform their duty as they see it, not as it is seen by any head of a department or any head of the executive branch of the Government.

It may be said that it is extremely unfortunate that all men who seek public offices do not devote a little time to the study of the law. It would certainly teach some people some accuracy of thought and some precision of expression. There is so much slashing around through the whole vocabulary of words that we do not know half the time what is meant when we receive communications from certain quarters. It might be said that whenever the President of the United States—I speak it with great respect to that high office—proceeds to direct the head of a department not to respond to the direction for information from this body or from the other House—by the by, he says the "upper" and "lower" House—there is no such distinction in the phraseology of our Constitution or of our law—I say when he presumes or assumes to give such direction, it can be considered only as a misunderstanding of the language of the Constitution and the law or as a piece of official insolence. The Senate must respect itself. It must consider the great duty that has been devolved upon it by the Constitution. It must maintain its self-respect, not simply for its own sake, but because of the high duty it owes to the States that send its Members here and to the people represented by those States.

It would be impossible, Mr. President, for me to make things plainer than they have been made already, and I have only risen to say this much because it was called forth by the remark made by the Senator from Idaho, who unfortunately confuses Cabinet officers with heads of executive departments.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. HEYBURN. I want to understand the last remark of the Senator from Mississippi.

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Idaho?

Mr. CULLOM. The Senator from Idaho wants to make some further inquiry, and I will yield to him. I withdraw the motion for a moment.

Mr. HEYBURN. I did not hear distinctly the closing remark of the Senator from Mississippi as to the question that I had raised.

Mr. MONEY. I said that my remark was only called forth by the fact that confusion seemed to exist in your mind as to whether this communication was addressed to a member of the Cabinet or to the head of an executive office. The things are entirely different.

Mr. HEYBURN. I did not mean to be understood quite within so close a limitation. The inquiry in my mind was as to whether it should be addressed to the President as the chief executive officer or to a subordinate under the President; and I suggested that there was a question as to our power to enforce an order against a Cabinet officer because of the failure of the power of impeachment or punishment in any way; that the test of our power is found in our ability to enforce our mandate; that was all.

Mr. MONEY. I understood the Senator.

Mr. HEYBURN. That is what I intended to bring out.

Mr. MONEY. I understood the language of the Senator, and it was that language which called forth my speech. You spoke of a Cabinet officer. We are talking about the head of an executive department.

Mr. HEYBURN. I said there is no such thing as a Cabinet officer under the law.

Mr. CULLOM. I withhold my motion, further, to give an opportunity to the Senator from West Virginia [Mr. SCOTT] to bring up a joint resolution.

INAUGURAL PERMITS.

Mr. SCOTT. At the urgent request of those in charge of the ceremonies for the inauguration on the 4th of March, I ask unanimous consent to call up Senate joint resolution 106.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. 106) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1909, etc.

The VICE-PRESIDENT. The joint resolution has been heretofore read as in Committee of the Whole. The Secretary will read the amendment reported by the Committee on the District of Columbia.

The SECRETARY. On page 1, line 8, after the word "regulations," the committee report to insert "and limitations as to space," so as to make the first section read:

That the Secretary of the Interior is hereby authorized and directed to grant a permit to the committee on inaugural ceremonies for the use of the Pension building in the city of Washington on the occasion of the inauguration of the President-elect on the 4th day of March, 1909, subject to such restrictions and regulations and limitations as to space as the said Secretary may prescribe in respect of the period and manner of such use, including all necessary safeguards against fire and for the extinguishing of fire.

The amendment was agreed to.

Mr. TELLER. Will not the Senator who has the bill in charge tell us what it is?

Mr. SCOTT. I will say to the Senator from Colorado that it is a joint resolution, which was read the other day. It makes the same provision that has been made for every inauguration since 1805.

Mr. TELLER. It provides for the use of the Pension building?

Mr. SCOTT. It provides for the use of the Pension building and provides for extra police, who will look after pickpockets and others who come here and enable the city to see that the visitors here are properly cared for. It is in the same form as the joint resolutions which have been passed heretofore.

Mr. TELLER. I only wanted to say that if it provides for the use of the Pension Office, there are certain rooms that ought to be reserved for the use of the Pension Office, where they can put their files, and so forth, and not have to remove them from the building.

Mr. SCOTT. If the Senator will allow me, I will state that the two upper stories will not be disturbed, and instead of the space of twenty days that has heretofore been suggested, the committee of arrangements state that they will ask for only eight consecutive days, two of those being Sundays, so that the employees on the first floor will lose only a week.

Mr. TELLER. If two stories are not to be occupied for this purpose, there will be plenty of room in the Pension Office for storing the papers.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE NEAR ST. PAUL, MINN.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (H. R. 23866) to amend an act entitled "An act to authorize the construction of a bridge between Fort Snelling Reservation and St. Paul, Minn.," approved March 17, 1906.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

It proposes to amend section 9 of the act so as to read:

SEC. 9. That this act shall be null and void if actual construction of the bridge herein authorized shall not be commenced within one year and completed within four years from the date hereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I now insist on my motion for an executive session.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 3 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 14, 1909, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 13, 1909.

CONSUL-GENERAL.

William H. Robertson, of Virginia, to be consul-general of the United States of class 6 at Tangier, Morocco.

CONSUL.

Herbert R. Wright, of Iowa, to be consul of the United States of class 9 at Puerto Cabello, Venezuela.

UNITED STATES MARSHAL.

Henry K. Love, of Iowa, to be United States marshal for the district of Alaska, division No. 3.

RECEIVER OF PUBLIC MONEYS.

William M. Enright, of Billings, Mont., to be receiver of public moneys at Billings, Mont.

POSTMASTERS.

ALABAMA.

Harvey E. Berkstresser to be postmaster at Dadeville, Ala.
Sylvanus L. Sherrill to be postmaster at Hartsells, Ala.

ARIZONA.

W. Weiss to be postmaster at Clifton, Ariz.

ARKANSAS.

J. E. Woodson to be postmaster at Hope, Ark.

FLORIDA.

F. A. Florence to be postmaster at Paxton, Fla.
William Clarence Smith to be postmaster at Daytona, Fla.
Louis Wiselogel to be postmaster at Marianna, Fla.

IDAHO.

Joseph R. Collins to be postmaster at Moscow, Idaho.

INDIANA.

Louis T. Bell to be postmaster at Flora, Ind.
Joseph E. Gordon to be postmaster at Versailles, Ind.
Charles Fremont Hoover to be postmaster at Akron, Ind.
Charles McGaughey to be postmaster at Roachdale, Ind.
Howard H. Newby to be postmaster at Sheridan, Ind.
John R. Nordyke to be postmaster at Wolcott, Ind.
Knode D. Porter to be postmaster at Hagerstown, Ind.
William E. Sholty to be postmaster at Windfall, Ind.
Frank D. Walters to be postmaster at Monroeville, Ind.

MISSISSIPPI.

Lillie W. Nugent to be postmaster at Rosedale, Miss.

NEW JERSEY.

Isaiah Apgar to be postmaster at Califon, N. J.
Alfred B. Gibb to be postmaster at Bernardsville, N. J.
Uzal S. Hancy to be postmaster at Franklin Furnace, N. J.
Howard V. Locke to be postmaster at Swedesboro, N. J.
Charles W. Russell to be postmaster at New Brunswick, N. J.

NEW YORK.

Daniel Smiley to be postmaster at Mohonk Lake, N. Y.
Wallace H. Wells to be postmaster at Brasher Falls, N. Y.

NORTH CAROLINA.

J. Walter Jones to be postmaster at North Wilkesboro, N. C.
Zach Stephenson to be postmaster at Clayton, N. C.

OHIO.

Roscoe G. Hombeck to be postmaster at London, Ohio.
Percy May to be postmaster at New Holland, Ohio.
E. Calvin Miller to be postmaster at New Carlisle, Ohio.

PENNSYLVANIA.

Zacharias A. Bowman to be postmaster at Annville, Pa.
Elmer D. Carl to be postmaster at Greencastle, Pa.
Joseph B. Colcord to be postmaster at Port Allegany, Pa.
Frank A. Howe to be postmaster at Waterford, Pa.
Roscoe C. Keefer to be postmaster at Clairton, Pa.
William P. McMasters to be postmaster at Munhall, Pa.

UTAH.

James Clove to be postmaster at Provo, Utah.

ARBITRATIONS.

The injunction of secrecy was removed from the following conventions:

An arbitration convention between the United States and Bolivia, signed at Washington on January 7, 1909. (Ex. J, 60th, 2d.)

An arbitration convention between the United States and Ecuador, signed at Washington on January 7, 1909. (Ex. K, 60th, 2d.)

An arbitration convention between the United States and Haiti, signed at Washington on January 7, 1909. (Ex. L, 60th, 2d.)

An arbitration convention between the United States and Republic of Uruguay, signed at Washington on January 9, 1909. (Ex. M, 60th, 2d.)

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 13, 1909.*

The House met at 12 o'clock m.

Prayer by the Chaplain of the Senate, Rev. Edward Everett Hale.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its secretaries, announced that the Senate insisted upon its amendments to the amendments of the House to the bill (S. 653) to authorize commissions to issue in the cases of officers of the army retired with increased rank, disagreed to by the House, agreed to the conference asked by the House, and had appointed Mr. WARREN, Mr. SCOTT, and Mr. TALIAFERRO as conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, bills of the Senate of the following titles were taken from the Speaker's table, under the rule, and referred as follows:

S. 7925. An act to create an additional land district in the State of Montana, to be known as the "Harlowton land district"—to the Committee on the Public Lands.

S. 7992. An act to amend an act entitled "An act to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912," approved May 22, 1908—to the Committee on Foreign Affairs.

S. 7918. An act for the relief of Bernard W. Murray—to the Committee on Claims.

S. 7257. An act providing a means for acquiring title to private holdings in the Sequoia and General Grant national parks in the State of California, in which are big trees and other natural curiosities and wonders—to the Committee on Appropriations.

LINCOLN POSTAGE STAMP.

Mr. DAWSON. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of House joint resolution 216, which I send to the desk and ask to have read, and to consider the same at this time in the House.

The Clerk read as follows:

House joint resolution 216.

Resolved, etc., That the Postmaster-General is hereby authorized to design and issue a special postage stamp of the denomination of 2 cents in commemoration of the one hundredth anniversary of the birth of Abraham Lincoln.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, does not the department, without asking the consent of Congress, fix stamps?

Mr. DAWSON. Mr. Speaker, I would say to my friend from Missouri that I really believe the Postmaster-General, under existing law, would have authority to do this very thing, although there is naturally some reluctance in issuing a special commemorative stamp on account of the birth of any man in the history of this Republic without the authority of Congress. My friend can easily see what it might lead to in the future if the Postmaster-General, on his own responsibility, designed and issued a memorial stamp to mark the birth of any statesman in the history of the Republic.

Mr. CLARK of Missouri. It is to be a 2-cent stamp?

Mr. DAWSON. Yes.

Mr. CLARK of Missouri. Is he to go on and make it perpetual or just for this year, or what is it?

Mr. DAWSON. This is to be a commemorative stamp. As I understand it, this particular issue of stamps, designed and issued to mark the centenary of the birth of Abraham Lincoln, would be a distinctive stamp. A certain number of these stamps would be issued and then that issue cease.

Mr. CLARK of Missouri. It does not interfere with the ordinary George Washington stamp?

Mr. DAWSON. Not at all, but I may say for the information of my friend from Missouri and for the information of the House that a probable result will be that in the future the head of Abraham Lincoln will be retained on one of the stamps of the Government, probably the 5-cent issue.

Mr. CLARK of Missouri. I have no earthly objection to his picture being on the stamp. I saw a statement in a newspaper not long ago that somebody down there who has authority, or seems to have authority, has issued stamps two or three times with the picture of Abraham Lincoln and then withdrew them. My own opinion about it is that pictures on stamps ought to be of well-known people, so they are hard to counterfeit.

Mr. DAWSON. The head of Lincoln has been on stamps of various issues, some of which have been discontinued.

Mr. MANN. I would like to ask the gentleman from Iowa a question. What good will this do, and what will be the expense to the Government?

Mr. DAWSON. Mr. Speaker, it seems to me that I need not advert to the fact that it will be entirely fitting for this Government to mark in a modest way the one hundredth anniversary of the man who had so much to do with the preservation of the Government itself. Lincoln stands out as the typical American, and his rise from obscurity to the very pinnacle of fame is a source of constant inspiration to the youth who come after him. I believe there is a universal desire among the people of the United States that we should mark this centenary.

Mr. MANN. By issuing a stamp?

Mr. DAWSON. Not necessarily. If this proposition has any merit in it at all, it has the merit that it will bring this great event to the mind and attention of every man, woman, and child in the United States, and I know of no other plan which would so successfully accomplish this result.

Mr. MANN. Does the gentleman doubt that any person in the United States of reading age will know that this is the one hundredth anniversary of the birth of Abraham Lincoln?

Mr. DAWSON. Oh, no; but this special 2-cent stamp, the gentleman will agree, will bring the fact in close contact with the daily activities of our people.

Mr. MANN. What will be the expense to the Government—I do not mean in preparing the stamp merely, but in sending out a separate issue of stamps to every post-office in the United States?

Mr. DAWSON. I will say to my friend that I can not answer that question specifically; but by issuing a single 2-cent stamp I understand that the difficulty and additional expense that has heretofore been had in the Post-Office Department with respect to the issue of a series of commemorative stamps will be obviated, and the necessity of keeping separate accounts will be obviated.

Mr. MANN. I do not understand it that way. I think the accounts will still have to be kept separate for this issue of stamps. It seems to me we ought to have information on that point. It probably would not lie in the mouth of any gentleman in the House to object to a request of this sort. I happen to come from the State from which Abraham Lincoln came, as far as the Presidency is concerned.

Mr. DAWSON. I will say to the gentleman, I had a conference with the Postmaster-General regarding this matter. My original intention was to present a resolution providing for an entire series of stamps. There was an objection to issuing an entire series, for the reason which the gentleman has set forth; but I understood from the Postmaster-General that that objection would be obviated if we authorize simply a 2-cent stamp, which will go out to the postmasters of the country on requisition practically the same as any other 2-cent stamp.

The SPEAKER. Is there objection?

Mr. KEIFER. Mr. Speaker, I want to inquire whether the image of Abraham Lincoln had not been on a 2-cent stamp some twenty years ago?

Mr. DAWSON. My recollection is that the head of Washington has always occupied a permanent place on 2-cent postage stamps since the years of the 2-cent postage.

Mr. KEIFER. I was under the impression—but let me inquire. The resolution seems to provide that the Postmaster-General is authorized to design an issue of special postage stamps of the denomination of 2 cents in commemoration of the one-hundredth anniversary of the birth of Abraham Lincoln. Now, does it contemplate anything else than merely putting on the face of the 2-cent stamp the image of Abraham Lincoln?

Mr. DAWSON. By the terms of the resolution, Mr. Speaker, the design of the stamp is left entirely with the Postmaster-General; and my understanding is that by reason of the brief period of time between now and the 12th day of February, when it is desired to have these stamps put on the market, it will consist principally of the head or face of Abraham Lincoln.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

RIGHT OF WAY ACROSS NIOBRARA MILITARY RESERVATION.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate bill which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 8143) granting to the Chicago and Northwestern Railway Company a right to change the location of its right of way across the Niobrara Military Reservation.

Be it enacted, etc., That the Chicago and Northwestern Railway Company, a corporation duly organized and existing under the laws of the States of Illinois, Wisconsin, and Michigan, which has become the owner of and is engaged in the operation of the railroad constructed by the Fremont, Elkhorn and Missouri Valley Railroad Company across and through the Niobrara Military Reservation, located in the State of Nebraska, under and pursuant to the provisions of an act entitled "An act granting right of way to the Fremont, Elkhorn and Missouri Valley Railroad Company across the Niobrara Military Reservation in the State of Nebraska," which was passed and approved on the 28th day of February, A. D. 1883, is hereby granted the right to change the location of its right of way and of its railroad where they now cross the south half of section 8, township 33 north, range 27 west of the sixth principal meridian, and is hereby granted in place of said right of way granted to the said Fremont, Elkhorn and Missouri Valley Railroad Company by the said act of February 28, 1883, a new right of way not exceeding 400 feet in width, to be so selected as not to interfere with any buildings or improvements on said reservation, and the location thereof to be subject to the approval of the Secretary of War, across and through that portion of said military reservation embraced within said south half of section 8, township 33 north, range 27 west of the sixth principal meridian.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, from reading the bill I understand this gives them a title to the right of way across a military reservation. There is no reservation in it by which Congress can hereafter require them to move their road if it should see proper to do so. Is that correct?

Mr. KINKAID. I think the intention is in case of nonuser of right of way it would revert to the Government.

Mr. PAYNE. No; but suppose the Government should want the land and require them to move away, there is nothing in the act which would give the Government that right, is there?

Mr. KINKAID. It is in the usual form, but I, at his request, will defer to the chairman of the Committee on Military Affairs.

Mr. HULL of Iowa. It is all subject to the approval of the Secretary of War. They surrender more than twice as much of the reservation as they take. It shortens the road, makes a more direct line, and avoids a very steep grade. It is

in the form that all these bills are in. I suppose the Secretary of War, if the Government needed it, could take it up. It will never be done, however.

Mr. PAYNE. I do not know whether they could or not, and I do not know whether the original grant is that way or not. The Government made a grant of a reservation in the city of Oswego, in my own State, reserving the right to cancel the right of way and compel the railroad company to move, and in the last three or four years they have compelled the railroad company at great expense to get a new right of way, because they wanted to use the reservation.

Mr. KINKAID. If the gentleman will permit, I will explain to the gentleman from New York that it has been the intention of the War Department and the administration for some time to have this military reservation abandoned as such. But it has not yet been carried out. It is not now being used as a military reservation, and I regret that the prospects are that it may not be continued as such. The language of the present bill is the same as the language of the original bill, in legal effect, at least, and this bill will require very much less the amount of area than the original bill—about one-half. It removes the right of way further from where the post site exists, and removes it to the edge of the reservation. The purpose of the bill is to give the road an opportunity to construct a new bridge in place of an old wooden bridge 25 years old, and secure a better grade. The present bridge is about 80 feet above the river. The new bridge will be at least 58 feet higher, so that the grade will be improved accordingly. The new bridge will be a first-class steel structure, so that the public will be greatly benefited by the change, and the public in general is therefore concerned in the change.

Mr. EDWARDS of Georgia. Will the gentleman yield for a question?

Mr. KINKAID. Yes, sir.

Mr. EDWARDS of Georgia. What distance across the reservation is asked for in this right of way?

Mr. KINKAID. Twenty-two hundred feet. The distance now occupied by the right of way is three-quarters of a mile, so that the distance is only about one-half, or less than one-half.

Mr. EDWARDS of Georgia. Does the gentleman think that it is necessary to give them a right of way 400 feet in width?

Mr. KINKAID. It is, for the peculiar reason that they wish to improve the grade, and the banks of the river are very high, and the grade will be considerable at best. They need this for the purpose of handling dirt, and will have to occupy about all of it.

Mr. EDWARDS of Georgia. Is it not a fact that that is just about four times the width of an ordinary railroad right of way?

Mr. KINKAID. Oh, yes, it is, sir; but not under such conditions. The right of way under such conditions in many cases is equally great.

Mr. MANN. Will the gentleman yield?

Mr. KINKAID. Yes, sir.

Mr. MANN. What becomes of the present right of way?

Mr. KINKAID. It reverts to the Government and goes back to the reservation.

Mr. MANN. So that the Government acquires a little more than it gives?

Mr. KINKAID. It acquires somewhat more than it gives; yes.

Mr. PAYNE. In embankments on the present right of way?

Mr. KINKAID. There is some, but not half so great as this will be.

Mr. PAYNE. So that the Government gets improvements by the way of embankments, which, of course, would destroy the commercial value of the property that is given.

Mr. HULL of Iowa. If the gentleman will yield, I would like to say a word or two on this matter.

Mr. KINKAID. I yield to the gentleman from Iowa.

Mr. HULL of Iowa. This right of way is over a section of the country where they have granted to homesteaders 640 acres if they will undertake to live on it. It is a section of country where the land is of comparatively no value, being largely sand hills. They run in on the reservation now and circle around through. This makes a short cut across the reservation. According to the War Department, it is necessary to make the grant 400 feet wide. I raised the point that this was an unusual width to give and ought not to be done, and the War Department in its report says that on account of high embankments and the character of the soil it is claimed that they must have an extra right of way in width.

Now, I regard it as of no value to the Government. It is of great value to the road and to all the people on that line of road—the town of Valentine and all those settlements up and down the road. At present the road where it approaches this bridge has to make a dip down to the bridge, and a very steep grade to get up to its level again. My information was that it was more than 100 feet from the river bed to the top of this bridge. The gentleman says it is 58 feet.

Mr. KINKAID. Eighty feet to the present bridge, and the new bridge will be 138 feet, making it 58 feet higher.

Mr. HULL of Iowa. It is one of those cases where they must come to Congress for the privilege of making this great improvement. It requires an outlay of money on the part of the road, but ultimately will be of great benefit to it, I have no doubt.

Now, coming back to the point that the gentleman referred to, in all cases where the Government supposes that it will need the land again, the right to change the location of the road or to vacate the grant is always reserved, but in this case it is an entirely different proposition. The land is of no value, and if open to sale would not bring $5.

Mr. PAYNE. I want to ask the gentleman, in connection with that, if the Government gives a right of way to a railroad company, giving them a perpetual easement in land, so that the Government can not afterwards reclaim it unless the railroad abandon the line, why should not the railroad company do as they do with individuals—pay whatever the land is worth?

Mr. HULL of Iowa. The land is not in the market. They can not buy it. If they did buy it, they probably would pay about a dollar and a quarter an acre, and all the rest of the land, at a dollar and a quarter an acre, would lie there forever without anybody buying it.

Mr. MANN. It amounts to as much as four or five dollars altogether?

Mr. HULL of Iowa. Yes.

Mr. PAYNE. It is 400 feet in width.

Mr. MANN. And 2,200 feet long.

Mr. PAYNE. My friend here says it is less than a quarter of a mile. That is not according to my arithmetic.

Mr. KINKAID. No, sir; not at all. I said 2,200 feet.

Mr. HULL of Iowa. I believe that the grant of this land will benefit all the people of that part of Nebraska and South Dakota; it can not harm anybody, and it will enable the road to make an improvement that is absolutely necessary, in order to do its work as it should be done for the people.

Mr. PAYNE. I want to say to the gentleman right here that I am opposed to the Government granting a perpetual right of way over any of its reservations without compensation.

Mr. HULL of Iowa. We did it at Fort Reno Reservation.

Mr. PAYNE. I understand from the gentleman from Nebraska [Mr. KINKAID] that this grant is in the same language as the original grant, which was for a strip of land about three-quarters of a mile in length and 100 feet wide.

Mr. KINKAID. One hundred and fifty feet.

Mr. PAYNE. We are giving away a good deal more land than we get back; but because of the facts stated I do not care to object to this bill. I do think, however, that the Military Committee should take that into consideration in regard to future grants—that wherever we make a donation to a railroad company, whether it is a dollar or $10,000, there ought to be a provision in it that the Government at any time may change the route or compel them to move off the reservation. It proved to be of great value to the Government in the city of Oswego that they had that right. They had a chance to sell the land there, as I remember it, and the railroad moved off. They compelled the railroad to move off from the reservation, and at large expense to acquire a right of way, just as in all civilized communities railroad companies are required to get it by paying the owner. They always should pay the owner what the land is worth, whether the United States or an individual is the owner. But as I am assured that the railroad company already have this perpetual right of way in a strip of land not quite so large, and that they need the dirt for filling, 400 feet in width—I hope the gentleman knows that of his own knowledge, because if he does not, I am very much disposed to doubt the assertion that they need so much for an embankment—I will not make an objection this morning. But I want to give warning to the Committee on Military Affairs, if they bring in any bills similar to this without making some provision for payment for the absolute right of way in perpetuity, I shall object hereafter.

Mr. HULL of Iowa. I would like to say for the information of the gentleman that the railroad would have been glad to pay for the land, but there was no way they could buy it.

Mr. PAYNE. You could put the permission into this act and allow them to buy it and fix the price.

Mr. GAINES of Tennessee. I would like to ask the gentleman from Nebraska who owns this land?

Mr. KINKAID. The Government owns it, because it is a military reservation. The railroad has a right of way over it twice as long as the distance they now ask for, and that will revert to the Government. The Government will get back more than it gives away.

The SPEAKER. Is there objection?

Mr. GAINES of Tennessee. Mr. Speaker, I want a little more information. This land does not belong to the Indians?

Mr. KINKAID. No; and never did.

Mr. GAINES of Tennessee. Where is the land situated?

Mr. KINKAID. In northwestern Nebraska, near the South Dakota Sioux Reservation.

Mr. GAINES of Tennessee. Has the Speaker approved of it? [Laughter.]

Mr. KINKAID. Oh, yes. [Laughter.] If recognition is approval.

Mr. MANN. I would like to ask the gentleman from Nebraska if he would be willing to accept an amendment to the bill providing that the right to amend, alter, or repeal the act is reserved.

Mr. KINKAID. If that were usual in such cases, and we had some decisions well establishing the law on the question, I would know better how to answer the gentleman; but as the original bill was the same in legal effect and form as this and is a Senate bill and not my own, and inasmuch as the Government will get back more than this will take, I should feel that I ought to say that I could not consent to that, but I would not object, of course, to the railway company being required to pay the reasonable value of the land.

Mr. MANN. But the gentleman says the purpose of the bill is to construct a bridge, as I understand it.

Mr. KINKAID. Yes.

Mr. MANN. In every act Congress has passed, and they are frequently passed, providing for the construction of bridges by railways across navigable streams, it is the invariable custom, never departed from, to reserve the right to alter, amend, or repeal the act.

Mr. KINKAID. This is not a navigable stream.

Mr. MANN. It may not be a navigable stream, but it grants authority to build a bridge across the government property. The authority in other cases is granted to build a bridge across property the Government does not own, but here is a proposition to give away property which the Government does own. There is no difference in theory as to the right to alter, amend, or repeal.

Mr. KINKAID. There is a difference in regard to whether it is navigable or not; this is across a military reservation, which may be abandoned.

Mr. HULL of Iowa. I would like to ask the gentleman from Illinois if that proviso in bills authorizing the building of bridges is not to protect navigation as it developed in the future, so if the bridge becomes an obstruction to navigation in the future it can be taken away?

Mr. MANN. It is in cases where the Government gives a franchise and reserves the right to alter, amend or repeal, and it ought to be done in every bill.

Mr. GAINES of Tennessee. Let me ask the gentleman if the Secretary of War has approved this bill?

Mr. KINKAID. The Secretary of War has approved of it unqualifiedly.

Mr. GAINES of Tennessee. Does the bill conform to the statute that was passed at the last Congress requiring all bills to conform to a certain form?

Mr. KINKAID. It does not violate any statute at all, and it was acceptable to the Judge-Advocate of the War Department, who is especially well informed on these questions.

Mr. GAINES of Tennessee. When did the gentleman introduce the bill?

Mr. KINKAID. It is a Senate bill.

Mr. GAINES of Tennessee. When was it introduced in the Senate?

Mr. KINKAID. On the 11th of this month. Let me explain. The railroad company wants to get to shoveling dirt right away, because the present bridge, besides being so low and the grade being so great that they have to double team on the west side of the river with extra engines, is 25 years old, a wooden structure, and therefore we do not know that it is entirely safe, and they want to get to throwing dirt, I understand, soon. That is why we are pressing the bill as rapidly as we can.

Mr. MANN. Then, I think the gentleman had better accept the amendment.

The SPEAKER. Is there objection?

Mr. MANN. I object, Mr. Speaker, unless the gentleman will accept the amendment.

Mr. MARTIN. Mr. Speaker, if the gentleman from Nebraska [Mr. KINKAID] will yield, I will ask the gentleman from Illinois [Mr. MANN] to withhold his objection for a moment.

Mr. KINKAID. I yield to the gentleman from South Dakota [Mr. MARTIN].

Mr. MARTIN. Mr. Speaker, it appears to me that the gentleman from Illinois [Mr. MANN] is confusing the provisions in legislation granting authority to construct bridges over navigable streams with the usual legislation granting rights of way to construct railways over the public lands. The two cases are not parallel. When a bridge is built over a navigable stream the facilities for navigation must be protected, and it is customary to reserve the right in the Government to amend or modify the franchise as the public needs may require.

On the other hand, it has been the universal policy of the Government from the beginning, so far as I have observed, and I am quite familiar with the subject, to grant the free right of way to railway corporations, and to all companies of a quasi public kind, that will construct railways and highways in the West through all of the public lands, and particularly for the purpose of railway construction. Now, if this right of way were upon any of the public lands except what had been heretofore used as a military or some other reservation, the company would have the absolute right by simply filing a plat with the Secretary of the Interior to modify or change its right of way, and in no case, so far as I am aware, has there ever been insisted upon a provision that a railway company building a railway across the public lands of the United States should be required to submit to a provision that Congress or the Government might at some future time, or at any time, require a modification of the grant.

Mr. MANN. The gentleman is evidently mistaken as to the legislation of Congress during the last few years on the subject of rights of way through reservations.

Mr. MARTIN. On the subject of bridges over navigable streams, the gentleman from Illinois is correct, but as to the subject of rights of way for railways over pubilc lands I am sure my recollection is right.

Mr. MANN. I think in every case it is provided that either the Congress or the War Department shall have absolute control over the question of the right of way and the continuance as a right of way.

Mr. MARTIN. The injustice and the impracticability of that sort of a provision in the ordinary construction of a railway in the West will appear, I think, on a moment's reflection. It would be a matter of comparatively little importance to this company or any other company building a railway that it should pay the reasonable value outright for the land used for the right of way. It would be a matter of infinite inconvenience and possible damage if it might be subject to the will of anyone in the future and forced to arbitrarily change its right of way. In this particular instance——

Mr. MANN. The same is true about a railway bridge over a stream.

Mr. MARTIN. Over a navigable stream only, for the reason that there is the purpose of river navigation to be conserved, which is of equal importance with that of railway transportation.

Mr. MANN. It is just as much trouble for the railway to change for one reason or the other, and it has never stopped a railway building a bridge up to date.

Mr. MARTIN. Mr. Speaker, I have never been aware of any provision of that sort as to any construction of railways over the government lands. Of course we do not grant specifically by Congress provision to build bridges over nonnavigable streams. That goes as a matter of right to the railway, and so there has been no legislation on the subject, except the general legislation granting a right of way. The act of 1875 now upon the statute books gives absolutely over all of the public lands in the United States the right to a railway or other quasi public corporation to construct its railway, whether it is across interior streams or otherwise. I am somewhat familiar with this particular case, as it is a road which I travel over almost invariably in going to and from my home. The circumstances are these: Some twenty-five years ago this railway built its line up through western Nebraska and into the Black Hills country of western South Dakota, in which I live. As is common in the early building of railways, its right of way was more or less circuitous. Now, in the day of more traffic, provision is being made to accommodate these circumstances, and one of the necessary things is the straightening and shortening of this right of way where it runs through these public lands, then in a military reservation.

The road as now constructed through that country makes quite a circle. My own opinion is that in the making of proper abutments and approaches to this high bridge, something over 138 feet, it will probably be necessary to use all or most of the 400 feet asked for that purpose. Now, it is a simple proposition in which a railway with a right of way over that reservation, the reservation being practically abandoned for military purposes, a part in every sense of the great public lands of the United States, desires to straighten its course through that part of the country. It is wild, unused land, of insignificant and nominal value. I am sure the gentleman from Nebraska [Mr. KINKAID] could have no great objection to the railway paying the value of it if anybody insisted upon that, but the amendment proposed by the gentleman from Illinois [Mr. MANN], I am sure, in the face of a great public improvement of this kind, which will cost hundreds of thousands of dollars, would be a very serious modification of the usual custom regarding railway construction in the West.

Mr. HUGHES of New Jersey. If any municipality owned this particular piece of land, would it not be regarded in the light of enlightened public policy in regard to these matters for that municipality to demand such an amendment as is suggested by the gentleman from Illinois [Mr. MANN]?

Mr. MARTIN. Oh, if it were within the corporate limits of a municipality, I can see where there would be occasion for it. Out on the open prairie, in a country where the land about is probably not worth to exceed $5 per acre, I can not see any real reason for a reservation of this kind.

Mr. HUGHES of New Jersey. If the land belonged to a municipality—never mind whether it is within the corporate limits or is in actual use or there is reasonable expectation it will be in actual use—but if it belongs to a municipality or a private individual and we were giving something for nothing, granting a right, would it not be regarded as proper that this protection which the gentleman suggests, and which as a provision now goes into every franchise and charter that is granted in my State—surely not the most unfriendly State in the Union to corporations—does the gentleman not think that when we are giving something it is only fair that we should safeguard the interests of the Government to the extent suggested by the gentleman from Illinois?

Mr. MARTIN. The interests of the Government and the people of the States always should be safeguarded to the fullest limit, and my own opinion on the question which the gentleman asks is this: If the inconvenience to the grantee is out of all commensurate proportion to any possible damage to the grantor, or out of proportion to the value of any grant, I would say that a reservation of that kind would be very unreasonable.

Now, perhaps the value in this grant that is in existence at the present time is $5 an acre, the acreage is——

A MEMBER. A dollar and a quarter; not over.

Mr. MARTIN. The value in controversy is not worth over $25.

Mr. HULL of Iowa. It is not worth $5.

Mr. MARTIN. I am surely making a liberal estimate of Nebraska land when I say it is not worth over $25. Now, here is a proposition to a company that will put an improvement on their road of perhaps a half a million dollars that, if they exchange for this purpose a right of way worth $25, they shall be subject to arbitrary dictation by anybody or somebody at some time which may force them to move or modify some of their work which has cost a half a million dollars. Now, the paying for the land is insignificant, but it is certainly a hardship on the company to put anything in the bill that would force them to be subject to the will of anybody as changing arbitrarily the location of the project, and it would be an infinitely serious matter.

Mr. KINKAID. With the permission of the gentleman from South Dakota I would like to answer further: This is on the outskirts of the reservation; the present right of way is in the interior part. If this reservation were used for a military reservation the Government would never use this part at all. This cuts across just the border of it, and the whole of the reservation is liable to be restored to the public domain and made subject to the homestead laws, so that the Government would no longer be interested in this as a military reservation, and that would remove the foundations entirely of the contention that the Government should reserve any right whatever. If the reservation should be discontinued as a military reservation and made subject to the homestead laws, this change would benefit the homesteaders by giving them more land to homestead, because this takes less right of way.

Mr. HUGHES of New Jersey. Now, if the gentleman will permit, my position is this: I do not think it is proper for this House to give any kind of unreserved grant, no matter how small it may appear to be. It is quite evident that this grant has some value; it is quite evident that somebody wants it and is here asking this House to give it to him. Now, if it be true that the original grant is a perpetual grant, I do not believe it is good policy to make this a perpetual grant so that both grants will be consistent. I think, if the gentleman will permit, that if this amendment will give the Government any advantage, restore it to somewhere near the position that it would have had if the language had been placed in the original grant; if it restores to the hands of the Government any weapon which it never should have relinquished, that it should be adopted. So far as the danger of the Government arbitrarily using this power is concerned, I do not think the gentlemen will contend that there is any danger of that.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

On motion of Mr. GARDNER of Michigan, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25392, the District of Columbia appropriation bill, Mr. OLMSTED in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25392, the District of Columbia appropriation bill, and by unanimous consent and agreement reached last evening the first paragraph is in order, which the Clerk will report.

The Clerk read as follows:

Page 34. Playgrounds: For maintenance and renewal of equipment and planting trees for outdoor playgrounds, $1,500.

The Clerk read the amendment of the gentleman from New York [Mr. PARSONS], as follows:

Amend, on page 34, lines 13 and 14, by striking out the words "one thousand five hundred" and inserting in lieu thereof "fifteen thousand."

Mr. PARSONS. Mr. Chairman, the amendment I offer is an amendment which, if adopted, would provide an appropriation of $15,000 for the maintenance of the playgrounds in the District, as against the $1,500 which the committee has provided in the bill. Last year the appropriation bill provided only $1,500 for maintenance; but the maintenance and the grounds cost $18,000, of which only $1,500 was contributed by appropriation. The rest of the money was raised by outsiders. Severals years ago we started on the policy of school playgrounds and municipal playgrounds. There are now in the District 18 school playgrounds and 13 municipal playgrounds, making in all 31. The contributions last year were raised at——

Mr. GAINES of Tennessee. Mr. Chairman——

Mr. PARSONS. If the gentleman will excuse me for a moment——

Mr. GAINES of Tennessee. I wish to ask the gentleman a question right there. How much land is there in these playgrounds, and where are the playgrounds?

Mr. PARSONS. The school playgrounds are some areas immediately surrounding the schools. The municipal playgrounds are scattered all over the District, and vary in extent from about 1 acre to 5 acres.

Mr. GAINES of Tennessee. How many acres are there, all told?

Mr. PARSONS. I can not say exactly. I suppose that the 13 municipal playgrounds altogether comprise about 25 acres.

Mr. GAINES of Tennessee. How many schools are to be supplied?

Mr. PARSONS. There are 18 school playgrounds, but they are very small areas that adjoin the schools. Last year the $18,000 that was raised for the playgrounds was contributed in this way: In response to letters $2,000 was raised. They had a tag day, and they raised $8,260.51. Then they had a river excursion and a baseball game, by which they raised $378.

Then, in October Mrs. Roosevelt had an entertainment by the Ben Greet players on the White House grounds and raised $1,932. Then the children who use these playgrounds were allowed to contribute, and they contributed $3,911, two and one-half times as much as you appropriated. Last year in the appropriation bill there was also appropriated $5,000 for equipping one of the playgrounds, but the appropriation for maintenance was only $1,500. The only appropriation this year in connection with the playgrounds is one for maintenance—$1,500.

The attendance at the playgrounds has increased very largely since they first started, and is continually increasing. Playgrounds are now maintained by over a hundred cities in the United States. Our policy has been determined, and the ques-

tion is, having got the playgrounds, Are we going to provide the money necessary to maintain them? Fifteen thousand dollars would go a long ways toward that, although it would not be quite sufficient. There would still have to be a voluntary subscription.

Mr. CANNON. Mr. Chairman, what are the items of expense entering into the maintenance or making up the cost of the playgrounds?

Mr. PARSONS. The main items are teachers and attendants. I think that amounts to about $10,000, out of $18,000. The other items I can not give the gentleman in detail.

Mr. GAINES of Tennessee. Mr. Chairman, where is this land located that is to be bought?

Mr. PARSONS. No land is to be bought. This is simply for maintaining the playgrounds we now have in the District, seeing that they are properly utilized, and that the small children as well as the large children have an opportunity to use them, and that the weak children have an equal opportunity with the strong ones.

Mr. GAINES of Tennessee. Does the gentleman intend to say that they are going to use $15,000 to keep up these thirteen playgrounds?

Mr. PARSONS. Fifteen thousand dollars? It will cost $18,000 at least, and probably $21,000.

Mr. GAINES of Tennessee. What are you going to do with the money?

Mr. PARSONS. Some of it is needed for equipment.

Mr. GAINES of Tennessee. Well, how much?

Mr. PARSONS. I can not give the gentleman the items exactly, but the most of it is used for attendants—teachers to supervise the playgrounds.

Mr. GAINES of Tennessee. Teachers to supervise the playgrounds?

Mr. PARSONS. Teachers to supervise the playgrounds.

Mr. GAINES of Tennessee. Are they not already provided for?

The CHAIRMAN. The time of the gentleman from New York [Mr. PARSONS] has expired.

Mr. BENNET of New York. Mr. Chairman, I ask unanimous consent that my colleague may have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. Where are those teachers to come from?

Mr. PARSONS. They come from the District.

Mr. GAINES of Tennessee. Are they already in the employ of the Government as teachers?

Mr. PARSONS. I do not know whether they are or not. I do not know how they are selected.

Mr. GAINES of Tennessee. What do they teach?

Mr. PARSONS. They supervise the use of the playgrounds. You can not have playgrounds in cities unless you supervise them.

Mr. GAINES of Tennessee. Do you mean to say you are going to employ teachers to teach the children how to play? And how much is going to be paid for that?

Mr. PARSONS. On an acre of ground there may be 600 children to play.

Mr. GAINES of Tennessee. They can play without being taught.

Mr. PARSONS. They can not play without being supervised.

Mr. GAINES of Tennessee. Whose children are they?

Mr. PARSONS. The children of the people of the District, and mostly poor children.

Mr. SABATH. It is absolutely necessary to have some one in charge, is it not?

Mr. PARSONS. It is absolutely necessary to have some one in charge. The experience of other cities has been that if you have playgrounds that are not supervised, you have to abandon your playgrounds, because the large and strong boys come there and monopolize the playground, and there is no opportunity for the smaller children, the girls, and the weaker children, to utilize the playgrounds.

Mr. GAINES of Tennessee. You say the big boys come there and monopolize the playgrounds, and you want a teacher to teach the boys how not to monopolize. Why not get a policeman to do that, and not pay $18,000 a year?

Mr. PARSONS. It will cost a great deal more than $18,000 to have the thing done by the police, I will venture to say.

Mr. GAINES of Tennessee. Are not policemen already employed to keep in order all the public parks of the city of Washington?

Mr. PARSONS. It would require the time of at least 31 policemen, and take them away from their other duties, to take care of this work.

Mr. GAINES of Tennessee. Are not policemen stationed in the vicinity of all the schools already, and do they not watch every park in the city of Washington now?

Mr. PARSONS. I never saw them.

Mr. GAINES of Tennessee. Well, I have.

Mr. PARSONS. I do not believe they do and I do not believe they can.

Mr. GAINES of Tennessee. They police the White House grounds and Jackson square, and they police all the parks that I have ever walked through and all that I have ever seen anybody else walk through.

Mr. PARSONS. Does not the gentleman understand that if you have five or six hundred children on an acre lot in an afternoon, if they are all going to get exercise you must have somebody there to see that all have a chance and to organize the kind of games that will call upon all of them to take part.

Mr. GAINES of Tennessee. I will tell you what I saw when I came through the city of Cincinnati not long ago. I saw a playground, a little park, and a lot of children were out there, swinging just as you and I have swung. There were no teachers there, so far as I saw. All were children. Everybody could go there. Everyone seemed to be swinging and playing, and they were all enjoying themselves.

Mr. PARSONS. How many children were there?

Mr. GAINES of Tennessee. Oh, I presume there were 25 or 30.

Mr. PARSONS. Suppose there had been 600 children there?

Mr. GAINES of Tennessee. The park was not big enough for that.

Mr. PARSONS. Oh, well, that is one of the difficulties. The parks are not big enough.

Mr. GAINES of Tennessee. But there was no teacher there to teach the 25 or 30 children that I saw to play. Nobody taught them how to play "leap frog" and "bull pen," and all the other things that children play; "skin the cat," and all the rest of the games for children. This is a game to skin the District treasury to teach these children how to play "leap frog." Why, I will say to my distinguished friend that I can teach them, and I will not charge $18,000 a year to show these little children how to play. It seems to me a huge lot of money to devote to such a purpose.

Mr. PARSONS. I object to the gentleman making a speech in my time.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GAINES of Tennessee. I ask unanimous consent that the gentleman may have ten minutes to show what he wants to do with this $18,000.

The CHAIRMAN. Unanimous consent is asked that the gentleman from New York may be permitted to proceed for ten minutes. Is there objection?

There was no objection.

Mr. PARSONS. I do not need the ten minutes unless the gentleman from Tennessee is going to make my speech. [Laughter.] Now, I will yield to the gentleman from Indiana.

Mr. ADAIR. Is it not a fact that out of this fund the kindergarten teachers are employed, and also instructors in athletics?

Mr. PARSONS. It is, to some extent. Of course the very small children have to have teachers, as I understand, to enable the great number of them to make the best use of the small spaces for playgrounds. As far as the athletic instructors are concerned, that again is necessary for supervision, for manly behavior, and to see that the weak boys do not overdo, and that they take the exercise that is necessary to develop them.

There has been an interesting experience here. They have a standard for athletics, a standard maintained by the Public Schools Athletic League of New York City, and each year they have a tournament to find out how many children come up to that standard. Of course the increase shows the physical benefits that come from these playgrounds. The increase has been something tremendous; I think it is something like 200 per cent each year.

Mr. GOULDEN. Will the gentleman yield?

Mr. PARSONS. I will yield to the gentleman.

Mr. GOULDEN. I would like to ask my colleague what the experience of other cities is, if he knows, as to playgrounds?

Mr. PARSONS. There are over 100 cities which maintain playgrounds. I understand that some other Members will describe the experience of their own cities. As my colleague knows, we, in New York, are tremendously handicapped from the fact that where we most need the playgrounds it is most expensive to get them. Some years ago we started the policy of using the areaways around the public schools as playgrounds. The movement started in order that the areaways around the schools should be used not simply by the scholars during the

recesses, but by them during the afternoons and during the summer vacation time. Unfortunately many of them were covered. Of course, for proper utilization, we had to have teachers. In the vicinity of New York I think we now have 531 teachers engaged in connection with these schools and their playgrounds.

Mr. COX of Indiana. I would like to ask the gentleman a question.

Mr. PARSONS. I will yield to the gentleman.

Mr. COX of Indiana. How does New York maintain its playgrounds—by taxation or private contribution?

Mr. PARSONS. By taxation.

Mr. COX of Indiana. I have observed in the papers that various cities in the United States are maintaining playgrounds by means of taxation. Now, can the gentleman inform the House if there is anything in the law now governing the District of Columbia that would prevent the citizens of Washington from placing a local tax on themselves for the purpose of maintaining playgrounds?

Mr. PARSONS. I understand that the only tax we could have would be a tax as a result of this appropriation bill. Am I not correct?

Mr. GARDNER of Michigan. Yes.

Mr. COX of Indiana. Does the gentleman know whether there is any statute in force to prevent the citizens from imposing a tax on themselves to maintain playgrounds?

Mr. PARSONS. Absolutely none. This is the only way we can provide any tax to be assessed on the citizens of Washington.

Mr. SIMS. I would like to ask the gentleman a question.

Mr. PARSONS. I will yield to the gentleman from Tennessee.

Mr. SIMS. I understood the gentleman to state that on some playgrounds there were 600 children assembled on 1 acre?

Mr. PARSONS. That is my opinion.

Mr. SIMS. I am not questioning the fact. What I want to ask is, Does the gentleman from New York think that it is in the interest of good health and proper sanitation to assemble as many as 600 children promiscuously on 1 acre of ground to play or for any other purpose?

Mr. PARSONS. I should prefer that it would not be necessary, but you have to do the best you can with what you have. The children come there, and what are you going to do—turn them away? The best way is to have money to get teachers to supervise and see that they all have a chance.

Mr. SIMS. But is not it injurious and liable to spread contagious disease to assemble 600 children on 1 acre of ground?

Mr. PARSONS. It is not so bad as to assemble that many children in one school.

Mr. SIMS. But that is necessary in order to educate them.

Mr. PARSONS. This is education, too; physical and moral education.

Mr. SIMS. I understand there are 18 playgrounds now connected with the school buildings. How many school buildings are there that have not playgrounds?

Mr. PARSONS. The gentleman from Tennessee probably knows better than I do.

Mr. SIMS. There are over 100 school buildings, and the scheme is to go on until we have a playground for each public school.

Mr. PARSONS. I do not know that, although I hope that is the scheme.

But that has not anything to do with this amendment. This amendment provides simply for maintenance and use of the playgrounds we now have.

Mr. SIMS. To pay the salaries of teachers?

Mr. PARSONS. Yes.

Mr. SIMS. Is it not a fact that one-half of the disbursements last year was for salaries?

Mr. PARSONS. Yes.

Mr. SIMS. So that when we have gotten more than a hundred schools, as well as the municipal, the appropriation will be $100,000 a year instead of $15,000 a year?

Mr. PARSONS. I do not think that argument follows, because the attendance on the municipal playgrounds, which are only thirteen in number, is one-third greater than the attendance on all of the school playgrounds, which amounts to eighteen, so the expense for the school playgrounds is much less.

Mr. BRODHEAD. Does this District of Columbia pay one-half of this appropriation?

Mr. PARSONS. Yes; the District of Columbia will pay one-half of this appropriation.

Mr. BRODHEAD. So that of this $15,000 only $7,500 comes out of the Treasury of the United States?

Mr. PARSONS. Yes.

Mr. EDWARDS of Georgia. Is it not a fact that Washington already has more parks and playgrounds for the children than any other city in the United States, in proportion to the population?

Mr. PARSONS. No; it has not.

Mr. EDWARDS of Georgia. What other cities have as much?

Mr. PARSONS. I do not exactly know, but——

Mr. MANN. Why, my district in Chicago would have twenty acres to one to that in Washington.

Mr. EDWARDS of Georgia. Of playgrounds or parks?

Mr. MANN. Parks and playgrounds, either one.

Mr. EDWARDS of Georgia. Is it not a fact that under the amendment offered by the gentleman from New York, the amount proposed to be appropriated, $15,000, would go, instead of to the benefit of the children, to a lot of paid teachers, and the children would not get the benefit of any fresh air and playgrounds?

Mr. PARSONS. You can not use the playgrounds unless you have teachers to supervise these children. That has been the experience of every city in the country that maintains playgrounds. I just stated that that was our experience in New York, and, as a matter of fact, if you have the teachers to supervise the playgrounds you have more children there. In New York it has been discovered that even where there are vacant places adjoining the smaller playgrounds, the children will go to the smaller playgrounds where there is a teacher rather than to the vacant place, because in the vacant place the large boys will come and monopolize it and there will be no chance for the great mass of children, especially for the girls and smaller children and weaker boys.

Mr. EDWARDS of Georgia. Does the gentleman think it a fair comparison to compare the conditions in the city of Washington with the conditions in the city of New York, in view of the fact that New York is much more densely populated and thickly crowded than Washington?

Mr. PARSONS. That is true; but the reason I mention New York is because some of our experience in New York is applicable here. Our difficulty in New York is this, that we were behindhand in providing for playgrounds, and know the difficulties that confront us. Our anxiety is that the District of Columbia shall be up-to-date and foresighted about the matter.

Mr. HAMLIN. How many playgrounds are being provided for?

Mr. PARSONS. Not any. The playgrounds have already been provided for. We appropriated two years ago $75,000 with which to buy playgrounds. All my amendment seeks to do is to provide the money to make good use of the playgrounds we already have.

Mr. HAMLIN. What items enter into the making up of this expenditure?

Mr. PARSONS. You have to have a certain amount of equipment, and then you have to have teachers to supervise the children in the playgrounds.

Mr. SABATH. And to maintain the playgrounds in good condition.

Mr. PARSONS. And to maintain them.

Mr. BOWERS. Does the gentleman in his idea of the equipment of these playgrounds conceive that they should be equipped for the children or the adults?

Mr. PARSONS. For the children.

Mr. BOWERS. Then how does the gentleman support that proposition of the playground people presented to the committee of turning one of the playgrounds in Washington in the northeast section, I may say—without being certain of the location, and if it is challenged I will turn to the RECORD and make it more specific—into a general establishment for the benefit of all of the people of the District, including a very elaborate bathing plant?

Mr. PARSONS. As I read the hearings of the committee, the proposition of the people in the District was that provision might also be made so that late in the afternoon and in the evening some of the playgrounds could be used by adults. My amendment has nothing to do with that.

Mr. BOWERS. But the gentleman's amendment, if it is adopted, will be used toward the maintenance of these grounds for the very purpose that I have stated, unless people who advocate this proposition have misstated the reasons for which they desire the appropriation.

Mr. PARSONS. My amendment will not further the plan the gentleman speaks of any more than the provision now in the bill will.

Mr. BOWERS. But the provision now in the bill, with its limited amount, will make it absolutely certain that no such misuse—if I may use that term, and I confess that I would regard it as a misuse—will be made.

Mr. PARSONS. Let me say in reply to the gentleman, that in appropriating for the children of the District it does not seem to me that we should give an absolutely insufficient appropriation for fear that a sufficient one might be used for some other purpose when experience shows——

Mr. BOWERS. It is a matter of confessed purpose in the premises.

Mr. PARSONS. Will the gentleman refer me to a statement by the commissioners in the hearings which states that?

Mr. BOWERS. I do not know that I can refer now to the statement of the commissioners, but I am able to refer, and will do it in a moment, if the gentleman will indulge me, to the statements of those who advocated this particular proposition and were interrogated by me with reference to it.

Mr. PARSONS. Oh, well, they advocated a great many other things.

Mr. BOWERS. If I may further interrupt the gentleman, they have advocated so many things that they have put this committee, and I fear the House, in the situation of the fellow from Tennessee who wanted to join the church, and when they had interrogated him about a number of nonessentials and had asked him whether he believed that the Hebrew children had passed through the fiery furnace, whether he believed that Christ had walked on the waters, and had interrogated him pretty generally on the matter of miracles, they finally asked him if he believed that Jonah had swallowed the whale; and, after a little hesitation, and being very anxious to join the church, he accepted that proposition also. They then passed from the matter of nonessentials to essentials, and inquired of him if he believed that Jesus Christ had died to save all men, and his reply was that he believed he died to save everybody except Bill Smith. [Laughter.]

The inquiry was then put to him why Bill was exempted from the general plan of salvation, and he rejoined for manifest reasons: First, because Bill was so ornery that nobody wanted to save him; and second, because if that attempt was made it would be entirely useless, because no amount of saving grace could reach Bill Smith. After having discussed that matter thoroughly with the proposed applicant they said to him:

We are very sorry, but unless you can subscribe to this doctrine you can not come inside.

And he, having his blood up a little in the premises, said:

Well, I don't believe it, and since you put me on my mettle, I don't believe that big fish tale, either.

[Laughter.]

That is the attitude in which the advocates of this matter perhaps have got the committee, and I fear the House.

Mr. GAINES of Tennessee. Will the gentleman tell the House who taught the little children how to roll eggs back of the White House?

Mr. PARSONS. Who teaches them?

Mr. GAINES of Tennessee. They go and roll eggs back of the White House, some of the eggs break and some do not; but nobody cries about it. Who taught those children how to go down there and play?

Mr. PARSONS. I do not know; the amendment does not cover it.

Mr. SABATH. They have seen it done.

Mr. GAINES of Tennessee. That shows the farcical nature of the proposition which the gentleman is trying to get adopted by the committee, however honest and sincere he is in it. Nature teaches children how to play.

Mr. PARSONS. Let me say this in regard to nature: The experience of the cities tells us what nature in cities does with children. Now, the experience of cities is that for the health and well-being of the children such playgrounds are necessary, and it is necessary that they should be supervised. That is what nature teaches about children in cities.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I move to strike out the last word——

Mr. DOUGLAS. Mr. Chairman, I move the following amendment to the amendment of the gentleman from New York, and ask that it be read at the Clerk's desk.

The CHAIRMAN. The gentleman from Ohio offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by substituting for the words "fifteen thousand" the words "seven thousand dollars."

Mr. DOUGLAS. Mr. Chairman, I would not for a moment be put in the position of denying the children of this District playgrounds or anything of the sort, but it does seem to me that after the committee has given this matter consideration, a jump from $1,500 to $15,000 is a considerable step for the House to take without more information than it has. Furthermore, after what we have heard here, since the consideration of this District bill began, about the condition of taxation in the District of Columbia, I for one am glad to hear from the distinguished gentleman from New York [Mr. PARSONS] that the citizens of this town are willing and do tax themselves something for the maintenance of these playgrounds. I do believe that a just means can be found between the recommendation of the committee and that of the original amendment. So I offer this amendment in the hope that the citizens will contribute something toward this thoroughly worthy object out of their own pockets.

Mr. CAULFIELD, Mr. GAINES of Tennessee, and Mr. PETERS rose.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. PETERS].

Mr. PETERS. Mr. Chairman, the child without a playground is the parent of the man without a job. Playgrounds in our cities have come to be considered part of our public educational systems, and to-day are becoming universally recognized as such.

I have heard this discussion, Mr. Chairman, and I wish to add a word which I believe will be pertinent, and which brings in the experience of the city where I live, and which shows at that place the success of the playgrounds for the children. The city of Boston is the pioneer city in connection with this form of public education. The first public gymnasium was started in 1886 in the city of Boston, and at that place was provided the first of the sand gardens for the children. From such small beginnings the city to-day maintains for its children 196 acres of playgrounds.

Mr. EDWARDS of Georgia. Do you provide teachers and attendants there in the playgrounds for the children?

Mr. PETERS. I am very glad to try and say what we are doing. We do.

Mr. EDWARDS of Georgia. Do you do that?

Mr. PETERS. We do. Those 196 acres are scattered in 52 playgrounds. They cost our city nearly $4,000,000 to construct, and there is no question to-day, Mr. Chairman, but they are regarded by every man as an important part of the children's life, and in no small way help to develop from our children men and women with vigorous bodies and healthy minds. Last year the city of Boston appropriated $83,000 for the use of these playgrounds, providing additional apparatus and providing instructors. The use and the necessity of an instructor for these children is well recognized and necessary, for the reasons that the gentleman from New York [Mr. PARSONS] has just stated. A supervisor keeps the older children from crowding out the younger ones, teaches the younger children various sports, and enables the children to secure from the opportunities of the playground the greatest benefit. The playground has become so well recognized as a part of children's education that during this last year the matter was brought up before the legislature of Massachusetts and a special act was passed, the passage of which I think is very significant as showing the general recognition of the playgrounds theory in Massachusetts, a part of the country where it first was started and where to-day it is in most general use.

This act provides that it should be submitted for acceptance to every city of over 10,000 inhabitants. It provides that the city which accepts the act shall provide a playground for the children, and for every additional 20,000 inhabitants above 10,000 shall provide an additional playground. And in regard to instructors for these, I will read just one section of the act.

Mr. BOWERS. Will the gentleman yield a moment?

Mr. PETERS. Certainly.

Mr. BOWERS. Does the gentleman advocate in a country town with a population as small as 10,000 people the setting aside of a playground for children that can play anywhere on the face of the earth in that town?

Mr. PETERS. Why, sir, that is not the question before this House.

Mr. BOWERS. But it is a part of the gentleman's recital of the excellent progress of this most admirable system of playgrounds.

Mr. PETERS. Certainly. Washington has many times ten thousand, and I think the question of whether the children need playgrounds is one that could be fairly submitted to the people, and one which is submitted to the people in this act of Massachusetts.

In reply to the question as to the necessity for supervisors, the act which I referred to says:

Acts of 1908, chapter 513, section 2:
"The cities and towns may appoint, and determine the compensation of, the qualified supervisor of each playground, who shall direct the sports and exercises thereon."

This act, Mr. Chairman, was submitted to 23 cities in the municipal elections in Massachusetts this last December, and of those 23 cities—after full discussion in the newspapers, after the broadest kind of study of the problem—22 voted to accept this provision, only one city failing to do so, and that city by a vote which was practically a tie vote and on the ground that the city was already heavily indebted.

Of the people who passed on this question in Massachusetts over 125,000 voted in favor of accepting the provisions of this act and slightly over 23,000 voted in opposition to it.

Mr. SIMS. The cities paid all the expense, did they not? The State of Massachusetts did not pay it.

Mr. PETERS. The cities paid it, and each city for itself voted whether that particular city should adopt that particular act. It is now being put in operation, commencing the 1st of January, in these 22 cities. And I want to say to the gentleman that in the city of Boston the playgrounds to-day are not standing still, but are increasing in general use, and the public opinion there, after a practical demonstration of the question, absolutely supports the theory of playgrounds as an essential part of our school system. I hope here we may meet our responsibility to the people of Washington by adopting this as a part of our educational system. [Applause.]

Mr. GAINES of Tennessee. Mr. Chairman, I am the last man in the House or out of it who would deny a child the opportunity to play. We have more parks in the city of Washington than any city of which I have any knowledge, and I want to say that I have traveled considerably through the United States. The parks are conveniently located. They are all over the city. About each and every one of these parks is a splendid policeman who keeps it in order, and who keeps the big boy off the little ones and vice versa, for sometimes the little boy jumps on the big ones.

Mr. Chairman, it is an utter absurdity to talk about starting this thing of having a wilderness of teachers in the city of Washington to teach a child how to play "leap frog" and how to swing in one of those swinging machines, or how to ride in a merry-go-round or how to play "horse," as I used to do from the time I was big enough for my little legs to straddle a fence rail.

Mr. MANN. Who provides all this play machinery in our parks?

Mr. GAINES of Tennessee. I presume Uncle Sam does.

Mr. MANN. Oh, no. That is what this provision is sought for. The gentleman thinks the children do not need to be taught to play, but they do not have the things to play on. That is the trouble.

Mr. GAINES of Tennessee. Suppose "play" machinery is necessary for children. Are there not a thousand and one other things that the people of the United States are appealing to this Congress to provide; and are they not answered with the chorus, "A deficit in the Treasury?" Why shall we go along here and in hundreds of small matters pay out the people's tax money, fritter it away, putting a little spigot here in the Treasury and a little spigot yonder in the Treasury, which will continue to pour out the people's tax money into the highways and byways of the city of Washington and elsewhere in the United States?

Is there never to be any retrenchment or reform in paying out public money? Is every little whim and caprice of the school-teachers of this country to be humored? I have been a school-teacher myself, and I deeply sympathize with them, and want to aid them within fair and reasonable lines. I regret that I have not had in my life more school-teachers than I had an opportunity to have; but nobody taught me how to play or plow. No one taught one man in this House how to entertain himself at school, or upon the farm, or in the city where he was reared. He taught himself.

Mr. MANN. Does not the gentleman think it would have greatly improved him if he had learned how to play, instead of taking everything so seriously all the time?

Mr. GAINES of Tennessee. Well, not when I ought to be serious, and I think this is one of the times. The gentleman says teachers are wanted to police the little children. Now, the policing proposition is useless; you all know that. You can not get 600 children on an acre of ground and allow them to play anything. That is an absurdity.

And when you come seriously to look at the question, I do not believe that you need any machinery. Here is the beautiful greensward out here about the White House. There is Jackson Square; there is Lincoln Park; there is Rock Creek Park.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. GAINES of Tennessee. Yes.

Mr. COOPER of Wisconsin. Does not the gentleman know that the children can not play, as children ought to play, in Jackson Square, or McPherson Square, or Franklin Square, and that the Carnegie library has spoiled that square as a playground?

Mr. GAINES of Tennessee. Carnegie libraries spoil a great many things, in my estimation.

Mr. COOPER of Wisconsin. In all those places there are signs that say, "Keep off the grass." Last summer, one hot day, I saw boys in the streets playing where the Carnegie library stands usurping what ought to be left for playgrounds.

Mr. GAINES of Tennessee. What are the parks for?

Mr. COOPER of Wisconsin. I am only stating the facts as they exist.

Mr. GAINES of Tennessee. Well, that argues there are too many policemen, and you are calling for money to get more.

Mr. MANN. Does the gentleman know that children can not play on the Capitol grounds, that they can not play on the Mall, that they can not play on the grounds around any public building in Washington, and that the only place the Government freely provides, outside of the playgrounds, are the streets, and there is a law against that which is being enforced at times.

Mr. VREELAND. Will the gentleman permit me?

Mr. GAINES of Tennessee. I will yield to the gentleman from New York.

Mr. VREELAND. Congress has already provided 14 municipal playgrounds and 18 grounds around schoolhouses for small children to play in, besides all the great system of public parks where perhaps games can not be played.

Mr. MANN. Where if you get on the grass you are warned off.

Mr. VREELAND. Yes; in the municipal parks.

Mr. MANN. In the other parks.

Mr. GILLETT. I would like to ask the gentleman where these municipal playgrounds are?

Mr. VREELAND. I will read them later when I come to address the House.

Mr. ADAIR. The gentleman from Tennessee is not objecting to grounds being provided for?

Mr. GAINES of Tennessee. No; we have the grounds.

Mr. ADAIR. It is simply to the provision for teachers?

Mr. GAINES of Tennessee. Yes. Who teaches the little lamb how to play on the sunny hillside? [Laughter.] Why, nature. Nature, who taught all of our children and that nature which teaches us now that we are grown men.

Mr. PARSONS. Let me ask the gentleman from Tennessee if he objects to the kindergarten teachers in the public schools?

Mr. GAINES of Tennessee. I do not know; I do not suppose I am opposed to that. I am in favor of all schools that are useful, and I am for more children and fewer poodle dogs. [Laughter.] The next thing you know you will be asked to appropriate for and provide playgrounds for the "poodles" that have entered into society. [Laughter.]

Let us not run away with the people's money. If this thing should be done, that is one proposition; but I say that you do not need to police the grounds or need teachers to teach children how to play. Why, gentlemen, I have discovered so much of the policing of public grounds—as the gentleman from Illinois has said, we are so surrounded by the police, that you can not step on the grass anywhere. These parks were made for breathing places. I have seen hundreds of little children in Jackson Park and I have seen them in Lincoln Park, and there there was no keeping off the grass. There are various other parks around here, in the very heart of the city, which are intended for the people of this District, young and old, to go there and get the fresh air and pump it into their lungs and revitalize and invigorate their bodies, and I object to taking this money and going out and employing a wilderness of teachers to teach the boy how to play. I am opposed to "sissyizing" our boys. That chloroforms his genius and his character.

Now, the gentleman from New York [Mr. PARSONS] is a lawyer, and let him think of the number of turntable lawsuits where children have been hurt by the turntable. They naturally want to see something go round, something whirl. But here you come in and say we must employ a wilderness of teachers to go out and teach the children how to run their little carts, how to play mumblepeg, how to play leapfrog and bullfrog, roll the hoop, and all these other things that is in the little one's heart the moment that he or she strikes an open

place, and which comes just as natural as it does for them to breathe.

Now, I think, Mr. Chairman, that the city of Washington gets enough of God's fresh breath here by the use of the public grounds, as the result of the tax money of this country. Why do you have playgrounds here and do not have them elsewhere?

Mr. PARSONS. What does the gentleman mean by that?

Mr. GAINES of Tennessee. Why do not you go out in Arizona? I knew the gentleman would think he would tempt me with that, but the Government has complete jurisdiction in the Territories. Why do not you go elsewhere; why do not you go up in Alaska and teach the Eskimo how to play?

Mr. MANN. We are doing it at a great expense, and the gentleman votes for it all the time. [Laughter.]

Mr. GAINES of Tennessee. I would like to ask the gentleman if he indorses that?

Mr. MANN. Sure.

Mr. GAINES of Tennessee. Well, that may do for the savage.

Mr. WILSON of Pennsylvania. Will the gentleman yield for a question?

Mr. GAINES of Tennessee. Yes.

Mr. WILSON of Pennsylvania. Is it not a fact that in the greater part of Arizona any children who may be there have plenty of play room, much more than in the city of Washington?

Mr. GAINES of Tennessee. Yes, they have it; but they do not have any teachers or anybody to teach them how to play. Did anybody teach the gentleman from Pennsylvania how to play?

Mr. WILSON of Pennsylvania. Oh, no; that was natural. Give me the playground, and I will be able to play.

Mr. GAINES of Tennessee. Exactly; but we have them all over the city, and also Rock Creek Park. You might as well say have somebody teach fish how to swim as to teach children how to play.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. FOSTER of Vermont. Mr. Chairman, it is very easy for a Member to rise in his seat to belittle this amendment. It is always easy to stand as a friend of the people; to bewail the extravagant expenditure of money. So the gentleman from Tennessee [Mr. GAINES] found it very easy to urge the committee to vote against this amendment because, really, this great Republic could not afford to let the people of the District use $15,000 during the next fiscal year to maintain playgrounds for the children of Washington. He stood aghast at the thought of the employment of teachers—I have forgotten the gentleman's expression as to numbers.

Mr. PARSONS. "A wilderness."

Mr. FOSTER of Vermont. Yes; that was his expression. He is worried at the thought of "a wilderness" of teachers being employed in connection with the supervision of these playgrounds. I confess I never saw a wilderness of teachers, and so I am not as deeply disturbed as is he. He probably used the word "wilderness" in the sense in which we find it used in the Scriptures—to indicate a desert—and he warns the representatives of the American people against the employment of a desert of teachers. Then, too, he does not approve of supervision. He fears that this means teaching the children to play, and he assures us that he was never taught how to play. To be sure, when the gentleman from New York [Mr. PARSONS] asked him if he was in favor of kindergartens, he was forced to say that he supposed he was. But what is the kindergarten? As the gentleman from New York [Mr. PARSONS] suggests, it is the system by which the child is taken from its mother's knee and taught to play as the beginning of its education.

What is the proposition before us? Two years ago we appropriated $75,000 with which to purchase playgrounds for the children of Washington. In addition to the grounds thus provided for there are a goodly number of municipal grounds around the public school buildings. A year ago we appropriated $1,500 with which to equip and maintain these grounds. It was found that this would not begin to do the work, and between $15,000 and $18,000 was raised by private subscription and through the contribution of the children themselves and through the kindly aid of the gracious lady in the White House. This money was expended in equipping and maintaining these playgrounds. Again the Committee on Appropriations provides in the pending bill for $1,500 for the maintenance of these grounds during the next fiscal year. The purpose of this amendment is to provide an appropriation adequate for this work. The question, Shall the people of the Capital City of the Nation have the advantage of these playgrounds for which we appropriated $75,000 two years ago or shall we set apart the niggardly sum of $1,500 and say, with the gentleman from Tennessee, that we are facing a deficit and can not afford to do more?

I believe in economy. I believe that this year is a good time to practice economy; but I do not believe in beginning with the children of Washington, who are entirely dependent upon us for all school privileges. It was reported this morning that the Committee on Naval Affairs will ask us to appropriate $30,000,000 for the construction of two great battle ships. Yet when it comes to a question of properly maintaining these playgrounds we are told that we can not afford it. And, mind you, every dollar of the $30,000,000 for those two battle ships will come out of the United States Treasury, while this paltry sum of $15,000, which the people of Washington desire to have appropriated, strictly speaking, will come out of the taxes raised by the people of Washington.

It is their own money, raised by taxation for their municipal purposes. Of course it is true that the National Government is a taxpayer in the District of Columbia, and I for one do not believe that it pays any more than its fair proportion of the taxes. The people of the country will feel, I am sure, that the gentleman from Tennessee was not fortunate in selecting the point at which he would start upon his career of economy. They desire to see their Capital City a model city. They desire to see its schools model schools. They desire to see its children cared for, so far as the public is concerned, in a model way. We have the playgrounds already—about 32 of them.

Mr. PARSONS. Thirteen municipal and 18 school grounds.

Mr. FOSTER of Vermont. Yes; to be exact we have 31 of these playgrounds. Now, shall we provide the necessary equipment? Shall we maintain them? Shall we provide that supervision which experience everywhere has shown is necessary? Shall we, by appropriating $15,000, secure to the children of Washington such privileges of playgrounds as are enjoyed in other large cities?

Mr. COX of Indiana. Will the gentleman yield to a question?

Mr. FOSTER of Vermont. Yes; certainly.

Mr. COX of Indiana. When the gentleman says that Congress two years ago appropriated $75,000 for playgrounds in the city of Washington, I would like to inquire if that was for the purchase of real estate or for paraphernalia?

Mr. FOSTER of Vermont. It was for the purchase of real estate. Seventy-five thousand dollars was appropriated for the purchase of playgrounds.

Mr. COX of Indiana. Will the gentleman tell us, if he can, how much real estate that amount of money actually purchased for the purpose of playgrounds?

Mr. FOSTER of Vermont. I can not give the gentleman the information he desires. Very likely the chairman of the subcommittee, who has the bill in charge, can tell just what property was purchased.

Mr. COX of Indiana. Just one more question, whether or not that was the first time that the Government of the United States entered upon the policy of purchasing playgrounds for children in the city of Washington? Had it been going on prior to that?

Mr. FOSTER of Vermont. Mr. Chairman, as I am informed and believe, this was the first time that the Government appropriated money for the purchase of playgrounds. The gentleman from Tennessee [Mr. GAINES] asks why not start the scheme out in Arizona. But the gentleman should know that the Congress has entire control over everything connected with the municipal government of the city of Washington, and that no such condition exists between the National Government and the Territory of Arizona. The Territory has its own government. It raises its own taxes. It has full authority to maintain its playgrounds wherever needed.

But we are responsible for conditions in the city of Washington. Some of our friends are afraid of extravagance in the employment of men and women in connection with the supervision of these playgrounds. But supervision is absolutely necessary. You never see a crowd of grown ups at a ball game but you find policemen there. On these playgrounds we want baseball grounds, and football grounds, and tennis courts, and other instrumentalities for healthful outdoor life and exercise. Then, in order that all these things may be enjoyed to the uttermost by the children, we must have adequate supervision. So, Mr. Chairman, I am in favor of this amendment increasing the appropriation for maintaining the playgrounds from $1,500 to $15,000. I repeat that, to all intents and purposes, it comes out of the taxes raised by the people of the District. The people of the District want this appropriation, and the appropriation will meet with the approval of the good people throughout the land. We are voting for the children when we vote for this appropriation. If, after voting for this appropriation, any of the members of the committee feel conscience stricken

on the ground of extravagance, if they will come to me I will join hands with them and help to make the appropriation for battle ships $15,000,000 instead of $30,000,000, thus providing one battle ship instead of two. By doing this we shall practice actual economy, not as to the treasury of the District of Columbia, but as to the Treasury of the United States, where the deficit to which the gentleman from Tennessee so feelingly referred exists. Vote for the amendment, and if you have any question as to the wisdom of your course, come to Washington next July and go over the playgrounds and see the healthy enjoyment they afford to the little people of the District, and next year $15,000 will be appropriated without debate for the purposes of our playgrounds.

Mr. VREELAND. Mr. Chairman, I want to say a few words as to the position of the committee on this question and as to the reasons which have governed it in making this appropriation. The appropriation carried in this bill for maintenance and salaries in connection with the playground system, which includes the swimming pools down on the flats, is $4,550. One thousand five hundred dollars is for maintenance of playgrounds, and $3,050 for salaries and equipment in relation to the bathing pools, and we are informed that both these are included in one system. The question that is before the committee for discussion is not whether we will have playgrounds for the children of Washington. That policy has already been entered upon. A large number of playgrounds have already been provided. As I have stated before, there are now 14 municipal playgrounds—those are the figures furnished to us by those having it in charge—now in existence in this city where children can play. They can be divided up——

Mr. GILLETT. The gentleman said 14 had been provided by Congress. Does he mean that?

Mr. VREELAND. I do not think all of them were provided by Congress. Congress has appropriated $75,000 or $100,000 in cash and, if I recollect right, has turned over some land, which is now being used for a playground system. At any rate, the city of Washington now has 14 municipal playgrounds. It is so well provided with them within the city limits that they are now starting playgrounds outside the city limits, out in the District of Columbia, which is as much country as almost any region beyond it in the State of Maryland. Besides that, we have 18 playgrounds around these schoolhouses. Now, we recognize that these are not playgrounds where baseball and football can be played, but they are playgrounds where the small children can play, away from the rough sports of the larger boys. They are all used for that purpose. Application came in this year for 6 additional playgrounds around the schoolhouses of this city.

It is the intention of the committee to provide the schoolhouses of the city with these smaller playgrounds for small children, but owing to the state of the Treasury this year and other reasons, it was thought best to pass this appropriation over for another year. Now, if the amendment proposed by the gentleman from New York passes this committee, it will not add a foot to the ground where the children of Washington can play; it will merely provide for a corps of attendants who are to take charge of their sports, who are to teach them the games which American boys for a hundred years have taught themselves. Now, that I may not be accused of exaggeration in saying this would provide for a swarm of attendants, I want to give some information of the number employed last year. The chairman of the Playgrounds Association, Mr. Rudolph, was asked the question, How much money raised last year went for the salaries of these attendants—these people who stand around and superintend the sports of these boys and girls—and he said that, without having the actual figures, he would say there were about 100 people employed, at an average salary of $40 per month. Thus we are embarking upon an undertaking, not to provide additional playgrounds. That policy has already been entered upon by the House; that policy has the sanction and approval of this committee, and appropriations will be brought in in the future by this committee as the needs of the city and the city's finances permit.

Mr. STANLEY. Will the gentleman permit? Does this appropriation of $18,000 provide for attendants in addition to the 100 already provided for that purpose?

Mr. VREELAND. It will not only include the attendance of the 100 who are already employed, but enlarge the number.

Mr. HUMPHREYS of Mississippi. What was the amount of the appropriation last year for that purpose?

Mr. VREELAND. The amount of the appropriation last year for this purpose of playgrounds was $1,500. Then, in addition, we provided several thousand dollars for the bathing pool as part of the playgrounds system.

Mr. HUMPHREYS of Mississippi. I did not understand the statement of the gentleman just now that there are 100 employees at $40 a month employed out of the appropriation for last year. That would be——

Mr. VREELAND. Why, the people of Washington last year had a little chance to show their civic pride and their energy——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I ask unanimous consent that the gentleman be granted ten minutes additional time.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. BENNET of New York. I would like to ask my colleague how much money was spent last year, including our appropriation and that made up by citizens.

Mr. VREELAND. Well, there was something like eighteen or nineteen thousand dollars, I believe, spent on the playgrounds.

Mr. BENNET of New York. Spent in maintenance?

Mr. VREELAND. Something like eighteen or nineteen thousand dollars.

Mr. BENNET of New York. I would like to ask my colleague how 100 people at $40 a month, making $4,000 a month, could be retained throughout the year on $18,000.

Mr. VREELAND. Well, I was reading from the statement of Mr. Rudolph, the president of the Playgrounds Association. Of course these people are not employed throughout the year. I do not believe they are employed in January, February, or March; but during the months they were employed there were 100 people who received, according to the statement of the president of the Playgrounds Association, an average of $40 a month.

Mr. HUMPHREYS of Mississippi. Does that mean 100 people employed at the same time or 100 different people employed during the course of the year?

Mr. VREELAND. The president of the Playgrounds Association says [reading]:

> Without having the actual figures here I should say there were 100 people employed and their average salary was $40 a month.

Of course, they are not employed during the whole year. I suppose these playgrounds are not in use now, and these men are not employed now to take charge of football or baseball, but during the portion of the year when they were employed that is the number and that is the amount they received.

Mr. HUMPHREYS of Mississippi. The gentleman stated just now that the people of Washington had an opportunity to show their civic pride, and just at that time he was interrupted.

Mr. VREELAND. I was about to state that it has always seemed to me that the citizens of this beautiful capital lack more in civic pride than the people of any other city in the United States. It seems to me—perhaps I am unjust in saying it—that the energy which in other cities, through business associations, goes to the building of the city, to all the things to which they devote their enterprise, is here turned into the channel of securing appropriations from the Treasury.

I think I am safe in saying that the property in the city of Washington pays less than half the taxes that is paid in any other city in the United States. The tax rate here is 1½ per cent, but the property on which it is taxed is not assessed probably on the average over 35 or 38 per cent. Hence gentlemen can see that the rate of taxation in this city is probably one-half that of any other large city in the country, and yet there is no city in the United States where the people do so little for themselves as they do in this city of Washington.

Why, to-day there are some 65 cities in the United States that maintain these playgrounds associations, the land for which has been purchased by the public-spirited citizens of those cities, and the amounts necessary to maintain them is annually raised by the citizens. But here in Washington, after one or two years of effort, after having safely got the movement started, they fall back upon the National Treasury to keep it going. I say to you, gentlemen, that you are starting in here upon a course of appropriation which, if acceded to, means hundreds of thousands of dollars in the next few years. Do the gentlemen think I am exaggerating in making that statement? Why, the sum of $247,000 is asked for this year in this very appropriation bill that is presented to this committee.

Mr. PARSONS. For maintenance?

Mr. VREELAND. For the playgrounds movement.

Mr. PARSONS. For maintenance?

Mr. VREELAND. The gentleman's amendment is all for maintenance.

Mr. PARSONS. I inquired how much is asked for maintenance?

Mr. VREELAND. It includes the purchase of additional playgrounds, it includes the maintenance, it includes new swimming pools, and we are notified that as the next step upon one of these playgrounds, called the "Rosedale playground," they are to ask us for a municipal gymnasium costing $48,000, in which are to be put shower baths and tubs, and not only the children are to be invited to use them, but the grown people of the city are to be invited to go there and use them. That opens up a prospect for a great number of attendants to take care of these people and keep the tubs clean and to keep the people in order. As soon as that is presented, some other portion of the city will say, "Where is our municipal gymnasium?" and that must be provided for. So the never-ending demand on the Treasury keeps up.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. VREELAND. Yes.

Mr. PARSONS. The amendment that I have offered relates, does it not, simply to the maintenance and use of the playgrounds that we already have embarked upon?

Mr. VREELAND. There is no question about that. It has been brought out often enough. The gentleman desires to relieve the people of the city of Washington from providing its own attendants that they had last year to supervise the games of the children. A year ago in our appropriation bill we put in $1,500 for furnishing the utensils and implements with which the children are to play. We put in that appropriation to complete, $1,500. Does that mean that the appropriation was dropped and that they have stopped asking for it? Not at all. That means simply that they have started an appropriation which is to go on forever and a day. Now, gentlemen, this committee is not opposed to playgrounds for children. This movement started some ten or fifteen years ago in Germany, in the densely built up cities thereof, where they have no playgrounds for the children, no chance for them to get a breath of fresh air. Properly they started movements there to lay aside tracts where the children could go and play. It was then taken up in this country.

I can understand why gentlemen like my friends from New York [Mr. BENNET and Mr. PARSONS], living, as they do, in the great metropolis, viewing the conditions which exist there, may overestimate the necessity for making large appropriations for these playgrounds in the city of Washington. Why, Mr. Chairman, there is no more comparison between New York and Washington as to the necessity of these great open spaces than there is between Washington and Alexandria. Washington is nothing but a great country town. Fifty-nine per cent of all the territory in this city is devoted to public purposes, either parks or streets or circles or something accessible to the public. Just think of it! Fifty-nine per cent and more devoted to that purpose. Go down to the city of New York, with its teeming millions, start in down at the Battery, and you will find crowded streets where even grown people are hardly safe on the sidewalks—a small island bounded on both sides by deep water. There is not a place in that city, scarcely, where a child is safe outside of his mother's sight until you get up to Fifty-ninth street, to the beginning of the park system.

Mr. BENNET of New York. Will my colleague yield for just one correction?

Mr. VREELAND. Yes.

Mr. BENNET of New York. South of Fifty-ninth street there are at least 12 parks.

Mr. VREELAND. Oh, there are some little parks down there, but what I say is that I know of no city in the United States which is as little in need of municipal playgrounds as the city of Washington. Why, it is all a great playground.

Mr. PARSONS. Will the gentleman specify just what parks in Washington are adapted for use by the children of Washington as playgrounds? I was informed a little while ago by a Member of this House that one of his children was roller skating in one of the parks and was stopped by the police, and that even that could not be permitted here.

Mr. VREELAND. We have already gone over that time and again. Every gentleman knows from his own experience that children play throughout this whole city. You can go down tonight after we adjourn, down on Pennsylvania avenue, the principal street of Washington, and you will meet dozens of children roller skating on the very sidewalks along which we pass. All over this city are wide streets with very little travel upon them, shady trees where thousands of children enjoy themselves playing, using them for roller skating and other similar purposes. Now, as fast as is consistent with the state of the Public Treasury we are providing great spaces here where the larger boys can go away by themselves, where they can play games of baseball and football and other games which they love; but where the committee call a halt and where they wish this Committee of the Whole to call a halt is on the building up here of a great plan under which hundreds of people are to be employed in taking care of these grounds, in supervising, as they call it, the play of these children. I say it is a good chance for the public spirit of the city of Washington to show itself. Sixty-five cities to-day are raising their own money to provide the necessary maintenance and equipment and whatever supervision is necessary for the care of grounds. Why can not Washington, for which the National Government does so much, show a little of this spirit which is shown in 65 other cities of the United States?

The time of Mr. VREELAND having expired, by unanimous consent it was extended five minutes.

Mr. VREELAND. Now, Mr. Chairman, the committee has sought in this matter to pursue a middle course, to pursue a moderate course. We do not agree with the extremists in either case. We do not agree with those who say that it is not necessary to provide any playgrounds in the city of Washington where the children may play. We say they should be provided as fast as is consistent with prudence and with the condition of the Treasury. Neither do we go to the other extreme represented by the gentlemen from New York, where their views are fostered, as I believe, under totally different conditions; while they do not seem to appreciate the difference between New York, with its four millions of population, and this great beautiful city, with 59 per cent of its total area open to the public. I say we are pursuing a middle course and a moderate course.

We are making such appropriations as ought to be made and as are consistent with the state of the Treasury. Why, the gentleman from Massachusetts tells us that this movement was born in Boston ten or twelve years ago. Mr. Chairman, it may be that the movement was born in Boston, but it was born many more years ago than ten or twelve. I maintain that education of these boys of the rising generation should not so much teach them the use of these tools and implements, which they say the teachers show them how to use, as to teach them self-reliance—the development of the ability to take care of themselves; it means to make them independent of outside help. But I do not believe that this course is best followed by having some one stand at the elbow from the time they leave the cradle until they apply for some public job in a department.

Mr. Chairman, I say that this movement started in the city of Boston not ten years ago, but it started at a much earlier date, during the Revolutionary times. The old Boston Common is a historic ground which was provided for the use of the people of Boston and the boys of Boston when this country commenced.

I remember when I was a boy reading some of the history of the city of Boston. I remember reading of the time when the city of Boston was in possession of the British during the Revolutionary war. Lord Howe was in command of that city. History tells us that one morning Lord Howe was informed that there was a delegation of boys who desired to talk with him. He asked that the little fellows be shown in, and in marched five young lads 12 or 13 years old. The spokesman told Lord Howe that their rights had been interfered with by his soldiers; that their right to use the Common, their right to have their sleds in the street and on the Common of the city of Boston, had been interfered with by his soldiers; and then they wanted to know if it was with his knowledge and by his order. They said that unless he took some means to restrain them they would take measures of retaliation. Lord Howe gazed with admiration on those boys and said to them that orders would be issued to prevent his soldiers from interfering further with their sport, and the boys went out. Lord Howe said that it was useless to talk of conquering a country that raised up such boys as those.

I submit, gentlemen, that we are not raising such boys as the city of Boston raised them during Revolutionary times, by supervising every act, not only at home, not only at school, but even when they go out to play, and having hundreds of attendants standing at their elbows to tell them what they must or must not do. [Applause.]

Mr. MURPHY. Mr. Chairman, it seems to have been forgotten in this debate that a large portion of the money will be raised by the city of Washington or the District of Columbia anyway, one-half of the appropriation being raised by them, and in addition to that the additional amount of money, whatever it may be, that is necessary to take care of the grounds. I am heartily in favor of this amendment. The modern system of education provides largely for the education of children, not

only in the school, but on the playgrounds, in the kindergarten, and lower grades. In the public school system of to-day much of the teaching is done by instruction in games and on playgrounds, and in the courses of study in almost all of our normal schools to-day there is provision made for the teaching of teachers how to teach the children to play. There is also a series of text-books published giving information and instruction along those lines. I believe that it is a wise provision to give such instruction and that it should be continued and that we should go ahead and give assistance asked for here. Then, if it is necessary to economize in our expenditures, I would begin somewhere else than on our educational system [applause] and not begin on this system, especially intended for the benefit of the children.

Besides this, in this city of Washington we have in a portion of it as largely a congested population as you have anywhere in this country, and it is among the laboring classes in the city of Washington that this congestion is greatest. It has long been a maxim "A sound mind in a healthy body." Many of the rising generation of this city will be day laborers, and as far as possible the health of that next generation should be provided for. Give an opportunity for the children to play and proper and legitimate instruction, no matter what it may cost, and many of those who otherwise might grow up cripples will grow up strong and be able to take care of themselves. If this amendment was for thirty thousand instead of fifteen I would vote for it just as willingly, and I would vote for it in the city of Washington or anywhere else. I am in favor of instruction, whether in the schoolroom or on the playground.

In all courses of study, in all schools, in all our universities, people are employed to teach the children how to play, and in our universities some of the highest priced men are those who teach our boys how to contest in baseball, football, and rowing, and other athletic sports. We all justify that. I see no reason why this amendment should not be adopted. I do not censure the committee at all for their action, because of the pressing need of economy, but in considering that, we are too apt to lose sight of the fact that in legislating for the city of Washington we are legislating for a State, and we must provide here for all of the things that our States provide for at home. In every one of our States provision is made for this very thing all the way down the line, even to the kindergarten schools, and I am heartily in favor of it. [Applause.]

Mr. BOWERS. Mr. Chairman, I doubt very much whether either this body or the country at large will justify the proposition which has just been submitted by my friend from Wisconsin [Mr. MURPHY], that the highest paid professors in the education of the youth should be those who devote their attention to the development of football and baseball. Whether I am right or wrong on that particular proposition, I have no hesitation in pledging the constituency which I represent on this floor as dissenting from that idea, and I think that my friend from Vermont [Mr. FOSTER] was equally unfortunate in his advocacy of this particular proposition when he ridiculed the gentleman from Tennessee [Mr. GAINES] for his use of the term "a wilderness of teachers." The gentleman from Vermont called attention to the fact that this House had made large appropriations in the matter of playgrounds, and that is true; and this House has made large appropriations in the matter of the administration of those playgrounds. Some years ago the House was betrayed into appropriating a sum of something like $10,000 for the administration and control and the policing, so to speak, of these grounds.

Do I enlighten my friend from Vermont when I advise him that 30 per cent of that whole appropriation went to the gentleman who called that matter first to the attention of Congress in the shape of a salary as general superintendent of playgrounds? I may be mistaken, but my recollection is that when the provision on this subject was passed in the last District appropriation bill it carried in terms the words, "for completing equipment of playgrounds," and it carried it because the committee and the House were jealous of the use that might be made of a general and large appropriation in that regard. Those words were introduced into that bill because it was the desire of the law-making body to impress upon those charged with the administration of this fund the fact that the sum of money which was carried by that bill meant the completion of the equipment of this project. What answer do we hear to that? The amendment which is introduced by the gentleman from New York does not go, as I understand it, to the matter of equipment. It goes to the matter of administration.

Mr. PARSONS. I understand by the word "maintenance," that that means renewal of equipment as well as salaries for taking care of the grounds and supervising the children.

Mr. BOWERS. It means renewal of equipment? Does the gentleman pretend that the equipment within one short year has become so antiquated, so destroyed, so used, that this fund, ten times the amount which is recommended by the committee, and I do not remember how many times, but quite a number of times, the amount which was reported by this committee one year ago for the completion of this equipment, is now necessary to renew and restore it? Or does the gentleman confess, as must be confessed from a consideration of the hearing, that a large part of the sum which is now asked from Congress and which has been expended out of the contribution which the citizens have made in the administration of the playgrounds, to which I will come in a moment——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PARSONS. As I understand, the appropriations made at the last session of Congress were two, one for $1,500, just the same appropriation that the committee has provided for this year.

Mr. BURLESON. Oh, the gentleman is mistaken.

Mr. PARSONS. And the other was for $500, to be used for a specific purpose, to put in order a part of the playgrounds.

Mr. BOWERS. Does the gentleman disagree with me on the proposition that the last appropriation bill carried with it the words "for the completion of the equipment of these grounds?"

Mr. PARSONS. The gentleman may read the bill, if he has it.

Mr. MANN. What difference does it make?

Mr. BOWERS. I have not the bill before me, and I am compelled to state from recollection, but I have no hesitation in saying that my recollection is correct and that the amount carried in the last bill on this proposition was for the "completion" of the equipment. Now, I may be wrong about it, but nobody seems to be challenging it, and I see some gentlemen looking at the last law on this subject.

Mr. MANN. Oh, we will know the facts soon, if the gentleman does not seem to know.

Mr. BOWERS. Oh, I will talk long enough for my friend from Illinois to read the old bill, and knowing his habits of care as I do, I know he will check me up to the last degree, and I am not a little bit afraid of the result. [Laughter]

Mr. PARSONS. The gentleman is correct.

Mr. BOWERS. I thank my friend from New York for confirming my recollection.

Mr. PARSONS. I read from the last bill:

> Playgrounds: For completing equipment of outdoor playgrounds, $1,500.
>
> For grading and planting of hedges, trees, and other improvements at Rosedale site, $5,000.

Mr. BOWERS. Now, Mr. Chairman, at the last session of Congress we appropriated $1,500 for the completion of this equipment. Has it grown obsolete in twelve months? Has it worn out in twelve months? Is it dead in twelve months? What have my friends to say in response to the suggestion that I made a moment ago in reply to the gentleman from Vermont [Mr. FOSTER], that 30 per cent of the original appropriation made by Congress in this regard went to the salary of one particular official? There is something more. I live in the country. I belong to that fortunate or unfortunate class which the leading exponent of this particular playgrounds system referred to in a lecture, as I am advised, on a night not so long past. When the inquiry was put to him as to why this playground system in the city of Washington did not receive greater support, he replied that, unfortunately, there were five members of the subcommittee who lived in the country. [Laughter.] I want to exempt from that particular criticism one of the most efficient and valuable members of the subcommittee on the District of Columbia appropriation bill, Mr. MADDEN, who lives "in the heart of the wilds of Chicago." But, Mr. Chairman and gentlemen, living as I do, in the country, I have never seen more space open to those who want to play than there is in the part of the city of Washington in which my own lot has been cast. We are told here that this matter of administration needs a large number of teachers. My own idea is—it may be right and it may be wrong—but my own judgment is that young America had best be educated as young America has been educated, and that it would be a step in a backward direction if you deprive the small boy of the inalienable right to go up against the big boy and learn how. [Applause.] If there is anything that contributes to the manliness of the youth of this country, it is the disposition on the part of these young

men to withstand the oppression, dictation, and domination of those who may be their superior, either in size or in years, and to exercise and demand and, as far as my experience and recollection goes, to get by reason of the very team action and team play that the advocates of this proposition exploit so much the things that they want at the expense of the bigger, stronger, and domineering boy.

Mr. GILLETT. Mr. Chairman, when this question first came before the Committee on Appropriations I was in full sympathy with the view which is taken by the committee to-day; but, differing from the rest of the committee, I have changed my mind, and I believe that it is because I have investigated the question and have advanced, and the rest of the committee have not, whereas, of course their opinion is just the reverse. I quite sympathize with the argument just made by the gentleman. I grew up in the country, and when this question first came before us I said it was absurd to buy playgrounds and to have supervisors over the children. As he said, I thought it was good that the small boy should run up against the big boy. In the country, where there is plenty of room, and where they know each other, there is fair play, and the boys will insist upon it, and all have an equal chance; but I have come to believe that in a big city, where there are gangs of toughs and hoodlums—I believe that it is necessary that the city provide playgrounds for them, and that in order to make those playgrounds effective, you must have somebody to look after both the small boys and the big boys, and particularly to guard the girls and the small children, and therefore I have changed my original belief, and I think that we ought to provide in the city of Washington playgrounds, and if we are going to provide them, we ought also to maintain and supervise them. Why, the gentleman said that Washington had 51 per cent of streets, and he thinks children ought to play in the streets. I do not believe paved streets in a big city are any place to play. Congress has already admitted that by providing playgrounds, so that the question now is, Shall we make these playgrounds useless or useful? Last year the citizens of Washington—whom the gentleman criticises so much—and the children themselves raised $16,000 to carry on the playgrounds and make them useful, and now the question is, Shall the Congress, shall the District itself, maintain them, or shall we leave them to the private contributions of the city of Washington? I believe that the experience of this country proves that we ought to adopt this amendment.

I believe that inasmuch as all the cities that have tried this playground system have gone on and continued it, we ought not to imagine that we know better than the teachings of experience. All over the country the large cities have recognized the necessity of playgrounds, and where they have them they recognize that it is necessary to have somebody to supervise the play. Why, you say you are teaching them to play. Of course if you put out a few children and they have plenty of space to themselves they do not need any teachers. They learn themselves. But when you have a playground which is open to all the children of all ages, you have to have somebody to arrange who shall have different parts of the grounds, what aged children shall be here and what there, and when you have little children you have got to have sand piles for them and somebody to supervise them. Lately, I understand, there have been three cities which did not have supervision where they had to shut up the playgrounds because they found they were doing more harm than good to the children. They find that supervision is necessary, and it seems to me that for us to stand up and assume that because we did not need it in our childhood, living, as I presume most of us did, fortunately, in the country, because we did not need supervision of our sports, it does not follow that in this age of great cities and of congested streets we can apply our experience to the conditions of to-day. We can afford to be liberal; we can not afford to be niggardly in anything which promotes the healthy development of children on whom depends the whole future of the country.

Mr. GAINES of Tennessee. As I understand it, the gentleman stated they had to have sand piles?

Mr. GILLETT. The small children have piles of sand in which to play.

Mr. GAINES of Tennessee. And you are going to haul sand to make sand piles over these playgrounds?

Mr. GILLETT. Why, yes; the small children have got to have something of that sort.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. GILLETT] has expired.

Mr. SHERLEY. Mr. Chairman, underlying the amendment offered by the gentleman from New York [Mr. PARSONS] is a proposition of government bigger than the question of whether we shall spend $15,000 more of the people's money or not. I, perhaps, stand alone in this House in my political philosophy—a philosophy that I might say is only represented by Herbert Spencer, who is dead, and myself, who am more or less anæmic; but notwithstanding this minority position I have felt the subject of sufficient importance to present what I believe to be the opposite view to that presented by the proponents of these amendments. Spencer suggests this question as a dominant one that should engage the mind of every politician, using that unfortunate word in its higher and purer sense:

What type of social structure am I tending to produce?

That is the proposition that I think should concern this House. What type of social structure are we tending to produce by legislating as proposed? I am city bred, born in the heart of a large city about the size of Washington. My experience as a child, therefore, is of city conditions and of city conditions somewhat congested. When I am told that it is necessary to supervise the play of children in order to enable them to play, I am told something that is in direct conflict with my experience as a child. When I am told that it is necessary to prevent the big boys from overrunning the small boys, I recall how, as a small boy, I organized enough small boys to whip the big boys. And it is that tendency, it is that self-development, that taking care of one's self which has been a marked characteristic of American boys and American men, and which has served to make the fiber, the moral backbone, of this great Nation.

I do not want to see it undermined by a pampering system imported from abroad. I am perfectly willing to vote to create open-air spaces where they are necessary. I am even willing, in the interest of the child and of the poor, to go a step beyond where my judgment might lead me and supply equipment for play, but when I am told that it is necessary to employ instructors at a higher rate than we pay those who teach the mind of a child, to superintend their play, and that otherwise playgrounds are useless, I am unable to agree and am unwilling to vote the money. We have in my city playgrounds. The statement was made in the playgrounds association bulletin, and there is a very aggressive and forceful group of people pushing this project, that in some cities the playgrounds had to be closed because of a failure to supervise them, and it was claimed that this was true in the city of Louisville. I made some inquiry. If it be so, I was unable to find it out. It certainly escaped the knowledge of myself and those others to whom I spoke.

Now, every argument made here to-day has been a begging of the question. There has been the statement that in this city it has been done and found profitable, and therefore in this other city it should be done, and therefore in this the Capital of the Nation. And the very argument illustrates the danger of this kind of legislation. Once create an official class, whose life is dependent upon the continuation of a particular governmental policy, and you turn every energy of that class to a continuance and enlargement of that policy. There is not a person employed by this Playground Association to-day who is not an advocate spending a large part of his time in trying to promote this scheme. The great mass of the public are unorganized. When you oppose to an unorganized body a few insistent organized people, the result is always in favor of the organization. As a result of this persistent advocacy of this question, we have had an extension of the work based on efforts of its friends rather than on its merits.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURLESON. I ask unanimous consent that the time of the gentleman may be extended for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERLEY. That is what has happened in this particular instance. Why, in the last week we have had people here giving lectures in regard to this matter to influence the action of Congress, presenting but one side of the case; and doing this, why? Because every one of them, with a very few exceptions, are themselves beneficiaries of the system they desire to promote. Yet, upon their statement, we are expected to continue and enlarge. I will join the gentleman from New York, if it becomes necessary, to create more air space here. But there is not a city, in my recollection of the cities of this country—and I have been in most of them of any size—that has more ground, open-air space, and pure air than the city of Washington. It is not simply because of the houses and grounds and buildings, but it is also because of the purposes to which the houses are put. There are practically no manufactories in the District of Columbia. There is no contamination of the air. There is no need for open spaces in order to enable the people

to get out where they can breathe fresh air, which would be the condition in places like Chicago and New York; and yet, notwithstanding that fact, there has been a warfare concentrated here at the Nation's capital. If we act, what is the result? They go to some other city. "Why," they say, "the United States Government has inaugurated this policy in the District of Columbia, and therefore you must inaugurate it;" and each step is made the basis for another step.

In conclusion, let me again say: As one bred in a city, who took some part as a small boy—some rather rough part as a small boy in that city—I want to protest against the idea that it is necessary to appoint teachers to teach children to play and take care of them while they are playing. [Applause.]

Mr. MANN. Mr. Chairman, I sympathize with a good deal that the gentleman from Kentucky has stated. I do not believe in the lobbying system which is used in so many cases, and probably in this case. But, Mr. Chairman, after all we are confronted with the proposition as to what we shall do. Last year this House passed a bill prohibiting children of the District of Columbia from working, and now it is suggested by the gentlemen on the Committee on Appropriations that we shall not even permit them to play.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. SHERLEY. I suggest, let them play, in order to make their play work—not supervise them.

Mr. MANN. I would not call that a question, although I am always glad to yield to my friend from Kentucky. There is no place in Washington to play, unless some place is provided; there is nothing to play with, unless something is provided. The gentleman from Kentucky may imagine the children can play without teaching. They can not. The young children, without meeting with the older children, will never know anything in regard to it; not one of them. They learn from meeting with the older children; and you can not play without something to play with. Can they provide swings, can they provide any of the mechanical implements now provided for children playing in the private homes in Washington? No. Now, it has been argued by gentlemen in favor——

Mr. SHERLEY. Does my friend think it is necessary to have a teacher to teach children to swing?

Mr. MANN. It is absolutely necessary to teach children to swing, for somebody, some older person, one who has already learned how to swing, to teach the child to swing properly.

Mr. MACON. Will the gentleman permit me to interrupt him?

Mr. MANN. Certainly; I will always permit the gentleman from Arkansas to interrupt me.

Mr. MACON. What I want to ask the gentleman is this: Who taught the first child to swing? [Laughter.]

Mr. MANN. Well, I desire to say that so far as my knowledge has been Adam never learned to swing.

Mr. MACON. Who taught the first child to swing?

Mr. MANN. Now, Mr. Chairman, it has been suggested that these playgrounds are only provided in cities of dense population; and it is because of that suggestion, made so often here to-day and so often before in the House, I take the floor now. I represent a district in no part of it to any extent as thickly populated as the districts in the city of Washington. I think there is no place in my district where the population is so dense as it is on an average in the city of Washington.

It is a district wholly metropolitan, in the sense of being in the city limits of the city of Chicago. We have in my district about 1,200 acres of parks and playgrounds. We have 10 parks used for playgrounds, and last year in these playgrounds, not all in my district, but all on the south side in the city of Chicago, and a large share of them in my district—many in the districts represented by the gentlemen from Chicago [Mr. WILSON and Mr. MCDERMOTT]—we have 148 free tennis courts, 24 free baseball diamonds, 25 football grounds, 1,723 booths in free bathing pools, 114 shower baths for men, 118 shower baths for women. They have bicycle tracks and various other things. Now, are these made use of?

[The time of Mr. MANN having expired, by unanimous consent, at the request of Mr. BENNET of New York, it was extended ten minutes.]

Mr. MANN. Mr. Chairman, on the south side, in the city of Chicago, in a district not as thickly populated as Washington, in these playgrounds last year 279,000 and odd people made use of the indoor gymnasium, 900,000 people made use of the shower baths, 2,164,000 people made use of the outdoor gymnasium, 654,000 made use of the swimming pool, 135,000 made use of the assembly halls and various other provisions, and a total of 5,195,500 people made use of these different provisions.

Mr. VREELAND. You do not mean people. You mean visits by an unknown number of people?

Mr. MANN. Oh, well, I mean that this is the number of times that people made use of these provisions, and I do not include mere visitors who looked on or those who came with their children. I include only those who actually made use of the various facilities.

Mr. VREELAND. The point I wish to bring out is that instead of being 5,000,000 people who visited these baths, or whatever they were, it may have been 100,000 people who visited them a great many times.

Mr. MANN. Oh, well, I use the common language of statisticians. If the gentleman does not understand that, I will be glad to explain it.

Mr. VREELAND. I do not think the gentleman is trying to deceive the committee.

Mr. MANN. Now, Mr. Chairman, has this proved a benefit, or not? Following the provision originally for the playgrounds there, the people paying all the taxes themselves, they have insisted that playgrounds should be provided where they are needed in other parts of that territory, and only recently three new playgrounds have been laid out in three different parts of my district, in not one of which is there a tributary population to the extent of 10,000 persons.

Is it necessary to provide these playgrounds? Oh, well, I suppose that children would live, most of them, if they had no playgrounds. Most of them would live for a time at least if they were all raised in flat buildings, although the buildings around these playgrounds in the main are not flat buildings.

Mr. VREELAND, Mr. BOWERS, and Mr. COX of Indiana rose.

The CHAIRMAN. To whom does the gentleman from Illinois yield?

Mr. MANN. To either charmer.

Mr. BOWERS. The gentleman speaks of the payment of taxes. Will the gentleman insist that the proportion of taxes paid by the residents of this District is absolutely equitable under the circumstances?

Mr. MANN. Oh, if the gentleman raises the question whether the Government of the United States should pay half the expenses of the District of Columbia out of the General Treasury, I do not propose to discuss that question, although I am inclined to think that it is a perfectly fair division.

Mr. BOWERS. But the gentleman seems to lay special stress on the proposition that the taxes were paid by the people and that they demanded this particular thing. Now, will the gentleman permit me to call his attention to the fact that in this theoretical distribution of the burden, in order to saddle one-half of the burden on the Government, it is necessary to charge the Government with the ownership of all of the streets, of all of the open spaces, of all of the parks, of all of the public utilities, of all of the things necessary to the life of any municipality that are exempt from taxation everywhere else in the world, except in so far as they are estimated as the property of the United States in the matter of the fiscal system of the District of Columbia.

Mr. MANN. The gentleman never has and never will hear me shirk my position as to whether the Government ought to pay one-half of the taxes of the District. I have been familiar with the hypocrisy of that statement for years.

Mr. VREELAND. The gentleman's discussion seems to be largely along the line of the necessity of providing playgrounds, and he cites the city of Chicago as an instance. The question before the committee is whether the increased appropriation shall be made for supervision and employees and maintenance of playgrounds, which means at least 100 teachers for supervision and attending the children. I would be glad to hear the gentleman discuss and give us the experience of the city of Chicago, as to whether there is a necessity, after adopting the policy of providing playgrounds, having provided 14 municipal playgrounds already, whether this large amount of money is necessary for the supervision of those playgrounds?

Mr. MANN. I will read the gentleman my opinion on that subject:

Educators, social workers, playgrounds supervisors and directors are all agreed that a playground system without a definite plan of operation is little better than no playgrounds. The plan of operation, however, can be no better or larger than those who are intrusted to execute the plans. Nowhere has it been found enough to furnish space and equipment and leave the use of these to the people without expert supervision. This seems to be true, even where the space and equipment have been selected with the most careful reference to the play instincts and tendencies of the groups of varying ages.

A public playground system is peculiarly an institution wherein a great deal or a very little efficient work may be done with the general appearances being the same in either case. Hence the necessity for careful selection of playground workers, study of hours of work in relation to efficiency, and a plan of schooling which shall insure growth

of vision, resourcefulness, and strength on the part of those who plan and execute the work. Good results of a positive character can only be secured when all of these factors are considered and acted upon wisely. Therefore frequent conferences are held among the instructors, study courses are followed, and special investigations are conducted with reference to making the workers and playground system more efficient and more useful to the community.

Mr. Chairman, I was at one time in charge of a gymnasium myself as expert director. It would be folly to tell me that a man can go into a gymnasium and through his own knowledge there treat himself physically or learn the things that he wishes to learn. No man of good judgment will take a treatment or practice in a gymnasium without expert direction, and no set of children can profitably and to the best advantage use the implements that are provided for them to play without expert direction. Do we give expert direction to our children at home? Certainly, we attempt to. I have kept house in the city of Washington for a number of years, with one boy who is past the age of living here. There never has been a time or a place in Washington where he could properly play. Time and again has he complained to me because policemen warned them off the parks, because policemen warned them off the sidewalks, because policemen warned them off the streets. Where would he play, he used to say—"Where can we play?"

Mr. VREELAND. Play what?

Mr. MANN. Anything.

Mr. BOWERS. Did the gentleman's boy attempt to play on the sidewalk, or did he go to the gymnasium in the school in which his boy and my boy were both pupils and both members of the same athletic association?

Mr. MANN. The gentleman's boy and my boy did not confine themselves to either place. But they ought to be permitted to have some place where they can go and play. Why, gentlemen of the committee, talk about economy, as has the gentleman from Tennessee. We propose to expend fifteen or twenty million dollars for the purpose of building battle ships to kill people, and then refuse to expend $15,000 to save the lives of our children. [Applause.] I am willing to practice economy at the proper time and the proper place, but for God's sake commence economy on somebody else besides the children of our country. [Applause.]

Mr. WILSON of Pennsylvania was recognized.

Mr. VREELAND. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. VREELAND. Is it proper at this time to make a motion to close debate?

The CHAIRMAN. The motion is in order at any time, but the Chair has recognized the gentleman from Pennsylvania.

Mr. VREELAND. Will the gentleman from Pennsylvania withhold a moment until I can make a motion to close debate? I move that all debate on this paragraph and amendment thereto be closed in twenty-five minutes.

The CHAIRMAN. The gentleman from Pennsylvania has the floor, unless he yields.

Mr. WILSON of Pennsylvania. I decline to yield, Mr. Chairman. With a great deal of the position taken by the gentleman from Kentucky [Mr. SHERLEY] I agree, particularly with that portion relative to the supervision. I do not, however, believe that the proposition before the House at this time involves the question of supervision.

Mr. SHERLEY. Will the gentleman permit an inquiry?

Mr. WILSON of Pennsylvania. Yes.

Mr. SHERLEY. We can easily determine that by inquiring of the proposer whether he would be willing to accept an amendment limiting the money to equipment.

Mr. MANN. And will the gentleman be willing to accept the proposition if he accepts that?

Mr. BOWERS. If you limit it to a reasonable amount; yes.

Mr. WILSON of Pennsylvania. As I understand this proposition, it has very little to do with supervision. I agree with the gentleman from Kentucky that supervision is not of so much importance, that children should have playgrounds where they can exert their own individual rights without the intervention or supervision of others; but in our city conditions large numbers of children congregate on the playgrounds, and it is not a question of supervision to the extent of directing the children how and what they shall play, but a question of supervision to the extent of permitting each of the children that may be there to exercise his own individual rights to play, and to that extent I believe in supervision.

The conditions in our city life are considerably different from the conditions in our country life. I was raised in the country, unlike the gentleman from Kentucky [Mr. SHERLEY]. There we have conditions that are more nearly natural than we have in the cities, and under natural conditions give the child the time to play and he will find his own implements for play and his own method of play; but in our city life it is different. We have artificial conditions. The natural conditions for playing that exist in the country do not exist in the city, and even when you have provided the playground there is not the same natural condition for play and for physical development that goes with that play that you have in your country life. It becomes necessary to do something more than to provide playgrounds. We have, as I understand it, already provided the playgrounds. Now, it is necessary for us to do more, and that is to provide the means of utilizing those playgrounds with the implements necessary to play with, and the proposition of the committee is that it provide for maintenance and equipment of those playgrounds the paltry sum of $1,500, and we are asked to economize to that extent because of the great expenditure on the part of the Government; and, incidentally, it is asserted that the people of the District of Columbia do not pay all of the taxes as they pay in other cities. As a matter of fact we are the parties who are responsible for the system of taxation in the District of Columbia, and if the system of taxation is not just, is not equitable, then we should remedy that system and make it just and make it equitable; but we should not use it as a means and a weapon of preventing the proper equipment of playgrounds for the people in the District of Columbia.

Mr. BOWERS. Do the people of the District want the system changed? Would they like to have universal suffrage?

Mr. WILSON of Pennsylvania. Some of them would and some of them would not.

Mr. VREELAND. I want to know if the gentleman knew that in the last year's appropriation the people representing this movement asked for $1,500 for implements for children to play with, on the representation that that was sufficient to equip them? Now they come back, and we are giving them another $1,500 for the same purpose.

Mr. WILSON of Pennsylvania. As a matter of fact, however, the information is in the hands of the committee to the effect that $1,500 provided last year for that purpose was not sufficient, and that the citizens of this city contributed out of their own purses some $16,000 or $18,000 for that purpose.

Mr. BOWERS. Will the gentleman yield for an inquiry?

Mr. WILSON of Pennsylvania. Yes.

Mr. BOWERS. Will the gentleman be willing to confine his advocacy and his activities to the matter of equipping these grounds, without reference to the maintenance of these grounds by some teacher who will tell the boy whether he shall shoot from taw or from past?

Mr. WILSON of Pennsylvania. I am perfectly willing to confine my activities in this matter to an argument in favor of the maintenance and equipment of the playgrounds, with a supervision that will not permit the supervisor to determine what particular play the boy shall engage in.

Mr. BOWERS. And the gentleman's proposition is as deep as a well and as broad as a church door.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARDNER of Michigan. Mr. Chairman, debate on this subject has been quite general. It seems to me nearly every phase has been traversed, and I move that all debate upon the paragraph and pending amendments thereto close in fifteen minutes.

Mr. PARSONS. Will the gentleman consent that the time shall be equally divided between those in favor of the amendment and those in favor of the provision as carried in the bill?

The CHAIRMAN pro tempore. The Chair will state that that can only be done by unanimous consent.

Mr. VREELAND. There are two members of the subcommittee who have not been heard.

Mr. GARDNER of Michigan. Mr. Chairman, I will extend the time to twenty minutes.

Mr. PARSONS. I ask unanimous consent that the twenty minutes be divided equally between the two sides.

Mr. VREELAND. I object to that, as there are several members of the subcommittee who have not spoken.

The CHAIRMAN. The Chair will state to the gentleman from New York that that will naturally be done by the Chair. The question is on the motion of the gentleman from Michigan that debate on the pending paragraph and on amendments thereto close in twenty minutes.

The question was taken, and the motion was agreed to.

Mr. BURLESON. Mr. Chairman, I have been a Member of this body for ten years, and never during my experience here have I witnessed as much misapprehension with reference to the facts pertinent to the subject-matter under discussion. Time and time again here have we heard Members exclaim, "If we fail to act, where shall the children play?" One gentleman suggests that the city is covered with signs of "Keep off the grass." Another gentleman says that the public parks and all other reservations are closed to the children. Another says

that the police officials are driving the children from all public squares, circles, and triangles, and that they have, in fact, no place to play. Now, what are the facts? Why, instead of all these assertions being correct, the exact contrary is the truth. Not only have the children of the District of Columbia the right to play in public parks and other reservations, but the law specifically directs that the officer in charge of these public parks and reservations shall lay out thereon playgrounds for the children.

Now, Mr. Chairman, does any gentleman here question the statement I have made? If he does, I have the law before me and can read it in substantiation of my assertion. But, gentlemen, that is not the issue. We are not discussing now the proposition as to whether the children of the District shall have playgrounds; that issue is not involved in the amendment of the gentleman from New York. The question now being considered is, Shall we swell this appropriation for maintenance and supervision of playgrounds already provided from $1,500 to $15,000? Now, Mr. Chairman, the inquiry naturally arises, and it is quite pertinent, What will be done with this $15,000 if we adopt the proposed amendment and vote it into this bill? Mr. Chairman, I have always thought that a safe rule to govern our conduct upon a given proposition is to look to the past and, seeing what has happened, let it serve as a guide as to what will take place in the future. Now, let us see what has been done with the money heretofore appropriated for the purposes contemplated in the amendment of the gentleman from New York. Let me show you. Mr. Chairman, the first appropriation for this purpose by the Congress was three years ago, and the item carried $2,000 for maintenance and equipment of playgrounds. Note that it was for maintenance and equipment.

And yet, Mr. Chairman $700 of this sum was diverted from the purpose for which it was appropriated and used for supervision, for the payment of salaries of these so-called "teachers," who have been so frequently alluded to. They are not teachers in any sense of the word, as I shall show before I conclude. Seven hundred dollars of the sum appropriated for maintenance and equipment was used, not for that purpose, but for supervision. The next appropriation——

Mr. PARSONS. If the gentleman will permit, you say the appropriation two years ago was $2,000.

Mr. BURLESON. No; the first appropriation, three years ago, was for $2,000. I know what I am talking about, and I beg to assure my friend that every statement I shall make is literally founded upon fact. The next appropriation—or the second—was for $10,000; and here it was that these gentlemen, these professional philanthropists—and I do not like to impute bad motives to people, especially for deeds apparently good; but, Mr. Chairman, the interest manifested here in the lengthy discussion of this comparatively trivial item on this bill makes it manifest that there is a propaganda behind it, an active combination of persons pressing it. This interest has manifested itself, as the gentleman from Kentucky has said, through the columns of the local press. These persons are trying to promote the success of this particular scheme or fad, have lectured and written and petitioned, in order to make an impression upon the minds of Congressmen, with a view of securing this appropriation provided in this amendment.

If they succeed, it is one step toward what they hope will ultimately lead, if they can have their way, to the expenditure of a million dollars by the District and General Government for the acquisition of playgrounds in this city. But to return, the second appropriation secured was, as I have said, for $10,000 for maintenance, supervision, and equipment of playgrounds. The next and third was $5,000 for maintenance, supervision, and equipment, the three aggregating $17,000. Now, Mr. Chairman, what became of the money? These people are now asking for $15,000. Before we give it let us see what became of the $17,000. Oh, the gentleman from Illinois asks, with tears in his voice, if not in his eyes, "Will you practice economy at the expense of our children?" And he appeals to this body not to deny the children this pitiful sum. Well, I am not inclined to deny the children of Washington any sum which can and will be used for their benefit. But, Mr. Chairman, I am inclined to shut off the people who have been the beneficiaries of these appropriations heretofore made for these purposes. How much do you suppose the children, the poor children that the gentleman from Illinois wails about, got of this $17,000? How much of it went for maintenance and equipment? How much of it went for playthings? Permit me to give you the figures taken from the record. Of the $17,000, $10,369.77 went in the way of salaries to these people who are lecturing and writing and petitioning in support of this——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOWERS. Mr. Chairman, I ask unanimous consent that the gentleman from Texas may have time to conclude his remarks.

Mr. PARSONS. I object.

The CHAIRMAN. The temporary occupant of the chair has informed the Chairman that the time for debate on this proposition has been limited to twenty minutes.

Mr. BOWERS. If the Chair rules that the request is out of order, I ask that the gentleman's time may be extended for ten minutes.

The CHAIRMAN. That would consume the entire twenty minutes.

Mr. BOWERS. A request for unanimous consent is always in order.

The CHAIRMAN. The gentleman from Mississippi, as the Chair understands, asks unanimous consent that the gentleman from Texas may proceed for ten minutes, the time not to come out of the time of twenty minutes.

Mr. BOWERS. That is my request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BURLESON. Mr. Chairman, of these first three appropriations made, as I have just said, $10,369.77 went for supervision, to those who drew salaries as supervisors. Oh, Mr. Chairman, it would be too bad to deny the children a continuation of these appropriations! Remember, gentlemen, conditions are entirely different in the city of Washington from those obtaining in the city of New York or the city of Chicago or any other city in the United States. There are no conditions of congestion here, no vast areas covered by sky scrapers like those to be found in New York or Chicago. Yet, notwithstanding this, these interested philanthropists were not deterred from coming forward with their plans for reaching into the Treasury. After the first two appropriations had been secured their plans began to develop.

It was then, under the persuasive presentation of these gentlemen, who had been largely the beneficiaries of this $17,000, that their scheme developed and was laid before the Committee on Appropriations, disclosing the fact that they ultimately intended to ask for playgrounds covering the entire area of this city and calling for, as I have shown, an ultimate expenditure, approximately, of $1,000,000. If they succeed, what would become the annual fixed charge on this Government and the District? How much would it then take? If it took $10,369, out of an appropriation of $17,000, to supervise a few playgrounds, how much would our constituents have to go down into their pockets and put into the coffers of this District in order to meet the requirements of these gentlemen who hoped to supervise a vast number of playgrounds? How much? How much?

Mr. Chairman, the gentleman from New York [Mr. PARSONS] confuses this item, which he seeks to amend, with an item that was stricken out of the bill. This item in the estimate carried originally $25,000 for the supervision, maintenance, and equipment of these playgrounds—municipal playgrounds—and on page 117 of the original draft of this bill we found there was an estimate of $8,400 and also $1,500 for supervision, equipment, and maintenance of school playgrounds. This was for the summer months. We struck it out. There is a difference between the municipal playgrounds and the school playgrounds. There has arisen a controversy in this city between those who want to control all the playgrounds and the local school authorities. Both want to control the school playgrounds.

Mr. PARSONS. Will the gentleman kindly say to what appropriation he is alluding when he says there was a separate appropriation for the school playgrounds?

Mr. BURLESON. I did not say appropriation. I said estimate. Look at your Book of Estimates and you will find it.

Mr. PARSONS. But under this appropriation all this money could go for the school playgrounds as well as the municipal playgrounds, could it not?

Mr. BURLESON. Oh, I do not know. In the light of the fact that a former appropriation for this purpose has been diverted, I doubt not that they could use it or would try to use it for just such purposes as they saw fit. But under the item playgrounds, where we have provided for the municipal playgrounds heretofore, if I may so term them, was this estimate of $25,000, and it is this estimate that we cut down to $1,500. Why? Because, after your committee, going into the matter carefully, reached the deliberate conclusion that no larger sum should be appropriated, the House passed upon and approved this sum, namely, $1,500 last year. You decided last year that these playgrounds could be equipped for this sum, and the item was embodied in last year's bill and passed by you and is now

a law, appropriating $1,500 "for completing the equipment of outdoor playgrounds."

Now, is it possible that a larger sum is needed? Take the figures that I have given, appropriations for the three years, and say that every dollar not used for supervision was used for equipment. Ten thousand, in round figures, was eaten up by the supervisors. This would leave $7,000 of the first three appropriations for equipment, and then add $1,500 appropriated last year, which would make $8,500 used for equipment. Now, Mr. Chairman, shall we, as suggested by the gentleman from New York [Mr. PARSONS], appropriate $15,000 to renew an equipment that originally cost only $8,500 and has been used for only one or two years? That is the position that these gentlemen have placed themselves in, and they can not possibly escape it. Mr. Chairman, there is no disposition on the part of any member of your committee to deny any child in the District of Columbia an opportunity to play, but your committee does feel that the trend of such appropriations like this contended for by the gentleman from New York [Mr. PARSONS] is paternalistic and socialistic and should not be encouraged. In this District we provide not only free schools, but free text-books, free writing paper, free ink, free pens, and also free sewing materials to be used in the sewing schools. In fact, the entire equipment of the public schools is furnished free.

Everything is free from the time a child enters the kindergarten up to the time he graduates from the business high school. And these gentlemen of socialistic leanings, not content with this, now come and say you must keep the leading strings on the child, not alone in the school but even when he is on the playground. I ask the question that I asked last year when we were discussing this same item: In God's name, will some one tell me where the lesson of self-reliance is to be learned by a child in the District of Columbia? You keep the spoon of governmental pap in his mouth from the time he enters the kindergarten until he graduates a man, and if you take this step now, and coddle him and supervise him and direct him and manage him when he is on the playground, where is he to learn the lesson of self-reliance that makes for sturdy Americanism and self-reliant American citizenship?

Mr. Chairman, one word more and I am done. The District of Columbia contains more open squares, more public reservations for breathing places than any other city in the world. The engineer commissioner estimates 51 per cent of the entire city is devoted to such purposes. The gentleman from New York said a moment ago that it is 59 per cent. Last year I had a letter from the engineer commissioner——

Mr. VREELAND. Fifty-nine per cent. I read from the estimate made in the letter you refer to.

Mr. BURLESON. I am mistaken, and I beg the pardon of the gentleman. I had written a letter to the engineer commissioner, asking him how much open space have we in Washington that can be used for playgrounds, and he figured that 59 per cent of the entire area is probably used for public purposes.

Mr. GILLETT. Does the gentleman think that the streets are proper places for children to play?

Mr. BURLESON. Yes.

Mr. GILLETT (continuing). For it applies to the streets.

Mr. BURLESON. Yes; the streets are a proper place for children to play in the residential portion of this city. I lived on New Hampshire avenue and N street NW. for five years. I had small children who played on that street. I lived on the corner of Seventeenth and N streets NW., one block from Scott Circle and Massachusetts avenue, for four years, and all the children played on the streets. Mr. Chairman, why not? There is not one vehicle that will pass along those streets in an hour. There is no reason why they should not play on the streets.

Gentlemen, the sole purpose of this amendment is to obtain a foothold. I do not like to criticise the people of this District—I know some good people are interested in this appropriation—but why should we now, the very first time that a spirit of charity or public spirit manifests itself on the part of the District people, chill it by saying to them by such appropriation as is asked here, "You shall not do anything for yourselves?"

The gentleman from New York and the proponents of this proposition say that the people of Washington have come forward and generously raised fifteen or sixteen thousand dollars to be used for the playgrounds. It is the first evidence of civic pride that I have seen manifest itself since I have been in Washington. The wellwishers of these good people should hesitate a long time before they discourage its development. Let us permit it to grow, rather than promptly take the step which would suppress it. [Applause.]

Mr. GARDNER of Michigan. Mr. Chairman, how many minutes are there remaining?

The CHAIRMAN. Fifteen minutes are remaining, five minutes to be occupied by those opposed to the amendment and ten minutes by those in favor.

Mr. GARDNER of Michigan. Mr. Chairman and gentlemen, I dislike to occupy any time in a discussion of this amendment, and yet it is due to say that the subcommittee framing this bill was confronted by the very serious financial condition of the District. As was stated yesterday—and I may say it is not that I would not like the committee to give all that is asked, but the committee has its own limitations. The estimates carried nearly $4,000,000 more than the possible revenue. The law provides that the debt of $4,184,000 shall be paid, beginning with the 1st of July next, in the five ensuing years. That means that this committee, aside from the $975,000 it pays on the funded debt, shall pay $823,000 plus $83,000 interest this year, making over $900,000 on the unfunded debt.

Gentlemen, that was the law that the committee had to face in framing this bill. As your servants, we feel ourselves bound to obey the law and seek to carry out that which you had purposed to do. It has been the intent of the committee not to make any appropriations except where they seemed to be absolutely necessary. They talk about education of childhood. One of the great lessons to be taught in childhood is to pay your honest debts, and the city has made its own agreement with the Federal Government and your committee is called on to carry it out.

Another thing. There is no harmony in carrying out the playground scheme. It is a double-headed institution—a municipal and a school board. To show that I am not mistaken about this let me read what one of the members of the school board says:

> It is, I think, the opinion of the board of directors of the Playgrounds Association, of which I am a member, as well as of the board of education, that these school playgrounds shall be under the sole charge of the board of education. It is public property, and it should be under our charge.

Again—

> The Citizens' Association are of the opinion that it should come directly under the board of education, and they believe it would be better for us, because now it is a divided control and it is unsatisfactory, and the board of education feel that they should have the direction of it.

That it is the property of both the municipal and the school board associations.

Mr. GILLETT. Will the gentleman allow me to suggest to him that this same person from whose testimony he is reading stated to me since then, and since these hearings have been had by the subcommittee, that there has been a resolution passed by the Citizens' Association stating that they are in entire harmony.

Mr. GARDNER of Michigan. This same party says that they "have had constant trouble."

Mr. GILLETT. But he says that they have now come to an entire agreement.

Mr. GARDNER of Michigan. That is since the hearings. It is the opinion of the committee that no great harm will come if this matter can be held in abeyance. The grounds are equipped as school grounds. The worn-out equipment can be replaced by the appropriation. No great harm can possibly come to the childhood and youth of the District by letting this matter rest in abeyance until those who propose to expend the money shall themselves devise some plan wherein then can work in harmony and get the best results with the money appropriated.

Mr. BOWERS. May I ask my friend who would administer this money if it was appropriated?

Mr. GARDNER of Michigan. The gentleman knows as well as I.

Mr. BOWERS. I do not know, I confess, and I ask the gentleman. I do not think he knows.

Mr. GARDNER of Michigan. If I may be allowed to answer, it would be intrusted to the District commissioners, who will appoint a board charged with its expenditure.

Mr. MANN. We can not turn this money over under this provision.

Mr. GARDNER of Michigan. Wait a moment. Where and to whom do they make a report of the money? It must be to the commissioners, if at all.

Mr. GILLETT. How do they get this money? The commissioners have the money, have they not?

Mr. GARDNER of Michigan. I am so advised.

Mr. MANN. The commissioners of the District?
Mr. GARDNER of Michigan. Yes.
Mr. NYE. Mr. Chairman——
The CHAIRMAN. Does the gentleman desire to speak in favor of the amendment?
Mr. NYE. In favor of the amendment.
The CHAIRMAN. The gentleman from Minnesota.
Mr. NYE. It is certainly impossible for me in the time which I am allowed to say what I should like to say upon this, to me, important question.

In a moment of time this Congress appropriated $800,000 for the sufferers in Italy. Certainly I do not complain of that, although I think in prudence and wisdom we might have limited it to $500,000. But to-day we are spending hours to guard against a possible extravagance in a matter which goes to the very vitals of this Republic, which concerns the tenderest ties of home and the things most sacred to our people.

Three hundred and twenty thousand children took advantage of these grounds last summer under a wise, wholesome, and, I think, proper supervision by those who, in a spirit of philanthropy, sought to improve the conditions of our children. Who will say that these playgrounds and these exercises are not a part of education under our modern system of the development of children? Who will say that it is unnecessary that the thousands of poor children in the city shall have the advantages which these grounds that we have purchased afford under a wise supervision?

Mr. BOWERS. Mr. Chairman——
The CHAIRMAN. Does the gentleman from Minnesota yield?
Mr. NYE. I have not time or I should be glad to.
Mr. BOWERS. Will the gentleman advise us where he gets his figures as to the 320,000 children?
Mr. NYE. I will. I do not wish to encroach upon the time of the gentleman who has charge of this amendment.
Mr. BOWERS. I think the committee, which is always willing——
The CHAIRMAN. The gentleman declines to yield further.
Mr. NYE. I will try to state my authority.
Mr. BOWERS. I was going to say that I think the committee, which is always willing to hear from the gentleman, would gladly extend him time.
Mr. NYE. I hold in my hand a circular published by the Playgrounds Association, which, by the way, as I am informed by its president, is an incorporated association.
Mr. BOWERS. Is the gentleman advised of the fact that the probable population of the city is about 320,000? Does he want to reduce them all to the condition of children?
Mr. NYE. I was about to give the gentleman an answer as to the authority which I have. I stated that this Playgrounds Association was an incorporated body. Its officials are among the best citizens of Washington, and the superintendent and officials have placed in the hands of some Members this circular which states that the aggregate attendance for eleven weeks last summer was 320,000 as against 240,000 for the summer of 1906.
Mr. BOWERS. That is multiplied by every day in the week.
The CHAIRMAN. The time of the gentleman from Minnesota has expired.
Mr. FOSTER of Vermont. Mr. Chairman, in view of the attention that was given to the gentleman from Texas and the interruption of the gentleman from Minnesota, I ask unanimous consent that the gentleman from Minnesota have three minutes more, not to come out of the twenty minutes.
The CHAIRMAN. The gentleman from Vermont asks unanimous consent that the gentleman from Minnesota be allowed to proceed for three minutes, not to be taken out of the twenty minutes. Is there objection?
There was no objection.
Mr. NYE. I think, Mr. Chairman, that it is really parsimony that is manifested by the opposition. I have the utmost confidence and respect for the judgment of this committee. I know that they have acted according to their best judgment, but this amendment is before the committee, and we have a right to give our individual views upon the subject.

Some of us believe that the children of this city should be looked after first. I know the necessity of economy. I believe in it, and in many cases, as a new Member, I have voted contrary to my party and contrary to the majority on various appropriation bills. But we have this property, we have these grounds, and it stands to reason that a decent supervision which shall secure an orderly control of the children and their development should be provided. I think there is no question but what the amount asked for by this amendment is a reasonable one, and I do not think we are making any mistake in supporting the measure. I think we can afford to lean a little toward extravagance, even if it be extravagance, when it comes to dealing with the future of children in the city of Washington. I am aware that I have taken all the time I ought to, and I thank the gentlemen of the committee for the opportunity to say a word. [Applause.]

Mr. PARSONS. How much time is there remaining, Mr. Chairman?
The CHAIRMAN. Five minutes.
Mr. PARSONS. I yield one minute to the gentleman from Minnesota [Mr. BEDE].
Mr. BEDE. Mr. Chairman, so far as the financial side of this question is concerned, I do not wish to discuss it, because I think the committee is much more competent to deal with that part of the argument. If this question referred only to Democrats and boll weevils and other products of Texas, I would leave it entirely to the gentleman from Texas. [Laughter.] But as it refers to children—and I have some of those innocent products in my family—I think I have a right to speak.

It depends altogether upon what you think and what you believe about the conduct of children. I never have known a family of 10 or 15 children like my own [laughter] that could be turned out into the nursery without a governess. If there is any man in this House with that sort of a family that he can turn out without a governess, he ought to vote against this appropriation; but if he believes in a governess for the nursery, he ought to give a governess to the playgrounds in this Capital City.

I once had a lady friend who had about 20 children. [Laughter.]
The CHAIRMAN. The time of the gentleman from Minnesota has expired.
Mr. PARSONS. I ask that the gentleman's time be extended five minutes, not to come out of the twenty minutes.
The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman's time be extended five minutes, not to come out of the twenty minutes. Is there objection?
There was no objection.
Mr. BEDE. This lady friend had about 20 children. She was a married woman. [Laughter.] She believed in the administration policy, and her home was by the side of a river. A stranger came by, stopped for a drink at the well, and in talking with the lady of the house expressed the thought that it was a very dangerous place for a family to live that had so many children. The lady said:

Oh, no; it is not so very dangerous; we have only lost 3 within the last twenty years.

[Laughter.]

Now, it depends upon how precious you consider the children whether you want the governess or not. It is not a question of playgrounds; we have appropriated for that. It is a question whether you want to turn loose all the children of the District of Columbia, not to play leap frog, as my good friend from Tennessee has said, but to attack each other in the different games in which they are engaged. My own personal experience in raising 15 or 20 children is that they need a little supervision. We have not got enough secret service men to turn over to that business. [Laughter.] I do not know as they would be competent if we had them. I believe the home life of a nation will stand up for governesses in the home and in the public playground of this great Capital. [Applause.]

Mr. PARSONS. Mr. Chairman, last year $18,000 was expended in connection with the equipment and supervision and maintenance of the playgrounds in the city of Washington, and of that $16,500 was contributed by the people of the city of Washington and only $1,500 from the appropriations. That $18,000, roughly, was expended as follows: For improvements, $5,000; for equipment, $3,000; for supervision, $10,000. My amendment asks that the District assume the burden itself. It may be that there are Members who think from their own experience that supervision is not necessary, but I submit that when an association going out to raise money finds it necessary to expend $10,000 of the $18,000 it can raise in supervision, that is prima facie proof that supervision is necessary. It was called to my attention by a Member of the House who had taught school that every school-teacher in recesses, when the children are playing, is supposed to supervise their play. I just want to read a summary in an article showing the results of an investigation made of juvenile delinquency in

Chicago in connection with the effect of playgrounds there, and this is the summary:

To sum up the case for the small parks, the playgrounds in the large parks as well: A small park neighborhood recreation center such as those on the south side of Chicago can be expected to be coincident with a 28½ per cent decrease of delinquency within a radius of one-half mile, conditions of the neighborhood in other respects remaining stable. To provide a probation district with adequate play facilities is coincident with a reduction in delinquency of from 28 per cent to 70 per cent, or 44 per cent as an average. In addition, over a much larger area the small parks have a tendency to decrease delinquency 17 per cent.

I say we need supervision so that all the children can use the playgrounds, and I say that by providing proper facilities and using the playgrounds that we already have in the proper ways we can tremendously decrease the amount of delinquencies.

The gentleman from Ohio [Mr. DOUGLAS] offered an amendment appropriating $7,000. I hope that amendment will be voted down, and that those who are in favor of proper supervision will vote for the amendment I offered, providing for $15,000.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio to the amendment offered by the gentleman from New York.

The question was taken, and the amendment to the amendment was rejected.

Mr. MANN. Mr. Chairman, let us have the amendment again reported.

The CHAIRMAN. Without objection, the amendment will again be reported.

There was no objection, and the Clerk again reported the amendment.

Mr. BENNET of New York. Mr. Chairman, I now ask unanimous consent that the item as amended, if the amendment were adopted, be read.

The CHAIRMAN. Without objection, that will be done.

The Clerk read as follows:

So that the provision will read:
"Playgrounds: For maintenance and renewal of equipment and planting trees for outdoor playgrounds, $15,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. GARDNER of Michigan) there were—ayes 69, noes 59.

Mr. GARDNER of Michigan. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. GARDNER of Michigan and Mr. PARSONS took their places as tellers.

The committee again divided; and the tellers reported—ayes 65, noes 62.

So the amendment was agreed to.

The Clerk read as follows:

That the plans and specifications for all buildings provided for in this act shall be prepared under the supervision of the municipal architect of the District of Columbia and shall be approved by the Commissioners of the District of Columbia, and shall be constructed in conformity thereto.

Mr. MANN. Mr. Chairman, I make the point of order or reserve it as against this paragraph. The provision for a municipal architect was stricken out of the bill yesterday.

Mr. GARDNER of Michigan. Mr. Chairman, it will be necessary to insert an amendment there, which I will offer.

Mr. MANN. Very well, I shall withdraw the point of order if the gentleman proposes to offer the necessary amendment.

Mr. GARDNER of Michigan. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 55, line 13, strike out the words "municipal architect" and insert in lieu thereof the words "inspector of buildings."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

FOR METROPOLITAN POLICE.

For major and superintendent, $4,000; assistant superintendent, with rank of inspector, $2,500; 3 inspectors, at $1,800 each; 10 captains, at $1,500 each; chief clerk, who shall also be property clerk, $2,000; clerk, $1,500; 3 clerks, at $1,000 each; 4 surgeons of the police and fire departments, at $600 each; additional compensation for 20 privates detailed for special service in the detection and prevention of crime, $4,800, or so much thereof as may be necessary; 12 lieutenants, one of whom shall be harbor master, at $1,320 each; 45 sergeants, one of whom may be detailed for duty in the harbor patrol, at $1,250 each; 482 privates of class 3, at $1,200 each; 89 privates of class 2, at $1,080 each; 88 privates of class 1, at $900 each; for amount required to pay salaries of privates of class 2 who will be promoted to class 3 and privates of class 1 who will be promoted to class 2 during the fiscal year 1910, $7,043.52; 6 telephone operators, at $600 each; 14 janitors, at $600 each; messenger, $700; messenger, $500; major and superintendent, mounted, $240; inspector, mounted, $240; 55 captains, lieutenants, sergeants, and privates, mounted, at $240 each; 64 lieutenants, sergeants, and privates, mounted, on bicycles, at $50 each; 26 drivers, at $720 each; and 2 police matrons, at $600 each; in all, $23,513.52.

Mr. GARDNER of Michigan. Mr. Chairman, I send to the desk the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 58, in line 11, strike out the words "five hundred and thirteen" and insert in lieu thereof the words "five hundred and fifty-three."

Mr. GARDNER of Michigan. Mr. Chairman, this is simply to correct a total.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

In all, $4,380.

Mr. MACON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I attempted in a timid way to get the floor before the vote was taken upon the amendment of the gentleman from New York to this bill increasing the appropriation for playgrounds from $1,500 to $15,000, but a motion was made by the chairman of the subcommittee in charge of the bill to limit debate to twenty minutes, which cut me off; and hence I take the floor at this time for the purpose of expressing the hope that the gentleman in charge of the bill will see to it that when it is reported to the House a separate vote is demanded upon this amendment and that a roll call is had, so that the taxpayers of the country can see just who of their Representatives upon this floor are voting the money of the children away who live in the north, south, east, and west, or in whatever other part of this Union they may be domiciled, so that those children are to be burdened with extra taxation in order to furnish playgrounds to the city of Washington for the entertainment of the children who happen to reside here. It is true, sir, that it says that the city of Washington is to pay one-half of the amount, but that is not enough. It ought to pay the entire amount if it wants playgrounds, or do without them.

If this matter was intended to stop with this appropriation of $15,000, I would not at this time take up the time of the House to oppose it, but it is only an entering wedge, in my judgment. Mr. Chairman, it has been suggested by gentlemen upon the Appropriations Committee that it is only a beginning of a series of appropriations that will perhaps increase from time to time until a million dollars or more of the people's money will be improperly appropriated under the guise of furnishing playgrounds for the children of this city, but intended by many of its advocates to furnish jobs for quite a number of place hunters who are too lazy to work for a living. In plain words, Mr. Chairman, it is simply an effort on the part of some of the people who are behind this proposition to furnish money wrongfully taken from the pockets of the people in order to give jobs to a horde of persons around the city of Washington who are out of employment and ought to be put to work instead of being sent to some playground to try to teach children how to play.

I asked the gentleman from Illinois, in response to a suggestion of his "that children did not know how to play unless they were taught," who taught the first child how to play, and he responded that he did not think Adam knew how to play. Adam was never a child, as I understand it, and hence it was not necessary to teach him to play. He did not even know how to swing, for if he had I am sure he would not have been tempted by Eve, for he would have swung himself up into the tree and have gotten the apple for himself. [Laughter.]

Seriously, Mr. Chairman, permit me to say that you can not make a child play. You can not make him play any more than you can make a horse drink if he does not want water. You can furnish playgrounds for them, but you can not lead children to them, like you would cattle to a pasture, and make them play; they will not do it. They want to play in their own way and of their own volition. They want to play games of their own selection, and not those suggested by some other person.

Again, Mr. Chairman, gentlemen say children ought not to be allowed to play on the streets. I want to say to you, sir, that it is as natural for children to play on the streets—I do not care how many playgrounds you may have distributed around over the city—as it is for a goat to quit grass and go to the streets of a town and eat tin cans; and just as natural as it is for "Old Suke" to quit a good range and go to a town and eat the paper and rags that she finds strewn along the streets. In conclusion, Mr. Chairman, I insist that this effort to get playgrounds for these children is a misnomer; it is an effort to

get money to give positions to people out of employment, and who prefer play positions to work. If they are men and can not make an honest living by honest toil in the city, then they ought to be sent to the farm, where they can do so, instead of to playgrounds to teach children to play. [Applause.]

The Clerk read as follows:

HEALTH DEPARTMENT.

For health officer, $3,500; chief clerk and deputy health officer, $2,200; clerk, $1,400; 4 clerks, 2 of whom may act as sanitary and food inspectors, at $1,200 each; 2 clerks, at $1,000 each; clerk, $600; chief inspector and deputy health officer, $1,800; 15 sanitary and food inspectors, at $1,200 each; 1 inspector, $1,000; 1 inspector, $900; sanitary and food inspector, who shall be a veterinary surgeon and act as inspector of live stock and dairy farms, $1,200; 5 sanitary and food inspectors, who shall be veterinary surgeons, at $1,000 each; and 5 sanitary and food inspectors, at $900 each, to assist in the enforcement of the milk and pure-food laws and the regulations relating thereto; sanitary and food inspector, who shall also inspect dairy products and shall be a practical chemist, $1,800; messenger and janitor, $600; driver, $540; pound master, $1,500; and for laborers, at not exceeding $40 per month, $2,400; in all, $53,740.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of securing some information. I notice on page 63 there are provided 29 sanitary and food inspectors; on page 65 there is provided for special service in connection with the adulteration of foods and drugs $100, and then the item below, for continued expenses in relation to the enforcement of the same law, $1,000. May I ask what is the purpose of making these different items in these different shapes?

Mr. GARDNER of Michigan. I will say in regard to that item, for which $100 is appropriated, the purpose is, for instance, if there is a suspicion that impure candy or any article of food is adulterated or impure, to send some unknown person to get a sample in order to test it. It is a standing appropriation that may be used if necessary. It never has been abused, so far as I know.

Mr. MANN. It can not be possible that out of the 29 inspectors already provided they can find no one unknown at a store at which it is sold.

Mr. GARDNER of Michigan. That is the theory on which that has been provided.

The Clerk read as follows:

For maintenance, including personal services, of the public crematory, $3,000.

Mr. NICHOLLS. Mr. Chairman, I ask unanimous consent to return to page 40, under the head of "Public schools," and to insert after the provision providing for a clerk to carry out the provisions of the child-labor law an amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. NICHOLLS] asks unanimous consent to return to page 40 for the purpose of offering the amendment which the Clerk will report.

The Clerk read as follows:

For the purpose of appointing inspectors and enforcing the child labor law, $2,400.

The CHAIRMAN. Is there objection?

Mr. GARDNER of Michigan. Mr. Chairman, I object.

Mr. NICHOLLS. May I ask the gentleman to withhold his objection for a minute?

Mr. GARDNER of Michigan. Oh, yes.

The CHAIRMAN. The gentleman from Michigan reserves the objection.

Mr. NICHOLLS. I would like to state that my information is that no inspectors have been appointed as provided for in the child-labor law passed in the last session. Section 10 of that law provides that—

The Commissioners of the District of Columbia are hereby authorized to appoint two inspectors to carry out the purposes of this act at a compensation not exceeding $1,200 each per annum.

I have been given to understand that those inspectors have not been appointed for the reason that no appropriation was made, and I also understand that in this bill no provision is made for them at this time.

The CHAIRMAN. Does the gentleman from Michigan [Mr. GARDNER] insist upon his objection?

Mr. GARDNER of Michigan. I want to say that my information is that the law has been rigidly enforced and will continue to be, and therefore I must insist upon my objection.

The CHAIRMAN. Objection is made.

The Clerk read as follows:

Police court: For 2 judges, at $3,600 each; clerk, $2,000; 2 deputy clerks, at $1,500 each; 2 deputy clerks, at $1,200 each; deputy clerk, to be known as financial clerk, $1,500; 3 bailiffs, at $900 each; 4 bailiffs, at $720 each; deputy marshal, $1,000; janitor, $540; engineer, $900; assistant engineer, $720; fireman, $360; 2 assistant janitors, at $300 each; matron, $600; 3 charmen, at $360 each; in all, $27,480.

Mr. WILSON of Pennsylvania. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WILSON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 67, at the end of line 22, insert:
"For 2 inspectors to enforce the child-labor law, at $1,200 each."

Mr. GARDNER of Michigan. Mr. Chairman, I make a point of order against it and would say that they are already provided for in the bill.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. WILSON of Pennsylvania. Yes. I desire to make this statement, that the law already requires that two inspectors shall be appointed for the purpose of enforcing the child-labor laws in the District of Columbia. There is no provision whatsoever made in this bill, nor has there been in any previous bill, for the pay of those inspectors, and consequently a motion to amend to insert a provision for the payment of inspectors is in order.

Mr. BOWERS. Does not the gentleman know that the work has been absolutely done by men detailed from the police force, and that the law has been carried into effect?

Mr. WILSON of Pennsylvania. I do not so understand it.

Mr. BOWERS. Do I understand that the gentleman has been advised that this law lies dormant; that it is a dead letter, and that nothing is done for its enforcement?

Mr. WILSON of Pennsylvania. I do not make that statement; but I do make the statement that the machinery provided in the law itself for the enforcement of the law has not been utilized and is not being utilized.

Mr. BOWERS. Does the gentleman assert that certain machinery provided for in the law is not provided? Does he not know that certain members of the police force have been detailed to this particular work, and have done it?

Mr. WILSON of Pennsylvania. No; I do not so understand.

Mr. BOWERS. Does he deny that proposition?

Mr. WILSON of Pennsylvania. No; I will not deny it, but I do say that the law provides for the appointment of two inspectors by the commissioners for a specific purpose, and that these two inspectors detailed for a specific purpose have not been appointed.

Mr. BOWERS. Does the gentleman contend that there is a provision of law that requires that appointment; and if he does, will he not admit the proposition that two members of the police force, who are inspectors and appointed for this purpose, have been designated to take care of that particular situation?

The CHAIRMAN. The Chair is ready to rule on the point of order. The act of May 28, 1908—"An act to regulate the employment of child labor in the District of Columbia"—distinctly provides:

That the Commissioners of the District of Columbia are hereby authorized to appoint two inspectors to carry out the provisions of this act, at a compensation not exceeding $1,200 each per annum.

Unless they are already provided in the bill, so that it will make an additional number, the appropriation would seem to be expressly authorized. The Chair thinks the amendment is in order in this bill.

Mr. MACON. Is it germane to this particular part of the bill—for the support of the court? That is the point of order I thought the gentleman was making. I make the point of order that it is not germane.

Mr. BOWERS. This very matter was raised and voted on in consideration of another stage of this bill, or at another page, and it went out on a point of order.

Mr. MACON. The objection was made because it was a request for unanimous consent.

Mr. BOWERS. Objection was made to recurring to that particular paragraph.

Mr. WILSON of Pennsylvania. I take the ground that the amendment is perfectly germane.

The CHAIRMAN. Will the gentleman from Pennsylvania state exactly where he wants his amendment to come in?

Mr. WILSON of Pennsylvania. On page 67, after the word "dollars," in line 22, I had stated. I asked to change it to after the word "dollars" in line 20.

Mr. MACON. I object, Mr. Chairman. He would have to have unanimous consent to put it in at that point, and I insist on my point of order that it is not germane to this part of the bill. This part of the bill refers to the police court.

Mr. MANN. I call the attention of the Chair to the fact that commencing with line 21, of page 66, down to and including line 7, on page 67, is all part of one proposition, of distinctive separate appropriations, which shall all be included in the $3,200. Now, the gentleman proposes to interject between these an item containing an entirely different proposition.

The CHAIRMAN. The Chair understood the gentleman to offer it as a separate paragraph.

Mr. WILSON of Pennsylvania. I offered it after the word "dollars" in line 22.

Mr. MANN. The committee had read down to line 22 on page 66.

Mr. WILSON of Pennsylvania. I offer the amendment after the word "dollars," in line 22, page 67, as a separate paragraph.

The CHAIRMAN. Does the gentleman offer it as an amendment to the paragraph or as a new paragraph?

Mr. WILSON of Pennsylvania. I offer it as a new paragraph.

Mr. MACON. The gentleman distinctly offered his amendment to this paragraph, beginning after the word "dollars" in this particular line.

Mr. WILSON of Pennsylvania. I have a perfect right, Mr. Chairman, to offer it as an amendment to the paragraph or as a new paragraph.

The CHAIRMAN. The Chair would suggest to the gentleman from Pennsylvania that he withhold his amendment, because the item "Miscellaneous," which would immediately follow it, as the Chair understands, applies only to the police court. The gentleman can withhold it until the reading of line 12, on page 68.

Mr. MANN. The Chair might rule that he withhold, because if he did not withhold, the "miscellaneous" provided would provide for this office as part of the court officers.

The CHAIRMAN. The Chair thinks it is a little out of order at this time. The Chair can not take the time to read the long paragraph so as to understand the items fully, but has read far enough to learn that the caption "Miscellaneous" refers to the police court. If that is so, it would hardly be in order to insert the appropriation for two inspectors just before that caption, as that would make all the "miscellaneous" items apply to the inspectors and not to the police court, where they belong.

Mr. MANN. That is the point I made.

Mr. MACON. That is the reason I made the point of order.

Mr. BOWERS. Does the Chair rule it out of order?

The CHAIRMAN. The Chair is compelled to sustain the point of order to the amendment, as it is not germane to the part of the bill where it is now offered.

Mr. WANGER. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WANGER. Will it not be entirely in order for my colleague to offer his amendment after line 7, page 69?

The CHAIRMAN. Not until we reach that.

Mr. WANGER. He can withhold the amendment until later.

The CHAIRMAN. Let it be offered at that point when it is reached and the Chair will consider it.

The Clerk read as follows:

The next vacancy occurring in the office of justice of the peace for the District of Columbia shall not be filled, and thereafter the number of justices of the peace for the District of Columbia shall not exceed five.

Mr. WILSON of Pennsylvania. Mr. Chairman, I desire now to offer the amendment as a new paragraph.

The Clerk read as follows:

Insert on page 69, after line 4:
"For two inspectors to enforce the child-labor law, at $1,200 each."

Mr. BOWERS. Mr. Chairman, I reserve the point of order upon the paragraph. I do not know whether it is subject to it or not.

Mr. WILSON of Pennsylvania. Mr. Chairman, I have no desire to be heard on the point of order.

The CHAIRMAN. The point of order is reserved, and the gentleman, if he chooses, may speak upon the amendment.

Mr. WILSON of Pennsylvania. Mr. Chairman, the statement has been made by the gentleman from Mississippi [Mr. BOWERS] that the work required by the child-labor law to be performed by certain inspectors is being performed by some members of the police force, who have been delegated for that purpose. I have no desire to question that statement. Coming as it does from the gentleman from Mississippi, I believe it to be true; but the law that was passed one year ago specifically provided its own police regulations, the method for its own enforcement; provided that there should be two inspectors for that purpose, and stipulated what the salary should be; and it occurs to me that Congress having determined upon a law of that character, having determined upon that method of enforcing the law, should now proceed to provide the means by which those inspectors can be employed.

Mr. MANN. Will the gentleman yield for a question?

Mr. WILSON of Pennsylvania. Certainly.

Mr. MANN. Does the law confer upon these inspectors police powers?

Mr. WILSON of Pennsylvania. Only in so far as the enforcement of the child-labor law is concerned.

Mr. MANN. I mean does it confer upon them police powers in the enforcement of the child-labor law?

Mr. WILSON of Pennsylvania. Here is what the law says in relation to the matter:

That the Commissioners of the District are hereby authorized to appoint two inspectors to carry out the purposes of this act, at a compensation not exceeding $1,200 per annum.

Mr. MANN. We both want the law enforced.

Mr. WILSON of Pennsylvania. Yes.

Mr. MANN. It seems to me quite manifest that it is necessary in enforcing a law of that sort for the inspectors to have police powers. The question in my mind was whether these inspectors, if appointed, would have police powers, and hence whether it would be better to provide inspectors who have not police powers or to detail policemen to do the work of inspection.

Mr. WILSON of Pennsylvania. Where it becomes the express duty of certain men to enforce certain laws, there is a greater likelihood of those laws being enforced than if that duty devolves upon another set of men whose police powers are general instead of special.

Mr. MANN. Oh, I quite agree with the gentleman on the general proposition; but if, as suggested by the gentleman from Mississippi [Mr. BOWERS], two men now having police powers have been detailed by the commissioners to enforce the law, they have the same responsibility that they would have if they were named under the appropriation act.

Mr. BOWERS. Does the gentleman object to having these laws enforced by policemen?

Mr. WILSON of Pennsylvania. Yes; to a certain extent.

Mr. BOWERS. Why? Does the gentleman desire to create——

Mr. WILSON of Pennsylvania. Permit me to answer the first question.

Mr. BOWERS. I will await the gentleman's answer.

Mr. WILSON of Pennsylvania. I object to this extent, that I want to have men selected for the enforcement of that law whose special duty it is to see that the law is enforced in all of its parts.

Mr. BOWERS. But does not the gentleman understand that the members of the police force who are delegated for this duty are charged with this duty and no other? And may I inquire of the gentleman if in his objection to having this work done by a member of the police force, he desires to create two other officials in the machinery of the District government?

Mr. WILSON of Pennsylvania. Those two other officials have already been created by law.

Mr. BOWERS. But if their duties may be discharged by policemen delegated for that purpose, does the gentleman desire further to burden the roll with two new officers, created for that purpose?

Mr. WILSON of Pennsylvania. I desire that these two men shall be appointed as inspectors, not as policemen. It may be that the commissioners at the present time have appointed policemen for that purpose, and it may also be that the commissioners who are to follow them may do the same thing; but it does not follow that if appropriations are not made for that purpose, the commissioners will hereafter appoint men for that purpose.

Mr. BOWERS. But the interesting fact remains that the work is now being done, and so far as this committee is enlightened by the remarks of the gentleman from Pennsylvania, it has been satisfactorily done by policemen detailed for that purpose. With the adoption of the amendment offered by the gentleman from Pennsylvania it will add unnecessarily two more persons to the pay roll of the District of Columbia. Now I will yield to the gentleman from Oklahoma.

Mr. FULTON. Do these police officers who are detailed to do this work have any other duties to perform?

Mr. BOWERS. I do not know whether they do or not, but they are detailed to do this work, and while they are doing it they do not perform any other. And I may say to the gentleman that this committee, in investigating that proposition, has found that the city of Washington has more policemen to the square foot and to the number of inhabitants than any other city of similar size in the United States.

Mr. FULTON. What do they do?

Mr. BOWERS. Oh, walk about.

Mr. FULTON. What I am trying to get at is this: Does not the gentleman from Mississippi believe that the service that

will be rendered by these two appointees provided for by this amendment will be better if they do not have anything else to do except to attend to this business?

Mr. BOWERS. So long as these present policemen are about these duties I do not think they have anything else to do. Furthermore, there has not been the slightest objection made by my friend from Pennsylvania that these duties are not well performed.

Mr. FULTON. Do they detail one man to-day and another man to-morrow?

Mr. BOWERS. They detail two men for this particular purpose.

Mr. FULTON. For the entire year?

Mr. BOWERS. I do not know about that.

Mr. FULTON. Do they appoint one man to-day and another man to-morrow?

Mr. BOWERS. I do not know.

Mr. GARDNER of Michigan. Will the gentleman yield to me?

Mr. BOWERS. Certainly.

Mr. GARDNER of Michigan. In regard to the question raised by the gentleman from Oklahoma, I will say to the House that when this provision was passed by the House at the last session there was no provision for compensation. In order to give the law immediate effect the commissioners detailed two policemen whom they believed to be expressly qualified for this specific work. They are limited to that work now and detailed for that particular purpose and do nothing else, and, so far as information came to the committee, there is absolutely no fault found anywhere in the administration of the law.

Mr. BOWERS. I do not think even the gentleman from Pennsylvania will suggest that the child-labor law in this District has not been properly enforced. I invite him to say whether he finds any fault with the enforcement of that law.

Mr. WILSON of Pennsylvania. I have not challenged the gentleman's statement in any way or form.

Mr. BOWERS. Then it seems to me that the failure to challenge the present machinery of the administration is a sufficient answer to every objection.

Mr. WILSON of Pennsylvania. The gentleman from Mississippi understands as well as the gentleman from Pennsylvania understands that any appointment or selection that is made by the commissioners of policemen to perform this duty is merely optional with them; and if no appropriation is made by this Congress for the purpose of furnishing two inspectors, the commissioners may turn their entire attention toward policing the city in other respects and omit entirely the inspection under this child-labor law.

Mr. BOWERS. Up to this time a sufficient detail has been made to take care of this law; it has taken care of this law, and it has taken care of it efficiently, and "sufficient unto the day is the evil thereof."

Mr. WILSON of Pennsylvania. The gentleman from Michigan makes the statement that it was simply until appropriations could be made.

Mr. BOWERS. Does the gentleman challenge the truth of the statement that the law has been efficiently enforced? I want to know if my friend from Pennsylvania intends to suggest in the least degree that this law has not been enforced efficiently and to the letter.

Mr. WILSON of Pennsylvania. I make the statement that the law has not been enforced to the letter, because of the fact that the inspectors provided for by the law have not been appointed, and that no appropriation has been made to furnish the means.

Mr. BOWERS. The gentleman is in conflict with the Commissioners of the District. Mr. Chairman, I make the point of order that I reserved.

The CHAIRMAN. The Chair is of the opinion that the amendment is in order. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. WILSON of Pennsylvania) there were 14 ayes and 26 noes.

Mr. WILSON of Pennsylvania. I demand tellers.

The CHAIRMAN. The gentleman from Pennsylvania demands tellers. Those in favor of tellers will rise. [After counting.] Seven gentlemen have arisen; not a sufficient number, and tellers are refused.

So the amendment was lost.

The Clerk read as follows:

That section 3 of the act approved March 23, 1906, which makes it the duty of the superintendent in charge of the workhouse of the District of Columbia, in which any person is confined on account of a sentence under said act, to pay out of any funds available to the persons named in said act a sum equal to 50 cents for each day's hard labor performed by said person so confined, is hereby repealed.

Mr. BENNET of New York. Mr. Chairman, I make the point of order on that.

Mr. KEIFER. Mr. Chairman, I make the point of order on that.

Mr. GARDNER of Michigan. Mr. Chairman, we will not contest the point of order, but are very glad to arrest the attention of the House for a moment in order that we may explain the situation of the committee. The committee was led to believe that increasing the appropriation from $200 to $2,400 was putting a premium on vagrancy, but light has come to the committee, or to some members of the committee, that makes it appear—and I will speak only for myself—that we were acting under a misapprehension. Up to January 1, $777 had been used, and probably not more than $1,500 will be used this year. I send forward the following amendment, which I ask to have read.

The CHAIRMAN. Does the gentleman from Ohio insist on the point of order?

Mr. KEIFER. I reserve the point of order if the gentleman wants to amend the paragraph, but I shall insist on the point of order as it is at present.

The CHAIRMAN. Without objection, the Clerk will read the proposed amendment for the information of the House.

The Clerk read as follows:

On page 74, in lieu of the paragraph stricken out on a point of order, insert:

"For payment to the beneficiaries named in section 3 of an act making it a misdemeanor in the District of Columbia to abandon or wilfully neglect to provide for the support and maintenance by any person of his wife or his or her minor children in destitute or necessitous circumstances, approved March 23, 1906, $2,000, or so much thereof as may be necessary, to be disbursed by the disbursing officer of the District of Columbia on itemized vouchers duly audited and approved by the auditor of the District."

Mr. KEIFER. Mr. Chairman, I think the point of order should be made against that amendment and also that it might be offered independent of the paragraph to which the point of order is sought to be made.

The CHAIRMAN. Does the gentleman from Ohio insist upon the point of order?

Mr. KEIFER. Mr. Chairman, I make the point of order, and I desire to be heard on the point.

Mr. BENNET of New York. But as I understand it, the gentleman from Michigan concedes the point of order.

Mr. MANN. This is a separate and independent section.

The CHAIRMAN. The Chair is ready to rule on the point of order.

Mr. KEIFER. Mr. Chairman, allow me to say this much in justification of making the point of order: That this provision, if in the bill when it became a law, would undertake to change the whole character of the law that was passed March 23, 1906, the object of which was to make husbands take care of their families and their wives and their minor dependent children, and to inject in here a repeal of the last section of that would be to overthrow practically the whole act, which is a good one and one such as we find generally throughout the States of the Union.

Mr. BOWERS. May I ask the gentleman to withhold the point of order for a moment?

Mr. KEIFER. Certainly.

Mr. BOWERS. Mr. Chairman, I understand the gentleman reserves the point of order on that provision of the bill which repeals the existing legislation with reference to the payment of a certain sum of money to the dependent families of those who are committed to the workhouse under certain circumstances. Mr. Chairman, the committee reported this provision with a full knowledge of the fact that it would be subject to a point of order, and with the expectation that the point of order would probably be made; but the committee conceived it to be its duty to bring to the attention of the House in this way the effect of the legislation which was passed some time ago on this subject.

The provision against which this point of order is aimed repeals the law that the dependent families of those who do not support them shall be maintained out of the Public Treasury. It means simply this: That if A is arrested because of his failure to provide for his family and is committed to the workhouse by reason of that breach of the law, the Government and the District shall pay to his family or do for his family that thing which A did not do theretofore.

Mr. MANN. Will the gentleman yield for a question?

Mr. BOWERS. Yes.

Mr. MANN. The gentleman's statement being correct, but not quite full, I would suggest that in order to get this the man must perform hard labor.

Mr. BOWERS. I am coming to that, and I thank the gentleman "for teaching me that word," because I have had an

opportunity to inspect the hard labor that was done by A. I had the pleasure of watching some of those who were committed for violations of this particular act and of holding the watch on them for the purpose of ascertaining how long it took them to move one particular shovel of dirt.

Mr. COX of Indiana. How long did it take?

Mr. BOWERS. Well, it was not quite five minutes. I give them the benefit of the doubt. Of course I understand that this point of order is going to be insisted upon, and I know the provision is going out, but I do not want it to go out without some notice to the House of the condition of the legislation on that subject and the way in which it operates, and it is for that reason that I have asked the gentleman from Ohio to withhold his point of order. The obligation of the District and the Government to these people results from the fact that they do not obey their own obligations. No person is a beneficiary under this provision except by reason of the fact that the husband or father fails to do the thing which this law puts the burden upon the District to do. Now, we have been told it is a trifling amount, and so it is in amount, and it is by reason of the growth of this particular item that the committee has felt it wise to bring this matter to the attention of the House. When this provision was inserted in the law two years ago the appropriation suggested by the commissioners and passed was $200. The last suggestion is $2,000.

Mr. MANN. The appropriation last year was $2,400, the current law is $2,400.

Mr. BOWERS. Larger than I thought. My idea was that it was only $2,000, and I find it is $2,400 as against $2,000; and I call the attention of the committee to the growth in two years from $200 to $2,400 and leave the question with them. I did not want that to pass without some understanding of the subject.

Mr. KEIFER. Mr. Chairman, I only wish to say a word in justification of my opposition to this provision of the bill. Under the act passed March 3, 1906, which had for its object the punishment of husbands and fathers of minor children who, for various reasons or without reasons, neglected to maintain their families, a person convicted of neglecting to maintain his wife or minor children might be fined a sum of $500 or imprisoned, or both fined and imprisoned; and in case where such a person has been imprisoned by the judgment of the court, it is required that for every day of hard labor he performs during his sentence there shall be paid to the dependent wife or minor children, or for their benefit, 50 cents a day. This is a case where the authorities undertake to punish a man for not doing that which he might do, and while they are imprisoning him as a means of punishment still making through his own labor some compensation toward maintaining the dependent ones. It is a wise law. My friend on the committee from Mississippi thinks that the Government pays it. If the Government in the administration of the law imprisons a man and makes it impossible for him to labor to maintain his own wife and dependent minor children, the Government might well bear some burden in taking care of those people.

Mr. BOWERS. What was he doing in that regard before he goes to prison?

Mr. KEIFER. In many cases, I do not know an individual case, but in many cases he was earning money and spending it on other people and not upon his own children.

Mr. BOWERS. Does not my friend understand that the reason why he is imprisoned is because he does not support his family?

Mr. KEIFER. Undoubtedly, but while he is there, if he performs a day's labor, which may be worth $2——

Mr. BOWERS. Or 2 cents.

Mr. KEIFER. Or if he works slowly, it may be worth a dollar, or working still slower, 50 cents; it is all to be paid to the dependent family in consequence of each day's labor.

Mr. BOWERS. Will the gentleman permit another question?

Mr. KEIFER. Certainly.

Mr. BOWERS. Does not the gentleman know that the superintendent of that institution says that in the cold weather, in the hard times, they break into the workhouse in order to get a comfortable home?

Mr. KEIFER. I think the gentleman is alluding to another class of people altogether—those who are generally called tramps. That is the class of people to whom the gentleman has reference; but we are dealing with the class of people who, in the judgment of the law, can and ought to maintain their families——

Mr. BOWERS. But do not.

Mr. KEIFER. And if we imprison them and punish them in order to make them do what they ought to do, we ought at least, if they perform labor, to pay their families the small sum of 50 cents a day. I insist on the point of order.

The CHAIRMAN. The point of order is sustained. The gentleman from Michigan offers the amendment which the Clerk will read.

The Clerk read as follows:

On page 74, in lieu of the paragraph stricken out on a point of order, insert:

"For payment to the beneficiaries named in section 3 of an act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or his or her minor children in destitute or necessitous circumstances, approved March 23, 1906, $2,000, or so much thereof as may be necessary, to be disbursed by the disbursing officer of the District of Columbia on itemized vouchers duly audited and approved by the auditor of the District."

Mr. GARDNER of Michigan. Mr. Chairman, that is the statute as it stands, or did stand previous to the recommendation of the committee, under the appropriation, less $400.

Mr. MANN. I want to state to the gentleman that there has been considerable talk about how rapidly this expenditure has increased. The law for the current year is $2,400. If this rapid increase is taking place, the Government being absolutely obligated to pay this money in the end, what is the purpose of reducing the amount for the next fiscal year?

Mr. GARDNER of Michigan. Mr. Chairman, it was stated a few minutes ago that up to January $777 of the $2,400 had been used. The probabilities are that the ensuing months of the fiscal year will not consume as much as they have already. It was put at $2,000 so as to cover any reasonable contingency.

Mr. MANN. I suppose the probabilities are that during the winter season the expenditure will be greater than during the mild season?

Mr. GARDNER of Michigan. It is now nearly 66 per cent of increase.

Mr. TAWNEY. There is more loafing.

Mr. MANN. The gentleman from Minnesota [Mr. TAWNEY] says it is because there is more loafing. I do not know. If some man, who is unable to get work and has a wife and children, is willing to go to jail in order that his wife and children may get 50 cents a day, I will take my hat off to him.

Mr. GARDNER of Michigan. If the gentleman could see these men at work, he would not wonder they were out of a job.

Mr. MANN. It is a part of the prerogative of the gentleman to require them to work. The law says hard labor. The gentleman ought to have a provision to correct that.

Mr. GARDNER of Michigan. Allow me to say right at that point that one of the weaknesses of the whole thing is that they are transported in the Government's carriage, with a government guard, 1, 2, 3, or 4 miles, and that they do not average but about four hours a day. It is said on good authority that a recent commissioner, when he conceived the idea, tickled himself over a new idea and went around congratulating others on the brightness of the conception.

He made a proposition to the Superintendent of Buildings and Grounds that he would employ these men down on the works beyond the Washington Monument, and it was said to him:

If you will pay the guards, we will allow you to have the prisoners.

Three guards were detailed to look out for 20 prisoners. They worked three days. The engineer commissioner said:

Take off your guard and take the prisoners back to the workhouse. I am losing money.

Mr. MANN. If all the gentleman states is true, and I have no reason to doubt it, and I always accept the gentleman's word, it is an additional reason and the first real reason that I have heard for remodeling the whole system of the workhouse here, as suggested in the President's message the other day. I suppose that is what we will do, then.

Mr. GARDNER of Michigan. Mr. Chairman, right on that point you will not find anything in the appropriations for the workhouse in improvements of any sort or kind. It is deferred until we get the report from this commission that has been appointed and which has reported since the committee completed framing the bill.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Michigan [Mr. GARDNER].

The question was taken, and the amendment was agreed to.

Mr. GARDNER of Michigan. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 25392) making appropriations to provide for the expenses of the gov-

ernment of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes, and had come to no resolution thereon.

ITALIAN EARTHQUAKE DISASTER.

The SPEAKER laid before the House the following communication (S. Doc. No. 649), which was referred to the Committee on Foreign Affairs and ordered to be printed:

ROME, *January 13, 1909.*

SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington:

In the name of the members of the Chamber of Deputies, I beg to convey their sincere appreciation of the kind sympathy shown by you in this hour of extreme desolation for our country. It is another link that binds us more closely together in that traditional friendship that we have always felt for your chivalrous people.

PRESIDENT MARCORA.

[Applause.]

LEAVE OF ABSENCE.

Mr. MUDD, by unanimous consent, obtained leave of absence, indefinitely, on account of sickness.

PENSION APPROPRIATION BILL.

Mr. KEIFER, by direction of the Committee on Appropriations, reported the bill (H. R. 26203) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1910, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with accompanying report (H. Rept. No. 1851), ordered to be printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois reserves all points of order on the bill.

Mr. KEIFER. Mr. Speaker, I desire to state I do not expect to call up this bill to-morrow; but unless there is something intervening that is more important I hope to call it up the succeeding day for consideration. I wish to say that some gentlemen have spoken to me about a desire to have some general debate. I am not certain as to the number. If they will make known their wishes before then we will try to make an arrangement for short general debate.

BAY RUM.

Mr. PAYNE, from the Committee on Ways and Means, reported with amendment the bill (H. R. 22884) more completely to accomplish the objects contemplated by section 3 of the act of April 12, 1900, chapter 191, which was read a first and second time, referred to the Committee on the Whole House on the state of the Union, and, with accompanying report (H. Rept. No. 1852), ordered to be printed.

ADJOURNMENT.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from Hamilton, Colbert, Yerkes & Hamilton, transmitting report of the Georgetown Barge, Dock, Elevator, and Railway Company for the year ended December 31, 1908 (S. Doc. No. 650)—to the Committee on the District of Columbia and ordered to be printed.

A letter from the Interstate Commerce Commission, transmitting the twenty-second annual report of the commission (H. Doc. No. 1317)—to the Committee on Interstate and Foreign Commerce and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. Martin Compton against The United States (H. Doc. No. 1315)—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Eleanor Maxwell against The United States (H. Doc. No. 1316)—to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 24492) to authorize the Secretary of War to donate one condemned bronze fieldpiece and cannon balls to the county of Orange, State of New York, reported the same with amendment, accompanied by a report (No. 1845), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the resolution of the House (H. Res. 476) requesting the Department of Justice to furnish the House of Representatives with certain information relative to "special agents" in its employ, reported the same without amendment, accompanied by a report (No. 1850) which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CLAYTON, from the Committee on War Claims, to which was referred House bill 3766, reported in lieu thereof a resolution (H. Res. 486) referring to the Court of Claims the papers in the case for the relief of Levi Adcock, accompanied by a report (No. 1844), which said resolution and report were referred to the Private Calendar.

Mr. CAMPBELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 26072) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1846), which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the Senate (S. 5268) for the relief of J. de L. Lafitte, reported the same without amendment, accompanied by a report (No. 1847), which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 21881) for the relief of John D. Baldwin, reported the same without amendment, accompanied by a report (No. 1848), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 24373) to reimburse Royal L. Sweany, late deputy collector of internal revenue at Tacoma, Wash., reported the same without amendment, accompanied by a report (No. 1849), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 19995) granting an increase of pension to Leonard W. Massey—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 25961) granting a pension to Alexander L. Smith—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20838) granting an increase of pension to John A. Thomas—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MARTIN. A bill (H. R. 26062) authorizing the creation of a land district in the State of South Dakota, to be known as the "Bellefourche land district"—to the Committee on the Public Lands.

By Mr. BRUNDIDGE: A bill (H. R. 26063) to provide for use of water power at Dam No. 1 on White River, Arkansas—to the Committee on Rivers and Harbors.

By Mr. HALE: A bill (H. R. 26064) to change and fix the time for holding the circuit and district courts of the United States for the eastern and middle districts of Tennessee—to the Committee on the Judiciary.

By Mr. BATES: A bill (H. R. 26065) to provide for the further improvement of the harbor of Erie, Pa.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 26066) to cause a survey to be made of Erie Harbor—to the Committee on Rivers and Harbors.

By Mr. GODWIN: A bill (H. R. 26067) for the improvement of the upper Cape Fear River from Wilmington to Fayetteville,

N. C., by the construction of three locks and dams of sufficient size and strength to afford a channel 8 feet deep for continuous navigation—to the Committee on Rivers and Harbors.

By Mr. DALZELL: A bill (H. R. 26068) providing for an additional judge for the western district of Pennsylvania, and for other purposes—to the Committee on the Judiciary.

By Mr. JACKSON: A bill (H. R. 26069) to authorize commissions to issue in the cases of officers of the Navy and Marine Corps retired with increased rank—to the Committee on Naval Affairs.

By Mr. GREENE: A bill (H. R. 26070) to provide for the deduction of hatchways and water-ballast space from the gross tonnage of vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. PRAY: A bill (H. R. 26071) authorizing the Secretary of the Interior to appraise lands in the Fort Peck Indian Reservation, Mont., and grant the same to the Great Northern Railway—to the Committee on Indian Affairs.

By Mr. CLARK of Florida: A bill (H. R. 26073) to approve and ratify the construction of a bridge across the Indian River North, in the State of Florida, by the New Smyrna Bridge and Investment Company—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER of Vermont: A bill (H. R. 26074) providing special postage rate on third-class and fourth-class matter on rural free-delivery routes—to the Committee on the Post-Office and Post-Roads.

By Mr. THISTLEWOOD: A bill (H. R. 26075) to reduce the fire limits for the United States post-office building at Du Quoin, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. TAWNEY: A bill (H. R. 26076) to authorize the Secretary of War to continue and complete the deepening of the channel of the Mississippi River from the mouth of the Missouri River to the city of St. Paul, Minn., and in accordance with the plan heretofore authorized and adopted, on or before July 1, 1918, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. KEIFER, from the Committee on Appropriations: A bill (H. R. 26203) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1910, and for other purposes—to the Union Calendar.

By Mr. HUMPHREYS of Mississippi: Joint resolution (H. J. Res. 228) to enable the States of Mississippi and Louisiana to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory—to the Committee on the Judiciary.

Also, joint resolution (H. J. Res. 229) to enable the States of Mississippi and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory—to the Committee on the Judiciary.

By Mr. HEFLIN: Joint resolution (H. J. Res. 230) to provide for the printing of 250,000 copies of the Special Report on the Diseases of Horses—to the Committee on Printing.

By Mr. COOPER of Texas: Concurrent resolution (H. C. Res. 53) directing a survey of Sabine Pass and Taylors Bayou, in the State of Texas—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CAMPBELL, from the Committee on Pensions: A bill (H. R. 26072) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war and to widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. ANSBERRY: A bill (H. R. 26077) granting an increase of pension to Augustus Resch—to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 26078) granting an increase of pension to Edward Condon—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 26079) granting an increase of pension to Florence A. Scott—to the Committee on Pensions.

By Mr. BEALE of Pennsylvania: A bill (H. R. 26080) granting an increase of pension to Andrew Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26081) granting an increase of pension to David Goodman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26082) granting an increase of pension to Samuel Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26083) granting an increase of pension to John McCullough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26084) granting an increase of pension to Johiel Vashbinder—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 26085) granting an increase of pension to Martin K. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26086) granting an increase of pension to D. W. Garmon—to the Committee on Pensions.

By Mr. BIRDSALL (by request): A bill (H. R. 26087) granting a pension to Loise Timmer—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 26088) granting an increase of pension to Volkert V. Van Patten—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 26089) granting an increase of pension to James H. Roundy—to the Committee on Invalid Pensions.

By Mr. BURLESON: A bill (H. R. 26090) granting an increase of pension to Thomas S. Barnett—to the Committee on Pensions.

Also, a bill (H. R. 26091) granting an increase of pension to William C. Chumney—to the Committee on Pensions.

Also, a bill (H. R. 26092) granting an increase of pension to Oliver C. Searcy—to the Committee on Pensions.

Also, a bill (H. R. 26093) granting an increase of pension to Philip H. Yelton—to the Committee on Pensions.

Also, a bill (H. R. 26094) granting an increase of pension to Thomas S. Butler—to the Committee on Pensions.

Also, a bill (H. R. 26095) granting an increase of pension to Isaac Tanner—to the Committee on Pensions.

Also, a bill (H. R. 26096) granting an increase of pension to Leroy F. Roberts—to the Committee on Pensions.

Also, a bill (H. R. 26097) granting an increase of pension to Lewis A. Mulkey—to the Committee on Pensions.

Also, a bill (H. R. 26098) granting an increase of pension to George B. Ely—to the Committee on Pensions.

Also, a bill (H. R. 26099) granting an increase of pension to George T. McGehee—to the Committee on Pensions.

Also, a bill (H. R. 26100) granting an increase of pension to S. J. P. McDowell—to the Committee on Pensions.

Also, a bill (H. R. 26101) granting an increase of pension to Frank W. Petmecky—to the Committee on Pensions.

Also, a bill (H. R. 26102) granting an increase of pension to Griffin Tinney—to the Committee on Pensions.

Also, a bill (H. R. 26103) granting an increase of pension to Thomas J. Eanes—to the Committee on Pensions.

Also, a bill (H. R. 26104) granting an increase of pension to William McComb—to the Committee on Pensions.

Also, a bill (H. R. 26105) granting an increase of pension to Merrywether W. Blackburn—to the Committee on Pensions.

Also, a bill (H. R. 26106) granting an increase of pension to Robert D. Glass—to the Committee on Pensions.

Also, a bill (H. R. 26107) granting an increase of pension to Thaddeus P. Sparks—to the Committee on Pensions.

Also, a bill (H. R. 26108) granting an increase of pension to James F. Baudy—to the Committee on Pensions.

Also, a bill (H. R. 26109) granting an increase of pension to Thomas K. Sparks—to the Committee on Pensions.

Also, a bill (H. R. 26110) granting an increase of pension to William A. Pitts—to the Committee on Pensions.

Also, a bill (H. R. 26111) granting an increase of pension to William C. Shaw—to the Committee on Pensions.

Also, a bill (H. R. 26112) granting an increase of pension to Henry Ottenhouse—to the Committee on Pensions.

Also, a bill (H. R. 26113) granting an increase of pension to David Crockett Burleson—to the Committee on Pensions.

Also, a bill (H. R. 26114) granting an increase of pension to Frederick Willie—to the Committee on Pensions.

Also, a bill (H. R. 26115) granting an increase of pension to W. W. Bebout—to the Committee on Pensions.

By Mr. CALDER: A bill (H. R. 26116) to pay Edgar F. Luckenbach for damages to his barge *C. F. Sargent* by collision with the U. S. dredge *Manhattan*—to the Committee on Claims.

Also, a bill (H. R. 26117) granting a pension to Sarah A. Foley—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 26118) granting an increase of pension to William B. Jones—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 26119) granting an increase of pension to William J. Clark—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 26120) granting an increase of pension to George Byers—to the Committee on Pensions.

Also, a bill (H. R. 26121) granting an increase of pension to Israel G. Powell—to the Committee on Pensions.

Also, a bill (H. R. 26122) for the relief of the trustees of Frying Pan Meeting House of Fairfax County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 26123) for the relief of the estate of Samuel H. Hutchison, deceased—to the Committee on War Claims.

By Mr. CLARK of Florida: A bill (H. R. 26124) granting a pension to Anne Olive Erwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26125) granting an increase of pension to James F. Robinson—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 26126) granting a pension to Nannie E. Parks—to the Committee on Invalid Pensions.

By Mr. DIEKEMA: A bill (H. R. 26127) granting an increase of pension to Joseph Randolph—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26128) granting an increase of pension to John C. Hurst—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26129) granting an increase of pension to Orlando J. Parker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26130) granting an increase of pension to Amos E. Porter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26131) for the relief of James Conway—to the Committee on Military Affairs.

By Mr. ELLIS of Oregon: A bill (H. R. 26132) granting an increase of pension to Martin L. Olmsted—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 26133) granting a pension to Hannah Burton—to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 26134) granting a pension to Roger A. Sprague—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26135) granting a pension to Benjamin Wain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26136) granting an increase of pension to Thomas R. Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26137) granting an increase of pension to Henry B. Furbee—to the Committee on Invalid Pensions.

By Mr. FOELKER: A bill (H. R. 26138) granting an increase of pension to Samuel B. Marshall—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 26139) granting an increase of pension to Benjamin Harrison—to the Committee on Pensions.

Also, a bill (H. R. 26140) granting an increase of pension to Archibald Clark—to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 26141) for the relief of Harry Devlin—to the Committee on Claims.

By Mr. HALE: A bill (H. R. 26142) granting an increase of pension to Morgan C. Hackworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26143) granting an increase of pension to Alex B. Tadlock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26144) granting an increase of pension to Elijah Cates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26145) granting an increase of pension to James Key—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26146) to correct the war record of Elijah Wilson—to the Committee on Military Affairs.

By Mr. HAUGEN: A bill (H. R. 26147) granting an increase of pension to Herman Brumley—to the Committee on Invalid Pensions.

By Mr. HEFLIN: A bill (H. R. 26148) granting an increase of pension to Francis M. Vedder—to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 26149) granting a pension to Sophia Irvine—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 26150) granting an increase of pension to Thomas J. Kirk—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 26151) granting an increase of pension to William F. Simpson—to the Committee on Invalid Pensions.

By Mr. HUFF: A bill (H. R. 26152) granting an increase of pension to Thomas B. Lucas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26153) granting an increase of pension to Elizabeth Sober—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26154) granting an increase of pension to Carrier Thompson—to the Committee on Pensions.

By Mr. JACKSON: A bill (H. R. 26155) granting an increase of pension to Oscar Ernst—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26156) for the relief of Joseph Flewheart—to the Committee on War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 26157) granting an increase of pension to Homer Peake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26158) granting an increase of pension to William E. Bybee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26159) for the relief of David S. Bradley—to the Committee on War Claims.

By Mr. LAW: A bill (H. R. 26160) granting an increase of pension to George R. Cross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26161) granting an increase of pension to William C. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26162) granting an increase of pension to Peter Connor—to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 26163) granting an increase of pension to Jerome Hull Moss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26164) granting an increase of pension to Gardner L. Chace—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26165) granting an increase of pension to Milo Porter—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 26166) for the relief of E. G. Spillman—to the Committee on Claims.

Also, a bill (H. R. 26167) for the relief of R. A. Cameron—to the Committee on Claims.

Also, a bill (H. R. 26168) for the relief of A. R. Museller—to the Committee on Claims.

Also, a bill (H. R. 26169) for the relief of Emory D. Brownlee—to the Committee on Claims.

Also, a bill (H. R. 26170) for the relief of John J. Boles—to the Committee on Claims.

Also, a bill (H. R. 26171) for the relief of Alfred H. Boles—to the Committee on Claims.

Also, a bill (H. R. 26172) for the relief of James B. Cullison—to the Committee on Claims.

Also, a bill (H. R. 26173) granting an increase of pension to John W. Myers—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 26174) granting an increase of pension to John W. Wilson—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 26175) granting a pension to Malcolm H. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26176) granting a pension to John Eckerman—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 26177) for the relief of W. T. Kinkaide, alias Kincade—to the Committee on War Claims.

By Mr. PAYNE: A bill (H. R. 26178) granting an increase of pension to John Dempsey—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 26179) granting an increase of pension to John Bedheimer—to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 26180) granting an increase of pension to David L. Pitcher—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 26181) for the relief of the heirs of John G. Freeman, deceased—to the Committee on War Claims.

By Mr. ROTHERMEL: A bill (H. R. 26182) granting an increase of pension to James B. Brown—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 26183) granting an increase of pension to Reuben R. Garrett—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 26184) granting an increase of pension to Henry Welch—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 26185) granting a pension to Annie Estes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26186) granting a pension to Mary McJenkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26187) granting an increase of pension to Benjamin Webb—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 26188) granting a pension to John J. Neigert—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 26189) granting an increase of pension to James M. Slown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26190) granting an increase of pension to Joseph M. Cherry—to the Committee on Invalid Pensions

Also, a bill (H. R. 26191) granting a pension to William E. Gilchrist—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 26192) granting an increase of pension to Henry G. Seaman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26193) granting an increase of pension to Owen O'Brien—to the Committee on Invalid Pensions.

By Mr. SWASEY: A bill (H. R. 26194) to remove the charge of desertion from the military record of Chauncey M. Allard—to the Committee on Military Affairs.

Also, a bill (H. R. 26195) to remove the charge of desertion from the record of Francis G. French, alias Frank Jones—to the Committee on Military Affairs.

Also, a bill (H. R. 26196) to remove the charge of desertion from the record of Frederick W. Buck—to the Committee on Military Affairs.

Also, a bill (H. R. 26197) to remove the charge of desertion from the record of John H. Rollins—to the Committee on Military Affairs.

By Mr. THISTLEWOOD: A bill (H. R. 26198) granting an increase of pension to Thomas H. Burns—to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: A bill (H. R. 26199) granting an increase of pension to Melius J. Nelson—to the Committee on Pensions.

Also, a bill (H. R. 26200) granting an increase of pension to Elias G. Pike—to the Committee on Invalid Pensions.

By Mr. PARSONS: A bill (H. R. 26201) granting an increase of pension to Agnes J. Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26202) granting a pension to Eliza Girvan—to the Committee on Invalid Pensions.

By Mr. CLAYTON, from the Committee on War Claims: Resolution (H. Res. 486) referring to the Court of Claims the bill H. R. 3766—to the Private Calendar.

By Mr. THISTLEWOOD: Resolution (H. Res. 487) to pay Matthew Davison, jr., David J. Berger, and Patrick J. Goode certain sums of money—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of Mantua Grange and of other societies and individuals in New Jersey and other States, for parcels post on rural delivery routes and a postal savings banks law—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Dearborn Chemical Works Company, of Chicago, Ill., praying for legislation relating to the operation of railroads—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Rear-Admiral H. F. Picking Naval Garrison, No. 4, of Erie, Pa., praying for legislation relating to the retirement of petty officers and enlisted men of the United States Navy—to the Committee on Naval Affairs.

Also, petition of the St. Cloud (Minn.) Trades and Labor Council, protesting against the sentencing of Messrs. Gompers, Mitchell, and Morrison in the federal court of the District of Columbia—to the Committee on the Judiciary.

Also, petition of the National Negro Business League, praying for an appropriation to reimburse the depositors of the late Freedman's Savings and Trust Company—to the Committee on Banking and Currency.

Also, petition of the Patent Law Association of Chicago, Ill., praying for an increase in the salaries of federal judges—to the Committee on the Judiciary.

Also, petition of the Saengerbund of the Northwest, protesting against the prohibition of the liquor traffic—to the Committee on the Judiciary.

Also, petition of the Saengerbund of the Northwest, protesting against the alteration in section 3893 of the Revised Federal Statutes, relating to the postal service—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Trans-Mississippi Commercial Congress, praying for various improvements of California rivers and harbors—to the Committee on Rivers and Harbors.

Also, petition of the Central Federated Union of New York, protesting against legislation for the establishment of compulsory arbitration—to the Committee on Interstate and Foreign Commerce.

Also, petition of the commercial organizations of Humboldt County, Cal., urging the improvement of Humboldt Bay—to the Committee on Rivers and Harbors.

Also, petition of the Synod of California, praying for legislation to prevent Sunday banking in post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of W. L. Penney and 18 others, citizens of Walpole, Mass., praying for national cooperation in technical education—to the Committee on Agriculture.

Also, petition of the Synod of Ohio of the Presbyterian Church, praying for legislation to prevent Sunday banking in post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Synod of California, praying for the enactment of a law requiring individuals and corporations engaged in interstate commerce to give each of their employees who work on Sunday a full 24-hour rest day—to the Committee on Interstate and Foreign Commerce.

Also, petition of American citizens residing in the Isle of Pines, praying for the Government of the United States to secure to them such a government as shall protect them in the proper enjoyment of their property, etc.—to the Committee on Foreign Affairs.

Also, petition of the Synod of Ohio of the Presbyterian Church, praying for the enactment of legislation requiring individuals and corporations engaged in interstate commerce to give each of their employees who work on Sunday a full 24-hour rest day—to the Committee on Interstate and Foreign Commerce.

Also, petition of D. B. Dearborn, of New York, praying for legislation to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. Annie Beenk and 16 other citizens, praying for the submission of a constitutional amendment to enable women to vote—to the Committee on the Judiciary.

Also, petition of the American Prison Association, praying for encouragement and for national help to assist in the International Prison Congress—to the Committee on the Judiciary.

Also, petition of the California State Board of Trade, praying for legislation to provide for the construction of jetties and for the improvement of Humboldt Bay, California—to the Committee on Rivers and Harbors.

Also, petition of various councils of the Knights of Columbus, in the State of Pennsylvania, praying that the anniversary of the discovery of America by Columbus may be made a legal holiday—to the Committee on the Judiciary.

Also, petition of B. L. Duryea, of Jersey City, N. J., and other firms and individuals of the United States, praying for the reduction and removal of the duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. ACHESON: Petition of National Guard Association of Pennsylvania, favoring S. 2671, increasing number of army officers—to the Committee on Military Affairs.

By Mr. ANTHONY: Petition of citizens of Leavenworth, Kans., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. ASHBROOK: Petition of Nineveh Grange, No. 1500, of Tuscarawas, Ohio, for parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Garrett H. Fowler—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: Paper to accompany bill (H. R. 25177) for relief of Robert Wilson—to the Committee on Pensions.

By Mr. BIRDSALL: Petition of merchants of Greene, Iowa favoring a parcels-post and postal savings banks law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Iowa, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. BRUNDIDGE: Petition of citizens of Randolph County, Ark., against passage of Senate bill 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. BURKE: Petition of National Guard Association of Pennsylvania, favoring Senate bill 2671, for increase in number of army officers—to the Committee on Military Affairs.

Also, petition of Merchants and Manufacturers' Association of Westminster, Md., favoring the Lafean bill (H. R. 22339), for Lincoln memorial highway from Washington to Gettysburg—to the Committee on Appropriations.

Also, petition of Epping Carpenter Company, favoring legislation to secure carload rates on less than carload shipments—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLEIGH: Petitions of citizens of State of Maine, and Silver Harvest Grange, favoring a parcels-post and savings-bank law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Portland (Me.) Wholesale Merchants' Association, favoring H. R. 13266, relative to the national bankruptcy law—to the Committee on the Judiciary.

By Mr. BURNETT: Petition of Federation of Jewish Organizations of New York City, favoring appointment of chaplains in the army and navy for Jewish soldiers and sailors—to the Committee on Military Affairs.

By Mr. BUTLER: Petition of citizens of Avondale, Pa., for parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDER: Papers to accompany bills for relief of Margaret A. Fay and John Kelly—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Ingeborg Moeller—to the Committee on Pensions.

Also, petition of William A. Kapperman, of Brooklyn, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of American Prison Association, for appropriation to assist work of the International Prison Commission—to the Committee on the Judiciary.

Also, petition in favor of H. R. 19250, civil-war volunteer officers' retired bill (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. CARLIN: Paper to accompany bill for relief of Frying Pan meeting house, Va.—to the Committee on War Claims.

Also, papers to accompany bills for relief of Jerry Hughes (H. R. 16997), heirs of Andrew Seitz, and estate of Samuel H. Hutchinson—to the Committee on War Claims.

By Mr. CLARK of Florida: Petition of Pharmaceutical Association, against passage of H. R. 21982, relative to transportation of habit-forming and poisonous drugs in interstate and foreign commerce, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the D. B. Morrison Company and J. L. Green, of Morriston, Fla., against removal of duty on lumber—to the Committee on Ways and Means.

Also, petition of Pensacola Bar Association, favoring H. R. 22279, increasing judges' salaries—to the Committee on the Judiciary.

Also, petition of Fernandina Board of Trade, favoring Cumberland Sound as a harbor of naval rendezvous and port of refuge—to the Committee on Naval Affairs.

Also, petition of National Hardware Association, for parcels post on rural free-delivery routes and for postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Escambia County Medical Society, favoring consolidation of all government bureaus or departments relative to the public health—to the Committee on the Judiciary.

Also, petition of William R. Achenback and others, citizens of Florida, against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

Also, petition of Frank E. Reeder, mayor, and others, citizens of Welaka, favoring H. R. 18204—to the Commitee on Education.

Also, petition of Gadsden County Tobacco Company, against any reduction of the import duty now levied on leaf tobacco—to the Committee on Ways and Means.

Also, paper to accompany bill for the relief of Ann Olive Erwin—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James F. Robinson—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of National Woman's Christian Temperance Union, favoring the Littlefield bill, designed to protect prohibition territory against liquor traffic through interstate commerce—to the Committee on the Judiciary.

Also, petition of Asiatic Exclusion League of San Francisco, favoring an exclusion law against all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. GRAFF: Petition of citizens of various cities in Illinois, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. GRAHAM: Petition of National Guard Association of Pennsylvania, favoring S. 2671, authorizing extra officers for the army—to the Committee on Military Affairs.

Also, petition of Merchants and Manufacturers' Association of Westminster, Md., favoring the Lafean bill (H. R. 22339), for Lincoln memorial highway from Washington to Gettysburg—to the Committee on Appropriations.

Also, petition of Epping Carpenter Company, favoring legislation to secure carload rates on less than carload shipments—to the Committee on Interstate and Foreign Commerce.

By Mr. GRANGER: Petition of Providence Society for Organizing Charity, for suitable appropriation for entertainment of the Congress of the International Prison Commission—to the Committee on the Judiciary.

Also, petition of Rhode Island Bar Association, favoring S. 6973, to increase salaries of United States circuit and district court judges—to the Committee on the Judiciary.

Also, petition of Federation of Jewish Organizations, for appointment of a chaplain in the army and navy for promotion of comfort and well-being of Jewish soldiers and sailors—to the Committee on Military Affairs.

By Mr. GRONNA: Petition of citizens of Clyde, N. Dak., against a parcels post and a postal savings banks law—to the Committee on the Post-Office and Post-Roads.

By Mr. HALE: Paper to accompany bill for relief of James Key—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: Petition of citizens of Allegan County, Mich., against postal savings banks and parcels-post laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Texas: Petition of citizens of Gatesville, Tex., against parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HOUSTON: Papers to accompany bills for relief of John T. Johnson (H. R. 24711) and Augustus W. Patterson (H. R. 26014)—to the Committee on Invalid Pensions.

By Mr. HUFF: Papers to accompany bills for relief of Carrier Thompson, Elizabeth Sober, and Thomas B. Lucas—to the Committee on Invalid Pensions.

By Mr. HUGHES: Petition of Lincoln Grange, No. 136, Patrons of Husbandry, favoring parcels-post system and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HULL of Iowa: Petition of citizens of Maxwell, Iowa, against parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. KIMBALL: Paper to accompany bill for relief of Thomas Burnes (H. R. 24815)—to the Committee on Invalid Pensions.

By Mr. KNAPP: Petition of Loraine Grange, No. 117, of New York, favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LEWIS: Papers to accompany bills for relief of Milo Parker, Gardner L. Chace, and Jerome Hull Moss—to the Committee on Invalid Pensions.

By Mr. LINDBERGH: Petitions of citizens of St. Cloud and Avon, Minn., against Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. McCALL: Petition of Modern Language Association of America, for removal of tariff from works of art and their reproductions, including photographs, all books printed in foreign countries, and scientific instruments—to the Committee on Ways and Means.

By Mr. PADGETT: Paper to accompany bill for relief of W. T. Kinkaide—to the Committee on War Claims.

By Mr. PATTERSON: Paper to accompany bill for relief of Mrs. Annie B. Miller (H. R. 24733)—to the Committee on Invalid Pensions.

By Mr. PAYNE: Petition of G. F. Wheaton and others, favoring a parcels-post and postal savings banks bills—to the Committee on the Post-Office and Post-Roads.

Also, petitions of citizens of Ontario and Williamson, N. Y., favoring parcels-post and savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. PEARRE: Petition of Mount Savage Grange, No. 34, of Mount Savage, Md., favoring H. R. 18204, known as the "Davis bill"—to the Committee on Agriculture.

Also, petitions of merchants of Midland, Lonaconing, Westernport, Luke, and Barton, Md., against a parcels-post system and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. POLLARD: Petition of Plattsmouth Commercial Club favoring the issue of $510,000,000 of bonds for internal-waterway improvements—to the Committee on Rivers and Harbors.

Also, petitions of Norfolk Commercial Club and Omaha Real Estate Exchange, favoring increased pay for railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. PORTER: Petition of Bethany Grange, No. 748, of Genesee County, N. Y., against parcels-post delivery on rural free-delivery routes and for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. PRAY: Petition of Butte Miners' Union, of Butte, Mont., favoring legal investigation of the Treadwell Mining Company—to the Committee on Mines and Mining.

By Mr. ROBINSON: Paper to accompany bill for relief of Misses M. E. and S. J. Geadney—to the Committee on Claims.

Also, paper to accompany bill for relief of George H. Preddy (H. R. 26044)—to the Committee on Invalid Pensions.

By Mr. SWASEY: Petitions of citizens of Damariscotta, Bryant Pond, Strong, Wilton, and North Waterford, Me., favoring establishment of postal savings banks and a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. VOLSTEAD: Petition of citizens of Minnesota, favoring a parcels-post law and postal savings banks law—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petition of Chautauqua Grange, No. 571, Patrons of Husbandry, for parcels-post and postal savings banks law—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Petition of National Print Cutters' Association, against removal of tariff on wall paper—to the Committee on Ways and Means.

By Mr. WEISSE: Petition of Zinke Mercantile Company, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of the Milwaukee Bar Association, favoring increase of salaries of United States circuit and district court judges—to the Committee on the Judiciary.

Also, petition of the executive committee of the Prison Association of New York, praying for an appropriation in aid of the International Prison Congress to be held in Washington, D. C., in 1910—to the Committee on the Judiciary.

Also, petition of shoe dealers of Milwaukee, for removal of duty on hides—to the Committee on Ways and Means.

Also, petition of Federation of Jewish Organizations, for appointment of chaplain in army and navy of the Jewish faith—to the Committee on Military Affairs.

SENATE.

THURSDAY, *January 14, 1909.*

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ELECTORAL VOTE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, authenticated copies of the certification of the final ascertainment of electors for President and Vice-President appointed in the States of Kentucky and Tennessee, which, with the accompanying papers, was ordered to be filed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Sarah C. Mitchell, executrix of Richard T. Mitchell, deceased, *v.* United States (S. Doc. No. 655); and

In the cause of William H. Staubs, administrator of Ely Moats, deceased, *v.* United States (S. Doc. No. 654).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. C. R. McKenney, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 216) for a special Lincoln postage stamp, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of Piscataqua Harbor, No. 83, American Association of Master Mates and Pilots, of Portsmouth, N. H., praying for the passage of the so-called "Knox bill" concerning licensed officers of steam and sail vessels, which was referred to the Committee on Commerce.

He also presented a petition of Local Grange No. 1117, Patrons of Husbandry, of Danbury, N. H., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT presented a memorial of the Business Men's Association of Auburn, N. Y., and the memorial of J. G. Coutant, of New York City, N. Y., remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which were referred to the Committee on Interstate Commerce.

He also presented petitions of Local Grange of Williamson; of Local Grange No. 117, of Lorraine; of Local Grange No. 817, of West Henrietta; of Local Grange of Ontario; of Chautauqua Grange, No. 571, of Mayville; of Ross Grange, No. 305, of Ellicott; and of Leyden Grange, No. 562, of Talcottville, Patrons of Husbandry, all in the State of New York, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented petitions of sundry citizens of the State of Maine, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT presented the petition of J. C. Way, of Sisterville, W. Va., and the petition of David T. Peterson, of Weston, W. Va., praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. DEPEW presented a memorial of the Business Men's Association of Auburn, N. Y., remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which was referred to the Committee on Interstate Commerce.

Mr. BURKETT presented a petition of the Real Estate Exchange, of Omaha, Nebr., praying for the enactment of legislation granting travel pay to railway clerks, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. RAYNER presented a petition of sundry citizens of the State of Maryland, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BULKELEY presented petitions of Local Grange No. 124, of Higganum; of Wolf Den Grange, No. 61, of Pomfret Center; of Local Grange No. 82, of Colebrook; of Local Grange No. 143, of Goshen; and of Local Grange No. 54, of Plainville, Patrons of Husbandry, all in the State of Connecticut, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. McLAURIN, from the Committee on Commerce, to whom was referred the bill (S. 8260) providing for the erection of a coal shed on the light-house wharf at Humboldt Bay, California, reported it without amendment and submitted a report (No. 747) thereon.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (S. 8261) providing for the remodeling and reconstruction of the light tower and keeper's dwellings at Alcatraz Island, Bay of San Francisco, California, reported it without amendment and submitted a report (No. 748) thereon.

Mr. BANKHEAD, from the Committee on Indian Affairs, to whom was referred the bill (S. 7882) to authorize the Secretary of the Interior to construct a road and two bridges on the Warm Springs Reservation, Oreg., reported it without amendment and submitted a report (No. 749) thereon.

Mr. TAYLOR, from the Committee on Indian Affairs, to whom was referred the bill (S. 8306) to amend the act of March 2, 1895 (28 Stat. L., p. 876) entitled "An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes," reported it without amendment and submitted a report (No. 750) thereon.

Mr. DICK, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 10416) to correct the naval record of Lieut. Hilary Williams, U. S. Navy (Report No. 751);

A bill (H. R. 16927) for the relief of Lieut. Commander Kenneth McAlpine (Report No. 752); and

A bill (H. R. 7807) to place John Crowley on the retired list of the United States Navy (Report No. 753).

Mr. SUTHERLAND, from the Committee on Indian Affairs, to whom was referred the bill (S. 7914) to amend sections 7 and 8 of the act of May 29, 1908 (35 Stat. L., p. 460) entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect," reported it without amendment and submitted a report (No. 764) thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 8243) to authorize the Secretary of the Interior to reserve power sites on the Colville Indian Reservation, in the State of Washington, submitted an adverse report (No. 754) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. DIXON, from the Committee on Indian Affairs, to whom was referred the bill (S. 8273) to amend an act approved May 30, 1908, entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment," reported it without amendment and submitted a report (No. 761) thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 11460) to remove the charge of desertion from the military record of William H. Houck, reported it with an amendment and submitted a report (No. 760) thereon.

Mr. SCOTT, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 4836) to correct the military record of James E. C. Covel (Report No. 765); and

A bill (S. 5756) to remove the charge of desertion from the military record of Solomon M. Bennett (Report No. 766).

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (S. 3751) authorizing the Secretary of War to issue discarded arms to camps of the United Spanish War Veterans, reported it with an amendment and submitted a report (No. 767) thereon.

Mr. McCREARY, from the Committee on Military Affairs, to whom was referred the bill (S. 4116) authorizing the Secretary of War to place the name of Joseph F. Ritcherdson on the rolls of Company C, One hundred and twenty-second Illinois Volunteer Infantry, and issue him an honorable discharge, reported it with an amendment, and submitted a report (No. 768) thereon.

SOLDIERS' MONUMENT AT SOMERVILLE, MASS.

Mr. LODGE. From the Committee on Military Affairs I report back favorably with an amendment the joint resolution (S. R. 114) authorizing the Secretary of War to dispose of certain bronze or brass cannon, and I ask for its present consideration.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was at the end of line 4, after the word "seven," to insert the word "condemned," so as to make the joint resolution read:

Resolved, etc., That the Secretary of War is hereby authorized and directed to deliver to the mayor of Somerville, Mass., seven condemned bronze or brass cannon of a total weight 8,000 pounds to be used in the making of a soldiers' monument in that city: *Provided*, That the Government shall be at no expense in connection with this gift.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

GIFT OF CONSTITUTION ISLAND, NEW YORK.

Mr. LODGE. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 219) to accept the gift of Constitution Island, in the Hudson River, New York, to report it favorably with an amendment in the nature of a substitute, and I submit a report (No. 758) thereon. I make the same request, for the present consideration of this joint resolution.

The VICE-PRESIDENT. The joint resolution will be read for the information of the Senate.

The SECRETARY. The committee report to strike out all after the resolving clause and to insert:

That the Secretary of War be, and he is hereby, authorized to accept from Mrs. Margaret Olivia Sage and Miss Anna Bartlett Warner a donation of the lands constituting Constitution Island, situated on the east side of the Hudson River, in Putnam County, N. Y., opposite the military reservation at West Point: *Provided*, That the lands so donated shall be assigned in perpetuity to the use of the United States Military Academy and shall form a part of the military reservation at West Point, N. Y., and no part of the said lands shall ever be used as a public picnic or excursion or amusement ground operated by private enterprise, individual or corporate, for profit: *Provided also*, That Miss Anna Bartlett Warner shall be permitted to reside on said island in full possession of her dwelling and the gardens and buildings appurtenant thereto during her natural life, and shall continue in the enjoyment of the privileges to which she is now entitled in virtue of her ownership.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

Mr. LODGE. I ask that the report of the committee may be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[S. Rept. No. 758, 60th Cong., 2d sess.]

Mr. LODGE, from the Committee on Military Affairs, submitted the following report, to accompany House joint resolution 219.

The Committee on Military Affairs, which has had under consideration the joint resolution (H. J. Res. 219) to accept the gift of Constitution Island, in the Hudson River, New York, reports the same favorably to the Senate, and recommends that it be passed with the following amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of War be, and he is hereby, authorized to accept from Mrs. Margaret Olivia Sage and Miss Anna Bartlett Warner a donation of the lands constituting Constitution Island, situated on the east side of the Hudson River, in Putnam County, N. Y., opposite the military reservation at West Point: *Provided*, That the lands so donated shall be assigned in perpetuity to the use of the United States Military Academy and shall form a part of the military reservation at West Point, N. Y., and no part of the said lands shall ever be used as a public picnic or excursion or amusement ground operated by private enterprise, individual or corporate, for profit: *Provided also*, That Miss Anna Bartlett Warner shall be permitted to reside on said island in full possession of her dwelling and the gardens and buildings appurtenant thereto during her natural life, and shall continue in the enjoyment of the privileges to which she is now entitled in virtue of her ownership."

This is a most generous gift of 300 acres of valuable ground lying very close to West Point. For many years it has been the desire of the Secretaries of War and the authorities of the United States that these lands should be purchased and become part of the United States reservation. Mrs. Russell Sage has most generously and patriotically purchased this land from Miss Warner, the present owner, who is given a price upon it undoubtedly less than one-half of what it could have been sold for for commercial purposes, believing it should belong to the United States. This resolution simply provides for the acceptance of this offer by direction of Congress for the United States.

Constitution Island, as anyone acquainted with the history of the place knows, lies just across the Hudson River from West Point, and was a fortified point during the war of the Revolution. There are many interesting historical associations connected with the island. Its location is such as to make it of very great advantage to the United States and to the academy.

Miss Anna Bartlett Warner has for years hoped that she might be able to see her property go to the United States, for there are no descendants of her family, and only distant collateral heirs who could share in the property, in whom she has no particular or special interest. Mrs. Sage has made it possible for the property to go to the Government as a gift. The arrangements that Miss Warner hopes to have made are mentioned by the Secretary of War in his report, contained in the President's message, quoted below. Certainly it is the thing for the United States to do, and this Congress especially to do, in an independent and separate resolution, to accept this very gracious and patriotic gift in a way by which she and Mrs. Sage can feel that the appreciation of the people of the United States is fittingly expressed.

THE PRESIDENT'S MESSAGE.

[S. Doc. No. 639, 60th Cong., 2d sess.]

CONSTITUTION ISLAND, NEW YORK.

Message from the President of the United States, transmitting a communication from the Secretary of War, transmitting draft of an item authorizing the Secretary of War to accept the donation, subject to certain conditions of the property known as "Constitutional Island," opposite West Point, N. Y., for use of the Military Academy, tendered as a gift by Mrs. Margaret Olivia Sage and Miss Anna Bartlett Warner.

To the Senate and House of Representatives:

I transmit herewith, with my approval of the recommendations contained therein, a communication from the Secretary of War transmitting draft of an item authorizing the Secretary of War to accept the donation, subject to certain conditions, of the property known as Constitution Island, opposite West Point, N. Y., containing 250 acres of upland and 50 acres of meadow, as an addition to the West Point Military Reservation, for use of the Military Academy, which was tendered as a gift by Mrs. Margaret Olivia Sage and Miss Anna Bartlett Warner under date of September 4, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 8, 1909.*

WAR DEPARTMENT,
Washington, January 5, 1909.

The PRESIDENT:

Referring to the letter addressed to you by Mrs. Margaret Olivia Sage (Mrs. Russell Sage) under date of September 4, 1908, tendering, as a gift from herself and Miss Anna Bartlett Warner, the property known as Constitution Island, opposite West Point, N. Y., containing 230 acres of upland and 50 acres of meadow, as an addition to the West Point Military Reservation, for use of the Military Academy, I have the honor to transmit herewith draft of an item authorizing the Secretary of War to accept the donation, subject to certain conditions, with request that the same be transmitted to Congress favorably recommended, if deemed advisable, for insertion in the current Military Academy bill.

Upon favorable action by Congress, a deed will be secured vesting in the United States full jurisdiction over the island.

The acquisition of this island will be of advantage to the academy, and also guard against its possible future use for undesirable purposes.

Since this letter was prepared it has come to the notice of the

department that Representative CHANEY introduced, under date of 4th instant, the following joint resolution:

Joint resolution to accept the gift of Constitution Island, in the Hudson River, New York.

Resolved, etc., That the United States accepts, with thanks and appreciation, the gift of Constitution Island, Hudson River, New York, lying opposite the West Point Military Reservation, so graciously and patriotically donated to the Government by Miss Anna Bartlett Warner and Mrs. Russell Sage; and the Secretary of War is hereby authorized to receive a deed for the same in the name of and for the benefit of the United States.

As will be seen, the joint resolution does not provide the conditions recommended by the War Department, which were based on the wishes expressed by Mrs. Sage in her letter making the tender of the property, especially regarding the continued residence of Miss Warner on the premises, which it is thought should be incorporated in the act.

Very respectfully,

LUKE E. WRIGHT,
Secretary of War.

DRAFT OF AN ITEM FOR INSERTION IN THE MILITARY ACADEMY BILL.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to accept from Mrs. Margaret Olivia Sage and Miss Anna Bartlett Warner a donation of the lands constituting Constitution Island, situated on the east side of the Hudson River, in Putnam County, N. Y., opposite the military reservation at West Point: *Provided*, That the lands so donated shall be assigned in perpetuity to the use of the United States Military Academy and shall form a part of the military reservation at West Point, N. Y., and no part of the said lands shall ever be used as a public picnic or excursion or amusement ground operated by private enterprise, individual or corporate, for profit: *Provided also*, That Miss Anna Bartlett Warner shall be permitted to reside on said island in full possession of her dwelling and the gardens and buildings appurtenant thereto during her natural life, and shall continue in the enjoyment of the privileges to which she is now entitled in virtue of her ownership.

IMPROVEMENT OF CHINCOTEAGUE BAY.

Mr. MARTIN, from the Committee on Commerce, to whom was referred Senate concurrent resolution No. 60, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the shoal or bar at the entrance to Chincoteague Bay, with a view to the removal of said shoal or bar, and providing for a channel depth of 15 feet at that point, and to submit estimates for such improvement.

CURRENT RIVER BRIDGE, MISSOURI.

Mr. MARTIN. From the Committee on Commerce I report back favorably with an amendment the bill (H. R. 23713) authorizing the construction of a bridge across Current River, Missouri. I call the attention of the Senator from Missouri [Mr. WARNER] to the report.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Virginia.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, on page 1, line 5, to strike out the words "an iron drawbridge" and insert in lieu the words "a bridge," so as to make the bill read:

Be it enacted, etc., That the county court of Carter County, Mo., their successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Current River, at a point to be approved by the Chief of Engineers and Secretary of War, near Van Buren Ferry, in Carter County, Mo.

SEC. 2. That the bridge authorized to be constructed by this act shall be constructed in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EDWARD T. LINCOLN.

Mr. PLATT. From the Committee on Naval Affairs I report back favorably, without amendment, the bill (H. R. 8615) to correct the naval record of Edward T. Lincoln, and I submit a report (No. 745) thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to correct the record of service of Edward T. Lincoln, late an acting master's mate in the navy during the war of the rebellion, to show that he was honorably discharged the service on January 8, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RANDOLPH W. CAMPBELL.

Mr. PLATT. I am directed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 14343) to correct the naval record of Randolph W. Campbell, to report it favorably without amendment, and I submit a report (No. 746) thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to remove the charge of desertion from the naval record of Randolph W. Campbell and issue to him, or his heirs, an honorable discharge from said service as of April 16, 1863, in recognition of his three years' subsequent faithful service in the United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AIDS TO NAVIGATION IN ALASKAN WATERS.

Mr. PILES. From the Committee on Commerce I report back favorably without amendment the bill (S. 8005) authorizing the establishment of aids to navigation in Alaskan waters and making an appropriation therefor, and I submit a report (No. 756) thereon. I ask for the present consideration of the bill. It is of grave necessity.

The Secretary read the bill, and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of Commerce and Labor to establish, under the direction and supervision of the Light-House Board, such aids to navigation in Alaskan waters as may, in his opinion, be considered advisable and necessary, and appropriates for the purposes authorized by this act the sum of $140,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IMPROVEMENT OF WARROAD HARBOR, MINNESOTA.

Mr. NELSON, from the Committee on Commerce, to whom was referred Senate concurrent resolution No. 65, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made for deepening the channel and the entrance to same of Warroad Harbor, Minnesota, and protecting the channel and entrance to the same by means of a dike or otherwise.

FORT DOUGLAS MILITARY RESERVATION LANDS, UTAH.

Mr. WARNER. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 7396) for the exchange of certain lands situated in the Fort Douglas Military Reservation, State of Utah, for lands adjacent thereto, between the Mount Olivet Cemetery Association, of Salt Lake City, Utah, and the Government of the United States, to report it favorably without amendment, and I submit a report (No. 757) thereon. I call the attention of the junior Senator from Utah [Mr. SUTHERLAND] to the bill.

Mr. SUTHERLAND. I ask for the present consideration of the bill just reported by the Senator from Missouri.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IMPROVEMENT OF LAKE TRAVERSE, SOUTH DAKOTA.

Mr. DEPEW. From the Committee on Commerce I report back Senate concurrent resolution No. 61 favorably, with an amendment, and I call the attention of the Senator from South Dakota [Mr. KITTREDGE] to it.

Mr. KITTREDGE. I ask for the adoption of the concurrent resolution.

There being no objection, the Senate proceeded to consider the concurrent resolution.

The amendment was, in line 4, before the words "Lake Traverse," to strike out the words "and lighting" and insert the word "of," so as to read:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimates to be made for a project of improvement of Lake Traverse, in the State of South Dakota and county of Roberts, and report same to the Congress.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

IMPROVEMENT OF BIG SIOUX RIVER, SOUTH DAKOTA.

Mr. DEPEW, from the Committee on Commerce, to whom was referred Senate concurrent resolution No. 68, reported it favorably without amendment, and, on request of Mr. KITTREDGE, it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a

survey and estimates to be made for a project of straightening and improvement of the Big Sioux River, in the State of South Dakota, and report same to the Congress.

COUNTING OF ELECTORAL VOTES.

Mr. BURROWS, from the Committee on Privileges and Elections, to whom was referred Senate concurrent resolution No. 57, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 10th day of February, 1909, at 1 o'clock in the afternoon, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A, and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed sufficient declaration of the persons, if any, elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

OSAGE BOARDING SCHOOL, OKLAHOMA.

Mr. OWEN. I am directed by the Committee on Indian Affairs, to whom was referred the joint resolution (S. R. 111) authorizing the rebuilding of the dormitory at Osage Boarding School, Oklahoma, recently destroyed by fire, to report it favorably without amendment, and I submit a report (No. 755) thereon. I ask for the present consideration of the joint resolution.

The Secretary read the joint resolution, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Interior to expend, out of any money in the United States Treasury belonging to the Osage tribe of Indians, $14,000 for the rebuilding and equipment of the boys' dormitory at the Osage Boarding School, Oklahoma, recently destroyed by fire.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, to report it with amendments, and I submit a report (No. 759) thereon. I desire to give notice that to-morrow early in the day I will ask the Senate to take up the bill for consideration.

The VICE-PRESIDENT. The bill will be placed on the calendar.

AFFAIRS IN THE TERRITORIES.

Mr. BEVERIDGE, from the Committee on Territories, to whom was referred the action of the House of Representatives on the bill (H. R. 21957) relating to affairs in the Territories, moved that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. BEVERIDGE, Mr. NELSON, and Mr. CLARKE of Arkansas.

LANDS IN THE DISTRICT OF COLUMBIA.

Mr. SCOTT. Mr. President, in the act of May 30, 1908, to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, a commission was created, under section 26, consisting of the Secretary of War, the Attorney-General, the president of the Board of Commissioners of the District of Columbia, the chairman of the Committee on Public Buildings and Grounds of the United States Senate, and the chairman of the Committee on Public Buildings and Grounds of the United States House of Representatives for the purpose of investigating the title of the United States in and to all lands in the District of Columbia.

I have before me, Mr. President, maps, charts, and a report of that commission, and I report two bills, to be sent to the Committee on Appropriations. I ask that the maps and charts be printed as a part of the report.

I think not only the members of the Senate, but all the citizens of the District of Columbia, will be greatly interested in the maps and in the report. The commission have found that there is a great deal of property in the District of Columbia occupied by people who apparently have no title, and a great deal of it where the title is under a cloud. The bills provide for an appropriation to make further investigations as to the title the Government has in a large amount of property in the District of Columbia.

In this connection I wish to state what probably all Senators know, that where the general wholesale and city markets are now situated, between Seventh and Ninth streets, the lands belong to the Government. The expenditure of a few thousand dollars would purchase all these temporary structures and free this site for public buildings; for I take it there is no intention of permitting such a valuable site to be long used for such purposes.

We also find, when trying to condemn property for the use of the Government, that the prices put on by the agents and the owners themselves are exorbitant as compared with the amount of taxes they are paying on such property. I wish to give notice that at some future day I shall introduce a bill under which we will try to compel people who think they have such valuable property when it becomes necessary for the Government to have it to pay at least a fair proportion of the taxes of the District of Columbia. I submit with the report the charts and maps, and ask that they be printed (S. Doc. No. 653) and referred, with the report and bills, to the Committee on Appropriations.

The bill (S. 8449) to repeal acts heretofore passed relating to alienation of the title of the United States to land in the District of Columbia, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

The bill (S. 8450) to provide for ascertaining the interest or title of the United States in any land or water rights in the District of Columbia, was read twice by its title and referred to the Committee on Appropriations.

PERSONAL EXPLANATION—OREGON LANDS.

Mr. TILLMAN. Mr. President, it is not at all pleasant to me to feel it necessary or desirable that I should obtrude my personality and things connected therewith, both official and as a man, upon the attention of this body. I have enough notoriety already, and I am not anxious to advertise myself. But the Senate knows the provocation under which I lie, and I trust will bear with me.

Yesterday, in the newspapers of this city—and probably some kind of a synopsis of it was sent off by the press association—there appeared a statement from the Attorney-General controverting in some particulars, or attempting to controvert, the speech which I made here last Monday.

In order that the RECORD may be kept entirely full, that there may be no omission, I send to the desk and ask to have read the official copy which came to me this morning from the Attorney-General's office. In other words, I telephoned up there to see that there was no mistake, and was sent what I send to the desk.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

JANUARY 12, 1909.

There are two passages in the remarks of Senator TILLMAN, published in to-day's CONGRESSIONAL RECORD, which demand notice from me. He says (RECORD, p. 734):

"It might be well to inquire whether or not the Attorney-General has been ordered not to obey the law of Congress passed last April—which I will call the 'Tillman-Bonaparte law'—ordering suit to be instituted for the recovery of these lands. My culpability is of such enormity and magnitude in contemplating the purchase of 1,440 acres of land at $2.50 an acre in the eyes of this stickler for official rectitude in others that it may be found that he is determined to block my so-called 'nefarious transactions.'

"The man who announces to Congress that he, Theodore Roosevelt, assumed the right to permit the Steel Trust to absorb its greatest rival contrary to law would doubtless not hesitate to help his dear friend, Harriman, in holding 2,000,000 acres of the public domain, simply because BEN TILLMAN has contemplated and wanted to buy 1,440 acres."

On September 4, 1908, suit was brought by the United States of America in the circuit court of the United States for the district of Oregon against the Oregon and California Railroad Company; the Southern Pacific Company; the Union Trust Company, individually and as trustee; Stephen T. Gage, individually and as trustee; and a large number of individual defendants. The purpose of this suit is, in substance, to declare and enforce a forfeiture of the public lands claimed by the railroads under Mr. Harriman's control by virtue of the original grant to the Oregon and California Railroad. It has been brought in accordance with the directions of the joint resolution to which Senator TILLMAN refers; was instituted as soon as practicable after the passage of the said resolution, and the fact of its institution has been published and could have been verified by anyone, through inquiry at this department, for more than four months.

Senator TILLMAN says in another part of his speech [RECORD, p. 732]:

"In my conversation with the Attorney-General in regard to the resolution which I introduced, and which he himself prepared after we had talked over the whole land situation, I distinctly remember telling him that my interest in the matter had been first aroused by my desire to purchase some of the timber land, and that my coming to him was

due to the fact that I discovered upon investigation that I could not buy it through any agency whatsoever; that I could not buy it even by a lawsuit, because I was advised by very able lawyers in the West, among *them* the Hon. George Turner, of Washington, that in attacking the holders of those land grants no one would have any standing in court except the grantor, the Government itself."

Senator TILLMAN called upon me at the Department of Justice a few days before the introduction by him of the resolution which I see by the RECORD he presented to the Senate on January 31, 1908. Our interview occurred, therefore, a little less than three weeks before his letter of February 15 to Messrs. Reeder & Watkins, in which he requested them "to hold in reserve" for him "eight of the best quarter sections," and probably a little more than three weeks before his statement in the Senate that he had not "bought any land anywhere in the West or undertaken to buy any." He told me he wished information as to the status of the lands embraced in these Oregon grants, because he had heard so much complaint about the conduct of the corporations claiming them during his recent journey through the States of the Pacific slope. He criticised with great severity the policy of granting the public domain to such corporations and mentioned that, on some occasion, in discussing a proposed land grant of this character, he had said *to certain* of his colleagues: "You may as well give them what they want now; you have given them pretty much everything else."

He said, according to my recollection, that the lands had become of great value and many persons wished to purchase them, and added that he would have been glad to do so himself if he could; but he never told me a word of any connection on his part with an arrangement to acquire some part of these lands, nor that he intended, expected, or even desired, at that time, to make any such purchase. As stated by him, his reason for making these inquiries was that he might better discharge his public duties; and I was totally ignorant until I saw the documents transmitted by the President to Senator HALE that Senator TILLMAN, at the time of his conversation with me, had any private interest, whether actual or in expectation, in connection with the subject of our conversation. I gave him a full statement of the information which had been collected by the department as the result of a protracted investigation made by Messrs. Townsend and McBlair as special counsel, and which had continued during a considerable part of the preceding year. I told him also that we deemed it advisable to secure congressional action in the form of a resolution empowering the Attorney-General to claim a forfeiture of these lands; and that I felt some apprehension lest such action should be opposed by the large interests which it would affect. Senator TILLMAN then offered to introduce a resolution on the subject, if I would prepare one; and I did prepare such a resolution, which was introduced by him and subsequently adopted. During this interview I explained to him that it would be impracticable to compel the corporations claiming these lands to sell any particular portion of them to any particular person; although, of course, if the Government could establish a forfeiture of rights under the grant, the lands might become afterwards open to entry on the same terms as any other portion of the public domain. Of course, if it was, at the time, his purpose to secure some part of the lands in question, through arrangements with Messrs. Reeder & Watkins or otherwise, this forfeiture might tend to promote his individual interest; but I had no reason to credit him with any such purpose, and I dealt with him throughout as asking the information and advice I could give only that he might fulfill his duty as a public officer.

Mr. TILLMAN. Mr. President, the document which has just been read bears sufficient evidence to anyone who will read it critically of careful preparation. It will also show, I think, that the Attorney-General went out of his way to try to bolster up and fortify the President's accusations against me. He speaks of an "arrangement;" he did not know I had made an arrangement—I believe those are the words—to buy any of these lands. The only lands to which he alludes in this document are the railroad-grant lands held by the Southern Pacific road, and as far as this statement concerns those lands it is absolutely accurate, because I knew after the thorough investigation I made that to purchase any of that land after the cancellation of the patents, if that was obtained, they could only be sold to "actual settlers;" and as I have never at any time contemplated settling in Oregon, as I knew of the difficulties and troubles and prosecutions which had come to Members of this body and Members of the other body under accusations of obtaining lands fraudulently—that is, by bogus entries—I had never thought for a second of buying any of the lands granted to the railroad—"these lands." The lands I wanted to purchase and about which I telegraphed Reeder & Watkins and wrote them letters are lands held by the Southern Oregon Company, which, as I have already explained once, but I will explain again, is a corporation which holds about 100,000 acres of the most valuable timber and coal lands in Oregon, granted to the State of Oregon in 1868, granted by the State of Oregon shortly afterwards under the limitation imposed by the grant from this Government to a construction company, and sold by that construction company to the Southern Oregon Company, which now holds the land.

That land differs from any other land in the West that I know of, inasmuch as the original grant and subsequent grant by the State simply required that it should be sold to "purchasers" in quantities not exceeding 160 acres to one person, and at a price not exceeding two dollars and a half per acre. It therefore must not be confused with the land which is subject to the actual-settler clause or the homestead provision.

A careful and critical analysis of this paper shows that, while the Attorney-General does not directly controvert or deny my statement in regard to my having told him, he denies my statement by implication. He would have it appear that I did not in anywise disclose to him my purpose to buy some of this particular land. If I were to take the time to critically analyze, I could show that to anyone; but the gentlemen here who are interested will do that for themselves, and therefore I will not pause longer on that phase of it. Here, however, is a paragraph to which I direct special attention. He says:

> He [TILLMAN] said, according to my recollection, that the lands have become of great value and many persons wished to purchase them, and added that he would have been glad to do so himself if he could.

That applies, according to the Attorney-General's statement, to the railroad lands, which is false. I did try, and told him so, to buy the Southern Oregon Company's lands—the military-road lands. It is an issue, then, of memory as to what kind of lands I had in mind. I will not say that it is an issue of veracity; but I am ready to have my word put against his in any court in Christendom in this or any other tribunal that chooses to investigate, and let my record in the past for truthfulness and honesty and integrity stand as against his. But that, Mr. President, is enough.

The Attorney-General quoted from my speech that part of it which I will not repeat, for it has just been read, making inquiry as to whether or not the suits ordered by the joint resolution of April 30 last had been complied with, and he went on to state that certain suits had been brought as far back as September 4, mentioning a large number of companies and individuals, and then winding up with the statement that—

> The fact of its institution has been published and could have been verified by any one through inquiry at this department for more than four months.

The impression which he sought to convey was that he had complied with the law; that he had obeyed it. What is the law? I have it in my hand and I will ask to have it printed, but will only read one paragraph. In enumerating the various corporations which are to be sued, I find this:

> Also, "An act granting lands to the State of Oregon to aid in the construction of a military wagon road from the navigable waters of Coos Bay to Roseburg, in said State."

I only read the part of it that I care to have read, showing that the military road land was named in the law which required the Attorney-General to bring suit.

The act referred to is as follows:

[Public resolution—No. 18.]

S. R. 48. Joint resolution instructing the Attorney-General to institute certain suits, etc.

Resolved, etc., That the Attorney-General of the United States be, and he hereby is, authorized and directed to institute and prosecute any and all suits in equity, actions at law, and other proceedings which he may deem adequate and appropriate to enforce any and all rights and remedies of the United States of America in any manner arising or growing out of or pertaining to either or any of the following-described acts of Congress, to wit: "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad in California to Portland, in Oregon," approved July 25, 1866, as amended by the acts approved June 25, 1868, and April 10, 1869; also "An act granting lands to the State of Oregon to aid in the construction of a military wagon road from the navigable waters of Coos Bay to Roseburg, in said State," approved March 3, 1869; also "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, including all rights and remedies in any manner relating to the lands, or any part thereof, granted by either or any of said acts; and in and by any and all such suits, actions, or proceedings the Attorney-General shall, in such manner as he shall deem appropriate, assert all rights and remedies existing in favor of the United States relating to the subject of such suits, actions, and proceedings, including the claim on behalf of the United States that the lands granted by each of said acts, respectively, or any part thereof, have been and are forfeited to the United States by reason of any breaches or violations of any of the terms or conditions of either or any of said acts which may be alleged and established in any such suits, actions, or proceedings; it not being intended hereby to determine the right of the United States to any such forfeiture or forfeitures, but it being intended to fully authorize the Attorney-General in and by such suits, actions, or proceedings to assert on behalf of the United States and the court or courts before which such suits, actions, or proceedings may be instituted or pending to entertain, consider, and adjudicate the claim and right of the United States to such forfeiture or forfeitures, and if found to enforce the same: *Resolved further*, That the authority and direction hereinbefore given shall extend to any and all suits, actions, or proceedings which may be instituted or pending under the authority of the Attorney-General at the time of the adoption and approval hereof.

Approved April 30, 1908.

Mr. TILLMAN. Knowing, Mr. President, that I am dealing not only with Theodore Roosevelt, but with every department of this Government, and that they are all leagued together and have had Cabinet meetings, according to the newspapers, to discuss me and my affairs and how to accomplish my ruin, if possible, I was prepared when I made the statement in the Senate on Monday to have the Attorney-General deny that I had told him anything about this. I expected it. I was prepared, and even now am prepared, to have the man sent to me from the Post-Office Department, called over the telephone, to whom I explained my reasons for wanting a fraud order issued against Dorr do the same. I expected them to give notice to him that he must lie, must swear I did not say a word to him about my desire to purchase the land, so that the President would have a Cabinet

officer and an underling, two of them, to deny my statement. I was prepared for all that. When I deal with such unscrupulous men as are after me now I am prepared for anything, even the assassin's knife. My mail is being held up, or I have every reason to believe it is. My committee room—I will not say it has been broken into, for there are keys to open almost anything around this Capitol—but from my desk has disappeared a large envelope containing a great deal of correspondence and other papers relating to my land investigations in the West. They did not get everything I had in there, but that envelope is gone. They may not have stolen it. It is gone, however.

But when the Attorney-General in this interview gave forth the statement that he had brought suit—and that fact could have been verified very easily—I thought it was just as well for me to get to the bottom. So yesterday I called up the Attorney-General by telephone. After some little trouble I got that officer himself and told him who I was and said to him: "Mr. Bonaparte, has the suit ordered by Congress last April against the Southern Oregon Company been instituted?"

He did not know. There had been some correspondence and discussion back and forth as to the methods that should be pursued by the special counsel. I pressed for an immediate answer—yes or no. He said he would make inquiry of the clerk charged with that business and let me know. In the course of a few minutes he returned to the telephone and told me he would write me a letter. I hold that letter in my hand, and I send it to the desk to have it read, with the accompanying document, which may be printed but not read. It is simply a synopsis of the suits that have been brought and the dates in connection with them.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

OFFICE OF THE ATTORNEY-GENERAL,
Washington, D. C., January 13, 1909.

Hon. BENJAMIN R. TILLMAN, U. S. S.,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring to our telephone conversation this morning, I beg to say that I find, on examination of the files of the department, that the suit in connection with the Coos Bay wagon-road grants was one of those which, as I told you, had been the subject of a difference of opinion between the special counsel engaged in these cases. A private suit has already been brought in connection with this matter, and the question arose whether the Government should intervene in this suit or should bring an independent suit. After careful consideration and a rather voluminous correspondence with the two special counsel, I decided that it would be better for the Government to bring an independent action without reference to the private suit already instituted. I therefore wrote sometime since to Mr. B. D. Townsend, and subsequently telegraphed him, directing that such suit should be brought as soon as practicable. The questions involved in the suit connected with the Coos Bay grant and several other contemplated suits of minor moment will be substantially determined by a decision in the case already instituted against the Harriman railroads which hold the Oregon and California land-grant titles; and it is deemed advisable by Mr. Townsend to bring to trial, if possible, the main suit, namely, that against the Harriman interests and involving the Oregon and California Railroad grants before these other far less important suits are tried. I agree with him to this extent, and, although, as above stated, I have ordered all the suits to be brought as soon as possible, I think no injury to the government interests has been caused by the delay in instituting proceedings in regard to the Coos Bay grants and a number of other matters.

I inclose you herewith, copied from the dockets of the department, a statement of the present situation of the main suit against the Harriman interests, the bill of complaint in which, as you will see, was filed September 4 last, as set forth in my statement of yesterday.

Respectfully,

CHARLES J. BONAPARTE,
Attorney-General.

The memoranda referred to are as follows:

LAND-GRANT CASE—TITLE OF CAUSE.

United States of America *v.* Oregon and California Railroad Company, Southern Pacific Company, Stephen T. Gage (individually and as trustee), Union Trust Company (individually, September 23, 1908, and as trustee), John L. Snyder, Julius F. Prahl, Albert E. Thompson, James Barr, Fred Witte, W. A. Anderson, W. H. Anderson, O. M. Anderson, F. E. Williams, Paul Birkenhead, J. H. Lewis, Francis S. Wiser, W. E. Anderson, Albert Arms, Joseph A. Maxwell, Isaac McKay, J. R. Peterson, D. MacLafferty, Edgar MacLafferty, V. V. McAboy, Geo. C. MacLafferty, Geo. Edgar MacLafferty, E. L. MacLafferty, B. N. MacLafferty, Enos M. Fluhrer, F. W. Floeter, S. Shyrock, Sidney Ben Smith, Orrin J. Lawrence, Robt. J. Balderree, Oscar E. Smith, Egbert C. Lake, C. W. Sloat, Jesse F. Holbrook, A. E. Haudenschield, S. H. Montgomery, W. A. Noland, John H. Haggett, Charles W. Mead, William Otterstrom, Angus McDonald, John T. Noan, Joseph D. Hadley, Henry C. Ott, Fred L. Freeburg, William Cain, R. T. Aldrich, James C. O'Neill, Alexander Fanske, Francis Wiest, Cyrus Wiest, John Wiest, Thomas Manley Hill, Otto Nelson, Jasper L. Hewitt, B. L. Porter, Frank Wells, C. P. Wells, I. H. Ingram, L. G. Reeves, W. W. Wells, F. M. Rhoades, Marvin Martin, and Poy W. Minkler.

ENTRIES.

September 4, 1908. Bill of complaint filed.

September 23, 1908. Motion for order for absent defendants, Union Trust Company and Stephen T. Gage, to appear, etc. Order issued.

September 24, 1908. Petition in intervention filed by Wm. T. Slaughter and 627 other persons; order entered permitting Slaughter et al. to intervene and to file their answer and cross bill to complainant's bill.

October 3, 1908. Appearance entered by Moulton & Scoby for Defendant Haggett and 9 other defendants.

October 5, 1908. Appearance entered by Wm. Singer, jr., Peter F. Dunne, Wm. F. Herrin, and W. D. Fenton for defendants Oregon and California Railroad Company and Southern Pacific Company. Appearance entered for Defendant James C. O'Neill by Mark O'Neill.

October 6, 1908. Appearance entered by A. W. Lafferty for Defendant John L. Snyder and 54 other defendants.

October 17, 1908. Petition in intervention filed by Edward D. Townsend and 3 others; order entered permitting petitioners in intervention to file their answer and cross bill to complainant's bill of complaint.

October 30, 1908. Appearance entered by Wm. Singer, jr., Peter C. Dunne, W. F. Herrin, and W. D. Fenton for Defendant Stephen C. Gage, individually and as trustee. Joint and several demurrers filed by defendants Oregon and California Railroad Company and Southern Pacific Company to the petition, answer, and cross bill of Wm. T. Slaughter et al. Joint and several demurrers filed by defendants Oregon and California Railroad Company and Southern Pacific Company to the petition, answer, and cross bill of Edward D. Townsend et al.

Mr. TILLMAN. It follows, therefore, Mr. President, that up to this time, nearly a year—nine months anyway—nothing has been done in obeying the order of Congress to bring suit against the Southern Oregon Company. The motive which the Attorney-General assigns may be entirely satisfactory to some. We all know how slow the processes of law are, especially against millionaires; we all know how easy it is not to do a thing while pretending to be very anxious to do it; we are somewhat skilled in that art here in this body, and it is perhaps not permissible to criticise other departments of the Government for doing the same thing which we ourselves sometimes do. But the fact remains—and it is a cold fact—that the Attorney-General went into print to bolster up the President, to charge me in effect with not having talked to him on this particular subject, and took offense because I had made inquiry as to whether the suit for the lands which I had attempted to buy—no; not attempted, but wanted to buy; I never did attempt, except to write some letter and make some inquiries—the Attorney-General, I say, got offended, gave out an interview, denied my statement as far as he dared, and attempts to create the impression that he has obeyed the law, and to that degree has acted—I do not like to use the adjective; I will let you all fill it up.

Reverting for a moment to his statement, I want to call particular attention to the fact that in speaking about my public duty, of which he alone says he knew anything, and was not aware that I had any arrangement or any desire, that I hardly could have—I will not say "I could not," but I say I did not talk with him in that way. I was frank; I explained why I had become interested in Oregon lands. I had gone through the railroad lands and knew they were subject to the actual-settler clause. I had never given a moment's thought to buying any of them. I was trying to buy, or had been trying to buy, Coos Bay lands. I asked him—or put it in myself, I do not remember which—to incorporate the Southern Oregon Company in the proposed litigation. It is there, and to that extent we will let those who feel disposed to critically examine his attitude and my utterances last Monday make up their judgment after reading these new features of the controversy.

But Mr. Bonaparte is not the only Cabinet officer who has dipped into this business. On Tuesday the following statement appeared in the Washington Herald:

Senator TILLMAN, in the course of his speech yesterday, said that the President "has been in possession of all the facts in this case since July last, and men will be curious to know why, if his zeal was honest, he did not make them known then."

The Postmaster-General goes on to say:

Mr. Meyer's statement follows:

"The inspector's report is dated Portland, Oreg., July 27, 1908. It was received by the chief post-office inspector August 3, 1908. The case being an alleged violation of the 'fraud section' of the postal laws by Bryan R. Dorr"—

Here is a misstatement or a falsehood, one or the other. The case which was sent to the post-office inspectors was not the alleged violation of the postal laws by Bryan R. Dorr. That was merely an excuse for the investigation of TILLMAN, not of Dorr. The Postmaster-General goes on to give the dates—I suppose they are on the docket—of the papers.

It was sent to the Assistant Attorney-General for the Post-Office Department August 5, 1908, for action. It was returned to the chief inspector September 3, 1908, with the recommendation that a fraud order be not issued, as it was not shown that Dorr was conducting a fraudulent business.

The matter was again referred to the Assistant Attorney-General on account of the receipt of a letter dated November 22, 1908, written by Dorr, in which he requested the department to furnish him with a copy of the inspector's report for publication, so as to clear him from imputation of fraud put upon him by Senator TILLMAN.

December 17, 1908, the report was handed to the Postmaster-General by the Assistant Attorney-General.

December 18, 1908, the case was brought to the attention of the President for the first time, and on the same date instructions by wire were sent to the inspectors who had made the investigation to procure either the original TILLMAN letters or photographs, in order that the inspector's statements as to Senator TILLMAN'S letters might be verified.

These proofs, presented by the inspectors in person, reached the President January 4. The investigations were made entirely by post-office inspectors, and the secret-service agents were in no way connected with the case.

In the post-office inspector's report, dated July 27, which is part of the exhibits in this case, occurs the following:

We traced this information concerning the application of Senator TILLMAN to secure some of this land-grant land through Shaefer & Conro to Reeder & Watkins, who produced the original letters and telegrams as their authority for the statements that had been made, and we inclose herewith compared copies of each. (See Exhibit C.)

The full verbatim copy, then, of my letters had been in the possession of the Post-Office Department as soon as the report made by the inspector reached that department last August.

The President, it is said, in December issued instructions to have photographs of the originals obtained, or to get the letters themselves. The effort is made to shield the President from any complicity in this investigation of a Senator until very recently. The Postmaster-General declares that the case was sent to the inspectors in Portland to investigate Dorr. The fact of the business is that I have letters from Dorr himself and from Dorr's father, and I had a visit from a man named McMullen, who was the president of the company of which Dorr was the agent out there, showing that the fraud order had been issued last February, immediately upon the showing which I had made to the inspector in my room; that it had been in force; that Dorr's mail had been withheld, and that, therefore, so far as Dorr was concerned there was nothing to investigate, for the proof had been overwhelming. The only thing that was in doubt in the mind of the President was what proof could he get on TILLMAN; and they may wiggle and squirm as often and as long as they choose, but they can not get away from the fact that they began to investigate me six or eight months ago, and then had all the evidence they ever did get, or can get.

The proof, as stated in Mr. Meyer's interview or statement, reached the President on January 4. The President sent in his special message January 5, showing how earnest and urgent he was to have a Senator haled before the country upon charges of dishonesty and of conduct unbecoming a Member of this body.

Mr. Meyer has said, upon his official responsibility, that they were investigating Dorr. I assert, and will prove if the opportunity is given, that they were not investigating Dorr, because they had already decided that he was a fraud and had issued a fraud order against him. Mr. Meyer's statement, therefore, is a direct and absolute falsehood to that extent.

I will mention here that yesterday evening Senator HALE, at my instance, telegraphed to Reeder & Watkins to know when and by whom photographic copies of the letters were made. Senator HALE tells me this morning that he has just received notice that the wires are down somewhere out there, and he can not get answer by telegram and he does not know when an answer will be received by letter. It may take two or three weeks, and everybody will lose all interest in it by that time. We can not verify that part of it at all, so we will let it go. I am simply trying to show that, so far as I am concerned, I want any and every phase of this subject investigated.

But there has come to me within the last week another Dorr circular, sent by some unknown friend in Philadelphia. This young man Dorr was reported last July as having gone out of business and gone to raising fruit. The post-office inspector so states in the official record here. There is somewhat of a pitiful letter from him sent in by the President, dated November 22, in which is made a plea for the removal of the stigma on his name and the restoration to him of the privilege of obtaining his mail; and on November 15, seven days before Mr. Dorr's letter of November 22, which, according to Mr. Meyer, the President never saw until December 18, Mr. Dorr sent broadcast throughout the country, to those whom he is trying to interest in his enterprises, the following circular—I will not read it all, but will ask to have it printed. After bragging and blowing in the usual exploiter's way in the effort to invite investors to cooperate with him and get a part of the good things he has going in Oregon, Mr. Dorr says:

All this I have done in the face of calumny, jealousy, and abuse. Some time ago I learned that a certain United States Senator was secretly interesting himself in western timber lands, while he was aiding in the prosecution of those claiming to be the rightful owners. When I made my information public, he denied it on the floor of the United States Senate and sought to ruin me. He failed. An investigation by the postal authorities soon cleared me and the matter was dropped; but not by me.

Here is a sentence to which I want Senators to listen:

Some day I shall have justice and reparation, and when that day comes, now not far distant, there will be a noise that will be heard around the world.

Does that bear any evidence—is it worth while for anybody to consider whether or not Dorr had seen the President or had been assured by the President, "if you will aid me in dragging TILLMAN down and proving him a liar and a scoundrel, I will expose him?" The noise to be heard around the world, which Dorr predicted on the 15th of November, its cause was sent in here, and the bomb was exploded last Friday. Yet two members of the Cabinet are endeavoring to have the people of this country and the Senate believe that Roosevelt is the most innocent, honest, noble, disinterested prosecutor of great malefactors that ever existed. Dorr says he is going to get revenge. Who could promise it to him two months or six weeks before the explosion? I will leave it to fair-minded people to decide for themselves.

I now ask that the Dorr circular, with the accompanying prospectus, or bait for suckers, be printed in the RECORD without reading. The prospectus is embellished by a number of well-executed and attractive cuts, designed to excite the imaginations of people whom it was desired to inveigle into the enterprise, which I am sorry I can not have reproduced in the RECORD.

The VICE-PRESIDENT. In the absence of objection, permission is granted.

The circular and prospectus referred to are as follows:

ST. PAUL AND PACIFIC TIMBER SYNDICATE,
White Salmon, Wash., November 15, 1908.

DEAR SIR: I hand you herewith a circular, which I urge you to read with care. It tells the story of what one young man has done, alone and unaided, in a single year, against obstacles and difficulties which seemed almost unsurmountable.

It has been a year of financial stringency; money has been very hard to raise; yet I have bought a fine mill for the corporation, and with the water rights and rights of way in my possession, control millions upon millions of feet of valuable timber, and, indirectly, the wonderful fruit land upon which it stands. This circular tells you what I have done, but it does not contain the most astounding truth of all, which is this: I have done it all by the sale of less than $4,000 worth of preferred stock; the balance is all in the treasury, unimpaired.

With this sum I have bought the fine mill, repaired and equipped it with additional machinery, doubled the capacity of the dam, built and equipped a mess house and a bunk house for the men, altered the interior construction of the mill so as to lessen the cost of handling the product, and have built the finest skid road in Klickitat County, if not in the entire State, thus enabling us to haul as many logs with one team as we were hauling before with three.

All this I have done in the face of calumny, jealousy, and abuse. Some time ago I learned that a certain United States Senator was secretly interesting himself in western timber lands while he was aiding in the prosecution of those claiming to be the rightful owners. When I made my information public, he denied it on the floor of the United States Senate and sought to ruin me. He failed. An investigation by the postal authorities soon cleared me and the matter was dropped; but not by me. Some day I shall have justice and reparation, and when that day comes, now not far distant, there will be a noise that will be heard around the world. All the hardships I have endured for the sake of this work to which I have set my hand will never be known. When money was needed at once I sold my own ranch, my home, and paid the bills.

I shall never give up, whether you come to my aid or not. I need you, and if you help me I shall be faithful to my trust, and shall reward you with a rich return.

I hereby guarantee that every statement I have made is absolutely and unequivocally the truth, and if anyone will come out here and find one false word I will give $1,000 and his expenses both ways.

Very truly, yours,

BRYAN R. DORR, *President.*

ST. PAUL AND PACIFIC TIMBER SYNDICATE.

(Major Creek sawmill.)

WHITE SALMON, WASH.

Officers: Bryan R. Dorr, president-treasurer; D. H. McMullen, vice-president; Harold M. Horton, secretary.

The St. Paul and Pacific Timber Syndicate has "made good." It is probably the only lumber company in the world which has solved the problem of "eating its cake and keeping it, too." In other words, it has seized an opportunity to buy a profitable, up-to-date sawmill in the midst of a tract of land containing millions of feet of pine and fir timber, easily accessible to the Columbia River by means of a flume—land which, when cleared of its timber is worth more than ever before, being in the center of one of the most famous fruit-growing districts in the world.

In spite of hard times the corporation has paid regular dividends at the rate of 20 per cent per annum on its outstanding preferred stock. Best of all, its assets are over three times the amount which has been raised by the sale of the preferred stock. It has made steady progress in the face of opposition. A misunderstanding of its methods once led the postal authorities to make a thorough investigation of its affairs, and this investigation justified its every act and every statement and proved beyond a shadow of doubt the entire good faith of its management.

It is usually the case that when a tract of land has been denuded of its timber it is comparatively valueless and must be sold for a few dollars per acre or be allowed to revert to the State for unpaid taxes. The lumber business on the coast, on account of the large amount of standing timber and its low price per thousand feet, is of itself very profitable. Seldom, however, has it been possible to find a valuable tract of timber where the land when cut over is worth still more for agriculture.

In the wonderful White Salmon Valley, however, the St. Paul and Pacific Timber Syndicate has found the opportunity for which it has

been looking. Here in Washington, and across the noble Columbia River in Oregon, in a strip bounded on the north by Mount Adams and on the south by Mount Hood, is the most famous fruit district in the world. Hood River, Oreg., and White Salmon, Wash., are noted the world around for producing the finest apples and strawberries ever grown—apples which sell at from $2 to $8 per bushel box, according to the variety, and strawberries at $2 to $10 per crate, according to the date of shipment. It is not at all unusual for a bearing apple orchard to yield its owner an annual net profit of $500 to $1,000 per acre.

As a result, from all over the country homeseekers are pouring in to buy small tracts of land, which they are clearing and are setting out to orchard. In the White Salmon Valley it is possible to secure unimproved land at from $35 to $100 per acre, which, when cleared, improved and set to orchard, will in a few years yield its owner an income of from $250 to $1,000 per acre. Compared with the large ultimate return the cost of clearing the land is insignificant. The chief expense in clearing land consists of denuding the land of the magnificent fir and pine trees with which it is covered. To do this it is necessary to cut, pile, and burn the heavy underbrush, fell the trees, saw them into small logs, roll them into the swales or gulches with peavies or by means of a team of horses, skid them into huge piles and burn them. After that the stumps must be blown to pieces with dynamite and the pieces burned.

Up to the present time there has been no market whatever for these logs at White Salmon. As a result the more timber there is upon a tract of land the cheaper it may be secured per acre. If it were feasible to haul the logs to the Columbia River and float them down to Portland in rafts, they would sell at from $9 to $13 per thousand feet board measure. This is, however, impossible. The country is very mountainous and the roads are almost impassable with mud much of the year. The finest fruit and timber belt is at least 6 miles from the Columbia River, on a plateau nearly 2,000 feet high. The grade is such as to make the construction and operation of a steam railroad impracticable if not absolutely impossible. In short, there has thus far been no profitable means of disposing of the timber in clearing land, and so thousands of dollars' worth of the finest fir and pine in the world has been ruthlessly destroyed by fire every year. A small quantity is used for firewood, and an insignificant amount is manufactured into lumber to supply the local demand.

The St. Paul and Pacific Timber Syndicate has found a means of utilizing this timber at a profit. If you will refer to any large map you will see that a stream known as "Major Creek" flows in a southeasterly direction into the Columbia River. Six miles north of the mouth is a prosperous sawmill which manufactures a very high grade of pine and fir lumber and sells it to residents in the valley. This mill has been purchased by the St. Paul and Pacific Timber Syndicate. We have also obtained the exclusive water right to Major Creek, and during the coming winter propose to construct a large water flume down the bed of the stream for its entire distance of 6 miles to the Columbia River. At the mouth of the stream we propose to build a large modern planing mill and a dry kiln. From this point we will ship lumber east and southeast, all over the United States, by way of the new Spokane, Portland and Seattle Railroad along the north bank of the Columbia River. This railroad is now in active operation as a branch of the Great Northern and Northern Pacific Railway systems. A short time ago the railroad sent one of their representatives, a competent civil engineer, to look over the mill, timber, and the route for the proposed flume, and he sent in a very favorable report. In consequence the railroad has agreed to put in a side track for our use, free of expense to us, as soon as the flume has been completed. But we are by no means confined solely to the use of this railroad in making shipments. The Columbia River enables us to ship by steam or sailing vessel to every port in the world, and the Oregon Railway and Navigation Company, a branch of the Harriman lines, runs parallel to the new Spokane, Portland and Seattle Railroad along the south bank. By rafting our lumber across the river we may ship south, east, and west over this line to all points.

By means of the proposed flume it will be possible to send down from the sawmill an unlimited quantity of rough lumber, ties, slabs, and cord wood. In the planer and dry kiln at the mouth of the river we will finish the lumber and will establish our lumber yard at this point. In addition we will handle cord wood, for which there is a heavy demand in eastern Washington and Oregon, where there are vast irrigated districts absolutely devoid of timber. Cord wood may be manufactured here very cheaply from tops, from small second-growth fir, and from logs which are unsuitable for lumber, thus utilizing practically all the timber of every size on a tract of land.

When the timber has been entirely removed the land, as stated above, is worth more than before by an amount of $10 to $20 per acre. Land covered with heavy timber can be bought for $35 per acre. When the timber has been removed the land is worth $50 per acre and sells readily at this figure in any quantity. Indeed, many specific instances may be shown where men have been given timber free and in addition have been paid $25 to $50 per acre to fell the timber, remove it, and do whatever they pleased with it.

As an example of what may be done in this locality, a certain quarter section (160 acres) of timber in the vicinity of our sawmill is for sale at $35 per acre, land and timber being included at this price. The cost would therefore be $5,600. This quarter section contains over 4,000,000 feet of pine and yellow fir timber which will average about 40 per cent of No. 1 shop and clear lumber. In addition there will be about 1,500 cords of wood. The cost of land, logging, and manufacturing expense, sales and general expense, will be about as follows:

160 acres of land, at $35 per acre	$5,600
Logging expenses—4,000,000 feet logs, at $3.50 per M	14,000
Manufacturing, sales, general expenses, 4,000,000 feet, at $5 per M	20,000
1,500 cords wood, all expenses, $2.50 per cord	3,750
2,000 loads slab wood, cost 50 cents per load	1,000
	44,350

These 160 acres of land will yield the following returns:

1,600,000 feet No. 1 lumber, at $20 per M	32,000
2,400,000 feet No. 2 lumber, at $12.50 per M	30,000
1,500 cords of wood, at $7 per cord	10,500
2,000 loads slab wood, at $3 per load	6,000
160 acres of land, at $50 per acre	8,000
Gross returns	86,500
Cost	44,350
Net profit	42,150

This estimate shows a net profit of $42,150, or nearly 100 per cent on the transaction, and the figures used are very conservative. There is no limit until the entire district for a distance of 5 miles north of us has been cut over. No one can compete with us in the purchase of timber land, as we have obtained by law and by purchase the exclusive water right to Major Creek, the only stream large enough to be of any practical value for a flume, except the White Salmon River, which is 4 miles away, beyond a high range of foothills. We have, therefore, a virtual monopoly.

The corporation is composed of 3,000,000 shares of $1 each, 1,000,000 preferred shares and 2,000,000 common. The preferred shares are for sale at par, $1 per share, for cash or in installments of 10 per cent down and 5 per cent per month per share. During the sale of the first 100,000 shares a bonus or stock dividend of 50 shares of common stock will be issued free with each purchase of 100 preferred shares. The preferred stock is not issued in blocks of less than 100 shares.

The preferred stock has the following unusual features:

1. It receives every dollar of the profits in the form of dividends until it has been paid back to the holder in full, before the common stock receives a cent.

After it has been paid back in full at par, out of the sale of land, logs, or lumber, it shares equally with the common stock in all subsequent dividends.

The object of this unusual form of organization is to show the absolute faith on the part of the organizers in the enterprise. For their services they receive a suitable compensation in the form of common stock. But these common shares will not begin to participate in the profits until the preferred stockholders have been paid back in full. All their profits, therefore, are dependent upon the success of the enterprise; but they are confident not only that the preferred stockholders will soon be paid back in full, but that ever after both preferred and common stockholders will regularly receive heavy dividends.

We have placed upon the market 100,000 shares of the preferred stock for sale at par, $1 per share, with a free stock bonus of 50 per cent in common stock. The money received from the sale of this stock will be used for the following purposes:

1. Six-mile flume, $1,000 per mile	$6,000
2. New planing mill and dry kiln, Columbia River	14,000
3. Additional logging equipment, including donkey engines, horses, etc	10,000
4. Increase in capacity of sawmill	10,000
5. Purchase of timber land	60,000
	100,000

The sawmill is already yielding a handsome profit on the money invested, sufficient to pay 20 per cent per annum on the preferred stock outstanding. Upon the completion of the proposed flume and the various projected improvements the dividend rate will undoubtedly be materially increased. Dividends are payable twice each year, in January and in July. The first dividend of 10 per cent was paid upon all preferred stock issued and outstanding on January 2, 1908. The second was paid July 1, 1908, amounting to 10 per cent. This amount was paid to all preferred stockholders of record on that date. The third is due and payable January 2, 1909, and will also amount to 10 per cent. Under our form of organization the organizers can not receive a cent of dividends until the preferred stockholders have been paid back in full.

If the earnings from operating the mill were all thrown back into improvements and the purchase of additional timber land, the company would, to be sure, achieve a steady and a healthy growth. But by making more rapid progress through the sale of additional stock it is possible to secure land and timber while it is still reasonable in price.

The rapid increase in the cost of land in this remarkable valley can hardly be appreciated. Government land which ten years ago was open for settlement under the homestead laws has been patented and resold at $10, $20, $50, and $100 per acre. The end is not yet in sight. Across the Columbia, in Hood River, raw land sells at $250 per acre and more.

Since purchasing the sawmill we have been steadily improving the plant with a view toward increasing its output and efficiency. We have installed new machinery which, at practically the same cost, increases the output, and therefore the net returns, by over 25 per cent. It is estimated that the net profits will by these improvements alone be increased nearly 50 per cent. We have doubled the capacity of the dam, which will now accommodate 500,000 feet of logs at one time. We have constructed a skidway, which decreases the cost of logging by 50 per cent. We have nearly completed a new mess house and a bunk house for the men at the mill, are installing telephones, and in every way are endeavoring to make our plant the most up-to-date on the coast. There is the enormous demand for box material for the packing of apples, cherries, pears, strawberries, prunes, and fruit of all sorts, and the quantity of yellow pine and white fir for this purpose is almost unlimited. As soon as we have raised the necessary capital, we propose to include a thoroughly modern box factory with our plant, and there is no competition in the entire valley. We can ship box material to Hood River and up and down the Columbia and Willamette valleys and dispose of every kind of board we manufacture.

The officers and directors are drawing no salaries from the treasury of the company. Every dollar the plant earns, except what is applied as dividends on the preferred stock, is going back into improvements, with the idea of disposing of no more stock than is absolutely necessary to carry out the contemplated extensions.

We do not ask you to take our word for what we are doing. Write to either of the leading papers of the valley—the Bingen Observer, Bingen, Wash., or the Enterprise, White Salmon, Wash., inclosing a stamp. If this is not enough, write to Van Vorst & Wells, attorneys at law, White Salmon; McClintock & Simpson, hardware merchants, White Salmon; or to the White Salmon Valley Bank. All of these are familiar with our operations and are heartily in sympathy with us and our great work in the development of the valley.

We are operating under the name of the "Major Creek Sawmill," as this name is shorter and more convenient for general business purposes.

As an investment opportunity we believe that the preferred stock of this corporation is unsurpassed. It contains all the elements of a safe and profitable investment; it deals with a staple commodity, for which the demand increases year by year, while the supply decreases. The risks and hazards of mining have all been eliminated; there is no possibility of loss—all is above ground and may be estimated in advance. Dividends are already being earned and paid, and the coming years will see their rapid increase. We wish you to join us, and accordingly

solicit your subscription on the inclosed order blank. We trust you will fill it out and mail it to us with your remittance at once.

BRYAN R. DORR, *President.*

Mr. TILLMAN. In the face of this man's previous record, and the previous circular, which was printed in the RECORD last February, showing positively that he lied when he said I had made application and paid any fees, I ask Senators to weigh and consider the various aspects of the case to determine for themselves who is the innocent man here, or the man involved, and who is the guilty one—Theodore Roosevelt or BEN TILLMAN.

In looking at the language of the Postmaster-General and of the Attorney-General, together with their actions and the facts, I have been led to refresh my memory by reading in As You Like It the analysis of the lie. I had it copied, and I know all who have read it—and that means practically every person in this room—will enjoy having the perfume of the work of the great Bard of Avon come under their nostrils for a moment. I quote from Shakespeare's As You Like It, Act V, Scene IV:

Touchstone. If any man doubt that, let him put me to my purgation. I have trod a measure; I have flattered a lady; I have been politic with my friend, smooth with mine enemy; I have undone three tailors; I have had four quarrels, and like to have fought one.

Jaques. And how was that ta'en up?

Touchstone. 'Faith, we met, and found the quarrel was upon the seventh cause.

* * * * * * *

Jaques. But, for the seventh cause; how did you find the quarrel on the seventh cause?

Touchstone. Upon a lie seven times removed—bear your body more seeming, Audrey—as thus, sir. I did dislike the cut of a certain courtier's beard: he sent me word, if I said his beard was not cut well, he was in the mind it was: this is called the "retort courteous." If I sent him word again, it was not well cut, he would send me word, he cut it to please himself: this is called the "quip modest." If again, it was not well cut, he disabled my judgment: this is called the "reply churlish." If again, it was not well cut, he would answer, I spake not true: this is called the "reproof valiant." If again, it was not well cut, he would say, I lied: this is called the "countercheck quarrelsome:" and so to the "lie circumstantial," and the "lie direct."

Jaques. And how oft did you say, his beard was not well cut?

Touchstone. I durst go no further than the "lie circumstantial," nor he durst not give me the "lie direct," and so we measured swords, and parted.

Jaques. Can you nominate in order now the degrees of the lie?

Touchstone. O sir, we quarrel in print, by the book, as you have books for good manners: I will name you the degrees. The first, the retort courteous; the second, the quip modest; the third, the reply churlish; the fourth, the reproof valiant; the fifth, the countercheck quarrelsome; the sixth, the lie with circumstance; the seventh, the lie direct. All these you may avoid, but the lie direct; and you may avoid that too, with an *if.* I knew when seven justices could not take up a quarrel; but when the parties were met themselves, one of them thought but of an *if,* as *If you said so, then I said so;* and they shook hands and swore brothers. Your *if* is the only peace-maker; much virtue in *if.*

I will not use any ifs this morning with respect to how much and what degree of falsehood has been indulged in by the two Cabinet officers or heads of departments or head clerks or bootlicks or flatterers or whatever other relationship exists between the President and those he has around him. Seeing the earnestness with which the Postmaster-General seeks to fortify his chief, seeing the sly way in which the Attorney-General sought to convey the impression that he had the law enforced, and that I could have found out about it in an hour, analyzing his statements in regard to what I said to him and the particularity with which he remembered what I said, "We might as well give it to them, because we give them about everything else; because they would have it after a while." Everything is in quotation, by memory, but he could not even recollect whether he had brought suit or not. He had to go to a subordinate to know whether this important duty imposed upon him by Congress had been performed. So I am not able just now to locate in the Ananias Club the degree to which these two distinguished gentlemen shall be entitled. I will, after consultation with some of the other leading members of that association or organization or whatever it is called, try to get a meeting of the executive committee and have William E. Chandler or some other analytical mind determine just what degree we shall confer upon Charles J. Bonaparte and this man Meyer.

Mr. President, as showing the efforts I made to get at the facts, I remember having written to the Interior Department last December to find out about the status of the Roseburg and Coos Bay land grant. I obtained a communication from Mr. Ballinger, Commissioner of Public Lands, giving a statement as to the number of acres which had been patented to that company in 1875, 1876, and 1887. I find that, in all, they have 105,000 acres patented. So zealous were they in Congress and out, so anxious to do away with the Government's title and confer it upon these men, who were then absorbing and had obtained, under the act of Congress of 1868, those valuable timber and coal lands, that they actually issued patents for 5,300 acres in excess of what they were entitled to.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., December 17, 1907.

In re Coos Bay wagon road lands.

Hon. B. R. TILLMAN,
U. S. Senate, City.

SIR: Replying to your letter of the 14th instant, I have to say that patents have issued to the Coos Bay Wagon Road Company in Oregon as follows:

	Acres.
No. 1. February 12, 1875, covering	42,496.93
No. 2. March 18, 1876, covering	1,080.00
No. 3. November 8, 1876, covering	61,111.53
No. 4. March 24, 1877, covering	431.65
Total	105,120.11

The area of the grant to said company being 99,819.35 acres, it appears that the excess patented to the company is 5,300.76 acres. Of this amount 1,099.59 acres were found to lie outside the limits of the grant, and suit instituted for the recovery thereof resulted in a final decree in the circuit court of the United States for the district of Oregon awarding to the United States the sum of $1,099.59 in payment for such land. Of the remaining 4,201.17 acres patented in excess as aforesaid, I have to say that the lands having been patented as above, no specific tracts can be designated as the "excess" except possibly the 431.66 acres embraced in Patent No. 4 and 3,769.52 acres of the lands embraced in Patent No. 3 not required in satisfaction of the grant. As far back as 1897 this office recommended suit for the recovery of the excess patented to the company and prepared a list of such lands, basing it upon the theory that the lands farthest from the line of the road constituted the excess, but in this the Acting Attorney-General did not entirely concur, and this office has no official information as to whether the suit was ever instituted.

Very respectfully,

R. A. BALLINGER,
Commissioner.

I think it well worth the attention of the Committee on Public Lands to make inquiry—or I will have to offer a resolution here—to know whether these people still hold the 4,201 acres and whether any suit was ever brought; and if not, why not.

I have here in addition the correspondence taken from my stenographer's books and my letter files between myself and Russell R. Dorr, the father of young Dorr. He promised to have his son make restitution to those whom he had swindled and to act as a clean, honorable man, in which case I promised to join in an application to the Post-Office Department to remove the fraud order which had been issued against him. This proves conclusively that the fraud order had been issued and was in existence when Meyer said that the investigation was instituted to see about it.

ST. PAUL, MINN., *February 21, 1908.*

Hon. B. R. TILLMAN,
United States Senate, Washington, D. C.

DEAR SIR: I beg to hand you herewith clipping from the St. Paul Dispatch, of February 20, with my reply to the same, which appears in to-night's issue. Will you kindly let me know whether or not you are correctly quoted in the issue of February 20, and greatly oblige?

Very respectfully, yours,

RUSSELL R. DORR.

UNITED STATES SENATE,
Washington, D. C., February 24, 1908.

Mr. RUSSELL R. DORR,
512 New York Life Building, St. Paul, Minn.

DEAR SIR: I have your letter of February 21, with inclosed clippings, I send you a page cut from the CONGRESSIONAL RECORD, which will let you see just what I said in the Senate and why I said it. Your son may not be a swindler, but he has certainly been imposed upon or is a liar himself, one or the other. I have not bought any land, and no man can buy any until the courts settle the question as to the Pacific land grants. I also inclose a joint resolution, which I introduced and which passed the Senate, relating to this land, and a letter from the President giving the full history of the land grants in Oregon, some of which is advertised for sale by your son. I wanted to buy some of the land, but found I could get no title and that no one else can get any. If your son is an honorable man, he will refund the money he has got out of other people and quit the business.

Very truly, yours,

B. R. TILLMAN.

ST. PAUL, MINN., *March 2, 1908.*

Hon. B. R. TILLMAN,
United States Senate, Washington, D. C.

DEAR SIR: I beg to acknowledge receipt of CONGRESSIONAL RECORD, with your favor of February 24, in which you say, among other things, that my son may not be a swindler, but that he has either been imposed upon or is a liar. Knowing that he is neither a swindler nor a liar, I will compromise with you on the ground that he may have been imposed upon. I am further willing to admit that one of his natural peculiarities is impulsiveness, and that the case in point is possibly an evidence of it. However, that is ordinarily a fault of the head rather than of the heart; and it may not be irrelevant to say that even Presidents and Senators with maturer judgment and much wider experience have suffered under the same charge within very recent years. And I further suggest that, with my son's business broken up and his character publicly assailed, what he has already suffered and must yet suffer is a sufficient penalty for an indiscretion committed in good faith and with no unlawful intent.

With you, Mr. Senator, I have no personal controversy, and desire none. I am concerned only with the vindication of the honor and integrity of my son. I am convinced that the statements contained in the circular letter were made in good faith and under the supposition that they were true and of general public knowledge. If the contrary is the fact, you should be relieved by a specific retraction.

I do not question your motives in the manner or form of your denial; but from your commanding position upon the floor of the Senate your voice was heard from the Atlantic to the Pacific, and my son, who had no protection or defense except such as his father could supply, was instantaneously branded by the Post-Office Department and the Associated Press as a swindler and a crook, when he was neither the one nor the other. Such hasty and arbitrary action as that might be anticipated in Russia or Bulgaria, but I do not recall another similar instance in the United States. In this country the presumption is that the only legally constituted body having authority to bring an indictment without giving the accused an opportunity to explain or defend is the grand jury.

I am to-day advised by telegraph from Washington that the fraud order will be revoked upon satisfactory "proof of lawful intentions" on my son's part. Hoping that the information is correct, I would esteem it a favor to be advised as to the nature and character of the required proof. I submit to you herewith a copy of the frank and manly communication of my son to the honorable Postmaster-General, under date of February 21. To my mind—and I have endeavored to consider it from a disinterested standpoint—it is in itself as ample evidence of sincerity and of "lawful intention" as could be furnished. I hardly see how it could be strengthened except by the quite unnecessary formality of an oath. In connection therewith I desire to call your attention to the fact that this Coos Bay wagon grant matter was entirely an incidental side issue, independent of the main purpose of the Syndicate Timber Company, that only four orders were received, and that my son placed the money therefrom in the bank as trustee fo rthe syndicate. If he had had the remotest purpose to defraud, he would have put the money in his pocket instead of in the bank as trustee. Swindlers do not pursue that course.

Under date of February 21 my son writes me as follows:

"The Government has passed a fraud order against me on account of the circulars about the Coos Bay wagon road grant. * * * I had no intention of deceiving or defrauding anyone, and am still of the opinion that it was a good business venture for anyone who applied, considering the large profits in case of the successful outcome of the suit. Whether I am able to clear myself or not, it is a very serious matter and has come like a cloud out of a clear sky. But I care more about the fact that your name can not help being touched, too, and that you are worrying and suffering and grieving on my account. * * * I do not ask your help or aid; indeed, there is nothing you could do as far as I can see; my goose is cooked in a business way, and that settles it. I may have to begin life over again somewhere else, * * * and probably it will have to be on a farm, or in the woods. But I am not going to run away from my prosecutors anyway."

I had made a personal appeal to the President, and have communicated with Senator Proctor, Hon. Wendell P. Stafford, of the supreme court of the District of Columbia; Senator CLAPP, and Congressman STEVENS, of Minnesota, and I further ask for your concurrence in the immediate revocation of the fraud order, so that my son may proceed as best he can under these trying circumstances with the business of the corporation and clear his name from the stigma that has been cast upon it.

Very respectfully, yours,

RUSSELL R. DORR.

MORE ABOUT THE COOS BAY WAGON ROAD GRANT.

ST. PAUL AND PACIFIC TIMBER SYNDICATE,
Portland, Oreg., February 18.

DEAR SIR: Your last opportunity to join in this suit against the Southern Oregon Company will expire March 1. The suit is now pending in the United States district court, and Senator TILLMAN is one of the plaintiffs. I urge you to act without further delay, as this opportunity is absolutely unparalleled. Prominent men from here are joining us every day, such as H. C. Wortman, leading merchant, of Olds, Wortman & King; Louis P. Reno, of Reno & Ballis, manufacturers; C. J. Allen, retired capitalist; E. B. MacFarland, of the MacFarland Investment Company; F. O. Northrup, real estate; and George J. Schaefer, real estate, Portland and Coos Bay. All are confident of success, and the list will positively be closed on March 1.

There is, in my opinion, absolutely no tenable ground upon which the Southern Oregon Company can defend its title to this property. But even if it had an even chance of winning, would it not be good business for you to risk $200 to win $5,000 or more? "Pitchfork" TILLMAN is reputed to be the most aggressive man in the United States Senate, and is in a position to force matters to an immediate issue. If he is willing to take ten claims and spend his own money, time, and energy over the matter, are you not willing to come in to the extent of $200? Do not hesitate to use the wire at our expense when ordering.

Very truly, yours,

BRYAN R. DORR, *President.*

UNITED STATES SENATE,
Washington, D. C., March 5, 1908.

Mr. RUSSELL R. DORR,
512 New York Life Building,
Washington, D. C.

DEAR SIR: I have your letter of March 2. Since writing you last I have had two calls from Mr. McMillen, representing himself as a friend and associate of yours, and have talked over the whole matter with him. He declared it to be the purpose of the timber syndicate to make good by repayment all of the moneys received by your son, and I told him I would ask the Post-Office Department to withdraw the fraud order upon satisfactory proof that there was no intention to defraud and that all persons who had been induced to send money by the untruthful circulars had been reimbursed. It is not worth while for us to dispute over the matter of motive or integrity of purpose. I was made angry by the unwarranted use of my name in furtherance of what I considered a swindle, and I took prompt action to correct it, both in the Senate and at the Post-Office Department. If your son carries out the promises made by McMillen and I am furnished the evidence to that effect, I will do what I agreed to do.

Very truly, yours,

B. R. TILLMAN.

ST. PAUL AND PACIFIC TIMBER SYNDICATE,
Portland, Oreg., February 21, 1907.

Hon. SENATOR TILLMAN,
Washington, D. C.

DEAR SIR: I learn to-day that a fraud order has been issued against me for using your name in connection with circulars which I sent out a few days ago relative to the Coos Bay Wagon Road grant. I am to-day writing the Postmaster-General with full information as to the facts which led me to suppose you were associated with the suit in equity which has just been filed. I assure you that no fraud was intended by this proposition of mine, and I was simply acting as agent for other parties, who had been handling the same proposition ever since last October. If any fraud can be shown, I will gladly return the amount sent in by the few applicants who have already sent in their names, as I am the last person who would attempt to succeed by fraud. I feel that it was unjust to stop my mail before giving me an opportunity to make a full answer to the charges, and I am sure that you will agree with me in this respect upon further investigation. My name, my reputation, and my future prospects have been ruined, or at least seriously blighted, by this affair, and even when it is shown that I am not at fault in the matter the stigma will never be entirely removed.

I regret exceedingly that your name was used without your authorization, and I assure you that it would not have been used had not I supposed that the facts stated were matters of general report. I had reason to suppose that my authority was conclusive, and I got my informant to put the statements in writing only a day or two ago, when I began to have doubts as to their authenticity, after learning of your speech on the floor of the Senate. Can you not use your influence to have the fraud order against me rescinded?

Very respectfully, yours,

BRYAN R. DORR.

From time to time I may be called on to intrude this land matter upon the Senate. I am not uneasy about it; I sleep well every night; but it seems to me it is getting high time for either an investigation or a vindication. I do not want to rush the Senate unduly to pass any resolution. We as a body have been advertised throughout the length and breadth of this land, in some papers, for years—the whole of us—officially, others as individuals, as a lot of scoundrels and tools of millionaires and corporations, caring for our own interests rather than those of the people. A great deal of this has emanated directly from the White House. I do not want anybody to be able to say that the President proved TILLMAN to be a liar and to be interested in legislation which would enable him to make money. I could have obtained but 1,440 acres, while the interests involved in the resolution which was passed, in the law enacted at my initiative, embraced over 2,100,000 acres of land. I do not know what per cent that is—1,440 against 2,100,000 acres. But if Roosevelt or anybody else in official life has no more percentage of the rascal in him than that, he will be prepared to sit alongside of St. Peter, if he should ever reach the golden gate.

I do not want anybody to say that the Senate is in a hurry to whitewash TILLMAN. TILLMAN wants the Senate, in its own good way, to search out the facts and determine whether or not there is a scintilla of justification for or foundation in Roosevelt's charges. I courted it in my speech. I demanded it. I realize that if the Senate goes about the business of investigating every charge that is sent around and published against members of this body, we will do nothing but investigate each other. It is only because the President of the United States is a prosecutor in this case that I feel any concern to have it settled. But I submit to you, gentlemen, that it is nothing but right, if you are not satisfied with the showing I have made, to investigate. I am prepared to go on the stand and produce the few witnesses I want called. If you are satisfied, it is due you, as well as it is due me, that something be done without having it dawdle along here until the impression becomes fixed in the minds of the people of the country that I am guilty, but you are afraid to investigate and you are slow to vindicate. Do whatever you see fit to do, but do something.

BILLS INTRODUCED.

Mr. FORAKER introduced a bill (S. 8451) granting an increase of pension to Edward H. Richards, which was read twice by its title and referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 8452) granting an increase of pension to William M. Clapp, which was read twice by its title and referred to the Committee on Pensions.

Mr. CURTIS introduced a bill (S. 8453) granting a pension to Frances L. Haha, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 8454) for the relief of Daniel M. Frost, which was read twice by its title and referred to the Committee on Claims.

Mr. HALE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8455) granting an increase of pension to Darius S. Sanborn; and

A bill (S. 8456) granting a pension to Mary Bradford Crowninshield.

Mr. CLAPP introduced a bill (S. 8457) granting a pension to Joshua Foster, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BEVERIDGE introduced a bill (S. 8458) granting an increase of pension to Mary E. Lucas, which was read twice by its title and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 8459) granting an increase of pension to James H. Shippee, which was read twice by its title and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 8460) to provide for the deduction of hatchways and water-ballast space from the gross tonnage of vessels, which was read twice by its title and referred to the Committee on Commerce.

Mr. SMITH of Maryland introduced a bill (S. 8461) to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company of Maryland to enter the District of Columbia, approved February 18, 1907, which was read twice by its title and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. MILTON introduced a bill (S. 8462) prohibiting the intermarriage of any white person to a negro in the District of Columbia or in any Territory of the United States, and making the issue of such marriage, if any, incapable of inheritance, and prescribing a penalty for such intermarriage, and defining the word "negro," and further prescribing a penalty for any person performing such marriage ceremony, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. TAYLOR introduced a bill (S. 8463) for the relief of the estates of Samuel Brockman, P. H. Porter, and Frederick Klooz, deceased, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 8464) for the relief of the legal representatives of William H. Miller, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. DILLINGHAM (for Mr. GALLINGER) introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on the District of Columbia:

A bill (S. 8465) to amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893; and

A bill (S. 8466) to prevent prize fighting on vessels using the wharfage facilities of the District of Columbia.

Mr. du PONT introduced a bill (S. 8467) for the relief of the heirs of the late John W. Massey, which was read twice by its title and referred to the Committee on Claims.

Mr. SUTHERLAND introduced a bill (S. 8468) granting an increase of pension to George W. Muncy, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 8469) granting an increase of pension to Louis Miller, which was read twice by its title and referred to the Committee on Pensions.

Mr. WETMORE introduced a bill (S. 8470) granting an increase of pension to George E. Wilkinson, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DICK introduced a bill (S. 8471) for the relief of the estate of John Stewart, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. NELSON introduced a bill (S. 8472) granting an increase of pension to John Deneen, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CUMMINS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8473) granting an increase of pension to David H. Hill;

A bill (S. 8474) granting an increase of pension to John Deitrick;

A bill (S. 8475) granting an increase of pension to James W. Tucker;

A bill (S. 8476) granting a pension to Ellen A. Hummer; and

A bill (S. 8477) granting an increase of pension to David Stout.

Mr. LODGE introduced a bill (S. 8478) to provide for payment of the claims of certain religious orders in the Philippine Islands, which was read twice by its title and referred to the Committee on the Philippines.

Mr. McCUMBER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8479) granting an increase of pension to William H. Strehlow;

A bill (S. 8480) granting an increase of pension to John Charles;

A bill (S. 8481) granting an increase of pension to Sylvester Hill;

A bill (S. 8482) granting an increase of pension to Samuel W. Townsend;

A bill (S. 8483) granting an increase of pension to Peter Hancke;

A bill (S. 8484) granting an increase of pension to Evelyn Dutton;

A bill (S. 8485) granting an increase of pension to Matthew M. Salisbury; and

A bill (S. 8486) granting an increase of pension to John A. Farmer.

Mr. FORAKER introduced a bill (S. 8487) to correct the military record of Michael Fitz Simmons, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. NIXON introduced a bill (S. 8488) to provide for relief of delinquent water-right applicants under the provisions of the reclamation act, which was read twice by its title and referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. CULLOM introduced a bill (S. 8489) granting an increase of pension to Robert H. Maricle, which was read twice by its title and referred to the Committee on Pensions.

Mr. STEPHENSON introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8490) granting an increase of pension to William L. Olmstead;

A bill (S. 8491) granting a pension to Eliza J. Brawley;

A bill (S. 8492) granting a pension to Ellen Hungerford;

A bill (S. 8493) granting an increase of pension to Daniel Huck;

A bill (S. 8494) granting an increase of pension to William V. Sheets;

A bill (S. 8495) granting an increase of pension to John Burritt;

A bill (S. 8496) granting an increase of pension to John Smith;

A bill (S. 8497) granting an increase of pension to William Evans;

A bill (S. 8498) granting an increase of pension to John Rose;

A bill (S. 8499) granting an increase of pension to Richard W. Capen;

A bill (S. 8500) granting an increase of pension to Joseph Tillotson;

A bill (S. 8501) granting an increase of pension to Edward J. Golden;

A bill (S. 8502) granting an increase of pension to George H. Schwemerhorn;

A bill (S. 8503) granting a pension to Charles M. Kester;

A bill (S. 8504) granting an increase of pension to John W. Brisbois;

A bill (S. 8505) granting an increase of pension to Reuben F. King;

A bill (S. 8506) granting an increase of pension to Charles A. Carter; and

A bill (S. 8507) granting an increase of pension to Martin V. Briggs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BULKELEY submitted an amendment proposing to increase the appropriation for appliances other than artificial limbs for disabled soldiers, Medical Corps, U. S. Army, from $2,000 to $10,000, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CLARK of Wyoming submitted an amendment providing that jurors and witnesses in United States courts in the Territory of Hawaii shall receive the same compensation for mileage and attendance as is now provided by law for jurors and witnesses in the Territories of New Mexico and Arizona, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on the Judiciary and ordered to be printed.

Mr. DICK submitted an amendment providing that on and after July 1, 1909, the compensation of the messengers employed in the United States Senate shall be $1,800 per annum, intended to proposed by him to the legislative, etc., appropriation bill, which was ordered to lie on the table and be printed.

Mr. CULLOM submitted an amendment proposing to appropriate $29,000 for the construction of a trunk sewer in the subdivision of North Columbia Heights, D. C., etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. RAYNER submitted an amendment intended to be proposed by him to House bill 15372, commonly called the "omnibus

claims bill," which was ordered to be printed and, with the accompanying paper, ordered to lie on the table.

JAMES AND WILLIAM CROOKS.

Mr. CLAPP submitted the following resolution (S. Res. 250), which was considered by unanimous consent and agreed to:

Resolved, That the Court of Claims be requested to return to the Senate the papers and Senate bill No. 3717, which was heretofore referred to said Court of Claims for findings of fact.

IMPROVEMENT OF SABINE PASS, TEXAS.

Mr. CULBERSON. At the request of the Member of the House of Representatives from the district in which the waterway is situated, I offer a concurrent resolution, and ask its reference to the Committee on Commerce. I have not yet had an opportunity to examine the matter in person.

The resolution (S. C. Res. 69) was read and referred to the Committee on Commerce, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of the jetties and channel of Sabine Pass, in the State of Texas, from the 30-foot contour beyond the bar at the entrance to said Sabine Pass to and including the turning basin at Port Arthur, with a view to widening the channel and the Port Arthur ship canal to 200 feet at bottom and increasing the depth thereof and of the turning basin to 30 feet at mean low Gulf tide, together with the extension of the walls of the existing jetties to the 30-foot contour, and to submit estimates for such improvements.

2. That the Secretary of War be, and he is hereby, also authorized and directed to cause to be made an examination and survey of Taylors Bayou and the lumber slip adjacent thereto, with the view of removing the narrow strip of land separating Taylors Bayou and lumber slip and the deepening of said Taylors Bayou and lumber slip for a length of 2,500 feet to a depth of 30 feet.

LOCOMOTIVE-BOILER EXPLOSIONS.

Mr. BURKETT. I offer a resolution and ask for its present consideration. It merely calls for information.

The resolution (S. Res. 249) was read and considered by unanimous consent, as follows:

Resolved, That the Interstate Commerce Commission be, and it hereby is, directed to send to the Senate a statement showing the number of railroad employees and other persons killed and injured and the value of property destroyed as a result of locomotive-boiler explosions for each year since July 31, 1903.

Mr. KEAN. Let me ask the Senator from Nebraska whether that is not required by statute at present?

Mr. BURKETT. It is not. They have it compiled, but we have not the information here.

Mr. KEAN. Is it not required by statute to be sent to Congress every year?

Mr. BURKETT. I think not. I think it is not required to be sent here.

Mr. KEAN. Is it not in the report of the Interstate Commerce Commission?

Mr. BURKETT. It is not included in the list of accidents.

Mr. KEAN. I have no objection to the resolution.

The resolution was agreed to.

IMPROVEMENT OF SAN FRANCISCO BAY, CALIFORNIA.

Mr. PERKINS, from the Committee on Commerce, to whom was referred Senate concurrent resolution No. 63, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of the bar of San Francisco Bay, in the State of California, to confirm the depths shown on the charts of the Coast and Geodetic Survey, and to cause estimates to be made for a project of improvement of the North, or Bonita, Channel by the removal of Centissima and Sears rocks, and report the same to Congress.

IMPROVEMENT OF OAKLAND HARBOR, CALIFORNIA.

Mr. PERKINS, from the Committee on Commerce, to whom was referred Senate concurrent resolution No. 64, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause to be made a resurvey of Oakland Harbor, Alameda County, Cal., with a view of improving the same to meet the present and future demands of commerce, and to submit estimates of cost of the following three projects: Project No. 1: A channel 700 to 800 feet wide and 25 feet deep from San Francisco Bay to the foot of Tenth avenue extended, thence around Brooklyn Basin 500 to 700 feet wide and 25 feet deep at low tide. Project No. 2: Same as project 1, except that depth be 30 feet at low tide. Project No. 3: Same as projects Nos. 1 and 2, except that the whole of Brooklyn Basin be dredged to pierhead line at a uniform depth of 25 or 30 feet at low tide.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 216. Joint resolution for a special "Lincoln" postage stamp was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

INTERNATIONAL EXPOSITION AT TOKYO, JAPAN.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 658), which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

In pursuance of the requirement of section 2 of the act of Congress approved May 22, 1908, providing "for the participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912," I transmit herewith a copy of a detailed statement of expenditures made to December 31, 1908, by the commissioners-general appointed under the act.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 14, 1909.*

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 657), which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State, covering one from the commissioners-general of the United States to the Tokyo Exposition of 1912, made in pursuance of the requirements of section 2 of the act of Congress approved May 22, 1908, providing for "the participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 14, 1909.*

PROTECTION OF HARBOR AT SAN PEDRO, CAL.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 656), which was read and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

In compliance with the following paragraph in the act of Congress entitled "An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," approved May 27, 1908,

"The Secretary of War is directed, by a suitable board, to investigate and report fully to Congress as to the advisability and necessity of seacoast fortifications for the protection of the harbor at San Pedro, Cal., and the cities in that vicinity, and if such fortifications are deemed advisable or necessary, to furnish an estimate of the cost of sites and fortifications separately,"

I transmit the accompanying communication from the Secretary of War submitting the information called for.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 14, 1909.*

PORT PECK INDIAN RESERVATION, MONT.

Mr. DIXON. I report back from the Committee on Indian Affairs favorably, without amendment, the bill (S. 8439) authorizing the Secretary of the Interior to appraise lands in the Fort Peck Indian Reservation, Mont., and grant the same to the Great Northern Railway, and I submit a report (No. 763) thereon. I call the attention of the Senator from Minnesota [Mr. CLAPP] to the bill.

Mr. CLAPP. I ask unanimous consent for the present consideration of the bill.

Mr. FULTON. I simply desire to state that while I will not make any objection to the consideration of the pending bill, I can not consent that much more time shall be taken up in the consideration of bills this morning, because I must ask that the special order be taken up.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HUNTLEY IRRIGATION PROJECT, MONTANA.

Mr. DIXON. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 8357) to extend the time for disposing of lands on the Huntley project within the ceded Crow Indian Reservation, Mont., to report it favorably without amendment, and I submit a report (No. 762) thereon.

I should like, under the emergency of the case, to ask for the present consideration of this short bill. I will say for the information of the Senator from Oregon that one of the large irrigation projects was constructed on this reservation. The five-year period will expire in April, and if this legislation is not had several thousand acres will be thrown upon the market.

Mr. FULTON. It is a very short bill, the Senator says.

Mr. DIXON. It is a bill of about ten lines, and under the emergency of the case, I ask for its present consideration.

The VICE-PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That any of the lands withdrawn under the reclamation act in pursuance of the provisions of section 5 of the act of Congress approved April 27, 1904, entitled "An act to ratify and amend an agreement with the Indians of the Crow Reservation, in Montana, and making appropriations to carry the same into effect," which are not disposed of within five years from the date of the passage of said act shall

remain subject to disposal under the provisions of the reclamation act until otherwise directed by the Secretary of the Interior.

There being no objection, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OMNIBUS CLAIMS BILL.

The VICE-PRESIDENT. The morning business is closed, and the Chair lays before the Senate House bill 15372, the "omnibus claims bill," so called.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the "Bowman" and "Tucker" acts.

The VICE-PRESIDENT. The pending amendment is on page 40, line 14.

Mr. FULTON. Mr. President——

Mr. KEAN. I have not heard any 40 pages of the bill read yet.

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from New Jersey?

Mr. FULTON. I yield to the Senator for a question.

Mr. KEAN. I said I had not heard 40 pages of the bill read as yet.

Mr. FULTON. There were some 39 pages of the bill read. The reading of the bill was begun at the last session and proceeded with thus far.

Mr. KEAN. So I remember.

Mr. ALDRICH. Upon what order is the bill being proceeded with?

The VICE-PRESIDENT. Under a unanimous-consent agreement made on the 4th of January.

Mr. ALDRICH. I mean, what is the status of the bill now?

The VICE-PRESIDENT. It is being read for action on the committee amendments.

Mr. ALDRICH. Under an order of the Senate?

The VICE-PRESIDENT. Under an order of the Senate.

Mr. ALDRICH. Is that order available so that it can be called to the attention of the Senate?

Mr. FULTON. The order was made at the last session when the bill was called up.

Mr. ALDRICH. I should like to know the precise terms of it.

Mr. BULKELEY. I should like to know if other amendments than committee amendments are in order at the present time.

The VICE-PRESIDENT. The Senator from Rhode Island has asked for the text of the agreement under which the bill is taken up.

Mr. BULKELEY. I beg pardon.

The VICE-PRESIDENT. Has the Senator from Oregon the date when he made his original request for unanimous consent? The original request was modified on the 4th of January.

Mr. FULTON. That is, at the present session.

The VICE-PRESIDENT. The Senator from Rhode Island desires the text of the original agreement. The Chair does not have it before it.

Mr. FULTON. I have not the date, Mr. President.

The VICE-PRESIDENT. Does the Senator from Oregon recollect the date when he made the request?

Mr. FULTON. Does the Chair refer to the date when the bill was first brought before the Senate at the last session or the present session?

The VICE-PRESIDENT. The date when the unanimous consent was given to make it the special order of business on Wednesday, January 6.

Mr. FULTON. I do not recall the date. The Senator from South Carolina [Mr. TILLMAN] advises me that it was on the 16th of December. I will state to the Chair, however, if I may be permitted, that at that time there was no order taken as to the course of proceeding in considering the bill. The only order taken was at the last session of Congress when the bill was up for consideration.

I ask, as a parliamentary inquiry, whether under our unanimous agreement to proceed with the bill we would not proceed along the same lines and under the same agreement under which the bill was originally taken up?

The VICE-PRESIDENT. The Chair is of the opinion that the terms of the later unanimous-consent agreement, unless in conflict with the terms of the original agreement, under which the consideration of the bill was taken up, would not modify the original terms. The Chair finds a memorandum on the bill, dated March 19, 1908, as follows:

Agreement on March 19, 1908, that the bill be read for amendment, the committee amendments to be first considered.

Mr. FULTON. Yes.

The VICE-PRESIDENT. The Chair has not the RECORD at hand, and is not advised as to whether there has been any subsequent modification of that agreement.

Mr. FULTON. There has been none.

The VICE-PRESIDENT. The Chair is under the impression that there has been no modification. The Chair will state further, for the information of the Senate, that May 22, 1908, the reading of the bill reached line 14, page 40, and that the question now is upon the amendment offered by the Senator from Arkansas [Mr. CLARKE] to the amendment of the committee, which will be read.

The SECRETARY. On page 40, line 14, in the proposed committee amendment, after the word "Arkansas," insert the words "four thousand," so that if amended the paragraph will read:

To the trustees of the Methodist Episcopal Church South, Clarksville, Ark., $4,400.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Arkansas to the amendment of the committee.

Mr. KEAN. I should like to have some explanation of the amendment to the amendment. I see that as the bill was reported the committee proposed the payment of $400.

Mr. CLARKE of Arkansas. Mr. President, if the question of consideration has been settled, I will make an announcement in connection with the amendment to the amendment and then withdraw it.

I understand the Committee on Claims have made a fair estimate of what they thought can be enacted into law as to the amounts and as to the particular character of the claims to be considered. I feel satisfied that the committee has acted for the best interest in the light of the present state of the revenue and the amount of appropriation necessary to incorporate in the bill at this time.

This particular claim is just for the entire amount if it is just for any part of it. This Methodist Church at Clarksville, Ark., was used by the federal forces for a commissary shelter or place of deposit for stores, and upon the approach of the enemy it was destroyed in order to prevent the stores from falling into the hands of the Confederate forces that were approaching.

The committee saw proper to allow $400 with a finding of $4,400 by the Court of Claims. I thought I would submit to the Senate the question as to whether or not there was any foundation for making that sort of a deduction from the amount of the claim. I have a number of other claims which were adjudicated as to their validity by the Court of Claims that would follow in the event this particular amendment was adopted. I withdraw it now, with the distinct understanding that in accepting $400 as provided for in the bill I shall not in any wise prejudice the right in future on some other occasion to present this case as it would be presented now. With the distinct understanding that in the acceptance of this amount we do not preclude ourselves from making that claim, nor are we to be met with an estoppel at that time when it shall hereafter be presented, I withdraw the amendment.

The VICE-PRESIDENT. The Senator from Arkansas withdraws the amendment to the amendment.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Rhode Island?

Mr. FULTON. I yield to the Senator.

Mr. ALDRICH. When the bill was last before the Senate—I think the Senator from Oregon was absent—I sought some information as to how many claims were in existence within the knowledge of the committee similar to the claims that are covered by the bill. These are largely war claims, and this is now the year 1909. The war closed in 1865. This bill carries many millions of dollars. I have supposed that at some time in the course of the history of this country we would reach an end to war claims; but our experience has been that year after year these claims increase in amount and increase in number. There should be a limit fixed somewhere when we shall stop the payment of this kind of claims.

I am not criticising the action of the committee at all in the presentation of the bill, but I think the committee owe it to the Senate to make a statement, if they can, of approximately the amount of the unsettled claims and approximately the time within which these claims shall be closed.

Mr. HOPKINS. I should like to ask the Senator from Rhode Island, before he takes his seat, if it is not a fact that under the existing laws these claims are barred and only have a standing here by the action of the committee?

Mr. ALDRICH. I am not sure about that.

Mr. FULTON. In the first place, Mr. President, I desire to say to the Senator from Rhode Island that he is mistaken

about my having been absent the last time the bill was before the Senate. I have been here during all the time the bill has been before the Senate. The Senator was possibly not present himself when I made the statement when the bill was first taken up for consideration.

I can not undertake even to estimate the number of claims of this character that are still pending before Congress and before the courts. There are hundreds of them, and I suppose I would be justified in saying thousands.

I fully concur in what the Senator has said, that there should be some time in the history of this country when we shall cease paying this character of claims. I, myself, think the time has arrived, and I have advocated a change of the existing law under which these claims appear before the Senate in this bill.

In answer to the Senator from Illinois [Mr. HOPKINS] I will say it is true that, so far as any right to present these matters is concerned, they are barred, because there was a statute passed some years ago that limited the time in which claims of this character should be recognized. I do not remember just the date of that statute, but it was many years ago. The bills were continually brought before the Senate, and finally provision was made in the Tucker Act, whereby they might be referred to the Court of Claims for findings. The court was directed to report whether or not any facts were shown in evidence that would tend to excuse the delay in presenting the claims to Congress. They usually find some excuse, and the court usually reports some excuse. As a result these claims come back in large numbers, and the findings apparently are in favor of the claimant, and there is no way to question the verity of them.

As a matter of fact, Mr. President, I think that the sending of claims of this character to the Court of Claims should cease. I have proposed to amend the Tucker Act by repealing the section of it under which these claims are sent to the Court of Claims, because when what we call a "war claim" goes down before the Court of Claims the Government is practically helpless on the question of loyalty and, indeed, on every other question. The claimant will introduce some character of testimony, some aged person swearing that he knew the claimant or the ancestor of the claimant, and that he was loyal. There is no way to meet that.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Illinois?

Mr. FULTON. In just a second. I say there is no way to meet that character of testimony, because it is so far away from the scene of action. I now yield to the Senator from Illinois.

POSTAL SAVINGS BANKS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. There is but one amendment to be offered by me to be disposed of in connection with the pending bill. I offer the amendment which I send to the desk.

Mr. HOPKINS. I should like to know where I am left.

The VICE-PRESIDENT. The Senator was cut off by the expiration of the morning hour. The Senator from Montana proposes an amendment. Does the Senator withdraw the pending amendment?

Mr. CARTER. I withdraw the pending amendment and offer this amendment in lieu of it.

The VICE-PRESIDENT. The Senator from Montana withdraws the pending amendment and proposes an amendment, which will be read.

The SECRETARY. On page 5 strike out all of section 7, and in lieu thereof insert:

SEC. 7. That interest at the rate of 2 per cent per annum shall be allowed and entered in the pass book to the credit of each depositor once in each year, the same to be computed on such basis and under such rules and regulations as the Postmaster-General may prescribe, but interest shall not be computed or allowed on any amount less than $1 or some multiple thereof: *Provided*, That the balance to the credit of any one person shall never be allowed to exceed $500, exclusive of accumulated interest.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. CARTER. For a question.

Mr. TILLMAN. I wish to make a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from South Carolina rises to a parliamentary inquiry. He will state his parliamentary inquiry.

Mr. TILLMAN. We had the omnibus claims bill before us, and there was a discussion going on between several Senators as to some proposed amendment. Two o'clock having arrived, the unfinished business was laid before the Senate. That necessarily, I suppose, lays the other bill on Senators' desks.

The VICE-PRESIDENT. The omnibus claims bill was before the Senate under a unanimous-consent agreement, which expressly provided that it should not interfere with the consideration of appropriation bills and the unfinished business.

Mr. TILLMAN. Then the omnibus claims bill is laid aside?

The VICE-PRESIDENT. It is laid aside.

Mr. TILLMAN. I just wanted to know where we were all left.

The VICE-PRESIDENT. The Senator from Montana will proceed.

Mr. CARTER. The substitute I offer for section 7 is presented because of considerable discussion and some objection to the basis upon which interest should be computed on postal savings.

The bill as originally reported to the Senate provided that interest should be computed on the average balance of each quarter of a year. It was suggested that computation on a basis of quarterly balances would involve too much clerical labor. In order to meet that objection the amendment, which was pending a few moments ago and by me withdrawn, proposed to compute interest upon the basis of the average semiannual balance. In the course of the discussion it developed that many Senators regarded this basis as unjust to the depositor. An instance was cited where a person might make a deposit upon the 2d or 3d of January, which deposit would not begin to draw interest until the first day of the fiscal year, to wit, the 1st of the following July. There seemed to be much merit in this suggestion, and it led me to prepare the amendment which has just been read. This amendment provides—

That interest at the rate of 2 per cent per annum shall be allowed and entered in the pass book to the credit of the depositor once in each year, the same to be computed on such basis and under such rules and regulations as the Postmaster-General may prescribe.

I believe if the Postmaster-General ascertains that the burden of clerical work will not be too great he will provide for computation upon a basis of monthly average. If, however, that is found impracticable, then resort may be had to computation on the basis of the average quarterly balance to the credit of the depositor; and if in the last analysis it is found that this period of time is too short and that in consequence the clerical work is too great, the half-yearly basis will be imposed.

I assume that the executive officer in charge of the administration of the law will seek to do justice to the depositors in so far as possible, considering the clerical work connected with the computation and entries of credits to the depositor from time to time.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Illinois?

Mr. CARTER. With pleasure.

Mr. HOPKINS. As I understand, Mr. President, the purpose of the bill is not to come in competition with savings banks and banks that pay interest on deposits, and this amendment that is now being debated should not be so construed by the Postmaster-General as to make it an object to depositors in banks to go to one of these depositories to deposit his funds instead of a savings bank under the state laws or a national bank that pays interest on deposits.

Mr. CARTER. The Senator correctly interprets the purpose of the bill. It is not in contemplation that the postal savings bank system here proposed will enter into competition with established banking institutions of any kind. I think a fair consideration of the measure in connection with the experience of those countries in which like provisions have obtained will show that, far from injuring or interfering with established banking institutions, the postal savings system will be in aid of the financial operations of the country generally, in that money in hiding constantly—money that seeks a hiding place in the presence of financial disturbance—will be collected together in the postal savings depositories, because of widespread opportunity and unquestionable safety.

The rate of interest allowed is but 2 per cent per annum, whereas throughout all the States, on the average, the savings banks pay over three and a half per cent per annum, and in certain sections of the country the rate of interest paid by banks will be found much in excess of the interest I have stated as the average paid by the savings banks. The result, I think,

will be that the individual who collects small sums from time to time in the post-office will, for the purpose of getting a greater interest, when a considerable sum shall have been amassed, deposit in the savings bank, or in the regular commercial bank, or the trust company, or in some institution willing to pay a higher rate of interest. That has been the experience throughout the United Kingdom in all the years this system has been in operation since 1861.

I think we may dwell with considerable profit upon the banking achievements of Great Britain since 1861. Never in the history of that great Kingdom has the banking system been greater or the banking activity more widespread or effective than since the establishment of the postal savings bank system. The deposits in the savings banks conducted outside of the postal system in the commercial institutions have steadily increased in volume side by side with the increase in the postal savings deposits.

I would that persons interested in banking throughout the United States could inform themselves of the history of postal savings banks and of the provisions of this bill before they do what many unfortunately do, condemn the system as unworkable in this country. Such an investigation would disclose the fact that the postal savings system was established in England in 1861, after fifty years of the most stubbornly contested fight ever precipitated by any measure presented for the consideration of the British Parliament. In that year, under the leadership of a statesman whose fame is secure, Mr. Gladstone, the system was established, and it was the pioneer system of the world.

The lead of England has since been followed by every country in the world, the United States and Germany alone excepted, which claims to be a first-class power. Nay, beyond that, Mr. President, all the smaller states of Europe, Spain alone excepted, have the postal savings system, and in no instance has a backward step been taken in this line of legislation. The system has developed thrift amongst the people, a disposition to save the pennies and to keep them actively at work. It was this system which led to the development of such splendid financial strength in France. It is this system which to-day furnishes the ballast for the great Empire of Japan in her financial operations, the pennies of the people placed at the service of commerce and trade, while at the same time serving a useful purpose and developing better citizenship because of the developed thrift. No man can fail to be a better citizen of this Republic who has a small stake in the postal savings banks of the country. No man will shoulder a gun and fire at the flag that waves over the post-office where his savings are husbanded.

There is behind this bill, Mr. President, a purpose better, I think, than the contemplation of profit, because it behooves those in charge of the government of this great country, extending over such a broad territorial area, to so legislate as to interest the people in the Government of the United States, to have the people realize that in truth and in fact it is a Government for the people; and I am amazed that we find in this country men—money changers—putting their profit-yielding possibilities up against the creation of better citizenship, more profound interest to the average man in the operations of his Government.

But I did not contemplate when I arose proceeding at length with an address this morning. I was led away by the question of the Senator from Illinois [Mr. HOPKINS], which was a very proper question, and I am glad to have been permitted to respond to it.

Mr. BURKETT. Mr. President, before the Senator sits down——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. CARTER. Certainly.

Mr. BURKETT. I should like to know a little more about the amendment which he has introduced. I objected in some remarks I made the other day to an amendment which the Senator offered on account of the possibility of depriving the depositors of their interest for over eleven months, and the Senator finally admitted that that would be the case. In those remarks it developed, however, that it was the opinion of the Postmaster-General that that sort of an amendment should be made. Do I understand the Senator, then, in introducing this amendment, in leaving this to the Postmaster-General, to tie this up with his opinion, and still have the interest calculated the same way as in the amendment which the Senator offered the other day?

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Oregon?

Mr. CARTER. I shall be glad to do so as soon as I have answered the question of the Senator from Nebraska [Mr. BURKETT].

Mr. FULTON. Will the Senator kindly yield to me a moment before he answers?

Mr. CARTER. I have no objection, if the Senator from Nebraska has not.

The VICE-PRESIDENT. The Senator from Montana yields to the Senator from Oregon.

Mr. FULTON. I want to suggest to the Senator from Montana [Mr. CARTER] and to the Senator from Nebraska [Mr. BURKETT] that I hope they can see their way clear to let us now proceed with the omnibus claims bill. I submit that while, of course, they have a perfect right and are within their parliamentary right and privilege to discuss here all the afternoon the unfinished business, the Senate has devoted a good deal of time to the unfinished business so far, and I submit that we all know that there is no probability of the Senate reaching a vote on that measure at the present session.

Mr. CARTER. I do not know that.

Mr. FULTON. We ought to be allowed to proceed with those matters on which we can get a vote.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Illinois?

Mr. FULTON. I do.

Mr. HOPKINS. If there are any other Senators who entertain the views expressed by the Senator from Oregon, that the bill relating to the postal savings banks is not to reach a vote at this session, I trust the Senator from Montana will push his bill in time and out of time. It is a measure in the interest of the people. The Republican party by its national platform is committed to it; the President of the United States has recommended it, and the President-elect is in favor of it. If there is any measure which should receive favorable consideration at the hands of the Senate at this session, it is the bill now under consideration, in charge of the Senator from Montana.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Oregon?

Mr. CARTER. I think I will yield to the Senator from Oregon.

Mr. FULTON. I do not wish to presume to occupy the position of intending to assume to know more about the probable vote on the bill, which is the unfinished business, than any other Senator, but I beg leave very calmly to express the prediction that the Senator's bill is not going to reach a vote at the present session of Congress.

Mr. CARTER. Of course the Senator from Oregon will aid us to the extent of his ability in securing a vote.

Mr. FULTON. Certainly, sir. I have said that I would vote for the measure, and should be glad to vote for it, but I also beg the Senator from Montana to aid me to the extent of his ability in getting a vote on the omnibus claims bill, in which the Senate is interested, and which has been pending here now for two sessions. We can very quickly get it out of the way. I say, in all good faith, to the Senator that I do not think the time ought to be taken up now in the discussion of the unfinished business when we have started in with the consideration of the claims bill. I trust the Senator from Montana will not be offended by what I say, but the situation appears to me to be as I have stated it.

Mr. CARTER. Mr. President, I realize the very earnest desire of the Senator from Oregon to make progress. I took occasion to state, when the unfinished business was placed before the Senate, that my present desire was to have the committee amendments disposed of, so that Senators might view the bill pending as the unfinished business, in its finished state so far as the committee are concerned, prepared for amendments to be offered by Senators generally.

The amendment under consideration is very brief and in the nature of a compromise of the conflicting views of Senators as previously expressed.

In reply to the Senator from Nebraska [Mr. BURKETT] I will say that it is not contemplated that the Postmaster-General, in the exercise of his discretion under the amendment I have offered, will accept the half-yearly basis of computation of interest; but, as previously explained, if he can, without overburdening the administration with clerical details, compute the interest upon the basis of the monthly balance, that will be done; if upon the basis of a quarterly balance only, then that will be resorted to; and at last, if it is found to be quite impracticable to do otherwise, the half-yearly basis will be accepted. I think I can give the Senator ample assurance upon this point. The inability

of the Senate to fully determine the extent to which the work or the details of the work would overburden administration seems to render this solution very wise, in that it lodges a certain degree of discretion with the officer or department to be charged with the execution of the law.

Now, Mr. President, one word with reference to the observations of the Senator from Oregon [Mr. FULTON]. This postal savings bill has been pending as the unfinished business for some time. Numerous Senators have expressed a desire to be heard upon the merits of the bill, both for and against it. Occasion has not arisen when Senators prepared to speak could speak, and, in consequence, the bill has been postponed from day to day, or temporarily laid aside. There are three or four Senators desirous of addressing the Senate somewhat at length upon the subject presented by the bill; and I now take occasion, in the light of the observation of the Senator from Oregon, to ask those Senators who have amendments to press to be prepared to press them for consideration, and as to those Senators who desire to address themselves to the bill at length, I indulge the hope that they will be at an early day prepared to take up the subject.

I shall not now, but will at a date not far distant, ask the Senate to fix a day for a vote on this bill and all pending amendments, and I trust that no objection will be interposed after the long time allowed for consideration, amendment, and debate. For the present, Mr. President, I will ask that question be put upon the amendment just offered.

The PRESIDING OFFICER (Mr. HOPKINS in the chair). The question is on the amendment offered by the Senator from Montana [Mr. CARTER].

Mr. HEYBURN. The amendment just offered has not been printed, as I understand. There is but one copy available. It contains some provisions that seem to me very important for consideration, and I should like an opportunity of investigating the amendment a little further before voting upon it.

Mr. CARTER. Then I ask that the amendment be printed. If no Senator desires to speak upon the bill or to press any further amendment at this time, I will ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

OMNIBUS CLAIMS BILL.

Mr. FULTON. I ask that the omnibus claims bill may be now laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the bill referred to by the Senator from Oregon, which was made the special order for to-day.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the "Bowman" and "Tucker" acts.

The PRESIDING OFFICER. When the bill was heretofore under consideration, its reading was not completed. The reading will be resumed.

The Secretary resumed the reading of the bill at page 40, line 15.

Mr. ALDRICH. Mr. President, I should like to call the attention of the Senate to the nature of some of these claims; and in making this statement I would not for the world reflect upon the committee or upon any Member of the Senate. I realize that Senators representing States where these claims arise must have great difficulty in considering them sufficiently to present them to the Senate, and I realize how difficult it must be to obtain any evidence as to the validity or character of such claims.

I have before me a statement as to these claims. For instance, here is a claim for 4,015 bushels of corn at 75 cents a bushel, which was taken forty-two years ago, and where there can be no testimony of any kind as to the number of bushels that were taken and their value at that time. Another claim is for 40 hogs at 8 cents a pound; another for 13,800 rails at $3 a cord, amounting to $414, constituting a rail fence in some States. I am unable to ascertain from this statement in what State this claim for rails is made.

Mr. FULTON. In Arkansas.

Mr. CLARKE of Arkansas. Rails are very high down there.

Mr. ALDRICH. Another claim is for one good farm wagon, $60, another for one set of blacksmith's tools, $40. Here is another for "two large navy revolvers furnished at said time and place, the just value of same being $150."

Mr. CLARKE of Arkansas. Where was that?

Mr. ALDRICH. That claim is from Nevada. They do not use such large ones as that in Arkansas, I take it. [Laughter.]

Another claim is for powder and shot for said revolvers, $100.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Georgia?

Mr. ALDRICH. Certainly.

Mr. BACON. I wish to inquire of the Senator from Rhode Island by what organization or officer those articles were taken. Were they taken by the army?

Mr. ALDRICH. That claim arose in some Indian war, I think.

Mr. BACON. It is not claimed that they were used for the benefit of the Government, then?

Mr. ALDRICH. Here is the case of a claim for "a growing crop, 1,000 bushels, at 40 cents" a bushel. I should like to know by what process any evidence could be secured as to the quantity or value of a growing crop forty-two years ago where, from the very nature of things, the claimant furnishes the only statement or only evidence that can possibly be secured as to the validity of the claim.

I think we ought to devise, or try to devise, some method by which this form of claims should be barred from further consideration at some time in the future.

Mr. FULTON. Mr. President——

Mr. JOHNSTON. Will the Senator from Oregon allow me a moment?

Mr. FULTON. I yield to the Senator from Alabama.

Mr. JOHNSTON. Mr. President, we are constantly hearing remarks like those which my friend, the Senator from Rhode Island [Mr. ALDRICH], has just made, that we are making these appropriations here and doing it without sufficient evidence as to the validity of the claims. It is said that there are no witnesses to be produced by the Government, and that generally witnesses for the claimant give hearsay evidence. That is a reflection upon the Court of Claims implying that they would adjudicate and find facts and certify them to the Senate without proof having been made.

The Senator who now occupies the chair [Mr. HOPKINS] at the last session said that there were no survivors to prove the facts. There are some Senators in this Chamber who fought in the war between the States. We survived, and we survived when we had the least opportunity of surviving of any people in the United States.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Illinois?

Mr. JOHNSTON. Certainly.

Mr. HOPKINS. The Senator, in making reference to my objection to some of these claims at the last session, will remember that I predicated my objection upon the ground that the Southern Claims Commission was organized by Congress some years after the close of the civil war, when these facts were all fresh in the minds of the people, and that that commission went into the Southern States and took testimony upon all of these matters. The point I made was that this bill contained claims that were rejected by that commission.

Mr. JOHNSTON. Contained claims that were rejected?

Mr. HOPKINS. Contained claims that were rejected by the commission that was organized and authorized by Congress forty years ago.

Mr. JOHNSTON. The Senator is entirely mistaken.

Mr. HOPKINS. Not at all.

Mr. JOHNSTON. I do not think there is a single claim in this bill that has come to my notice that has ever been reported upon by the Southern Claims Commission.

Mr. HOPKINS. I think the chairman in charge of the bill will recognize the fact that I called his attention not only to one, but to a number of such claims.

Mr. JOHNSTON. It must be a comparatively small number.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Oregon?

Mr. JOHNSTON. Certainly.

Mr. FULTON. There are claims here that were rejected by the commission, but they were rejected because the commission had not jurisdiction to hear them.

Mr. JOHNSTON. Certainly.

Mr. WARREN. Especially church claims.

Mr. FULTON. For instance, church claims, all claims on account of the use and occupation of real estate, and matters of that kind. The commission held that it was without jurisdiction to adjudicate such cases; that it was limited to claims for stores and supplies.

Mr. HOPKINS. Mr. President, I have not my data before me now, as I had them then, but my remembrance is clear that some of these claims were rejected because the claimants failed

to produce evidence showing that they were loyal or that, under the law as it existed at that time, they had meritorious claims. A number of those claims were rejected because the parties making the claims were disloyal to the Government.

Mr. FULTON. I do not recall such a claim as that, although it is possible, of course.

Mr. JOHNSTON. Mr. President, I object to this bill being spoken of as a "southern claims bill." The fact is that this bill carries an appropriation of $2,299,000, of which, under the Bowman and Tucker acts, there is of the total amount $346,000 only for claimants residing in the Southern States.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Oregon?

Mr. JOHNSTON. Certainly, sir.

Mr. FULTON. I think the Senator is mistaken in regard to the amount.

Mr. JOHNSTON. The Senator is correct; I see now that I was mistaken.

Mr. FULTON. Under the Tucker and Bowman acts the amount of the claims is $985,000.

Mr. JOHNSTON. Yes; I have now my memorandum here to show the amounts.

Mr. FULTON. Right in that connection I should say that under the agreement which we have, which will restore all of the claims that were stricken from the House bill and all that were omitted from the first report to the Senate, will aggregate $125,000 additional; so that there is something over a million dollars of the claims reported by the Court of Claims.

Mr. JOHNSTON. As the bill is reported there are $985,900——

Mr. FULTON. But it is fair that I should say in that connection that not all of these by any means are Southern claims.

Mr. JOHNSTON. I am going to advert to that. Out of that $985,900 there are only $639,000 for claims of citizens of Southern States. In this bill there are appropriations for claims from Massachusetts, where so many sanguinary battles were fought during the war, amounting to $391,500.

Mr. WARREN. Those are French spoliation claims.

Mr. JOHNSTON. Yes, sir; I am speaking of it because when the charge is made that this bill is for the payment of southern claims, I want to show the Senate that to all the States of the South the appropriation is practically $639,000, and to States other than the Southern States the rest of the amount will be appropriated. I do not want the South to be charged here as standing and grabbing for things which they are not entitled to, while under the hue and cry of "Southern claims" we find Congress appropriating to the citizens of other sections of the country nearly four times as much as to citizens of the South.

So far as the rightfulness of these claims is concerned, I want to say that, so far as I know, not one claim has been put on this bill that has not been adjudicated and found by the Court of Claims to be fair and just. A great many have been rejected because the claimant was disloyal or the evidence was not sufficient or the claimant was guilty of laches or for some other cause.

The chairman of the committee, I thought, and still think, has been very strict in putting these claims in the bill. The fact is I have felt his opposition pretty keenly. There are, in my opinion, a great many just claims that ought to have been in the bill that are not there. But the main purpose of my rising was to inform the Senate that, instead of this being a bill to provide payment for claims arising in the South, instead of its being a bill whose benefits went to the people of the South, as a matter of fact, out of the $2,299,000 it carries, but $700,000, in round numbers, go to people in the Southern States.

Mr. FULTON. Mr. President, I do not wish to consume time by extending the discussion. I will only say, in answer to the Senator from Rhode Island [Mr. ALDRICH] that, while much of his criticism is, in my judgment, just, yet there is this consideration: These matters are sent to the Court of Claims. Whatever the evidence may be, the Court of Claims make findings. The findings are sent back to Congress. Under those circumstances Congress can not well afford to refuse to pay. The only remedy that I can see——

Mr. HEYBURN. Mr. President——

Mr. FULTON. Just a second.

The only remedy I can see is the one I have suggested, that we repeal section 14 of the Tucker Act, and also the section in the Bowman Act which provides for sending what are known as "war claims" to the court, because when these claims are sent to the court and they are decided in favor of the claimant, even though the testimony may have been very light on one side and none on the other, they come back here. The claimants think they are entitled to be paid under the findings. They have gone to great expense in presenting their cases before the Court of Claims, and Senators representing the States in which the claimants live can not avoid pressing them. They can not do it, and it is unjust to expect that they should. If we continue the policy of sending such claims to the Court of Claims we must continue the policy of paying them when they come back certified to us.

Mr. HEYBURN. I should like to ask the Senator from Oregon a question.

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. FULTON. I yield to the Senator.

Mr. HEYBURN. Are there any claims now in this bill that have not been adjudicated by the Court of Claims?

Mr. FULTON. Yes.

Mr. HEYBURN. What proportion of them?

Mr. FULTON. I will tell the Senator in a second.

Mr. HEYBURN. I have looked in the report, and have been unable to find it.

Mr. FULTON. The cases that have been adjudicated by the Court of Claims aggregate $985,747. To that is to be added, say, in round numbers, $125,000, under an agreement which we have, so far as the committee is concerned, to restore certain claims that were struck out.

Mr. HEYBURN. Then, Mr. President, I should like to ask, in addition to that, the amount of claims that have been included in this bill?

Mr. FULTON. The amount, I will say to the Senator, is approximately two and a half million dollars—a little less than two and a half million dollars.

Mr. HEYBURN. Then, Mr. President, as I understand, about a million dollars of the claims provided to be paid in this bill have been passed upon by the Court of Claims and about $2,000,000 additional have not been before the Court of Claims, but stand here upon the report of our committee. Is that a fact?

Mr. FULTON. Perhaps I should correct my previous statement. I had not in mind what are known as the "French spoliation claims," because they are classified differently; but all the French spoliation claims, aggregating in this bill $714,631, were passed upon by the Court of Claims—that is, they rendered what we call "court findings." They were not carried into a decree; neither have any of these adjudications been carried into a formal decree. They are merely findings.

Mr. HEYBURN. Has the Court of Claims rejected any portion of the claims covered by this bill?

Mr. FULTON. Oh, no.

Mr. HEYBURN. None?

Mr. FULTON. No; and I will say to the Senator that we have most rigidly examined these claims, and we have rejected, I am very sure, thousands of dollars of claims that, under the policy of the committee heretofore, would have been reported favorably.

Mr. HEYBURN. Then I understand that, including the French spoliation claims, with those that have been passed upon and approved by the Court of Claims, there still are claims involving a million dollars, or something over a million dollars, allowed by this bill that have not been passed upon by the Court of Claims at all?

Mr. FULTON. Well, practically that.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Utah?

Mr. FULTON. Certainly.

Mr. SMOOT. If the Senator will look at the report from the Committee on Claims, page 2, he will find that all of the claims in this bill have been passed upon by the Court of Claims, with the exception of $533,453.82. Those are claims which have either passed the House or the Senate—that is, the $533,453.82 are claims that have either passed the House or the Senate. But all the other claims in the bill have been passed upon by the Court of Claims.

Mr. HEYBURN. I had observed that statement at the bottom of page 2, and it was that statement which prompted the inquiry I submitted. The impression I gathered from reading that statement was that there was something over half a million dollars in claims which have not been passed upon by the Court of Claims or considered by it at all——

Mr. SMOOT. That is true.

Mr. HEYBURN. But stand here simply upon the consideration of either one or the other House of Congress.

Mr. SMOOT. But there is no claim in that amount which has not passed one or the other of the Houses.

Mr. HEYBURN. I should like to inquire further, Why have these claims not been submitted to the ordeal of the Court of Claims?

Mr. FULTON. I will state to the Senator that very many of these claims that are not listed here as Court of Claims findings are claims which have been certified by departments, and in the form of bills have passed one House or the other.

Now, as stated by the Senator from Utah, every one of this half million and over of claims has, in the form of a bill, passed one House of Congress or the other; and many of them—I think it is safe to state that the great majority—stand on recommendations of some one department of the Government or the other.

Mr. HEYBURN. Are we to understand that we are to take the findings of an executive officer of the Government as a basis for our action, when we have already provided a court having judicial functions to determine such claims?

Mr. FULTON. I have not said so. I have simply said that in addition to the recommendation and approval of the department in most of these we have the indorsement of one House or the other, which makes it in order upon any appropriation bill. There are a great many matters that do not properly go to the Court of Claims, and few of these matters that are in this bill as Court of Claims findings could go there except through a resolution of Congress.

Mr. HEYBURN. I would ask the Senator further—I have not had time to examine the report in full—whether there is any classification of these cases that would enable us to know the age of the claims?

Mr. FULTON. The Senator can find an explanation of every item in the bill——

Mr. HEYBURN. Yes; by reading it.

Mr. FULTON. In the report which accompanies the bill.

Mr. HEYBURN. But are they anywhere classified, so that we can readily determine how old these claims are?

Mr. FULTON. They are all old enough.

Mr. HEYBURN. I will ask the Senator for a general statement, if he does not object to giving it, as to how old the youngest claim is?

Mr. FULTON. Did the Senator ever know a matter to come before Congress and get through within a year or two?

Mr. HEYBURN. I have known many cases that did not get through in a year or two.

Mr. FULTON. They have all been pending for many years. I do not suppose any of them are infants in any sense of the word.

Mr. HEYBURN. If I may have the indulgence of the Senator entitled to the floor, I only desire to suggest at this time that it is rather a difficult subject to deal with, in view of the fact that the report—I am not intending to criticise the committee, because it doubtless exercised good judgment in the matter—does not classify these claims, so that we may readily determine what claims belong to one class or another; that is to say, what claims come before the committee and ultimately before the Congress upon the recommendation of a bureau.

Mr. FULTON. The Senator is mistaken. In the bill these claims are classified. In the first place, you will find that only what are known as "Court of Claims findings" appear in one part of the bill, and they are grouped under the States in which they arose. Then there is a class of claims known as the "difference between sea and shore pay in the navy;" Court of Claims findings, it is true, but they are classified. Each class is assembled under one heading. Then there are the French spoliation claims, all by themselves, assembled under one head. And then the Senator will also find that in the order in which the claims appear in the bill they are explained in the report, or else a copy of the judgment of the court follows in the report. So the Senator can have no difficulty in finding a full explanation in the report of every item in the bill.

Mr. HEYBURN. Am I to understand, or is the Senate to understand, that every item in this bill was sent to the committee in the nature of a bill passed by the Senate?

Mr. FULTON. No.

Mr. HEYBURN. Or did the committee take up original claims?

Mr. FULTON. Those matters that rest on a Court of Claims finding, as I call it, are certified from the Court of Claims to the Senate——

Mr. HEYBURN. Yes.

Mr. FULTON. And referred by the Senate to the committee. Those are acted on without any further proceedings on the part of the Senate.

Mr. HEYBURN. I should like to ask how the committee gained notice of the class of claims other than those reported by the Court of Claims?

Mr. FULTON. They are matters that have been introduced in the Senate and referred to the committee.

Mr. HEYBURN. Without action by the Senate other than the reference?

Mr. FULTON. Oh, yes; and then reported; introduced in the shape of a bill, and the bill reported favorably by the committee and passed by the Senate, and as being a claim, the Senator having charge of it having requested that it be placed in this measure.

Mr. HEYBURN. Then there are no items in this bill which have not been passed upon by the Senate?

Mr. FULTON. There is no item in this bill which has not been passed upon by the Senate or the court.

Mr. WARREN and Mr. SMOOT. Or the House.

Mr. FULTON. I should say, by one branch of Congress or the Court of Claims.

Mr. HEYBURN. When?

Mr. SCOTT. Will the Senator from Oregon allow me to ask him a question?

Mr. FULTON. I will, if the Senator from Idaho is through.

Mr. HEYBURN. I will wait.

Mr. SCOTT. I want to ask the chairman of the committee if there are not a great many claims reported favorably from the Court of Claims which the committee did not include in this bill?

Mr. FULTON. I think more than a thousand, likely.

Mr. SCOTT. That is my understanding; a good many.

Mr. FULTON. I explained when this bill was first up, at the last session, that the committee adopted certain rules; and, as the Senator from Alabama has said, great complaint has been made about the strictness of the rules adopted by the committee. We have required that it appear by the court findings that the parties were loyal, that the property was taken for the use of the army, that there has not been negligence or inexcusable negligence, at least, in presenting it; and where property has been destroyed by the army, but has not been used by it, we have refused to pay. It has been a source of great complaint that where they would tear down a church edifice, for instance, we have declined to include the claim for the value of the church and have simply allowed for the actual value of the lumber as old lumber, not as valued in the edifice, and that has been the cause of a good deal of adverse citicism. But that is the rule we have adopted and adhered to. There are, however, a few claims of that kind which we have allowed, because, through an oversight, they crept into the first report to the Senate, and Senators advised their constituents that those claims had been allowed and were included in the bill. I discovered they were in there, had a rereference of the bill, and eliminated them; but it was such a source of embarrassment that we finally agreed to permit them to be restored.

Mr. SCOTT. I want to ask the Senator a question. As I understand the ruling of the committee, for instance, a joint stock company was required to prove that it was loyal?

Mr. FULTON. Yes, sir.

Mr. SCOTT. How would that be possible, I ask the Senator? In my State of course there were a great many churches and schools and other property destroyed during the war. I have in mind one case which is not included in this bill. Of course if the Senator is not going to allow any amendments to the bill, I shall not press the amendment I have in mind, but it looks to me to be very unjust to rule it out. That was the case of a school.

Mr. FULTON. The question of loyalty is not presented so far as schools and churches are concerned. The court always finds that they were loyal.

Mr. SCOTT. The school I refer to was at Harpers Ferry. It was taken, and after the Government took charge it sold the brick and material, etc., but I have been unable to get it in the Senator's bill.

Mr. FULTON. I do not recall the particular case to which the Senator refers.

Mr. SCOTT. If there are any amendments to go in at all, I should like certainly to have that case included, because it looks to me like a very just claim.

Mr. FULTON. I suppose there is not a Senator representing one of the States where the army was during the civil war that has not some fault to find of the same character as that presented by the Senator from West Virginia. Now, then, I ask the Secretary——

Mr. RAYNER. I desire to ask the Senator from Oregon a question.

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Maryland?

Mr. FULTON. Certainly.

Mr. RAYNER. I want to ask a question which may dispose of many of these amendments, or at least show the disposition of the committee. Has the committee come to any conclusion with reference to claims coming in since the report of this bill? The bill was reported March 6, 1908. Claims have come in since. Has the committee come to any conclusion as to whether it will allow those cases?

Mr. FULTON. Yes. I think, so far as the members of the committee are concerned, they are opposed to any additional amendments. They will have to be included in another bill. Of course there may be some matters on which the Senate has actually acted and passed to the inclusion of which we would not have any right to object.

Mr. President, I want to inquire whether or not at the last session, when this bill was first under consideration, an amendment was offered under the State of Alabama. That would be on page 38. There should have been inserted four additional items, but I think they were not inserted.

The VICE-PRESIDENT. No such items were inserted in the bill.

Mr. FULTON. I offer the amendment I send to the desk.

The VICE-PRESIDENT. The Senator from Oregon offers an amendment, which will be stated.

The SECRETARY. On page 38, after line 16, it is proposed to insert:

To the Bolivar Lodge, No. 127, Free, Ancient, and Accepted Masons, of Stevenson, Ala., $1,150.

To the trustees of the Methodist Episcopal Church South, of Bellefonte, Ala., $380.

To the trustees of the Missionary Baptist Church, of Waterloo, Ala., $615.

To the trustees of the Presbyterian Church of Decatur, Ala., $3,000.

The amendment was agreed to.

Mr. FRAZIER. I should like to ask the chairman of the committee if the cases with respect to which he has just offered an amendment were in the bill as it came from the House. It is proposed now to restore to the bill, as I understand, all claims that were in the bill when it came to the Senate from the House.

Mr. FULTON. All items that were in the bill as it came from the House and excluded in the first report, and also all items that were added or proposed by the first report of the Senate committee and omitted in the last report?

Mr. FRAZIER. I was just going to ask that question.

Mr. FULTON. I think that includes them all.

Mr. BURKETT. I should like the Senator to give me some information. On page 73 of the bill there are two claims labeled "Nebraska." I have been trying to find some trace of them in the report. Can the Senator give me any information with relation to them?

Mr. FULTON. The Senator will see that those are items which were inserted by the House. He will find it in the House report. The Senator should send and get a copy of the House report on the bill.

Mr. BURKETT. I have here a report to accompany House bill 15372.

Mr. FULTON. That explains only the items the Senate committee reported.

Mr. BURKETT. I should like to ask the Senator another question before he sits down.

Mr. FULTON. Certainly.

Mr. BURKETT. In this report I find one claim under the title "Nebraska." I have been looking through it. I find that is a claim in a case where Congress has already acted with respect to a general class of cases. On page 455 of this report——

Mr. FULTON. I wish the Senator would pardon me. I hope the Senator will allow us to proceed in an orderly way and take up each State in the order in which it appears in the bill and dispose of the items. Then when we reach Nebraska we will take up Nebraska claims.

Mr. BURKETT. I will say to the Senator that I am not objecting to the bill; but I want to get general information, to see upon what theory it is founded. There may be other such claims from other States; and if there are, it seems to me there are objections to them. Here is the claim. I do not know anything about it. I never heard of it before. It is labeled "Nebraska." It may be a proper claim. But Congress has legislated heretofore as to how claims exactly like this should be disposed of. Yet under this legislation we are to undo what Congress by direct action has done in the past.

Mr. FULTON. I think the Senator is mistaken in saying that Congress has legislated against the payment of these claims. These claims depended upon a construction of the statute, and the department held against them, and the matter went to the Supreme Court. The Supreme Court held that the contention of the claimants was correct, but in the meantime the claims of a great many people had become barred by statute. They could not proceed, and we referred them all to the Court of Claims.

Mr. BURKETT. Let me call the attention of the Senator to a few lines from the law to which I refer:

The claim was previously presented to the proper accounting officers of the Treasury Department for settlement, and was allowed by such accounting officers under the decision of this court and of the Supreme Court of the United States in the case of Strong *v.* The United States (125 U. S., 656), the sum thus allowed being $259.66. This action was reported to Congress by the Secretary of the Treasury in House Executive Document No. 199, Fifty-second Congress, first session. In appropriating for such allowance (and others of like character) Congress provided—

Here is where Congress did legislate directly—

that no part of any of these claims should be paid which accrued more than six years prior to the date of filing the petition in the Court of Claims upon which the judgment was rendered, which being affirmed by the Supreme Court has been adopted by the accounting officers as the basis of allowance of such claims.

Thereafter, pursuant to said proviso, the accounting officers readjusted said claim for such difference of pay as the same had been settled under the same decision in United States *v.* Strong, and refused to allow that portion which accrued more than six years prior to July 17, 1886, the date on which the petition in the said case of Strong *v.* The United States was filed in the Court of Claims. Upon such readjustment there was found to be due and then paid to claimant's decedent out of said appropriation the sum of nothing, being the amount which accrued subsequent to July 16, 1880, and to which said proviso did not relate.

If you appropriate for this claim, it seems to me you are legislating now absolutely in contravention of the legislation already had of a general character in which this claim is included.

Mr. FULTON. The Senator is reading from the statement of the case. The findings of fact by the court are—

Claimant is a citizen of the United States and his decedent was an officer in the navy thereof, and a resident of the State of Nebraska, and is the identical person whose claim, under the decision of the Supreme Court of the United States, in United States *v.* Strong (125 U. S., 656), was adjusted by the accounting officers, reported to Congress, and appropriated for, as alleged in the petition.

The amount found due claimant under said decision was $259.66; the amount paid claimant's decedent was nothing; the amount suspended under the proviso to the act of Congress approved July 28, 1892, and which still remains unpaid, is $259.66.

That is the balance which has not been paid.

Mr. McCREARY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Kentucky?

Mr. FULTON. Certainly.

Mr. McCREARY. As I understand, the bill is now being read for committee amendments. When we finish the reading of the bill for committee amendments, I desire to know if other amendments will be allowed. Is that the understanding—that amendments will be allowed to be presented by Senators on the floor?

Mr. FULTON. I do not understand the Senator.

Mr. McCREARY. I say the bill is now being read for committee amendments, and I desire to know if an opportunity will be allowed, after we finish reading the bill, for other amendments to be offered?

Mr. FULTON. Certainly.

Mr. McCREARY. Now, one other question. This bill was reported in March last. Since that time the Court of Claims has made favorable findings on other claims. Will it be in order as we read this bill to offer amendments covering the findings of the Court of Claims since March last?

Mr. FULTON. I suppose it would be in order to offer any amendment a Senator chose—to include in the bill items found by the Court of Claims.

Mr. McCREARY. Since the bill was reported?

Mr. FULTON. Whether that would be in order or not, it is not for me to say, of course; but I, as chairman of the committee, shall object to any such items being inserted in the bill. I think they should go over to another bill. They can not be investigated as they should be investigated here, and I think they should be remitted to another bill.

Mr. McCREARY. The point, then, made by the chairman is that if a claim has been decided and there has been a favorable finding by the Court of Claims, the committee should have an opportunity to look at it before it is offered on the floor.

Mr. FULTON. Yes, sir; I think so.

Mr. DAVIS. Mr. President, I rise to say a few words more in the nature of a statement of a matter of personal privilege.

In the discussion thus far it has been stated that this bill represents the views of the full committee. I want to say that it does not represent my views. I am a member of that committee. I did not agree to it. This so-called "arrangement" does not meet my views. I find that all the claims from Arkansas were placed in the hands of my colleague before I became a member of this body. He has agreed to this arrangement because he thinks it best. But I want to say here now that I think the

terms of this bill are very unjust and that many just claims are left out by this so-called "arrangement," especially the claim referred to by my colleague of the church house at Clarksville. That is a claim where a little church was used by the federal troops for a commissary store. When it was discovered that the Confederates were coming, they destroyed the church. That little church organization put in a claim under the authorization of the act of Congress. It was sent to the Court of Claims. The Court of Claims found in favor of the church, and this committee of which I am a member arbitrarily cut down the claim from $4,400 to $400. I think that is not fair; I think it is not just; and I will never agree to it.

Mr. President, I heard with some surprise the statement of the chairman of the committee, as well as that of the Senator from Rhode Island, that in the determination of these claims the Government has no show. I am surprised at that statement. Who organized this court? Did not you gentlemen of the majority organize the court? Is it not your court? Who appoints the judges to that court? Who sends out the commission to take the testimony? A poor claimant in a country district puts in a claim. You have the court which sends out a commission; the whole machinery of the court is in your hands; and yet you tell me now at this late day that the Government, in the determination of this matter, has no show.

Mr. FULTON. Does the Senator mean to say that the party which has been in the majority of late is in control of the courts ipso facto?

Mr. DAVIS. No, sir; but it is your court. It is a federal court. You send out a commission to take the testimony.

Mr. FULTON. Does the Senator wish it understood that Arkansas is not within the Federal Government?

Mr. DAVIS. Yes, sir, we are; and we are presenting what we conceive to be just claims. The claim to which I have referred has been found just by a court organized by the Federal Government, upon the testimony taken by the Federal Government, and this committee arbitrarily cuts it down. I am here to enter my solemn protest against it and to let this body know that I do not agree with that arrangement.

Mr. FULTON. The Senator is a part of the Federal Government.

Mr. DAVIS. Yes, sir; and I am going to stay that way, too.

Mr. FULTON. Then he is partly responsible.

Of course the criticism offered by the distinguished Senator from Arkansas is one the committee has heard continually, and it is based on the rule which I sought to explain a few minutes ago, that we declined to allow for property which was destroyed by the army, even though it was in the form of churches, and in this instance we rejected the claim. I admit it is a claim which appeals to one pretty strongly. Still that is the rule we adopted, and we have adhered to it. I should say, and I intended to say further, in answer to the Senator from Nebraska, as to these claims involving a question of the difference between sea and shore pay, that there have been a great many appeals to Congress to pay them because there was only a question of the lapse of time. The Supreme Court had held that they were just under the statute. They were referred by the Senate in a body, not individually, not separately, to the Court of Claims, with the intention, of course, of paying what the Court of Claims found actually due. There is no more meritorious claim or item in this bill than those items.

Now, I ask that we may proceed with the reading of the bill.

Mr. BURKETT. Before the Senator sits down, I should like to ask him a question.

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Nebraska?

Mr. FULTON. Certainly.

Mr. BURKETT. I am not criticising the justness of this claim. I am only stating that it has been barred by specific statute.

Mr. FULTON. Only to this extent: After the decision of the Supreme Court construing the law, Congress provided for the auditing of these claims, but put a limitation on the length of time that the auditor could go back, and prohibited any that had not been presented within six years. That manifestly was unjust. So, finally, the Senate referred them all to the Court of Claims.

Mr. HOPKINS. Mr. President, in what I say I do not wish to be understood as criticising the chairman of the committee or the committee itself on any of these claims. I rise now only to fortify the statement I made in answer to the Senator from Alabama a few minutes ago.

On page 36 of the bill I find the case of William T. Hamner, of Tuscaloosa County, Ala., and an allowance of $805. That is an Alabama claim. I find by an investigation of the report made by the Southern Claims Commission that that claim was considered by that commission; that all the testimony which could be presented, both by the claimant and by the Government, was considered, and that the commission rejected the claim.

Mr. FULTON. Will the Senator state again what the item is? I was interrupted just at the moment.

Mr. HOPKINS. The bill does not show what the items were, but the report of the Southern Claims Commission shows that it was for a yoke of oxen, 2 horses, 2 mules——

Mr. FULTON. What is the name of the claimant?

Mr. HOPKINS. The claimant is William T. Hamner, and the item is on page 36 of the bill.

Mr. FULTON. I will get the report and see what it is.

Mr. HOPKINS. What I desire to call to the attention of the chairman is, I find in examining the report of the Southern Claims Commission that that claim was rejected, and they rejected it, among other reasons, for the following:

> The claimant has taken the benefit of the bankrupt law since this claim against the Government accrued, and thereby divested himself of all right to prosecute the same. It is therefore rejected.

If that finding of fact is correct as made by the Southern Claims Commission, then this claimant has no more right to the property then inventoried than any gentleman in Iowa or in any other State of the Union.

The fact that the Court of Claims may have allowed the claim can not do away with the fact that it was rejected by the Southern Claims Commission. It brings up the point made by the Senator from Rhode Island, that in the multiplicity of cases which are presented, the volume of business that is done by the court, and the length of time which has elapsed since these claims accrued the Government is not in a position to make the proper defense.

Mr. FULTON. Will the Senator allow me to interrupt him?

Mr. HOPKINS. Certainly.

Mr. FULTON. I will remind the Senator of the fact that even his statement does not show that this claim was rejected on its merits. It was rejected because the party had gone into bankruptcy and because, I assume, his estate under those circumstances was not entitled to it, but that it should go to the register in bankruptcy instead of to him.

Mr. HOPKINS. The point I am making——

Mr. FULTON. I was going to suggest that the merits of the claim were not passed on, and it may be that the property was turned over to him by the court in bankruptcy subsequently. I do not think the Senator can assume that the Court of Claims found in his favor without anything to base the finding on. The fact that he had gone into bankruptcy undoubtedly appeared to the court and that he was entitled to the claim. It was not a legal claim in any sense. It was not such a claim as under an action in bankruptcy would be turned over to a creditor.

Mr. HOPKINS. I desire to state to the Senator that by virtue of going through bankruptcy he divested himself of all title to it. He had no standing either in a court of common law or in equity.

Mr. FULTON. The Senator has in mind the property to which he would have an absolute title. To this he had no title; it is a mere gratuity.

Mr. HOPKINS. I do not agree with the Senator from Oregon upon that proposition. The Southern Claims Commission was organized for the purpose of finding what property had been taken from persons who were entitled to the property and who had either a legal or an equitable title to it. The claim that this party had the property is admitted on the record, but it is shown here that the commission found that the title had been divested and it had passed to other parties; and he had no more right to bring a suit for the articles mentioned in the inventory than any person living in Canada.

Mr. FULTON. The Senator from California [Mr. FLINT] wishes to ask a question, and I yield to him for that purpose.

Mr. FLINT. The question I was going to ask the Senator from Oregon was pretty fully brought out by the statement made by the Senator from Illinois. The Southern Claims Commission having made a finding that this man was not entitled to recovery for the reason that he had gone through bankruptcy, and the matter having been referred to the Court of Claims, does it not illustrate just what was brought out by the Senator from Rhode Island, that the facts are not brought out in the Court of Claims so that the Government is able to present a defense to the various actions after forty-two years? The Southern Claims Commission having actually found that the man had gone through bankruptcy and was not entitled to a judgment against the United States, some forty years afterwards the matter is submitted to the Court of Claims, and this very evidence probably was withheld from the court, and the

court makes a finding showing that this man is entitled to it when, as a matter of fact, he is not.

Mr. FULTON. I do not think the inference of the Senator from California itself is a correct one. In the first place, I am not here to defend the policy of sending these matters to the Court of Claims. I have already expressed my views on that subject many times. But I am here to say that as long as we send the claims to the Court of Claims and the Court of Claims finds in favor of the claimants, we are in honor bound to pay them. That is the only thing that it is necessary to discuss here.

As to this particular item, it is a House item to start with, one inserted in the bill by the House, but the mere fact that the commission found that the party had gone into bankruptcy and therefore could not prosecute the claim at that time does not argue that he may not have been discharged from bankruptcy and restored to his right to prosecute the claim.

Mr. HOPKINS. Oh, Mr. President——

Mr. FULTON. And the presumption is——

Mr. HOPKINS. Will the Senator allow me to ask him a question?

Mr. FULTON. In just a second. The presumption is in favor of the finding of the court being correct and based on that proposition. I will hear the Senator now.

Mr. HOPKINS. Does the Senator from Oregon claim that if a man is discharged in bankruptcy he can still hold title to property that has been transferred in the bankruptcy proceeding?

Mr. FULTON. No; but this property was not transferred. It could not be transferred. How can you transfer a claim that a party has no title to? It is a mere gratuity. It is not a legal right that he can enforce. He is permitted to present his claim, and the Government considers it, if it sees fit, and if it makes him a payment it is a gratuity. After a party is discharged from bankruptcy it oftentimes follows that certain property is turned over to him; his debts have been paid and he has property left, Nobody will question that, I assume.

Mr. President, if we may proceed, I should like to consider one item at a time.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

Mr. HOPKINS. Mr. President, I desire just a moment. I was not in the Senate Chamber when page 36 was passed, but I desire to call the attention of Senators to the following claim:

To J. P. McClendon, administrator de bonis non of Meredith King, deceased, late of Jackson County, $700.

That is one of the claims that was considered by the Southern Claims Commission. I find in looking at the report of that commission that the claim was made in 1877–78; that they rejected the claim, and among the reasons they have given are the following:

The claimant is the widow and administratrix of Meredith King—

Now, that widow is dead and an administrator de bonis non has been appointed in her place—

The claimant is the widow and administratrix of Meredith King, who died in 1864. They were residents of Jackson County, Ala. The claim has been investigated by an agent. The property was taken during the lifetime of Mr. King, and he was not, as appears from our agent's report, an adherent of the Union cause. He was a Breckinridge Democrat and an original secessionist, pronounced the conscript law "a glorious law," and was in full sympathy with the Confederate cause. Mrs. King agreed with him in sentiment. The claim is disallowed.

That was in 1878, and it was at a time when, if the facts presented there were not correct, it was within the power of Mr. King and Mrs. King to have corrected them in the proper forum. As was stated by the Senator from California [Mr. FLINT], forty-two or forty-three years have passed, and we find this claim now embodied in the bill that is considered here. As has been well said by the Senator from Rhode Island [Mr. ALDRICH], if we do not call a halt upon claims of this character, we might as well turn the Treasury over to claimants of that kind without any limit whatever.

Mr. CLARKE of Arkansas. Mr. President, before the Arkansas items are passed I desire to call the attention of the chairman to the fact that he has failed to suggest a committee amendment in favor of Sarah Winter, $1,380.

Mr. FULTON. I have it. I was occupied just at the moment when we reached that point. I now offer the amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Oregon will be read by the Secretary.

The SECRETARY. On page 40, after line 16, insert:

To Sarah Winter, of Ouachita County, Ark., $1,380.

Mr. KEAN. Is there any explanation of that amendment?

The VICE-PRESIDENT. No explanation accompanies the amendment.

Mr. KEAN. I think it ought to be explained. For what purpose is the payment to be made?

Mr. FULTON. I am perfectly willing to take time to explain it, but I will call the attention of the Senator to the fact that full explanation is given in the report accompanying the bill.

Mr. KEAN. But I thought this was an amendment to the bill.

Mr. FULTON. It is an amendment, and I will explain it again.

Mr. KEAN. On what page of the report is the explanation given?

Mr. FULTON. The Senator will find it on page 33 of the first report. There are two reports. This bill has been twice reported. It is one of the items that we reported should be eliminated on the second report of the bill. I will state that we reconsidered the items and determined to offer them as amendments. This is one of the amendments. It is based on the findings of fact by the Court of Claims, as follows:

1. It appears from the evidence that Sarah Winter, claimant herein, was loyal to the Government of the United States throughout the late civil war.

2. During said period the military forces of the United States by proper authority took from the claimant, in Ouachita County, State of Arkansas, property of the kind and character described in the petition which at the time and place of taking was reasonably worth the sum of one thousand three hundred and eighty dollars ($1,380), no part of which appears to have been paid.

Those are the facts in regard to it.

Mr. KEAN. Of what description was the property? It was taken by order of the Government?

Mr. FULTON. Certainly.

During said period—

The military forces of the United States, by proper authority, took from the claimant, in Ouachita County, State of Arkansas, property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of $1,380.

As to the character of property described in the petition, it consisted of 1,000 pounds of dried beef, $400; 2,000 pounds of bacon, $1,500; 1,000 pounds of ham, $850; 30 pounds of beef tongue, $37.50; 10 barrels of flour, $150, and so forth.

Mr. KEAN. Is the Senator sure there were 10 barrels of flour?

Mr. FULTON. That is my recollection, as near as I remember.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oregon.

The amendment was agreed to.

The Secretary resumed the reading of the bill,

The next amendment was, under "California," page 41, after line 3, to insert:

To John M. Forsyth, formerly of Carson, Nev., $2,728.

To Vinnie J. Thompson, as executrix of last will of James M. Thompson, deceased, late of the State of Nevada, $3,730.

To Frank J. McWorthy, now of California, formerly of Nevada, $450.

To Thomas Rodgers, formerly of Virginia City, Nev., $440.

The amendment was agreed to.

Mr. FULTON. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be read by the Secretary.

The SECRETARY. On page 41, after line 12, insert the following:

To John Allman, of Oakland, Cal., formerly of Virginia City, Nev., $2,358.

Mr. KEAN. What is his claim?

Mr. FULTON. It is for supplies furnished the army. It was in one of the Indian wars.

Mr. KEAN. It is an Indian war claim?

Mr. FULTON. Yes. I remember it only in a general way. Of course I can turn to the report and give a full explanation of it.

Mr. KEAN. I am unable to find these claims in the copy of the report I have.

Mr. FULTON. There were two reports, as I explained a moment ago. This is one of the items that was stricken out and appeared only in the first report. I do not know whether there are any more copies of the report to be obtained or not. I have one here and I will send it to the Senator if he wants to look at it.

Mr. KEAN. I do not object to the explanation made by the Senator from Oregon.

The amendment was agreed to.

Mr. BURKETT. Why were the items stricken out may I ask the Senator?

Mr. FULTON. I am almost tempted to ask for a reading of the CONGRESSIONAL RECORD, I have made the statement so often, but of course the Senator is entitled to know why the items

were stricken out. It was done because they did not come within the rule the committee thought should obtain in regard to supplies furnished the army. I do not remember this particular item, but there were some elements in it which did not come within the rules we prescribed that the Committee on Claims should follow. For instance, to give the Senator an illustration, many of the southern church claims were for property that had been burned. We refused to allow them, but they were incorporated in the House bill, and we reported by mistake some of them in the first amendments we reported to the House bill. Senators representing the States where the claims had arisen had advised their constituents that the claims were allowed. Then when we struck them out on the second report they were placed in such an embarrassing position that the committee agreed, so far as it was concerned, that it would consent that the items might be restored to the bill.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill.

The next amendment was, under the heading "District of Columbia," on page 42, after line 10, to insert:

The following-named 30 persons the following sums, respectively, as found by the Court of Claims in the case of Richard Emmons and 29 others against The United States:
To Richard Emmons, $425.84.
To George C. Acton, $152.57.
To George W. Ballinger, $182.44.
To Edward R. Barbour, $193.56.
To James Breast, $419.41.
To George R. Cook, $497.88.
To Joshua Cooksey, $331.30.
To John D. Davis, $330.13.
To Philip A. Delano, $337.81.
To Oliver A. Emmons, $106.60.
To William B. Flood, $161.80.
To Samuel S. Fowler, $148.50.
To Theodore Gates, $227.31.
To Thomas J. Harrison, $286.47.
To Richard Holland, $222.68.
To John T. Hardester, $194.16.
To William Kemp, $380.01.
To William H. Krepps, $224.97.
To Abraham Lee, $319.12.
To George E. Luckett, $135.06.
To William Morris, $359.98.
To William E. Miller, $367.28.
To Charles M. Nicholson, $192.49.
To John W. Reed, $242.23.
To Richard Smith, $284.04.
To Isaac Scott, $101.83.
To John A. Smith, $194.16.
To Isaac Smallwood, $89.54.
To Isaac Tillman, $91.27.
To Augustus M. Warfield, $382.99.
To Elizabeth Thomas, of Brightwood, D. C., $1,835.
To Heber L. Thornton and Grayson L. Thornton, trustees under the last will of Gottlieb C. Grammer, deceased, late of the District of Columbia, $2,340.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, under the head of "Florida," on page 45, after line 14, to insert:

To rector, wardens, and vestry of St. John's Church, Jacksonville, Fla., $12,000.

The amendment was agreed to.

Mr. FULTON. I move, on page 45, after line 16, to insert the following item:

To Richard H. Turner, of Duvall County, in his own right and as administrator of the estate of Eliza Turner and Eliza Ann Turner, deceased, $2,130.

Mr. KEAN. I should like to have an explanation of that amendment. I can not find it in any book that I have.

Mr. FLINT. There are three volumes to find it in.

Mr. KEAN. If the Senator will just tell me what the claim is for, I shall be content.

Mr. TALIAFERRO. I have here the finding of the Court of Claims.

Mr. FULTON. The Senator from Florida [Mr. TALIAFERRO] has the finding. I can not, of course, remember all of these cases.

Mr. KEAN. I am aware of that, but I thought the Senator had the report there.

Mr. FULTON. I have it now. Here is the finding of the Court of Claims:

Eliza Turner, deceased, Richard H. Turner, and Eliza Ann Turner were loyal to the Government of the United States throughout the late civil war.

II. During said period the military forces of the United States, by proper authority, for the use of the army, in Duvall County, State of Florida, took from the persons above found loyal property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of $2,130, no part of which appears to have been paid.

Mr. KEAN. It does not say of what the property consisted.

Mr. FULTON. It tells what the property was. It consisted of 1 dwelling house (burned); 6 outhouses (burned); United States gold coin; wearing apparel, trunks, and so forth; bedding and bed linen; silverware; 1 dray and harness; 1 buggy and harness; lot farming implements; 1 sugar mill and kettle; 2½ miles of fence rails (say 13,000 rails), at $20 per thousand; 1 bay saddle horse; 75 head stock, at $10 each; meat; 180 head of hogs, at $3 each; 300 head of chickens, at 50 cents each.

Mr. KEAN. That was a pretty high price for chickens at that time.

Mr. McLAURIN. They were worth it.

Mr. FULTON. I do not know what chickens were worth at that time, but I will say that no allowance is made for the gold coin, as the evidence fails to satisfactorily establish it. The amount that the claimant put in was for $5,811, while the amount which the court finds is only $2,130.

Mr. TALIAFERRO. I wish to call the attention of the Senator to the fact——

Mr. KEAN. I suppose fence rails and a few of those other valuable things were struck out.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Oregon [Mr. FULTON].

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of the following item, from line 21 to line 23, on page 45:

To Fannie Crow, administratrix of the estate of Levi Crow, deceased, late of Paulding County, $710.

Mr. HOPKINS. I wish to call the attention of the chairman of the committee and those who are charged with the bill to the fact that this is a claim which was rejected by the Southern Claims Commission.

Mr. FULTON. The case about which the Senator from Illinois inquires, I understand, is that of Fannie Crow, and I have the finding of the Court of Claims in that case. This is an item inserted in the bill in the other House. The committee there did not give as fully the Court of Claims findings as we have it in the Senate committee report to the Senate. The report sets out the findings in full, from which it appears that—

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Levi Crow, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

Then follows a statement of the case and the findings:

There was taken from the claimant's decedent, in Paulding County, State of Georgia, by the military forces of the United States during the late civil war, for the use of the army, property of the kind and character above described, which at the time and place of taking was reasonably worth the sum of $710.

The petition alleges—

That she is a citizen of the United States, residing in Paulding County, State of Georgia, where her decedent resided during the late civil war.

That there was taken from her decedent, in Paulding County, State of Georgia, by the military forces of the United States, by proper authority, and appropriated to the use of the army during the late war for the suppression of the rebellion, property of the kind and value as follows:

Then it gives a description of the property. Does the Senator care to have that read?

Mr. HOPKINS. Oh, no; not at all. I would ask the Senator, however, in what year was that claim presented and allowed by the Court of Claims?

Mr. FULTON. That was passed on by the Court of Claims on October 31, 1905. That was when the finding was as to the loyalty. It was filed in Congress, in the House of Representatives, on April 22, 1897.

Mr. HOPKINS. I will say to the Senator in charge of the bill that the Southern Claims Commission say that—

A careful reading of all the evidence in the case fails to satisfy us that Mr. Crow remained a loyal adherent to the Union cause throughout the war.

They also say:

The facts proved do not sustain the claimant's earnest professions of loyalty throughout the war. The claim is disallowed.

This report was made in 1877–78. The Senator can see that the Southern Claims Commission, on this question of loyalty or disloyalty during the war, had very much the advantage over the Court of Claims in determining that question with correctness.

It seems to me, on a proposition of this kind, where the Court of Claims forty years afterwards finds that a party is loyal, that the evidence of the Southern Claims Commission should have greater credence with Senators in determining whether a claim of this kind should be allowed.

I simply put this up to the Senator and, of course, will say nothing further upon the question. If the Senator from Oregon, in view of all that is presented here, still thinks that the claim should be allowed, I shall not interpose any objection.

Mr. FULTON. Mr. President, of course, as I have said, this claim is one that was passed on by the House committee, and they included it in the bill. I think, so far as I at present understand the reading and finding of the court, we should allow this claim. Still I agree with the Senator from Illinois that these matters ought not any longer to be sent to the Court of Claims. I have been contending for that ever since I have been chairman of the Committee on Claims, but the law provides for them being sent there. The Senate constantly sends them there; parties go before the court and have their hearing and trial. The case comes back here with the findings in favor of the claimant. What are we going to do about it? I admit the testimony is oftentimes, as I am informed, unsatisfactory—that is, in this way: The claimant comes forward with proof of loyalty; that is, some proof. It may be the testimony of some person whose character is good, who is worthy of credit so far as anyone knows, who swears that he knew the party and that he was loyal. The Government can not get anybody to dispute that testimony because the affair happened so long ago. But what is the court going to do? The court is bound to find in accordance with the testimony. The claim comes here for us to pay, and we have to pay it, unless we simply repudiate the findings of the court which we have invited and asked for.

I have no disposition to move to strike the item out. Of course the Senator, if he chooses, can make such a motion.

Mr. RAYNER. May I ask the chairman of the committee whether any amendments will be considered to-day outside of the amendments the committee has agreed to or will agree to under the rule which the Senator has stated?

Mr. FULTON. I can only say to the Senator that I have no hope of finishing the reading of the bill this afternoon. I understand the Senator wants to go away. If he does go away and we should happen to complete the reading of the bill, I will say to him that I shall ask to have it go over, so that he may have an opportunity to offer any amendment he may desire.

The reading of the bill was resumed and continued to the end of the following item, on page 46, lines 1 and 2:

To Plymouth Frazier, jr., of Liberty County, $122.

Mr. HOPKINS. To bring that matter properly before the Senate, I move to strike out that clause.

The VICE-PRESIDENT. The amendment proposed by the Senator from Illinois will be stated.

The SECRETARY. On page 46 it is proposed to strike out lines 1 and 2, as follows:

To Plymouth Frazier, jr., of Liberty County, $122.

Mr. SMOOT. I should like to ask the Senator from Illinois on what ground that is put? Is it the same as the Crow case?

Mr. HOPKINS. I will state that that is another claim that was considered by the Southern Claims Commission, reported to Congress in the winter of 1877–78, and the claim was rejected by that commission. I would ask the Senator from Oregon what the record is in that case?

Mr. FULTON. The record is that the court on a preliminary inquiry found there was loyalty. The finding is:

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Plymouth Frazier, jr., the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

Then the finding concludes:

FINDING OF FACT.

During the war for the suppression of the rebellion the military forces of the United States, by proper authority, for the use of the army, took from the claimant in Liberty County, Ga., property as above described, which was then and there reasonably worth the sum of one hundred and twenty-two dollars ($122); no part of which appears to have been paid.

The description of the property is as follows:

1 bay mare	$150.00
7 head cattle	140.00
12 head hogs, $4 each	48.00
60 bushels rough rice	90.00
15 bushels of corn	15.00
6 beehives of honey	9.00
10 head of ducks	7.50
25 head chickens	12.50
4 dozen eggs	1.00
Bedding and bedclothes	37.00
Lot of cooking utensils	10.00
Total	520.00

I only say, Mr. President, that if we strike out that item, there is no reason why we should not strike out every one of these items.

Mr. HOPKINS. Does the Senator have in his report the evidence upon which the claim was allowed by the Court of Claims?

Mr. FULTON. Oh, no; we only have the findings.

Mr. HOPKINS. I have here, Mr. President, a statement of the Southern Claims Commission, rendered in 1877 and 1878, that I think will be interesting to Senators on both sides of the Chamber:

This claim is a sample of several others: The claimant was a slave and continued such till the capture of Savannah.

I ask the Senator from Georgia if slaves could own property?

Mr. CLAY. I do not know the claimant at all. I think that my colleague [Mr. BACON] does. The fact that he was black or a slave does not make the slightest difference. If the property was taken from him, and it is a just claim, he ought to be paid.

Mr. HOPKINS. I want to ask the Senator whether, under the laws of Georgia, a slave could own property prior to 1864?

Mr. CLAY. Yes, sir.

Mr. HOPKINS. Under the laws of Georgia?

Mr. CLAY. He did own property.

Mr. HOPKINS. Was it allowable under the laws of Georgia?

Mr. CLAY. No.

Mr. HOPKINS. It was not.

Mr. CLAY. The master could recognize property on the part of the slave, if he desired to do so.

Mr. HOPKINS. As a matter of fact, slaves were regarded as property themselves, were they not, as much as horses and cattle?

Mr. CLAY. I do not want to discuss that question here now; it is highly improper that I should; but I want to say to the Senator from Illinois that the Southern Claims Commission, to which he refers, was appointed in 1870. It only lasted about a year or two, I think, before the act creating it was repealed. At that time there was a very bitter feeling existing between the different sections of this country. I am glad to know that that feeling no longer exists; that we are, with a very few exceptions, a harmonious, a happy, and a contented people, and that we are willing to give justice to every section of this country.

It is the duty of the Court of Claims, which has been organized for the purpose of hearing these claims, to hear both sides of these cases; to go into the evidence in a judicial way; to ascertain what is the truth; and I presume they have done so. I have not looked into this claim at all. I do not know anything about it. It came from the House of Representatives. I understand it received the unanimous support of the House committee and that there was no objection to it there. It came here; it went to the Senate committee, and was unanimously passed there. Prior to all this, the Court of Claims, after having heard this case, passed upon it and submitted findings. I am quite sure that I would rather trust the judgment of that court than the commission that was appointed in 1870.

Mr. HOPKINS. Mr. President, we are all agreed that the happy condition in Georgia to-day is a matter of congratulation to all sections of the country, and what I have said or propose to say on this subject is not to disturb the present condition. It is not to discredit any legitimate claim that comes from that section of the country. Far be it from me, Mr. President, to raise any objection against a legitimate claim from the State of Georgia or any other State in the Union; but when I find that under the laws of that State a slave was not permitted to hold property, and that the report of the commission shows that the man who makes the claim was a slave up to the time of the capture of Savannah by the federal troops, then I think it is time for the Senate to pause in the consideration and the allowance of claims of this character.

The Senator from Georgia [Mr. CLAY] is mistaken when he says that this Southern Claims Commission existed only for a year or two. If he will examine the laws, he will find that it was continued from time to time, and existed, as I now remember, until 1879.

Mr. McLAURIN. Oh, no.

Mr. HOPKINS. If the Senator from Mississippi [Mr. McLAURIN] will examine the law, he will see that I am correct.

Mr. CLAY. Does the Senator contend that the law creating the commission was not repealed until 1879? My recollection is that it was only on the statute books a little over two years.

Mr. HOPKINS. If the Senator will look at the Southern Claims Commission's reports that are filed in the Senate library, he will find that they were making reports and that this identical report was made to Congress in 1877 and 1878.

Mr. FULTON. I think the commission went out of existence in 1879.

Mr. HOPKINS. That is the statement that I made in answer to the Senator from Georgia.

Mr. FULTON. But if the Senator will allow me——

Mr. HOPKINS. When it was first created, as I now remember, it was only to continue for two years, but it was continued

until 1879, when these various claims were reported to the Congress.

Mr. FULTON. This is what the Senator had in mind——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Oregon?

Mr. HOPKINS. I do.

Mr. FULTON. This is what the Senator had in mind: The law which provided that no more claims should be presented to the Southern Claims Commission provided that they should not be presented after, I think, March 3, 1878; but the law itself was not passed until March 3, 1878. So it cut them off without any notice whatever.

Mr. HOPKINS. Mr. President, on the question of this claim, the objection that I have raised is not limited alone to the law of Georgia at that time——

Mr. FRAZIER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Tennessee?

Mr. HOPKINS. Certainly.

Mr. FRAZIER. In reference to the matter that has been spoken of by the Senator from Illinois, I will say that the Southern Claims Commission was created by act approved March 13, 1871. On March 3, 1873, that act was repealed, the repealing act using this language:

SEC. 2. That the commissioners of claims shall not receive any petition for the allowance of any claim or claims unless such petition shall be presented to and filed with them on or before the 3d day of March, 1873.

That act was passed on the 3d day of March, 1873, so that the Southern Claims Commission, as a matter of fact, was only in existence about two years.

Mr. FULTON. The commission continued in force, but the time for presenting claims was limited, just as the Senator says.

Mr. FRAZIER. I understand that the commission disposed of the claims that were pending before it, but the right to file claims only existed between 1871 and 1873, a period of about two years.

Mr. FULTON. That is right.

Mr. HOPKINS. I will say to the Senator from Tennessee that this is one of the claims that was presented before the Southern Claims Commission, and was included in its report to Congress in the winter of 1877 and 1878. The first objection that they raised was, as I have said, that the claimant was a slave up to the time of the capture of Savannah by the federal troops. They go on then and say in the report:

Then he claims to have owned the above property and to have had it taken from him for army use. How he, a slave, could have owned such and so much property is only explained by the phrase "worked for it." See question 70 and the answer. He and his two colored witnesses give no further explanation as to his ownership. He was the slave of one Thomas S. Mallard. Lyman B. Mallard, the son of Thomas S. Mallard, testifies: "I know he was allowed to own and did own property previous to and during the war by my deceased father, who controlled him at that time." The value of this testimony may be judged of when we notice that this witness was 21 years of age in February, 1878, and was 5 years old at the beginning of the war. His knowledge as to how much this claimant "did own previous to the war" must have been precocious. One B. J. Cassels, a former overseer of the plantation of Mallard, is the attorney who seems to get up these claims. Claim rejected.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Georgia?

Mr. HOPKINS. I do.

Mr. BACON. If the Senator will pardon me, upon the particular question which he suggests as to the probability that a negro at that time owned property, I desire to say a few words.

It so happened that I was reared in the county of Liberty, in Georgia, and spent my childhood there, and I am quite familiar with conditions which existed there at the time of the outbreak of the war and for some years previous. My colleague [Mr. CLAY] was not of an age which would enable him to give testimony in regard to conditions then existing which I am now prepared to give.

Mr. CLAY. Am I older or younger than my colleague?

Mr. BACON. I said the Senator was not of an age to give the testimony. He was a little child, and I was quite a grown lad at the time.

Mr. President, there never was a greater misapprehension than that which exists in the popular mind, and has unfortunately existed for more than a generation, not only in this country, but in the world at large, as to the condition of the negroes, as a general thing, in a state of slavery in the Southern States, and the true relation which then existed between the master and the slave. It was not a condition in which there was harshness and cruelty to the slave, and the want of consideration of everything which might be considered humane and kind. That condition was only found in exceptional cases, and those have been portrayed to the world by most slanderous publications as the conditions which existed in general.

The truth was, Mr. President, that it was a patriarchal institution. It was an institution in which the great body of negroes were neither bought nor sold, but were inherited by children from their parents in the same way in which the institution was inherited by the people of the South, and in which the relationship was most kindly and intimate, and in a great many instances affectionate.

There is not now and there has never been at any time, in any land, the relation of master and servant in which there was so much of consideration, so much of kindness, so much of affection, and so much of happiness as that which in general existed in the relationship of master and slave in the Southern States. The slaves were not regarded as chattels and were not treated as such.

The buying and selling of negroes, Mr. President, in the South was not a respectable business; and it is a remarkable fact, which I am glad of the opportunity to state as an incontrovertible fact in this place, that it was not only not a respectable business, but that it was so disreputable a business that to say of a man that he was a professional slave trader would exclude not only himself, but his family, from the more respectable society. To say of a girl that her father, or even her grandfather, was a slave trader would debar her from the best society if found to be true. And it is a stain upon one's lineage to this day. There could be no more significant illustration of the fact of the patriarchal character of the institution of slavery in the South than is found in the recognized detestation of slaveholders themselves of the professional slave dealer.

I am told by the Senator from Colorado [Mr. TELLER] that there was in Mississippi for many years a statute punishing any man who brought slaves into that State to sell. Among respectable people the buying and selling of slaves, as a general thing, was largely limited to sales for the purpose of division among those who were entitled to that division in estates, and in that case they were generally bought in by those interested; and also in cases where it was necessary to make such sales in order to prevent the separation of husband and wife or parent and child and to keep families together.

Now, of course, I am not here for the purpose of entering into any general consideration or discussion of the question of slavery. It was a fearful curse, for which the whole country—North and South—was responsible, and it was a greater curse to the white man than it was to the negro. But without discussing it I want to state that much as a precursor to the particular facts which I desire to state in regard to the matter about which the Senator from Illinois [Mr. HOPKINS] not only expressed doubt, but about which he has such an utter lack of information.

In the particular county where this man lives—and I will pause to say that if he is the man I think he is he is still alive and a respectable man, and a man well thought of in his community. The man referred to in this item of the pending bill is either the particular man I have in mind, or, I have no doubt, some one who is nearly related to him.

When I was a child, in that particular county the system of labor was this: A negro was given what was called a "task." There was a certain amount of plowing he had to do in a day, or a certain amount of other manual labor, and when he had completed it the remainder of the day was his own, to be employed as he saw fit.

The Senator speaks of the fact, or rather the report refers to the fact, that the witness in that case was a child 5 years of age when the war broke out. That would have made him between 9 and 10 when it was concluded. I will say to the Senator that I recollect with the utmost distinctness the condition of affairs which I am now narrating, and much of which occurred at a time when I was between 5 and 10 years of age; because, Mr. President, the relationship was such that the children of the owners of those slaves mingled freely and familiarly with the slaves, went down among what were called their "quarters," where they were gladly received and where there was a mutual interchange of kindness and mutual existence of friendship and affection. I recall with the utmost distinctness that when between 5 and 10 years of age I was acquainted with negroes who lived upon the place, knew about their prosperity, and knew of the fact that they had property, and knew the property itself that they had around them.

In consequence of the condition of affairs which I have stated, it was a very common thing for the industrious negro, the thrifty negro, to get through what was known as his "task" by 2 or 3 o'clock in the day and devote the balance of the day to working a crop for himself. They had comfortable houses with yards

and gardens attached, and frequently additional land without rent, where they raised corn and potatoes for themselves, and sometimes a little cotton. It was frequently the case that the negroes had a little cotton to sell. It was almost universally the case that negroes who were thrifty owned property of various kinds—cows, sometimes a horse, chickens without number, and pigs; and my friend on my right [Mr. TALIAFERRO], who was also of an age to remember, although he does not look like it, wants me to insert "dogs." Yes; they had their full share of them.

And, Mr. President, I want to say in the most emphatic language and to bear testimony to the fact that it was not an unusual thing in that time for the thrifty and industrious slave to have property in a greater degree than that which is now spoken of as having belonged to this man Frazier. It is true that under the law he had no legal title to it—none that he could assert in court, except through his master—but it is equally true that his title was universally respected, and I have no idea that a case could be shown where he was ever deprived of his property by his master; and if ever any other person had sought to deprive him of it, his master would have given the wrongdoer cause to remember it for many a day. Under such circumstances, when it was a common thing for a slave to have a greater amount of property than that, will the Senator from Illinois stand in his place and say because that negro could not assert his title in court that if the United States Government took that property and had the benefit of it its value shall not now be paid to him? Does the Senator, after the statement I have made, insist upon any such objection?

Mr. HOPKINS. When the Senator from Georgia is through, I will make a remark or two.

Mr. BACON. I think I have said enough on that line, although I could say a good deal more.

Mr. MONEY. Will the Senator yield to me?

Mr. BACON. Certainly.

Mr. MONEY. The Senator from Illinois will permit me for just a moment.

Mr. President, I want to say just one word on the question of slaves holding property. I know nothing about this case. I am not at all interested in it. I understand it is for a trifling amount—$120. It was quite the custom in the South, as stated by the Senator, to allow negroes who were slaves to have time of their own.

I want to cite one circumstance with which I am familiar. My father had a good many slaves who did work on the plantation. He had several blacksmiths, one or two carpenters, a man who made wagons, a cabinetmaker, whom I can recall, and a plasterer. I recollect particularly that these men frequently did work for which they themselves received pay. As far as the plasterer was concerned, there being little of that sort of work, he went all over the country disposing of his own time. He paid my father so much a month, and he went wherever he found work to do and made his own contracts and got his own pay. He always had money; how much, I do not know. I can not recollect after this lapse of time whether he owned any property that could have been appropriated or destroyed by the army, but I know he had that liberty. He hired his own time. That was not an uncommon circumstance in that country. I know that to be a fact. So it is not at all improbable that a colored man should own $120 worth of property.

I do not care anything about this claim. I do not care anything about this bill—not a bit—because I have very little sympathy for people who, living in the South, did not aid and abet the rebellion, and I have very little sympathy for those who did and are now willing to tell a lie to get a claim through. So I have very little concern about this. But justice ought to be done all around.

Mr. BACON. Mr. President, if the Senator from Illinois will pardon me for a moment, I want to say, so far as concerns the statement made by the Senator from Mississippi [Mr. MONEY] about negroes having their own time, making money for themselves, and being prosperous, that I knew of a great many instances of that kind. But I want to add one thing. I did not know that I would ever have the opportunity to say it in the Senate of the United States, but the issue raised by the Senator from Illinois gives me the opportunity, and I am glad to avail myself of it.

In illustration of the kindly relationship which existed between the slave owner and the slave, I was reared, Mr. President, as an orphan by an elderly lady, my grandmother, who then had no young children, and most of whom had all left the family before I was old enough to know them. I lived in the country on a farm where there were negroes; a plantation we called it in those days. There was no other white child on the place. There was a negro child on the place who grew up with me. He was about my age. He is living to-day. In all my childhood that boy was my companion. As we grew older and I went to school, during every holiday he and I hunted and fished together, and during the long time which has elapsed since then the affection then formed has never decreased.

I want to give his name. It is Collin James, and while reared in Liberty County, he lives now in Mitchell County, in Georgia. He has prospered and now owns considerable property. When I have visited relatives residing near where he now resides, as I have frequently done, he has driven over in his buggy to see me and to ask me to go hunting with him as in the old days, and I have gone with him and we have lived over again together our boyhood days in the woods. And I want to say here that the affection which existed between that colored boy and myself when we were children—and he is as black as is the Senator's coat—has continued during our lives, and is such now that I can say truthfully to-day that if I had but one crust of bread and he was hungry and had none I would divide it with him, and I am satisfied that if the conditions were reversed he would as surely divide his sole crust with me.

This may seem out of place here, Mr. President, but the suggestion of the Senator from Illinois is based on such a radical misapprehension of the true relations which in that day existed between the master and the slave that I have, on the impulse of the moment, said this much.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 4 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 15, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 14, 1909.

PROMOTIONS IN THE NAVY.

The following-named paymasters in the navy, who were confirmed on May 20, 1908, to be paymasters in the navy, with the rank of lieutenant-commander, from the 15th day of May, 1908, to be paymasters in the navy, with the rank of lieutenant-commander, from the 17th day of April, 1908, to correct the dates from which they take rank, made necessary by the change in dates of promotion of certain line officers:

George G. Seibels,
Edmund W. Bonnaffon,
Joseph Fyffe, and
John H. Merriam.

The following-named naval constructors in the navy, who were confirmed on May 20, 1908, to be naval constructors in the navy, with the rank of lieutenant-commander, from the 15th day of May, 1908, to be naval constructors in the navy, with the rank of lieutenant-commander, from the 17th day of April, 1908, to correct the dates from which they take rank, made necessary by the change in dates of promotion of certain line officers:

Stuart F. Smith and
William G. Groesbeck.

Col. Green C. Goodloe, paymaster, U. S. Marine Corps, an officer on the active list of the Marine Corps, to be a brigadier-general, paymaster, on the retired list of the Marine Corps, from the 31st day of January, 1909, the date upon which he will be retired, in accordance with the provisions of an act of Congress approved June 29, 1906.

The following-named midshipmen to be ensigns in the navy from the 12th day of February, 1909, to fill vacancies existing in that grade on that date:

William O. Wallace,
Frank R. King,
Preston H. McCrary,
David S. H. Howard,
William S. Farber,
Archibald D. Turnbull,
Churchill Humphrey,
Emil A. Lichtenstein,
Albert M. Cohen,
George M. Ravenscroft,
Arie A. Corwin,
Sloan Danenhower,

Harry J. Abbett,
George McC. Courts,
Charles W. Crosse,
Francis D. Pryor,
Roy P. Emrich,
Jacob H. Klein, jr.,
John S. Barleon,
Herbert L. Spencer,
William T. Smith,
Jacob L. Hydrick,
Stephen B. McKinney,
Louis F. Thibault,
Henry R. Keller,
Clarence McC. McGill,
Walter F. Lafrenz,
John B. Earle,
Frederick P. Lilley,
Harold V. McKittrick,
Charles T. Blackburn,
George T. Swasey, jr.,
Ellis Lando,
Ralph B. Horner,
Thomas A. Symington, and
Frank W. Lagerquist.

RECEIVER OF PUBLIC MONEYS.

Elisha B. Wood, of Long Prairie, Minn., to be receiver of public moneys at Cass Lake, Minn., vice Mathias N. Koll, term expired.

POSTMASTER.

COLORADO.

Nimrod S. Walpole to be postmaster at Pueblo, Colo., in place of Nimrod S. Walpole. Incumbent's commission expired January 10, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 14, 1909.

SECRETARY OF LEGATION.

Fred Morris Dearing, of Missouri, to be secretary of the legation of the United States at Habana, Cuba.

SECOND SECRETARY OF LEGATION.

Leland Harrison, of Illinois, to be second secretary of the legation of the United States at Peking, China.

THIRD SECRETARY OF EMBASSY.

William K. Wallace, of Colorado, to be third secretary of the embassy of the United States at Tokyo, Japan.

RECEIVERS OF PUBLIC MONEYS.

Jesse W. Freeman, of Berryville, Ark., to be receiver of public moneys at Harrison, Ark.

Robert H. Sims, of New Mexico, to be receiver of public moneys at Las Cruces, N. Mex.

REGISTER OF LAND OFFICE.

Lon E. Foote, of Colorado, to be register of the land office at Hugo, Colo.

PROMOTIONS IN THE NAVY.

Commander Washington I. Chambers to be a captain in the navy.

Lieut. Thomas A. Kearney to be a lieutenant-commander in the navy.

William P. Sedgwick to be an ensign in the navy.

POSTMASTERS.

ARKANSAS.

Edward Bowers to be postmaster at De Witt, Ark.

COLORADO.

Austin M. Reed to be postmaster at Silverton, Colo.

ILLINOIS.

Omer N. Custer to be postmaster at Galesburg, Ill.
Oscar H. Harpham to be postmaster at Havana, Ill.
William M. McDonald to be postmaster at Chandlerville, Ill.
Leander W. Niles to be postmaster at Bethany, Ill.
George M. Thompson to be postmaster at Bement, Ill.
Joel P. Watson to be postmaster at Ashley, Ill.

INDIANA.

Hattie Yarger to be postmaster at Wanatah, Ind.
Shad Young to be postmaster at Cicero, Ind.

IOWA.

Hays H. McElroy to be postmaster at Vinton, Iowa.
Edgar O. Winter to be postmaster at Redfield, Iowa.

KANSAS.

Eva M. Baird to be postmaster at Spearville, Kans.
Clarence P. Dutton to be postmaster at McCracken, Kans.
Guy A. Swallow to be postmaster at Fort Leavenworth, Kans.

KENTUCKY.

W. S. Griffith to be postmaster at Benton, Ky.
William J. Wade to be postmaster at Smiths Grove, Ky.

MICHIGAN.

Ben F. McMillen to be postmaster at Tekonsha, Mich.

MINNESOTA.

Frank E. Bardwell to be postmaster at Excelsior, Minn.
Elias Steenerson to be postmaster at Crookston, Minn.

MISSOURI.

J. E. Duncan to be postmaster at Carothersville, Mo.
Warren T. Myers to be postmaster at Warsaw, Mo.

MONTANA.

C. L. Gayle to be postmaster at Manhattan, Mont.

NEBRASKA.

James W. Fairfield to be postmaster at Mason City, Nebr.
William A. Grant to be postmaster at Coleridge, Nebr.
Lucy K. Partridge to be postmaster at Kenesaw, Nebr.

NEVADA.

Alton A. Carman to be postmaster at Pioche, Nev.
Eugene L. Dutertre to be postmaster at Golconda, Nev.

NEW JERSEY.

Ada B. Nafew to be postmaster at Eatonton, N. J.

NORTH DAKOTA.

Perry Brown to be postmaster at Sherwood, N. Dak.

OKLAHOMA.

William T. Barrett to be postmaster at Carmen, Okla.
John P. Bradbury to be postmaster at Wetumka, Okla.
William T. Brooks to be postmaster at Broken Arrow, Okla.
Harland J. Butler to be postmaster at Miami, Okla.
Jay Collis to be postmaster at Manitou, Okla.
Robert A. Diggs to be postmaster at Lindsay, Okla.
Ransom H. Drewry to be postmaster at Marlow, Okla.
Olin W. Meacham to be postmaster at Henryetta, Okla.
Enoch Needham to be postmaster at Hugo, Okla.
Alice M. Robertson to be postmaster at Muskogee, Okla.
Daniel Strawn to be postmaster at Idabel, Okla.
J. Ed Van Mater to be postmaster at Altus, Okla.
Frank Victor to be postmaster at Afton, Okla.

PENNSYLVANIA.

David L. Barton to be postmaster at Mercer, Pa.
Roger A. McCall to be postmaster at Trafford (late Trafford City), Pa.
Henry G. Moyer to be postmaster at Perkasie, Pa.

TEXAS.

E. P. Butler to be postmaster at Cuero, Tex.
Charles F. Darnall to be postmaster at Llano, Tex.
Newton H. Eades to be postmaster at Blossom, Tex.
Ben Lowenstein to be postmaster at Rockdale, Tex.
Frederick Loudon to be postmaster at Fredericksburg, Tex.
John S. McEldowney to be postmaster at Midlothian, Tex.
U. S. Weddington to be postmaster at Childress, Tex.

VIRGINIA.

Howard P. Dodge to be postmaster at Manassas, Va.
John W. Gregg to be postmaster at Purcellville, Va.

WEST VIRGINIA.

Harry W. Smith to be postmaster at Middlebourne, W. Va.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 14, 1909.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of yesterday's proceedings was read and approved.

BAY RUM.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill H. R. 22884, and consider it now in the House as in Committee of the Whole House on the state of the Union. I will ask the Clerk to report the amendment striking out all after the enacting clause and substituting the matter offered as an amendment.

The bill as amended was read, as follows:

A bill (H. R. 22884) more completely to accomplish the objects contemplated by section 3 of the act of April 12, 1900, chapter 191.

Be it enacted, etc., That section 3 of the act of April 12, 1900, chapter 191, is hereby amended so as to read as follows:

"That upon bay rum, or any article containing alcohol, hereafter brought from Porto Rico into the United States for consumption or sale there shall be paid a tax on the spirits contained therein of $1.10 per proof gallon, to be collected at the port of entry by the collector of internal revenue of the district in which the port is located. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is hereby authorized to make such rules and regulations as may be necessary to carry this act into effect."

The SPEAKER. Is there objection?

Mr. BENNET of New York. Reserving the right to object, I would like to ask my colleague if the bill strikes out the retroactive feature?

Mr. PAYNE. It strikes out the whole original bill and substitutes the amendment, which simply puts a tax on the alcohol in bay rum coming from Porto Rico.

Mr. BENNET of New York. As now reported the bill contains nothing of the retroactive feature?

Mr. PAYNE. Nothing at all.

Mr. PARSONS. I will ask my colleague if there is any tax on Porto Rican rum?

Mr. PAYNE. There is none.

I want to explain to the House that two years ago I reported this bill from the Committee on Ways and Means. Then the understanding and information of the committee, from all sources, was that there was no tax imposed upon the alcohol in the bay rum exported to the United States, and we abandoned the bill. Within a month after that the legislature of Porto Rico exempted from the payment of any internal-revenue tax all alcoholic compounds which were exported, or rather, I might say, they allowed a drawback of the full tax if they were exported; and for over two years the bay rum, with the alcohol contained therein, manufactured in Porto Rico and brought into the United States, has come in free of the payment of any internal tax. If our own people manufacture it here, they have to pay the full internal-revenue tax upon the spirits contained in the bay rum, and it is nearly all spirits. Now, the object of this bill is simply to impose the same tax upon the bay rum manufactured in Porto Rico that our people have to pay here.

Mr. UNDERWOOD. I would like to ask the gentleman to yield to me for five minutes.

Mr. PAYNE. Well, the question is on getting unanimous consent.

The SPEAKER. Is there objection?

Mr. HUGHES of New Jersey. I would like to ask the gentleman, if under the operation of this bill the money would be collected by the authorities of Porto Rico?

Mr. PAYNE. It is to be collected at the ports when the article is imported here.

Mr. HUGHES of New Jersey. Prior to the passage of the act to which the gentleman referred by the authorities of Porto Rico it was collected at Porto Rico?

Mr. PAYNE. It was. This makes the money come to us. After we abandoned the act two years ago on that information, the legislature of Porto Rico, within a month afterwards, allowed a drawback on all bay rum coming to this country equal to the amount of the internal-revenue tax, and for two years it has been coming here without the payment of a single cent of tax.

Mr. HUGHES of New Jersey. The operation of the proposed act would be to permit us to collect the money that Porto Rico permitted them to draw back?

Mr. PAYNE. Yes.

Mr. PARSONS. Does this place the producer of bay rum in Porto Rico on exactly the same plane as the producer in the United States?

Mr. PAYNE. Exactly, as to the payment of the tax.

The SPEAKER. Is there objection?

There was no objection.

Mr. PAYNE. Now I yield to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, when this bill came before the House some time ago some of the minority members of the committee filed a minority report. We had an idea or a belief at that time that the bill in its then form was retroactive, and we were not in favor of that proposition. At the time we filed the minority report there was a tax on alcohol in Porto Rico, which has now been removed; so it changes the entire status of the bill from what it was when we filed the former minority report. The bill as now reported is not retroactive in any respect; there is no tax on alcohol now in Porto Rico, and it is nothing but fair and right that the manufacturers of bay rum in Porto Rico should be placed on the same basis as the manufacturers of bay rum in this country. As I understand it, that is what the bill will do in its present form. So that the minority members of the Ways and Means Committee have no objection to the passage of the bill in its present shape.

But I want to say this, further: The island of Porto Rico lies right off the American coast. It is a sentry box on our southern coast. There is no question that for all time to come the island of Porto Rico will be a part of the United States, and the American flag will fly over it. It is a small island. It is closely connected with the mainland. It will some day become Americanized. We should carry our American institutions to the island as rapidly as possible, and I think the day has come when we should no longer draw a distinction between the revenue laws of Porto Rico and the revenue laws of the United States. Absolute free trade exists between the island and the continent, and, in my judgment, there is no reason whatever why the internal-revenue laws that are now applicable to the States should not be made applicable in their entirety to the island of Porto Rico, and I hope that at some early date the Congress of the United States will take up the question and apply the internal-revenue laws of this country to Porto Rico and draw no distinction.

Mr. MANN. Will the gentleman yield for a question?

Mr. UNDERWOOD. Yes.

Mr. MANN. I understood the gentleman to say that the island of Porto Rico lay very close to the mainland of the United States. Is the gentleman able to tell us how many miles away it is?

Mr. UNDERWOOD. Oh, I think I heard some one say that it is about 1,200 miles.

Mr. MANN. I would not call that very close; but it is considerably farther than that.

Mr. UNDERWOOD. I am comparing the island of Porto Rico with such possessions as the Philippine Islands, that lie 8,000 miles away; and we of necessity are bound for all time to come to hold this island, to make it a part of the United States, and there is no reason why the revenue laws of the United States should not be extended to the island. I hope we may do that at some early date, and avoid all this class of legislation such as we are enacting this morning.

Mr. PAYNE. Mr. Speaker, I am inclined to agree with the gentleman from Alabama in so far that I think the time is approaching when we can extend our internal-revenue laws to Porto Rico. The only thing I have any doubt about is the question of a tax upon cigars and tobacco there. When we refused to do it a number of years ago there was abundant reason, in the fact that people kept little shacks and stores in their houses where they had a quantity of leaf tobacco. One of the natives would come in and the proprietor would twist up a cigar and sell it to him for a cent or 2 cents, and it seemed to be an unnecessary hardship to put upon those people at that time to require the manufacture of cigars under bond, and so forth, and with the heavy tax that is imposed here in the United States.

I think the House sufficiently understands this bill. I will ask to print as a part of my remarks the report, which fully explains it and the conditions which make it necessary.

The report [by Mr. PAYNE] is as follows:

The Committee on Ways and Means, to whom was referred the bill (H. R. 22884) entitled "A bill more completely to accomplish the objects contemplated by section 3 of the act of April 12, 1900, chapter 191," having had the same under consideration, report it back to the House with an amendment and recommend that the bill as amended do pass.

The amendment strikes out all after the enacting clause and inserts in lieu thereof the following:

"That upon bay rum or any article containing alcohol hereafter brought from Porto Rico into the United States for consumption or sale there shall be paid a tax on the spirits contained therein of $1.10 per proof gallon, to be collected at the port of entry by the collector of internal revenue of the district in which the port is located. The

Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is hereby authorized to make such rules and regulations as may be necessary to carry this act into effect."

The bill as amended is identical with H. R. 25122, reported by this committee in the Fifty-ninth Congress, except that there is now added in line 1, after the words "bay rum," the words "or any article containing alcohol." The report on the bill in that Congress was as follows (Report 7095):

"The Committee on Ways and Means, to whom was referred the bill (H. R. 25122) entitled 'A bill to impose a tax on bay rum brought from Porto Rico into the United States,' having had the same under consideration, report it back without amendment with a recommendation that the bill do pass.

"The purpose of this act is to place bay rum imported from Porto Rico and the product of that island on the same basis as to the payment of internal-revenue tax as the bay rum manufactured in the United States.

"The act of April, 1900, imposed upon articles from Porto Rico 'a tax equal to the internal-revenue tax imposed in the United States upon the like articles of merchandise of domestic manufacture.' Under this clause the Treasury Department has been collecting a tax of $1.10 per gallon upon bay rum from Porto Rico. By decision of the circuit court of the eastern district of New York on the 6th day of December, 1906, the court held that, inasmuch as the internal-revenue laws of the United States imposed no tax by their terms upon domestic bay rum, the imposition of such tax upon imported bay rum was unauthorized.

"However, the distilled spirits from which bay rum is manufactured in the United States pay a tax of $1.10 per gallon. These distilled spirits and bay rum escape internal-revenue tax in Porto Rico, and therefore neither the bay rum imported from Porto Rico nor the spirits from which it is manufactured pay any internal-revenue tax. This bill is simply to equalize the conditions and places a tax upon the bay rum imported from that island.

"This legislation is recommended by the Commissioner of Internal Revenue and by Secretary Shaw."

After the bill was reported to the Fifty-ninth Congress it was ascertained that, contrary to the information which had been given the committee, there then was an internal-revenue tax in Porto Rico on bay rum equal to the internal-revenue tax in this country, and the bill was therefore not pressed for consideration in the House.

On March 14, 1907, the legislature of Porto Rico amended the act whereby the internal-revenue tax in Porto Rico was levied so as to read as follows:

"SEC. 3. There shall be levied, collected, and paid—

"(1) On all distilled spirits produced in Porto Rico, or brought into Porto Rico, a tax of 26 cents on each liter or fraction thereof: *Provided*, That for the purposes of this act all spirituous liquors not otherwise provided for in this act produced in Porto Rico, or brought into Porto Rico, of which, exclusive of water, distilled spirits form the chief component, shall be regarded as distilled spirits.

* * * * * * *

"(7) On all proprietary medicinal preparations, patent medicines, toilet soaps, perfumery, and cosmetics produced in Porto Rico, or brought or imported into Porto Rico, a tax of 5 per cent ad valorem; *Provided*, That bay rum, alcoholado, and similar aromatic compound preparations of alcohol, not used as a beverage, shall be considered as perfumery: *And provided further*, That a drawback shall be allowed on any tax-paid alcohol used in compounding any article referred to in this paragraph when such article is made strictly in accordance with such special regulations as the treasurer of Porto Rico may prescribe.

"Articles subject to tax under the provisions of this act shall be exempt from taxation when exported from Porto Rico under such regulations, and after the making of such entries and executing and filing of such bond, as the treasurer of Porto Rico may prescribe: *Provided*, That the taxes paid on alcohol which is used in any article manufactured for export shall be refunded: *Provided*, That the manufacturer register beforehand with a special label the article intended for exportation, and in which case the treasurer shall determine the rules governing such cases in order to analyze the said article and supervise the manufacture of the same, if he should deem it necessary."

The effect of this amendment was to exempt bay rum, etc., coming into this country from Porto Rico and entering into competition with the American product from all internal-revenue tax either in Porto Rico or in this country, and thus rendered the enactment of the proposed bill necessary to give the American product an equal chance in competition with the Porto Rican product.

The Government has been contending that these commodities, when imported to this country, are now subject to our internal-revenue tax, and considerable litigation has been had, but the decisions so far have been adverse to the Government. Already nearly half a million dollars has been collected, under protest, by the Government, but under the decisions of the courts will probably have to be paid back to the importers. The proposed act does not affect importations already made, nor in any way interfere with the cases now pending.

Amend title to read: "An act to impose a tax upon alcoholic compounds coming from Porto Rico, and for other purposes."

Mr. PAYNE. Mr. Speaker, I ask for a vote on the bill and amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

On motion of Mr. PAYNE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EXTENDING PROVISIONS OF CAREY ACT TO NEW MEXICO.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the consideration of H. R. 15850, to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona, and that the bill be considered in the House at this time.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the consideration of the bill H. R. 15850, and that the same be considered in the House as in Committee of the Whole. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That all the provisions of section 4 of the act of Congress approved August 18, 1894, being chapter 301 to Supplement to Revised Statutes of the United States, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," be, and the same are hereby, extended to the Territories of New Mexico and Arizona, and that said Territories upon complying with the provisions of said act shall be entitled to have and receive all of the benefits therein conferred upon the States.

SEC. 2. That this act shall be in full force and effect from and after its passage.

The following committee amendments were read:

Line 9, page 1, insert after the word "purposes" the words "and the amendments thereto."

Line 10, strike out the word "Territories" and insert the word "Territory."

Line 11, strike out the words "and Arizona."

Line 11, strike out the word "Territories" and insert the word "Territory."

Amend the title of the bill to conform with the amendments.

The SPEAKER. Is there objection?

Mr. GARRETT. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from what committee this bill comes?

Mr. MONDELL. From the Committee on Public Lands, and it has the indorsement of the Interior Department.

Mr. GARRETT. Is it a unanimous report?

Mr. MONDELL. It is a unanimous report, and has the strong indorsement of the Secretary of the Interior.

Mr. GARRETT. What does it do?

Mr. MONDELL. It extends the so-called "Carey Act" to the Territory of New Mexico; and I propose to offer an amendment cutting out that part of the committee amendment which excepts Arizona, so that the provisions of the act shall extend to Arizona. The Carey Act is the act by which the Federal Government grants to the States arid lands on conditions of their settlement and reclamation.

Mr. OLLIE M. JAMES. Does this meet with the approval of the Delegate from Arizona?

Mr. MONDELL. He at first was not certain about the matter, and at his suggestion we amended the bill so as to exclude Arizona; but since that time he has examined into the working of the law elsewhere, and now desires Arizona included. I have a letter from the Secretary of the Interior, which I received day before yesterday, urging that Arizona be included in the provisions of the bill.

Mr. GARRETT. It does not now include Arizona?

Mr. MONDELL. The committee amendment strikes out Arizona; but I intend, if there is no objection, to offer an amendment which will include it.

Mr. STEPHENS of Texas. Do I understand that the Delegate from Arizona is in favor of it?

Mr. MONDELL. Mr. SMITH, the Delegate from Arizona, is anxious to have the benefits of the bill extended to his Territory. I have a communication from the Secretary of the Interior, dated January 11, in which he says:

From my personal investigations in New Mexico and Arizona I am convinced that there are many opportunities for reclamation under the Carey Act, and urge that your committee recommend favorably the enactment of a bill extending that act to both the Territories.

Mr. GARRETT. Would the gentleman be willing to let this go over until the Delegate from Arizona is here?

Mr. MONDELL. The Delegate from Arizona has on several occasions asked that this amendment be adopted so as to include Arizona.

Mr. GARRETT. Will not the gentleman offer it now and let it all go together?

Mr. MANN. That is what he proposes to do. Now, if the gentleman will yield to me for a question——

Mr. MONDELL. Certainly.

Mr. MANN. This bill refers to the Carey Act and amendments thereto. Does that give more than 1,000,000 acres?

Mr. MONDELL. No. There are two amendments to the original Carey Act which somewhat modify its provisions.

Mr. MANN. They are all separate laws?

Mr. MONDELL. Yes; the so-called "Carter" and the later amendments are specifically amendments to the Carey Act, whereas the provisions he refers to are in no sense amendments to the act.

Mr. MANN. How much land has been taken in Idaho and Wyoming during the last year?

Mr. MONDELL. The last report from the Secretary of the Interior was dated February 4. Since that time my information is that Idaho has taken several hundred thousand acres,

and in Wyoming I think about 150,000 acres have been applied for.

Mr. HARDWICK. Will the gentleman yield to me?

Mr. MONDELL. Certainly.

Mr. HARDWICK. By this bill you are taking lands that belong to the United States Government and giving them to the Territory?

Mr. MONDELL. It is not a grant in that sense. It is a provision under which the States obligate themselves, under rules and regulations fixed by the Secretary of the Interior, to bring about reclamation of the land and its settlement.

Mr. HARDWICK. Under the present law a man in our State would have certain laws to comply with, and would that system be changed if this bill was passed?

Mr. MONDELL. This is a law that has been in force a number of years in all the arid-land States. Those States have been operating under this law, but it never applied to the Territories. It has worked well in the arid-land States, and now the Territories are anxious to have the law extended to them.

Mr. HARDWICK. This has never been applied before to a Territory?

Mr. MONDELL. No.

Mr. HARDWICK. Can the gentleman give any reason why the original act did not extend to the Territories?

Mr. MONDELL. I imagine it was not considered wise to extend the act to the Territories until it had been tested in the States.

Mr. STAFFORD. Was there any difference by reason of the organic constitution that prevented it applying to the Territories?

Mr. MONDELL. I think not.

Mr. STAFFORD. The act could as well be applied to the territorial government as to the state government?

Mr. MONDELL. Yes; I think so.

Mr. HARDWICK. There is this reason why it ought not to be applied: That after the States are organized and assume all the functions of the local government, that they might very well be trusted to take care of the lands within their own borders; but while a body of land constitutes a Territory of the United States and is under the direct government of Congress, there might be a different rule necessarily applied.

Mr. MONDELL. It has been suggested and urged that the law if good—which it has been proven to be—might very properly apply to the Territories, because, as to the Territories, the authority of the Secretary of the Interior is more direct, and therefore it is easier for him to administer the law in the Territories than in the States.

Mr. HARDWICK. In the gentleman's judgment, will the passage of this act tend to open these lands to actual homestead settlers?

Mr. MONDELL. I believe it will lead to a large amount of settlement and cultivation of lands now valueless and uninhabitable.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT. Mr. Speaker, I am reserving the right to object.

The SPEAKER. The Chair would be glad to know whether there is objection.

Mr. GARRETT. I desire to know a little more about it.

The SPEAKER. Does the gentleman yield further?

Mr. MONDELL. I yield to the gentleman from Tennessee.

Mr. GARRETT. What is the effect under the Carey Act if a State fails to perform the conditions precedent to the grant? I am not familiar with the Carey Act, I will say.

Mr. MANN. Oh, it does not get the land.

Mr. MONDELL. The Secretary may decline to issue any patents whatever until the land has been fully reclaimed.

Mr. GARRETT. If the State fails to comply?

Mr. MONDELL. Yes.

Mr. MANN. It does not get the land unless it does comply.

Mr. REEDER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed with amendment, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 23351. An act for the relief of the owners of the Mexican steamship *Tabasqueno*.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 23866. An act to amend an act entitled "An act to authorize the construction of a bridge between Fort Snelling Reservation and St. Paul, Minn.," approved March 17, 1906.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. R. 106. Joint resolution authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect on March 4, 1909, etc.

ISSUING PATENTS TO CERTAIN LANDS TO BOISE, IDAHO.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (S. 6136) authorizing the Secretary of War to issue patents to certain lands to Boise, Idaho, and to consider the same in the House at this time, which bill I send to the desk and ask to have read.

The Clerk proceeded to read the bill.

The SPEAKER. The Clerk will suspend. The Chair supposed that this bill was on the Union Calendar, and the Chair desires to state to the House and to the gentleman that on examination it seems to be upon the Private Calendar.

Mr. PAYNE. Mr. Speaker, I shall have to object to that.

The SPEAKER. Therefore the Chair, following the practice which the Chair has followed during the occupancy of the same by the present Speaker, will exercise his right as a Member to object. It has been the practice for the Chair not to submit unanimous requests for the consideration of bills upon the Private Calendar, that being the method which the Chair, as a Member of the House, has of objecting. Those bills have a day and are so numerous that it would be impossible with safety, in the opinion of the Chair, to consider them in this way.

Mr. MANN. I would suggest, Mr. Speaker, that this bill belongs on the Union Calendar.

The SPEAKER. The Chair inquired. This seems to be a license for an acre of land to the city of Boise, revocable.

Mr. MANN. A public corporation?

The SPEAKER. The Chair is informed that it has been usual for bills of this kind granting lands to municipal corporations or to an individual to be placed upon the Private Calendar. The Chair in principle does not see any reason for the practice of the House, and the bill is on the Private Calendar in harmony with the practice of the House heretofore.

Mr. PAYNE. I object to its consideration, Mr. Speaker.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25392, the District of Columbia appropriation bill.

The motion was agreed to.

Acordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill, with Mr. OLMSTED in the chair.

The Clerk began the reading of the bill, when,

Mr. MANN. Mr. Speaker, I would like to return to page 4, to an item which was passed over.

Mr. GARDNER of Michigan. What page?

Mr. MANN. Page 4. The item was passed over with a point of order pending. I withdraw the point of order and offer this amendment:

On page 5, after the words "United States," insert "one-half," and at the end of line 5 insert "and one-half as miscellaneous receipts."

The CHAIRMAN. The gentleman from Illinois recurs to the last paragraph on page 4, which was passed without prejudice at the time it was reached in the regular order of reading the bill with a point of order pending made by the gentleman from Illinois. He now withdraws that point of order and offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, line 4, after the words "United States," insert the word "one-half," and at the end of line 5 insert "and one-half as miscellaneous receipts."

Mr. MANN. The amendment is agreeable to the gentleman in charge of the bill.

Mr. GARDNER of Michigan. Mr. Chairman, I would hardly say that the amendment is agreeable to the committee, but the object of the committee is so much desired that we yield to the gentleman's amendment rather than have the whole paragraph stricken out.

The Clerk read as follows:

For installing a dairy, including the erection of buildings, purchase of cattle, and the necessary fixtures for the same, $2,500.

Mr. MANN. Mr. Chairman, I reserve a point of order upon the last paragraph. I ask the gentleman what is the object of installing a dairy at the Home for the Aged and Infirm?

Mr. GARDNER of Michigan. Mr. Chairman, a twofold object. There are something over 200 old people, very feeble and incapacitated, and it is believed that the milk derived from a dairy

on the farm will be to the advantage of those persons rather than to send out to other dairies or to the neighborhood to buy the milk. That is one thing. Another thing is that this Home for the Aged and Infirm is located on an exceedingly poor tract of land. They are trying to bring it up and raise as much as they can there, and a dairy will contribute to that end, serving a twofold purpose, and it is believed to be in the interest both of health and economy that it be established.

Mr. MANN. Do I understand the gentleman that these inmates will be able to do milking or to do any work in connection with this dairy?

Mr. GARDNER of Michigan. No, sir; I did not advance that, and yet there are some of them who could serve in this capacity if they would.

Mr. MANN. Well, it takes pretty strenuous fingers to do milking. Now, does the gentleman think for a moment that this milk can not be obtained of private parties cheaper than from a dairy under government supervision?

Mr. GARDNER of Michigan. Possibly, if that were the only object, it might be true; but I have already called attention to the greater consideration which had its influence with the committee. Taking the two together, I think the gentleman's question could be answered in the negative.

Mr. MANN. How large a farm is this?

Mr. GARDNER of Michigan. There are some—it is only recollection—two or three hundred acres altogether. It has on the same tract of land a school or reformatory for colored boys, and the superintendents of both institutions are trying to improve the soil.

Mr. MANN. Is the gentleman himself a dairyman of experience at any time.

Mr. GARDNER of Michigan. No, sir; I am nothing but a "Gardner." [Laughter and applause.]

Mr. MANN. Then, I will not ask the gentleman how much, including the erection of buildings, necessary fixtures, and purchase of cattle, and so forth, he could establish for $2,500.

Mr. GARDNER of Michigan. Oh, well, this need not necessarily be the end——

Mr. MANN. That is what I suspected.

Mr. GARDNER of Michigan. Wait a minute—and at the same time to serve the object in view.

Mr. MANN. Is there any more reason for establishing a dairy at this home than a dairy for any other of the eleemosynary institutions which are maintained by governmental authority?

Mr. GARDNER of Michigan. Yes. This is an isolated institution, several miles from town. There is no other community near it except across the Potomac at Alexandria. They have bought a tract of land which is capable of being improved, and rather than draw fertilizers 9 miles from the city, as is now being done to bring up the land, it is believed, as I said before, that a twofold purpose can be served by means of this dairy.

Mr. MANN. Well, I do not think the Government ought to go into that business. I can see no reason why the Government should undertake to provide a milk dairy with a large herd of cows rather than to purchase milk from private persons.

Mr. GARDNER of Michigan. They have a herd at the National Training School under government supervision and nobody questions the wisdom of that.

Mr. MANN. Oh, well, that is where the persons themselves do the work, and the main object of having the herd is to give actual instruction and work to the inmates, but here you are talking about aged and infirm people taking care of a herd of cattle.

Mr. GARDNER of Michigan. If the gentleman will allow me to say, the insane asylum has a herd also. That is hardly for the instruction of the occupants of the insane asylum.

Mr. MANN. I do not know how that may be, I am sure. They have plenty of people who can milk. Nor do I know how profitable it is.

Mr. GARDNER of Michigan. And again, the Soldiers' Home has a herd.

Mr. MANN. Very likely, and we will soon have a large number of dairy herds around here.

Mr. GARDNER of Michigan. And in every instance, so far as we know, they are a good thing.

Mr. MANN. Now, can the gentleman tell us what is the cost of production of milk by these public dairy herds?

Mr. GARDNER of Michigan. They go into the general expenses of the institution.

Mr. MANN. They are kept separately in most every other place. The ordinary farmer would be able to tell you the cost of production of milk which he produces if he were keeping a dairy, and yet the Government can not tell. They hide it probably behind other things because the cost of production is so great.

Mr. GARDNER of Michigan. Not necessarily. There is not a soldiers' home, so far as I know, in the United States that has not its dairy. Almost every eleemosynary institution where they have the land has its dairy. It is believed to be economical and for the health of the inmates alike. The gentleman simply begs the question because he does not know.

Mr. MANN. And because the gentleman in charge of the bill is unable to inform him as to the facts. That is the principal reason.

Mr. GARDNER of Michigan. But experience throughout the country justifies what has been done.

Mr. MANN. I may not know, and I do not know, what it costs to maintain these dairy herds at the various eleemosynary institutions, but I do know that those institutions are constantly milking the Treasury of the United States.

Mr. GARDNER of Michigan. I think I have visited all of the various eleemosynary institutions located in the District of Columbia, and I may say in conclusion that the inmates of this institution need this as much or more than in any other.

Mr. MANN. I insist upon the point of order.

Mr. GARDNER of Michigan. Mr Chairman, I would like to hear the grounds upon which the gentleman contends this is out of order.

Mr. MANN. Very well, Mr. Chairman. This provides for the erection of buildings at this institution not now authorized by law, which of itself makes it subject to a point of order. There is no authority in the law creating this institution or providing for it authorizing the construction of buildings for the carrying on of a dairy.

Mr. GARDNER of Michigan. Mr. Chairman, I would like to say that the Government authorized the establishment of this home and the erection of the permanent buildings thereon. It purchased a large tract of land. The committee has made appropriations from time to time for the betterment of the institution and its growing necessities as they have been required. This is simply in line with the current necessities of the institution and for its annual needs and along the lines of its natural development. If this is out of order, we can not make any improvement, it would seem, of a permanent nature without definite action on the part of the House. Mr. Chairman, the gentleman from Texas (Mr. BURLESON), who is on the committee, says that we could not even establish a laundry, but we all see the necessity for it.

Mr. MANN. Mr. Chairman, if they had originally provided for the construction of certain buildings out there with a limited cost, which did not include a laundry, they could not establish a laundry without a new authorization of Congress. Whether that is the case or not is not the question here. Here is a plain concession. There is no authority in the law creating this institution or providing for it, authorizing a dairy at all, authorizing the purchase of cattle for a dairy, or authorizing the construction of buildings for a dairy. It is an entirely new department, and if the gentleman was of the opinion that he could establish a dairy there without specifically providing for it, if it was already covered so far as the congressional authority is concerned, all he would need to do would be to increase the amount of money for the necessary items for this institution and the comptroller and the auditor would pass them. But the auditor would not pass an expenditure for this purpose, because it is not authorized now by existing law.

The CHAIRMAN. The Chair will ask the gentleman from Michigan whether there is a limit of cost in the original authorization for buildings at this place?

Mr. GARDNER of Michigan. I understand there is none; absolutely none.

The CHAIRMAN. No authorization for necessary buildings without limit of cost?

Mr. GARDNER of Michigan. There was no limitation of cost, I am told by the clerk of the committee. We are looking up the law to be sure. [After a pause.] Mr. Chairman, I am in error to this extent: There was originally a limit, but we are not sure whether it has been reached.

The CHAIRMAN. There is a limit of cost?

Mr. GARDNER of Michigan. Yes. I will ask to have this read, Mr. Chairman.

Mr. MANN. The limit of cost applies to certain buildings. It does not apply to dairy buildings or authorize them.

The Clerk read as follows:

Municipal almshouse: For the purchase by the Commissioners of the District of Columbia of a suitable site in the District of Columbia for a municipal almshouse, $25,000, or so much thereof as may be

necessary; for the preparation of plans for suitable buildings for such almshouse, $2,500, or so much thereof as may be necessary; in all, $27,500; and the total cost of such almshouse, exclusive of site, and including water supply, heating, ventilating, and lighting apparatus, and improvements of grounds, shall not exceed $125,000: *Provided*, That if acceptable to the Commissioners of the District of Columbia, the Secretary of the Interior is hereby authorized to transfer to them a site for said almshouse the tract of land containing about 60 acres belonging to the United States lying south of Congress Heights and east of Nichols avenue, and detached from the present site of the Government Hospital for the Insane; and in the event of this acceptance and transfer, the said sum of $25,000 shall be available for construction of the buildings for the said almshouse, $27,500.

Mr. GARDNER of Michigan. Mr. Chairman, allow me to say that that provided, as I understand it, for necessary additional buildings; but whether the limit of cost has been reached, I am unable to say.

The CHAIRMAN. The Chair is inclined to think that it is incumbent upon the proponents of the appropriation to show that the limit of cost has not been reached to make the item in order.

Mr. GARDNER of Michigan. We would not be able to produce the figures for that now. The limit of cost was for the establishment of the institution, but it provides for the establishment of additional buildings.

Mr. MANN. At a total cost not to exceed $125,000. The question is whether that limit has been reached.

Mr. GARDNER of Michigan. That was some years ago, and whether the limit has been reached in order to have that data in order to establish it or not we would have to reckon it up.

Mr. MACON. Are there other buildings there which included would be worth $125,000?

Mr. GARDNER of Michigan. It is difficult to say. It is 9 miles from town, and I can not tell.

The CHAIRMAN. The Chair would suggest to the gentleman from Michigan that if the data is available he could have this paragraph passed until it could be obtained.

Mr. GARDNER of Michigan. It was some ten years ago, and they would have to look through the records to make a compilation. But suppose the limit has been reached——

Mr. MANN. Which, of course, it has.

Mr. GARDNER of Michigan. Suppose it has——

Mr. MANN. Which, I say, of course, it has.

Mr. GARDNER of Michigan. Or even been exceeded——

Mr. MANN. Which, also, of course, it has.

Mr. GARDNER of Michigan (continuing). There was a building on an adjoining property, on the same farm, for another institution, a building that will cost more than this proposed addition, under a direct appropriation by the District Committee, and no question was raised.

The CHAIRMAN. That was because no point of order was made against it. The Chair thinks that under all the circumstances of the case that, although this makes a very small departure, one of only a few hundred dollars, in order that the rulings all may be consistent, the Chair will have to sustain the point of order.

Mr. GARDNER of Michigan. Then I offer the following amendment.

The Clerk read as follows:

For necessary additional outbuildings, the procurement of milk as an essential item of diet for inmates, by the purchase of cattle or otherwise, $2,500.

Mr. MANN. I make the point of order, Mr. Chairman. Probably, I do not remember, whether they can provide for additional outbuildings; I do not think under the limitation of cost they can without authorization. So far as the procurement of milk is concerned, I have no doubt that they can provide for the procurement of milk, but they can not provide for the manner of the procurement, because it is legislation. If they can say by buying cattle or otherwise, they can say that they shall be bought from John Smith or Jim Jones, or anybody else they choose, which is pure legislation. If an appropriation for the procurement of milk will, in the opinion of the Auditor of the Treasury Department and the Comptroller of the Treasury, permit the purchase of cattle, it is a decision as to what the law is, and they can purchase the cattle; but if under an item for the purchase of milk the comptroller would not permit them to purchase cattle, then it falls within the rules of the House, because it changes existing law.

The CHAIRMAN. The Chair is unable to see any distinction between this amendment and that originally offered, except in the procurement.

Mr. GARDNER of Michigan. Well, Mr. Chairman, have you ruled?

The CHAIRMAN. The Chair sustains the point of order.

Mr. GARDNER of Michigan. Then I offer another amendment.

The Clerk read as follows:

Insert as a new paragraph:

"For expenses of procuring milk, $2,500, or so much thereof as may be necessary."

The amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I was unavoidably absent yesterday. As a member of the subcommittee, I am especially interested in the item relating to street lighting, and I ask unanimous consent to go back to that item, for the purpose of enabling me to offer an amendment.

The CHAIRMAN. Will the gentleman indicate the page of the bill?

Mr. MADDEN. Page 39, line 2.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to recur to the page indicated.

Mr. MADDEN. I desire to offer an amendment.

The CHAIRMAN. For the purpose of offering an amendment, which the Clerk will read for information.

Mr. MADDEN. Following the word "Washington," on page 39, line 2.

The Clerk read as follows:

After the word "Washington," line 2, page 39, insert:

"*Provided*, That no payment shall be made for gas purchased under the provisions of this bill which shall contain more than 10 per cent of carbon monoxide."

Mr. MADDEN. I move the adoption of the amendment.

Mr. MANN. Mr. Chairman, I shall be compelled to make a point of order on the amendment, anyhow.

Mr. MADDEN. Mr. Chairman, there is no point of order that can be made on this. This is not a piece of legislation.

The CHAIRMAN. Is there objection to recurring to that part of the bill for the purpose of offering an amendment?

Mr. BURLESON. He can offer it at the end of the bill.

Mr. MANN. I think he should offer it in the proper place.

Mr. MADDEN. Mr. Chairman, I understood consent had been given to return to the paragraph and that the amendment was read.

The CHAIRMAN. The Chair directed that the amendment be read for information.

Mr. MADDEN. I do not think the amendment is subject to a point of order.

The CHAIRMAN. The question is, Is there objection to recurring to the page?

Mr. FINLEY. Reserving the right to object, I should like to ask the gentleman to explain his amendment.

Mr. MADDEN. If there is going to be an objection here, I would rather make the explanation at the point where I offer the amendment.

Mr. GARDNER of Michigan. I think it can be offered anywhere in the bill.

Mr. BURLESON. It can be offered at any time.

Mr. MADDEN. I thought it would be more in keeping to offer it in connection with the item to which it relates than anywhere else in the bill, and therefore my wish to return to the item.

The CHAIRMAN. Is there objection?

Mr. FINLEY. I reserve my right to object, and ask the gentleman to explain his amendment.

Mr. MADDEN. Chemical analysis of the gas furnished to the people of the District of Columbia shows that it contains from 20 to 30 per cent of carbon monoxide. The ordinary quantity of carbon monoxide contained in illuminating gas runs from 6 to 7 per cent. Some of the cities of the country and some of the States of the Union limit the quantity of carbon monoxide that can be contained in gas to 10 per cent. I believe that Boston does this, and some other cities of the country also do.

There have been serious accidents in the District of Columbia as a result of the quality of gas which is furnished here. My recollection is that lives have been lost as a result of the large quantity of carbon monoxide contained in the gas. Experts have reported that the gas furnished the people here, containing as it does from 20 to 30 per cent of carbon monoxide, is so dangerous that the people have been recommended to use denatured alcohol for heating and cooking.

Mr. FINLEY. I am satisfied with the gentleman's explanation. I have no objection.

Mr. MANN. I do not wish to take advantage of the fact that my colleague was necessarily absent yesterday; but does he not think that on a matter of this importance there should be an opportunity to know something about it by a report from a committee? The gentleman himself is quite an expert in reference to gas. He has studied the subject of municipal gas supply and knows a great deal about it. Yet it seems to me when we have a committee here that has the right of way every other Monday, which committee has this matter pending before it by

a message from the President, and I suppose has given consideration to the subject, it is due to the House to have knowledge from the committee rather than to take it up on an appropriation bill.

Mr. MADDEN. I presume that ordinarily the proper method of procedure would be through the legislative committee of the House having jurisdiction of the subject. I was not aware that this committee had the matter in charge.

I felt that the case was of sufficient importance to have consideration given to it.

Mr. MANN. It is being considered on the message of the President transmitting a lot of information in regard to the matter.

Mr. MADDEN. Well, Mr. Chairman, I have no disposition to infringe on the rights of any committee that is giving consideration to the subject which the importance demands. Is there any gentleman here on the District Committee who knows whether this subject is being considered by that committee or not?

Mr. MANN. I may say that a message came from the President a few days ago transmitting a lot of information secured by Doctor Wiley, and it has been referred to the District Committee.

Mr. MADDEN. I would be very glad if any gentleman serving on the District Committee could certify that there is consideration being given to this subject; and if so, I will withdraw my amendment pending the report of that committee.

Mr. CAMPBELL. Mr. Chairman, in reply to the request of the gentleman from Illinois I will say that the Commissioners of the District of Columbia have sent two bills to the District Committee; one of them prohibits any water gas at all, and the other permits 10 per cent, and they have asked the committee to make a choice between the two bills. Doctor Wiley, it seems, has made no choice, and the commissioners refuse to make a choice. This morning we instructed the chairman of the committee to request the District Committee to take the matter up with the commissioners and Doctor Wiley and ascertain which of the two propositions is the more desirable.

Mr. MADDEN. I have suggested 10 per cent as the limit of carbon monoxide.

Mr. CAMPBELL. No member of the committee knows anything about the subject. We did not know carbon monoxide gas from any other gas. The question is under consideration by the committee, in the manner I have stated.

Mr. MADDEN. Has it been referred to a subcommittee to give it special consideration?

Mr. CAMPBELL. We are going to have the matter before the full committee as soon as we get the information. The chairman has been instructed to take the matter up with the District Commissioners and Doctor Wiley.

Mr. MADDEN. Is there any hope of getting a report from the committee in the near future?

Mr. CAMPBELL. I can only speak for one member of the committee. I think, however, I am safe in saying that the sentiment of the committee is for giving every protection to the consumers of gas here and prohibiting the poisonous gas.

Mr. BURLESON. Is there any prospect of a report on either one of these bills?

Mr. CAMPBELL. It has been referred, as I have stated, and whichever bill is said to be the best—the one that will safeguard the consumers the best—will be presented.

Mr. BURLESON. Will it be reported upon the next District day?

Mr. CAMPBELL. I can not say the next District day, but as soon as it can be reached.

Mr. MADDEN. Then, Mr. Chairman, I will withdraw the amendment, in view of what has been said.

Mr. GAINES of Tennessee. Mr. Chairman, I want to be heard a moment, and if necessary I will renew the amendment offered by the gentleman from Illinois, for the purpose of making a statement.

The CHAIRMAN. It is not in order except by unanimous consent. Does the Chair understand the gentleman from Tennessee to ask unanimous consent to return to this paragraph?

Mr. GAINES of Tennessee. Yes.

Mr. MANN. I reserve the right to object.

Mr. GAINES of Tennessee. I want to speak on this particular thing. I want to get some information, and I want to give some information.

Mr. GILLETT. I reserve the right to object.

The CHAIRMAN. Does the gentleman from Massachusetts make the objection, or does he reserve it?

Mr. GILLETT. I reserve it.

Mr. GAINES of Tennessee. The inquiry and statement made by the gentleman from Texas [Mr. BURLESON] was very significant and timely. This House knows, or certainly the senior Members in service know, what a struggle it has been for the District of Columbia to get cheaper gas. For years and years—I think some eight or ten years, and perhaps twelve—we have been struggling to get cheaper gas, and I believe we have about accomplished the fact. I will ask the gentleman from Illinois if I am not right?

Mr. MANN. I will say to the gentleman that the amendment offered by my colleague [Mr. MADDEN] has nothing to do with the price of gas.

Mr. GAINES of Tennessee. I know that, but the gentleman from Texas has expressed righteous solicitude as to this matter—and he has had some experience in this House—in asking the gentleman from Kansas what the probability is as to getting a law regulating the use of this deadly gas. The newspapers of the District have been teeming for the last week or ten days with information that this gas is deadly. Now, suppose we get no report from this committee. The gentleman from Texas has just stated to me this gas has killed three or four people. It is deadly whether it has killed anybody or not.

Mr. CAMPBELL. Mr. Chairman, if the gas is so deadly, why permit 10 per cent of monoxide in it?

Mr. GAINES of Tennessee. Exactly.

Mr. CAMPBELL. I do not know anything about it, and no member of the committee knows anything about it, and we have asked for information.

Mr. GAINES of Tennessee. The gentleman from Kansas has stated that the District Committee has received from the commissioners two bills—one that permits no portion of this deadly gas to be manufactured, and another that permits 10 per cent of it; and then he asks me, Why permit any?

Then I want to ask my friend why delay to ask the three District Commissioners of this city which bill they want? Why does not this great law-making body go to work at it? The gentleman from Kansas [Mr. CAMPBELL] is as intelligent as any man on this floor, and is patriotic and just, and loves the people of this District and of this country as much as I do or does the gentleman from Texas [Mr. BURLESON]. I would not wait a minute if the commissioners want to straddle around on this question as to whether or not the people of this District shall live or die. It is a question of policing the lives of the innocent people of this District—boys and girls, old and young.

For my part, if I was on that committee I would not ask any man whether he approved of this bill or not, with all due respect to my distinguished and good friend from the State of Kansas. If this matter were presented now I would vote for this amendment, and I regret that the gentleman from Illinois [Mr. MANN], so accomplished in all that he undertakes, so wise in legislation, should have interposed an objection, and for this reason only we may not get any bill from that committee.

Mr. MANN. Will the gentleman yield for a question?

Mr. GAINES of Tennessee. Yes.

Mr. MANN. Does the gentleman think it possible for the monoxide gas to be any more deadly than much of the gas we get in this Chamber? [Laughter.]

Mr. GAINES of Tennessee. Judging from the statement of the gentleman as made, I do not think it is very deadly, though it may be possibly intended to be poisonous and deadly.

Mr. CAMPBELL. Will the gentleman yield for a question?

Mr. GAINES of Tennessee. Certainly.

Mr. CAMPBELL. Which of the two propositions submitted by the commissioners to the District Committee would the gentleman from Tennessee favor?

Mr. GAINES of Tennessee. I would say no water gas, if it is deadly, and then we can bring it here before this committee and this great body and adjust the matter and save the people of this District, and then it goes to the great Senate, where it can be sifted, and then to the President and his great Cabinet.

Mr. CAMPBELL. I am informed that even then it would contain 6 per cent.

Mr. GAINES of Tennessee. Well, that is better than too much, and better than 10. What I fear, and why I have said a word, is that judging by the fact that a reduction in the price of gas took us from ten to twelve years to accomplish, because the gas concerns opposed it, and possibly other influences of which I have no knowledge, they now say that they will continue the fight on this gas reform, and will continue to sell to the people of the city of Washington this deadly gas.

The CHAIRMAN. The time of the gentleman has expired. Is there objection?

Mr. GILLETT. I object.

The CHAIRMAN. Objection is heard, and the Clerk will read.

The Clerk read as follows:

Reform School for Girls: Superintendent, $1,200; treasurer, $600; matron, $600; 3 teachers, at $600 each; overseer, $720; 6 teachers of industries, at $480 each; engineer, $600; assistant engineer, $420; night watchman, $480; 2 laborers, at $300 each; in all, $9,900.

Mr. GAINES of Tennessee. Mr. Chairman, I desire to send to the desk and have read in my time, without desiring in the least to discuss the matter or take up a moment's time of the committee, a letter which I found on my desk as I came into the Chamber a few moments ago touching upon the playgrounds debate of yesterday. The letter is from Mr. W. A. Croffut, of Washington, D. C., 140 B street NE. I do not know the gentleman. There is a postscript to the letter, which reads as follows:

Mr. GAINES is at liberty to use any of this information that will serve his purpose. It will cost him nothing and is furnished pro bono publico. Mr. JOHN SHARP WILLIAMS knows me well.

The CHAIRMAN. Without objection, the Clerk will read the letter in the gentleman's time.

The Clerk read as follows:

Hon. JOHN W. GAINES,
House of Representatives.

DEAR MR. GAINES: I listened with great interest to your admirable speech of yesterday on the question of schools, parks, and playgrounds and have called this morning, in anticipation of a renewal of the debate to-day, to give you some points which you may need concerning the matter.

We have in the city of Washington parks and squares as follows:

	Acres.
Executive Mansion grounds	18
President's Park	63
Monument grounds	78
Smithsonian grounds	58
Henry and Seaton parks	32
Garfield Park	24
Howard University Park	12
Judiciary Square	19
Mount Vernon Square	2
Franklin Square	4
Lafayette Square	6
McPherson and Farragut squares	2
Rawlins Square	1
Lincoln Park	6
Stanton Park	3
Folger and Marion parks	2
Washington Circle	1
Du Pont Circle	2
Iowa Circle	2
Takoma Park	739
Zoological Park	171
Rock Creek Park	1,605
Soldiers' Home grounds	502
Analostan Park	540
River Park (reaching from Capitol through islands in the Potomac	1,800
Grand total	5,692

Or 9⅛ square miles of parks, besides 147 triangles and circles.

Besides the table of park acreage, which I have left you in the hands of your secretary, permit me to add that your ridicule of the pretense that children need to be directed and superintended in their play seems to me to have been well placed. As Alexander's sole requirement was "get out of my sunshine," so I think all that children require is plenty of room. Instead of requiring attention, they require inattention; instead of being superintended, they want simply to be let alone. Very often when children are playing the whole spirit of their play is broken up by the knowledge that they are noticed by adults. The consciousness of being superintended is enough to spoil the enjoyment of any flock of children in the world. I think the children ought to be freely admitted to all parts of every one of our parks, even at the risk of tramping down the grass, on the ground that children are more valuable and important to the welfare of the city than even verdure. The largest parks in Europe are always open to women and children, even at the risk of the sort of "desecration" that they may suffer thereby. In London, those vast and choice spaces—Hyde Park, St. James Park, Victoria Park, Kensington Park, and other parks, are always free to the entrance of women and children, and thousands live in them all summer long. The same is true of the Grand Tuileries of Paris, and not even its majestic and painful history protects it from the invasion of the multitude.

The Clerk read as follows:

For care and treatment of indigent patients, under a contract to be made with the George Washington University Hospital by the board of charities, $3,000.

Mr. DOUGLAS. Mr. Chairman, I move to strike out the last word. I would like to inquire of the chairman of the committee as to this $94,000 which is appropriated to be paid to nine different hospitals for the care of indigent patients. I would like to ask whether these different sums are donations made by the Government to these hospitals or whether the hospitals are actually under contract to spend the money for the care of indigent patients—that is, whether or not there is so much paid for each patient or the whole sum is given to the hospital without regard to whether it cares for a certain number of indigent patients or not?

Mr. GARDNER of Michigan. I would say to the gentleman that these sums are appropriated subject to expenditure under contract. They are required to care for patients at so much a day and present a bill for the number of patients so cared for, and are paid out of these various sums as the money is earned.

Mr. DOUGLAS. Then, if the whole amount is not earned, what becomes of it?

Mr. GARDNER of Michigan. It reverts to the Treasury.

Mr. DOUGLAS. Then ought not these appropriations to be not to exceed so much instead of the whole sum?

Mr. GARDNER of Michigan. They do not exceed that. If they do exceed it, they have nothing to draw from.

The Clerk read as follows:

For Temporary Home for Ex-Union Soldiers and Sailors, Grand Army of the Republic, namely: For superintendent, $1,200; janitor, $360; and cook, $360; maintenance, $3,580; in all, $5,500, to be expended under the direction of the Commissioners of the District of Columbia; and ex-soldiers and sailors of the Spanish war shall also be admitted to the home.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. I would like to ask the gentleman in charge of the bill if there is any authority of law for this home; and whether there is or not, what is the necessity for it?

Mr. GARDNER of Michigan. Mr. Chairman, I am unable to say that this institution, if you can call it such, was established by authority of law, but it is one of those—and it does not stand alone—which has been recognized by the House since 1890, and for which appropriations have been made each succeeding year. Are there any further questions as to the necessity of it?

Mr. MANN. As to the necessity of it, of course I know there is no authority.

Mr. GARDNER of Michigan. As to the necessity of it, there may be a difference of opinion as to that; but it takes care of the stranded soldiers of the Spanish-American war and of the civil war visiting this city. I may say that I have visited the home several times, and I know——

Mr. MANN. Is it down here on Pennsylvania avenue?

Mr. GARDNER of Michigan. No; it is just off from Pennsylvania avenue, beyond the Botanical Garden. I know of no institution so economically managed, and I may say to the gentleman further that there was an effort made several years ago to buy a tract of land with a building upon it looking to a permanent institution of this kind.

Mr. MANN. The effort is still being made; they have a bill on the calendar reported from the House committee, and another bill on the calendar which has passed the Senate, which caused me to look the subject up. To be frank with the gentleman, I thought it was as much of a fake as anything I have run across recently in the way of eleemosynary institutions.

Mr. GARDNER of Michigan. The institution or the proposed institution?

Mr. MANN. The institution itself.

Mr. GARDNER of Michigan. Well, I would hardly think that, but I want to say that I think the House ought to watch very carefully and consider deliberately before establishing another soldiers' home in this city, but I do believe that it will be well to allow this institution to remain as it is now.

Mr. MANN. Does the gentleman know the average number of the inmates in this home? As I understand, they claim they keep nobody longer than ten days, but, as a matter of fact, they run out of inmates and let people stay as long as they want to.

Mr. GARDNER of Michigan. Mr. Chairman, I think the gentleman has been incorrectly informed, because at times they have not been able to take care of all who applied for admission; at least I have been so informed by the superintendent of the home, and whenever I have been there I have found it taxed to its capacity.

Mr. MANN. What is the capacity; does the gentleman remember?

Mr. GARDNER of Michigan. No; but I should say, at a guess, 30 to 40.

Mr. MANN. During the last fiscal year, or during the fiscal year 1907, they had a total of persons there amounting to 6,000 for the year.

Mr. GARDNER of Michigan. Some of them did not stay the night, but only for a meal.

Mr. MANN. So much as a meal or a day, 6,000 persons, counting each meal or each day for a person, you see, would be on an average not over 16 a day.

Mr. GARDNER of Michigan. Well, I say it is a guess; simply my recollection as to the number. I would not state it positively, because I have not the information at hand now. I did have it two or three years ago, for I investigated it with some care.

Mr. MANN. Well, I have the information at hand, but if the gentleman thinks himself we ought to let the appropriation stay I shall not insist upon the point of order, although if these

people try to go any further with their other bills and I have the chance again——

Mr. GARDNER of Michigan. I think I am with you on that.

Mr. MANN (continuing). I will try to make the point of order on this item.

Mr. BURLESON. Mr. Chairman, I now offer an amendment to the section. Add after the word "war," line 8, the words "and the war with Mexico."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 84, line 8, after the word "war" insert the words "and the war with Mexico."

Mr. GARDNER of Michigan. Mr. Chairman, allow me to say I am heartily in accord with that amendment.

Mr. BURLESON. Personally, I think this item ought to go out of the bill. I see no reason why a home should be maintained within the District of Columbia for ex-soldiers of the Union Army and the Spanish-American war than for any other citizens of the United States. It has been only a few years since the Spanish-American war and those who participated in it are comparatively young men, just as able to work and provide for themselves as other citizens of our country.

Furthermore, Mr. Chairman, the overwhelming majority of the men who served in the Spanish-American war, while entering with patriotic motives, regarded it more of a lark than anything else, and their short service was a round of pleasure rather than a matter of great discomfort or danger to them. Many of them, it is true, are attempting to find for themselves places on the pension rolls, and doubtless will ultimately succeed, but I see no reason why a home should be maintained here in Washington for them at the expense of the people, where they can be served free of cost. But, Mr. Chairman, if the Congress intends to maintain a home for these soldiers, I see no reason why the soldier of the Mexican war should be discriminated against. I doubt if any soldier of the Mexican war would ever apply for admission to this home. I am inclined to believe they will not. But if one of these old soldiers should do so, I think the same privileges should be accorded him as is accorded to the soldiers of the civil war and to the young soldiers of the Spanish-American war.

Mr. MANN. Will the gentleman also include the war of 1812 and the Revolutionary war?

Mr. BURLESON. The gentleman may offer that amendment, if he wishes.

Mr. KEIFER. I wish to say a word, not in opposition to the amendment offered by the gentleman from Texas [Mr. BURLESON], because if there is any necessity for the amendment it might go in the bill, but the Mexican war was concluded a little over sixty years ago, and there are very few, if any, of those old soldiers in the District of Columbia probably, and, if so, they are cared for otherwise. I am not going to oppose the amendment, but I want to say in answer to the gentleman's suggestion about the recent Spanish war being a mere "lark" that he is greatly mistaken. There were in that war, from his own State, some splendid officers and soldiers who would not agree with him, and some died by reason of the service there—some of the most distinguished of the officers that were in that or in any other war. They are in my mind now—Col. W. H. Mabry, of Texas, is a marked example of these—and I do not care to go into a discussion of what resulted from the Spanish war, but I do not think I ought to stand mute in the presence of such ridicule applied to it.

Mr. COX of Indiana. I would like to ask the gentleman from Texas [Mr. BURLESON] how many years this policy has been enforced, and whether or not a demand for increased appropriation has continued to grow year by year?

Mr. BURLESON. We appropriate about the same amount from year to year.

Mr. COX of Indiana. It has been substantially the same?

Mr. BURLESON. The first appropriation was made in 1890, and was for $2,500. In the year 1904 it was increased to $4,000, and in the year 1905 to $5,500, and it has carried that same amount continuously since.

Mr. COX of Indiana. Does this home for the ex-Union soldiers and sailors own its own real estate?

Mr. BURLESON. I think it is the building occupied by the superintendent, and owned by the superintendent probably, or rented by him.

Mr. COX of Indiana. Will the gentleman state whether or not there is any ex-soldier or soldiers of the Spanish war that continue to stay here permanently, or is it only transiently?

Mr. BURLESON. I am unable to give the gentleman the information. I doubt exceedingly myself whether this item ought to be continued in the bill.

Relying to what was said by my distinguished friend from Ohio [Mr. KEIFER], I assure him I had no purpose or desire to belittle or ridicule the soldiers who served valiantly in the Spanish-American war, but I have gathered an impression somewhere that there were very few men who enlisted for that war who actually engaged in battle; that, in truth, there were not very many sanguinary conflicts that took place during that unfortunate war. I heartily concur in what my distinguished friend from Ohio has said about the valor of the Spanish-American soldier, and especially what he has said of the distinguished soldier from Texas.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas [Mr. BURLESON].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Transportation of paupers: For transportation of paupers, $2,500.

Mr. SLAYDEN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Texas [Mr. SLAYDEN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding, after line 15, page 85, the following:
"That the Commissioners of the District of Columbia be authorized and directed, after due investigation, to prepare and put into immediate operation a more reasonable scale of charges by cabs, taxicabs, and other public vehicles for the transportation of passengers in the District of Columbia, and thereafter the tariff so prepared shall be the maximum charges that may be collected in the District of Columbia."

Mr. MANN. I reserve the point of order on the amendment.

Mr. GARDNER of Michigan. I was going to say that I would not make the point of order. The object is so apparent and so worthy that I had hoped we might have a vote upon it.

Mr. MANN. Let us see what the effect of it will be first. I have no desire to maintain high charges for taxicabs, but would like to have them some lighter if they could be; but still what will be the result of this; will it be higher or lower charges?

Mr. SLAYDEN. It is to provide for more reasonable charges.

Mr. MANN. More reasonable to the people who travel or for those who hire?

Mr. SLAYDEN. Mr. Chairman, I will say to the gentleman from Illinois that if he can make it any more certain that there will be a reduction of fares, I will cheerfully accept any amendment that he may offer to this amendment.

Mr. MANN. Who fixes the fares now?

Mr. SLAYDEN. The Commissioners of the District fix them under this resolution.

Mr. MANN. Then this confers no authority on them?

Mr. SLAYDEN. It compels them forthwith to make a revision and to put into effect a more reasonable scale of charges, and fix that thereafter this shall be the maximum that may be charged.

Mr. Chairman, it is a notorious fact that the cab companies overcharge the people of the District of Columbia and the city of Washington. Not only that, but the charges are irregular—higher to-morrow than they are to-day—and different for the same distance from time to time. I was talking this morning, Mr. Chairman, with one of my colleagues about this amendment that I proposed to offer, and he complained that they had charged him $1.90 to take him, alone, from the Union Station to his hotel—the Cairo. I went last night in one—and I want to say in passing that that has not inspired me to offer my amendment—and the charge against me was $1.60, although the distance was a little bit greater than that traveled by my colleague. Now, certainly these irregularities ought to be corrected; certainly the charges ought not only to be reasonable, but uniform.

Mr. LANGLEY. If the gentleman will permit me, I know personally that three different rates were charged for the same distance to one and the same gentleman.

Mr. SLAYDEN. Well, my friend from Kentucky cites other instances showing the irregularity of these charges.

Mr. MANN. That has nothing to do with the rate of the charge. If the commissioners fix certain charges and certain rates and they charge different rates, they have violated the provision of the regulation, and the same with the different cases cited by the gentleman from Kentucky.

Mr. LANGLEY. The provision should be that the same charge shall be made.

Mr. MANN. Why, certainly.

Mr. LANGLEY. It provides the charges for certain distances. It shows that something is wrong that ought to be corrected, which I take is the object of the gentleman's amendment.

Mr. MANN. It can not be corrected by this.

Mr. LANGLEY. As I understand him, it can.

Mr. MANN. Well, I withdraw the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For continuing the extension of and maintaining the high-service system of water distribution, laying necessary service and trunk mains for low service, including a 12-inch main to afford fire protection to the National Training School for Boys, and purchasing, installing, and maintaining water meters on services to such private residences and to such business places as may not be required to install meters under existing regulations as may be directed by the Commissioners of the District of Columbia, said meters at all times to remain the property of the District of Columbia, to include all necessary land, machinery, buildings, mains, and appurtenances, and labor, and the purchase and maintenance of horses, wagons, carts, and harness necessary for the proper execution of this work, so much as may be available in the water fund during the fiscal year 1910, after providing for the expenditures hereinbefore authorized, is hereby appropriated.

Mr. MANN. I move to strike out the last word. May I ask the gentleman in charge of the bill what he means by "high-service system of water distribution?"

Mr. GARDNER of Michigan. Mr. Chairman, the service to the high grounds about the District of Columbia. For instance, the high-pressure service would have its source at Fort Reno, that being the highest point from which water can be brought into the city.

Mr. MANN. It does not refer to the higher-pressure system, does it?

Mr. GARDNER of Michigan. Not as ordinarily understood by that term for the extinguishment of fire. I may say that it has been urged upon the committee for years, but we have not yet felt that we ought to recommend it to the House.

Mr. MANN. What is the distinction in the District between the high-service systems and the low-service system?

Mr. GARDNER of Michigan. Mr. Chairman, the city proper, within what is known as "the old boundary"—Florida avenue—is supplied by the low-pressure system; and the high lands, Columbia Heights and others, by the high-pressure system.

Mr. MANN. Then, apparently, according to the gentleman's report, he carries in the bill an appropriation for a high-service system and for—

laying necessary service and trunk mains for low service, including a 12-inch main to afford fire protection to the new National Training School for boys, and purchasing, installing, and maintaining water meters—

Yet he says—

under an indefinite appropriation there has been expended to July 1, 1908, for extending high-service water distribution, about $3,700,000—

which is all the money which has been expended for either system. Now, is all the money expended on the hills, or is that an inadvertent mistake?

Mr. GARDNER of Michigan. All the money has certainly not been expended on the hills. The expenditure here for this main to the National Training School is right in line with the statement recently made.

Mr. MANN. That is the low service?

Mr. GARDNER of Michigan. The high service, bringing the water from one high point in the District.

Mr. MANN. But here you included the low service, apparently. However, that may be a matter of construction.

Now, I notice that the gentleman says in his report, and apparently in the bill, and certainly in the press the statement has been made, that the amount recommended for the water department is $123,160, being a reduction of $2,000 in the appropriation for the water department below the current fiscal year. It seems to me that we appropriate a very much larger sum than that for the water department.

Mr. GARDNER of Michigan. I think you will find that in the report.

Mr. MANN. I just read from the report that you appropriate $123,160, when in fact you appropriate every dollar of revenue from the water department.

Mr. GARDNER of Michigan. If you will allow me to read from the report:

It is estimated that the water revenues available for the fiscal year 1910 will amount to $555,000, but it is provided in the accompanying bill, as it was in the acts for the current and seventeen preceding fiscal years, that any surplus of these revenues over the appropriations made specifically therefrom shall be applied to the work of extending the high-service system of water distribution. Under these indefinite appropriations of the surplus water revenues there has been expended to July 1, 1908, for extending the high-service system of water distribution about $3,700,000. The estimated ultimate cost is about $5,600,000, which sum includes $1,200,000 estimated to be required to complete installation of meters in private premises.

Now, the provision for a national training school is in line with that provision.

Mr. MANN. Yes; but the provision for low service is not in the bill, although made up out of the same sum. However, I only asked for information. After reading the report I could not understand it until I heard the gentleman's explanation. Now, they appropriated for the low-service system and then said it was all expended on the high-service system.

Mr. GARDNER of Michigan. We only specifically appropriate for the operation, but indefinitely for the extension.

Mr. MANN. As a matter of fact, you do not reduce the appropriation for the water system at all. You appropriate every dollar of the revenue. You appropriate specifically $2,000 less than you appropriated specifically before, and then you appropriate all the balance for much the same purpose. It is the difference between tweedledum and tweedledee whether you appropriated it specifically or not, so it is no reduction. That is what I want to ascertain. There is no reduction in the amount appropriated for the water system and can not be, I take it.

Mr. GARDNER of Michigan. Let me say to my friend that the law dedicates these revenues to this service exclusively, and it is only a question whether that shall be mentioned at all in the appropriation bill.

Mr. MANN. I do not know what the general law may do, but the District appropriation bill specifically provides—

So much as may be available in the water fund during the fiscal year 1910, after providing for the expenditures hereinbefore authorized, is hereby appropriated—

For these various purposes. It is just as much an appropriation as though you had mentioned the sum.

Mr. GARDNER of Michigan. We felt that was due to the House for its information.

Mr. MANN. It misled the House. That is the reason I called attention to it.

The Clerk resumed and completed the reading of the bill.

Mr. GARDNER of Michigan. Mr. Chairman, I move that the committee rise and report the bill to the House with the pending amendments, and with the recommendation that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25392, the District of Columbia appropriation bill, had directed him to report the same back to the House with sundry amendments, and with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. GARDNER of Michigan. Mr. Speaker, I move the previous question on the bill and pending amendments to the final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. TAWNEY. Mr. Speaker, I demand a separate vote on the playgrounds amendment, $15,000.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the vote will be taken upon the amendments, with that exception, in gross.

The other amendments were agreed to.

The SPEAKER. The Clerk will report the amendment upon which a separate vote is asked.

The Clerk read as follows:

Amend, on page 34, lines 13 and 14, by striking out the words "fifteen hundred" and inserting in lieu thereof "fifteen thousand."

The question was taken; and the Speaker announced that he was in doubt, and on a division there were 51 ayes and 49 noes.

Mr. TAWNEY. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 97, nays 134, answered "present" 7, not voting 149, as follows:

YEAS—97.

Acheson	Carlin	Focht	Goulden
Alexander, Mo.	Caulfield	Foelker	Greene
Alexander, N. Y.	Chaney	Fornes	Guernsey
Ansberry	Cocks, N. Y.	Foster, Ind.	Haggott
Bartholdt	Cook, Colo.	Foster, Vt.	Hale
Bede	Cook, Pa.	Foulkrod	Hamilton, Iowa
Bennet, N. Y.	Cooper, Wis.	French	Harding
Booher	Denby	Fulton	Hay
Broussard	Draper	Gardner, Mass.	Hitchcock
Burton, Del.	Englebright	Gilhams	Hobson
Calder	Fassett	Gillett	Howell, Utah
Caldwell	Favrot	Godwin	Howland

Hughes, N. J.	McMorran	Perkins	Taylor, Ohio
Humphreys, Miss.	Malby	Porter	Underwood
Jackson	Mann	Pray	Waldo
James, Addison D.	Martin	Rainey	Wanger
Jenkins	Miller	Rhinock	Washburn
Jones, Wash.	Moon, Pa.	Roberts	Weeks
Keifer	Murphy	Rothermel	Weems
Kelliher	Nelson	Sabath	Willett
Lawrence	Nicholls	Scott	Wilson, Pa.
Lenahan	Norris	Slemp	Wood
Lindsay	Nye	Sparkman	
Loudenslager	Olcott	Sterling	
McDermott	Parsons	Talbott	

NAYS—134.

Adamson	Dwight	Hull, Iowa	Reid
Andrus	Edwards, Ky.	Hull, Tenn.	Rodenberg
Ashbrook	Ellis, Oreg.	Johnson, Ky.	Rucker
Barclay	Estopinal	Jones, Va.	Russell, Mo.
Beale, Pa.	Ferris	Kennedy, Iowa	Russell, Tex.
Beall, Tex.	Flood	Kipp	Shackleford
Bell, Ga.	Floyd	Kitchin	Sheppard
Bennett, Ky.	Foss	Knopf	Sherley
Bingham	Foster, Ill.	Lafean	Sherwood
Birdsall	Gaines, Tenn.	Lamar, Mo.	Sims
Brodhead	Gardner, Mich.	Lamb	Slayden
Brownlow	Gardner, N. J.	Landis	Small
Burgess	Garner	Langley	Smith, Iowa
Burleson	Garrett	Lever	Smith, Tex.
Burnett	Gillespie	Lewis	Snapp
Campbell	Goebel	Lindbergh	Stafford
Candler	Graff	Livingston	Steenerson
Capron	Gregg	McCreary	Sulloway
Chapman,	Gronna	McHenry	Tawney
Clark, Mo.	Hackney	McKinney	Thistlewood
Clayton	Hamlin	McLaughlin, Mich.	Thomas, N. C.
Cooper, Pa.	Hammond	Macon	Tirrell
Cooper, Tex.	Hardwick	Madison	Tou Velle
Cox, Ind.	Haskins	Moon, Tenn.	Townsend
Craig	Haugen	Moore, Tex.	Vreeland
Cravens	Heflin	Murdock	Wallace
Crawford	Helm	Overstreet	Watkins
Darragh	Henry, Tex.	Padgett	Webb
Davenport	Higgins	Page	Wheeler
Dawson	Hinshaw	Patterson	Williams
De Armond	Holliday	Pollard	Wilson, Ill.
Denver	Howard	Pou	Woodyard
Douglas	Hubbard, Iowa	Ransdell, La.	
Driscoll	Huff	Reeder	

ANSWERED "PRESENT"—7.

Ames	Butler	Davis	O'Connell
Brantley	Currier	Harrison	

NOT VOTING—149.

Adair	Edwards, Ga.	Kimball	Payne
Aiken	Ellerbe	Kinkaid	Pearre
Allen	Ellis, Mo.	Knapp	Peters
Anthony	Esch	Knowland	Pratt
Bannon	Fairchild	Küstermann	Prince
Barchfeld	Finley	Lamar, Fla.	Pujo
Barnhart	Fitzgerald	Laning	Randell, Tex.
Bartlett, Ga.	Fordney	Lassiter	Rauch
Bartlett, Nev.	Fowler	Law	Reynolds
Bates	Fuller	Leake	Richardson
Bonynge	Gaines, W. Va.	Lee	Riordan
Boutell	Gill	Legare	Robinson
Bowers	Glass	Lilley	Ryan
Boyd	Goldfogle	Lloyd	Saunders
Bradley	Gordon	Longworth	Sherman
Brundidge	Graham	Lorimer	Smith, Cal.
Burke	Granger	Loud	Smith, Mich.
Burleigh	Griggs	Lovering	Smith, Mo.
Burton, Ohio	Hackett	Lowden	Southwick
Byrd	Hall	McCall	Sperry
Calderhead	Hamill	McGavin	Spight
Carter	Hamilton, Mich.	McGuire	Stanley
Cary	Hardy	McKinlay, Cal.	Stephens, Tex.
Cassel	Hawley	McKinley, Ill.	Stevens, Minn.
Clark, Fla.	Hayes	McLachlan, Cal.	Sturgiss
Cockran	Henry, Conn.	McLain	Sulzer
Cole	Hepburn	McMillan	Swasey
Conner	Hill, Conn.	Madden	Taylor, Ala.
Coudrey	Hill, Miss.	Marshall	Thomas, Ohio
Cousins	Houston	Maynard	Volstead
Crumpacker	Howell, N. J.	Mondell	Watson
Cushman	Hubbard, W. Va.	Moore, Pa.	Weisse
Dalzell	Hughes, W. Va.	Morse	Wiley
Davidson	Humphrey, Wash.	Mouser	Wolf
Dawes	James, Ollie M.	Mudd	Young
Diekema	Johnson, S. C.	Needham	
Dixon	Kahn	Olmsted	
Durey	Kennedy, Ohio	Parker	

So the amendment was lost.

The Clerk announced the following pairs:

For the session:

Mr. SHERMAN with Mr. RIORDAN.

Mr. BUTLER with Mr. BARTLETT of Georgia.

Mr. CURRIER with Mr. FINLEY.

Mr. BOUTELL with Mr. GRIGGS.

Until further notice:

Mr. FERRIS with Mr. STANLEY.

Mr. SOUTHWICK with Mr. SULZER.

Mr. MUDD with Mr. O'CONNELL.

Mr. BURLEIGH with Mr. BRANTLEY.

Mr. CONNER with Mr. LEGARE.

Mr. AMES with Mr. AIKEN.

Mr. HILL of Connecticut with Mr. GRANGER.

Mr. NEEDHAM with Mr. WOLF.

Mr. BANNON with Mr. WILEY.

Mr. WATSON with Mr. WEISSE.

Mr. SWASEY with Mr. SMITH of Missouri.

Mr. SMITH of Michigan with Mr. STEPHENS of Texas.

Mr. PRINCE with Mr. SAUNDERS.

Mr. PEARRE with Mr. RYAN.

Mr. PAYNE with Mr. ROBINSON.

Mr. OLMSTED with Mr. RICHARDSON.

Mr. BRADLEY with Mr. RAUCH.

Mr. MOORE of Pennsylvania with Mr. RANDELL of Texas.

Mr. MADDEN with Mr. PUJO.

Mr. MCMILLAN with Mr. MAYNARD.

Mr. MCLACHLAN of California with Mr. LEE.

Mr. MCKINLEY of Illinois with Mr. LASSITER.

Mr. LOWDEN with Mr. LEAKE.

Mr. LONGWORTH with Mr. LAMAR of Florida.

Mr. LANING with Mr. KIMBALL.

Mr. KÜSTERMANN with Mr. JOHNSON of South Carolina.

Mr. KNAPP with Mr. OLLIE M. JAMES.

Mr. KAHN with Mr. HOUSTON.

Mr. HUGHES of West Virginia with Mr. HILL of Mississippi.

Mr. HUBBARD of West Virginia with Mr. HARDY.

Mr. HOWELL of New Jersey with Mr. HAMILL.

Mr. HEPBURN with Mr. HACKETT.

Mr. GAINES of West Virginia with Mr. GORDON.

Mr. FULLER with Mr. GOLDFOGLE.

Mr. FAIRCHILD with Mr. GLASS.

Mr. ESCH with Mr. GILL.

Mr. DIEKEMA with Mr. ELLERBE.

Mr. DAVIDSON with Mr. EDWARDS of Georgia.

Mr. DALZELL with Mr. FITZGERALD.

Mr. CUSHMAN with Mr. DIXON.

Mr. CRUMPACKER with Mr. COCKRAN.

Mr. COUDREY with Mr. CLARK of Florida.

Mr. CASSELL with Mr. CARTER.

Mr. CARY with Mr. BYRD.

Mr. CALDERHEAD with Mr. BRUNDIDGE.

Mr. BURTON of Ohio with Mr. BOWERS.

Mr. BURKE with Mr. BARNHART.

Mr. MCKINLAY of California with Mr. BARTLETT of Nevada.

Mr. BARCHFELD with Mr. ADAIR.

For this day:

Mr. HAMILTON of Michigan with Mr. LLOYD.

Mr. HUBBARD of West Virginia with Mr. PRATT.

Mr. MOUSER with Mr. SPIGHT.

On this vote:

Mr. PETERS with Mr. HARRISON; Mr. PETERS in favor, Mr. HARRISON against.

Mr. AMES. Mr. Speaker, I should like to be recorded as "present," instead of voting "aye," as I am paired.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. AMES, and he answered "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GARDNER of Michigan, a motion to reconsider the last vote was laid on the table.

EULOGIES.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the following order, which I send to the desk and ask to have read.

The Clerk read as follows:

HOUSE ORDER NO. 13.

Ordered, That there be a session of the House at 12 m., Sunday, February 21, for the delivery of eulogies on the life, character, and public services of the Hon. ARIOSTO A. WILEY, late a Member of this House from Alabama.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the order.

The order was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed the following concurrent resolutions, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 68.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made for a project of straightening of the

Big Sioux River, in the State of South Dakota, and report same to the Congress.

Senate concurrent resolution 65.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made for deepening the channel and the entrance to same of Warroad Harbor, Minnesota, and protecting the channel and entrance to the same by means of a dike or otherwise.

Senate concurrent resolution 64.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause to be made a resurvey of Oakland Harbor, Alameda County, Cal., with a view of improving the same to meet the present and future demands of commerce, and to submit estimates of cost of the following three projects: Project No. 1, a channel 700 to 800 feet wide and 20 feet deep from San Francisco Bay to the foot of Tenth avenue extended, thence around Brooklyn Basin, 500 to 700 feet wide and 25 feet deep at low tide; project No. 2, same as project No. 1, except that depth be 34 at low tide; project No. 3, same as projects Nos. 1 and 2, except that the whole of Brooklyn Basin be dredged to pierhead line at a uniform depth of 25 or 34 feet at low tide.

Senate concurrent resolution 63.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of the bar of San Francisco Bay, in the State of California, to confirm the depths shown on the charts of the Coast and Geodetic Survey, and to cause estimates to be made for a project of improvement of the North, or Bonita, channel by the removal of Centissima and Sears rocks, and report the same to Congress.

Senate concurrent resolution 61.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made for a project of improvement of Lake Traverse, in the State of South Dakota and county of Roberts, and report same to the Congress.

Senate concurrent resolution 60.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the shoal or bar at the entrance to Chincoteague Bay, with a view to the removal of said shoal or bar, and providing for a channel depth of 15 feet at that point, and to submit estimates for such improvement.

Senate concurrent resolution 57.

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 10th day of February, 1909, at 1 o'clock in the afternoon, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 14343. An act to correct the naval record of Randolph W. Campbell;

H. R. 8615. An act to correct the naval record of Edward T. Lincoln;

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 21957) relating to affairs in the Territories disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BEVERIDGE, Mr. NELSON, and Mr. CLARKE of Arkansas as the conferees on the part of the Senate.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. R. 106. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1909, etc.—to the Committee on the District of Columbia.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 23866. An act to amend an act entitled "An act to authorize the construction of a bridge between Fort Snelling Reservation and St. Paul, Minn.," approved March 17, 1906.

CLARENCE FREDERICK CHAPMAN.

The SPEAKER laid before the House the bill (H. R. 12499) for the relief of Clarence Frederick Chapman, of the United States Navy, with a Senate amendment thereto.

The Senate amendment was read.

Mr. BUTLER. Mr. Speaker, I move that the House disagree to the Senate amendment and ask for a conference.

The motion was agreed to.

The SPEAKER appointed the following conferees: Mr. BUTLER, Mr. ROBERTS, and Mr. GREGG.

STEAMSHIP "TABASQUENO."

The SPEAKER laid before the House the bill (H. R. 23351) for the relief of the owners of the Mexican steamship *Tabasqueno*, with a Senate amendment thereto.

The Senate amendment was read.

Mr. HASKINS. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

SEACOAST FORTIFICATIONS, SAN PEDRO, CAL.

The SPEAKER laid before the House the following message from the President of the United States (S. Doc. No. 656), which was read and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

In compliance with the following paragraph in the act of Congress entitled "An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," approved May 27, 1908,

"The Secretary of War is directed, by a suitable board, to investigate and report fully to Congress as to the advisability and necessity of seacoast fortifications for the protection of the harbor of San Pedro, Cal., and the cities in that vicinity, and if such fortifications are deemed advisable or necessary to furnish an estimate of the cost of sites and fortifications separately,"

I transmit the accompanying communication from the Secretary of War, submitting the information called for.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 14, 1909.*

INTERNATIONAL EXPOSITION, TOKYO, JAPAN.

The SPEAKER laid before the House the following messages from the President of the United States (S. Docs. Nos. 657 and 658), which were read and, with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State covering one from the commissioners-general of the United States to the Tokyo Exposition of 1912, made in pursuance of the requirements of section 2 of the act of Congress approved May 22, 1908, providing for "the participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 14, 1909.*

To the Senate and House of Representatives:

In pursuance of the requirement of section 2 of the act of Congress approved May 22, 1908, providing "for the participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912," I transmit herewith a copy of a detailed statement of expenditures made to December 31, 1908, by the commissioners-general appointed under the act.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 14, 1909.*

LEAVE OF ABSENCE.

By unanimous consent, Mr. RANDELL of Texas was granted leave of absence indefinitely on account of important business.

PRESIDENT'S ANNUAL MESSAGE—SECRET SERVICE.

Mr. LANDIS. Mr. Speaker, I offer the following privileged report from the Committee on Printing.

The SPEAKER. The gentleman from Indiana, from the Committee on Printing, reports the concurrent resolution, which the Clerk will report.

The Clerk read as follows:

House concurrent resolution 52.

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the House of Representatives 2,000,000 copies of the debate and proceedings in the House of Representatives Friday, January 8, 1909, concerning that portion of the annual message of the President relating to the Secret Service, to be delivered through the folding room, excepting 2,000, which shall be assigned to the document room.

Mr. GARDNER of Massachusetts. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GARDNER of Massachusetts. I make the point of order that this resolution is not privileged, for the reason that it does not cover matters of printing for the use of the House or the two Houses. The very number of copies, 2,000,000, shows that

it is for no such use, although stated to the contrary in the resolution. I make the further point of order that it is not permissible, by concurrent resolution, to amend a statute.

The SPEAKER. The Chair will hear the gentleman as to the points of order.

Mr. GARDNER of Massachusetts. Mr. Speaker, touching my first point of order, I read from the rule which gives privilege to reports from the Committee on Printing:

> The following-named committee shall have leave to report at any time on the matters herein stated. * * * The Committee on Printing on all matters referred to them of printing *for the use of the House or two Houses.*

Now, Mr. Speaker, this concurrent resolution refers to printing of 2,000,000 copies of a certain debate. To be sure, the resolution states that the documents are for the use of the House of Representatives, but it is beyond reasonable supposition to infer that 2,000,000 copies can be used by the House of Representatives. Touching my second point of order, I read from the statutes, page 617, volume 28, United States Statutes at Large—

> The Public Printer shall furnish the CONGRESSIONAL RECORD as follows, and shall furnish gratuitously no others in addition thereto.

Then follows the number of copies which may be furnished free for the use of the House of Representatives. This is an endeavor to amend a statute, not by a bill or a joint resolution, but by a concurrent resolution, which does not require the consent of the Executive.

Mr. LANDIS. Will the gentleman permit a question? Does the gentleman understand this is to furnish copies of the CONGRESSIONAL RECORD for free distribution?

Mr. GARDNER of Massachusetts. Mr. Speaker, am I at liberty to answer the gentleman's question?

The SPEAKER. The Chair stated that he would hear the gentleman on his point of order, and the Chair will be very glad to hear from the gentleman further by answering a question or otherwise.

Mr. GARDNER of Massachusetts. Mr. Speaker, it is my opinion that this is a part of the CONGRESSIONAL RECORD. If the gentleman makes an address in this House, under the statute no copies of that address can be distributed gratuitously. The gentleman must pay for the printing of his own speech, and the same principle should obtain with respect to the printing of the matter herein proposed.

Mr. LANDIS. Mr. Speaker, my opinion would be that this would be nothing more or less than a congressional document, which would not be printed in the form of the RECORD, as we get it daily, but would be issued in such a way as to reduce the expense below the price of the RECORD some eight or ten thousand dollars. If printed in the form of the RECORD, the cost of envelopes would be very great. I think, under the rule, that a measure to have printing done for the use of the House is clearly privileged.

Mr. MANN. Will the gentleman from Indiana [Mr. LANDIS] yield to a question?

Mr. LANDIS. I will.

Mr. MANN. What is the law now as to the limitation of the cost of the printing reported from the Committee on Printing?

Mr. LANDIS. For the use of the House?

Mr. MANN. For the use of the House.

Mr. LANDIS. By simple resolution we can provide for printing the cost of which does not exceed $500.

Mr. MANN. Of course the cost of this would exceed $500?

Mr. LANDIS. The cost of this, as estimated by the Public Printer, is $68,633.

Mr. MANN. Sixty-eight thousand dollars?

Mr. LANDIS. Sixty-eight thousand dollars.

Mr. MANN. How much additional cost would there be if the President's two messages were printed in connection with this printing?

Mr. LANDIS. The additional cost would not be great. I will say that this cost as figured did not contemplate the printing of the President's message.

Mr. MANN. Has the gentleman at all computed——

Mr. LANDIS. And I would say to the gentleman that this estimate contemplated the circulation of the matter in the shape of a document, and not as the RECORD is now printed. Should it be printed according to the form of the RECORD proper, the expense would be some eight thousand or ten thousand dollars greater on account of the envelopes.

Mr. MANN. As I take it, this expense is for the composing, the press work, and paper, and the envelopes that they are to go in?

Mr. LANDIS. Yes.

Mr. MANN. It does not contemplate the cost that it will be to the Government of distributing these 2,000,000 copies throughout the length and breadth of the land?

Mr. LANDIS. Not at all.

Mr. MANN. Through the Post-Office Department?

Mr. LANDIS. That is a question for the Post-Office Department.

Mr. MANN. Has the gentleman an idea of what that would cost at the rate of 8 cents a pound, which the Government says it will cost to distribute such matter?

Mr. LANDIS. I would respectfully refer that to the chairman of the Committee on Post-Offices and Post-Roads.

Mr. MANN. Of course that would depend on the weight of the matter.

The SPEAKER. The Chair desires to hear the gentleman on the question of order if the gentleman has anything to submit on the merits of the proposition.

Mr. LANDIS. I yield such time as the gentleman may require.

The SPEAKER. The gentleman can not yield.

Mr. LANDIS. I have nothing further to offer, Mr. Speaker, on the question of order.

The SPEAKER. The question of order is in the discretion of the Chair. Does the gentleman from Illinois [Mr. MANN] desire to be heard on the question of order?

Mr. MANN. Mr. Speaker, I supposed that the Speaker was looking up the law and precedents while we were entertaining the House. [Laughter.]

The SPEAKER. Rule XI makes this report privileged. In the concurrent resolution submitted it purports to be for the use of the House. That settles the question in the opinion of the Chair as to the first point of order that the gentleman from Massachusetts [Mr. GARDNER] makes.

Paragraph 4 of the act approved March 1, 1907, reads:

> Orders for printing extra copies otherwise than herein provided for shall be by simple, concurrent, or joint resolution. Either House may print extra copies to the amount of $500 by simple resolution; if the cost exceeds that sum, the printing shall be ordered by concurrent resolution except when the resolution is self-appropriating—

And so forth.

Now, the gentleman's second point of order, it seems to the Chair, is not well taken, for the reason that to sustain the point of order the Chair would have to determine that the 2,000,000 copies were not for the use of the House. If the Chair had that authority, to put an extreme case, the Chair might hold that the printing of 2 or 2,000 copies, or any other number, was not for the use of the House. It is a question of privilege under the points of order that the Chair passes upon, and, in the opinion of the Chair, it is a matter as to the propriety on the merits of the resolution for the House to pass upon. Therefore the Chair overrules the points of order made by the gentleman from Massachusetts.

The gentleman from Indiana [Mr. LANDIS] has the floor.

Mr. LANDIS. Mr. Speaker, I should state in presenting this report that the cost of this printing will be, as estimated by the Government Printing Office, $68,633, I believe—the figures are found with the report. That contemplates the printing in such form as to circulate the publication in the envelopes in which speeches of Members of Congress are usually circulated. It does not contemplate printing the RECORD in the shape that we get it daily. In such form the expense would be from $8,000 to $10,000 more, if the full issue were printed, on account of the additional cost of the envelopes. I reserve the balance of my time.

Mr. TOWNSEND. Will the gentleman yield to me?

Mr. LANDIS. I will.

Mr. TOWNSEND. Mr. Speaker, I offer the following amendment.

The SPEAKER. Does the gentleman yield for the purpose of offering an amendment?

Mr. LANDIS. I do not.

The SPEAKER. Then, in that event, the amendment will not be in order.

Mr. LANGLEY. Mr. Speaker, I desire to ask the gentleman now to yield to me for the purpose of having read for the information of the House an amendment which I propose to offer at the proper time, and which I think the House should have notice of before the debate proceeds.

The SPEAKER. Does the gentleman yield for that purpose?

Mr. LANDIS. I do.

Mr. GARDNER of Massachusetts. A point of order.

The SPEAKER. The gentleman yields to the gentleman from Kentucky sufficient time to read the following proposed amendment as part of his remarks.

Mr. GARDNER of Massachusetts. I am asking for recogni-

tion for a point of order which should come in at this present moment, Mr. Speaker.

The SPEAKER. Upon the reading of the proposed amendment?

Mr. GARDNER of Massachusetts. Upon the fact that the gentleman from Indiana said, "I reserve the balance of my time" and sat down, thereby yielding the floor to the gentleman from Michigan, who took it in his own right.

The SPEAKER. The Chair understood the gentleman from Michigan to ask the gentleman from Indiana to yield to him for the purpose of offering an amendment.

Mr. TOWNSEND. That was my purpose, although I did not state it in my request. I asked him to yield, and he said he did, and I offered the amendment, and then the gentleman said, "I do not yield for that purpose."

Mr. GARDNER of Massachusetts. Mr. Speaker, I maintain that the gentleman from Indiana did not have the floor to yield for any purpose, having reserved his time and sat down.

Mr. LANDIS. Mr. Speaker, I suggest that this point is not well taken, because the gentleman from Michigan [Mr. TOWNSEND] asked if the gentleman from Indiana would yield him time——

The SPEAKER. And the gentleman from Indiana yielded.

Mr. LANDIS. And having time to yield, I said to him I would.

The SPEAKER. The gentleman from Indiana knows, of course, what his intention was.

Mr. LANDIS. I did not yield to the gentleman from Michigan for the purpose of offering an amendment, as I had previously agreed with the gentleman from Kentucky [Mr. LANGLEY] that I would yield to him for the purpose of having a proposed amendment read.

The SPEAKER. The Chair overrules the point of order of the gentleman from Massachusetts. To whom does the gentleman from Indiana yield?

Mr. LANDIS. I yield to the gentleman from Kentucky [Mr. LANGLEY] for the purpose of having read to the House for information a proposed amendment.

The SPEAKER. The gentleman from Kentucky.

Mr. LANGLEY. I have already sent the amendment to the Clerk's desk.

The SPEAKER. How long does the gentleman yield?

Mr. LANDIS. Five minutes.

Mr. LANGLEY. I have already sent the proposed amendment to the Clerk's desk.

The SPEAKER. The gentleman, as part of his remarks, asks to have read for information the following.

The Clerk read as follows:

The message of the President dated January 4, 1909, upon the same subject, to be printed as an appendix thereto.

Mr. LANGLEY. Mr. Speaker, I do not desire to speak now upon the proposed amendment nor upon the resolution. I understood the gentleman from Indiana to yield only for the reading of my amendment. That was my request. At the proper time, if opportunity is given to offer my amendment, as I expect, I will address the House on it then.

Mr. WILLIAMS. I give notice that if that amendment is offered I shall make the point of order that there is no such message, the House having refused to receive the same.

The SPEAKER. No amendment has been offered. It has been read for information.

Mr. LANDIS. Mr. Speaker, I move the previous question on the resolution, if no one cares to speak on it.

Mr. FOSTER of Vermont. Will the gentleman yield to me five minutes?

Mr. LANDIS. I will.

Mr. TOWNSEND. I should like to ask the gentleman to withhold the previous question until we can discuss this matter.

Mr. LANDIS. I will reserve that motion, if the gentleman desires to be heard.

Mr. TOWNSEND. I do desire to be heard.

The SPEAKER. How much time does the gentleman yield?

Mr. LANDIS. How much time does the gentleman from Michigan desire?

Mr. TOWNSEND. Ten minutes.

Mr. LANDIS. I yield ten minutes to the gentleman from Michigan.

Mr. FOSTER. Then I come in next, Mr. Speaker.

Mr. TOWNSEND. Mr. Speaker, I am very much opposed to the adoption of this resolution. It seems to me that it has no precedent and is unwarranted. I do not believe that the House is justified in adopting a resolution providing for an expenditure of over $68,000 in order that there may be circulated among the people of the United States speeches, the like of which heretofore have been paid for by individual Members. Furthermore, it seems to me that it is entirely unjust and unbecoming of the American Congress to publish part of the CONGRESSIONAL RECORD which refers to a subject that is not set out in detail, which is not shown in connection with the RECORD proposed to be published, as forming the basis upon which that discussion is founded. All of the debate and all of the proceedings of that day were upon two messages sent by the President to Congress, one the annual message of last December, as a result of which the Congress appointed a committee for the purpose of determining what the President meant by it.

The other was a message in answer to the request of that committee that the President file a bill of particulars, and on these messages occurred the debate and proceedings which this resolution proposes to have published. Do gentlemen think it is fair to publish in this unusual way ex parte discussions?

Now, Mr. Speaker, inasmuch as there was a wide difference of opinion among the Members of the House as to what the President really said, some of them insisting that he had explained the whole matter to the Congress, and inasmuch, further, as the whole object of those responsible for this resolution is to set forth that side of the question which they have advocated, it seems to me clear that Members can do nothing less than to provide for printing with these proceedings as an appendix the message of the President of January 4 on this subject, in order that the country may know for itself just exactly what the President did say on this subject.

Now, Mr. Speaker, I do not care to criticise gentlemen of this House, but I submit that they have heard from the country sufficiently now to know that they can not afford to be anything but fair at least in the discussion of this great question, which has been submitted to the House and through it to the country. So, Mr. Speaker, I think this House can not afford to take the position of authorizing the expenditure of $68,000 for the purpose of circulating among their constituents the speeches of gentlemen who ought to pay the price themselves. The House has already gone too far in this regrettable matter. Let us not do this unwarranted, unwise, and unfair thing. Anyway, let us be decent enough to publish both sides in full if anything is to be published.

Mr. UNDERWOOD. Will the gentleman yield for a question?

Mr. TOWNSEND. Certainly.

Mr. UNDERWOOD. Does not the gentleman think it would be a very unwise precedent on the part of this House to print the speeches of any Member of this House at government expense?

Mr. TOWNSEND. I do.

Mr. OLLIE M. JAMES. Can the gentleman cite the House to any precedent where heretofore the speeches of individual Members have been printed at the expense of the Government for circulation throughout the country?

Mr. TOWNSEND. I can not. I said so in the beginning of my remarks. So, Mr. Speaker, without desiring to take the time of the House, and regretting that it has been necessary to bring this resolution before us, I trust that in decency to itself, in respect for its standing as the greatest deliberative body in the world, the House will not adopt this resolution.

Mr. LANDIS. Mr. Speaker, I now yield five minutes to the gentleman from Vermont [Mr. FOSTER].

Mr. FOSTER of Vermont. Mr. Speaker, I am opposed to this resolution. I can see no good purpose in our spending nearly $70,000 for printing 2,000,000 copies of the proceedings of the House last Friday. If we had to pay postage on copies of this publication, it would cost at least $20,000 to distribute it. The gross expense, therefore, of printing and distributing the document would be about $90,000.

First of all, we are establishing a bad precedent. We have the daily record of our proceedings here. We have embalmed in that record the proceedings of the House on Friday last. I have been here eight years, and during that time we have had many long and able debates upon public questions of great and far-reaching interest; but never before, that I recall, have we undertaken to give to the public the details of a debate by any such course as this resolution proposes. If we adopt this resolution, we may fairly expect whenever hereafter any important debate occurs, to be called upon to provide for the printing and distribution at the public expense of the record of the debate.

And why should we establish this expensive precedent at this time? Is there any general call from the American people for a chance to read the details of the debate in question? Why, not at all. The debate was not hid under a bushel. Did not the press give it fully to the American people? If a Member of Congress is called upon by a constituent for a copy of his speech or a copy of the speech of his colleagues on the occasion in

question, he can very easily supply him with either. Why, then, should we at this time, when we are hearing so much about the need of economy add this useless burden to the National Treasury? It seems to me that we would present a beautiful spectacle if, after having this very day refused to let the people of Washington spend $15,000 of their own money to equip and maintain playgrounds for the school children, we should proceed to exploit ourselves before the American people by spending $90,000 in printing and distributing our own speeches.

Then, too, let us make no mistake. The American people are not sitting up nights for an opportunity to read the details of that debate. I was unavoidably absent last Friday. But I have carefully read the CONGRESSIONAL RECORD of that day, and what I say is no reflection upon the quality of the speeches. But the incident is a closed one, and if the American people are content to let it remain closed we also ought to be willing to do so. In my humble opinion, therefore, the adoption of this resolution would establish an unwise precedent, would put the Government to large and foolish expense, would serve no good purpose, and would subject us to much just criticism.

And so, Mr. Speaker, I am opposed to the resolution and must vote against it.

Mr. LANDIS. Mr. Speaker, I now yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I talked about this resolution the other day with the gentleman who has now reported it into the House, the gentleman from Indiana [Mr. LANDIS]. I think I violate no confidence when I say that his personal judgment was opposed to the passage of the resolution, but that as chairman of the Committee on Printing he felt it his duty to present the proposition to the House.

Now, Mr. Speaker, it seems to me a somewhat remarkable proposition that we should be asked at this time to print 2,000,000 copies of one side of a question and distribute them at the public expense. I do not condone the unfortunate incident, the seeming attack by the President upon Congress, but I see no occasion for the House, after having met that proposition in a respectable and orderly manner, to continue it as a dispute and quarrel with the President.

I appreciate the attitude of men who were attacked and who have made speeches. Doubtless their speeches may well and properly be read in their districts and elsewhere throughout the United States. It is sometimes an expensive matter to make a speech in this House. I made a speech on the pure-food bill in the House which cost me about $1,000 at the Printing Office to distribute in answer to requests. That is one of the unfortunate incidents of the fame which comes sometimes to the man who makes a speech. But I see no occasion for spending $70,000 now for the publication of these speeches and at least $80,000 more expense to the Post-Office Department in distributing these speeches.

We have maintained a dignified attitude up to this time in this controversy with the President. I wish it might be properly said that both sides had maintained a dignified attitude. [Applause.] Let us, at least, maintain the dignity of our position without engaging in an attempt to publish to the people one side of the controversy. [Applause.]

Mr. LANDIS. Mr. Speaker, I now yield one minute to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. Mr. Speaker, the amendment I had read for the information of the House, and which I propose to offer, should, I think, in all justice and fairness to our President, be adopted if the resolution is adopted. I am, however, opposed to the entire proposition. I think the country has had at least enough of this whole controversy, and I suspect that the people are growing weary of it. I think also that too much money and time have been expended already in the discussion of it. One reason why I want the President's message printed along with the report of the proceedings, if the resolution is adopted, is that the resolution adopted by the House last Friday stated that his message was "unresponsive" to the resolution of the House in answer to which the message was sent.

I thought that was not a correct statement, and that was one of the grounds upon which I voted against the resolution; and I want the people of my district to read the President's entire message, in connection with the proceedings of the House, and all that was said, so that they may decide upon all of the facts together whether my position was correct or not. [Applause.] Of course I had other reasons for voting against the resolution, which I tried, but failed, to get in the RECORD the other day. I suppose they would not be germane to the question now before the House, and I will not attempt to state them. Surely, gentlemen desire to be just to the President, and I submit that it would be unjust to him to send out in a printed document, taken from their logical connection in his message, those portions of the message only to which objection was raised. Let us print all the facts or none. But, as has already been stated, the people understand this whole matter sufficiently now and do not need any more light on it. I hope the resolution will be defeated.

Mr. TAWNEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Indiana yield?

Mr. LANGLEY. Mr. Speaker, I desire to offer the amendment which I had read for the information of the House, if it is not already before the House as having been offered.

The SPEAKER. The gentleman can not do that until he obtains the floor or until the floor is conceded to him under such conditions that he could offer the amendment.

Mr. LANGLEY. I ask unanimous consent that I may be permitted to offer the amendment.

The SPEAKER. Is there objection?

Mr. WILLIAMS. I object, Mr. Speaker.

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Minnesota?

Mr. LANDIS. I yield to the gentleman from Minnesota to submit a parliamentary inquiry.

Mr. TAWNEY. Mr. Speaker, would it be in order, for the purpose of ascertaining the correctness of this estimate, to move to postpone the consideration of the resolution until to-morrow?

The SPEAKER. If the gentleman from Indiana will yield for that purpose, it would be in order.

Mr. LANDIS. The gentleman from Indiana will not yield for that purpose.

The SPEAKER. Then, until the gentleman from Indiana yields the floor for that purpose, the gentleman could not make the motion.

Mr. LANDIS. Mr. Speaker, I yield one minute to the gentleman from Ohio [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. Speaker, there is one reason which seems to me potent why this resolution ought not to be adopted, and that is this: That after five hours were consumed by the proponents of these resolutions in advocating them to the House, one of the gentlemen who had been the advocate of the resolutions, moved the previous question, and debate was absolutely cut off by a vote of the House, so that those of us who desired to speak against the resolutions had no opportunity to do so. Therefore I do not think it would be fair to anyone concerned, including the President, to have published six hours of argument in favor of these resolutions when these gentlemen themselves cut off argument against the resolutions. Especially is this true, in view of the fact that we had joined in unanimous consent that these gentlemen, named in the message, might all speak in order, upon the positive assurance of the chairman of the special committee that no attempt would be made to limit debate. I hope the resolution will not pass.

Mr. LANDIS. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I take it that no man in this House more strenuously reprobated the language of the President of the United States when, under the guise of his constitutional right to send messages to the House, he assumed the schoolmaster attitude of scolding the House as if we were composed of little children, and when, furthermore, he added to that an offensive and unnecessarily insulting tone to convey statements that, in the opinion of the House and, as I believe, in the opinion of the country are not true. Mr. Speaker, having said that much, I want to say that I am opposed to the passage of this resolution. I believe in fair fighting. We knew when we took up the gauntlet that the President threw down that he could get the ear of the country for a message and that we could not get as fully the ear of the country for individual speeches made in opposition.

That situation was as patent to us then as it is now. We defended our honor. We refused to receive from the President of the United States a schoolmaster rebuke of us, and we refused to receive a message which, in our opinion, stated things as facts that were, in our opinion, not facts, and which assumed an offensive and insulting attitude toward the House. We occupy a constitutional position, and he another. It does not seem to me that it would be "fair fighting" by our own authority to give ourselves additional weapons to those with which we entered upon the fight. In addition to that, I think that gentlemen are underestimating the common sense of the American people when they take for granted that the American people do not understand, and will not understand, the real issue between the President and the House. That real issue

was simply a denial on the part of the House of the proposition that anybody, anywhere, had a right to insult the House, whether it be the President of the United States or anybody else, whether in the guise of a message, or any other communication. It was simply a measure that any gentleman takes when somebody sends him an offensive letter, a right either to throw it into the wastebasket or to send it back after being opened. What we did with the President was broadly to send back to him what he had said, because it was insulting and offensive and, in our opinion as a body, was, moreover, untrue.

I am not willing that the dignified action that the House took within the scope of its constitutional prerogatives shall have as an unnecessary supplement to it an attempt upon its part to go outside of the regular routine in order to put itself before the country with a degree of strength that the ordinary routine would not carry with it.

Mr. DOUGLAS. Will the gentleman yield for a question?

Mr. WILLIAMS. Yes.

Mr. DOUGLAS. Does not the gentleman think that when one gentleman assures another gentleman of his perfect lack of any intention to insult, that that gentleman ought to accept his word for it?

Mr. WILLIAMS. Mr. Speaker, in response to the question of the gentleman, I will say that if I wrote him a note accusing him of being the subject of corrupt influences or of being "actuated by corrupt influences," and he wrote back to me and said "Your note is offensive," and then after that I said to him in another note, "I did not mean to be offensive, but, all the same, you have been actuated by corrupt influences," I would say that the gentleman had apologized in words, while he had added insult to injury in fact. That is what the President did.

He covertly repeated his insult, and with devilish ingenuity concealed its covertness.

When a man calls me a liar and then writes me he "did not mean to be offensive," and then goes on and tries to prove I am a liar, I see no apology in the response. [Applause.] The supplemental message of the President was neither an apology nor an explanation of the offense to the House——

Mr. LANDIS. Mr. Speaker, I rise to the point of order that the gentleman is not speaking to the resolution under consideration.

Several MEMBERS. He has finished.

Mr. WILLIAMS. With this addition: We are not only an equal and coordinate branch of this Government, but a separate branch, and armed by the Constitution with the right to sit in judgment on our own conduct, responsible to nobody but the people—our constituents.

Mr. SMITH of Iowa. Will the gentleman from Indiana yield to me?

Mr. LANDIS. Mr. Speaker, I yield three minutes to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I believe the passage of this resolution would be unwise. [Applause.] I know that the personal opinion of the chairman of the Committee on Printing was that it was unwise. The only possible excuse for this printing, in my judgment, is this, that owing to the volume of the proceedings of that day they did not receive that full treatment by the press that was necessarily given to the President's messages, and so the country received a full statement of the President's position and only a partial statement of the position of the House. I for one am willing to go to my constituents upon my record in this House unaided by an appropriation from the Federal Treasury. [Applause.] Well knowing that the convictions of the gentleman from Indiana have all the time been against this action, I now ask him to yield to me to move to lay this resolution on the table.

Mr. LANDIS. Mr. Speaker, I yield to the gentleman from Iowa for that purpose.

Mr. SMITH of Iowa. Mr. Speaker, I move to lay the resolution on the table.

The question was taken, and the motion to lay on the table was agreed to. [Applause.]

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 23 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Postmaster-General submitting an estimate of deficiency appropriation for the postal service (H. Doc. No. 1320)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriations for repairs of buildings in the Department of the Interior (H. Doc. No. 1319)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Agriculture submitting an estimate of appropriation for contingent expenses in Department of Agriculture (H. Doc. No. 1318)—to the Committee on Agriculture and ordered to be printed.

Report of commission to investigate the title of the United States to lands in the District of Columbia (S. Doc. No. 653)—to the Committee on Public Buildings and Grounds and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Ordnance, report of tests of iron and other materials for industrial purposes at Watertown Arsenal (H. Doc. No. 1322)—to the Committee on Manufactures and ordered to be printed with illustrations.

A letter from the president of the Chesapeake and Potomac Telephone Company, showing the results of the operations of the said company in the District of Columbia for the year 1908 (H. Doc. No. 1321)—to the Committee on the District of Columbia and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 24151) to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the county court of Marshall County, W. Va., reported the same without amendment, accompanied by a report (No. 1853), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ENGLEBRIGHT, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 25396) for relief of applicants for mineral surveys, reported the same with amendments, accompanied by a report (No. 1856), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OVERSTREET, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 25805) to reenact and to amend sections 3646 and 3647 of the Revised Statutes, reported the same without amendment, accompanied by a report (No. 1855), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. OVERSTREET, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 25019) granting a franking privilege to Frances F. Cleveland, reported the same with amendments, accompanied by a report (No. 1854), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 18633) granting an honorable discharge to Maurice Spillane—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 22861) for the relief of John S. May—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 25990) granting a pension to George W. Eckert—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. EDWARDS of Kentucky: A bill (H. R. 26204) for the erection of a monument to Daniel Boone—to the Committee on the Library.

By Mr. STEPHENS of Texas: A bill (H. R. 26205) authorizing the Secretary of the Interior to complete the final rolls of the Choctaw and Chickasaw tribes of Indians in Oklahoma—to the Committee on Indian Affairs.

By Mr. SHEPPARD: A bill (H. R. 26206) to provide for repaying to rightful owners, their heirs or legal representatives, the proceeds of the cotton tax illegally collected by the United States in the State of Texas in the years 1863, 1864, 1865, 1866, 1867, and 1868, and for the disposition of such proceeds as may remain unclaimed and unawarded—to the Committee on War Claims.

By Mr. FOSTER of Vermont: A bill (H. R. 26207) providing special postage rates on third-class and fourth-class matter on rural free-delivery routes—to the Committee on the Post-Office and Post-Roads.

By Mr. JENKINS: A bill (H. R. 26208) authorizing the acquisition of all plants of electric-lighting companies and gaslight companies in the District of Columbia by purchase or condemnation—to the Committee on the District of Columbia.

By Mr. BARTHOLDT: A bill (H. R. 26209) to repeal acts heretofore passed relating to alienation of the title of the United States to land in the District of Columbia, and for other purposes—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 26210) to provide for ascertaining the interest or title of the United States in any land or water rights in the District of Columbia—to the Committee on Public Buildings and Grounds.

By Mr. PERKINS: A bill (H. R. 26211) incorporating the National Institute of Arts and Letters—to the Committee on the Judiciary.

Also, a bill (H. R. 26212) incorporating the National Academy of Arts and Letters—to the Committee on the Judiciary.

By Mr. LANGLEY: A bill (H. R. 26213) extending the time in which the Court of Claims shall receive application of persons to share in the judgment of said court rendered May 18, 1905, in favor of the Cherokee Indians—to the Committee on Indian Affairs.

By Mr. EDWARDS of Georgia: A bill (H. R. 26214) providing for a military highway between the city of Savannah, Ga., and Fort Screven, Tybee Island, Georgia—to the Committee on Military Affairs.

By Mr. JONES of Virginia: A bill (H. R. 26215) authorizing and empowering the Secretary of the Department of Commerce and Labor to establish lighted buoys to mark the dredged channel through Newport News Middle Ground, Virginia—to the Committee on Interstate and Foreign Commerce.

By Mr. ANDREWS: A bill (H. R. 26216) to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 26217) granting a pension to Benjamin F. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26218) granting a pension to Thomas A. Stone—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26219) granting a pension to Hiram McClure—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26220) granting a pension to Samuel F. Biteman—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: A bill (H. R. 26221) granting an increase of pension to John N. Woodward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26222) granting an increase of pension to Daniel Bloxham—to the Committee on Invalid Pensions.

By Mr. BRODHEAD: A bill (H. R. 26223) granting an increase of pension to Tilghman Fehr—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 26224) granting an increase of pension to Thomas Keeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26225) granting an increase of pension to James E. Nash—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26226) granting an increase of pension to James Wright—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 26227) granting a pension to Anna M. Dixon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26228) to provide for payment of the claims of the Augustinians, the Dominicans, the Recoletos, and the Franciscans, religious orders of the Roman Catholic Church in the Philippine Islands—to the Committee on Insular Affairs.

By Mr. CRUMPACKER: A bill (H. R. 26229) granting an increase of pension to Hugh H. Steele—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26230) granting an increase of pension to Edward P. Washburn—to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 26231) granting a pension to Fanny Hill—to the Committee on Invalid Pensions.

By Mr. DUREY: A bill (H. R. 26232) granting an increase of pension to William H. Dunham—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Kentucky: A bill (H. R. 26233) granting an increase of pension to Minter Bailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26234) granting an increase of pension to William J. Lawless—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26235) granting an increase of pension to John T. Emberton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26236) granting an increase of pension to Arthur R. Frogge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26237) granting an increase of pension to Robert E. Sawyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26238) granting an increase of pension to William Ingram—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26239) granting an increase of pension to Jefferson Colwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26240) granting an increase of pension to Levi Ferrel—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 26241) granting an increase of pension to John Maguire—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Kentucky: A bill (H. R. 26242) granting an increase of pension to Daniel Duff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26243) granting an increase of pension to Rufus J. Carter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26244) granting a pension to Washington Craft—to the Committee on Pensions.

By Mr. ESTOPINAL: A bill (H. R. 26245) for the benefit of the Citizens' Bank of Louisiana—to the Committee on War Claims.

By Mr. HALE: A bill (H. R. 26246) granting a pension to James W. Mitchell—to the Committee on Pensions.

By Mr. HAMLIN: A bill (H. R. 26247) granting a pension to Fay Milligan—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 26248) granting a pension to Susan Snow—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 26249) granting an increase of pension to Timothy Sullivan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26250) granting an increase of pension to George W. Nash—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 26251) granting an increase of pension to Howell G. Adell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26252) granting an increase of pension to Charles F. Boorman—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 26253) granting an increase of pension to Michael Barry—to the Committee on Invalid Pensions.

By Mr. JACKSON: A bill (H. R. 26254) granting a pension to William T. North—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26255) granting a pension to Severn J. Howard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26256) granting a pension to Josiah B. Ross—to the Committee on Invalid Pensions.

By Mr. ADDISON D. JAMES: A bill (H. R. 26257) granting a pension to James H. Ashley—to the Committee on Invalid Pensions.

By Mr. LENAHAN: A bill (H. R. 26258) granting an increase of pension to John Grady—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 26259) granting a pension to Lucy A. Branham—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 26260) granting a pension to Annie E. Harris—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 26261) authorizing the President to place on the retired list of the army with the rank of captain George G. Craig, a contract surgeon who has served

many years as such in the army—to the Committee on Military Affairs.

By Mr. MARSHALL: A bill (H. R. 26262) granting an increase of pension to Martin Murray—to the Committee on Pensions.

By Mr. MARTIN: A bill (H. R. 26263) granting an increase of pension to Charles K. Weedon—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 26264) granting an increase of pension to John Shaffer—to the Committee on Invalid Pensions.

By Mr. NELSON: A bill (H. R. 26265) granting a pension to Mary A. Stanton—to the Committee on Invalid Pensions.

By Mr. O'CONNELL: A bill (H. R. 26266) granting a pension to Annie Gillis—to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 26267) granting an increase of pension to Aaron H. Waitt—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 26268) granting an increase of pension to Anthony Coyne—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 26269) granting an increase of pension to T. J. Necessary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26270) granting an increase of pension to Burton M. Goines—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26271) granting an increase of pension to William Ira Annin—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 26272) granting an increase of pension to Thomas McGrath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26273) granting an increase of pension to George Albright—to the Committee on Pensions.

Also, a bill (H. R. 26274) granting a pension to Pearl L. Phillips—to the Committee on Pensions.

Also, a bill (H. R. 26275) granting a pension to Mary Highland—to the Committee on Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 26276) granting an increase of pension to William H. Rininger—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 26277) granting a pension to Elizabeth Reese—to the Committee on Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 26278) granting a pension to Ella Tibbens—to the Committee on Pensions.

Also, a bill (H. R. 26279) granting an increase of pension to Augustus W. Green—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Charles W. Needham, president of the George Washington University, praying for appropriation in aid of the work of that institute—to the Committee on Appropriations.

By Mr. ALEXANDER of New York: Petition of Brownsville Grange, No. 914, Patrons of Husbandry, favoring a parcels-post and a postal savings banks law—to the Committee on the Post-Office and Post-Roads.

By Mr. BARCHFELD: Petition of citizens of the borough of Carnegie, Pa., and Robinson Township, Allegheny County, Pa., favoring parcels post on rural-delivery routes and establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. BIRDSALL: Petition of A. W. Forbes and others, of the city of Hudson, Iowa, against parcels-post delivery on rural free-delivery routes and postal savings banks law—to the Committee on the Post-Office and Post-Roads.

By Mr. BOWERS: Petition of Frederick Hess, of Pascagoula, Miss., for an appropriation to indemnify him for the loss of his title to a part of Round Island, and to thereby enable him to collect a series of photographs of Halley's comet to be taken during 1909 and 1910, and observe that comet's return to perihelion in 1910—to the Committee on Appropriations.

By Mr. BURLEIGH: Petition of Pittston Grange and Harvest Home Grange, of West Ellsworth, Me., favoring parcels-post and postal savings banks bills—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDER: Petition of National Woman's Christian Temperance Union, favoring the Littlefield bill, designed to protect prohibition territory against liquor traffic through interstate commerce—to the Committee on the Judiciary.

Also, petition of Hugh Fernaghty, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition for legislation to secure fairer consideration of railway interests—to the Committee on Interstate and Foreign Commerce.

By Mr. DAWSON: Petition of Frank Berneck and 17 others, for parcels-post and postal savings banks law—to the Committee on the Post-Office and Post-Roads.

By Mr. EDWARDS of Kentucky: Papers to accompany bills for relief of William J. Lawless, Jefferson Colwell, Levi Ferel, Daniel Duff, William Ingram, Robert R. Sawyer, Arthur R. Frogg, John W. Huff, Thomas O. Letcher, Thomas M. Floyd, and Eli Couch—to the Committee on Invalid Pensions.

By Mr. FOCHT: Paper to accompany bill for relief of Robert J. Bingaman—to the Committee on Invalid Pensions.

By Mr. FOULKROD: Petition for legislation pensioning members of the United States Telegraph Corps in the civil war—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of George E. Wellingham and 21 other citizens, of Sheridan, Ill., against Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

Also, petition of Merchant Marine League of the United States, favoring legislation to increase postal service to South America and other countries on the Pacific Ocean—to the Committee on the Post-Office and Post-Roads.

Also, petition of Wait Talcott, of Rockford, Ill., favoring H. R. 4924 and S. 2654, to create a civil war volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. GRAFF: Petition against enactment of parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMLIN: Papers to accompany bills for relief of E. E. Garner, W. K. Whitaker, and William E. Lawrence—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: Petition of A. E. Case, of Cawasa Grange, No. 34, Patrons of Husbandry, of Collinsville, Conn., in favor of parcels post and postal-savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HIGGINS: Petitions of Preston City (Conn.) Grange, No. 116; E. Gallup and others, residents of Sterling, Conn.; Natchaug Grange, No. 68; and Pomona Grange, No. 6, Patrons of Husbandry, favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HINSHAW: Paper to accompany bill for relief of Howell G. Adell—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of Mary Robinson—to the Committee on Pensions.

By Mr. HOWELL of Utah: Petitions of citizens of Ogden and Salt Lake City, Utah, against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

Also, petitions of citizens of Eureka and Mammoth, Utah, favoring retention of present tariff duties on lead and lead ores—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition for legislation to encourage return of railway business to normal conditions—to the Committee on Interstate and Foreign Commerce.

Also, petition of Everett L. Easton and others, of Brooklyn, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. MALBY: Petition of residents of the Twenty-sixth Congressional District of New York, favoring establishment of postal savings banks and a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Petition of Larimer County Medical Society, against the passage of H. R. 21982, relative to transportation of habit-forming and poisonous drugs in interstate and foreign commerce, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. NORRIS: Petition of citizens of Huntley, Nebr., against a parcels-post system and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of National Woman's Christian Temperance Union, in convention at Denver, Colo., for legislation to protect prohibition territory against liquor traffic through interstate commerce—to the Committee on the Judiciary.

By Mr. PUJO: Paper to accompany bill for relief of Aaron H. Waitt—to the Committee on Invalid Pensions.

By Mr. ROTHERMEL: Petition of citizens of Reading, Pa., against passage of Senate bill 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. SHEPPARD: Paper to accompany bill for relief of Henry Welch—to the Committee on Invalid Pensions.

By Mr. SLEMP: Papers to accompany bills for relief of Burton M. Goines, William Ira Annis, and T. J. Necessity—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: Petition of Luther M. Cudney and 42 others, of Flint, Mich., for postal savings banks and parcels-post laws—to the Committee on the Post-Office and Post-Roads.

By Mr. STURGISS: Petition of Jesse G. Vauscoy, in favor of creation of national highway commission—to the Committee on Agriculture.

By Mr. TAYLOR of Ohio: Petition of H. E. Rainier and other citizens of Groveport, Ohio, for passage of parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. TIRRELL: Petition of Gustav Clane, favoring parcels-post system and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petitions of Ross Grange, No. 305, of Ellicott, N. Y., and business men of Sherman, N. Y., favoring parcels-post and savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of Pennsylvania: Petition of C. L. Peck and 22 others, of Osceola, Pa., asking passage of parcels-post law—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, *January 15, 1909.*

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

REMOVAL OF SNOW AND ICE IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, requesting that an appropriation of $10,000 be made for removing snow, ice, and slush from the route of the inaugural procession, etc. (H. Doc. No. 1347), which, with the accompanying papers, was referred to the Committee on the District of Columbia and ordered to be printed.

ELECTORAL VOTE OF FLORIDA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, an authenticated copy of the certification of the final ascertainment of electors for President and Vice-President appointed in the State of Florida, which, with the accompanying paper, was ordered to be filed.

REPORT OF CHESAPEAKE AND POTOMAC TELEPHONE COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Chesapeake and Potomac Telephone Company for the year ended December 31, 1908 (H. Doc. No. 1321), which was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 23351) for the relief of the owners of the Mexican steamship *Tabasqueno*.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 12490) for the relief of Clarence Frederick Chapman, of the United States Navy; asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and had apointed Mr. BUTLER, Mr. ROBERTS, and Mr. GREGG managers at the conference on the part of the House.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 22884. An act to impose a tax upon alcoholic compounds coming from Porto Rico, and for other purposes; and

H. R. 25392. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 23866) to amend an act entitled "An act to authorize the construction of a bridge between Fort Snelling Reservation and St. Paul, Minn.," approved March 17, 1906, and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Board of Trade of Hoboken, N. J., praying for the enactment of legislation to confer citizenship upon the people of Porto Rico, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the American Chemical Society, of Baltimore, Md., praying for the enactment of legislation to establish a permanent national conservation commission, and also for the more extensive investigation of chemical questions involved in conservation problems, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of John C. Scantling, of Washington, D. C., praying for the enactment of legislation to increase the efficiency of the army, which was referred to the Committee on Military Affairs.

He also presented a petition of the town council of St. Andrew, Fla., praying that an appropriation be made for the improvement of the entrance to the harbor of St. Andrews Bay in that State, which was referred to the Committee on Commerce.

He also presented the petition of Edward P. North, of New York City, N. Y., praying for the enactment of legislation to provide that no duties shall be collected on goods carried to or from the Philippines or other insular possessions of the United States when carried in vessels built in the United States and owned by a citizen or citizens thereof, which was referred to the Committee on Finance.

He also presented a memorial adopted at a mass meeting of citizens held at the Buildings Trades Auditorium, of San Francisco, Cal., remonstrating against the action of Justice Wright, of the supreme court of the District of Columbia, in imposing a jail sentence on Gompers, Mitchell, and Morrison, which was referred to the Committee on the Judiciary.

Mr. SCOTT presented petitions of sundry citizens of Moundsville, Mason, and Parkersburg, all in the State of West Virginia, praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. FRYE presented a petition of the Board of Trade of Portland, Me., praying for the enactment of legislation granting travel pay to railway postal clerks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Grange, Patrons of Husbandry, of Cornish, Me., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CUMMINS presented a petition of sundry citizens of the State of Iowa, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition of sundry citizens of Milford, N. H., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the board of directors of the Associated Charities of Washington, D. C., praying for the enactment of legislation to correct the existing evils and abuses in the business of loan companies in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented the petition of R. H. Hartshorn, of Washington, D. C., praying that an appropriation of $20,475 be made for the construction of a trunk sewer for North Columbia Heights, in the District of Columbia, and also for the purchase of additional land for use as a playground for the Petworth School, in the District of Columbia, which was referred to the Committee on Appropriations.

He also presented a petition of the Christian Endeavor Union, of the District of Columbia, praying for the enactment of legislation making the first day of the week a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Park View Citizens' Association, of Washington, D. C., praying that an investigation be made into the manufacture and distribution of gas in the District of Columbia, and also for the enactment of such legislation as will insure to the consumers a high quality of gas free from impurities and excess of carbon monoxide, which was referred to the Committee on the District of Columbia.

Mr. WARREN presented a petition of Local District No. 22, United Mine Workers of America, of Superior, Wyo., and a petition of Local Union No. 2336, United Mine Workers of America, of Diamondville, Wyo., praying for the enactment of legislation granting to each man killed or injured in or around mines a sufficient amount to maintain his family or beneficiaries, which were referred to the Committee on Mines and Mining.

Mr. LODGE presented resolutions of the American Association of China, in regard to the United States court for China, which, with the accompanying papers, were referred to the Committee on Foreign Relations.

Mr. DEPEW presented a petition of the Federation of Jewish Organizations of the State of New York, praying for the enactment of legislation to establish the office of Jewish chaplain in the army and navy of the United States, which was referred to the Committee on Military Affairs.

Mr. BROWN presented a petition of the Woman's Club of Omaha, Nebr., praying for the enactment of legislation to provide an appropriation for agricultural and industrial education in secondary schools, for normal instruction in agricultural and industrial subjects, and for branch agricultural experiment stations, which was referred to the Committee on Education and Labor.

Mr. HEYBURN presented sundry papers to accompany the bill (S. 8446) to create an additional division in the judicial district of the State of Idaho, which were referred to the Committee on the Judiciary.

Mr. BULKELEY presented a petition of Cawasa Grange, No. 34, Patrons of Husbandry, of Collinsville, Conn., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DICK presented a petition of the members of the Academy of Medicine, of Cincinnati, Ohio, and a petition of the West End Medical Society, of Cincinnati, Ohio, praying for the enactment of legislation providing for the organization of all existing national public health agencies into a single national public health department, which were referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of the Southard Novelty Company, of Columbus, Ohio, remonstrating against any increase being made in the duty on manufactured paper goods, which was referred to the Committee on Finance.

He also presented a petition of the Retail Grocers' Association Company, of Youngstown, Ohio, praying for the repeal of the duty on sugar, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Bryan, Tuscarawas, Jeromesville, Georgetown, and Bloomingdale, all in the State of Ohio, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the savings banks, building, and trust associations of Zanesville, Ohio, and a memorial of the board of directors of the Bank of North Lewisburg, of North Lewisburg, Ohio, remonstrating against the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Merchants' Association of New York and a memorial of the Railway Business Association of New York City, N. Y., remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which were referred to the Committee on Interstate Commerce.

He also presented a petition of the National Woman's Christian Temperance Union, of Evanston, Ill., praying for the enactment of legislation to create a national liquor commission to investigate the effects of the traffic upon the moral and industrial affairs of the country, which was referred to the Committee on the Judiciary.

He also presented a petition of the Chicago-Toledo-Cincinnati Deep Waterways Association, of Defiance, Ohio, praying for the enactment of legislation providing for the construction of a new canal between Toledo, Ohio, and Chicago, Ill., and for the enlargement of the Miami and Erie Canal between Cincinnati and Toledo, with a view of establishing the great central waterways system of the United States, which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. DOLLIVER, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 382) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes, reported it without amendment and submitted a report (No. 771) thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 108) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. Demetrio Castillo, jr., of Cuba, reported it without amendment and submitted a report (No. 772) thereon.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 8259) providing for the construction of a light and fog signal at Army Point, Suisun Bay, California, reported it without amendment and submitted a report (No. 773) thereon.

Mr. PAYNTER, from the Committee on Indian Affairs, to whom was referred the bill (S. 7916) to amend an act approved May 8, 1906, entitled "An act to amend section 6 of an act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes,'" reported it with amendment and submitted a report (No. 774) thereon.

Mr. SMITH of Michigan, from the Committee on Commerce, to whom was referred the bill (S. 8266) to require life-preservers on motor vessels, reported it with amendments and submitted a report (No. 775) thereon.

He also, from the same committee, to whom was referred Senate concurrent resolution 62, submitted by himself on the 7th instant, directing the Secretary of War to cause a survey of Lake Michigan at Leland, reported it without amendment.

He also, from the same committee, to whom was referred Senate concurrent resolution 66, submitted by himself on the 12th instant, providing for preliminary survey of Lake Michigan at Port Sanilac, Mich., reported it without amendment.

He also, from the same committee, to whom was referred Senate concurrent resolution 67, submitted by himself on the 12th instant, providing for a preliminary survey of Lake Michigan at Forester, Mich., reported it without amendment.

MINNESOTA AND MANITOBA RAILROAD.

Mr. CLAPP. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 7639) authorizing the Secretary of the Interior to appraise certain lands in the State of Minnesota for the purpose of granting the same to the Minnesota and Manitoba Railroad Company for a ballast pit, to report it favorably with an amendment in the nature of a substitute, and I submit a report (No. 770) thereon. This is a local bill, and I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The SECRETARY. The committee reports to strike out all after the enacting clause and in lieu thereof to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be appraised the south half of the southwest quarter of section 4, township 161 north, range 34 west of the 5th meridian of the Red Lake Indian Reservation in the State of Minnesota, for the purpose of granting the same to the Minnesota and Manitoba Railroad Company for a ballast pit for ballasting its line of railway in the State of Minnesota, and upon appraising said land the Secretary of the Interior is authorized to convey the same to said railroad company upon such terms as he may deem advisable: *Provided*, That he shall not convey said land to said railroad company until Hans M. Carlson, who has heretofore made homestead entry thereon, shall relinquish such homestead entry and claim to the land herein described, which relinquishment the said Hans M. Carlson is authorized to make without prejudice to his rights as homesteader; and upon the filing of such relinquishment said land shall be withheld from public entry for the space of six months within which to complete the negotiation for the same provided for by this act.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

J. RANDOLPH PEYTON.

Mr. SCOTT. I report back from the Committee on Military Affairs with amendments the bill (S. 7764) for the relief of J. Randolph Peyton, and I submit a report (No. 769) thereon. I ask unanimous consent to have the bill considered at this time.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, in line 5, after the word "Peyton," to insert the word "late;" in line 7, after the word "lieutenant," to insert the words "of infantry;" and in line 8, after the word "lieutenant," to insert the words "of infantry," so as to make the bill read:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint J. Randolph Peyton, late a cadet at the Military Academy at West Point, to the position of second lieutenant of infantry in the army, and to place him upon the retired list with the pay of a retired second lieutenant of infantry.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 8508) granting a pension to Alice Rugan, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GORE introduced the following bills, which were severally read twice by their titles and, with the accompanying letters from the Secretary of the Interior, which were ordered to be printed, referred to the Committee on Indian Affairs:

A bill (S. 8509) authorizing the Secretary of the Interior to grant an extension of time to the purchasers of certain lots sold under his direction; and

A bill (S. 8510) to extend the time of payments on certain homestead entries in Oklahoma.

Mr. FRAZIER introduced a bill (S. 8511) granting an increase of pension to William Riddle, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 8512) for the relief of the estate of George H. Stovall, which was read twice by its title and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 8513) for the relief of the estate of William Duncan, deceased; and

A bill (S. 8514) for the relief of Christiana J. White, living, and the estates of James H. White and Elizabeth White, both deceased.

Mr. CUMMINS introduced a bill (S. 8515) granting an increase of pension to John C. Martin, which was read twice by its title and referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 8516) to increase the efficiency of army bands, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. McCREARY introduced a bill (S. 8517) for the relief of T. B. Bratton, which was read twice by its title and referred to the Committee on Claims.

Mr. GALLINGER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on the District of Columbia:

A bill (S. 8518) empowering the juvenile court of the District of Columbia to issue execution on forfeited recognizances;

A bill (S. 8519) to transfer from the Secretary of the Interior to the Commissioners of the District of Columbia certain duties in respect to the Washington and Georgetown Railroad Company;

A bill (S. 8520) requiring reports of the Hospital for Foundlings to be made to the Commissioners of the District of Columbia; and

A bill (S. 8521) to amend sections 4 and 16 of "An act to incorporate the Columbia Railway Company of the District of Columbia," approved May 24, 1870.

Mr. GALLINGER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Naval Affairs:

A bill (S. 8522) to appoint John H. De Meritt assistant paymaster in the navy of the United States and then place the name of said De Meritt on the retired list thereof (with the accompanying papers); and

A bill (S. 8523) to create in the Navy Department a roll to be known as the "Volunteer and Regular Navy and Marine Corps civil-war service list."

Mr. SUTHERLAND introduced a bill (S. 8524) to determine the jurisdiction of the circuit courts of the United States in actions between citizens of a State and any Territory of the United States, and providing for the removal of such actions from the state courts, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. DEPEW introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 8525) to correct the military record of Cleveland W. Goff; and

A bill (S. 8526) for the relief of Willard H. Peck (with an accompanying paper).

Mr. DEPEW introduced a bill (S. 8527) granting an increase of pension to William G. Brady, which was read twice by its title and, with an accompanying paper, referred to the Committee on Pensions.

Mr. WETMORE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8528) granting an increase of pension to John Farrell; and

A bill (S. 8529) granting an increase of pension to Joseph N. Weaver.

Mr. HEMENWAY introduced a bill (S. 8530) for the relief of the estate of Frederick P. Gray, which was read twice by its title and referred to the Committee on Claims.

Mr. CURTIS introduced a bill (S. 8531) for the relief of W. H. De Long, which was read twice by its title and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8532) granting a pension to John R. Blair (with an accompanying paper);

A bill (S. 8533) granting an increase of pension to John Scott (with an accompanying paper); and

A bill (S. 8534) granting an increase of pension to James W. Wilcoxson.

Mr. McCREARY introduced a bill (S. 8535) granting an increase of pension to James Nunan, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. du PONT introduced a bill (S. 8536) granting an increase of pension to William S. Safford, which was read twice by its title and referred to the Committee on Pensions.

Mr. DOLLIVER introduced a bill (S. 8537) granting an increase of pension to John M. Guthrie, which was read twice by its title and referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 8538) for the relief of James City Methodist Chapel, of James City County, Va., which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 8539) granting a pension to Mrs. Frank Babbitt Shelden, which was read twice by its title and referred to the Committee on Pensions.

Mr. FRAZIER introduced a bill (S. 8540) to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902, as amended by an act approved February 1, 1905, entitled "An act to amend an act entitled 'An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.,'" which was read twice by its title and referred to the Committee on Commerce.

IDAHO JUDICIAL DISTRICT.

Mr. HEYBURN. Mr. President, I ask leave to withdraw the bill (S. 8446) to create an additional division in the judicial district of the State of Idaho, which was introduced by me on the 13th instant and referred to the Committee on the Judiciary. Section 8 was striken out, but through inadvertence in the clerical preparation of the bill it was left in. I desire to withdraw the bill for the purpose of striking out section 8 and then have it reprinted.

The VICE-PRESIDENT. Without objection, it is so ordered.

HOUSE BILLS REFERRED.

H. R. 22884. An act to impose a tax upon alcoholic compounds coming from Porto Rico, and for other purposes, was read twice by its title and referred to the Committee on Finance.

H. R. 25392. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had, on January 9, 1909, approved and signed the following act:

S. 5207. An act for the relief of William Radcliffe.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. FRAZIER. Mr. President, I desire to give notice that on Wednesday next, the 20th instant, immediately after the conclusion of the morning business, I shall submit some remarks on the bills pending to restore certain enlisted men to the army, growing out of the Brownsville affray.

HOUR OF MEETING TO-MORROW.

Mr. HALE. Mr. President, I move that when the Senate adjourns to-day it be to meet at half past 1 o'clock to-morrow.

The motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. I ask the Senate to proceed to the consideration of House bill 23464, the legislative, executive, and judicial appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. I ask that the formal reading of the bill may be omitted, and that the bill be read for action on the committee amendments.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Is there objection? The Chair hears none, and it is so ordered. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "Legislative," in the item of appropriation for the Senate, on page 2, line 14, before the word "dollars," to insert "two hundred," so as to read:

Chaplain: For Chaplain of the Senate, $1,200.

The amendment was agreed to.

The next amendment was, in the items for the office of the Secretary of the Senate, on page 2, line 16, after the word "officer," to insert "of salaries of Senators and;" in line 17, after the word "Senate," to strike out "five thousand" and insert "six thousand five hundred;" and in line 18, after the word "dollars," to strike out "and for compensation as disbursing officer of salaries of Senators, $396; hire of horse and wagon for the Secretary's office, $700," so as to read:

Office of Secretary: For Secretary of the Senate, including compensation as disbursing officer of salaries of Senators and of the contingent fund of the Senate, $6,500, etc.

The amendment was agreed to.

Mr. CULBERSON. The report which accompanied the bill shows the amount of the bill as passed by the House to be $31,662,760, and the net increase recommended by the Senate committee amounts to the usually large sum of $727,974. I will ask the Senator from Wyoming, who has charge of the bill, to state briefly (and I think he can state it somewhat more briefly than the report does) the principal items of increase.

Mr. WARREN. Mr. President, answering the Senator from Texas, I will say that one large item is the transfer of something like $130,000 from what has been heretofore paid from the contingent fund of the Senate for clerks to different committees, stenographers, clerks, messengers, and so forth, usually provided for in deficiency bills. We have increased the salary of the President of the United States $50,000, but the amendment cuts off $25,000 which would appear in another bill—the sundry civil appropriation bill. So in that item the real addition is but $25,000 to the expenses of the Government, and yet it appears in this bill as an increase of $50,000. Then comes the increase in the salaries of the Supreme Court, Court of Claims, circuit court of appeals, and district court judges of the United States, also the supreme court and court of appeals judges of the District of Columbia. Those make up the larger items of the net increase.

Mr. CULBERSON. My attention was distracted for a moment by a card having been sent in. Will the Senator state the aggregate increase for the judiciary? I have heard $450,000 a year estimated as the proposed increase of judicial salaries. I will ask the Senator if that is in the neighborhood of being correct?

Mr. WARREN. Without stopping to figure it, I think it might be in that neighborhood.

Mr. CLAY. I have the figures here.

Mr. HEMENWAY. It is three hundred and twenty-eight thousand and some hundred dollars.

Mr. WARREN. I am corrected by my colleague on the committee, who says it is three hundred and twenty-eight thousand and some odd hundred dollars.

Mr. CLAY. It is $328,500.

Mr. CULBERSON. For judicial salaries alone?

Mr. WARREN. Yes.

Mr. CLAY. I have here a statement showing the present salaries and the proposed increase.

Mr. WARREN. As the Senator's attention was distracted, I wish to say again that $134,320 of this sum is not a new draft upon the Treasury; it is simply a transfer from what would appear in another bill if not included here, and the same is true as to $25,000 of the additional compensation to the President. We have heretofore allowed in the sundry civil appropriation bill, I think, $25,000 a year to the President for traveling expenses. That is provided for here, and it will not be included in the sundry civil bill.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary continued the reading of the bill. The next amendment was, on page 3, line 19, to increase the total appropriation for maintenance of the office of the Secretary of the Senate from $78,976 to $79,380.

The amendment was agreed to.

The next amendment was, in the item of appropriation for clerks and messengers to committees of the Senate, on page 4, line 12, to increase the salary of the assistant clerk to the Committee on Appropriations from $2,220 to $2,500.

The amendment was agreed to.

The next amendment was, on page 4, line 17, to increase the salary of the clerk to the Committee on Claims from $2,220 to $2,500.

The amendment was agreed to.

The next amendment was, on page 4, line 20, to increase the salary of the clerk to the Committee on Commerce from $2,220 to $2,500.

The amendment was agreed to.

The next amendment was, on page 4, line 23, to increase the salary of the clerk to the Committee on Pensions from $2,220 to $2,500.

The amendment was agreed to.

The next amendment was, on page 5, line 3, to increase the salary of the Clerk to the Committee on the Judiciary from $2,220 to $2,500.

The amendment was agreed to.

The next amendment was, on page 5, line 6, to increase the salary of the clerk to the Committee on Military Affairs from $2,220 to $2,500.

The amendment was agreed to.

The next amendment was, on page 5, line 7, to increase the salary of the assistant clerk to the Committee on Military Affairs from $2,000 to $2,220.

The amendment was agreed to.

The next amendment was, on page 5, line 9, to increase the salary of the clerk to the Committee on Post-Offices and Post-Roads from $2,220 to $2,500.

The amendment was agreed to.

The next amendment was, on page 5, line 12, to increase the salary of the clerk to the Committee on the District of Columbia from $2,220 to $2,500.

The amendment was agreed to.

The next amendment was, on page 5, line 21, after the word "dollars," to insert: "Clerks to the Committees on Naval Affairs, Indian Affairs, Agriculture and Forestry, Public Buildings and Grounds, and Interstate Commerce, at $2,500 each."

The amendment was agreed to.

The next amendment was, on page 5, line 24, before the word "Census," to strike out "Naval Affairs;" in the same line, after the word "Lands," to strike out "Indian Affairs;" on page 6, line 1, after the word "Senate," to strike out "Public Buildings and Grounds, Agriculture and Forestry;" and in line 2, after the word "Territories," to strike out "Interstate Commerce;" so as to read:

Clerks to the Committees on Census, Public Lands, to Audit and Control the Contingent Expenses of the Senate, Education and Labor, Territories, Public Health and National Quarantine—

And so forth.

The amendment was agreed to.

Mr. KEAN. I understand that the committee amendments are now being considered.

The VICE-PRESIDENT. They are now being considered under the order of the Senate.

The next amendment was, on page 6, line 17, to increase the salaries of the clerks to the Committees on Woman Suffrage and Mines and Mining from $2,100 each to $2,220 each.

The amendment was agreed to.

The next amendment was, on page 6, line 19, to increase the total appropriation for the salaries of clerks and messengers to committees of the Senate from $138,820 to $142,920.

The amendment was agreed to.

The next amendment was, on page 6, after line 20, to insert:

For additional amount for the clerk to the Committee on Rules for revising and preparing for publication biennially, under the direction of the committee, the Senate Manual, $1,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 7, line 3, before the word "dollars," to strike out "one thousand eight hundred dollars each, thirty-nine thousand six hundred," and insert "two thousand two hundred and twenty dollars each, forty-eight thousand eight hundred and forty;" so as to make the clause read:

For 22 clerks to committee, at $2,220 each, $48,840.

The amendment was agreed to.

The next amendment was, on page 7, after line 3, to insert:

For the following now authorized by Senate resolutions and paid from the appropriations for miscellaneous items, contingent expenses of the Senate, namely: For assistant clerk to Committee on Appropriations, $2,500; assistant clerk to Committee on Foreign Relations, $2,220; assistant clerks to the Committees on Philippines, Pacific Islands and Porto Rico, Judiciary, Interstate Commerce, Pensions, Private Land Claims, District of Columbia, Rules, and conference minority of the Senate, at $1,800 each; three assistant clerks to Committee on Post-Offices and Post-Roads, assistant clerks to Committees on Appropriations, Territories, Indian Affairs, Naval Affairs, Immigration, Printing, Public Buildings and Grounds, Claims, Coast Defenses, Enrolled Bills, Manufactures, Military Affairs, Education and Labor, Agriculture and Forestry, Cuban Relations, Privileges and Elections, Public Lands, Interoceanic Canals, and Public Health and National Quarantine, at $1,440 each; messengers to committees on Joint Committee on the Library, Audit and Control the Contingent Expenses of the Senate, Privileges and Elections, Philippines, Immigration, Printing, Expenditures in the Department of State, Coast and Insular Survey, Mines and Mining, Railroads, Revision of the Laws of the United States, Territories, Agriculture and Forestry, Irrigation, Patents, Pacific Railroads, Pacific Islands and Porto Rico, Geological Survey, Transportation Routes to the Seaboard, Commerce, Census, Interstate Commerce, Forest Reservations and Protection of Game, Indian Depredations, University of the United States, Standards, Weights, and Measures, Industrial Expositions, Five Civilized Tribes of Indians, Revolutionary Claims, Investigate Trespassers on Indian Lands, National Banks, Additional Accommodations for the Library of Congress, Civil Service and Retrenchment, Mississippi River and its Tributaries, Examine the Several Branches of the Civil Service, Fisheries, Canadian Relations, Corporations Organized in the District of Columbia, Investigate the Condition of Potomac River Front at Washington, Disposition of Useless Documents in Executive Departments, Woman Suffrage, Transportation and Sale of Meat Products, Public Buildings and Grounds, Expenditures in the Treasury Department, Expenditures in the War Department, Expenditures in the Navy Department, Expenditures in the Interior Department, Expenditures in the Department of Agriculture, Expenditures in the Department of Justice, and Rules, at $1,440 each; clerk in the office of the Secretary of the Senate, compiling a history of revenue and general appropriation bills, at $2,500; two messengers, at $1,440 each; assistant librarian of the Senate, at $2,000; laborer, at $900; additional clerk in Senate Document Room, at $1,440; in all, $134,320.

Mr. FRYE. I call to the attention of the committee the fact that by a resolution of the Senate the assistant clerk of the Committee on Commerce receives $1,800, and in this amendment he is left at $1,440. It must be a mistake.

Mr. WARREN. If that is true, it is a mistake, because it was the intention to insert at the same amount as heretofore provided. I will say to the Senator that the intention was to follow the resolution, and it will be so corrected before we finish the consideration of the bill if a mistake has been made.

Mr. BURKETT. Before we leave this amendment, at the bottom of page 8 and the top of page 9 there is a provision for "compiling a history of revenue and general appropriation bills." Is that a new provision?

Mr. WARREN. It is not. It was formerly carried as all these matters that are in italics. They are existing clerkships, and some of them of many years' standing, but the salaries have been paid out of another fund. We seek in this bill to carry them into the general statutory provision year by year.

Mr. BURKETT. Then I should like to ask the Senator what is the object of employing that clerk and what he does?

Mr. WARREN. The Secretary of the Senate will inform the Senator about that, as he is a part of his corps.

Mr. BURKETT. If I could call the Secretary of the Senate here, I would be glad to get the information from him.

Mr. WARREN. I think the Senator will realize that the acting chairman of the subcommittee would hardly be able to state even what the different committee clerks are doing. But this clerk is one of the regular force of the Secretary of the Senate, who has this compilation to make from the files, documents, and so forth.

Mr. BURKETT. I will say to the Senator that I have not seen any such compilation as he refers to, and it seems to me the Senate has a right to know what the work is and something about it. I do not know of any place to ask for information, except from the committee having charge of the bill.

Mr. WARREN. Perhaps I can enlighten the Senator far enough to say that the man's name is Durfee. He has been employed, I think, ever since I have been a Member of the Senate in compiling, and so forth, as stated here, and also in making compilations regarding tariff matters of our own and other countries. His time has been largely detailed to the Finance Committee when not employed in the secretary's office proper.

Mr. HEYBURN. I should like to ask a question of the Senator in charge of the bill. I caught the suggestion that we are changing the system by transferring the payment of these officers of the Senate from our contingent fund to the General Treasury. Is that the fact?

Mr. WARREN. Yes.

Mr. HEYBURN. Does that make them subject to the civil service?

Mr. WARREN. The employees of the Senate are not subject to the civil service.

Mr. HEYBURN. They are not now, because they are paid out of a fund over which the Senate has control, but the question is whether or not this will be changed.

Mr. WARREN. I do not think they will be put under the civil service. Just as Senators' clerks and others here, they will be within the control of the Senate itself.

Mr. HEYBURN. Are you pretty sure of that?

Mr. WARREN. Yes. These are clerks in the office of the Secretary of the Senate.

The amendment was agreed to.

The next amendment was, on page 9, line 10, before the word "dollars," to strike out "five thousand" and insert "six thousand five hundred;" and in the same line, after the word "dollars," to strike out "horse and wagon for his use, $420, or so much thereof as may be necessary;" in line 19, after the word "each," to strike out "messenger to official reporters' room, to be selected by the official reporters, $1,440" and insert "clerk on journal work for CONGRESSIONAL RECORD, to be selected by the official reporters, $2,000;" in line 25, after the word "dollars," to insert "cabinetmaker, $1,200;" on page 10, line 1, before the word "at," to strike out "four carpenters to assist him" and insert "three carpenters;" and in line 5, before the word "female," to strike out "two" and insert "three," so as to read:

Office of Sergeant-at-Arms and Doorkeeper: For Sergeant-at-Arms and Doorkeeper, $6,500; for clerk to Sergeant-at-Arms, $2,000; assistant doorkeeper, $2,592; acting assistant doorkeeper, $2,592; 3 messengers, acting as assistant doorkeepers, at $1,800 each; 46 messengers, at $1,440 each; 2 messengers on the floor of the Senate, at $2,000 each; clerk on journal work for CONGRESSIONAL RECORD, to be selected by the official reporters, $2,000; storekeeper, $1,800; upholsterer and locksmith, $1,440; cabinetmaker, $1,200; 3 carpenters, at $960 each; janitor, $1,200; 3 skilled laborers, at $1,000 each; 2 skilled laborers, at $900 each; laborer in charge of private passage, $840; 3 female attendants in charge of ladies' retiring room, at $720 each.

The amendment was agreed to.

The next amendment was, on page 10, line 7, after the word "each," to insert "chief telephone operator, $1,000."

Mr. WARREN. I wish to change that amendment and the one that follows by raising one and reducing the other. After the words "one thousand" I move to insert "two hundred."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 10, line 8, after the word "each," to insert "night telephone operator, $840."

Mr. WARREN. I move to strike out "$840" and to insert "$720."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 10, line 15, before the word "laborers," to strike out "twenty-eight" and insert "twenty-nine."

The amendment was agreed to.

The next amendment was, on page 10, line 20, to increase the total appropriation for the office of the Sergeant-at-Arms and Doorkeeper of the Senate from $162,084 to $167,244.

The amendment was agreed to.

Mr. WARREN. I ask that the Clerk may be directed to change this total, and also to change any total that may have to be changed in perfecting the bill.

The VICE-PRESIDENT. Without objection, it is so ordered.

The next amendment was, on page 10, after line 20, to insert:

For police force for Senate Office Building under the Sergeant-at-Arms, namely: For 18 privates, at $1,050 each, $18,900.

The amendment was agreed to.

The next amendment was, on page 12, after line 16, to insert:

To enable the Postmaster of the Senate to keep a constant supply of postage stamps for sale to Senators, $50.

The amendment was agreed to.

The next amendment was, on page 13, line 2, to increase the appropriation for fuel, oil, and cotton waste, and advertising, for the heating and electrical apparatus from $25,000 to $45,000.

The amendment was agreed to.

The next amendment was, on page 13, line 10, after the word "labor," to strike out "and including purchase, driving, and care of carriage and horses for Vice-President," so as to make the clause read:

For miscellaneous items, exclusive of labor, $75,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 12, to insert:

For miscellaneous items on account of the Maltby Building, $18,480.

Mr. CULBERSON. Mr. President, that is a very general item. I do not know under whose control it is. It is a new item altogether. It is rather large, and is a lump appropriation made in a very indefinite way.

For miscellaneous items on account of the Maltby Building, $18,480.

Can we not have some explanation of it?

Mr. WARREN. It is for the expenses of the Sergeant-at-Arms in supporting the Maltby Building, largely in the payment of employees of the building. It is a usual appropriation, but was left out by the House this year, probably through a misunderstanding. I have in my hand an amendment to offer at the end of the clause providing for its transfer to the new Senate Office Building when that is completed.

Mr. CULBERSON. But it is a new item?

Mr. WARREN. It is a new item as it appears in the bill.

Mr. CULBERSON. It provides for the payment of the old roll, and is an entirely new item I take it.

Mr. WARREN. It appears here as a new item. Nevertheless, it is for contingent expenses that have been paid ever since we have used the Maltby Building.

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Georgia?

Mr. WARREN. I do.

Mr. CLAY. Mr. President, I certainly misunderstood the item which has just been read. We can not refer to what happened in the committee room, but I thought that item had reference to repairs that were to be made on the Maltby Building, and I am sure that impression prevailed when it was adopted in general committee. I understood that the building had to be overhauled, that an estimate had been made in regard to expenses for overhauling it, and that this item was to be used for that purpose. That is my understanding of it.

Mr. WARREN. Mr. President, the Senator from Georgia is partly right and partly wrong. The reason this clause appears here as a new item is that the other House constructs this bill in the first place, and that body probably forgot to include the item this year. Exactly the same provision was in the bill of last year. It does provide for repairs; but it also provides for all other expenses, for attendants, and for various things that are required for the use and comfort of those Senators who are roomed in the Maltby Building. I wish to offer the amendment to that clause which I send to the desk.

The VICE-PRESIDENT. The Senator from Wyoming proposes an amendment, which will be stated.

Mr. CLAY. Will the Senator let that item pass for the present?

Mr. CULBERSON. Let the proposed amendment to this item be first read.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. In the proposed amendment on page 13, line 14, after the word "Building," it is proposed to insert "and Senate Office Building," so that, if amended, the clause will read:

For miscellaneous items on account of the Maltby Building and Senate Office Building, $18,480.

Mr. WARREN. Now, Mr. President, I read from the bill which was enacted last year, as follows:

For miscellaneous items on account of the Maltby Building, $18,480.

I think that is exactly the same as the item in the present bill. Then there is another item:

For repairs of Maltby Building, $2,000.

The VICE-PRESIDENT. Without objection, the amendment to the amendment will be agreed to, and the amendment as amended will be agreed to.

Mr. CLAY. I ask the Senator from Wyoming to allow that item to go over for the present.

Mr. WARREN. I have no objection to that.

The VICE-PRESIDENT. Then the amendment will be regarded as pending.

Mr. WARREN. I should be very glad if the Senator would inform himself on this matter so that he may verify what I have stated as to expenses.

The VICE-PRESIDENT. The amendment will be regarded as pending.

Mr. DANIEL. May I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Virginia?

Mr. WARREN. I do.

Mr. DANIEL. Are we not about to vacate the Maltby Building?

Mr. WARREN. We have to vacate it soon for the purposes for which we are now using it, and the amendment which I have sent to the desk, and which has just been read, provides that the appropriation may be used in the new Office Building, as well as in the Maltby Building.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 13, after line 14, to insert:

For rent of warehouse for storage of public documents for the Senate, $3,600.

The amendment was agreed to.

The next amendment was, under the subhead "House of Representatives," on page 14, line 26, after the word "dollars," to insert the following proviso:

Provided, That the salary of the Speaker of the House of Representatives after March 3, 1909, shall be $20,000 per annum.

Mr. BORAH. Mr. President, I should like to ask, as a matter of information, whether or not it is contemplated that there shall be any provision of law changing these salaries, or whether or not this appropriation bill will fix the salaries hereafter?

Mr. WARREN. Mr. President, the salaries are fixed from time to time. This provision would fix the salary, if we were to continue to appropriate for it, until it might be altered.

Mr. BORAH. This would be legislation on this bill. Mr. President, I raise the point of order as to that proviso.

The VICE-PRESIDENT. Will the Senator from Idaho state what is his point of order?

Mr. BORAH. My point of order is that the proviso is general legislation.

Mr. WARREN. Mr. President, I want to appeal to the Senator from Idaho, not especially in reference to the point of order on this one item, but as to comity between the House and the Senate. The House usually make known what it decides to do as to that branch and the Senate as to this branch. In the present bill, however, the exchange of comity provided for the House increasing the emoluments of the Vice-President and the Senate inserting an amendment increasing the same for the Speaker of the House. I hope the Senator from Idaho will not press the point of order on any of these items, although I think, if he does, the point of order will not be sustained.

Mr. BORAH. The only thing I desire is to have some information as to how these salaries are raised. I wish to ascertain whether or not we shall have an opportunity to hereafter pass upon a bill raising salaries, or if this bill will have concluded the matter when these appropriations are passed?

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. BORAH. I do.

Mr. LODGE. Mr. President, merely on the point of order, I wish to say that I think it is clear that under the practice of both Houses to increase here what may be called a "standing appropriation" does not come within the rule against new legislation or against the changing of existing law, which is the language of the House provision. It is, or was, recognized in the House by a distinct provision that it is not in order to move to increase an appropriation, but in the Senate there is no such rule, and it has been the uniform practice in bills establishing salaries to increase them, if the Senate so desired. I merely wanted to make that brief statement on the point of order.

Mr. BORAH. Mr. President, if the matter can be passed over, I am willing to withdraw the point of order with the understanding that it shall be passed for the day, until I can inform myself as to whether or not we shall have an opportunity to pass upon these matters in another form. I do not propose to pass upon the raising of these salaries without knowing as to that.

Mr. WARREN. If the Senator will withdraw his point of order now and ask that the amendment lie over until the conclusion of the first reading of the bill, I shall be glad.

Mr. BORAH. Very well, I withdraw the point of order.

The VICE-PRESIDENT. The Senator from Idaho withdraws his point of order, and the amendment will be passed for the present.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 18, line 20, before the word "conductors," to strike out "six" and insert "twenty-four;" in line 21, after the word "elevators," to insert "including fourteen for service in the House of Representatives Office Building;" and on page 19, line 5, after the word "all," to strike out "twenty-five thousand" and insert "forty-six thousand six hundred," so as to make the clause read:

Under Superintendent of the Capitol Building and Grounds: For chief engineer, $1,900; 3 assistant engineers, at $1,300 each; 24 conductors of elevators, including 14 for service in the House of Representatives Office Building, at $1,200 each, who shall be under the supervision and direction of the Superintendent of the Capitol Building and Grounds; machinist, $1,300; electrician, $1,200; 2 laborers, at $820 each; 5 firemen, at $900 each; laborer, $1,000; 3 laborers, at $800 each; in all, $46,640.

The amendment was agreed to.

The next amendment was, on page 19, line 23, before the word "Pensions," to strike out "Naval Affairs;" on page 20, line 1, before the words "in all," to strike out "thirteen" and insert "twelve;" and in line 2, after the word "each," to insert "clerk to Committee on Naval Affairs, $2,400," so as to read:

Clerks to Committees on Agriculture, Claims, District of Columbia, Foreign Affairs, Interstate and Foreign Commerce, Indian Affairs, Judiciary, Military Affairs, Pensions, Public Buildings and Grounds, War Claims, and clerk to continue Digest of Claims under resolution of March 7, 1888, 12 in all, at $2,500 each; clerk to Committee on Naval Affairs, $2,400—

And so forth.

The amendment was agreed to.

The next amendment was, on page 21, line 3, to reduce the total appropriation for "clerks, messengers, and janitors to committees" from $115,820 to $115,720.

The amendment was agreed to.

The next amendment was, on page 27, line 8, before the word "hundred," to strike out "five" and insert "eight;" and in line 9, before the word "hundred," to strike out "five" and insert "eight," so as to make the clause read:

For clerk to the conference minority of the House of Representatives, $2,000; and for assistant clerk, $1,800; in all, $3,800. Said clerk and assistant clerk to be appointed by the chairman of the conference minority.

The amendment was agreed to.

The next amendment was, on page 30, after line 7, to insert:

For purchase, driving, maintenance, and care of carriage or other vehicle, and of horses, for use of the Speaker, $5,000.

Mr. BORAH. Mr. President, I ask that that amendment be permitted to go over.

Mr. WARREN. Mr. President, let it go over.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Copyright Office," on page 35, line 19, before the word "dollars, to insert "five hundred;" and in line 20, before the word "dollars," to strike out "two thousand five hundred" and insert "three thousand," so as to read:

Copyright Office, under the direction of the Librarian of Congress: Register of copyrights, $3,500; assistant register of copyrights, $3,000, etc.

The amendment was agreed to.

The next amendment was, on page 36, line 8, to increase the total appropriation for the copyright office, Library of Congress, from $86,360 to $87,360.

The amendment was agreed to.

The next amendment was, on page 38, line 16, after the word "dollars," to insert "1 assistant, $1,800;" and in line 20, before the word "hundred," to strike out "eight thousand nine" and insert "ten thousand seven," so as to make the clause read:

Indexes, digests, and compilations of law: To continue the preparation of the new index to the Statutes at Large, in accordance with the plan approved by the Judiciary Committees of both Houses of Congress, and to prepare such other law indexes, digests, and compilations of law as may be required by Congress for official use, namely: For 1 chief assistant, $3,000; 1 assistant, $2,400; 1 assistant, $1,800; 1 assistant, $1,200; 1 assistant, $900; 2 assistants, at $720 each; in all, $10,740.

The amendment was agreed to.

The next amendment was, under the head of "Executive," on page 41, line 14, before the word "thousand," to strike out "fifty," and insert "one hundred."

Mr. BORAH. I ask that that amendment and the one following be passed over.

Mr. WARREN. Will the Senator wait until I offer an amendment to the amendment? The committee amendment has not been read in full. I ask that the amendment may be read and that the amendment to the amendment be then stated. Then the Senator can renew his request.

The VICE-PRESIDENT. The amendment proposed by the committee will be stated.

The SECRETARY. On page 41, line 14, before the word "thousand," it is proposed to strike out "fifty," and to insert "one hundred;" and in the same line, after the word "dollars," to insert "this sum to include all transportation expenses not otherwise provided for by law, and this provision to take effect on March 4, 1909," so as to make the clause read:

For compensation of the President of the United States, $100,000, this sum to include all transportation expenses not otherwise provided for by law, and this provision to take effect on March 4, 1909.

Mr. WARREN. I now offer the amendment to the amendment, which I send to the desk. It is to correct an error by inserting the word "now" where the word "not" occurs in line 15.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment, in line 16, page 41, after the word "expenses," it is proposed to strike out the word "not" and insert the word "now."

The VICE-PRESIDENT. The amendment to the amendment will be regarded as pending and the entire amendment passed over for the present.

Mr. WARREN. Do I understand the amendment to the amendment is agreed to?

Mr. BORAH. There is no objection on my part to the amendment to the amendment which has just been stated.

The VICE-PRESIDENT. In the absence of objection, the amendment to the amendment will be regarded as agreed to, and the amendment of the committee will be passed over, at the request of the Senator from Idaho.

Mr. McLAURIN. As I understand, the amendment that is agreed to is the one offered by the Senator from Wyoming, striking out the word "not" and inserting the word "now."

Mr. WARREN. That is all.

The VICE-PRESIDENT. That is correct.

Mr. CLAY. Mr. President, I suggest to the Senator in charge of the bill, as some of the amendments increasing salaries have gone over, that the Senator allow the remainder of them, including the amendment increasing the salaries of judges, to go over until the reading of the bill shall have been completed.

Mr. WARREN. I suggest to the Senator that I would prefer that the committee amendments be read as the reading of the bill proceeds.

Mr. CLAY. I mean that they shall not now be acted upon.

Mr. WARREN. I should prefer that they be read, and then the Senator from Georgia or any other Senator may ask that they shall lie over. I shall not contend against that proposition.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 41, line 19, before the word "thousand," to strike out "twelve" and insert "twenty;" and in the same line, after the word "dollars," to insert "to take effect on March 4, 1909;" so as to make the clause read:

For compensation of the Vice-President of the United States, $20,000, to take effect on March 4, 1909.

Mr. BORAH. I ask that that amendment also be passed over.

The VICE-PRESIDENT. Without objection, the amendment will be passed over, at the request of the Senator from Idaho.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 42, after line 23, to insert:

For purchase, driving, maintenance, and care of carriage or other vehicle, and of horses, for use of the Vice-President, $5,000.

Mr. BORAH. I ask that that amendment be passed over.

The VICE-PRESIDENT. The amendment will be passed over, at the request of the Senator from Idaho.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Department of State," on page 44, line 26, after the word "dollars," to insert:

Under Secretary of State, to be appointed by the President, by and with the advice and consent of the Senate, who shall perform such duties as the Secretary of State may designate and as may be provided by law, $10,000.

The amendment was agreed to.

The reading of the bill was resumed.

Mr. CLAY. I inquire, Mr. President, if the amendment on page 45, providing for the appointment of an Under Secretary of State at a salary of $10,000 was agreed to?

The VICE-PRESIDENT. That amendment was agreed to.

Mr. DANIEL. I did not hear it read as an amendment.

The VICE-PRESIDENT. It was read and agreed to.

Mr. CLAY. It escaped my attention at the time.

Mr. WARREN. If the Senator intended to ask to have that amendment lie over——

Mr. CLAY. I certainly intended to ask that it should go over with the other amendments.

Mr. WARREN. Very well; there is no objection to that. Let the amendment lie over.

The VICE-PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 45, line 6, after the word "each," to insert:

Fourth Assistant Secretary of State, to be appointed by the President, by and with the advice and consent of the Senate, who shall perform such duties as the Secretary of State may designate and as may be provided by law, $4,500.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 18, on page 45, as follows:

Two assistant solicitors of the Department of State, to be appointed by the Secretary of State, at $3,000 each; law clerk, and assistant, to be selected and appointed by the Secretary of State, to edit the laws of Congress and perform such other duties as may be required of them, at $2,500 and $1,500, respectively.

Mr. HEYBURN. I think that last item should go over for consideration. We should have a report as to the progress that has been made upon that work. I have had some occasion to inquire in regard to it, and I think we should know a little more about it. In the meantime I will look into it.

Mr. WARREN. To what does the Senator allude?

Mr. HEYBURN. To the item providing for the indexing of the laws of the United States.

Mr. WARREN. Does the Senator understand that that is new matter?

Mr. HEYBURN. On page 45?

Mr. WARREN. Yes; in lines 14, 15, and 16.

Mr. HEYBURN. I see the item. I should like to inquire if this is the work of indexing the laws or statutes at large?

Mr. WARREN. For the use of the State Department; yes.

Mr. HEYBURN. Only for the use of the State Department?

Mr. WARREN. I said they do the work in the State Department, but it is for general use.

Mr. HEYBURN. But the work, I think, is being performed for libraries.

Mr. WARREN. No; that is entirely another thing.

Mr. HEYBURN. It is a different proposition?

Mr. WARREN. Yes.

Mr. HEYBURN. It is the item covering work that is being done for the libraries that I desire to have passed over.

Mr. WARREN. This is different from that.

Mr. HEYBURN. Then I withdraw my suggestion.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 46, line 1, after the word "dollars," to insert "said private secretary and clerk to the Secretary of State to be appointed by the Secretary of State; private secretary to the Under Secretary of State, $2,500; clerk to the Under Secretary of State, $1,500;" and in line 10, after the word "each," to insert "private messenger to the Secretary of State, $1,000," so as to read:

Private secretary to the Secretary, $2,500; clerk to the Secretary of State, $1,800, said private secretary and clerk to the Secretary of State to be appointed by the Secretary of State; private secretary to the Under Secretary of State, $2,500; clerk to the Under Secretary of State, $1,500; 15 clerks of class 4; 15 clerks of class 3; 25 clerks of class 2; 40 clerks of class 1, 2 of whom shall be telegraph operators; 15 clerks, at $1,000 each; 19 clerks, at $900 each; private messengers to the Secretary of State, $1,000—

And so forth.

Mr. CLAY. That amendment should necessarily go over, inasmuch as it relates to other amendments which have been passed over.

The VICE-PRESIDENT. The amendment will be passed over at the request of the Senator from Georgia.

Mr. HEYBURN. I now have with more accuracy the item to which I intended to direct my remarks. It is on page 35, lines 10 to 16, inclusive. I should like it passed over.

Mr. WARREN. That has already been agreed to, but the Senator will have an opportunity to offer amendments at the conclusion of the committee amendments. We have already passed it.

Mr. HEYBURN. I should like to ask that it be considered as not passed upon. I may not happen to be present at the exact moment when it is reached. I should like to know something about the conduct of the work, which I can readily ascertain. I now have some knowledge on the subject.

Mr. WARREN. I myself have no objections to passing it over if the Senate will give its consent.

Mr. HEYBURN. I ask unanimous consent that it be passed over.

The VICE-PRESIDENT. In the absence of objection, it will be passed over.

Mr. WARREN. I suggest to the Senator from Idaho that he look into the matter carefully, because I am not quite sure that is the point to which he wishes to refer. I understand he wishes at a later time to bring it up. I express my willingness to allow that to be done.

Mr. HEYBURN. I do not want to delay the matter. In a few moments I can state what I wish done.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 46, line 20, to increase the total appropriation for maintenance of the Department of State from $259,800 to $279,300.

The VICE-PRESIDENT. This amendment will also be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Treasury Department," in the item of appropriation for the Division of Loans and Currency, on page 51, line 17, to increase the number of clerks of class 3 from 1 to 2, and in line 18 to increase the number of clerks of class 2 from 1 to 2.

The amendment was agreed to.

The next amendment was, on page 52, line 2, to increase the total appropriation for maintenance of the Division of Loans and Currency from $89,739 to $92,739.

The amendment was agreed to.

The next amendment was, on page 52, line 4, after the word "dollars," to insert "principal clerk, $2,000;" in line 9, before the word "messenger," to strike out "assistant;" and in line 11, before the words "dollars," to strike out "twenty-five thousand five hundred and eighty" and insert "twenty-seven thousand seven hundred," so as to make the clause read:

Division of Revenue-Cutter Service: For assistant chief of division, $2,400; principal clerk, $2,000; 1 clerk of class 4; law and contract clerk, $1,800; 5 clerks of class 3; 2 clerks of class 2; 3 clerks of class 1; 2 clerks, at $1,000 each; 2 clerks, at $900 each; messenger; and 1 laborer; in all, $27,700.

The amendment was agreed to.

The next amendment was, in the item "Office of Auditor for War Department," on page 55, line 20, to increase the number of clerks of class 4 from 23 to 24.

The amendment was agreed to.

The next amendment was, on page 56, line 4, to increase the total appropriation for maintenance of the office for Auditor for the War Department from $389,480 to $391,280.

The amendment was agreed to.

The next amendment was, in the item of appropriation for office of Auditor for Navy Department, on page 56, line 8, to increase the number of clerks of class 4 from 10 to 11; in line 9, to increase the number of clerks of class 3 from 19 to 20; and in line 10, to increase the number of clerks of class 2 from 15 to 16.

The amendment was agreed to.

The next amendment was, on page 56, line 15, to increase the total appropriation for maintenance of office of Auditor for Navy Department from $146,340 to $151,140.

The amendment was agreed to.

The next amendment was, on page 57, line 13, after the word "printing," to strike out "to be transferred without regard to civil-service rules and regulations," so as to make the clause read:

Office of Auditor for State and other departments: For auditor, $4,000; deputy auditor, $2,500; law clerk, $2,000; 3 chiefs of division, at $2,000 each; 16 clerks of class 4; 1 clerk of class 4 (special examiner); 17 clerks of class 3; 13 clerks of class 2; 13 clerks of class 1; 5 clerks, at $1,000 each; 6 clerks, at $900 each; 1 messenger; 2 assistant messengers; and 4 laborers (including 1 additional in lieu of 1 classified laborer, on detail from Bureau of Engraving and Printing); in all, $121,420.

The amendment was agreed to.

The next amendment was, on page 57, line 18, after the word "dollars," to strike out "deputy auditor, two thousand five hundred dollars" and insert "two deputy auditors, at two thousand five hundred dollars each," so as to read:

Office of Auditor for Post-Office Department: For auditor, $4,000; 2 deputy auditors, at $2,500 each; etc.

The amendment was agreed to.

The next amendment was, in the item of appropriation for "Office of Auditor for Post-Office Department," on page 58, line 3, before the word "clerks," to strike out "twenty-one" and

insert "twenty;" and in line 4, after the word "each," to insert "messenger in charge of mails, $1,200," so as to read:

One hundred and twenty clerks of class 1; 104 clerks, at $1,000 each; messenger in charge of mails, $1,200, etc.

The amendment was agreed to.

The next amendment was, on page 58, line 15, to increase the total appropriation for maintenance of office of Auditor for Post-Office Department from $833,180 to $835,680.

The amendment was agreed to.

The next amendment was, on page 58, line 16, after the word "dollars," to insert the following proviso:

Provided, That hereafter the Secretary of the Treasury may from time to time designate any employees in the office of the Auditor for the Post-Office Department above the grade of class 1 to countersign warrants and drafts in the name of the auditor, and such warrants and drafts, when so countersigned, shall be of the same validity as if countersigned by the Auditor for the Post-Office Department.

The amendment was agreed to.

The next amendment was, in the item of appropriation for "Office of the Treasurer," on page 59, line 24, to increase the number of messengers from 7 to 8, and, in the same line, to increase the number of assistant messengers from 6 to 8; on page 60, line 1, to increase the number of charwomen from 11 to 16; in line 2, to increase the number of pressmen from 13 to 15; in line 4, to increase the number of separators from 40 to 42; and, in line 5, to increase the number of feeders from 20 to 22.

The amendment was agreed to.

The next amendment was, on page 60, line 6, after the word "dollars," to strike out "machinist, $1,000," and insert "two machinists, at $1,000 each; silver piler, $1,000," so as to read:

Compositor and pressman, $1,600; two machinists, at $1,000 each; silver piler, $1,000, etc.

The amendment was agreed to.

The next amendment was, on page 60, line 10, to increase the total appropriation for maintenance of the office of the Treasurer from $451,840 to $462,520.

The amendment was agreed to.

The next amendment was on page 61, line 16, before the word "deputy" to insert "assistant;" and in the same line, after the word "dollars," to insert:

Who shall be appointed by the Secretary of the Treasury, and shall possess the power and perform the duties attached by law to the office of comptroller during a vacancy in the office of comptroller and deputy comptroller or during the absence or inability of the comptroller and the deputy comptroller, and said assistant deputy comptroller shall give a like bond in the penalty of $50,000.

So as to read:

Office of the Comptroller of the Currency: For Comptroller of the Currency, $5,000; deputy comptroller, $3,500; assistant deputy comptroller, $3,000, who shall be appointed by the Secretary of the Treasury, and shall possess the power and perform the duties attached by law to the office of comptroller during a vacancy in the office of comptroller and deputy comptroller during the absence or inability of the comptroller and the deputy comptroller, and said assistant deputy comptroller shall give a like bond in the penalty of $50,000; chief clerk, $2,500, etc.

Mr. KEAN. May I ask the Senator from Wyoming in regard to this paragraph, which relates to the Assistant Deputy Comptroller of the Currency? Does that refer to the present occupant of the office?

Mr. WARREN. It refers to an officer already appointed.

Mr. KEAN. There is a deputy comptroller besides?

Mr. WARREN. Yes.

Mr. KEAN. And an assistant deputy comptroller?

Mr. WARREN. Yes, sir.

Mr. KEAN. And this is for a special——

Mr. WARREN. This is to carry into effect in a better way the legislation of previous years. I think it was last year that the office was created, and this is to perfect that legislation.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Committee on Appropriations.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 66, line 20, to increase the appropriation for freight on bullion and coin, by registered mail or otherwise, between mints and assay offices from $75,000 to $100,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for office of Surgeon-General of Public Health and Marine-Hospital Service, on page 67, line 17, to increase the number of clerks of class 1 from 6 to 7, and, in line 18, to increase the number of messengers from 1 to 2.

The amendment was agreed to.

The next amendment was, on page 67, line 21, to increase the total appropriation for maintenance of office of Surgeon-General of Public Health and Marine-Hospital Service from $39,780 to $41,820.

The amendment was agreed to.

The next amendment was, on page 68, line 8, before the word "newspaper," to insert "newspapers," so as to make the clause read:

For newspapers, newspaper clippings, law books, city directories, and other books of reference relating to the business of the department, $1,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 22, on page 68.

Mr. WARREN. I offer an amendment, to come in on page 68, at the end of line 22.

The VICE-PRESIDENT. The Senator from Wyoming proposes an amendment, which will be stated.

The SECRETARY. On page 68, after the word "dollars," at the end of line 22, it is proposed to insert:

Provided, That the rental of the third and fourth floors of the Union building, on G street, between Sixth and Seventh streets NW., Washington, D. C., authorized by the act approved May 30, 1908 (35 Stats., 479), for offices of the Auditor for the Interior Department, may, in the discretion of the Secretary of the Treasury, be used for the accommodation of any other Treasury bureau or office in lieu of the office of the Auditor for the Interior Department.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 68, line 23, after the word "purchase," to insert "and exchange," so as to make the clause read:

For purchase and exchange of horses and wagons, for office and mail service, to be used only for official purposes, care and subsistence of horses, including shoeing, and of wagons, harness, and repairs of the same, $3,500.

The amendment was agreed to.

The next amendment was, on page 69, line 5, to increase the appropriation for purchase of ice, including ice for the office of Auditor for the Post-Office Department, from $2,400 to $2,600.

The amendment was agreed to.

The next amendment was, on page 69, line 7, to increase the appropriation for purchase of file holders and file cases from $4,000 to $4,500.

The amendment was agreed to.

The next amendment was, on page 69, line 15, to increase the appropriation for purchase of gas, electric current for lighting and power purposes, gas and electric light fixtures, etc., from $17,000 to $18,000.

The amendment was agreed to.

The next amendment was, on page 70, after line 6, to insert:

For shelving and transferring records and files from and to the Treasury building and its annexes in Washington, $500.

The amendment was agreed to.

The next amendment was, on page 70, line 13, to increase the appropriation for purchase and exchange of registering accountants, numbering machines, and other machines of a similar character, etc., from $3,000 to $4,000.

The amendment was agreed to.

The next amendment was, on page 70, line 18, to increase the appropriation for purchase of carpets, carpet border and lining, linoleum, etc., from $4,000 to $5,000.

The amendment was agreed to.

The next amendment was, on page 71, line 6, before the word "hundred," to strike out "two" and insert "three," so as to make the clause read:

Contingent and miscellaneous expenses, office of Auditor for the Post-Office Department, namely: For miscellaneous items, including purchase, repair, and exchange of typewriting machines, of which not exceeding $375 may be used for rental of telephones, and not exceeding $300 may be used for the purchase of law books, books of reference, and city directories, $4,000.

The amendment was agreed to.

The next amendment was, under the subhead, "Collecting internal revenue," on page 71, line 21, to increase the appropriation for salaries and expenses of collectors of internal revenue and deputy collectors, etc., from $2,075,000 to $2,090,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for office of assistant treasurer at Boston, on page 74, line 2, to increase the appropriation for the salary of assistant receiving teller from $1,600 to $1,700; and in line 6, to increase the appropriation for the salary of the redemption clerk from $1,400 to $1,600.

The amendment was agreed to.

The next amendment was, on page 74, line 15, to increase the total appropriation for maintenance of the office of assistant treasurer at Boston from $45,710 to $46,010.

The amendment was agreed to.

The next amendment was, on page 80, line 13, to increase the appropriation for paper for interest, transfer, redemption, pen-

sion, and other checks and drafts for the use of the Treasurer of the United States, etc., from $13,000 to $14,000.

The amendment was agreed to.

The next amendment was, on page 80, line 24, to increase the appropriation for incidental and contingent expenses at the mint at Carson, Nev., from $2,000 to $2,600.

The amendment was agreed to.

The next amendment was, on page 81, line 8, to increase the appropriation for salaries of abstract clerk and warrant clerk at the mint at Denver, Colo., from $1,800 each to $2,000 each.

The amendment was agreed to.

The next amendment was, on page 81, line 12, to increase the total appropriation for the mint at Denver, Colo., from $39,100 to $39,500.

The amendment was agreed to.

The next amendment was, on page 87, line 14, after the word "dollars," to strike out "chief clerk, $1,500" and insert "assistant assayer, and cashier, at $1,600 each; clerk, $1,400;" and in line 18, before the word "dollars," to strike out "four thousand" and insert "seven thousand one hundred," so as to make the clause read:

Assay office at Salt Lake City, Utah: For assayer in charge, who shall also perform the duties of melter, $2,500; assistant assayer, and cashier, at $1,600 each; clerk, $1,400; in all, $7,100.

The amendment was agreed to.

Mr. WARREN. I offer an amendment, to be inserted on page 67, after line 18.

The VICE-PRESIDENT. The Senator from Wyoming proposes an amendment, which will be stated.

The SECRETARY. After the word "dollars," at the end of line 18, page 87, it is proposed to insert:

Provided, That the cashier shall perform the duties of the assayer in charge in his absence.

The amendment was agreed to.

The next amendment was, under the head of "War Department," in the items for office of Surgeon-General, on page 95, line 10, to increase the number of messengers from 1 to 2; and in the same line to reduce the number of assistant messengers from 11 to 10.

The amendment was agreed to.

The next amendment was, on page 95, line 20, to increase the total appropriation for maintenance of the office of the Surgeon-General from $166,168 to $166,288.

The amendment was agreed to.

The reading of the bill was continued to line 21, on page 97, in the item for the office of the Chief of Engineers, War Department.

Mr. WARREN. I have an amendment which I wish inserted in line 18, on page 97. There is an error, and I wish to correct it. In line 18, before the word "thousand," I move to strike out "fifteen" and to insert "seventeen," so as to read:

Provided, That the expenditures on this account for the fiscal year ending June 30, 1910, shall not exceed $17,000.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment was, under the subhead, "State, War, and Navy Department building," on page 103, after line 14, to insert:

For installing a freight elevator in State, War, and Navy Department building, $9,500.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," in the items for office of the Secretary, on page 104, line 3, to increase the number of clerks of class 2 from 3 to 4; in the same line to increase the number of clerks of class 1 from 4 to 5; and in line 10 to increase the number of laborers from 1 to 2.

The amendment was agreed to.

The next amendment was, on page 104, line 15, to increase the total appropriation for maintenance of the office of the Secretary of the Navy from $69,540 to $72,800.

The amendment was agreed to.

The next amendment was, on page 105, line 22, after the word "For" to insert "chief clerk, $1,800;" and on page 106, line 2, before the word "hundred," to strike out "eight thousand three" and insert "ten thousand one," so as to make the clause read:

Judge-Advocate-General, United States Navy: For chief clerk, $1,800; 1 clerk, $1,300; 2 clerks of class 1; 3 clerks, at $1,000 each; 1 clerk, $900; 1 assistant messenger; in all, $10,120.

The amendment was agreed to.

The next amendment was, in the items for Bureau of Equipment, on page 106, line 24, to increase the appropriation for salaries of two draftsmen from $1,600 each to $1,700 each.

The amendment was agreed to.

The next amendment was, on page 107, line 9, to increase the total appropriation for maintenance of Bureau of Equipment from $36,700 to $36,900.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," in the items for office of the Secretary, on page 118, line 8, after the word "inspectors," to insert "to be appointed by the President, by and with the advice and consent of the Senate," so as to read:

Six inspectors, to be appointed by the President, by and with the advice and consent of the Senate, at $2,500 each (heretofore provided for in the Indian appropriation act); chief disbursing clerk, $2,250, etc.

The amendment was agreed to.

The next amendment was, in the items for office of Assistant Attorney-General, on page 120, line 14, to reduce the number of assistant attorneys at $2,000 each from 10 to 9.

The amendment was agreed to.

The next amendment was, on page 120, line 18, to reduce the total appropriation for maintenance of the office of Assistant Attorney-General from $49,850 to $47,850.

The amendment was agreed to.

The next amendment was, on page 121, line 22, after the word "law," to strike out "reviewer" and insert "clerk;" in line 23, after the word "law" to strike out "reviewers" and insert "clerks;" and in line 24, after the word "each" to insert "three law examiners of surveyors-general and district land offices, at $2,000 each," so as to read:

General Land Office: For the Commissioner of the General Land Office, $5,000; assistant commissioner, to be appointed by the President, by and with the advice and consent of the Senate, who shall be authorized to sign such letters, papers, and documents and to perform such other duties as may be directed by the commissioner, and shall act as commissioner in the absence of that officer or in case of a vacancy in the office of commissioner, $3,500; chief clerk, $2,500; chief law clerk, $2,500; two law clerks, at $2,200 each; three law examiners of surveyors-general and district land offices, at $2,000 each; recorder, $2,000; one chief of division of surveys, $2,750.

The amendment was agreed to.

The next amendment was, in the items for the General Land Office, on page 122, line 6, after the word "law," to strike out "reviewers" and insert "examiners;" in line 7, after the word "law," to strike out "reviewers" and insert "examiners;" and in line 8, after the word "law," to strike out "reviewer" and insert "examiners," so as to read:

Two laws examiners, at $2,000 each; 10 law examiners, at $1,800 each; 18 law examiners, at $1,600 each.

The amendment was agreed to.

The next amendment was, on page 122, line 21, to increase the total appropriation for the maintenance of the General Land Office from $566,450 to $572,450.

The amendment was agreed to.

The reading of the bill was continued to line 17, on page 124.

Mr. CURTIS. I desire to offer an amendment to come in at the end of line 15, on page 124.

The VICE-PRESIDENT. The Senator from Kansas does not propose it as a committee amendment?

Mr. CURTIS. Oh, no; I thought the bill was open to general amendment at this time.

The VICE-PRESIDENT. Under the order of the Senate the amendment can not be offered now.

Mr. CURTIS. Then I will withhold the amendment and offer it later.

The reading of the bill was resumed.

The next amendment was, in the items for the Pension Office, on page 125, line 4, to increase the number of principal examiners at $2,000 each from 54 to 57.

The amendment was agreed to.

The next amendment was, on page 125, line 24, to increase the total appropriation for the maintenance of the Pension Office from $1,599,470 to $1,605,470.

The amendment was agreed to.

The next amendment was, in the items for the Patent Office, on page 127, line 14, to increase the appropriation for salaries of 3 examiners in chief from $3,000 each to $3,500 each.

The amendment was agreed to.

The next amendment was, on page 128, line 19, to increase the total appropriation for maintenance of the Patent Office from $1,238,470 to $1,239,970.

The amendment was agreed to.

The next amendment was, on page 129, line 14, to increase the appropriation for the salary of the Commissioner of Education from $4,500 to $5,000.

The amendment was agreed to.

The next amendment was, in the items for the Bureau of Education, on page 129, line 24, to increase the number of clerks of class 1 from 7 to 8; and on page 130, line 1, to increase the number of clerks at $1,000 each from 5 to 7.

The amendment was agreed to.

The next amendment was, on page 130, line 7, to increase the total appropriation for the maintenance of the Bureau of Education from $58,500 to $62,200.

The amendment was agreed to.

The next amendment was, in the items for office of the Superintendent of the Capitol Building and Grounds, on page 130, line 25, after the word "dollars," to strike out "draftsman, $1,200; assistant draftsman, $800," and insert "two draftsmen, at $1,200 each;" on page 131, line 4, before the word "hundred," to strike out "five" and insert "eight;" and in line 14, before the word "hundred," to strike out "two" and insert "nine," so as to make the clause read:

Office of the Superintendent of the Capitol Building and Grounds: For Superintendent of the Capitol Building and Grounds, $5,000; chief clerk, $2,000; chief electrical engineer, $2,400; 2 draftsmen, at $1,200 each; 1 clerk, $1,600; stenographer and typewriter, $1,200; foreman, $1,800; compensation to disbursing clerk, $1,000; 1 messenger; person in charge of the heating of the Supreme Court and central portion of the Capitol, $1,000; laborer in charge of water-closets in central portion of the Capitol, $660; 7 laborers for cleaning Rotunda, corridors, Dome, and old library portion of Capitol, at $660 each; 2 laborers in charge of public closets of the House of Representatives and in the terrace, at $720 each; in all, $25,960.

The amendment was agreed to.

The next amendment was, in the items for contingent expenses, Department of the Interior, on page 132, line 9, to increase the appropriation for stationery, including tags, labels, index cards, cloth-lined wrappers, and specimen bags, etc., from $60,000 to $68,000.

The amendment was agreed to.

The next amendment was, under the subhead "Surveyors-general and their clerks," on page 135, line 13, before the word "dollars," to strike out "two thousand five hundred" and insert "three thousand;" and in line 15, before the word "hundred," to strike out "seven thousand nine" and insert "eight thousand four;" so as to make the clause read:

For surveyor-general of Nevada, $3,000; and for the clerks in his office, $5,400; in all, $8,400.

The amendment was agreed to.

The next amendment was, in the item of appropriation for office Fourth Assistant Postmaster-General, Division of Dead Letters, on page 145, line 5, to increase the number of clerks of class 4 from 2 to 5; in line 7, to increase the number of clerks of class 1 from 29 to 34; in the same line, to reduce the number of clerks at $1,000 each from 44 to 38; and, in line 8, to reduce the number of clerks at $900 each from 46 to 40.

The amendment was agreed to.

The next amendment was, on page 145, line 24, before the word "skilled," to strike out "three" and insert "four;" on page 146, line 4, before the word "skilled," to strike out "three" and insert "eight;" in line 9, after the word "each," to strike out "nine copyists of maps, at $900 each;" and in line 11, after the word "all," to strike out "forty-seven thousand" and to insert "forty-six thousand seven hundred," so as to make the clause read:

Division of topography: For topographer, $2,750; assistant topographer, $2,000; 4 skilled draftsmen, at $1,800 each; 4 skilled draftsmen, at $1,600 each; 4 skilled draftsmen, at $1,400 each; 8 skilled draftsmen, at $1,200 each; examiner, $1,200; 1 clerk of class 2; map mounter, $1,200; mechanic, $1,000; 7 copyists of maps, at $1,000 each; assistant map mounter, $720; 1 assistant messenger; in all $46,790.

The amendment was agreed to.

Mr. WARREN. I offer an amendment, which I send to the desk, to come in on page 148, line 13.

The VICE-PRESIDENT. The amendment proposed by the Senator from Wyoming will be stated.

The SECRETARY. Under the head of "Department of Justice, office of the Attorney-General," on page 148, line 13, after the words "Solicitor of Internal Revenue," it is proposed to strike out the words "four thousand five hundred dollars" and to insert in lieu thereof the words "five thousand dollars," so as to read:

Solicitor of Internal Revenue, $5,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Department of Justice," in the item of appropriation for the office of the Attorney-General, on page 148, line 14, to increase the appropriation for salary of the Solicitor for the Department of State from $4,500 to $5,000.

The amendment was agreed to.

The next amendment was, in the item of the appropriation for the office of the Attorney-General, on page 150, line 17, to increase the total appropriation for maintenance of the office of the Attorney-General from $369,340 to $369,840.

The amendment was agreed to.

The next amendment was, on page 152, line 7, before the word "clerks," to strike out "two" and insert "three;" and in line 10, after the word "all," to strike out "twenty-two thousand six" and insert "twenty-four thousand four," so as to make the clause read:

Office of the Solicitor of the Department of Commerce and Labor: For Solicitor of the Department of Commerce and Labor, $5,000; chief clerk and law clerk, $2,250; 3 clerks of class 4; 2 clerks of class 3; 3 clerks of class 2; 3 clerks of class 1; and one messenger; in all $24,490.

The amendment was agreed to.

The next amendment was, under the head of "Department of Commerce and Labor," on page 153, line 17, after the words "United States," to insert "and procuring data in reference thereto;" and in line 18, before the word "thousand," to strike out "forty" and insert "fifty," so as to make the clause read:

For compensation at not more than $10 per day and actual necessary traveling expenses of special agents to investigate trade conditions abroad, with the object of promoting the foreign commerce of the United States and procuring data in reference thereto, $50,000; and the results of such investigations shall be reported to Congress.

The amendment was agreed to.

The next amendment was, on page 155, line 4, after the word "one," to strike out "three" and insert "four;" in line 5, before the word "clerks," where it occurs the second time, to sert "thirty-six thousand six," so as to make the clause read: word "all" to strike out "thirty-four thousand seven" and insert "thirty-six thousand six," so as to make the clause read:

Bureau of Manufactures: Chief of bureau, $4,000; assistant chief of bureau, $2,500; chief of division, $2,100; stenographer to chief of bureau, $1,600; 2 clerks of class 4; 1 clerk of class 3; 2 clerks of class 2; 4 clerks of class 1; 4 clerks, at $1,000 each; 6 clerks, at $900 each; 4 assistant messengers; 2 laborers; in all, $36,600.

The amendment was agreed to.

The next amendment was, on page 155, line 18, to increase the appropriation "to enable the Bureau of Manufactures to collate and arrange in the Bureau of Manufactures the tariffs of foreign countries in form for distribution, to be printed in the English language," etc., from $5,500 to $10,000.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Immigration and Naturalization," on page 160, line 2, before the word "thousand," to strike out "four" and insert "five;" in line 4, after the word "thousand," to insert "five hundred;" and in line 12, after the word "all," to strike out "forty-five thousand six" and insert "forty-seven thousand one," so as to make the clause read:

Bureau of Immigration and Naturalization: For Commissioner-General of Immigration, $5,000; Assistant Commissioner-General, who shall also act as chief clerk and actuary, $3,500; private secretary, $1,800; statistician and stenographer, with authority to act as immigrant inspector, $2,000; 2 clerks of class 4; 3 clerks of class 3; 5 clerks of class 2; 3 clerks of class 1; 8 clerks, at $1,000 each; 6 clerks, at $900 each; 2 messengers; 1 assistant messenger; in all, $47,100, which, together with all other expenses of regulating immigration, shall be paid from the permanent appropriation for expenses of regulating immigration.

The amendment was agreed to.

The next amendment was, on page 160, line 24, before the word "clerks," to strike out "seven" and insert "eight;" in line 25, before the word "clerks," to strike out "four" and insert "five;" and on page 161, line 3, after the word "all," to strike out "thirty-eight thousand nine" and insert "forty-one thousand one," so as to make the clause read:

For the purpose of carrying into effect the provisions of the act approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," namely: Chief of Division of Naturalization, $3,500; assistant chief of division, $2,500; 3 clerks of class 4; 3 clerks of class 3; 5 clerks of class 2; 8 clerks of class 1; 5 clerks, at $1,000 each; 2 clerks, at $900 each; 1 messenger; 1 assistant messenger; in all $41,160.

The amendment was agreed to.

The next amendment was, on page 164, after line 20, to strike out:

For the investigation of the Pentane, Hefner, and other flame standards used in the measurement of the illuminating power of gas, and determining the accuracy practically obtainable in such measurements; also for the determination of the heats of combustion of certain gases which occur in illuminating gas, which are used as a basis for computing the heat value of the gas, and for the determination of the heats of combustion of materials employed by engineers in the standardization of industrial calorimeter, $10,000.

The amendment was agreed to.

The next amendment was, on page 165, after line 11, to strike out:

For the necessary professional and skilled labor, purchase of materials, tools, and appliances for operating the testing machines transferred to the Department of Commerce and Labor by act approved May 27, 1908 (35 Stats., p. 354), for transportation, for investigative tests, and for test of United States material for constructions, $35,000.

The amendment was agreed to.

The next amendment was, on page 165, after line 19, to insert:

The provision in the sundry civil act for the fiscal year ending June 30, 1909, transferring the testing machines at the Watertown Arsenal to the Department of Commerce and Labor is hereby repealed.

The amendment was agreed to.

The reading of the bill was continued to the end of line 24, on page 166.

Mr. CLAY. Mr. President, I presume that the Senator in charge of the bill will let the amendments in the succeeding clauses under the head of "Judicial," on page 167, go over to be acted upon at the same time that we act upon other amendments that have already been passed over.

Mr. WARREN. The request of the Senator from Georgia, I suppose, applies to the entire schedule of enlargements of judicial salaries found in this bill?

Mr. CLAY. That is correct.

Mr. WARREN. As to the pay of all the judges?

Mr. CLAY. Yes.

Mr. WARREN. Very well; let those amendments lie over.

The VICE-PRESIDENT. Does the Senator from Wyoming insist on the present reading of the amendments, or shall their reading be passed over?

Mr. WARREN. I think it would be better to state the amendments, Mr. President.

The VICE-PRESIDENT. The Secretary will state the amendments referred to, and after being read they will be passed over at the request of the Senator from Georgia [Mr. CLAY].

The Secretary resumed the reading of the bill.

The next amendment was, under the head of "Judicial," on page 167, line 3, to increase the appropriation for the salary of the Chief Justice of the Supreme Court of the United States from $13,000 to $18,000, and, in line 4, to increase the appropriation for the salaries of eight associate justices of the Supreme Court of the United States from $12,500 each to $17,500 each.

The VICE-PRESIDENT. Under the arrangement made, the amendment will be passed over for the present.

The next amendment was, on page 167, line 11, to increase the total appropriations for the Supreme Court of the United States from $130,900 to $175,900.

The VICE-PRESIDENT. The amendment will be passed over.

The next amendment was, on page 167, line 13, before the word "thousand," to strike out "seven" and insert "ten," and in line 14, before the word "thousand," to strike out "three" and insert "ninety," so as to make the clause read:

Circuit courts: For 29 circuit judges, at $10,000 each, $290,000.

The VICE-PRESIDENT. The amendment will be passed over.

The next amendment was, on page 167, line 20, to increase the total appropriation for circuit courts from $237,500 to $324,500.

The VICE-PRESIDENT. The amendment will be passed over.

The next amendment was, on page 167, line 23, before the word "thousand," to strike out "six" and insert "eight;" and in line 25, before the word "thousand," to strike out "five hundred and four" and insert "six hundred and seventy-two," so as to make the clause read:

District courts: For salaries of the 84 district judges of the United States, at $8,000 each, $672,000.

The VICE-PRESIDENT. The amendment will be passed over.

The next amendment was, on page 168, line 13, before the word "dollars," to strike out "seven thousand five hundred" and insert "ten thousand;" and in line 14, before the word "thousand," to strike out "seven" and insert "ten," so as to make the clause read:

Court of appeals, District of Columbia: For the chief justice of court of appeals of the District of Columbia, $10,000; and for 2 associate justices, at $10,000 each.

The VICE-PRESIDENT. The amendment will be passed over.

The next amendment was, on page 169, line 5, to increase the total appropriation for the court of appeals, District of Columbia, from $35,160 to $43,660.

The VICE-PRESIDENT. The amendment will be passed over.

The next amendment was, on page 169, line 10, after the word "Columbia," to insert "eight thousand five hundred dollars;" in line 12, before the word "thousand," to strike out "six" and insert "eight;" and in line 15, before the word "hundred," to strike out "forty-one thousand four" and insert "fifty-three thousand nine," so as to make the clause read:

Supreme court, District of Columbia: For salaries of the chief justice of the supreme court of the District of Columbia, $8,500, and of the five associate judges, at $8,000 each; six stenographers, one for the chief justice and one for each associate justice, at $900 each; in all, $53,900, one-half of which shall be paid from the revenues of the District of Columbia.

The VICE-PRESIDENT. The amendment will be passed over.

The next amendment was, on page 170, line 12, before the word "dollars," to strike out "six thousand five hundred" and insert "eight thousand;" and in line 14, before the word "dollars," to strike out "six thousand" and insert "seven thousand five hundred," so as to read:

Court of Claims: For the chief justice of the Court of Claims, $8,000; 4 judges, at $7,500 each.

The VICE-PRESIDENT. The amendment will be passed over.

The next amendment was, in the items for the Court of Claims, on page 170, line 22, after the word "dollars," to insert "two assistant messengers," so as to read:

Elevator conductor, $720; 2 assistant messengers; 1 laborer; and 2 charwomen.

The amendment was agreed to.

The next amendment was, on page 170, line 23, to increase the total appropriation for the Court of Claims from $55,820 to $63,320.

Mr. WARREN. In view of the fact that the amendment to increase the salaries of the judges of the Court of Claims has been passed over, the amendment increasing the total should also be passed over.

The VICE-PRESIDENT. The amendment will be passed over in the absence of objection.

The reading of the bill was concluded.

Mr. NELSON. I offer the amendment which I send to the desk.

Mr. LODGE. Mr. President, have the committee amendments been completed?

Mr. WARREN. No, Mr. President.

The VICE-PRESIDENT. The committee amendments have been considered, except those which have been passed over.

Mr. NELSON. I supposed they would be passed over for a while.

Mr. WARREN. The committee amendments passed over now come up in their regular order.

Mr. NELSON. I supposed the bill was now open to amendment.

Mr. WARREN. Mr. President, as I understand the present status of the bill the entire bill has now been read, but we have not passed upon several of the committee amendments. I think it would be in order now to turn back and commence at the beginning of the bill with such amendments as have been passed over.

The VICE-PRESIDENT. That is correct. The Secretary will state the first amendment which was passed over.

The Secretary read the first amendment passed over, which was, on page 13, after line 12, to insert:

For miscellaneous items on account of the Maltby Building and Senate Office Building, $18,480.

Mr. WARREN. Mr. President, the Senator from Georgia [Mr. CLAY], who asked that that amendment be laid over, does not now wish to object to it.

Mr. CLAY. The Senator in charge of the bill has sent me a statement of the salaries paid to employees in that building, giving the number, which is equal to the amount involved in this appropriation. That statement is satisfactory.

The VICE-PRESIDENT. The question is on the amendment as amended.

The amendment as amended was agreed to.

The next amendment passed over was, on page 14, line 26, after the word "dollars," to insert:

Provided, That the salary of the Speaker of the House of Representatives after March 3, 1909, shall be $20,000 per annum.

Mr. LODGE. Mr. President, on that item the point of order was made this morning, and I desire to say a few words to correct what I said earlier in the day. I spoke hastily, and in regard to the rules of the House, inaccurately, because I was speaking from my memory of the rules of the House, which have since been changed.

The point of order as made, as I understand, goes against this item of increase in the salary of the Speaker on the ground that it is general legislation. Of course, under the rules of the House, which provide that any amendment which changes existing law can not be received, this amendment would clearly fall; but the Senate rule uses the words "general legislation," which are very different and much less restrictive in their scope.

Considering that point first, I do not think, Mr. President, that an amendment to increase the salary of an individual for

whom we are appropriating can properly be described as general legislation. If a Senator offers an amendment changing the salaries of an entire class of persons, that would unquestionably be general legislation. So much for that on the point of general legislation.

But, Mr. President, it is perfectly clear to my mind that these items are taken out of the scope and meaning of general legislation by the rules of the Senate. Rule XVI, page 16, provides:

> No amendment shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill or to add a new item of appropriation.

Later, on the same page, occurs a broad provision against general legislation. I submit that the increase of an appropriation and a new item of appropriation are by the first paragraph of that rule distinctly differentiated from general legislation, and are put in a class by themselves.

General legislation, as I understand the intent of this rule, is not legislation that carries an item of appropriation already in the bill, or a new item of appropriation, but is general legislation in the ordinary acceptation of the term. However that may be, there is no question, it seems to me, that increasing an existing item or adding a new item is expressly taken out of the operation of the prohibitions of this rule by the first clause of Rule XVI. They are taken out under certain conditions. An amendment to increase an item or to add a new item of appropriation is in order, if it is added—

> To carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments.

This item, increasing the salary of the Speaker, whether it be general legislation or not, is an increase of an item of appropriation contained in the bill. The Speaker's salary must be provided for in this bill. It has been reported by a standing committee of the Senate, and therefore fulfills the condition of the exception.

When we distributed the appropriation bills, the Appropriations Committee up to that time having had charge of all appropriation bills, the question arose—and I remember making the point—that an increase in an item of appropriation proposed by the committee reporting the bill did not meet the conditions of the rule; that the rule intended that there should be a report from two committees; and that to be made in order a standing committee, in addition to the one which reported the bill, was required to report the item. The Senator from Maine [Mr. FRYE], then presiding as President pro tempore of the Senate, overruled my point of order and held that a standing committee reporting a new item of appropriation or an increase of an existing item fulfilled the requirements of the rule, and that the fact that they had also reported the bill did not affect the exception which the rule provides.

I was convinced subsequently that that ruling was correct. At all events, that ruling has stood, so far as the relation of the committee was concerned. Therefore, under the ruling of the Senator from Maine, this item of appropriation has been increased by a standing committee, the Committee on Appropriations, and is brought within the exception made by the rule.

It is not, in my judgment, general legislation; but whether it is or not, it comes within the carefully specified class of an increased item of appropriation or that of a new item. It comes within one of those two classes, which are the only two classes that can be made in order by the action of a standing committee.

I desired simply, Mr. President, as I stated my point very briefly and, I think, inaccurately, this morning, that I might state it more accurately before it was decided by the Chair.

Mr. HALE. Mr. President, I am in accord with the Senator in favoring this amendment. I think it is right, just, and reasonable; and when we are going on so largely and enormously to increase appropriations for other branches of the Government, for the military arms, by tens and twenties of millions of dollars, I think we need not be niggardly in making mild and reasonable increases on the salary list.

But I rose to say that, considering the future and the frequency with which this question of order is likely to be raised, I do not agree with the Senator from Massachusetts. I look upon this as general legislation. But that, Mr. President, is a disputed point. Arguments have been made upon both sides, and it may, perhaps, be accounted as a debatable question. I have no question in my own mind that a law fixing a salary, whether it is one salary or twenty, is general legislation. We create a Supreme Court, and we provide that it shall consist of nine judges at certain salaries. I do not think we can increase the number of that court to ten and, on the ground that it is only a distinctive proposition for one man, contend that it is not general legislation; nor do I think we can raise the salary of any one of those men on the ground that, it being for one man, it is not general legislation. It is all general legislation as opposed to private legislation.

But, Mr. President, I do not contend that this view which I have has always been maintained. It has been traversed and denied at different times, and there have been rulings both ways upon this subject. All I desired in taking the floor for these few remarks was to save any question that might come up hereafter. It has been considered in the Senate a doubtful question—sometimes decided one way and sometimes the other; sometimes submitted by the Chair to the House, and sometimes decided either way. My own opinion is very clear on the subject.

Mr. CLAY. Mr. President, I do not suppose the Senator from Maine [Mr. HALE] will contend that if we adopt all these amendments the appropriations for the military establishments during the present session will be decreased. The Senator contends that we have been very extravagant in making appropriations for the army and the navy. I predict that the naval appropriation bill of the present session of Congress will carry $140,000,000—more than it ever has carried in any other period in the history of our country. I predict that in less than four years the appropriations for the naval service will be larger, much larger, than those of any other country in the world.

Mr. President, these amendments, if we adopt them, will make increases as follows: The President's salary is now $50,000; the increase will be $50,000. The Vice-President's salary is $12,000; the increase will be $8,000. The present salary of the Speaker is $12,000; the increase will be $8,000. These increases will equal $66,000, and the carriages and horses provided for the Vice-President and the Speaker will be $10,000; equal in all to $76,000.

Now, turn to the judges, and I am willing to increase their salaries to a reasonable extent. I know of no official body more important to our country than a well-paid and a high-class judiciary, but I must confess that I had much rather have seen the salaries of the associate justices fixed at $15,000 instead of $17,500. It has been only a short while since we increased their salaries. Now, let us see what increases we make.

Take the Supreme Court of the United States. The present salary of the Chief Justice is $13,000. We make it $18,000, an increase of $5,000. The associate justices now receive $12,500; we make their salaries by this bill $17,500, a total increase of $40,000. There are 29 circuit judges. Their present salary is $7,000. We make the salary by this bill $10,000; equal to a total increase of $87,000 per annum.

I believe there are 84 district judges. Their present salary is $6,000. We make the salary $8,000, an increase of $168,000. Take the court of appeals of the District of Columbia. The present salary of the chief justice is $7,500. We make the salary $10,000, an increase of $2,500; associate justices now receive $7,000; we increase it to $10,000, making an increase of $6,000. The chief justice of the supreme court of the District of Columbia is increased from $6,000 to $8,500, an increase of $2,500. The associate judges of the Court of Claims at present receive a salary of $6,000 and we make it $8,000, an increase of $10,000.

The total increase per annum in the salaries of the judges by this bill will be $328,500, and the increase in the salaries of the President, Vice-President, and Speaker of the House will be $76,000, making an annual increase of $404,500.

If the Speaker's salary was put at $15,000, so far as I am concerned I would raise no point about it. I do not believe we can justify fixing the salary of the Speaker at $20,000, and give him also $5,000 for a carriage and horses, making his income $25,000 per annum, and at the same time making the salary of the Chief Justice of the Supreme Court of the United States $18,000 per year. I do not remember whether in the history of this country we have ever made the salary of the Speaker of the House of Representatives greater than the salary of the Chief Justice of the Supreme Court of the United States.

Then, again, you take your district judges. My observation teaches me that the district judges are engaged almost the entire time in the trial of criminal cases for violation of the revenue laws, and so forth. You increase their salaries only $2,000, and you increase that of the circuit judges from $7,000 to $10,000 per year.

But, Mr. President, I do not like the idea of giving the Speaker of the House of Representatives—and I entertain for him the highest respect and recognize his great ability—carriages and horses. I had rather vote for a salary of $25,000 per year than to begin a practice of that kind. I do not refer to the salaries of Senators. The position of a Senator in im-

portance is equal to that of the Speaker or of an associate justice of the Supreme Court. You pay your Senators $7,500 per year. You propose to pay your associate justices of the Supreme Court $17,500 per year.

In regard to the salary of the President of the United States and the increase that is proposed to be made at this time, it does not apply to the present Chief Magistrate of the Nation. No one can charge me, simply because I oppose this increase, with entertaining any unkind feeling either to the present Chief Magistrate or to our newly elected President. It is simply a question of principle. At first I was exceedingly anxious to know how much money we expend for the purpose of keeping up the White House. It is an item of importance. How much do we pay for light; how much do we pay for water, and for fuel, and for servants, and for carriages and horses? If the President of the United States had to bear all this expense, a salary of $200,000 per year would not be too much.

But, if I understand our appropriations in the past, we have provided liberally for these expenses to which I refer. I do not say that we have provided too liberally, but, to say the least of it, a measure of this kind fixing the salary of the President and the Vice-President and the judiciary ought to be most maturely considered and every surrounding circumstance looked into before we reach a conclusion.

It is not proper that I should refer to what happened in the Committee on Appropriations. It is true that this item of salaries of the judiciary was referred to the Committee on the Judiciary and reported to the Appropriations Committee, and we adopted their conclusions. I believe the matter of the salary of the President and the Vice-President and the Speaker was referred to the Finance Committee, and that report came to the Committee on Appropriations, and we adopted their conclusion.

Now, let us look for a moment and see what we have given heretofore. I do not refer to this fact for the purpose of criticising our action. I maintain that the President of the United States ought to live in a dignified way, in keeping with the high office he holds.

But I say, further, that his great usefulness does not depend upon the fact that he lives in a sumptuous way. A simple life, high thinking and plain living, always brings the best results. The men who have made this Nation the greatest in the world have been men who have lived simple, industrious lives and have spent their time hard at work and have not lived luxurious lives.

Now, let us see. In the first place, I hold before me the sundry civil appropriation act of last year, and there are these items for the Executive Mansion; and I approve every one of them. I simply refer to these items to show why we ought not without due consideration to make these increases. Now, first:

> Executive Mansion: For ordinary care, repair, and refurnishing of Executive Mansion, and for purchase, maintenance, and driving of horses and vehicles for official purposes, to be expended by contract or otherwise, as the President may determine, $35,000.
>
> For fuel for the Executive Mansion greenhouses and stable, $6,000.
>
> For care and maintenance of greenhouses, Executive Mansion, $9,000.
>
> For repairs to greenhouses, Executive Mansion, $3,000.
>
> For traveling expenses of the President of the United States, to be expended in his discretion and accounted for on his certificate solely, $25,000.

I will not take the time to read these items, but I will say that the total sum carried by the appropriation bills during the last session of Congress for this purpose—and I do not claim that it was too much—was $196,000. In fixing the salary of the Chief Magistrate of the Nation we are bound to consider how much money we expend for fuel, how much for light, and how much we spend in paying the expenses of the White House before we can reach a conclusion as to what is just and right and proper. But that item is not now before us. We are simply considering the item with respect to the Speaker of the House of Representatives. When Members of the House had a salary of $5,000 the Speaker had a salary of $8,000. Now Members of Congress have a salary of $7,500, and why should the salary of the Speaker exceed $15,000? If I was going to change the salary of the Chief Justice and the associate justices, I would fix the Chief Justice's salary at $15,500 and that of the associate justices $500 less. I am perfectly willing to vote for and support an amendment of that kind, but if we readjust these salaries we shall have done an injustice to the 84 district judges in the United States in not raising their salaries in proportion to the salaries of the circuit judges of the country.

Mr. President, again, I do not believe that we ought to attempt to legislate on appropriation bills in this way. You can insert this legislation on appropriation bills—and we pass upon them hurriedly—and they do not have that mature consideration which they ought to have. In fixing the salaries of the federal judiciary, the salaries of the President and the Vice-President and the Speaker of the House of Representatives, in my judgment, it ought to be done by separate legislation, referred to the appropriate committees, and most carefully and maturely considered.

Mr. President, with respect to the rule of the Senate, I agree with the Senator from Maine [Mr. HALE]. We have three divisions of Rule XVI. The first division provides:

> And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session, or unless the same be moved by direction of a standing or select committee of the Senate or proposed in pursuance of an estimate of the head of some one of the departments.

That provision of the rule, as I understand, refers simply to where an item is increased or a new item added to an appropriation. In a case of that kind, then, if it has been referred to another committee and back to the Committee on Appropriations, it will be considered in order. The same rule applies to the second provision of Rule XVI. But now, when you come to new and general legislation, a different rule applies:

> No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received.

Mr. President, if changing the existing law fixing the salaries of the judiciary of this country is not general legislation, then I confess that I do not understand what general legislation means.

Mr. President, there is a general law on the statute books, passed but a few years ago, fixing the salaries of the Chief Justice and associate justices of the Supreme Court and district judges and circuit judges, and this bill proposes to change that law, fixing a different rule, and in my opinion it is general legislation and subject to that rule.

Mr. President, we are not trying to carry out existing law. We are not trying to add a new item to this appropriation. We are passing a general statute fixing the salaries of the federal judiciary, the Vice-President, and the Speaker of the House of Representatives; and it is, under this rule, when we change a general law fixing a different salary, clearly general legislation and in violation of the rule; and the fact that the amendment was referred to another committee and reported favorably, in my opinion, does not change that rule.

Mr. President, the Senator from Maine [Mr. HALE] says this question has been decided both ways. If it has, certainly it has been decided right one time or the other, and, in my opinion, when it was decided that it was general legislation it was a correct ruling, and by it we ought to abide. I will admit that the presiding officer, if he desires to do so, may submit this question of order to the Senate of the United States.

> All questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate.

Does that not apply to relevancy? Now, if it was a question of relevancy, then clearly it should be submitted to the Senate, but if it is a question of general legislation, in my opinion, that point does not apply.

I have occupied more of the time of the Senate than I intended, Mr. President. To say the least of it, if we are going to increase the salaries we ought to rearrange them. We ought not to go as far as we have gone, and we ought to equalize these salaries in proportion to the dignity of the positions and the work performed by these various officials.

Mr. CULBERSON. Mr. President, when I addressed the Chair a few moments ago, when the Senator from Maine [Mr. HALE] was recognized, I intended to express the opinion merely that this proposed amendment is objectionable under the third paragraph of Rule XVI. In view of what has been said by the Senator from Maine and by the Senator from Georgia [Mr. CLAY], it is unnecessary for me to do more than to express my concurrence in the opinion they have announced, and I think the point of order made by the Senator from Idaho is well taken.

While I have the floor, however, I desire to say that I propose to offer an amendment—I offer it now, for submission at the proper time—on page 15, line 3, to strike out the word "twenty" and insert "eighteen," so that the Speaker of the House of Representatives shall at least not receive a higher salary than the Chief Justice and associate justices of the Supreme Court of the United States.

The VICE-PRESIDENT. The Chair is of the opinion that the proposed amendment would not be in order until after the point of order has been determined.

Mr. CULBERSON. I so understood, and did not desire to express a contrary opinion. I said I would state the amendment now, for submission at the proper time, as I think the record will show; at least that was my purpose.

All I have to say, Mr. President, is that the proposition to place the salary of the Speaker of the House of Representatives

above that of the Chief Justice and associate justices of the Supreme Court is contrary to all precedent, so far as I am advised; and without reference to the merits of the proposition as to how much the Speaker ought to receive, I content myself with asserting that in my judgment he should not receive more than the Chief Justice and associate justices, and I will move that amendment at the proper time.

Mr. HEMENWAY. Mr. President, the item we are discussing is an appropriation already contained in the bill, and we propose to increase the amount. Under the rule—

No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill—

unless certain things are done. Here is an appropriation already contained in the bill. There is a proposition to increase it. It is not in order unless it be moved by direction of a standing or select committee of the Senate. It has been moved by a standing committee, the Committee on Appropriations, and certainly beyond all question comes within this rule.

It is an appropriation already in the bill. This is an effort to increase it, and it is moved by a standing committee of the Senate. So if the rule means anything it means just what it says, that an appropriation already in the bill can be increased when it is moved by a standing committee of the Senate.

Mr. FULTON. Will the Senator allow me?

Mr. HEMENWAY. Yes, sir.

Mr. FULTON. Is there a statute on this subject?

Mr. HEMENWAY. Only a provision in an appropriation bill.

Mr. FULTON. There has been no general statute?

Mr. HEMENWAY. No general statute that I know of, except the law enacted in an appropriation bill.

As to the merits of the proposition——

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Georgia?

Mr. HEMENWAY. Certainly.

Mr. CLAY. Does the Senator from Indiana say there is no general statute fixing the salaries of Members of Congress and of the Speaker?

Mr. HEMENWAY. We may have passed a statute when we increased the salaries.

Mr. CLAY. I think I can show the Senator the general statute.

Mr. HEMENWAY. But as a rule, and I think even in this case, they have been fixed in the appropriation bills, have they not? I think the salaries of Members of the House and of the Speaker and of members of this body were fixed in the appropriation bill—in the legislative appropriation bill.

Mr. CLAY. I believe the last time they were.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Oregon?

Mr. HEMENWAY. Certainly.

Mr. FULTON. The question in my mind is whether or not the provisions being in a general appropriation bill, they are continuing provisions. It is my impression that there is a continuing provision, but I am not certain.

Mr. HEMENWAY. It does not make any difference whether it is fixed by statute or by an appropriation bill. This rule provides that where an item is in an appropriation bill and you seek to increase the item you can only do it by a report from a standing committee.

Mr. CLAY. Will the Senator permit me to say a word in reply to what he has just said?

Mr. HEMENWAY. I will permit the Senator to ask a question. I want to proceed.

Mr. CLAY. I will not consume more than half a minute.

Mr. HEMENWAY. Very well.

Mr. CLAY. The Senator is fully aware of the fact, for he always keeps up with the business of Congress, that the law fixing the salaries of the federal judiciary was a special law——

Mr. HEMENWAY. Yes.

Mr. CLAY. Which we passed here, and that is certainly a law continuous in its nature until changed.

Mr. HEMENWAY. I am not discussing that now. I am discussing this provision affecting the increase of the salary of the Speaker of the House of Representatives.

Now, then, just briefly as to the merits. The salary of the Speaker of the House of Representatives and the salary of the Vice-President of the United States have always been the same. The same reason that is given for the increase in the salary of the President of the United States has been given and is given for the increase of the salary of the Vice-President and of the Speaker of the House of Representatives. Whether it is right or wrong, there has grown up the custom of the Vice-President and the Speaker of the House entertaining just as the President of the United States entertains. Whatever amount is fixed for the Vice-President's salary, the Speaker's salary should be the same. Whether $20,000 is too much or too little, I think we all know that neither the Vice-President nor the Speaker can live in Washington and entertain even in a limited way and pay their expenses with a salary of $20,000.

As the Senator from Maine [Mr. HALE] has stated, this question has been decided both ways; but I think when it was decided by the Senator from Maine [Mr. FRYE] that an increase of an appropriation already in the bill was in order when reported from a standing committee he properly interpreted the rule, because it can not mean anything else. It says in plain language that an appropriation already contained in the bill can only be increased when the increase is moved by a standing committee of the Senate. The increase in this particular instance has been moved by two standing committees—the Committee on Appropriations and the Committee on Finance.

Mr. McLAURIN. Mr. President, some of the Senators who have been debating this question seem to have lost sight of the fact that instead of the merits of the proposition to give the Speaker of the House of Representatives $20,000 there is a point of order made by the Senator from Idaho [Mr. BORAH] as to the right of the Senate, under its rules, to inject into the appropriation bill this general legislation. There is no question of the increase of an item of appropriation; there is no question of the moving of an increase by any standing committee of the Senate; but it is a question as to whether this is general legislation or whether it is a private snap.

I can not see for my life how there can be in any judicial mind a moment's doubt as to this being general legislation. It is either general legislation or it is private legislation. If it is general legislation, it is for the public. If it is private legislation, it is for the individual who receives the money.

If I may be permitted for a moment to digress, without infringing the rule which I laid down for others, I wish to say that the Speaker of the House of Representatives, the Vice-President of the United States, the President of the United States, and all the different officers are supposed to be paid for their services. It is supposed that they are in the employ of the Government and that the Government is paying them for the services rendered.

It is no part of the service of a Vice-President or of a Speaker of the House of Representatives to entertain. If the Vice-President and the Speaker are able to entertain, it is very gratifying, not only to themselves but to their friends. I am gratified by the fact that they do entertain, but that is no part of the compensation.

Now, Mr. President, having digressed this much, and I wish to say that according to my judgment this is the part of Rule XVI which is impinged by the proposition here to make a law that the salary of the Speaker of the House of Representatives shall hereafter be $20,000 instead of being $12,000, as it is now. It is proposed to provide that after the 3d of March next it shall be $20,000. Does anybody pretend that is not a general law?

Mr. HEMENWAY. If the Senator will allow me——

The VICE-PRESIDENT. Will the Senator from Mississippi yield to the Senator from Indiana?

Mr. McLAURIN. With great pleasure.

Mr. HEMENWAY. I wish to call attention again to the rule. If it means anything, it means that this increase can be made on an appropriation bill under the general provision of clause 3. This amendment was reported from the Committee on Finance to the Senate with a favorable report and referred to the Committee on Appropriations, and by them reported. Let us follow the rule just a minute—

And no amendment shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill—

unless it has been reported from a standing or select committee.

This provision has been reported from two standing committees. Now, what is the item that we seek to increase? It is an item already contained in the appropriation bill. Then, if this rule means anything, does it not mean just the case we have before us? It is an item already contained in an appropriation bill and we seek to increase it. It has been reported from two standing committees of the Senate—the Finance Committee and the Committee on Appropriations. If the rule means anything at all, it fits this case, and it is taken out of the provision of clause 3.

Mr. McLAURIN. Mr. President, the Senator is a good lawyer. Does he not know that if the rule had said that in every instance where the item of increase is moved by a committee it shall be in order, it matters not whether it impinges any

other provision or not? But will not the Senator look at clause 2 of Rule XVI? It says that—

No amendment shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless, etc.

Now, that is one prohibition, but that is not all the prohibition. If there is general legislation proposed it shall not be admitted any more than an increase of the appropriation. Does the Senator not see that you can not offer an amendment that increases an item of appropriation unless certain things are done? But neither can you legislate generally.

Mr. HEMENWAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield further to the Senator from Indiana?

Mr. McLAURIN. With pleasure.

Mr. HEMENWAY. I wish to state my point. Here is an item contained in an appropriation bill. No one doubts that. There is an item in the bill providing $12,000 for the salary of the Speaker. That is correct, is it not? Then it is an item contained in an appropriation bill. This rule provides that where an item is contained in an appropriation bill it can not be increased unless it has been reported from a standing or select committee of the Senate. Here is an item already in the bill appropriating a salary of $12,000. Here is an effort to increase it. Here are two standing committees that have reported favorably on the increase. Does not that bring it within the provision of the rule? If it does not, what kind of an item would come within the provision of the rule?

Mr. McLAURIN. I will answer the Senator if he will just give me time. The Senator feels that he has shown that this does not contravene that provision of the rule. Now, grant that. I am not going to argue it. Let it be granted that it does not contravene that provision of the rule. But this is the provision of the rule it does contravene:

No amendment which proposes general legislation shall be received to any general appropriation bill.

Must this contravene every provision in the rule; or if it contravenes any one of them, is it not sufficient?

Mr. HEMENWAY. The Senator seems to forget that these rules must be construed as a whole.

Mr. McLAURIN. That is right; they must be construed as a whole.

Mr. HEMENWAY. And here is a limitation upon the provision of clause 3 providing that certain things can be done. The rule must be construed as a whole. If you take clause 3 and just say that is all there is of the rules of the Senate, any one of these items is general legislation, in my judgment; when you change an existing law you are legislating, and when you raise any man's salary from $10 to $15 you are legislating.

Mr. McLAURIN. That is what I say.

Mr. HEMENWAY. You could not do it if you followed the provisions of clause 3, but there are certain limitations of the rule that are to be taken together. This rule specifically fixes the rule for appropriation bills—the rule I have read to the Senate two or three times.

Mr. McLAURIN. The Senator fails to see the distinction that this is not an enabling rule, that it is a prohibitory rule, and it prohibits unless certain things are done. Simply because it does not contravene the provision to which he alludes, he takes it for granted that if it contravenes any other provision, therefore, there is no harm done. I grant that, so far as increasing an item of appropriation, it would probably authorize the increase of an appropriation, if that were all. But that is not all. It is not all of the prohibitions that are contained in Rule XVI. Rule XVI prohibits the raising of an item of appropriation. It prohibits general legislation. Now, there is an exception in the case of raising an item of appropriation. It puts that exception in there and it may not contravene that part of it, but it does contravene the part of the rule which says that "no amendment which proposes general legislation shall be received to any general appropriation bill."

That is the point. This is general legislation. It can not be denied that it is general legislation. The Senator has admitted that it is general legislation to raise the salary from $12,000 to $20,000. If that is so, if it were a mere matter of increasing the item of appropriation, there would be no trouble about it; but it proposes to legislate and fix what the salary of the Speaker of the House of Representatives shall be after the 3d of next March.

It is making a new law, and it does not make any difference whether appropriations have been made to the Speaker of the House of Representatives heretofore without any law fixing his salary, because, if you make a law now, it is a general legislation. If you propose to make a law now that the salary shall be $20,000, it is general legislation. But let us suppose that it is a private snap, and that nobody is interested in it but one man. Clause 4 says:

No amendment the object of which is to provide for a private claim shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of an amendment.

So the Senator from Indiana seems not to have gotten into the whole gist of this rule. There are four clauses and there are a number of prohibitions here. One of them is the prohibition to increase an item of appropriation. Another is the prohibition of any general legislation. If the legislation here intended contravenes any of these, it is to be ruled out on this point of order; that is the rule.

Now, we ought to observe our rules. It will not do to say that just simply because we desire to have this or that matter enacted we will disregard the rules and override them. We might just as well have no rules. The Senate might as well do business without any rules at all as to override the rules whenever convenience suggest.

Mr. FULTON obtained the floor.

Mr. PILES. I wish to ask the Senator from Mississippi a question.

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Washington?

Mr. FULTON. I yield for a moment, as the Senator wishes to ask a question.

Mr. PILES. I was interested in the construction of the rule, and I should like to get the Senator's view on it.

Mr. McLAURIN. If I have any views I will give them with pleasure.

Mr. PILES. I understand the Senator that subdivision 3 of Rule XVI absolutely controls subdivisions 1 and 2. As I understand the Senator's argument, that is correct.

Mr. McLAURIN. The Senator must let me say to him that I do not say that. I do not contend nor pretend that subdivision 3 controls any other part of the rule, but I do contend this, and it seems to me that it is incontrovertible——

Mr. PILES. Let me ask the Senator further——

Mr. McLAURIN. Just let me finish. I do contend that by the legislation proposed here, whether it is the increase of an item of appropriation, whether it is general legislation, whether it is a private claim, brought in without any general law to support it, whatever it is, if the legislation impinges either one of these four clauses, then it is objectionable and ought to go out on a point of order. Now, is not that true?

Mr. PILES. As I understand the Senator——

Mr. McLAURIN. Does the Senator contend that it must contravene all four of the subdivisions before it goes out?

Mr. PILES. I understand the Senator's argument to be that no item which increases an item already provided for in an appropriation bill may be added under the provisions of this subdivision if it proposes general legislation. Is that the Senator's argument?

Mr. McLAURIN. I must have been very infelicitous——

Mr. FULTON. Mr. President, I do not care to yield further.

Mr. McLAURIN. I should like to answer that.

Mr. PILES. I understand the Senator to make that argument.

Mr. McLAURIN. No, sir. The argument I make is that if this——

The VICE-PRESIDENT. Does the Senator from Oregon yield further?

Mr. FULTON. I think I must insist on the floor.

The VICE-PRESIDENT. The Senator from Oregon declines to yield further.

Mr. FULTON. Mr. President, I do not know whether this question will be submitted to the Senate or not, but if it should be I wish to state my views briefly in order to fully explain the vote I shall cast.

I take it that no one will question that where a provision proposes to change an existing statute it is general legislation. I do not think that the clauses in the first paragraph of Rule XVI has any particular bearing on this question. They might have bearing were it not for the fact that the proposed amendment went to a standing committee and has been reported by that standing committee. But we have an existing law, a continuing law, a general statute, which provides:

That on and after March 4, 1907, the compensation of the Speaker of the House of Representatives, the Vice-President of the United States, and the heads of the executive departments who are members of the President's Cabinet shall be at the rate of $12,000 per annum each.

That is a general statute. Subdivision 3 of Rule XVI provides that—

No amendment which proposes general legislation shall be received to any general appropriation bill.

Will anyone contend that a provision which proposes to change a general law is not general legislation? Very ingeniously it is argued by the Senator from Indiana [Mr. HEMENWAY] that we must construe all these provisions together, and he says that unless we can in some instances by general legislation carry out a proposed increase, therefore this provision does not apply, because, he says, under the provisions of the first paragraph of Rule XVI, if they submit a proposed increase of an item of appropriation to a standing committee and it be reported, then it is in order; but he argues, as I understand it, that it would still be in order if you could not by general legislation carry it into effect.

But, Mr. President, the argument is fallacious and unsound, in my judgment. The provisions to which reference has been made are in the first paragraph of Rule XVI, namely, that—

> No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law or treaty stipulation or act or resolution previously passed by the Senate during that session, or unless the same be moved by direction of a standing or select committee of the Senate or proposed in pursuance of an estimate of the head of some one of the departments.

That is simply where it is proposed to increase an item already in a bill. It has no reference whatever to general legislation, unless it be a case where it is necessary to increase it in order to carry out existing law.

But here is a provision in this bill, added by the committee, which provides that the salary of the Speaker of the House of Representatives after March 3, 1909, shall be $20,000 per annum. That is not to carry out any existing statute. It is not merely increasing an existing item in the bill.

There is an item in the bill providing for the annual salary of the Speaker of the House of Representatives. The language here employed is not necessary to increase that salary. It is inserted for the purpose of changing the general existing law. It operates not otherwise; and if you can enact legislation of that character and carry it in an appropriation bill, I undertake to say there is no legislation that may not be adopted in exactly that way.

The Senator from Indiana made another statement as to its being necessary for the consideration of this proposition, on which I beg in all deference to take issue. He says that this is necessary because it is a policy that has obtained and should be preserved, of continuing——

Mr. HEMENWAY. Mr. President——

Mr. FULTON. I will yield in just a second. If I misquote the Senator, then he will correct me. He says it is the policy of continuing the salary of the Speaker on an equality with that of the President and Vice-President. I so understood the Senator. Did he not make that statement?

Mr. HEMENWAY. I did not say it was necessary, but I said a custom had grown up, and the same reason that was given for an appropriation for the increase of the salary of the President of the United States applies to the Vice-President and Speaker.

Mr. FULTON. I did not quote the Senator's language exactly. I do not think I was very wide of expressing his meaning. Certainly I had no disposition to misquote the Senator. I only wished to suggest the question for the purpose of saying that if the dignity of the office be taken into consideration and the salary is to be measured according to that—and it should be—then I think that the salary of the Vice-President of the United States should also be higher than that of the Speaker or that of any other officer excepting only the President. The Vice-President is elected by the people, as is the President; he comes from the whole body of the country. The Speaker of the House is merely the officer of the Members of that House; he is simply the selection of the Members of the House. He is not the selection of the country at large; he does not represent the country at large in any comprehensive sense, as does the Vice-President. The Vice-President is the next officer in the country to the President himself; the next highest official to the Chief Executive, and I think it must be understood that it will cost him more to live in his official life in order to maintain the dignity of his office and position than it will a man occupying a less conspicuous official position. Therefore I think there is every reason why the salary of the Vice-President should be increased very considerably over what it is at the present time. There are many reasons why his salary should be in excess of that of the Speaker.

But I am not now discussing the question whether or not the Speaker should have a salary of $20,000; I am simply discussing the pending point of order. It seems to me it is well taken. I repeat, if legislation of this character can be carried in a general appropriation bill, there is no legislation that may not be so carried.

Mr. BORAH. Mr. President, we have upon the statute book at the present time a law fixing the salary of the Speaker of the House of Representatives; we also have a general law fixing the salary of the President of the United States and a general statute fixing the salaries of the different federal judges. It is proposed by simply increasing the salary here to dispense with those provisions of the statute and to change the general statutory law through the means of an appropriation measure. That statement of itself ought to be sufficient and efficient to satisfy anyone that this is general legislation; that it is designed to cover the subject-matter which general legislation should cover, and that it is covering that subject-matter.

The provision against which I raise the point of order reads as follows:

> *Provided*, That the salary of the Speaker of the House of Representatives after March 3, 1909, shall be $20,000 per annum.

If it was not put in there for the purpose of fixing in a statutory form the salary of the Speaker by general legislation, it would not be necessary to have it there at all; but it must be there and take the form of general legislation and cover the subject-matter the same as general legislation would in order to make effective this appropriation which we are attempting to make.

The Senator from Indiana [Mr. HEMENWAY] has suggested that all the different parts of the rules or of a law must be construed together. That is true. But why are they construed together? For what purpose? Certainly not for the purpose of annihilating or rendering inoperative a specific provision of a rule or of a statute.

Mr. HEMENWAY. Will the Senator permit me, right there?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. BORAH. I do.

Mr. HEMENWAY. The point the Senator makes, I think, is well taken. If this amendment is held to be subject to the point of order, then what does Rule XVI, subdivision 1, mean when it says:

> No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill * * * unless the same be moved by direction of a standing or select committee.

It is conceded that this is an item in the bill, that there is an effort to increase the item, and that it has been reported from two standing committees. If that is not in order, does not it have the effect of absolutely abolishing this particular rule? I agree with the Senator that it is general legislation. I believe that every single increase of salary in this bill is legislation. We have to legislate or the salary would remain as it was in the previous bill. We have to change it, and we can only change it by legislation. This subdivision 1 of Rule XVI applies particularly to appropriation bills and provides a way by which we can increase items in an appropriation bill by first securing a report from a standing committee of the Senate. It either means that or it does not mean anything and ought not to be in the rules.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Rhode Island?

Mr. ALDRICH. I did not intend to interrupt the Senator, but I wish to make some answer to the suggestions made by the Senator from Indiana [Mr. HEMENWAY].

Mr. BORAH. I am willing to yield to the Senator from Rhode Island.

The VICE-PRESIDENT. The Senator from Idaho yields to the Senator from Rhode Island.

Mr. ALDRICH. Mr. President, I wish to express my dissent from the doctrine laid down by the Senator from Indiana [Mr. HEMENWAY] that an increase in the appropriation of an item in the appropriation bill made under direction of a standing committee of the Senate is general legislation. If it is general legislation, then we might as well stop making appropriations for the support of the Government.

Mr. HEMENWAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Indiana?

Mr. HEMENWAY. I want some Senator, if he will, to define the difference between "general legislation" and "legislation."

Mr. ALDRICH. That is very easy to do. Changing the salary of a clerk of the United States or of a clerk in a department is certainly not general legislation, and never has been construed to be so in any ruling that has ever been made in the Senate within my recollection.

Mr. WARREN. That applies to but one man.

Mr. HEMENWAY. Then it is merely legislation.

Mr. ALDRICH. Oh, no. "General legislation" is a change of law by a provision which is general in its scope and effect.

Mr. HEMENWAY. I understand the distinction which the Senator is trying to make.

Mr. ALDRICH. It is a distinction which has been made by the Senate from time immemorial.

Mr. HEMENWAY. It has been made by the Senate from time immemorial, and I want it made to-day, else this rule is absolutely of no value.

Mr. FULTON. May I ask the Senator from Rhode Island a question?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. ALDRICH. I supposed that I was occupying the floor in my own right.

Mr. BORAH. I yield.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. The Senator from Idaho [Mr. BORAH] said that he yielded to the Senator from Rhode Island [Mr. ALDRICH] for a suggestion.

Mr. ALDRICH. My idea was that I was occupying the floor in my own right.

Mr. FULTON. If the Senator from Idaho will permit me, I wish to ask the Senator from Rhode Island if a statute fixing the salary of an officer—the President of the United States, the Vice-President, or the Speaker of the House—is not a general law?

Mr. ALDRICH. There is nothing known to the statutes or the rules of the Senate about a general law. I never heard the phrase used.

Mr. FULTON. There are general laws and special laws. A law granting a pension to John Smith would be a special law——

Mr. ALDRICH. I will, for the purpose of the Senator's argument, admit that there is such a thing as a general law.

Mr. FULTON. Very well. Then, if we change a general law, is that not general legislation?

Mr. ALDRICH. I beg the Senator's pardon. It is not necessarily so.

Mr. BORAH. Mr. President, I undertake to say, without fear of successful contradiction, that where a general law fixes the salary of an officer, any change in that law results in general legislation or any legislation which changes it is general legislation.

I was going to say, when my attention was diverted by the Senator from Indiana [Mr. HEMENWAY], that while these statutes or rules are construed as a whole, they are construed with the idea of upholding and making effective every part and parcel of the law or rule rather than to render inoperative any particular provision of it. In my judgment, a careful reading of the first provision of Rule XVI, upon which the Senator from Indiana relies, will disclose that it does not relate to the same subject-matter at all which is being considered and treated under section 3. That section reads:

3. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received.

The object of that provision was to prevent general legislation in an appropriation bill as a whole, and under section 3 we have not the right to have general legislation. The other section says:

And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session.

Mr. HEMENWAY. The rule continues:

Or unless—

Mr. BORAH. It continues—

or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments.

You can not increase an appropriation or an item of appropriation without those conditions; but you can not have new legislation under any circumstances——

Mr. HEMENWAY. Let me suggest to the Senator that in the last provision——

Mr. BORAH. I mean general legislation.

Mr. HEMENWAY. The rule reads:

Or unless the same be moved by direction of a standing or select committee of the Senate.

Now, in this instance, the Finance Committee move this amendment; it is referred to the Committee on Appropriations; and they report it favorably. Does not that bring it within this rule?

Mr. BORAH. If the Senator will pardon me, that is increasing an item.

Mr. HEMENWAY. Yes.

Mr. BORAH. But the portion of this bill to which I object is that creating a new salary—a different salary.

Mr. HEMENWAY. I think the Senator, when he properly construes section 3 of this rule, will find that it applies to general legislation, as the term is usually accepted—legislation that affects the general public, legislation of a general character, not the fixing of a salary in this bill or any of these salaries; yet I admit right along you can not change salaries without legislating, but that is not general legislation such as is contemplated by the third clause of Rule XVI of the Senate.

Mr. BORAH. Mr. President, this is general legislation. It fixes the question of salary for a number of officers of the Government. It is a matter of general interest to the general public, and there can not be any subject concerning which we are more interested than the question of controlling the expense in reference to the salaries of the officers whose salaries the people must pay.

It is in every sense general legislation, and the viciousness of its being in this bill, if I may use the term, is disclosed here this afternoon when we find that there are scarcely two Senators who agree as to what these changes should be. It is a subject which should come in in an appropriate and orderly way by general legislation that it may be appropriately discussed and properly considered.

I raised this point of order for two reasons. In the first place, if there is anything that is solemnly mysterious to a new member of this body it is an appropriation bill. It is almost impossible, with the opportunity which we have to analyze it, to know what is going on.

Mr. BACON. I hope the Senator will not limit that remark to new members.

Mr. BORAH. I have to do that out of common courtesy and out of the high regard I have for the older members of the Senate. I suppose, of course, that they are more familiar with these matters and can follow them better.

Mr. BACON. I will say to the Senator that, after fourteen years' service, appropriation bills, by reason of their complexity and the consolidation of different items of appropriation, are as much of a mystery to me to-day as they were the first day I entered the Chamber.

Mr. BORAH. That is, I feel, a high compliment, and I feel encouraged, notwithstanding I have not as yet been able to solve them. But there are features about appropriation bills with which we are primarily concerned, even if we have not been here for twenty-four hours. We want to know something about what we are doing, especially when we come to the question of changing the salaries of so many different officers.

Mr. HEMENWAY. Mr. President, I think the Senator is laboring under a misapprehension. Salaries are properly fixed in this bill. The change in the salaries of Members of Congress two years ago was made upon a similar bill. This is the bill that carries appropriations for salaries, and it is the proper bill upon which to change them.

Mr. BORAH. I will ask the Senator from Indiana if the salaries were fixed in an appropriation bill, whether anybody raised a point of order?

Mr. HEMENWAY. It was fought out in the House and in the Senate. I do not remember the points that were made, but the legislation was carried on the legislative, and so forth, appropriation bill, which is the proper place to carry it. It is the bill that appropriates for the salaries of officers of the various departments of the Government. We raised the salaries of Cabinet officers on this bill. We have on this bill raised the salary of the President a number of times and also provided for his traveling expenses. It is the proper place for such matters.

Mr. BORAH. Mr. President, this has become a more interesting subject since the deficit of this Government is increasing so rapidly and is entitled to more consideration.

The second reason why I raised the point of order is that I am utterly and absolutely opposed to increasing salaries. I am not going to trespass upon the time of the Senate to state my reasons. I am satisfied to state it as a fact and let it remain in the RECORD, but I do think that it is a matter of a great deal of importance. It is a question which comes with each recurring session of Congress. It is a subject-matter with which we have to deal almost every session while we are here. It is a matter in which we are not only interested, but the people generally are interested. It is a subject which is entitled to discussion at length and consideration at length; and although

it may have been a custom to put these salary increases in the appropriation bill and carry them through in that way, it is time that the custom had an end, and that such matters of general importance and of general legislation should come in in an appropriate way where we can consider them and discuss them.

Mr. HEMENWAY. Will the Senator permit me?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. BORAH. I do.

Mr. HEMENWAY. This bill is made up for the particular purpose of fixing salaries.

Mr. TILLMAN. According to existing law.

Mr. HEMENWAY. It is a bill made up of salaries.

Mr. BORAH. Mr. President, I am aware that the bill is made up for the purpose of appropriating for salaries, but I am not aware that it is made up for the purpose of changing salaries.

Mr. HEMENWAY. If the Senator will look over the appropriation bills that have passed the two Houses of Congress, he will find that many, many changes and salary increases have been made in every bill. If that were not true, we could simply pass one bill. We would not have to take each item up at the succeeding Congresses. The salaries of the officers of the various departments of the Government have been fixed from time to time upon this bill, and are changed from time to time upon this bill.

The President and the heads of the departments in every estimate they send down to Congress recommend changes of salary and increases of salary, and they are all taken up and determined upon in this bill. It is the proper place for them to be taken up and determined, and the Senator, I think, is mistaken when he urges that it ought not to be done, because it is the only bill provided by the rules of the House and the Senate for the consideration of the question of salaries of the officers of the executive departments in the city of Washington.

Mr. McLAURIN. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. BORAH. I yield.

Mr. McLAURIN. Could not a bill be introduced fixing the salaries of these officers? The Senator from Indiana says this is the only bill on which it can be done. Could not a separate bill be introduced?

Mr. HEMENWAY. Beyond question, the Senator could introduce any bill he wanted to.

Mr. McLAURIN. Has not a bill been introduced to fix the salary of the President of the United States, and has it not been referred to a committee?

Mr. HEMENWAY. The bill was introduced, referred to the Committee on Finance, reported by the Committee on Finance favorably, and referred to the Committee on Appropriations. After it came to us from the Committee on Finance the Committee on Appropriations took it up for consideration and determined to put it in this bill, following exactly, if the Senator will permit me, the recommendation of the Committee on Finance.

Mr. McLAURIN. I will ask the Senator in charge of the bill if the bill that had been referred to the Committee on Finance and reported favorably by the Committee on Finance was ever referred to the Committee on Appropriations?

Mr. WARREN. Mr. President, the bill was referred to the Committee on Appropriations, with the recommendation that it be incorporated in this appropriation bill. As the Senator knows, legislation affecting the salary of the President of the United States must be had before the 4th of March, if it is to be had at all.

Mr. McLAURIN. Has that bill ever been acted upon by the Senate?

Mr. WARREN. It has been acted upon in this way: It came to the Senate from the Finance Committee and was then, at their request, referred to the Committee on Appropriations, was acted on by that committee, and as inserted here is recommended by the Finance Committee.

Mr. McLAURIN. Then, as I understand, Mr. President, the bill which originally proposed to increase the salary of the President of the United States, introduced in the Senate and referred to the Committee on Finance, was reported back to the Senate, then referred to the Committee on Appropriations, and came out as an amendment to an appropriation bill instead of as a separate bill.

Mr. WARREN. It was referred as a proposed amendment, and it came to us in that way.

Mr. MONEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. BORAH. Certainly.

Mr. MONEY. Mr. President, I am not rising to oppose this bill by any argument. I want to say that the work of the Committee on Finance on this particular bill was to recommend an increase in the salaries of the President, the Vice-President, and the Speaker of the House of Representatives. It was limited to that. There was no recommendation made by that committee for the $5,000 allowance proposed to be made to the Speaker and to the Vice-President. The committee did, upon my motion, add to the appropriation for the President with the idea that there should be no further allowance than the straight salary. That was done because, as is known, in a previous bill we provided an appropriation of $25,000 for presumed traveling expenses, which did not exist and never did exist, for the present incumbent of the White House.

Mr. WARREN. The item now at issue is one of salary alone, and upon that I understand the Senator did agree with me.

Mr. MONEY. Exactly.

Mr. WARREN. That is, the Committee on Finance reported it as an amendment and had it referred to the Committee on Appropriations, that it might go into the bill.

Mr. MONEY. That is true; but I want to make it clear that the Committee on Finance did not recommend the other item of $5,000 allowance for carriages, and so forth.

Mr. BORAH. Mr. President, I desire to submit another remark. If this bill should carry the appropriation just as it does carry it without the proviso to which we raise the objection, would not the Speaker be bound by the general law which now prevails upon the statute book with reference to the salary which he should draw? Can you change that general law except by general legislation?

Mr. ALDRICH. Mr. President, there are two classes of amendments which can properly be made to general appropriation bills, and there is one class of amendments that can not be made at any time. Amendments in the nature of general legislation are not in order upon a general appropriation bill. That is the inflexible rule of the Senate, which has been interpreted in various ways by the Senate itself. I have seen provisions very wide in their application declared by the Senate itself to be in order upon general appropriation bills. There have been many instances of that kind in the history of the Senate.

There is another class of amendments to general appropriation bills which increase appropriations for particular items in the bill above the amount in the bill as it came to us from the House of Representatives. Such amendments are in order if, among other things, they are reported from a standing committee of the Senate, and that is precisely what has been done in the case of the recommendation for the increase in the salary of the President and Vice-President and other officers.

If it is not in order to increase an item in this general appropriation bill in the form and in the maner which I have suggested, then no amendment in the nature of an increase can be made except by unanimous consent. It practically destroys the power of the Senate to amend a general appropriation bill if we are bound to take the bill precisely as it comes to us from the House of Representatives and pass it without change.

That construction has never been put upon the rules, and I would suggest that any such construction is absurd. You can not change a bill in any of its features in the way of increasing an appropriation if it can not be done, under the rules, upon the approval of a standing committee of the Senate.

For instance here is an item:

For Chaplain of the House, $1,200.

Does the Senator mean to say that we can not increase the salary of the Chaplain of the House of Representatives, provided a standing committee of the Senate reports in favor of it, to $1,300 or $1,250? And yet it might be a change in the law, if you please.

The House of Representatives has a rule which provides that no amendment which changes existing law shall be in order. That is not the rule of the Senate. The rule of the Senate is something entirely different from that.

The question whether or not these salaries should be raised as a matter of public policy in view of the revenues of the Government, or whether the salary of the President is too high or too low, has nothing to do with this question of the rule.

I hope the Senate will not adopt any precedent that will put it out of their power to amend any bill making general appropriations for the Government which comes from the House of Representatives.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Texas?

Mr. ALDRICH. Certainly.

Mr. CULBERSON. Would the Senator let me point out a possible distinction between the case cited by him and the one under discussion?

Mr. ALDRICH. Certainly.

Mr. CULBERSON. So far as I know, Mr. President, there is no law and no requirement that the salary of the Chaplain of the House of Representatives shall be fixed by law, but there is a requirement of the Constitution that the salaries of the Members of the House of Representatives shall be fixed by law. I call the Senator's attention to section 6 of the first article of the Constitution of the United States:

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States.

In that connection I invite the Senator's attention to the subsequent clause of the Constitution, that—

No money shall be drawn from the Treasury but in consequence of appropriations made by law.

There are two requirements in the case of Members of the House of Representatives and the Senate: First, that their compensation shall be ascertained—that is, fixed by statute—and, second, that they shall be paid by an appropriation out of the Public Treasury. There is no such requirement as that, so far as I know, with reference to the Chaplain of the House.

Mr. ALDRICH. Mr. President, we are not discussing the question as to what the compensation of Members of the Senate or the House of Representatives should be generally, and we are not discussing the question as to the constitutional requirements in that direction. We are discussing what amendments are in order under the standing rules, and that is the sole question which is now before the Senate.

The question is whether we shall put such a construction upon this rule as would practically prevent the Senate from making any amendments to any general appropriation bill. That was never the purpose of the rule, and it has never been construed by the Senate at any time in that way.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield further to the Senator from Texas?

Mr. ALDRICH. Certainly.

Mr. CULBERSON. The purpose of my reading the extract from the Constitution was to invite the attention of the Senator from Rhode Island to the fact, as I believe it to be, that the Constitution requires that there should be a general law ascertaining the compensation of Members of the Senate and House of Representatives, and that then it should be appropriated for. I do not mean to say, of course, that the Constitution says that there should be two kinds of bills, for an appropriation bill is a general bill, but the Constitution requires general legislation on the subject of the compensation of Senators and Representatives.

I submit that under this subdivision of Rule XVI of the Senate the fixing of the compensation of the Speaker of the House of Representatives, who is a Member of that body and its presiding officer, is general legislation within the meaning of the Constitution and within the meaning of this rule, and that to change it by an appropriation bill would be contrary to this subdivision of Rule XVI.

Mr. ALDRICH. Whether or not the Constitution required that we should fix the salary of Senators and Members, no money could be paid out of the Public Treasury unless appropriated by law for those purposes, and that applies equally to the Chaplain of the House of Representatives and to the Members of the Senate and House of Representatives. Of course the Constitution does not require that we should fix the salary of the Chaplain of the House. Perhaps it had no Chaplain at the time the Constitution was adopted. But it must be fixed by law, and no money can be paid out of the Treasury of the United States except upon appropriations made by law. That is in the Constitution, too, if the Senator will permit me.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Oregon?

Mr. ALDRICH. I do.

Mr. FULTON. The Senator from Rhode Island has said several times that the construction of this rule for which he contends has been the uniform construction, and he is kind enough to suggest to those who have taken a different view from himself that any other construction is absurd. Of course that ought to be the end of the argument. But I call the Senator's attention to the fact that the distinguished senior Senator from Maine [Mr. HALE] made the statement on the floor here a while ago that it had been decided both ways, and, as I understood him, to express his view that it is general legislation and obnoxious to the rule. The distinguished Senator from Colorado [Mr. TELLER], who has served here a great many years, tells me it has been decided both ways. Now, of course, when it was decided against the contention of the Senator from Rhode Island I suppose it was absurd.

Mr. ALDRICH. It is undoubtedly true that the rules of the Senate have been construed in various ways by this body. I think there is no Member of this body who has been here for many years who has not seen the Senate repeatedly change its interpretation of the rules according to the wishes of the majority at the time being. But I do insist that unless there has been some great emergency that required, in the opinion of the Senate, that the rule should be differently interpreted the interpretation I have given to the rule has been uniformly followed.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Kansas?

Mr. ALDRICH. Certainly.

Mr. CURTIS. I desire to ask the Senator if there is not a difference between the two appropriations, the one appropriating for salaries fixed by law, a general law, and the one changing an item in an appropriation bill which simply carries an item year after year. If that is true, then does not an amendment which changes the salary provided by general law become itself a general act, and is it not general legislation?

Mr. ALDRICH. No; it is not general legislation unless it is general in its scope, and the mere changing of an appropriation for a single salary for a single year is not general legislation and has never been so construed to my knowledge. It is taken out by the rule itself.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield further to the Senator from Kansas?

Mr. ALDRICH. Certainly.

Mr. CURTIS. Then, if the salary is changed in this bill——

Mr. ALDRICH. It is changed only for the year.

Mr. CURTIS. Changed only for the year?

Mr. ALDRICH. That is all.

Mr. CURTIS. Does that not change the general law for the year?

Mr. ALDRICH. It does not; not necessarily.

Mr. KEAN. It changes the compensation.

Mr. ALDRICH. It changes the compensation for one year.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Mississippi?

Mr. McLAURIN. If the Senator will allow me, not to interrupt the Senator from Kansas——

Mr. CURTIS. I want the item read.

Mr. McLAURIN. It provides:

That the salary of the Speaker of the House of Representatives after March 3, 1909, shall be $20,000 per annum.

Mr. ALDRICH. I think the committee, perhaps, were somewhat unfortunate in the language which they used. I suggest to the acting chairman of the subcommittee that the item should be changed to read as follows:

Provided, That of the amount herein appropriated $20,000 may be used to pay the salary of the Speaker of the House of Representatives——

Mr. McLAURIN. From what is the Senator reading?

Mr. ALDRICH. Which is a mere limitation upon this appropriation and applies for only one year.

Mr. McLAURIN. But that is not the way it reads in the bill.

Mr. ALDRICH. No.

Mr. CURTIS. The reason I asked the question was because of the language of the present bill, and I thank the Senator from Mississippi for reading it, because I want it to go into the RECORD.

Mr. CLARKE of Arkansas. Mr. President, the real question before the Senate is not new or exceedingly difficult. It takes on quite an importance in connection with the prominent officials whose salaries are involved at this time. I say it is not new. It has not been certainly six months since it was decided by the present occupant of the chair absolutely and squarely.

The Judiciary Committee authorized me, as a member of it, to present to the Senate the proposition to allow United States district judges $6 a day, in addition to their existing salary, with which to defray their expenses when away from home holding court in their several States. The Judiciary Committee recommended that increase in the compensation of the judges because it was compensation in the sense that it relieved the judge of the necessity of providing for his own personal expenses. When it was offered by direction of the Judiciary Committee, the Senator from Illinois [Mr. CULLOM] made the point that it was new legislation, providing a liability not otherwise existing; and upon consideration the Chair decided the point to be well taken, and the amendment went out, and went out prop-

erly. I thought possibly it would escape the objection, being so small in amount and so obviously just in principle. But the Senator from Illinois thought otherwise, and I had no complaint to make at the ruling of the Chair on that occasion.

The amendment was general and applied to all in the class to whom it purported to apply. A law is general if it applies to all persons in the class referred to, whether they are numerous or few.

There is but one President; there is but one Vice-President; there is but one Speaker of the House of Representatives; and the number of circuit judges now existing is fixed by law, and every one of those officers is embraced in the legislation proposed by this amendment. It is general, as general as it can be. There is no sort of phraseology which would make it more general or which would bring in a single more individual than is now provided for.

Mr. WARREN. May I ask the Senator from Arkansas a question?

Mr. CLARKE of Arkansas. I cheerfully yield.

Mr. WARREN. Was that an amendment which had been reported favorably by a committee?

Mr. CLARKE of Arkansas. Yes, sir; the Judiciary Committee.

Mr. WARREN. And had it been accepted by the Appropriations Committee?

Mr. CLARKE of Arkansas. It had been reported by the Judiciary Committee. But there was the difficulty—the member of the Committee on Appropriations then in charge of the appropriation bill declined to permit it to go on, and under this rule the Senate declined, and very properly declined, to accept it.

Now, it is useless to say that the Senate can not legislate on any particular subject-matter which, under the Constitution, is committed to it. It has disabled itself by certain rules. If that were not true the appropriations could be put in any sort of a bill and any sort of legislation could be put upon an appropriation bill. But the experience of the Senate has demonstrated the fact that the orderly dispatch of business requires that some things shall be considered on one occasion and other things shall be considered on other occasions, and disconnected from occasions of the first sort. It is a part of the legislative history of this Chamber that the two Houses disagreed about how certain election laws should be enforced or carried out. One House had the power to deny all appropriations unless certain changes were made that were agreeable to the majority in that House. It was absolutely within the power of one House of Congress to suspend the operation of the Government unless some limitation was imposed.

The rule of the Senate has been enforced, and there is less occasion for violating it now than ever. The integrity with which the rules of the Senate are observed by those in authority is of vast importance to the country and vast importance in maintaining the respect in which the people and the members of the Senate hold those who have a right to administer its affairs.

So far as the merits of this particular proposition are concerned, I do not know that I am very much opposed to doing in an orderly way what is attempted to be done. I think this is a manner of doing it which is not required by any exigency of which I am aware, and is a more expeditious way of disposing of it than, in my judgment, any exigency demands.

If there is a necessity for increasing the salary of the President or any other officer, let that proposition be submitted to the Senate, disassociated from other matters, allowing each proposition to stand upon its own merits.

I do not take much stock in the contention that the Senate could not do this or that or the other, or if it did that it would not be valid; but my little knowledge of the law and its limitations satisfies me that there is a distinction between the creation and fixing of a salary and the payment of it. Salaries are fixed for members of this body and for various other officers. Suppose it should turn out late in the session that the President had vetoed an appropriation bill, so that there would be no funds available for our pay. We would not lose the money. The Government would owe us that much. We would know exactly to a cent what it would be, and it would be provided for in subsequent legislation.

So it is in the case of the President. His salary is fixed by one law, or, if it were not for this rule, it might be in this same law, and then its payment is provided for. But the Senate in the exercise of its authority has provided that there shall be a separation of the matter of appropriation from the question of general legislation. I think it was wisely done. I see no occasion now for introducing another rule.

I do not believe there is a member of this body who would interpose obstruction to any proposition to increase the President's salary, but there is no reason why it should be hitched onto one of the appropriation bills which must necessarily go through and behind which a large group of influences always urges its passage.

There is a reason also for this rule.

Mr. WARREN. Mr. President, may I call the Senator's attention to the fact that these items are all single, each by itself, and probably a way could be found to get them before the Senate to vote on them separately? Now, as to some of them, the legislation might be proper at any time, and we could delay, but I suppose the Senator understands that so far as the President is concerned we must act before the 4th of March or it can not apply for the next four years.

Mr. CLARKE of Arkansas. I understand that perfectly well.

Mr. WARREN. And at this late time——

Mr. CLARKE of Arkansas. It is not late. It is just the beginning of the session.

Mr. WARREN. It may be the beginning of the session, but if the Senator will count the days he will find that there are not many more between now and adjournment.

Mr. CLARKE of Arkansas. It would not take this body many days to dispose of a single proposition of this kind.

Mr. WARREN. That is very true, but it has to be acted upon elsewhere.

Mr. CLARKE of Arkansas. If it is the purpose to provide against difficulties elsewhere, I see why the item was put in this bill. You are not willing to let it stand on its own merits.

Mr. WARREN. It stands upon its own merits if there is an opportunity to vote on it separately.

Mr. CLARKE of Arkansas. Then it is because of some reason that applies elsewhere. There is no disposition here to obstruct a bill to increase the salary of the President. If the Senator has knowledge of difficulties, it must be knowledge of what may transpire elsewhere.

The rule provides that an existing item can not be increased——

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. CLARKE of Arkansas. Cheerfully.

Mr. ALDRICH. Does the Senator think any member of this body would vote differently upon a proposition to increase the President's salary on this bill than he would on any other bill?

Mr. CLARKE of Arkansas. That question, in my judgment, is not submitted at this time. I can tell you what I will do. I will vote for any reasonable increase in the President's salary, but the integrity of the rules of the Senate is what we are insisting upon now. We want them enforced in cases where they operate unpopularly as well as where they bring about results that are desired. That is the question I am discussing, and it is to that that I commit myself. In the light of the precedents in the Senate the point of order should be sustained; and since I have been interrogated, I express my willingness, on some proper occasion and in the proper connection, to vote for any reasonable increase in the President's salary that anyone may suggest.

So far as concerns the contention that this item is in order because it is recommended by a committee, if that were literally true then the procedure would be unconstitutional, because it would give a preference, and not only a preference, but an absolute precedence, in the right of consideration to such measures as were proposed by committees. If it is a proper matter of legislation, any Senator ought to have a right to present it and to take the judgment of the Senate upon it. If the construction contended for by Senators is correct, that it is right when offered by a committee and wrong when offered by an individual Senator, it creates a distinction that ought not to exist, and under the Constitution has no warrant.

If it relates to an unascertained liability, the presumption is that members of the committee having in charge that particular branch of governmental expenditure know more about it than other Senators; and in the consideration of the bill the carefully worked-out estimates of the department should not be interfered with unless there is behind it something more than the individual judgment of a single Senator. That will yield to the committee in the enactment of laws of this kind all of the precedence to which, in my judgment, they are entitled.

But the enforcement of the rule is what I am insisting upon on this occasion. I think, as I have already said, that the question was decided correctly when it was decided within the last six months. I think to give the rule the broad construction contended for by some Senators this evening would be to impart to members of the committee authority which individual Senators can not exercise.

Mr. NELSON. Mr. President, it seems to me we ought to apply in this case the rule which should apply in the construction of statutes; and that is, if possible, so to construe the rule that we can give force and effect to all its parts.

Now, to my mind, while the first paragraph of the rule lays down one rule and the third paragraph another rule, yet if we bear in mind the difference that there is between appropriations, we can see the application of the rule. There are two classes of appropriations. One class of appropriations is in the nature of a law, like that of a salary. When salaries are fixed for executive officers, that is a law—a law fixing the salary. But we have another class of appropriations that are not a matter of law. Take, for instance, an appropriation for rivers and harbors. There is no law at all on that subject. You have in the bill an appropriation of so much to put a dam on a certain river or to construct a canal. If you increase the appropriation you do not change the law in any respect or manner. It is not involved.

To give force and effect to this rule I would construe it in this way: That where an appropriation is not in the nature of a law, as is the case of an appropriation item in the river and harbor bill, or for any other species of public work, then, and in that case, if it is a mere naked appropriation, increasing it does not involve a change in the law, and the first paragraph of the rule applies. But where the appropriation is of the other character, as in the case of a salary appertaining to a public office, when an increase or change in the appropriation practically involves a change in existing law, then the third paragraph of the rule applies; and if we increase it and enlarge it beyond what is the existing law, it is a matter of general legislation.

The law fixing the salaries of these different officers is a general law. It is in no sense a special law, and when we seek by an appropriation to change that, it is a matter of general legislation, and the third paragraph of the rule applies. So in all these cases the first point to consider is the character of the appropriation. Is it an appropriation, a naked appropriation, that does not involve a change of law? If that is the case, then the first paragraph of the rule applies, and we have a right to change it or increase it. But if the increase in appropriations involves new legislation, a change in existing law, then the third paragraph of the rule applies, and we have no right to accept the amendment if we are going to live up to our rules.

Mr. PILES. I should like to ask the Senator from Minnesota a question, if he will permit me.

Mr. NELSON. Certainly.

Mr. PILES. I am seeking for all the light I can gain on the construction of the rule, because I myself have some matters that I desire to look up. I should like to get the Senator's view of Rule XVI, subdivision 1. Subdivision 1 of that rule says:

> No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law or treaty stipulation or act or resolution previously passed by the Senate during that session.

That act may be general law. What will you do with——

Mr. NELSON. The Senator understands we are executing a law.

Mr. PILES. I know.

Mr. NELSON. Take, for instance, a case where——

Mr. PILES. One moment.

Mr. NELSON. Hold on.

Mr. PILES. I want the Senator to understand me. There can be no general law until it has passed both branches of Congress. That is existing law. But subdivision 1 says that where an act—and that act of course may be very general—has passed this body it may be put on an appropriation bill in order that it may thereby pass the House of Representatives. Now, I should like to have the Senator explain that.

Mr. NELSON. There is no occasion to explain it in this instance, because, as a matter of fact, we have not passed any bill on this subject.

Mr. PILES. Oh, no; I am not speaking of that.

Mr. FULTON. Will the Senator from Minnesota allow me to make a suggestion?

Mr. NELSON. Certainly.

Mr. FULTON. I will take this case as illustrating the clause of the rule to which the Senator from Washington calls attention. Suppose that before this bill had come to us the Congress had passed a law increasing the salary of an official, increasing the salary, we will say, of the Speaker of the House. Then it would become necessary in order to carry that out for the Committee on Appropriations to increase the item.

Mr. NELSON. That would come under the first paragraph of the rule.

Mr. FULTON. It would be perfectly proper to do that on the floor.

Mr. ALDRICH. That is not the case cited by the Senator from Washington.

Mr. PILES. Not at all.

Mr. ALDRICH. Suppose the Senate passes a law——

Mr. FULTON. The Senate can not pass a law.

Mr. ALDRICH. Or a bill or whatever the Senator, who seems disposed to be technical, may wish to call it, increasing the salary of the Speaker of the House of Representatives to $20,000, would this amendment then be in order?

Mr. FULTON. I think it might be in order in a case of that kind.

Mr. ALDRICH. Would not that be general legislation?

Mr. FULTON. No, sir; that would not be. The rule is, you can not incorporate general legislation on an appropriation bill, but if by general legislation you have changed a general law, or by separate legislation you have changed a general law, then you may provide for carrying that out in an appropriation bill or may change the item, and do it without violation of the rule.

Mr. McLAURIN and Mr. PILES addressed the Senate.

The VICE-PRESIDENT. Does the Senator from Minnesota yield?

Mr. PILES. I understood that the Senator from Minnesota had concluded his remarks.

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Mississippi?

Mr. NELSON. Certainly.

Mr. McLAURIN. Mr. President, I desire to answer the query of the Senator from Rhode Island by saying that the first clause of Rule XVI, provides for the case of which he speaks, and that is to say:

> And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session.

There is a provision for that case, but that has nothing to do with——

Mr. HEMENWAY. Read on further from the same rule.

Mr. McLAURIN (reading)—

> Or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments.

That does not touch this case at all.

Mr. LODGE. The committee report does.

Mr. McLAURIN. Oh, no; that does not touch this case at all. The objection to this is that it proposes general legislation. It is a very different proposition from increasing an item of appropriation. The Senator from Indiana assumes all the time and commits everybody, so far as he can commit them, to the assumption that this is merely and admittedly an increase of an item of appropriation. That is not the objection of the Senator from Idaho. The objection of the Senator from Idaho is to the enactment of a law fixing the salary of the Speaker of the House of Representatives after the 3d of next March. That is obnoxious to the third clause, which says that no amendment of that kind shall be received.

Now, in section 6 of the first article of the Constitution, to which the Senator from Texas referred, it is provided that the compensation of Senators and Representatives shall be ascertained by law. Is that a general law? If it is, any law that repeals or changes or alters it must be a general law; and it is admitted by the Senator from Indiana, unless he is going to withdraw that admission, that this is general legislation.

I beg pardon of the Senator from Minnesota for intruding thus far upon his time.

Mr. NELSON. Mr. President, I am unwilling to take up the time of the Senate any further on this matter, except simply to add that I think the criterion in this case should be whether the increase sought is in the nature of general legislation or not.

The case referred to by the Senator from Washington is quite familiar. For instance, at the last session of Congress we first passed a general public building bill. Then, after that, we passed an appropriation bill to carry it out. They were distinct measures, and our appropriation bill to carry out the other bill that we had already passed was perfectly in order under our rule.

So there is a class of appropriations, such as I have already referred to, which we make in the matter of the improvement of rivers and harbors. There is no law providing for them in advance. There is no direct law on the subject. They are based wholly on the estimates of the engineers of the War Department and upon the opinions of the respective committees. In an appropriation of that kind, if the House appropriates $100,000 for a harbor at Savannah, and it comes here to the Senate and we see fit to increase it, it is not new legislation.

We are not modifying any existing law. New legislation means a change in the old legislation, and we are not in a case of that kind making any change. But when we come to the matter of salaries fixed by law, in whatever form they may be fixed by general law, every time we change those salaries it is a matter of general legislation. If the law creating the salaries is not private legislation, if it is general legislation, then the law changing that law must of necessity be general legislation.

Mr. PILES. Mr. President, I am not going to discuss the question of increasing the salary of the Speaker, because that question is not now up for discussion. I wish, however, to give my views on the rule as I understand it. I agree fully with the Senator from Minnesota [Mr. NELSON] that every statute and every rule must be construed so as to make all the parts harmonize if possible. As I understand Rule XVI there are two limitations, if not three, contained in the first subdivision thereof. First:

> And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill unless recommended by a standing or select committee.

And no new items shall be added to the bill unless either the bill itself proposes to carry out "existing law, or treaty stipulation, or act, or resolution previously passed by the Senate" at the session at which the amendment is offered.

As I said to the Senator from Minnesota, the word "act" is to be construed as having relation to a bill, and the term as there used includes general legislation. As I look at this rule, as a whole, it is perfectly clear to me that it was the intention of the Senate that amendments of the character now under consideration might be made to an appropriation bill, subject to the limitations therein contained. Subdivision 2, among other things, provides:

> All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the committee.

What is the use of having that reference, what is the use of stating in subdivision 1 that there may be added to a general appropriation bill an act or bill previously passed at the same session of Congress, if it was intended to exclude therefrom general legislation under all circumstances?

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Idaho?

Mr. PILES. Certainly.

Mr. BORAH. I should like to ask the Senator from Washington if he considers the change of a salary to be general legislation?

Mr. PILES. If I concluded that it did, that would not change my construction of the rule one way or the other.

Mr. BORAH. I speak respectfully, of course, but that does not answer my question.

Mr. PILES. I am free to confess that I am not sure whether it is general legislation or not.

Mr. BORAH. If it is general legislation, then why was clause 3 put in there at all?

Mr. PILES. I was about to read subdivision 3. It was incorporated in order to prevent general legislation being passed in an appropriation bill of this character unless falling within the provisions of subdivisions 1 and 2. I think that subdivision 3 should read——

Mr. CLAY. Will the Senator from Washington yield to me for a question?

Mr. PILES. Certainly.

Mr. CLAY. Is it not true that if you take subdivisions 1 and 2, taking your very argument, the provisions of those two subdivisions have not been complied with, regardless of subdivision 3? Under them such legislation could not be offered to an appropriation bill, and it would not be necessary to have subdivision 3 to prevent it.

Mr. PILES. That is not involved in this proposition at all. Suppose subdivision 3 were not in this rule——

Mr. CLAY. If subdivision 3 was not in the rule——

Mr. PILES. There would not be any reference to general legislation.

Mr. CLAY. That is true. If subdivision 3 was not in the rule then there would be nothing to prevent general legislation being offered to an appropriation bill.

Mr. PILES. Does the Senator from Georgia wish to have the rule construed so that no amendment proposing general legislation may be inserted in an appropriation bill, although the amendment may be in the nature of a bill which has passed the Senate?

Mr. CLAY. There are many items in an appropriation bill that do not depend upon existing law. There are items fixing the salaries of our clerks. Every appropriation bill fixes those salaries. You can increase them if you want to do so upon the appropriation bill, because there is no general law fixing their salaries. You can add an item to the bill for that purpose; but if there is a general statute fixing what shall be the salary attached to official positions, then to change that general law comes in conflict with subdivision 3. I do not think that the appropriation for the salary of the Speaker is personal. It is official. It applies to that office and not to the person.

Mr. PILES. In answering the Senator, let me ask him this: Suppose the Senate had passed a bill providing for an increase of the salary of the Speaker of the House of Representatives, and that bill had not passed the House, but had been referred to the Committee on Appropriations of the Senate, and that committee had recommended that the increase be incorporated in this bill; should that, under the Senator's view, be excluded as general legislation under the provisions of Rule XVI?

Mr. CLAY. I do not think that would change the rule. The fact that the Senate passes a bill fixing the salary of the Speaker or the Vice-President or the judiciary does not make it law. If the Senate and House should pass a bill changing the salary, then we could in the appropriation bill make the salary comply with the law.

Mr. PILES. But the Senator has not answered my question. If the bill had passed this body, conceding it to be general legislation, could it be incorporated in this bill?

Mr. CLAY. I do not think so.

Mr. PILES. Then, what is the meaning of subdivision 1?

Mr. CLAY. Subdivision 1 simply means that where there are items you propose to add to an appropriation bill, which do not change or vary the general law, you can increase those items, if you want to do so.

Mr. PILES. Mr. President, the Senator's contention would destroy the cardinal rule of statutory construction, because every word in a statute must be given full force and effect where it is possible for the court to do so.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Idaho?

Mr. PILES. In just a moment. When the Senate promulgated this rule providing that there might be incorporated in a general appropriation bill an act, or bill, more properly speaking, which had previously passed the Senate, it meant that the words which it employed should have significance and effect. By construing subdivision 3, in the light of the decisions of the courts, so that effect shall, if possible, be accorded to every word and every part thereof in connection with the whole, so as to make all the parts harmonize when possible and give meaning to each, it is perfectly clear, to my mind, that general legislation may be included in the general appropriation bills subject to the limitations imposed by the rule. This construction harmonizes each and every part of the rule. Any other construction would make meaningless important provisions therein contained.

Now I yield to the Senator from Idaho.

Mr. BORAH. If the rule as stated by the Senator is correct, as it is, with reference to the interpretation of statutes, that they shall be given binding force and effect, then I ask again what becomes of subdivision 3, which says that "no amendment which proposes general legislation shall be received to any general appropriation bill."

Mr. PILES. I answered that as I think any judge would answer it sitting upon the bench. I construe subdivisions 1, 2, and 3 so as to stand harmoniously together; that is to say, any amendment which proposes general legislation may be included in the bill which meets the requirements of the rule.

Mr. BORAH. That would be all right if subdivision 3 said that; but subdivision 3 says that no general legislation shall be had. Does not that modify subdivisions 1 and 2?

Mr. PILES. May I ask the Senator whether, under the well-known rule of both statutory and constitutional construction, if this rule shall be construed as I have contended, saying in subdivision 3, as I think the rule as a whole was intended, "that no general legislation shall be proposed except as hereinbefore provided," that would not bring subdivisions 1, 2, and 3 into perfect harmony.

I believe, Mr. President, that that is the correct construction of the rule.

Mr. MCCUMBER. Mr. President, there can be very little question that if this is general legislation under the rule it is subject to a point of order. Therefore we are brought face to face with the proposition whether it is general legislation as is understood by Rule XVI. Every attorney will agree with me,

no doubt, that in the construction of the words in a statute as well as a rule we go to the object of the rule or the statute itself in order to determine whether the words used should have a special or a general significance and as to whether they should be subject to expansion or contraction.

The words "general legislation" are used in this third subdivision. What does "general legislation" mean? In order to get at the meaning of it we have got to go back and ascertain the object of the rule. What was the object of subdivision 3 of the rule? There are Senators possibly here to-day who were here before that rule was adopted. I do not know the date of its adoption. If I understand correctly, the rule was adopted to reach a certain condition, rather the abuse of legislation in attempting to attach all kinds of general legislation to appropriation bills. The result of that was that we had our appropriation bills clogged up with thousands of other things, and we wanted some rule to keep out the general legislation, so that we might deal with those bills by themselves and cut clear from any other proposition. Therefore we passed this rule that there could be no general legislation on an appropriation bill and that certain other legislation could not be attached to such a bill.

Now, what is the meaning of "general legislation?" Those who adopted the rule had in their mind at that time legislation of the most general character, and not legislation that some might put in the category of special and others in the category of general legislation.

No man can place his finger upon the exact dividing line between general and special legislation. A bill affecting one man in a company will be special legislation. If it affects the whole company it may be special. If it affects the whole regiment it is less special and more general. If it affects the whole army it is general legislation.

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Maine?

Mr. McCUMBER. With pleasure.

Mr. FRYE. I had the honor of drafting that rule myself; and the Senator is stating it correctly. It seems to me that under that rule it is impossible to declare that an increase in the salary of a clerk of the Senate (and there are 30 or 40 such increases in this bill) is general legislation within the meaning of subdivision 3.

Mr. McCUMBER. That is the view I have taken of it. I can not make myself believe that when the Senate adopted that rule it intended that you could not change upon the floor of the Senate a salary that was fixed in the bill, either by lowering it or by raising it, and that we would be perfectly helpless upon that subject; but I believe what was intended was to eliminate the question of general legislation from bills of this kind, so that the Senate may deal with that which is properly an appropriation bill and not bills which are not properly of that character; and that therefore the term "general legislation," as used in this rule, means legislation of a most general character and not of the kind that has been discussed by Senators on this floor.

While I am up, Mr. President, I want to express one sentiment. I believe that the salary of the President ought to be raised. It was raised in a certain way to $75,000 about a year and a half or two years ago—that is, the President was allowed $25,000 for traveling expenses. I presume the entire amount has been taken up. I believed at that time we should have made a general raise of salary to $75,000. I am doubtful if we are not going a little too rapidly in jumping within two years from fifty thousand to one hundred thousand. I myself would be in favor of fixing the salary at this time at $75,000 and not at $100,000. I mention this fact now simply that my pair may vote accordingly if I am not here. I would wipe out entirely the matter of $25,000 for traveling expenses.

Mr. ALDRICH. Mr. President, I will take only a moment. While the question before the Senate is upon the construction of the rule, there are back of it some practical questions from which I think the Senate can not escape consideration.

There is a proposition in the bill to increase the salary of the President of the United States to $100,000. I believe that a large majority of the Senate think that the President's salary should be increased. If it is increased at all, it must be increased before the 4th of March next. It must be practically increased in this bill. I would suggest to Senators as the bill carries appropriations for creating new clerks of Senators and for increasing the pay of clerks already in existence it will not be, at least from my standpoint, a very pleasant thing to have the country understand that we are willing to increase the number of clerks to Senators and the salaries of clerks to Senators, but that we find a technicality, if you please, in the construction of the rule which prevents us from increasing the salary of the President of the United States.

Mr. LODGE. Mr. President, in my opinion, in which I am confirmed by the Senator from Maine [Mr. FRYE], who drew the rule, the exceptions in the first clause are to take new items of appropriation and increases of appropriation under certain conditions out of the prohibition against general legislation. I believe that is the sound construction of the rule, and I have nothing to add to what the Senator from North Dakota [Mr. McCUMBER] has said. But I want to call this point to the attention of the Senate. If the fact that it was reported from a standing or select committee does not except it from general legislation, then the passage of a Senate resolution, which is in the same class, does not except it from general legislation.

Every one of the clerks who are provided for in that great amendment is now drawing his salary under a general law. Some have been left at the same salary. That whole amendment is subject to a point or order if the view is sustained that the first clause of the rule does not constitute exceptions. If we pass a general act, such as the Senator from Washington [Mr. PILES] has described, it goes through the Senate. It may be for light-houses; it may be for aids to navigation; anything you please. We pass those laws constantly. That fact makes the amendments in order, and it has always been accepted as making them in order on an appropriation bill, taking them out of the prohibition. If the report of a standing or select committee does not take them out of the prohibition, the other provisions do not take them out. They all stand on the same ground precisely.

If this rule is enforced, as I have never seen it enforced in the Senate, the bill will go out of the Senate as bare as a bone, without any amendment affecting salaries, and it will carry with it the pay of the clerks. They rest entirely on the fact that we passed a resolution in the Senate. It never has passed the House. We passed a resolution in the Senate creating them; that is all they rest on. If that does not take them out, as the report of a standing or select committee takes them out, they are open to the point of order, everything is open to the point of order, and that is a construction the Senate has never held.

I remember very well being overruled by the Senator from Maine [Mr. FRYE], in the chair when I made the point of order on a similar provision some years ago, and the matter was brought strongly to my attention at that time. I believe the first clause makes exceptions, and that the whole rule has to be construed together. It is late, I know, and the Senate is about to adjourn; but I wanted to say this much before we adjourn.

Mr. WARREN. Mr. President, I think it is evident to the Senate that we will not be able to conclude the consideration of the bill to-day.

The real question underlying all of this debate is whether or not we will increase certain salaries. I have no fear myself but that there will be an opportunity for the Senate to express itself by voting upon each and every one of these proposed additions. I myself believe that we are entirely within the rule. I do not believe that this is general legislation. It is not, as I understand it. We have submitted the various questions that have arisen to the Chair heretofore and depended upon the decision of the Chair. I think those decisions have been generally in favor of such amendments; but I am willing to leave it entirely to the experience and good judgment of the Vice-President.

I ask unanimous consent that the bill may go over until Monday, and I will ask leave to call it up immediately after the routine morning business.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent that the pending bill shall lie over until Monday, the consideration of it to be resumed immediately after the close of the routine morning business. Is there objection? The Chair hears none, and it is so ordered.

Mr. HALE. For the information of the Senate, I will state it is understood that no business will be transacted to-morrow, the day, after the hour of half-past 1, being devoted to eulogies, as the Senate has already voted that when we adjourn it will be until half-past 1.

Mr. LODGE. Will there be any morning business?

Mr. HALE. There will be no morning business.

Mr. OWEN. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. Before putting the question, the Chair will lay before the Senate a message from the House of Representatives.

Mr. OWEN. Very well.

CLARENCE FREDERICK CHAPMAN.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 12499) for the relief of Clarence Frederick Chapman, United States Navy, and requesting a conference on the disagreeing votes of the two Houses thereon.

Mr. DICK. I move that the Senate insist on its amendment and agree to the conference asked, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice-President appointed Mr. DICK, Mr. MARTIN, and Mr. SMITH of Maryland.

The VICE-PRESIDENT. The Senator from Oklahoma moves that the Senate proceed to the consideration of executive business.

Mr. HALE. Pending that motion, I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 16, 1909, at 1 o'clock and 30 minutes p. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 15, 1909.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

REPRESENTATIVE FROM CONNECTICUT.

Mr. GAINES of Tennessee. Mr. Speaker, a parliamentary inquiry. I notice that on the roll call on yesterday, pages 943, 944 of the RECORD, that "LILLEY"—Mr. GEORGE L. LILLEY, of the State of Connecticut—was called as a Member of this House; which shows, of course, his name is on the House roll. Now, I want to ask the Speaker if he is any longer a Member of this House, having been sworn in as, and being now, governor of the State of Connecticut? I think his name ought not to be on the roll.

The SPEAKER. From the headlines of the newspapers the Chair has noticed some question as to whether Mr. LILLEY is governor of the State of Connecticut, but you can not always believe what you see in the newspapers. The Chair has no official information in the premises.

Mr. GAINES of Tennessee. I desire to ask, Mr. Speaker, if Congressman or Governor LILLEY has sent notice to the Speaker that, being governor of Connecticut, he has abandoned his membership of this House?

The SPEAKER. The gentleman asks a question that the Chair does not care to go into. Of course, if the House has official information that Representative LILLEY is in the enjoyment of the office, namely, governor of the State of Connecticut, why that would be a matter for the House to decide whether or no that is an office incompatible with the position of Representative in the House, and that would be a matter for the House to decide, and the Chair does not care to give any opinion in the premises upon a hypothetical case. So far as the Chair knows, the Chair is not aware of the question ever having arisen.

Mr. GAINES of Tennessee. Mr. Speaker, it is a matter of considerable importance, and I would like to address myself to the question for a few moments, which is on the approval of the Journal, because his name appears in the Journal as a Member of this House. I say that he is not a Member of this House, and I have considerable information upon the fact. That is why I speak thus. It is a very unpleasant duty for me to perform. My relations with the gentleman are very pleasant. Now, if the Chair will hear me a few minutes I think I can show the Chair and this House why we should act in this matter, and act without much delay.

The SPEAKER. It seems to the Chair that the gentleman should have the unanimous consent of the House to address the House.

Mr. GAINES of Tennessee. I guess I can get that on this important matter; but this is a privileged question, questioning the constitutional right of Mr. LILLEY to be a Member of this House and my constitutional right to challenge it. It is a question of high privilege, and has been so decided by Speakers of this House.

The SPEAKER. The Journal is disposed of.

Mr. GAINES of Tennessee. I do not want it disposed of until I am heard, Mr. Speaker, on this constitutional question. Other Members of the House may want to be heard. I make the statement that GEORGE L. LILLEY, a former Member of this House, as I am informed by men from Connecticut who voted for him, was elected last November governor of that State; and I have before me this morning the Hartford Courant of the 6th and 7th of this month, giving the proceedings of the legislature of Connecticut on the 6th instant, stating that he was then inaugurated, and also his inaugural address, and so on. One of these papers also contains the picture of the distinguished gentleman, which I recognize and so will the Speaker. Here are the papers, gentlemen. Now, then, it is well decided by the courts on the question of judicial notice——

Mr. PAYNE. Is this a question of the approval of the Journal?

Mr. GAINES of Tennessee. Yes.

The SPEAKER. If the gentleman has a question of privilege at all, it could be as well presented, the Chair will suggest to the gentleman from Tennessee, by his rising to a question of privilege, or alleged privilege, without reference to the approval of the Journal, if the Journal is approved.

Mr. GAINES of Tennessee. But, Mr. Speaker, the point is, the Journal states that he is a Member of this House, and I challenge that. He is not a Member of this House, and I do not want to vote to approve something that I know is not true—at least that I believe is not true.

The SPEAKER. The Journal makes no mention of the gentleman except that he did not answer.

Mr. GAINES of Tennessee. Now then, it is recorded——

The SPEAKER. The Chair is informed by the Clerk that the Journal makes no mention of the name of the gentleman from Connecticut [Mr. LILLEY].

Mr. GAINES of Tennessee. Does not the Journal record the vote taken yesterday—the vote I am alluding to? His name appears.

The SPEAKER. The gentleman reads from the RECORD. The RECORD is one thing and the Journal is another.

Mr. GAINES of Tennessee. I understand that, Mr. Speaker; but the Journal should record the vote, and the Journal, I dare say, will record the vote of Mr. LILLEY as a Member of this House and as "absent and not voting."

The SPEAKER. The Journal does not, the Chair is informed, record the name of the gentleman "not voting." It records only the yeas and nays and those answering "present."

Mr. GAINES of Tennessee. The yeas and nays and those present and not voting and those absent and not voting will be recorded.

The SPEAKER. No.

Mr. GAINES of Tennessee. If the Journal does not do that, all right. In approving the Journal, I rise to a privileged question.

The SPEAKER. But it is not customary to dispose of questions of privilege not involved in the order of the House pending the approval of the Journal.

Mr. GAINES of Tennessee. Well, then——

Mr. PAYNE. Is there objection to that? If there is any objection I will make that motion.

The SPEAKER. Is there objection to the approval of the Journal?

Mr. GAINES of Tennessee. If his name is recorded as being a Member of the House——

Mr. PAYNE. The gentleman has been informed he is not.

Mr. GAINES of Tennessee. Well, all right.

The SPEAKER. The Chair hears no objection, and the Journal stands approved.

Mr. GAINES of Tennessee. Mr. Speaker, I send a privileged resolution to the desk and ask for its immediate consideration.

The SPEAKER. The gentleman from Tennessee sends the following resolution to the desk, which the Clerk will read.

The Clerk read as follows:

Whereas GEORGE L. LILLEY, a citizen of the State of Connecticut, was duly elected and qualified a Member of the House of Representatives, Sixtieth Congress, from said State; and

Whereas said GEORGE L. LILLEY was thereafter, in the November election, 1908, elected and on January 6, 1909, duly qualified and entered upon the duties of governor of said State: Therefore be it

Resolved, That his name be stricken from the roll, and his seat in this House be, and is hereby, declared vacant.

Mr. GAINES of Tennessee. Now, Mr. Speaker, that is privileged.

Mr. PAYNE. I move, if it is in order at this time to make the motion, that the resolution be referred to the Committee on the Judiciary for report to the House.

The SPEAKER. The gentleman from New York moves that the resolution of the gentleman from Tennessee be referred to the Committee on the Judiciary.

Mr. GAINES of Tennessee. Mr. Speaker, just a moment.

Mr. KEIFER. Committee on Elections.

Mr. GAINES of Tennessee. Just a moment.

Mr. PAYNE. I suppose that is not debatable?

Mr. GAINES of Tennessee. I believe I have the floor to offer a privileged resolution, and it is privileged. Wait a moment. I have no desire——

The SPEAKER. The gentleman will suspend for a moment. The rules are nearly silent, according to the Chair's recollection, as to debate upon such a motion. The Chair is informed that the precedents are that such a motion is debatable, in narrow limits, as shown in the precedents that have been made from time to time.

Mr. GAINES of Tennessee. I have the floor; I can cut this matter off very short.

The SPEAKER. One moment.

Mr. GAINES of Tennessee. I have the floor.

The SPEAKER. It seems that the Chair has the floor for just a minute. [Laughter.] It seems to the Chair that the gentleman from New York, making the motion to refer to the committee, if he desires to be recognized, will be entitled to recognition.

Mr. PAYNE. That is what I was suggesting.

The SPEAKER. Under the narrow limits of the language of the precedents, debate probably would not include any discussion of the merits of the proposition, but a discussion of the desirability of referring the resolution.

Mr. PAYNE. I desire to take the floor, Mr. Speaker.

Mr. GAINES of Tennessee. Now, Mr. Speaker——

Mr. PAYNE. But will yield to the gentleman from Tennessee—how much time?

Mr. GAINES of Tennessee. Five minutes.

Mr. PAYNE. I yield five minutes to the gentleman from Tennessee.

Mr. CLARK of Missouri. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. How did the gentleman from New York get possession of the floor to make that motion anyhow, when the gentleman from Tennessee had the floor?

Mr. PAYNE. On a privileged motion.

Mr. CLARK of Missouri. How did he take the floor? The gentleman was up and in possession of the floor——

Mr. PAYNE. That did not give him the floor.

Mr. CLARK of Missouri (continuing). And he was making a speech.

Mr. PAYNE. He made a motion; the Chair stated the motion to the House, and the gentleman from New York made a motion—a privileged one.

Mr. CLARK of Missouri. It seems to me the gentleman from New York "butted in" where he had no right.

The SPEAKER. The Chair need not state what the precedents are, but the Chair is satisfied that they are substantially uniform where a Member arises in his place and presents a resolution. After the resolution is presented the gentleman must have a second recognition, and between the two recognitions, a motion having intervened after the introduction of the resolution, following the precedents—and which the Chair deems to be the proper practice—the gentleman making the motion pending should be entitled to recognition——

Mr. GAINES of Tennessee. I understand the gentleman has yielded to me, although I am entitled——

The SPEAKER. The object being to enable the House to keep control of its business. The gentleman yields to the gentleman from Tennessee for five minutes.

Mr. GAINES of Tennessee. I think I am entitled to the floor in my own right, but I will say what I have to say at this time in five minutes.

Now, Mr. Speaker, first and foremost, I feel personally distressed to make this motion, but let us see where we are drifting. Suppose the Speaker were to direct the Sergeant-at-Arms to go out and arrest and bring into this House its absent Members. He would have to go to the State of Connecticut and bring the governor of the State of Connecticut. Suppose a Senator were to die, and while the distinguished gentleman was here on the floor of this House acting as a Member he would have to go back to the State of Connecticut to appoint a Senator to fill the vacancy.

Again (and I just make this statement now to show you where we can land), suppose there was an impeachment proceeding in the Senate and the gentleman from Connecticut [Mr. LILLEY] had voted against the impeachment, and a Connecticut Senator were to die, and Governor LILLEY should go back to Connecticut and appoint his successor. Whether he appointed, with the best of motives, the proper man or not, he would be accused of appointing a man to vote his way in the Senate on the question of impeachment, and especially if he did so vote.

Mr. Speaker, the position of governor of the State of Connecticut, or any other State, is wholly "incompatible" with the duties of a Member of Congress. Including congressional cases, there are several court decisions on this subject, one (Calloway *v.* Sturm, 1 Hiesk. Reports) from the State of Tennessee, that shed a great deal of light on the subject.

Ex-Postmaster-General Maynard, while a Member of Congress from Tennessee, was appointed to a supreme court judgeship in that State, and the court declared "he thereby vacated his office as a Member of Congress. I shall not quote fully from that authority, because I have not the time:

It is settled—

Said the court—

that on the acceptance and qualification of a person to a second office, incompatible with the one he is then holding, the first office is ipso facto vacated. It operates as an implied resignation—an absolute determination of the original office (citing 2 Hill, 93, and other cases).

There is a case from the State of South Carolina (State *v.* Buttz, 9 S. C., 156–186). Buttz was elected district attorney or solicitor and was later on elected a Member of Congress, and he came here and qualified as a Member of Congress, and under a quo warranto proceeding the supreme court of that State declared that he had thereby forfeited the office of district attorney or solicitor.

A city officer in New York was elected and qualified as a Member of this House, and the court held the city office thereby became vacated (76 N. Y. Rept., 509).

Mr. CAULFIELD. Mr. Speaker, a point of order.

Mr. GAINES of Tennessee. Do not take my time.

Mr. CAULFIELD. A point of order, Mr. Speaker.

Mr. GAINES of Tennessee. I object to being interrupted.

Mr. CAULFIELD. I make the point of order that the gentleman is not talking to the motion to refer, but to the resolution, and that he is out of order.

Mr. GAINES of Tennessee. Oh, well, it is a very serious matter, Mr. Speaker, and I am very glad that the Judiciary Committee is to get hold of it. That is a committee of great lawyers. Now, if the gentleman——

The SPEAKER. The Chair being engaged in other matters, was not paying close attention to the remarks of the gentleman from Tennessee.

Mr. GAINES of Tennessee. I was just citing some authorities.

The SPEAKER. The Chair will dispose of the point of order by stating that the gentleman from Tennessee knows what is in order, and the gentleman will proceed in order.

Mr. GAINES of Tennessee. I was in order, Mr. Speaker, and I am trying to bring about order. Now, here is Congressman LILLEY, who may or may not, in fact, have notified Governor LILLEY that Congressman LILLEY has resigned; while neither has notified the Speaker that he has resigned. Now, what might occur in case we sent for Governor LILLEY to come here and help to attend to the business of this House? Suppose a law should be passed here by his, a deciding, vote? Do you not know that it might be attacked in the courts? Why do we run into such a dangerous condition without consideration? We know there are precedents where Members of the House have stated to the Speaker, by letter or otherwise, that they have resigned. There are other cases where they have not. But is the House to be held up for want of notice?

Mr. TOWNSEND. What provision of the Constitution has been violated in this case?

Mr. GAINES of Tennessee. I want the Judiciary Committee to pass on the question. I say it is a matter that goes to the very fundamental rights of this House and of Congress, omitting the rights of the people of the State of Connecticut. Now, Mr. Speaker, without more, and with the sincere desire that this great question be settled for all time by the Judiciary Committee and by this great body, I will yield the floor.

Mr. PAYNE. Mr. Speaker, I yield five minutes to the gentleman from Connecticut [Mr. HIGGINS.]

Mr. HIGGINS. Mr. Speaker, I have listened, as I always do, with a great deal of attention to the distinguished gentleman from Tennessee [Mr. GAINES] who, I regret, is going to leave this body on the 4th of next March; and I only want to say that he is, as I understand it, entirely mistaken in the facts.

It is true that GEORGE L. LILLEY, formerly a Member of this House, was elected by the people of the State of Connecticut as chief executive, and is now governor of Connecticut. Now, let me say that it is my understanding—although I want to be perfectly frank with this House, and say that I have seen newspaper items in my own State indicating that the statement that I am about to make is not the fact—but it is my understanding, without having actually seen the written resignation of Governor LILLEY as a Member of this House, that he did resign to his predecessor, Governor Woodruff, and that he resigned before he qualified, as he did last Wednesday, as governor, and that he is

no longer a Member of this House. I believe that he has not notified, as I understand is the custom and practice, but not the law, the Speaker of the House of Representatives of the fact of his resignation. However, I can not say about that, but from what I have seen by casual reading in the Connecticut papers, I should say that he had not.

Mr. HENRY of Texas. Will the gentleman yield?

Mr. HIGGINS. I will not at present. I would say that it is my belief that he has resigned to the governor, and there can not be any question, for precedents establish that fact, that a resignation of a Member to the governor of the State he represents is a release by him of the office which he holds. Now, I will yield to the gentleman from Texas.

Mr. HENRY of Texas. Is it not a fact that the same newspaper article which the gentleman refers to stated that the governor of Connecticut refused to accept the resignation of Mr. LILLEY on the ground that it was not necessary to go to the expense of having a special election to fill the position vacated by him?

Mr. HIGGINS. I will say to the gentleman that there have been many newspaper articles upon this and a great many other subjects, and I do not speak of any one particular newspaper article. I say further to the gentleman that if Governor LILLEY did resign, as I understand to be the fact, as I stated to the House, not of my own knowledge, but of my personal belief, for I do not wish to deceive the House for one moment, his successor was elected to qualify on the 4th day of next March, and I say in my opinion there is no law in Connecticut which requires the executive to immediately and forthwith call a special election. I say further to the gentleman that I do not believe it would be necessary, or that it is necessary, to fill the unexpired term from the date of his resignation until the 4th of next March.

Mr. HENRY of Texas. Was there not another newspaper story or interview with Mr. LILLEY——

Mr. HIGGINS. Oh, I can not state what all of the Connecticut newspapers have printed. I am willing to assume that the gentleman from Texas has employed a news-clipping bureau of the newspaper articles in Connecticut on this subject, but I have not. I can simply say that there have been a great many articles printed on this and other subjects in which Mr. LILLEY's name was used more or less as a text, and they have received wide circulation.

Mr. GAINES of Tennessee. Will the gentleman from Connecticut yield just a moment for a question? The gentleman has stated that Mr. LILLEY sent to the former governor his resignation.

Mr. HIGGINS. I do not state it as a fact, but I do state it as a Member of this House—for I would not deceive the House for a moment—that that is my opinion about it, and my belief.

Mr. GAINES of Tennessee. Oh, the gentleman would not deceive anybody.

Mr. HIGGINS. I have never been told by Governor Woodruff or Governor LILLEY, or by anyone else, that Governor LILLEY has resigned from this House.

Mr. GAINES of Tennessee. I want to ask why, after he sent his resignation to former Governor Woodruff and he would not accept it, why does not Congressman LILLEY notify Governor LILLEY that Congressman LILLEY has resigned and abandoned his office? [Laughter.]

Mr. HIGGINS. Oh, I was in hopes the gentleman from Tennessee would not ask any such question.

Mr. MACON. Mr. Speaker, I would like to have the gentleman from New York yield to me to ask a question of the gentleman from Connecticut.

Mr. PAYNE. I will yield for a question.

Mr. MACON. I want to ask the gentleman from Connecticut, in view of the statement the gentleman from Connecticut has just made, if he would not be willing now to ask unanimous consent that the name of Mr. LILLEY be dropped from the rolls of the House?

Mr. HIGGINS. Why, Mr. Speaker, I have been a Member of this House long enough to believe in orderly procedure; I believe that is the best procedure, and I believe the motion made by the gentleman from New York [Mr. PAYNE] ought to be adopted by this House, the resolution sent to the Judiciary Committee, that they may investigate this question, that we may be as fully informed as possible.

Mr. WILLETT. Will the gentleman from New York yield for an amendment?

Mr. PAYNE. No; I will not.

Mr. Speaker, this debate has shown that the motion referring this resolution to the Judiciary Committee ought to be adopted by the House. The gentleman from Connecticut states that it is his belief that Mr. LILLEY resigned to his predecessor before he was inaugurated as governor of Connecticut. The House ought to have an opportunity to ascertain the fact in regard to that, because if he did resign, in my humble opinion, he ceased to be a Member of the House; and the law gives to the governor of Connecticut no right to refuse to accept a resignation of a Member of this House; he can not compel him to remain a Member. If any gentleman doubts the law on that subject, then it should go to the Judiciary Committee, that they may report to the House on the question, so that there can be no question about the propriety of this motion. I move the previous question, Mr. Speaker.

Mr. GAINES of Tennessee. Will the gentleman accept an amendment that the committee report within five days?

Mr. WILLETT. That is the amendment I wish to offer.

Mr. PAYNE. I will consent to a modification of the resolution that the committee report within ten days.

Mr. GAINES of Tennessee. Very well.

The SPEAKER. The Clerk will report the modification.

The Clerk read as follows:

And that the Committee on the Judiciary be instructed to report back to the House within ten days.

The SPEAKER. The gentleman from New York moves the previous question on his motion to refer the resolution as amended to the Committee on the Judiciary.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the motion.

The question was taken, and the motion was agreed to.

RIGHT OF WAY ACROSS NIOBRARA MILITARY RESERVATION.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 8143) granting to the Chicago and Northwestern Railway Company a right to change the location of its right of way across the Niobrara Military Reservation, which I send to the desk and ask to have read.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? The Chair will state that this bill was read yesterday.

Mr. WILLIAMS. Mr. Speaker, is not this the day set apart for private claims?

The SPEAKER. Yes.

Mr. WILLIAMS. And matters to be considered from the Committee on Claims?

The SPEAKER. Yes.

Mr. WILLIAMS. Well, it seems to me that that committee ought to have the day, and if unanimous consents are to be given, it will postpone the consideration of matters on the Private Calendar. I will ask the Speaker if there are any more requests for unanimous consent?

The SPEAKER. The Chair has been applied to by one gentleman who desires to fix the time for eulogies on a deceased Member.

Mr. WILLIAMS. I shall not object.

The SPEAKER. The Chair hears no objection.

Mr. MANN. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Add a new section, to read as follows:
"SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved."

Mr. KINKAID. Mr. Speaker, the amendment is agreeable.

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, read the third time, and passed.

EULOGIES.

Mr. FOELKER. Mr. Speaker, I ask unanimous consent for the present consideration of the following order, which I send to the desk and ask to have read.

The Clerk read as follows:

House order No. 14.

Ordered, That there be a session of the House at 12 m. on Sunday, January 24, 1909, for the delivery of eulogies on the life, character, and public services of the Hon. CHARLES T. DUNWELL, late a Member of this House from New York.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question now is on agreeing to the order.

The question was taken, and the order was agreed to.

FREIGHT RATES.

Mr. MADDEN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to discharge the Committee on Interstate and Foreign Commerce from the further consideration of privileged House resolution 479, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 479.

Resolved, That the Interstate Commerce Commission be required to inform the House, as soon as may be, what advances have occurred in freight rates in different parts of the United States since the passage of the Hepburn amendment, June 29, 1906; whether such advances have been occasioned by an advance in the tariff rate or by a change in classification or by charging for some privilege which was formerly accorded free.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question now is on agreeing to the motion of the gentleman from Illinois.

The question was taken, and the motion was agreed to.

Mr. MADDEN. Mr. Speaker, I now move the adoption of the resolution.

The SPEAKER. The question is on the motion of the gentleman from Illinois that the resolution be agreed to.

The question was taken, and the resolution was agreed to.

PENSION APPROPRIATION BILL.

Mr. KEIFER. Mr. Speaker, I desire to announce that the pension appropriation bill was to have been called up to-day, and to give notice that it will not be called up until to-morrow after the reading of the Journal.

PRIVATE CLAIMS.

Mr. MILLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar, in order to-day.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House for the consideration of bills on the Private Calendar, with Mr. CURRIER in the chair.

Mr. MILLER. Mr. Chairman, I now desire to ask unanimous consent to take up such bills on the Private Calendar as are in order to-day that are not objected to. I do that for the reason that I believe if we can take up bills which are not objected to we can clear the calendar this afternoon, but if we are to take up bills to which there is objection we will spend the entire afternoon in discussion of them, and thus defeat the passage of many bills which have been favorably acted upon.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that bills be taken up to which no objection is made.

Mr. PARKER. Mr. Chairman, I understand that to mean that bills will be taken up in their order, and if objection be made they will be passed without prejudice; I do not want to lose the order.

Mr. MILLER. Yes; passed without prejudice.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

Mr. LANGLEY. Will the gentleman permit me to ask a question? Reserving the right to object, suppose we get through with the bills to which there is no objection?

Mr. MILLER. Then we go ahead on the calendar in the regular order and dispose of those objected to. That is what we want to do.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

H. C. LINN AND SAMUEL POWELL.

The first business on the Private Calendar was the bill (H. R. 14000) for the relief of H. C. Linn and Samuel Powell.

Mr. MILLER. Mr. Chairman, I ask to have that passed.

The CHAIRMAN. Passed without prejudice?

Mr. MILLER. Passed without prejudice. I may say that one of the parties to that bill is dead, and I want to have the bill passed without prejudice.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

WILLIAM JENNEY.

The next business on the Private Calendar was the bill (H. R. 17059) for the relief of Mate William Jenney, U. S. Navy, retired, and eight other retired mates, who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement.

Mr. BUTLER. Mr. Chairman, will the Clerk please furnish me with the calendar number of the bill?

Mr. MILLER. 921.

Mr. BUTLER. I ask that that bill may be passed by without prejudice, as I understand that all the relief asked for has been given to these men by general law.

The CHAIRMAN. The gentleman from Pennsylvania asks that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

PHOEBE CLARK.

The next business on the Private Calendar was the bill (H. R. 11632) for the relief of Phoebe Clark.

Mr. MANN. I ask that that bill be passed without prejudice.

The CHAIRMAN. The gentleman from Illinois asks that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

DAVISON CHEMICAL COMPANY, BALTIMORE, MD.

The next business on the Private Calendar was the bill (S. 4632) for the relief of the Davison Chemical Company, of Baltimore, Md.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Davison Chemical Company, of Baltimore, Md., the sum of $13,460, in payment for damages sustained to the sulphuric-acid plant owned by said company and located at Hawkins Point, Maryland, by reason of the firing of high-power guns at Fort Armistead, Md., in April, 1903, said amount having been found due the said company by two boards of army officers convened by the Secretary of War, as set forth in House Document No. 659, second session Fifty-eighth Congress.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers the following amendment, which the Clerk will report.

The Clerk read as follows:

In line 7, after the word "in," insert the word "full," and in line 8, before the word "damages," insert the word "all," so that the bill will read, "in full payment for all damages received."

Mr. MILLER. Mr. Chairman, on behalf of the committee, I desire to say the amendment is entirely acceptable to the members of the committee.

Mr. SABATH. What is this damage for?

Mr. MANN. It was damages caused by firing of cannon to a chemical manufacturing plant. It is very fully set out in the report and there is no question but that the damages ought to be allowed, but the damages allowed are not the damages claimed, and I wish to insert in the bill saying that it is in full payment for all damages, and dispose of the claim for all time.

Mr. FINLEY. Which was located there first—the chemical plant?

Mr. MANN. The chemical plant was located there first.

The amendment was agreed to.

Mr. MILLER. I move that the bill as amended be laid aside with a favorable recommendation.

The motion was agreed to, and the bill was laid aside with a favorable recommendation.

SAMUEL J. ROGERS.

The next business on the Private Calendar was the bill (H. R. 12712) for the relief of the estate of Samuel J. Rogers.

Mr. MANN. Mr. Chairman, I ask to have that bill go over without prejudice.

The CHAIRMAN. Under the rule it will be passed without prejudice.

VOLUNTEERS IN CAYUSE INDIAN WAR.

The next business on the Private Calendar was the bill (H. R. 19859) to provide for the payment of certain volunteers who rendered service to the Territory of Oregon in the Cayuse Indian war of 1847 and 1848.

Mr. MILLER. Mr. Chairman, I call attention to the fact that the Clerk has omitted calendar No. 972, entitled: "A bill for the relief of the estate of Samuel J. Rogers."

The CHAIRMAN. The Chair will state to the gentleman from Kansas that the Clerk did read that bill in its order, and the gentleman from Illinois [Mr. MANN] objected to it.

Mr. MANN. I thought I was objecting to Calendar No. 970. That is what the Clerk read. I understood him to read Calendar No. 970, H. R. 1536. I make no objection to Calendar No. 972.

The CHAIRMAN. The Clerk will report the bill.

Mr. MILLER. The Clerk should report the bill, Calendar No. 970, from the Committee on Military Affairs, and that is the one to which the gentleman from Illinois [Mr. MANN] objects.

WILLIAM MITCHELL.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 1536) authorizing the Secretary of War to recognize William Mitchell, deceased, as having been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, civil war.

Mr. MANN. I ask to have that go over. I object to it.

Mr. PARKER. I wish the gentleman would not object. That is a case where a man was killed after enlistment and before muster, leaving a wife and five children. It is a case that really begs.

Mr. MANN. The case will be reached later in the afternoon.

Mr. MILLER. Let it be passed now.

The CHAIRMAN. Objection is made, and the bill will be passed without prejudice, and the Clerk will report the next bill.

SAMUEL J. ROGERS.

The next business on the Private Calendar was the bill (H. R. 12712), for the relief of the estate of Samuel J. Rogers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, in favor of the estate of Samuel J. Rogers, United States 4 per cent registered bond, funded loan of 1907, No. 27101, for $500, inscribed in name of Samuel J. Rogers and alleged to have been lost: *Provided*, That the legal representative of said estate shall first file in the Treasury a bond in the penal sum equal to the amount of the principal and the accrued interest thereon, with good and sufficient sureties, to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any claim on account of the lost bond hereinbefore described and the accrued interest thereon.

Mr. MACON. Reserving the right to object, I would like to have the gentleman make a statement.

Mr. MILLER. It is simply for the payment of a bond that has been lost, and the department recommends the legislation.

Mr. SLAYDEN. What is the nature of the security? Is it a bonding company or an individual bond?

Mr. MILLER. I will read from the report:

The bond has been called for redemption, and matured and ceased to bear interest July 2, 1907. No claim for the bond has been presented to this department by any person other than the administrator of the estate of the payee, and while the evidence as to the probable condition of the bond is inconclusive, in view of the fact that the bond has been a matured bond for more than six months without the presentation of any claim therefor, the department sees no reason for interposing any objection to its redemption in favor of the payee under the terms set forth in the bill in question.

Mr. MACON. This is just to substitute a bond for a lost bond?

Mr. MILLER. That is all.

Mr. MACON. And security properly given guaranteeing that the other bond will never be presented?

Mr. SLAYDEN. The question raised in my mind is as to the character of the security the Government usually receives in cases of that kind. If it is an individual, he may be solvent to-day and insolvent to-morrow. If it is a well-established bonding company, with a long time or a perpetual charter, the Government is more secure than if it is an individual.

Mr. MANN. I am not able to tell the gentleman, but there is one case on the calendar where they had to put up a government or some other bond.

Mr. SLAYDEN. That is still better, Mr. Chairman.

Mr. MILLER. I ask that the bill be laid aside with a favorable recommendation.

The bill was ordered to be laid aside with a favorable recommendation.

CAYUSE INDIAN WAR.

The next business on the Private Calendar was the bill (H. R. 19859) to provide for the payment of certain volunteers who rendered service to the Territory of Oregon in the Cayuse Indian war of 1847 and 1848.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to adjust and settle, through the office of the Auditor for the War Department, the claims for pay for services in the Cayuse Indian war of 1847 and 1848, in Oregon, of John Minto and Charles Balds, and of Ellen E. Hackett, widow of John C. Hackett; Missouri A. Cornelius, widow of Thomas R. Cornelius; Mary J. Kelzur, widow of John B. Kelzur; Amanda Reese, widow of Willard H. Reese, Mary E. Carnahan, widow of Hiram Carnahan; Polly C. Butler, widow of Isaac Butler; and Sarah E. Schantz, widow of P. C. Kelzur, at the rate of $1.50 per day, the same as was paid to those whose claims have already been settled, the length of service to be taken from the rolls of this war now on file in the office of The Military Secretary of the War Department or the records of said war on file in the office of the adjutant-general of the State of Oregon; and the sum of not more than $1,500, or as much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the accounting officers of the Treasury to pay the aforementioned claims, and this sum, not to exceed $1,500, is made available until all of these claims are settled or fully disposed of.

The amendment recommended by the committee was read, as follows:

In the name "Balds," as it appears in line 8, on page 1, strike out the letter "a" and insert in lieu thereof the letter "o," so as to make it read "Charles Bolds."

Mr. HOLLIDAY. Mr. Chairman, I would like to ask the gentleman if he knows how the Committee on Claims obtained jurisdiction of this bill? The bill clearly belongs to the Committee on War Claims. I have an indistinct recollection that that committee at one time had that bill under consideration. It is certainly a war claims bill, and not a private claim.

Mr. MANN. Is the Cayuse Indian war recognized as a war by the Government?

Mr. HOLLIDAY. I think so. If the gentleman from Kansas can make a satisfactory explanation, I shall not raise any question.

Mr. MILLER. This bill came to the Committee on Claims in the regular orderly proceedure of the House. It was referred to the Committee on Claims, and no Member raised any question as to the jurisdiction of that committee. We assumed jurisdiction, and the bill being there, the question not being raised, we have given careful consideration to it, and report the bill back to the House and ask the adoption of the amendment to the bill recommended in the report.

Mr. FINLEY. I would like to ask the gentleman from Kansas a question. The amount carried in this bill does not exceed $1,500, does it?

Mr. MILLER. No, sir.

Mr. MACON. Mr. Chairman, I would like to ask the gentleman about the facts with reference to this bill. I could not hear the bill being read, because of the conversation going on in front.

Mr. MILLER. Mr. Chairman, I will say to the gentleman that all the claims in reference to this matter, or nearly all of them, were presented and paid. There were a few persons who did not present their claims, because they did not know they were entitled to receive pay for their service. Afterwards they were presented, and the money which had been appropriated to pay all the claims had been turned into the Treasury, and there was no way for the Treasury Department to pay these claims. This is for the purpose of giving the Treasury Department the right to pay them.

Mr. MACON. A lot of belated claims.

Mr. MILLER. That is all. There is no question as to the merits of the claims.

Mr. FINLEY. How did the department arrive at a dollar and a half a day as being the proper amount to allow?

Mr. MILLER. That was based upon the amount on which all the other claims were adjusted and paid.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

O. MAURY & CO.

The next business on the Private Calendar was the bill (S. 2969) for the relief of O. Maury & Co., of Bordeaux, France.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to L. Renard, agent of O. Maury & Co., of Bordeaux, France, in full reimbursement of losses sustained by them by reason of the erroneous detention and subsequent destruction by the Bureau of Chemistry of the Department of Agriculture of three casks of wine imported into the United States by said firm, which payment is recommended by said department, the sum of $238.15, which amount is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. MILLER. I ask that the bill be laid aside with a favorable recommendation.

Mr. MACON. Before that is done, I am going to ask the gentleman to explain the bill. It is for wine.

Mr. MILLER. Mr. Chairman, let me read what the Secretary of Agriculture says about it:

WASHINGTON, *February 13, 1908.*

SIR: As requested in your letter of February 6, 1908, I inclose herewith, for use of the committee, the original papers, or copies of same, on file in this department relating to the claim of O. Maury & Co., amounting to $238.15, referred to in Senate bill 2969. As evidenced by the papers, this claim has been submitted by me to Congress several times, and will be found this year in the general deficiency bill now under consideration by the Committee on Appropriations in the House. In my opinion the claim is a just one and should be allowed. Kindly return papers.

Very respectfully, JAMES WILSON, *Secretary.*

Mr. MANN. I think I can explain the bill on the other proposition. Under the law now where wine comes into this country, the Secretary of Agriculture takes samples to see whether it is adulterated or misbranded. Pending the examination the sample of the wine may be placed in a warehouse or stored. In this case the wines were sampled and the sample was placed in a warehouse or in storage waiting the decision of the Government, and while there, because it was so waiting, it was spoiled and became valueless. Therefore it was thought proper that the Government should refund the value of the wine. It is

probably the only case that has arisen during the enforcement of the pure-food law.

Mr. MACON. I want to ask this question: Was it spoiled by reason of the act of any officer of the Government?

Mr. MANN. It was admitted, I think, that it was spoiled without negligence on the part of the Government.

Mr. MACON. How do you know it was not bad wine and spoiled?

Mr. MANN. It was not bad wine, and spoiled, because the sample proved that the wine was good.

Mr. MACON. I am going to object to this bill.

Mr. KAHN. I hope the gentleman from Arkansas will withdraw his objection.

Mr. MACON. The explanation has not been satisfactory to me.

Mr. KAHN. Samples of the wine were put in the government warehouse, and the Secretary again this year strongly recommends that this item be included in the general deficiency bill.

The department has had the wine in its possession. It is fully aware of all the incidents in connection with it, and the department itself recommends that this be paid, because of the conditions surrounding the claim.

Mr. MACON. Did the department detain it unusually long?

Mr. KAHN. I dare say that it may have been detained there for a long time pending these examinations. It was in the warehouse for some time. It was only a part of the shipment. The conclusion of the gentleman that the wine may have been bad is not maintained, because the balance of the wine certainly was good.

Mr. MACON. Was it used up promptly? What became of it?

Mr. KAHN. It was sold in San Francisco.

Mr. MANN. Oh, no.

Mr. KAHN. This wine was destroyed, but the balance was sold in San Francisco.

Mr. BUTLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BUTLER. Will the Chair please indicate what constitutes an objection to a bill?

Mr. MACON. Oh, I suppose I can reserve the right to object. That is all I have done. I objected, and the gentleman asked me to reserve my objection, and out of courtesy to him I have done so.

Mr. BUTLER. I am not criticising my friend at all. I thought perhaps where bills required long explanation or were in dispute in any way they could be passed over.

Mr. KAHN. I will call the attention of my friend from Arkansas to this fact——

Mr. MILLER. Mr. Chairman, I ask that the bill be laid aside.

The CHAIRMAN. If there be no objection, the bill will be ordered to be laid aside with a favorable recommendation.

Mr. MACON. Mr. Chairman, I objected to the consideration of the bill.

Mr. KAHN. May I call the gentleman's attention——

The CHAIRMAN. Under the order made, if the gentleman insists upon his objection, the bill will be passed without prejudice.

Mr. KAHN. Will the gentleman withhold his objection for a moment until I can read from the report?

Mr. MANN. We will reach the bill again later for debate.

The CHAIRMAN. The Clerk will report the next bill.

LIEUT. COMMANDER JEROME E. MORSE, U. S. NAVY, RETIRED.

The next business was the bill (H. R. 4151) for the relief of Lieut. Commander Jerome E. Morse, U. S. Navy, retired.

Mr. MANN. Mr. Chairman, I shall object to that bill. I might as well do it before the reading as afterwards.

The CHAIRMAN. The bill will be laid aside without prejudice. The Clerk will report the next bill.

JOHN M. HILL.

The next business was the bill (H. R. 18600) for the relief of John M. Hill.

Mr. MANN. I make the same statement with reference to that bill.

The CHAIRMAN. The same order will be entered. The bill will be laid aside without prejudice. The Clerk will report the next bill.

WYATT O. SELKIRK.

The next business was the bill (H. R. 18726) for the relief of Wyatt O. Selkirk.

The bill was read, as follows:

Be it enacted, etc., That the name of First Lieut. Wyatt O. Selkirk shall be advanced to a place next above the name of First Lieut. George A. Wildrick on the lineal list of officers of the Coast Artillery Corps, and that thereafter the name of Lieutenant Selkirk shall be borne in that relative position on the records of the War Department and on the Army Register.

The CHAIRMAN. Unless objection is heard the bill will be laid aside with a favorable recommendation.

Mr. FINLEY. I would like an explanation.

Mr. PARKER. This is requested by the Chief of Staff.

Mr. SLAYDEN. That is not the best reason, but it is one reason. Mr. Selkirk was appointed to the army from my State but not from my district. He was sent to Fort Leavenworth to take the examination.

Mr. MILLER. Mr. Chairman, I understood the bill had been laid aside with a favorable recommendation.

The CHAIRMAN. Unless objection is made the bill will be laid aside with a favorable recommendation.

There was no objection.

ULYSSES G. WINN.

The next bill on the Private Calendar was the bill (S. 604) to reimburse Ulysses G. Winn for money erroneously paid into the Treasury of the United States.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $132.80, to reimburse Ulysses G. Winn for said amount, erroneously deposited by him while United States commissioner at Center and Stonewall, in the southern district of the Indian Territory, in the years 1900 and 1901, and which were paid into the Treasury of the United States.

The bill was laid aside to be reported to the House with a favorable recommendation.

JOHN H. LAYNE.

The next business on the Private Calendar was the bill (H. R. 15098) to correct the military record of John H. Layne.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of John H. Layne, late private in Company G, Nineteenth Regiment U. S. Infantry, war with Spain, who was injured at Ponce, P. R., while volunteering to help save government stores which were about to be washed away by a rapidly rising stream, and have his discharge read: "Discharged by reason of injuries incurred in the line of duty," instead of "Discharged by favor."

Mr. PARKER. There was simply a mistake in the discharge.

The bill was laid aside to be reported to the House with a favorable recommendation.

HARRY KIMMELL.

The next bill on the Private Calendar was the bill (H. R. 17214) for the relief of Harry Kimmell, a commander on the retired list of the United States Navy.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Harry Kimmell, now a commander on the retired list of the United States Navy, a commander on the active list of the navy, to take rank next after Frederick C. Bieg: *Provided*, That the said Harry Kimmell shall establish to the satisfaction of the Secretary of the Navy, by examination pursuant to law, his physical, mental, moral, and professional fitness to perform the duties of that grade: *And provided further*, That the said Harry Kimmell shall be carried as an additional to the number of the grade to which he may be appointed under this act or at any time thereafter promoted: *And provided further*, That the said Harry Kimmell shall not by the pasage of this act be entitled to back pay of any kind.

Mr. OLLIE M. JAMES. Mr. Chairman, I would like to hear an explanation of that bill.

Mr. MANN. Mr. Chairman, I have read over the report. This is to authorize the President to place a man back on the active list, now on the retired list, with a certain rank. The report says that as lieutenant-commander he has had two months' sea service and is fully equal to any in the grade to which he is to be nominated if this bill passes. The department says it needs more officers in the navy, and there seems to be some justification for it, although as a general principle these bills ought not to be passed.

Mr. OLLIE M. JAMES. What I would like to know is, Why did he quit the service originally, and why do they want to put him back in the rank which probably he would have obtained if he had stayed in the service?

Mr. BUTLER. The gentleman from Iowa [Mr. DAWSON] reported the bill and is familiar with the facts. I know enough of them, perhaps, to answer the gentleman's question.

Mr. MANN. I think I can answer the gentleman's question. Under the personnel act it is required that a certain number of officers shall quit the service. If they do not quit voluntarily, they put them before a board which puts them out. This man's wife was very ill and not expected to live. Thereupon he resigned from the service in order to take care of his wife, at the same time being one of those who would otherwise be put out of the service. His resignation was in 1899. After his wife

became better he desired to go back into the service, and they say he was a good officer. I have no interest in the case. All I know is from the reading of the report.

Mr. BATES. Mr. Chairman, the gentleman from Illinois has stated the facts as well as could any member of the committee. The gentleman from Iowa [Mr. DAWSON] reported the bill. It is a fact, however, that the man is ready for active duty, and this will enable him to perform it, and the service needs more active men.

The CHAIRMAN. Unless objection is heard, the bill will be laid aside to be reported with a favorable recommendation.

There was no objection.

SANFORD A. PINYAN.

The next business on the Private Calendar was the bill (H. R. 19871) for the relief of Sanford A. Pinyan.

The Clerk read the bill, as follows:

Be it enacted, etc., That Sanford A. Pinyan shall hereafter be held and considered to be entitled to all of the rights and benefits that he would be entitled to on account of military service, except pay, bounty, and other emoluments, if he had been continuously in the military service of the United States as a private of Company A, First Regiment Georgia Volunteer Infantry, from the 1st day of August, 1864, to the 4th day of November, 1864, and had been honorably discharged on the date last named herein.

The bill was laid aside to be reported with a favorable recommendation.

MILLE LAC BAND OF CHIPPEWA INDIANS.

The next business on the Private Calendar was the bill (S. 5330) for the relief of the Mille Lac band of Chippewa Indians in the State of Minnesota, and for other purposes.

The Clerk read the bill.

Mr. MANN. I ask to have that go over without prejudice.

The CHAIRMAN. That order will be made.

TREASURER OF THE UNITED STATES.

The next business was the bill (S. 4049) authorizing a credit in certain accounts of the Treasurer of the United States.

The bill was read.

Mr. MACON. Mr. Chairman, I object to the present consideration of the bill.

The CHAIRMAN. The gentleman from Arkansas objects to the present consideration of the bill, and it will be passed without prejudice.

HASTINGS STEAMBOAT COMPANY.

The next business was the bill (S. 4427) for the relief of Hastings Steamboat Company.

Mr. MANN. Mr. Chairman, I will ask to have that bill go over without prejudice.

The bill was ordered to be passed without prejudice.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed with amendments bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 23713. An act authorizing the construction of a bridge across Current River, in Missouri.

H. J. Res. 219. Joint resolution to accept the gift of Constitution Island, in the Hudson River, New York.

The message also announced that the Senate had passed joint resolutions and bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. R. 111. Joint resolution authorizing the rebuilding of the dormitory at Osage Boarding School, Oklahoma, recently destroyed by fire;

S. R. 114. Joint resolution authorizing the Secretary of War to dispose of certain bronze or brass cannon;

S. 7396. An act for the exchange of certain lands situated in the Fort Douglas Military Reservation, State of Utah, for lands adjacent thereto, between the Mount Olivet Cemetery Association, of Salt Lake City, Utah, and the Government of the United States;

S. 8005. An act authorizing the establishment of aids to navigation in Alaskan waters and making an appropriation therefor;

S. 8357. An act to extend the time for disposing of lands on the Huntley project, within the ceded Crow Indian Reservation, Mont.; and

S. 8439. An act authorizing the Secretary of the Interior to appraise lands in the Fort Peck Indian Reservation, Mont., and grant the same to the Great Northern Railway.

SENATE CONCURRENT RESOLUTIONS REFERRED.

Under clause 2 Rule XXIV, the following concurrent resolutions were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

Senate concurrent resolution 68.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made for a project of straightening of the Big Sioux River, in the State of South Dakota, and report same to the Congress—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 65.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made for deepening the channel and the entrance to same of Warroad Harbor, Minnesota, and protecting the channel and entrance to the same by means of a dike or otherwise—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 63.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of the bar of San Francisco Bay, in the State of California, to confirm the depths shown on the charts of the Coast and Geodetic Survey, and to cause estimates to be made for a project of improvement of the North, or Bonita, channel by the removal of Centissima and Sears rocks, and report the same to Congress—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 64.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause to be made a resurvey of Oakland Harbor, Alameda County, Cal., with a view of improving the same to meet the present and future demands of commerce, and to submit estimates of cost of the following three projects: Project No. 1, a channel 700 to 800 feet wide and 20 feet deep from San Francisco Bay to the foot of Tenth avenue extended, thence around Brooklyn Basin, 500 to 700 feet wide and 25 feet deep at low tide; project No. 2, same as project No. 1, except that depth be 34 feet at low tide; project No. 3, same as projects Nos. 1 and 2, except that the whole of Brooklyn Basin be dredged to pierhead line at a uniform depth of 25 or 34 feet at low tide—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 57.

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 10th day of February, 1909, at 1 o'clock in the afternoon, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice-President of the United States, and together with a list of the votes, be entered on the Journals of the two Houses—

to the Committee on Election of President, Vice-President, and Representatives in Congress.

Senate concurrent resolution 60.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the shoal or bar at the entrance to Chincoteague Bay, with a view to the removal of said shoal or bar, and providing for a channel depth of 15 feet at that point, and to submit estimates for such improvement—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 61.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made for a project of improvement of Lake Traverse, in the State of South Dakota and county of Roberts, and report same to the Congress—

to the Committee on Rivers and Harbors.

ROBERT DAVIS.

The committee resumed its session.

The next business was the bill (S. 6293) for the relief of Robert Davis.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers, in settling and adjusting the accounts of Robert Davis, first lieutenant, Second Regiment Field Artillery, U. S. Army, are hereby directed to credit the said Robert Davis with the sum of $164.48, which amount of government funds was stolen from his safe on or about the 6th of February, 1904, by his post quartermaster-sergeant while the said Lieutenant Davis was acting as quartermaster at Fort Banks, Mass.

Mr. MANN. Mr. Chairman, this is a very small amount, and the bill proposes to pay $164.48. If the bill is to be passed at all, we ought to pay the man what he lost, which was $170.66.

There is a mistake in the bill in the amount. I read from the report:

It was established at the trial that Sergeant Pullar was intrusted with the sum of $2.70 for the purchase of car tickets for use in the military service, and with the further sum of $167.96, which he was to deposit in the subtreasury in Boston. Both of the sums were embezzled by the accused and converted to his own use.

Mr. MILLER. Mr. Chairman, I have here the official report made in this case showing the amount due to be $164.48. That is taken from the official report of the Quartermaster-General.

Mr. MANN. Well, this is from the official report of the Advocate-General. I do not care anything about that, but I call attention to an amendment which I think ought to be made. This says that government funds were stolen from his safe on or about the 6th of February, and so forth. The funds were not stolen from the safe, but the report shows that they were embezzled by a clerk. There is no use of stating an erroneous fact in the bill.

Mr. MILLER. Mr. Chairman, let me suggest that this is a Senate bill, and that it has passed the Senate. I have no objection to any amendment that any Member may desire to offer. I think the amendment suggested by the gentleman is all right.

Mr. MANN. The gentleman may be correct, and perhaps it would be better to pass it than to take any chances.

Mr. MILLER. I ask that the bill be laid aside with a favorable recommendation.

The bill was ordered to be laid aside with a favorable recommendation.

DAVID W. STOCKSTILL.

The next business was the bill (H. R. 8982) for the relief of David W. Stockstill.

Mr. MANN. Mr. Chairman, I ask to have that bill go over.

The bill was passed without prejudice.

R. A. SISSON.

The next business was the bill (H. R. 10187) for the relief of R. A. Sisson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, the sum of $88.48 to R. A. Sisson, light-house keeper of Bloody Point Range, Daufuskie Island, Beaufort County, S. C., for the loss and destruction of his property during the cyclone of 1893.

Mr. MANN. Mr. Chairman, I shall not object to the consideration of the bill, but I would like to ask the gentleman a question. Last year, because I was the chairman of the subcommittee of the Committee on Interstate and Foreign Commerce on light-houses, I introduced a bill covering a number of claims of this sort where light keepers had lost their property through staying at their posts of duty in case of storm, most of them probably along the Gulf of Mexico, under circumstances such as that at Galveston, which seemed to absolutely warrant the Government in making the payment. These claims have been reported by the Light-House Board to Congress year after year, being referred to our committee, which has no jurisdiction of the claims. This is one of the claims covered in the entire bill. I simply wish to ask the gentleman if the committee has yet had the opportunity to consider the bill covering all of those claims. I do not wish to press the committee at all.

Mr. MILLER. Mr. Chairman, the committee is giving consideration to all of them, and I think all of them ought to be paid.

Mr. MANN. I introduced a general bill covering all of them.

Mr. MILLER. It is the general bill that we will report.

Mr. MACON. I want to ask the chairman a question and that is, What the Government has to do with the destruction of property by cyclone? I thought that would be an act of God and not of the Government.

Mr. MANN. I will say to the gentleman, because this matter really comes more within the jurisdiction, so far as the general purpose is concerned, of the committee I am on than the Committee on Claims, that the Government expects a light-house keeper to remain at the light-house and keep the light going regardless of weather conditions——

Mr. MACON. Tell me what property was destroyed by reason of his staying at his post.

Mr. MANN. The cyclone destroyed the light-house and his property with it.

Mr. MACON. What property did he have to keep there?

Mr. MANN. It destroyed his groceries and things of that sort, property he had to keep there upon which to live, things of that kind. The amount is $88.48.

Mr. MACON. Let me illustrate. Mr. Reid is now the ambassador to England. He resides in London. As such he is required to stay there to represent the Government, and as such, I suppose, he furnishes his own house and he must have furniture there. If a cyclone were to come along and destroy his furniture and his plate, would this Government have to reimburse him for it?

Mr. MANN. Oh, plainly not; but let me illustrate the case——

Mr. MACON. A light-house keeper has to stay at his post if a cyclone happens to come along and destroys something that he may have had there.

Mr. MANN. I suppose you may say a cyclone happens to come along, but you can not differentiate very well. Take the case of Galveston, where it was known for some time in advance the danger of remaining at the post of duty, and there were other cases of the same sort. Now, if a light-house keeper abandons a light-house it might cause great damage to shipping and, in my judgment, he ought to be permitted to stay there with the assurance that if he dies his family will receive a pension; but that is not involved here at all, but he certainly ought to receive the assurance that if he endeavors to stay there to attend to his duty, instead of carrying out his own property, as would be natural, that he would be reimbursed.

Mr. CANDLER. And, permit me to say, light-house keepers do not receive very large salaries, to say the least, and when they incur the danger of staying there their little personal effects ought to be paid for in case they are lost.

Mr. MACON. I do not object.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be laid aside with a favorable recommendation.

MARCELLUS BUTLER.

The next business on the Private Calendar was the bill (H. R. 17960) for the relief of Marcellus Butler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Marcellus Butler, out of any funds in the Treasury not otherwise appropriated, the sum of $100, for services rendered to the Committee on Invalid Pensions from March 5, 1901, to December 1, 1901.

Mr. MANN. Mr. Chairman, I think the bill had better go over.

Mr. MILLER. Oh, no.

Mr. MANN. Then, Mr. Chairman, reserving the right to object, I call the attention of the gentleman to the proposition that this bill, which may be all right, is to pay Marcellus Butler the sum of $100 for services rendered the Committee on Invalid Pensions from March 5, 1901, to December 1, 1901, with a letter from the very distinguished and lovable chairman of the Committee on Invalid Pensions, stating that these services were rendered to the committee, and stating that it was near the close of the session and the Committee on Accounts were without a quorum, so that that committee could not act. Now, the fact is, the gentleman evidently was mistaken. This period of time was before the long session. The time commenced, not at the end of a term of Congress, but when there was no Committee on Invalid Pensions in existence. I do not know; perhaps the man rendered the services, but I think we ought to have a chance to consider it.

Mr. MILLER. Mr. Chairman, let me say to the gentleman from Illinois that this matter was presented to the Committee on Claims, accompanied by this letter, and in person the chairman of the Committee on Invalid Pensions [Mr. SULLOWAY] stated to the committee upon his honor as a Member of this House that this work was done by Mr. Butler for him and he had never been paid for doing the work, and, as it was a small sum, I felt, as chairman of the committee, and the committee also, that it ought to be paid.

Mr. MANN. I certainly would not question the word of the gentleman in charge of the Committee on Invalid Pensions. Here is the statement made by that gentleman:

The reason Mr. Butler did not receive pay for his services was that the resolution that went to the Committee on Accounts was not received by that committee in season to act and report thereon. It was near the close of the session and, as far as I remember, the committee was without a quorum.

Now, the fact is, that the time this man rendered the services was at the beginning of the Congress immediately after the sitting of Congress, immediately after the 4th of March, and it was during the interim when there was no Committee on Invalid Pensions, and the gentleman from New Hampshire is evidently mistaken as to the facts in the case. It may be that the man ought to be paid; I do not know.

Mr. MILLER. I think, Mr. Chairman, the gentleman from Illinois is right about it, but in the absence of the chairman of the Committee on Invalid Pensions, I do not like to have this passed over.

Mr. MANN. Well, it will be reached again.

The CHAIRMAN. Does the gentleman from Illinois object?

Mr. MANN. Oh, I am not objecting, but after calling attention to the matter if nobody else wishes to object I do not. Maybe the man rendered services, but he did not render services to the Committee on Invalid Pensions during that time.

Mr. CANDLER. He made it appear to the committee that this man rendered services or it would not have been favorably reported. The committee was thoroughly convinced that the services were rendered.

Mr. SABATH. What services, if any, did he render to the committee?

Mr. MILLER. As janitor to the committee, for which he was not paid, as was represented by the Committee on Invalid Pensions.

Mr. SABATH. Was the committee in session then?

Mr. MILLER. The clerks are required to be here even though Congress is not in session. The clerks were required to be here and were in charge of the room, and this man rendered services as janitor for that committee room. All the other janitors have been paid.

The bill was laid aside with a favorable recommendation.

T. C. WAKEFIELD.

The next business on the Private Calendar was the bill (H. R. 19653) for the relief of T. C. Wakefield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to T. C. Wakefield the sum of $18, for expenses incurred and services rendered in making the proper returns for the Salmon Lake voting precinct, Kougarok district, Alaska.

Mr. MANN. Mr. Chairman, I would like to ask some one, this being a bill for sending the election returns from one place to a central place, what provision is there in law for paying such expenses in the future and how is it expected to be paid? Is it to be paid by a claim every time?

Mr. CALE. I do not know as I can answer the legal phase that the gentleman inquires for, but I do know that the services are rendered, as the report will show. Just what the law is in relation to the matter I can not answer.

Mr. MANN. Here is a case where this Congress authorized an election to be held for the election of the gentleman who has the floor, and the polls are widely scattered, I suppose. A man says that it took him three or four days' time, more or less, to bring in the returns from one of the polls. Now, is there any provision in the law for the payment of the man for such purpose, and how is the party to be paid in the future?

Mr. CALE. In the same manner as this.

Mr. MANN. If I thought we were to have a claim every year or two years for $18 or so, to waste the time of Congress, I should object. I think the gentleman ought to get busy and have a bill passed covering the case.

Mr. CALE. This is the first bill of that kind that has ever been before the House.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS J. SHOCKER.

The next business on the Private Calendar was the bill (H. R. 19893) for the relief of Thomas J. Shocker.

The bill was read, as follows:

Be it enacted, etc., That Thomas J. Shocker shall hereafter be held and considered to be entitled to all of the rights and benefits that he would be entitled to on account of military service, except pay, bounty, and other emoluments, if he had been continuously in the military service of the United States as a private of Company B, Twelfth Regiment Ohio Volunteer Cavalry, from the 12th day of September, 1863, to the 1st day of July, 1865, and had been honorably discharged on the date last named herein.

Mr. PRINCE. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to strike out the second section.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to strike out the second section. The Clerk informs the Chair that there is but one section to the bill.

Mr. PRINCE. The bill that is now before the House for consideration is the bill H. R. 19893, Calendar No. 1003.

Mr. MILLER. That is all right. I have no objection to that.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY A. TOLBERT.

The next business on the Private Calendar was the bill (H. R. 7048) for the relief of Henry A. Tolbert.

Mr. MACON. I object, Mr. Chairman.

CHARLES H. DUNNING.

The next business on the Private Calendar was the bill (H. R. 18487) for the relief of Charles H. Dunning.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles H. Dunning, late postmaster at Rome, N. Y., the sum of $421.21, paid by him in settlement of his accounts with the Government to cover loss sustained by reason of the failure of the Fort Stanwix National Bank, of Rome, N. Y.

Mr. MILLER. Mr. Chairman, I move that it be laid aside with a favorable recommendation.

Mr. COX of Indiana. Why is the Government proposing to reimburse this man for the loss of money that he had placed on deposit in a bank? I gather that that is the purpose of it.

Mr. MILLER. Let me read the part of the report that refers to that.

Mr. MANN. The bank was a good institution, and he deposited the money there. The bank failed. I remember the case because it appealed to me, having been somewhat in a similar position once myself. The Government does not permit postmasters under the rules to deposit money in banks except national depositories. The Government exacts a bond. If a postmaster deposits money in a safe and the burglar breaks open the safe and gets the money, the Government is reimbursed.

Mr. COX of Indiana. Has that been the uniform policy of the Government?

Mr. MANN. That is the law.

Mr. STAFFORD. If the gentleman will permit me, that was the law until the last session of Congress, when a measure was passed authorizing postmasters to deposit postal funds in any state or national bank in addition to national depositories.

Mr. MANN. Now, in this town there was a national bank of good reputation, without any question in regard to its solvency. This postmaster—I think properly—thinking it was safer to keep the money in the bank than in his jeans or in his office, deposited it in the bank. Unfortunately for him, the bank failed, and the Government required him to put up the money that was on deposit in the bank. This is to reimburse him for that amount.

Mr. MILLER. I ask that the bill be laid aside with a favorable recommendation.

Mr. COX of Indiana. I reserve the right to object. Is the law now that the postmaster can deposit money in national banks or keep it on his person, if he sees fit?

Mr. MANN. That is what the gentleman from Wisconsin states.

Mr. STAFFORD. The law formerly was that if he deposited it in any bank it must be a national depository.

Mr. COX of Indiana. Then prior to the last session of Congress the law was, as the gentleman from Illinois has stated, that the money must be deposited in some designated bank?

Mr. STAFFORD. The law provided that the postmaster must either deposit it in a depository or else keep it in a safe, or in some designated manner as he cares for his personal property, as presented by the regulations. But the Post-Office Committee recommended to the House, and there was ultimately carried in the appropriation bill a provision authorizing postmasters not only to deposit their funds in depositories, but in any national or state bank.

Mr. GILLESPIE. Without security?

Mr. STAFFORD. But the law still prescribed that the postmaster must give bond as formerly.

Mr. COX of Indiana. Now, just one question more. Suppose the postmaster keeps the money in his private safe and it is broken into by burglars. Is he responsible?

Mr. STAFFORD. The postmaster is not responsible. The Government will reimburse him for any funds taken from the safe if he shows that he has exercised reasonable care.

Mr. COX of Indiana. If he has not been guilty of negligence he will be reimbursed?

Mr. STAFFORD. Yes.

Mr. MANN. If he keeps a safe and keeps it locked.

Mr. MACON. Then, if I understand this case, the postmaster is guilty of a violation of the law if he puts the money in the bank. And now you are seeking to justify a man for a violation of the law by reimbursing him.

Mr. STAFFORD. He did not violate the law. He only took added precaution.

Mr. MACON. He violated the law; and for that reason I object.

Mr. MILLER. There was no violation of law. I do not believe the gentleman will object if he understands the facts in the case. There was no depository in which he could keep the money, and he did what every other sensible postmaster in the United States would have done under the circumstances, and is doing continually. He put the money in a substantial bank for the purpose of making it secure, rather than keep it upon his person or in his house. Had he kept it in his house or on

his person he would have been reimbursed for the loss, but having put it in a good substantial bank, now, then, he is asked by the Government of the United States to make it good, since that bank subsequently failed with the money in it.

Mr. COX of Indiana. Do I understand you to say that he deposited the money in a national bank?

Mr. MILLER. Yes.

Mr. DAVIS. Will the gentleman allow me to ask him just a question with reference to the circumstances, and with reference to this bill generally? If a postmaster deposited money prior to the last session of Congress in a national bank of good standing and the national bank failed, can he now be reimbursed under the law without a separate act of Congress?

Mr. MILLER. He can not be reimbursed without a separate act of Congress, unless he has deposited the money in a regularly designated depository.

Mr. DAVIS. This was not a depository, then, but simply an ordinary national bank?

Mr. MILLER. The bank failed, and he lost 75 per cent of the money. The dividends did not pay that amount.

Mr. DAVIS. Now, is the law such that he can be reimbursed without an independent act of Congress?

Mr. STAFFORD. The law now permits him to deposit the funds not only in national banks, but in state banks, and the law should have been corrected a long time ago, in the opinion of almost all the members of the Committee on Post-Offices and Post-Roads.

Mr. DAVIS. Suppose this deposit was made three years ago in a national bank. The bank failed and the postmaster has been required to reimburse the Treasury. Can he now be reimbursed under the existing law without an act of Congress?

Mr. STAFFORD. The law that was passed last year was not retroactive in its character. It merely provided for subsequent transactions. Of course, under the supposititious case presented by the gentleman, he would have to come to Congress with a private act.

Mr. MILLER. He has to present a separate bill.

Mr. DAVIS. Is the bill now under consideration for loss of funds deposited in a bank prior to the passage of this law?

Mr. MILLER. Yes. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

OMAHA TRIBE OF INDIANS.

The next business was the bill (S. 2901) authorizing the Omaha tribe of Indians to submit claims to the Court of Claims.

Mr. MANN. I ask that that go over.

The CHAIRMAN. Objection is made. Under the rule, that order will be made.

HEIRS OF CORNPLANTER.

The next business was the bill (H. R. 16048) for the relief of the heirs of Cornplanter, alias John O'Bial or Abeel, a Seneca Indian chief.

Mr. MANN. Mr. Chairman, I ask that that bill go over.

Mr. HACKNEY. The bill has been covered by the omnibus Indian bill.

The CHAIRMAN. Under the rule, the bill will be laid aside, without prejudice.

Mr. MANN. It should be laid aside, with the recommendation that it lie on the table. A similar provision has become a law.

Mr. HACKNEY. It ought to be stricken from the calendar.

The CHAIRMAN. Does the gentleman from Illinois move that it be laid aside with a recommendation that it lie on the table?

Mr. MANN. I do.

The CHAIRMAN. The gentleman from Illinois moves that the bill be laid aside with the recommendation that it lie on the table.

The motion was agreed to.

JOHN W. WOOD.

The next business was the bill (H. R. 15603) for the relief of John W. Wood.

The bill was read, as follows:

Be it enacted, etc., That John W. Wood, postmaster at Pasadena, Los Angeles County, Cal., be, and is hereby, released from all liability on account of stamps to the amount of $13,000, stolen from his office on or about May 17, 1907, and the said sum of $13,000 is hereby ordered credited to him on his accounts as such postmaster, and the payment to him of the balance due after allowing such credit is hereby authorized.

Mr. MANN. Nobody objects to this bill, I believe, but the postmaster for whose benefit the bill is passed asks that there be an appropriation made for the amount.

Mr. MILLER. I have no objection to accepting such an amendment.

Mr. MANN. There ought to be an amendment.

Mr. MILLER. I have no objection to the acceptance of an amendment providing for an appropriation if there is anything found due. This is for an adjustment of the account of the postmaster, to allow him credit for certain amounts. Then if there is anything found due him over and above that, there ought to be an appropriation to pay it. There is no question, on the merits of the bill, of his right to recover.

Mr. COX of Indiana. Is there another case of burglary?

Mr. MANN. One thousand three hundred dollars' worth of stamps were stolen.

Mr. MILLER. I move an amendment at the close of the bill providing an appropriation, out of any moneys in the Treasury not otherwise appropriated, for the payment of the balance found due.

The CHAIRMAN. The gentleman from Kansas offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert at the end of the bill the following:

"And that there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to pay the amount, if any, found due said John W. Wood hereunder."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILMERDING-LOEWE COMPANY, OF SAN FRANCISCO.

The next business was the bill (H. R. 19641) for the relief of the Wilmerding-Loewe Company, of San Francisco, Cal.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to the Wilmerding-Loewe Company, of San Francisco, Cal., out of any money in the Treasury not otherwise appropriated, the sum of $249.81, the same being the amount of money deposited with the collector of internal revenue for the first district of California by the said Wilmerding-Loewe Company for the purchase of five tax-paid spirit stamps to denote the payment of the internal-revenue tax on five packages of spirits then deposited in special bonded warehouse No. 6, at San Francisco, Cal., which spirits were the property of the said Wilmerding-Loewe Company and were totally destroyed by fire on April 18, 1906, before the delivery of the said stamps.

Mr. MILLER. I move that the words "before the delivery of the said stamps" be stricken out. They are not necessary there.

The CHAIRMAN. The gentleman from Kansas offers the following amendment, which the Clerk will report.

The Clerk read as follows:

On page 2 strike out the words "before the delivery of the said stamps."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

C. W. REID AND SAM DAUBE.

The next business on the Private Calendar was the bill (H. R. 4562) for the relief of C. W. Reid and Sam Daube.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to refund to C. W. Reid and Sam Daube the sum of $688.24, said sum having been paid by them as sureties on the forfeited bail bond of J. P. Newcomb in the case of the United States of America against J. F. Newcomb, heretofore pending in the United States court for the eastern district of Texas, at Paris, Tex., on final judgment rendered after said J. F. Newcomb, the principal in said bond, had been apprehended through the information and assistance of the said C. W. Reid and Sam Daube and after he had been convicted in said court upon the charge of incest, the offense for which he was under bond to appear in said case of the United States of America against J. F. Newcomb, the said sum of $688.24 being the amount left after deducting from the total amount of said bail bond the expense incurred by the Government in apprehending Newcomb, less the sum of $125 advanced by Reid and Daube to aid the recapture.

The bill was ordered to be laid aside with a favorable recommendation.

ANNA B. MOORE.

The next business on the Private Calendar was the bill (S. 1751) to reimburse Anna B. Moore, late postmaster at Rhyolite, Nev., for money expended for clerical assistance.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Anna B. Moore, late postmaster at Rhyolite, Nev., out of any money in the Treasury not otherwise appropriated, the sum of $1,092, to reimburse her for money expended for necessary clerical assistance.

The bill was ordered to be laid aside with a favorable recommendation.

WILLARD W. ALT.

The next business on the Private Calendar was the bill (H. R. 11039) for the relief of Willard W. Alt, of Hyannis, Nebr.

The Clerk read the bill, as follows:

Be it enacted, etc., That the accounting officers of the Treasury be, and they are hereby, authorized to pay, out of any money not otherwise appropriated, to Willard W. Alt the sum of $490 for surveys made of public lands in the State of Nebraska, in accordance with specific instructions of the Government under his contract with the Government

therefor, dated May 26, 1900, and May 9, 1901, authorized by acts of Congress approved March 1, 1899, and January 14, 1901, respectively.

The following committee amendments were read:

Line 5, strike out the word "four" and insert in place thereof the word "three."

Line 6, strike out the word "ninety" and insert in place thereof the word "sixty-five."

Lines 9 and 10, strike out the words "and May 9, 1901."

Line 10, strike out the word "acts" and insert in place thereof the word "act."

Lines 12 and 13, strike out the words "and January 14, 1901, respectively."

Mr. MANN. Mr. Chairman, there seems to be three bills for this man now pending. He was a surveyor under a contract. I would like to ask the gentleman from Nebraska whether it is not possible for the Government to make a contract for a survey in Nebraska without having a bill brought in for extra services. Here are three bills pending before one Congress by one surveyor.

Mr. KINKAID. I will say to the gentleman that it is possible, but they did not do so in this case; and this resurvey was done on the express written instructions of the department.

Mr. MANN. I think this case is made out in this particular bill. It looks very satisfactory, but he has three bills pending. Can not they make a contract out there without having extra services for the surveyor? This man seems to be very lively when he can bring in three separate bills before one Congress to get extra services.

Mr. KINKAID. We put it all into one bill, but the department required us to divide it.

Mr. MONDELL. Mr. Chairman, I think there is no question but what the department ought to submit these cases in the form of estimates and ask for appropriations, but they have not done it, or at least in some cases they have not. I had a number of cases of this kind, and years ago I finally succeeded in getting the department to adopt, as far as my State is concerned, the policy of submitting them in the form of estimates, and they were paid in that form. That ought to be done in every case. I think they are clearly legitimate expenditures, and yet they are beyond the contracts. For instance, in a contract for the survey of a township they assume that it will cost a certain sum, and when the surveyor reaches the last 3 or 4 miles he finds that it costs a great deal more.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CORNELIUS VAN COTT.

The next bill on the Private Calendar was the bill (H. R. 15218) for the relief of the sureties on the official bond of Cornelius Van Cott.

The bill was read, as follows:

Be it enacted, etc., That the estate of Cornelius Van Cott, late postmaster of the city of New York, and the sureties on his bond be relieved from the payment to the United States of America of the sum of $1,285.71, the amount paid H. Clayton Graff during the fourth quarter of the year 1902 and the first and second quarters of the year 1903, who was carried on the pay rolls at the New York City post-office for said period.

Mr. FINLEY. I would like to ask for an explanation of this bill.

Mr. MILLER. I will yield to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Chairman, the explanation is this: The department here in Washington sent this man Graff to New York with instructions to the postmaster there to put him to work at certain work. He had no option in the matter at all. He did put him at work, and his salary, instead of being paid from the departmental sources here, was paid from funds of the New York City post-office. After Mr. Van Cott died the auditor determined that the salary was not rightfully paid from the New York City end, and the sureties were obliged to pay $1,200.

Mr. MANN. The gentleman from New York is slightly in error as to the facts. Instead of sending the clerk from here to New York they took a clerk on the rolls of New York and ordered him to report here for some special work, and he was carried on the rolls at New York, working in Washington upon special work upon which he was an expert. Because he was here the auditor disallowed the pay roll as far as New York was concerned, and the sureties on the bond of the New York postmaster were obliged to pay.

Mr. BENNET of New York. The fact is he was ordered on the roll by the department.

Mr. MANN. He was ordered here on expert work concerning stamping machines because he was an expert. He was not paid by the department in Washington; he was paid by the postmaster of New York City. There is no question but that he rendered the service.

The bill was ordered to be laid aside with a favorable recommendation.

STEAM LIGHTER "CLIMAX."

The next business was the bill (S. 2873) for the relief of the owners of the steam lighter *Climax* and the cargo laden aboard thereof.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claims of the owners of the steam lighter Climax, injured and sunk by collision with the U. S. light-house tender Cactus on the afternoon of the 25th day of November, 1905, in the East River, off the borough of Manhattan, city of New York, State of New York, for and on account of the loss and injury to the said vessel and cargo and damages to the owners thereof, may be submitted to the United States district court for the southern district of New York, under and in compliance with the rules of the said court sitting as a court of admiralty, and said court shall have jurisdiction to hear and determine and to render judgment thereupon upon the same principles and measures of liability and damages in like cases in admiralty: *Provided, however*, That the investigation of the said claim shall be made upon the following basis:

First. The said court shall find the facts attending the loss and injury to the said steam lighter Climax and her cargo and damages to the owners thereof.

Second. If it shall appear that the responsibility therefor rests with the said U. S. light-house tender Cactus the court shall then ascertain and determine the amounts which should be paid to the owners, respectively, of the Climax, and of her cargo, in order to reimburse them for the losses and damages so sustained, and shall render a decree accordingly.

SEC. 2. That should said decree be rendered in favor of the owners of the Climax and her cargo, the amount thereof may be paid out of any money in the Treasury not otherwise appropriated.

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL GARLAND.

The next business was the bill (H. R. 2245) authorizing the Court of Claims to hear and adjudicate the claims against the Choctaw Nation of Samuel Garland, deceased.

Mr. MANN. Mr. Chairman, I object to that and ask that the bill go over.

The bill was ordered to be passed without prejudice.

THEODORE F. NORTHROP.

The next business was the bill (S. 2253) for the relief of Theodore F. Northrop.

The Clerk read the bill, as follows:

Be it enacted, etc., That Theodore F. Northrop, late first lieutenant, Second Regiment New York Cavalry Volunteers, shall be held and considered to have been a captain of cavalry, in command of scouts in the army of General Sherman, from September 10, 1864, to May 22, 1865; and the Secretary of War is authorized to issue to said Northrop a certificate of such service and of honorable discharge in accordance with this act: *Provided*, That no pay, bounty, or other allowance shall become due and payable by reason of this act.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That Theodore F. Northrop, late first lieutenant, Second Regiment New York Cavalry Volunteers, and who commanded a body of mounted military scouts in the army of General Sherman from January 3, 1865, to March 31, 1865, shall be held and considered to have been an officer of the Volunteer Army during that time, for the purpose of an application for a medal of honor: *Provided*, That no pay, bounty, or other allowance shall become due or payable by virtue of this act."

Mr. MANN. Mr. Chairman, I shall have to ask that that be laid over.

Mr. PARKER. Mr. Chairman, will the gentleman reserve his objection until he can hear an explanation?

Mr. MANN. I reserve the right to object.

Mr. PARKER. Mr. Chairman, I will state that Northrop served for three years. He then was mustered out and took command of a company of military scouts, and showed himself to be of great bravery and gallantry at that time in the march to the sea, going down from Atlanta. He wants a medal of honor.

Mr. MANN. I am satisfied with the explanation.

Mr. PARKER. Then I ask that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was agreed to.

The bill was ordered to be laid aside with a favorable recommendation.

BENJAMIN C. WELCH.

The next business was the bill (S. 5388) for the relief of Benjamin C. Welch.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws the authorization of the Secretary of War of May 7, 1863, permitting Benjamin C. Welch, formerly first lieutenant Company B, Fortieth New York Volunteers, to reenter the service shall be held and considered as an honorable discharge from his service with that command.

Mr. MANN. I shall have to ask that that go over.

Mr. CAPRON. Does the gentleman from Illinois understand the bill to which he has just objected?

Mr. MANN. I may be mistaken, but I understand the department is not friendly to this. I will reserve the right to object.

Mr. CAPRON. Mr. Chairman, this bill ought to pass. In a few words one can state the case. This man took charge of the body of another officer of his company and went to Aquia Creek, expecting a minister of his church at home to come and take the body home for burial. There was no one there to take it. The man had his pass to Aquia Creek. He reached Boston and went home with the remains. He came back to the army and was dismissed the service for this cause. When the attention of the Secretary of War was called to this, he said that in view of the mitigating circumstances, although this man had passed out without leave, the governor of his State or any State might recommission the man and he would be accepted in the army. There was no vacancy, and the man reenlisted as a private soldier and served throughout the war and was honorably discharged. That five or six days' absence without leave is all there is against the soldier with a remarkably honorable record. He now simply desires that that be corrected and cleared up. I will agree that the circumstances warranted his dismissal under the war conditions then existing.

Mr. MANN. I shall not object.

The bill was ordered to be laid aside with a favorable recommendation.

DAVID ROBERTSON.

The next business was the bill (H. R. 5808) placing David Robertson on the retired list of the United States Army.

Mr. MANN. Mr. Chairman, I shall object to that and ask to have it go over.

The bill was ordered to be passed without prejudice.

R. J. B. NEWCOMBE.

The next business was the bill (H. R. 8558) for the relief of R. J. B. Newcomb.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to R. J. B. Newcomb, his representatives or assigns, the sum of $1,500, out of any money in the Treasury not otherwise appropriated, the same to be for loss sustained in constructing wharf and boathouse at the life-saving station on South Manitou Island, Michigan.

With the following amendments:

Line 4, strike out the word "Newcomb" and insert in lieu thereof the word "Newcombe."

In lines 5 and 6 strike out the words "one thousand five hundred dollars" and insert in lieu thereof the words "nine hundred and sixty dollars and four cents."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Without objection, the title was amended so as to read:

A bill for the relief of R. J. B. Newcombe.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE M. VOORHEES.

The next business was the bill (H. R. 17572) for the relief of George M. Voorhees.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and instructed to interpret and consider Special Orders, No. 59, date February 5, 1863, approved February 10, 1863, equivalent to the honorable discharge of George M. Voorhees, late captain Company D, Ninety-third Regiment New York Volunteer Infantry: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

Mr. PRINCE. Mr. Chairman, I ask that the bill be laid aside with a favorable recommendation.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES ENGSTROM AND C. PETERSEN.

The next business on the Private Calendar was the bill (H. R. 19757) for the relief of Charles Engstrom and C. Petersen.

Mr. MANN. Mr. Chairman, I ask that that bill go over; I object.

The CHAIRMAN. Objection is made.

Mr. CALE. I hope the gentleman from Illinois will not object.

The CHAIRMAN. Does the gentleman from Illinois reserve the right to object, or object?

Mr. MANN. I have no objection to reserving it.

Mr. CALE. This bill, as the report shows these gentlemen have been out of their money for eight or nine years——

Mr. MANN. But I propose to discuss the bill before it is passed, I will say to the gentleman.

Mr. MILLER. Mr. Chairman, then I will ask to have it passed over without prejudice.

The CHAIRMAN. Objection is made, and under the rules the bill will be passed without prejudice.

SENECA NATION OF INDIANS.

The next business on the Private Calendar was the bill (H. R. 19746) to ratify a certain lease with the Seneca Nation of Indians.

Mr. MANN. Mr. Chairman, I ask that that go over.

The CHAIRMAN. Objection is made, and the bill will be passed without prejudice.

HEIRS OF MYRA CLARK GAINES.

The next business on the Private Calendar was the bill (H. R. 6648) for the relief of the heirs of Myra Clark Gaines, deceased.

Mr. MANN. Mr. Chairman, I ask that that go over.

Mr. MONDELL. Mr. Chairman, I ask that that be passed without prejudice.

The CHAIRMAN. Objection is made, and the bill will be passed without prejudice.

GEORGE W. BLACK AND J. R. WILSON.

The next business on the Private Calendar was the bill (H. R. 4166) to relieve George W. Black and J. R. Wilson from a certain judgment in favor of the United States and to relieve George W. Black, J. R. Wilson, and W. M. Newell of a certain judgment in favor of the United States.

The bill was read, as follows:

Be it enacted, etc., That George W. Black and J. R. Wilson be, and they are hereby, relieved and discharged of and from all liability on account of the judgment rendered against them as sureties on the forfeited recognizance or bail bond where B. H. Gallway is principal, which judgment was rendered in the United States district court for the middle district of Alabama on May 28, 1891, for $200 and the costs, $26.40; and that George W. Black, J. R. Wilson, and W. M. Newell be, and they are hereby, relieved and discharged of and from all liability on account of the judgment rendered against them as sureties on the forfeited recognizance or bail bond where J. R. Wilson is principal, which judgment was rendered in the United States district court for the middle district of Alabama on December 12, 1892, for $150 and the costs, $26.40; and that the said judgments shall be canceled and marked satisfied on the records of said court by the United States attorney for the middle district of Alabama.

Mr. CLAYTON. Mr. Chairman, I ask that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

F. S. JETTE & SON.

The next business on the Private Calendar was the bill (H. R. 2911) for the relief of F. S. Jette & Son, of Savannah, Chatham County, Ga., for damage done to their wharf by U. S. dredge *Cumberland*.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to F. S. Jette & Son, of Chatham County, Ga., the sum of $70 for money expended and labor performed in repairing damages done to their wharf at Savannah, Chatham County, Ga., by the U. S. dredge Cumberland on May 24, 1906.

Mr. MILLER. Mr. Chairman, I ask that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. Is there objection?

Mr. EDWARDS of Georgia. Mr. Chairman, this is my bill and I noticed the Clerk read it J. S. Jette. It should be F. S. Jette.

Mr. MILLER. It is F. S. Jette.

The CHAIRMAN. Without objection, the bill will be laid aside with a favorable recommendation. [After a pause.] The Chair hears none.

BRIDGEPORT NATIONAL BANK.

The next business on the Private Calendar was the bill (H. R. 13644) for the relief of the Bridgeport National Bank, Bridgeport, Ohio.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, in favor of the Bridgeport National Bank, Bridgeport, Ohio, United States 5 per cent coupon bond, issued under the act of January 14, 1875, No. 19649, for $1,000, with interest from February 1, 1899, to the date of the maturity of said bond: *Provided*, That the said Bridgeport National Bank shall first file in the Treasury a bond in the penal sum of double the amount of the principal of said bond and the interest due thereon, with good and sufficient sureties, to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any loss on account of the said bond and the said interest.

Mr. MILLER. Mr. Chairman, I ask that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

GEORGE H. TRACY.

The next business on the Private Calendar was the bill (H. R. 20171), to correct the military record of George H. Tracy.

The amendment in the nature of a substitute was read, as follows:

Be it enacted, etc., That George H. Tracy, late captain Company I, Thirty-third Regiment Missouri Volunteer Infantry, shall be held and considered to have been honorably discharged from the service of the United States by Special Orders, No. 24, Department and Army of the Tennessee, dated March 4, 1865, and said order shall be held in force, and Special Orders of the War Department No. 102, dated March 1, 1865, dishonorably dismissing said Tracy, shall be held revoked.

Mr. PARKER. Mr. Chairman, in this case Captain Tracy has an honorable discharge dated March 4, 1865. It is based on a surgeon's certificate of disability, he having been in the hospital for three months. He did not find out until 1907 that he had been dishonorably dismissed by another discharge dated March 1, 1865, which was based on the report of his colonel made before he went into the hospital, when he thought that he was shamming to try to escape from duty. The colonel joins in an affidavit saying that he made a mistake. I can give all the dates that run back to September, 1864, if desired. I move that the bill be laid aside with a favorable recommendation.

The question was taken, and the amendment in the nature of a substitute was agreed to.

The bill was then ordered to be laid aside with a favorable recommendation.

JULIUS A. KAISER.

The next business on the Private Calendar was the bill (H. R. 12707) for the relief of Julius A. Kaiser.

Mr. MANN. I ask that that bill go over.

The CHAIRMAN. Objection is made, and the bill will be passed without prejudice.

S. R. GREEN.

The next business on the Private Calendar was the bill (S. 213) for the relief of S. R. Green.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to S. R. Green, of Clackamas County, Oreg., the sum of $85, the same being the amount deposited by said S. R. Green in the names of James Tracy and S. R. Green in the First National Bank of Portland, Oreg., on September 1, 1897, to the credit of the United States Treasurer, for office fees in connection with the survey of the Della, Lone Grave, Idle Fancy, and Cyclone quartz-mining claims in Lane County, Oreg., which survey was duly abandoned, and although a demand made for the return of said $85 so deposited as aforesaid, said sum was covered into the Treasury of the United States.

Mr. MILLER. Mr. Chairman, I ask that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

JOHN S. HIGGINS.

The next business on the Private Calendar was the bill (S. 879), for the relief of John S. Higgins, paymaster, United States Navy.

The bill was read as follows:

Be it enacted, etc., That the proper accounting officers in settling and adjusting the accounts of John S. Higgins, paymaster, United States Navy, are hereby directed to credit in his account said John S. Higgins with the sum of $1,047.14, which amount of government funds he paid to Mr. Stephen J. Harvey, paymaster's clerk, United States Navy, for duty performed under orders of the Secretary of the Navy at Pensacola (Fla.) Navy-Yard, from November, 1905, to September, 1906, under Paymaster F. G. Pyne, U. S. Navy.

Mr. MILLER. Mr. Chairman, I ask that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

CHICAGO, PEORIA AND ST. LOUIS RAILWAY COMPANY.

The next business on the Private Calendar was the bill (S. 60), for the relief of the Chicago, Peoria and St. Louis Railway Company.

Mr. MACON. Mr. Chairman, I object to the present consideration of the bill.

NIELS P. LARSEN.

The next business on the Private Calendar was the bill (H. R. 8734) for the relief of Niels P. Larsen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $148 to Niels P. Larsen, postmaster at Otto, Wyo., to reimburse him for postal funds lost by fire while being transported to a government depository.

Mr. MANN. There is a distinction between postal funds and money-order funds, and what were lost were money-order funds, as shown by the report.

Mr. MILLER. I have no objection to that change being made.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the word "postal," in line 7, and insert the words "money order."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LANDS IN BOISE, IDAHO.

The next business on the Private Calendar was the bill (S. 6136), authorizing the Secretary of War to issue patents to certain lands in Boise, Idaho.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue patent in fee to Boise City, a municipal corporation, to that tract of land lying within the boundaries of the United States military reservation at Boise City, Ada County, Idaho, and bounded and described as follows:

Beginning at a stone marking the southwest boundary of the United States military reservation, thence north 22° 12′ west 2,719.86 feet; thence north 20° west 351.84 feet; thence north 70° east 15.5 feet to a line 22 feet from the center of the Capital Water Company's ditch; thence in an easterly direction following a line 22 feet from the center line of said ditch and parallel to the same to the intersection with said line of the southeasterly boundary of the reservation; thence south 70° west to the point of beginning, subject to any rights of the Capital Water Company for the use of said grounds as a right of way or an easement to convey water.

Also the following amendments:

Strike out in line 4, page 1, the words "and directed to issue patent in fee to" and insert in lieu thereof the following: "to make a license, revocable at his discretion, for the use for park purposes by."

Amend the title so as to read:

"An act authorizing the Secretary of War to grant a revocable license to certain lands to Boise, Idaho."

Mr. CANDLER. I will ask if that bill was not passed by unanimous consent two or three days ago?

Mr. MANN. Which bill was that—the Boise bill?

Mr. CANDLER. Yes.

Mr. MANN. It was called up by unanimous consent, Mr. Chairman, and objection was made because it was on the Private Calendar, although it is in the nature of a public bill. There was no objection to it the other day except for that reason.

Mr. CANDLER. I ask that the bill be laid aside, Mr. Chairman, with a favorable recommendation.

The CHAIRMAN. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN SHULL.

The next business on the Private Calendar was the bill (H. R. 4286) for the relief of John Shull.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to John Shull, of Perry County, State of Pennsylvania, the sum of $300, out of any money in the Treasury not otherwise appropriated, in payment for timber cut and used by the United States Topographical Survey in building and construction of a tower on the summit of the Tuscarora Mountain, in the State of Pennsylvania, for the use of the Government of the United States, in the year 1904.

Mr. MILLER. Mr. Chairman, I ask that the bill be laid aside with a favorable recommendation.

Mr. MANN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Illinois?

Mr. MILLER. Yes.

Mr. MANN. This bill is to pay for timber cut by a topographic survey party and used in connection with their surveying work. I would like to ask any gentlemen of the House whether there is any provision in the law, or, if not, what the custom is where a topographic survey party goes upon timber lands, or where they need timber, in reference to cutting it? I think a good claim is made out here, absolutely unobjectionable, but I think there should be some provision governing a case like this.

Mr. MILLER. Mr. Chairman, I am not able to answer the question of the gentleman from Illinois. I will say, however, when this matter came before the committee the parties notified the committee that these officers of the United States government told them that they had authority to cut down any timber that they wanted to cut, and the owner of the timber would have to make his claim against the Government of the United States, and any reasonable claim that was made would be paid. They went on and cut the timber. The party is here now, and

he proved conclusively before the committee that his timber was of the value that is stated in this report.

Mr. MANN. It seems to me a remarkable proposition that the Geological Survey officials should go ahead and make this statement as to cutting timber, or cut timber at all, without any authority to pay for it, unless there is some provision of law covering the case.

Mr. CANDLER. The department have recommended the payment of the investigation made by them.

Mr. NORRIS. Do they admit cutting the timber?

Mr. CANDLER. Oh, yes; and the recommendation is made in accordance with the facts.

Mr. MANN. We have topographical survey parties all over the United States, and it is ridiculous to say that this is the only time such a question has arisen.

Mr. CANDLER. It is the only claim that has been presented.

Mr. MANN. I would like to have some one on the Committee on Public Lands or otherwise familiar with such cases to state how they authorize it.

Mr. CANDLER. They got permission from some people who owned the land and went across the line where they had not any permission.

The amendment recommended by the committee was agreed to.

Mr. MILLER. I move that the bill be laid aside with a favorable recommendation.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES LENNIG & CO.

The next business on the Private Calendar was the bill (H. R. 9755) for the relief of Charles Lennig & Co.

The bill was read, as follows:

Be it enacted, etc., That the sum of $1,702.20 is hereby appropriated out of any money in the Treasury not otherwise appropriated, to reimburse Charles Lennig & Co., Philadelphia, Pa., for damage to their works, due to the accidental explosion on August 6, 1902, of a quantity of cartridges at Frankford Arsenal, Philadelphia, Pa.

Mr. COX of Indiana. I would like to have some information with reference to that bill. How was this injury brought about, and how was the explosion caused?

Mr. MILLER. Probably I can give the gentleman the information better by reading some parts of the report than by a brief explanation that could be made of it.

On August 6, 1902, an accident occurred at Frankford Arsenal, Philadelphia, Pa., causing the explosion of about 100,000 caliber .45 black-powder cartridges.

The arsenal had been engaged in breaking up condemned ammunition, and at this particular time the force was working on condemned caliber .45 ammunition loaded with black powder. The bullets were drawn from the cartridges in a building on the arsenal grounds, packing the shells containing the powder in empty boxes, and conveyed from this building to a point as remote as possible from other buildings and destroyed by placing the cartridges in 1,000 lots in a wire cage and setting fire to them by a slow match, the cage being used to prevent the dispersion of the shells by the explosion of the powder. Some days before the explosion in question the only cage on hand was worn out, and during the time to repair it more than the usual quantity of cartridges with drawn bullets were accumulated. Rather than run the risk of keeping these in the buildings, the foreman carried them to a place in the open near the location of the cage and there stacked them, awaiting the completion of the cage. About 100,000 rounds of cartridges had been accumulated. In the same open place it was the practice to haul daily to a dumping ground all refuse material, consisting of paper, shavings, and other combustibles, and burn it, under the supervision of a man specially detailed to watch it until the material is burned. On the afternoon of August 6 several loads of this material had been dumped at the usual place, but the fire that afternoon was not lighted, and no evidence of a fire on the dump was noticed by the teamster, but there must have been a fire smoldering under the ashes.

About 4 o'clock of that day a thunderstorm, accompanied by high winds, came up very suddenly. The wind blew the smoldering flames into action, lighted the pile of refuse material, and, as it happened to be blowing directly from this material toward the shells, an ignition of the latter was caused by burning fragments blown into them. An explosion resulted, destroying the entire lot of 100,000 cartridges, estimated to contain about 1,000 pounds of black powder. The effect of the explosion was to produce a crater in the ground of about 8 feet in diameter and 4 feet in depth. No material damage was done to the government buildings, as the strong wind blowing at the time was from the arsenal buildings and tended to protect them from the shock. Directly across the Frankford Creek from the spot where the explosion took place was the Tacony Chemical Works, owned and operated by Charles Lennig & Co.

A board of officers, appointed by the commanding officer, Maj. Frank Heath, found that the damages caused to the works of Charles Lennig & Co. by the explosion was $1,702.20. This amount was recommended to be paid by Brigadier-General Crozier, Chief of Ordnance, and Hon. Elihu Root, at that time Secretary of War. The committee believe that this amount should be paid to Charles Lennig & Co.

Mr. COX of Indiana. Just one question as to whether or not the proof showed that this explosion was the fault or negligence on the part of any Government employees.

Mr. MILLER. There was no negligence on the part of anyone. Everybody who knew the facts agreed that there was no negligence.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES H. DE COSTER.

The next business on the Private Calendar was the bill (H. R. 5728) for the relief of James H. De Coster.

The bill was read.

Mr. MANN. I ask to have that go over.

The CHAIRMAN. Objection is made, and the bill will be passed without prejudice.

DAMAGE SUSTAINED NEAR FRANKFORD ARSENAL.

The next business on the Private Calendar was the bill (H. R. 12512) for the relief of persons who sustained damage by explosion near Frankford Arsenal, Philadelphia.

The bill was read, as follows:

Be it enacted, etc., That the sum of $10,348.55, being the sum found just by a board of officers convened at Frankford Arsenal on February 6, 1903, under post orders No. 4, issued by order of Maj. (now Lieut. Col.) Frank Heath, commanding officer of Frankford Arsenal, which sum is recommended by him, with the concurrence of the Secretary of War, be, and the same is hereby, appropriated to pay the awards of said board according to the following schedule, as set forth in the said report of the board dated May 15, 1903, to wit: Mrs. Mary Altemus, $5.70; Mrs. Edward P. Ludy, $1; Mrs. Catherine Keely, $33.99; Mrs. Ella M. Newberry, $6; Mrs. Fannie K. Webster, $193.88; Mrs. Annie B. Hall, $576.46; Mr. E. F. Cooper, $163.20; Mr. Thomas McGee, $87.30; Mr. David Clark, $123.84; Mr. Oren N. Hillegas, $100.75; Mr. James Chatterton, $191.28; Mr. Charles H. Himmelwright, $85.38; Mrs. Dollie E. Banes, $40.85; Mrs. Pauline Voltz, $66.14; Mr. Charles Hanksterfer, $67; Mr. Anton Steeb, $51.92; Mr. William E. Hillegas, $3.80; Mr. Frank McMillan, $1.50; Mr. William E. McMillan, $19.06; Mr. Marshall W. Gold, $25.75; Mrs. Mary Hafer, $3.75; Mrs. Annie B. Hall (whose daughter, Ida W. Hall, aged 12 years, was struck by two small pieces of fuse, one piece penetrating cheek and striking tongue, the other penetrating leg), $1,000; Mrs. Peter McColgan (whose husband, Peter McColgan, aged 35 years, an Ordnance Department teamster, was instantly killed by the explosion of the fuses), $7,500.

SEC. 2. That the sum of $202.75, being the sum recommended by Lieut. Col. Frank Heath, commanding officer of Frankford Arsenal, and concurred in by the Secretary of War, be, and the same is hereby, appropriated to pay Miss Lena Foster, on account of injuries and damages sustained by reason of an explosion at Frankford Arsenal on the 12th day of August, 1903.

The amendments recommended by the committee were read, as follows:

Lines 3 and 4, page 1, strike out the words "ten thousand three hundred and forty-eight dollars and fifty-five cents" and insert in place thereof the words "one thousand eight hundred and forty-eight dollars and fifty-five cents."

Page 1, at the end of line 11, insert the following words: "For damages to property."

Page 1, strike out all after the words "to wit," in line 14.

Page 1, strike out all of line 15 and all of page 2 and insert in the place thereof the following:

"Mary Altemus, $5.70; E. F. Cooper, $163.20; David Clark, $123.84; James Chatterton, $191.28; Marshall W. Gold, $25.75; Annie B. Hall, $576.46; Oren N. Hillegas, $100.75; Charles H. Himmelwright, $85.38; Charles Hanksterfer, $67; William E. Hillegas, $3.80; Mary Hafer, $3.75; Catherine Keely, $33.99; Edward P. Ludy, $1; Thomas McGee, $87.30; Frank McMillan, $1.50; William E. McMillan, $19.06; Ella M. Newberry, $6; Dollie E. Banes, $40.85; Anton Steeb, $51.92; Pauline Voltz, $66.14; Fannie K. Webster, $193.88."

Strike out all of page 3 and insert in lieu thereof the following:

"SEC. 2. That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any moneys in the United States Treasury not otherwise appropriated, the sum of $1,848.55 in settlement of the above claims."

Mr. MANN. Mr. Chairman, I do not propose to object to the bill, but I wish to discuss it for a few minutes. I will only take a few moments. You will get to all the other claims.

Mr. MACON. I reserve the right to object, Mr. Chairman.

Mr. MILLER. Mr. Chairman, if there is any question of objection to be raised, let it be made now.

Mr. MACON. The gentleman may explain it so that I will not object.

Mr. FOULKROD. I think I can explain the bill so that the gentleman will not object.

Mr. MANN. Mr. Chairman, I am not against the bill. The bill as originally introduced contained $7,500 for the death of a person in the government employ. I give the Committee on Claims credit for a great many of its acts, and I give it special credit in this case for striking out that provision of the bill. But I believe that the Committee on Claims did not have as much information as to the recommendations of the War Department as I perhaps can give it now. The Chief of Ordnance in making his recommendation stated that—

There are precedents for the action of Congress in case of accident such as this, for which relief legislation is recommended as follows:

"By joint resolution, approved June 18, 1902, $15,842.22 were appropriated for the relief of persons who sustained damage to property by the explosion of an ammunition chest in Chicago on July 16, 1894."

And Judge-Advocate-General Davis, a man of great care and experience, in his report on the bill made this statement:

On July 16, 1894, while Battery F, Second U. S. Artillery, was being actively employed in protecting property in the city of Chicago, Ill., an ammunition chest exploded. As a consequence of the explosion several enlisted men were killed and several persons, among them one civilian, were injured, and considerable injury was caused to buildings in the immediate vicinity. The amount of damage was ascertained by a board of officers convened for that purpose by the commanding general of the Department of the Missouri (see S. Ex. Doc. No. 21, 3d sess. 53d Cong.),

and amounts representing the damage caused to buildings in the vicinity of the explosion were made the subject of legislative appropriation in the following enactment, which included a gratuity to Alice York for personal injuries to the extent of $305.

In the enactments cited it appears that some amounts, dependent upon the nature and extent of bodily injuries received, were paid to the persons injured.

Now, the whole basis of the claim for paying personal injuries, as recommended by the War Department, as an examination of the original bill discloses, was based upon the report and the law which followed it relating to the ammunition-chest explosion in Chicago in 1894. But, so far from that being the fact, the board appointed by the War Department at the time expressly refused to allow even loss of time. The Judge-Advocate-General refers to the case of Alice York, in which case there were $305 allowed and paid. Doctor's expenses and nurse expenses were claimed, and they struck out these items; six weeks' loss of time, $25.

The War Department board, so far from being a precedent for paying these personal injuries, as has been said, have established a precedent directly to the contrary. Neither the House nor the War Department itself at the time would recommend payment for medicines or for any loss of time. It only illustrates how these things grow up, however. Here was a claim where the matter had been raised and rejected, covering an expense of three or four hundred dollars, and a few years later we have the War Department recommending to the Committee on Claims, grounded upon this so-called "precedent," the payment of $7,500 for injuries, which, if allowed, would have created a precedent. I congratulate the committee that it was wise and keen enough to refuse to recommend it.

Mr. MILLER. I ask that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be laid aside, to be reported to the House with a favorable recommendation.

MERCHANTS' NATIONAL BANK, POUGHKEEPSIE, N. Y.

The next business was the bill (H. R. 14236) for the relief of the Merchants' National Bank, of Poughkeepsie, N. Y.

Mr. MACON. Mr. Chairman, I object to that bill.

The CHAIRMAN. The gentleman from Arkansas objects. The bill will be passed without prejudice.

BENJAMIN F. CURRY.

The next business was the bill (H. R. 17171) for the relief of Benjamin F. Curry.

Mr. MANN. I ask to have that go over.

The CHAIRMAN. The gentleman from Illinois objects. The bill will be passed without prejudice.

AGNES M. HARRISON.

The next business was the bill (H. R. 21019) to reimburse Agnes M. Harrison, postmaster at Wheeler, Miss., for loss of money-order remittance.

The bill was read, as follows:

Be it enacted, etc., That there be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the reimbursement of Agnes M. Harrison, postmaster at Wheeler, in the State of Mississippi, for money-order remittance lost in transit November 12, 1907, without fault on her part, the sum of $56.

Mr. CANDLER. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

ADOLPHUS ERWIN WELLS.

The next business was the bill (H. R. 10752) to complete the military record of Adolphus Erwin Wells.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to muster Adolphus Erwin Wells, of North Carolina, as of Company E, Ninth Regiment Tennessee Cavalry, said muster to date from the 16th of June, 1864, and to issue to said Adolphus Erwin Wells an honorable discharge from said service, to date from the mustering out of said regiment.

Mr. MANN. Mr. Chairman, there is no report on the bill.

Mr. GORDON. Oh, yes; there is.

Mr. MANN. I have the report that is here. I am perfectly willing that the gentleman should explain it. There is absolutely nothing in the report.

Mr. MACON. It recommends favorable action on the measure, does it not?

Mr. STAFFORD. There are no facts contained in the report.

Mr. MANN. We must have an explanation of it.

Mr. GORDON. I will ask that the evidence in the case be read, Mr. Chairman.

Mr. MANN. Will the gentleman make a statement about it? We can not let the Military Committee get in the habit of reporting bills here without any statement of the facts upon which they are based.

Mr. CRAWFORD. I introduced that bill, and I can explain it. The applicant was enrolled and mustered by a recruiting officer who was killed before the papers were returned to headquarters. The papers were lost. Various comrades of this applicant filed affidavits to the effect that they were present. Even Confederate soldiers, who were in the Confederate service at the time, who saw him after he had been captured and while he was a prisoner, they have made affidavits to that effect, and the committee have simply failed to incorporate in their report the evidence setting out these facts.

Mr. MANN. Is there any report from the War Department on the bill?

Mr. CRAWFORD. There was no military record, because of the facts which I have stated. This bill simply asks that the man be mustered. He enlisted in the service, and the recruiting officer was killed before the papers were returned to headquarters, as I have stated.

Mr. MANN. Then this is not only to get a man out of the army, but to put him in and get him out both?

Mr. CRAWFORD. There is no other way.

Mr. MANN. It seems to me, in a case of that sort, we are entitled to have the facts printed in the report.

Mr. CRAWFORD. I will state that that J. B. Duckett, one of the comrades of this soldier, was mustered ten or fifteen years ago by a special act. I do not mean to say that the report was not filed in that case, but he has been on the pension rolls ten or fifteen years, and was with this soldier at the time he was captured and made prisoner, and makes affidavit to the fact.

Mr. MANN. That is a case which was passed upon before my service in Congress.

Mr. CRAWFORD. I am satisfied that there were a great many mistakes made before the gentleman came to Congress. [Laughter.]

Mr. MANN. I think I will have to object.

The CHAIRMAN. Objection is made, and the bill will be passed without prejudice.

Subsequently,

Mr. GORDON. Mr. Chairman, I ask unanimous consent of the House to go back to the bill (H. R. 10752) to complete the military record of Adolphus Erwin Wells. I understand that the gentleman from Illinois [Mr. MANN] will withdraw his objection until I can present the evidence in that case, which I ask the Clerk to read.

The CHAIRMAN. The gentleman from Tennessee [Mr. GORDON] asks unanimous consent to recur to the bill H. R. 10752. Is there objection?

There was no objection.

Mr. GORDON. I ask the Clerk to read the paper which I have sent to the desk.

The CHAIRMAN. Without objection, the Clerk will again report the bill.

The bill was again read by the Clerk.

Mr. MILLER. I ask that the bill be laid aside with a favorable recommendation.

Mr. MANN. The gentleman from Tennessee has called it up for the purpose of supplying an omission in the report.

The CHAIRMAN. The Chair understands the gentleman from Illinois to reserve the right to object. The gentleman from Tennessee [Mr. GORDON] is recognized, and the Clerk will read the document sent up by the gentleman from Tennessee.

The Clerk began the reading of the document.

Mr. MILLER. I ask unanimous consent that the further reading of this report be omitted and that it be printed in the RECORD.

Mr. MANN. How long is it?

Mr. MILLER. It is quite long.

Mr. GORDON. About 4 pages of manuscript.

Mr. MANN. I think it ought to be read, but I will not insist upon it.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the further reading of the document be dispensed with and that it be printed in the RECORD. Is there objection?

There was no objection.

The document is as follows:

NORTH CAROLINA, *Buncombe County:*

Personally appeared before me, W. E. Waldrop, a notary public in and for said county and State, Adolphus E. Wells, and made oath that I enlisted in Company E, Ninth Tennessee Cavalry, on the 16th day of June, 1864, at Sandymush, N. C., and was sworn into service by Manson J. Wells, under Andrew Scruggs as captain, and Joe Parson as colonel of said company and regiment, and served from the 16th day of June, 1864, until the close of the war. I was a recruiting officer for

said company, and while on my way to my command at Knoxville, Tenn., with 18 men, I was fired upon near the state line mountain by an attachment of confederate soldiers, capturing 6 of my men, wounding 6, and 6 of them making their escape, and I later being captured and put in prison at Asheville, N. C., for eight months.

[SEAL.] ADOLPHUS E. WELLS.

Sworn to and subscribed before me this December 24, 1907.

[SEAL.] W. E. WALDROP,
A Notary Public for said County and State.

STATE OF NORTH CAROLINA, *Buncombe County*, affiant:

Personally appeared before me, W. E. Waldrop, notary public in and for said county and State, James B. Duckett, affiant, being duly sworn, and deposes and says that he enlisted in Company E, Ninth Tennessee Cavalry, on or about 16th day of June, 1864, at Sandy Mush, N. C., and was sworn into service before Manson J. Wells, recruiting officer, under Andrew Scruggs, as captain, and Joe Parson, as colonel, of said regiment, and that he knows of his own personal knowledge that Adolphus E. Wells was also recruiting officer in said regiment; that he saw his recruiting papers, and saw him in discharge of his duty as such officer; and when on his way in company with said Adolphus E. Wells and 18 men, who had been recruited by him and Manson J. Wells, to their command, stationed at Knoxville, Tenn., were fired upon by Confederate soldiers near the North Carolina and Tennessee state line, but 12 of whom were captured, 6 of which number were wounded; 6 made their escape; and I later, together with Adolphus E. Wells, were captured. This occurred the 19th day of June, 1864.

The affiant further says that he was wounded and captured, and that said Adolphus E. Wells was captured, and that both of whom, with others, were carried to Asheville, where they were lodged in a Confederate prison for a period of nine months; that he knows and believes that at the time that he and Adolphus E. Wells were captured, that Manson J. Wells aforesaid was killed—it was so reported—and that he has never seen him since, and that he knows and believes that the recruiting papers were in his possession at that time; for that reason they were lost or destroyed by the Confederate soldiers aforesaid. The affiant further says that he has no interest in the pension that the said Adolphus E. Wells may obtain, that he has already been mustered and granted a discharge by the Secretary of War, under an act of Congress in 1895, and that he is now drawing a pension.

JAMES B. DUCKETT.

Witness: W. T. HALL.

Subscribed and sworn to before me this 16th day of January, 1908.

[SEAL.] W. E. WALDROP, *a Notary Public.*

NORTH CAROLINA, *Buncombe County:*

Personally appeared before me, W. E. Waldrop, a notary public in and for said county and State, R. M. Boyd, and made oath that I enlisted in Company E, Ninth Tennessee Cavalry, on or about the 16th day of March, 1864, at Sandy Mush, N. C., and was sworn into service by Manson J. Wells, a recruiting officer, under Andrew Scruggs as captain and Joe Parson as colonel of said company and regiment, and I was sworn into service by a recruiting officer of said company and regiment on the last day of April, 1864; while on our way to our command at Knoxville, Tenn., we were fired upon near the North Carolina and Tennessee state line by the Confederate soldiers, wounding 6, capturing 6, and 6 of us making our escape, and I later being captured and placed in prison at Asheville, N. C., and in a short time I was put on duty as guard as a conscript, and I guarded Adolphus E. Wells while he was in prison at Asheville, N. C., and was present when he was fired upon by the Confederate soldiers. I know the above facts to be true of my own personal knowledge, and know that Adolphus E. Wells is entitled to a pension.

[SEAL.] R. M. BOYD.

Sworn to and subscribed before me this December 28, 1907.

[SEAL.] W. E. WALDROP, *a Notary Public.*

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN O. KINNEY.

The next business on the Private Calendar was the bill (H. R. 13244) to place upon the muster-in rolls the name of John O. Kinney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to enter the name of John O. Kinney on the muster rolls of Company H, Fifty-third Regiment Massachusetts Volunteer infantry, as of date September 3, 1862.

With the following committee amendments:

Strike out all after the enacting clause and insert:

"That John O. Kinney shall hereafter be held and considered to be entitled to all of the rights and benefits that he would be entitled to on account of military service, except pay, bounty, and other emoluments, if he had been continuously in the military service of the United States as a private of Company H, Fifty-third Regiment Massachusetts Volunteer Infantry, from the 3d day of September, 1862, to the 14th day of November, 1862, and had been honorably discharged on the date last named herein for gunshot wound incurred in the line of duty."

The CHAIRMAN. It seems to the Chair that in order to save time the objection to consideration of these bills should be made, if made at all, immediately after the bill is read. The Chair will inquire whether objection is made?

Mr. MACON. Mr. Chairman, I shall have to reserve the right to object, in order to object intelligently, until the gentleman explains the bill.

The CHAIRMAN. The gentleman from Arkansas reserves the right to object.

Mr. TIRRELL. Mr. Chairman, the circumstances in this case are unusual, considering the long lapse of time since it occurred. John O. Kinney joined a Massachusetts company September 3, 1862, and went into camp with the company in the town now known as Groton, Mass. He was in the service there, engaged in enlistment, being a man of a great deal of intelligence and capacity, and subsequently employed until about the 12th of October, when he was in bathing in a river in that town within the precincts of the camp and was shot. It was supposed to be while target practice was going on. That incapacitated him from further service, and he was taken to a hospital, where a surgeon attended him. The surgeon is now living and gives his affidavit, which is printed in this report. The company was sworn in about the 12th of October and placed on the muster rolls, but he being at that time in the hospital was unable to appear and be sworn in with them. But there is evidence that he was sworn in, and the names of some of the witnesses who were present at that time can also be given.

Now, along about the 1st of November, not recovering sufficiently to resume active duty, he was given leave of absence until the 14th day of November of that year. On the 14th day of November, not improving in health, unable to leave his home, an affidavit of his physician was procured.

Mr. MACON. If the gentleman will allow me, I will say that this case is no better than the one just preceding this, the one advocated by the gentleman from North Carolina [Mr. CRAWFORD], and I object to it.

The CHAIRMAN. Objection is made, and the bill will be passed without prejudice.

Subsequently,

Mr. TIRRELL. Mr. Chairman, inasmuch as the gentleman from Arkansas [Mr. MACON] objected to the consideration of the bill H. R. 13244 because the preceding bill had been objected to, and as that objection has been withdrawn, I ask unanimous consent that we may now take up H. R. 13244.

Mr. WILLIAMS. Mr. Chairman, it is perfectly evident that if we are to ask unanimous consent to recur to every bill that has been objected to, the unanimous-consent rule under which we are operating will be knocked in the head. I therefore object.

Mr. TIRRELL. Will the gentleman permit me to state that the reason this bill was objected to was because the preceding bill was objected to, and that objection has been withdrawn?

Mr. WILLIAMS. I am very sorry I did not object to that.

Mr. MANN. The gentleman can make his request after we get through with the calendar.

R. J. WARREN.

The next bill on the Private Calendar was the bill (H. R. 21058) for the relief of R. J. Warren.

The bill was read, as follows:

Be it enacted, etc., That there be paid, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $594.60, or so much thereof as in the opinion of the Secretary of the Treasury was properly incurred, to R. J. Warren, of Aberdeen, Miss., for expenses incident to defending an indictment made in Franklin County, Ala., and in the United States court at Huntsville, Ala., against said R. J. Warren, charging him with the murder of Houston Vines, while said Warren as a United States marshal was attempting to make an arrest of said Vines for violation of the internal-revenue laws of the Government.

The following committee amendment was read:

In lines 4 and 5 strike out the words "five hundred and ninety-four" and insert in lieu thereof the words "four hundred and ninety-nine."

The CHAIRMAN. Is there objection to the consideration of the bill?

There was no objection.

The amendment was agreed to.

Mr. HOLLIDAY. I do not want to take up the time of the committee, but I would like to ask an explanation.

Mr. CANDLER. This man Warren was a deputy United States marshal, and in arresting certain distillers they were fired upon and returned the fire. Warren was afterwards charged with murder, arrested, and tried, and this is to reimburse him for the expenses of the trial.

The bill was ordered to be laid aside with a favorable recommendation.

HARTSHORNE, OKLA.

The next business was the bill (S. 4289) for the relief of the people of Hartshorne, Okla.

The bill was read.

Mr. HACKETT. Mr. Chairman, I shall have to ask that that go over.

The bill was ordered to be passed without prejudice.

ROBERT MORGAN GILSON.

The next business was the bill (S. 3952) to restore to the active list of the United States Marine Corps the name of Robert Morgan Gilson.

The bill was read.

The CHAIRMAN. Is there objection?

Mr. SLAYDEN. Mr. Chairman, I shall reserve the right to object until I hear an explanation of why we should increase the Marine Corps by one officer.

Mr. FOSTER of Vermont. Mr. Chairman, we are doing that every day. They had an examination the other day where 150 young men, or about that number, took an examination to fill something like 60 vacancies in the Marine Corps.

Mr. SLAYDEN. This is not to fill a vacancy, I will say to the gentleman, but it is to make an additional officer.

Mr. BUTLER. It will add an additional number if restored, and if the gentleman from Texas will permit me to add to the answer of the gentleman from Vermont, the officers of the navy insist on retaining the Marine Corps at its present number, and, furthermore, the department has asked in a letter that this young man should be restored to the service as an additional number.

Mr. SLAYDEN. That is exactly the point upon which I was basing my objection, that it is to make an additional officer. I shall object.

The bill was ordered to be passed without prejudice.

WILLIAM JONDRON.

The next business was the bill (S. 2712) to authorize the Secretary of the Interior to investigate and cancel the allotment of William Jondron, Yankton Sioux allottee, should it prove to be fictitious.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to investigate the allotment made in the name of William Jondron, Yankton Sioux allottee No. 1147, and if it be shown to his satisfaction that no such person as William Jondron was in existence at the time the Yankton Indians were allotted he is hereby authorized and directed to cancel the patent issued in the name of William Jondron and also the record of the allotment in his name, and to reallot the lands covered thereby to a member or members of the Yankton tribe who were entitled to allotments, but failed to receive land when the Indians of the said tribe were allotted lands in severalty.

Mr. FERRIS. Mr. Chairman, reserving the right to object, I would like to hear an explanation of the bill.

Mr. HACKETT. Mr. Chairman, the bill itself is self-explanatory. It provides that the Secretary of the Interior may investigate the case of the allotment. It has been alleged that there was a fraudulent allotment to this party, that there is no such person in existence, and that the Secretary without law has no power to determine that question. This bill is to authorize him to investigate, and if he finds there was a fraudulent allotment he will cancel the patent.

Mr. FERRIS. Is there any provision in the act to allot to any other individual?

Mr. HACKETT. No; not to an individual, but to the tribe.

Mr. FERRIS. Then, as I understand it, the bill purports to investigate a fraudulent allotment, and if found fraudulent to return it to the tribe?

Mr. HACKETT. Yes.

Mr. FERRIS. I have no objection.

The bill was ordered to be laid aside with a favorable recommendation.

ELI PETTIJOHN.

The next business was House resolution 414, referring to the Court of Claims the claim of Eli Pettijohn.

The resolution was read, as follows:

Resolved, That the bill (H. R. 11128) for the relief of Eli Pettijohn, now pending in the House of Representatives, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887; that the said court shall proceed with the same in accordance with the provisions of said act and report to the House of Representatives in accordance therewith their findings of fact and law, and especially the value of the property taken from the said Eli Pettijohn by the United States, and whether said Pettijohn's claim is or was properly against the United States or against one Franklin Steele or some other person or corporation.

Mr. MANN. Mr. Chairman, reserving the right to object, I would like to ask whether the gentleman would accept an amendment striking out that portion of the resolution which directs the court how to proceed, that all being now covered by law. I would suggest that we strike out all after the word "seven," in line 8.

Mr. MILLER. I would have no objection to that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the word "seven," in line 8.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The resolution as amended was ordered to be laid aside with a favorable recommendation.

NEBRASKA MUTUAL LIFE INSURANCE COMPANY.

The next business was the bill (H. R. 5573) for the relief of the Nebraska Mutual Life Insurance Company, of Stromsburg, Nebr.

Mr. MANN. Mr. Chairman, I shall have to ask that that bill go over.

Mr. HINSHAW. Mr. Chairman, I wish the gentleman would withhold his objection until I have made an explanation.

Mr. MANN. Very well; I shall reserve the right to object.

Mr. HINSHAW. Mr. Chairman, this is a bill that passed the House two years ago and went to the Senate, but too late to be passed by the Senate. I do not understand that there is any serious objection to the bill. I have never heard any urged that was of sufficient importance to deserve serious consideration.

Mr. MANN. I will call the attention of the gentleman to the fact that the Commissioner of Internal Revenue, who has peculiar jurisdiction over matters of this sort, has reported against the bill and advised against its passage. I should consider that quite a serious objection.

Mr. HINSHAW. That is true, Mr. Chairman; but, nevertheless, the Commissioner of Internal Revenue at no place gives any reason why it should not be passed, and there is an abundance of reason why any man can see its passage is justified. It was a life insurance company organized under the laws of the State of Nebraska, not for profit, but as a mutual-benefit life insurance company. It was organized in the year 1898.

And that year the assessments which were levied were largely spent in paying agents, in establishing agencies. There were no losses in the years 1898 or 1899 to speak of. In that year the Spanish-American war occurred. Under the law which was then enacted, a levy was made for Spanish-American taxes against this company upon the theory that it was for profit and not for mutual benefit alone. Afterwards it was abundantly shown by testimony, voluminously given in this report, that it was not a company for profit, but strictly for mutual benefit, as shown by the certificate of Mr. Searle, auditor of public accounts, who says specifically in his certificate that said life insurance company was organized for mutual protection to its members without any profit. Now, the Commissioner of Internal Revenue gives the only reason why he could not recommend the passage of this bill, that the commissioner under whom the decision had been made in the first place had gone out of office, and under the practice obtaining there a subsequent commissioner would not reverse the action of the former commissioner, as it was against the law, as I understand, and therefore they had no recourse except to come to Congress.

Now, he does not give a reason why this bill should not pass. It is only $1,471, and unquestionably this levy of taxes ought to be refunded, and I do not think that an arbitrary objection should be made, but let the matter come up on its merits.

Mr. MANN. Mr. Chairman, reserving the right to object, the gentleman refers to the objection as an arbitrary one. Without discussing the bill at this time, I simply read this language from the report of the Commissioner of Internal Revenue, which department made the levy:

The question of the liability of this company to tax was very carefully considered in this office before the assessment was made. After payment of the taxes and the presentation of the claim for refunding the question was again carefully considered, and the claim was rejected on March 1, 1902. Subsequently arguments were heard on the question of reopening and reconsidering the claim, and a reconsideration was denied. I am satisfied that the tax was legally assessed and made, and therefore can not recommend the passage of the pending bill.

The gentleman may call it an arbitrary objection, but after it has been three times considered by an officer of the Government whose duty it is to consider these things, giving three different considerations to it, and he objected to it, I do not think the gentleman can say the objection here is arbitrary.

Mr. HINSHAW. Now, Mr. Chairman, I would consider that the reply given by the Commissioner of Internal Revenue was worthy of consideration if he would give one single fact in refutation of the argument for the return of this money and the evidence produced in the case, but he simply states that it having been considered and rejected, it was reconsidered and rejected, and he could not see any reason to recommend it. But in no place does he show why the tax should have been levied, and no place does he give a valid and good reason why it should not be recommended for return.

Mr. MANN. It is not a custom of the department, in reply to the Committee on Claims, to argue the case, and it is not their province to do it. I assume the facts were properly submitted to the Commissioner of Internal Revenue. If they were not then presented to the commissioner, then they could not

be considered. If they were presented to the commissioner, they were either considered or the commissioner failed in the performance of his duty; but having been presented to him three times, I assume they presented the case to the best of their ability.

Mr. HINSHAW. The commissioner said he had no power to reconsider the claim because he was a subsequently appointed commissioner to the one who adjudicated the claim in the first place. Whether that be the law or not I am not advised. Now, I submit that proof is made here, which is shown in this report and is full enough to justify action. Here is a report of many pages carefully collated and collected. The report was made by Mr. WALDO, of New York, and I suppose there never was as complete a case made out as this, and in all justice I would like to have this bill passed and not go over, for if it goes over I fear it will not get consideration this session. These people have been out of this money for ten years. They ask no interest, but just the return of the original amount, and it does seem to me it is a matter of mere justice.

The CHAIRMAN. Does the gentleman from Illinois object?

Mr. MANN. Mr. Chairman, I feel obliged to object.

The CHAIRMAN. Under the rule, the bill will be passed without prejudice.

RICHARD HALEY.

The next business on the Private Calendar was the bill (H. R. 10714) authorizing the Secretary of the Interior to enroll Richard Haley and his family as Choctaw Indians.

Mr. MANN. Mr. Chairman, reserving the right to object, I would say to the gentleman in charge of the bill that the Secretary of the Interior made a recommendation against this bill. What is the necessity for it? For the present I will object.

Mr. OLLIE M. JAMES. I would suggest that the chairman of the committee might explain it. The gentleman from Oklahoma [Mr. CARTER], I understand, is sick.

Mr. MANN. There never has been a bill like this passed while I have been here. I think it would be vetoed.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] objects, and the bill will be passed without prejudice.

CLAIMS OF SHAWNEE INDIANS.

The next business on the Private Calendar was the bill (H. R. 17191) to confer jurisdiction, legal and equitable, upon the Court of Claims in the matter of the claims of certain Shawnee Indians to be enrolled as Cherokees under the treaty of July 19, 1866, agreement of June 7, 1869, the act of October 1, 1890, and decrees of the courts thereunder, and for other purposes.

Mr. MANN. Mr. Chairman, I ask that this bill go over.

ROBERT S. DAME.

The next business on the Private Calendar was the bill (H. R. 21895) for the relief of Robert S. Dame and others, and for other purposes.

Mr. PRINCE. Mr. Chairman, I ask that the bill go over without prejudice.

The CHAIRMAN. The gentleman from Illinois [Mr. PRINCE] objects.

Mr. PRINCE. I do not object. I ask unanimous consent that the bill be passed without prejudice.

Mr. MANN. To save the gentleman trouble, I will object. It is an omnibus bill, presented at the last session of Congress, and has no business to be brought up now.

CLARA A. CARTER.

The next business on the Private Calendar was the bill (H. R. 20204) for the relief of Clara A. Carter, widow of Martin J. Carter, late consul of the United States to Yarmouth, Nova Scotia.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clara A. Carter, the widow of Martin J. Carter, late consul of the United States to Yarmouth, Nova Scotia, who died at his post of duty on the 9th day of October, 1905, the sum of $861.11, being the balance of one year's salary.

On motion of Mr. COOPER of Pennsylvania, the bill was ordered to be laid aside with a favorable recommendation.

JAMES A. GALBRAITH.

The next business on the Private Calendar was the bill (H. R. 870) for the relief of the heirs of James A. Galbreaith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the heirs of James A. Galbreaith, late collector of internal revenue for the eastern district of Tennessee, out of any money in the Treasury not otherwise appropriated, the sum of $500.

Also the following amendments:

Page 1, correct spelling of name in title and in the bill from "Galbreaith" to "Galbraith."

Page 1, at the end of line 7, add the words "in full settlement of all claims."

Mr. MACON. Mr. Chairman, reserving the right to object, I would like to ask the chairman of the committee what this $500 is to be paid for?

Mr. MILLER. In the settlement of the accounts of this man they kept out $500 more than they ought to have kept out, and this is simply to pay him what he ought to have been paid when the settlement was made.

Mr. MACON. That is all I want to know.

The CHAIRMAN. The question is on agreeing to the committee amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HERMAN LEHMANN.

The next business on the Private Calendar was the bill (H. R. 2635) for the relief of Herman Lehmann.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Herman Lehmann $128 for the loss of personal property sustained by him while in the service of the United States as clerk in the Quartermaster's Department, United States Army, by reason of the burning of the Government warehouse at Seattle, Wash., on May 7, 1906. The above-named appropriation shall be in full for all claims against the United States Government.

Mr. MACON. Mr. Chairman, I reserve the right to object so the gentleman can explain what the property was that was destroyed.

Mr. MILLER. This is a claim for unliquidated damages to the amount of $128.

Mr. MACON. What kind of property was destroyed, and how?

Mr. BONYNGE. It consisted of bed springs, beds and clothing, and personal property of that description, and the department recommended the payment.

Mr. MACON. On what theory is the Government liable?

Mr. MILLER. Let me read what the report says:

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER-GENERAL,
Washington, April 29, 1908.

Respectfully returned to the Secretary of War, H. R. 2635, Sixtieth Congress, first session, a bill for the relief of Herman Lehmann, for payment of $128 for loss of personal property by reason of the burning of the government warehouse at Seattle, Wash., May 7, 1906, with information that the records of this office show that a claim was filed by Herman Lehmann June 7, 1906, amounting to $128, and was returned to him June 12, 1906, with information that his claim, being one for "unliquidated damages," is not possible of settlement by this or any other department of the Government. Congress alone can grant relief in this matter.

This bill is similar to S. 2489, Sixtieth Congress, first session, for the relief of Harry G. Rupp, and S. 4426, Sixtieth Congress, first session, for the relief of Thomas C. Clark, on both of which this office recommended favorable consideration.

Mr. MACON. Under what circumstances was this property in the government warehouse?

Mr. BONYNGE. He was a civil employee of the Quartermaster-General, and had to have his property there. I will say that this Congress had passed a bill for another person who had property destroyed at the same time and under exactly the same circumstances and by the same fire.

Mr. MACON. Was not the Government accommodating this gentleman by sheltering his property free of charge?

Mr. MILLER. The report also says:

It is the opinion of this office that this also is a just claim, and it is recommended that it be favorably considered by Congress.

Mr. BONYNGE. Congress has passed numerous bills covering similar cases.

Mr. MILLER. Of exactly the same kind.

Mr. BONYNGE. And one for a loss occasioned by the same fire, and this Congress has passed such a bill.

Mr. MACON. The proposition that staggers me in connection with appropriations of this kind is this: Why should the Government, when it meets with an accidental loss of a warehouse by fire, an arsenal by explosion, or a light-house by the ravages of a cyclone or by any other act that it has nothing to do with and is in no wise responsible for, be called upon to reimburse any and everybody who may unfortunately have had property destroyed in and about the building that was burned, the arsenal that was blown up by an explosion, or the light-house that was destroyed by a cyclone? I can not get it into my mind fairly and squarely, to save my life, as to why the Government should be responsible for losses of that kind.

Mr. MILLER. I yield to the gentleman from Illinois.

Mr. MACON. I would like to have an explanation from the gentleman from Kansas in regard to this bill.

Mr. WILLIAMS. Is the gentleman from Arkansas objecting?

Mr. MACON. I reserve the right to object, and I want to object intelligently, if I object at all. The explanation of the gentleman in charge of the bill will control my action in regard to the matter. I do not want to object captiously or ignorantly upon this or any other question coming before the House for consideration.

Mr. WILLIAMS. I understood you to have yielded the floor.

Mr. MACON. But I reserved the right to object before doing so.

Mr. MILLER. I have yielded the floor to the gentleman from Illinois, who will explain the bill.

Mr. MANN. I will not take very much time. I can assure gentlemen that they will have opportunity to reach every unobjected bill, as well as the other bills, during the afternoon.

This man was ordered on travel by the Government. He is a government employee. He was required to make the trip. The Government furnished him transportation. If he had been on a railroad and the baggage had been in a railroad baggage office and had been burned, the railroad would have been responsible to him for his baggage. In this case his baggage was in the quartermaster's office.

Mr. MACON. But, if the gentleman will allow me to interrupt him, I will say that if the railroad had been compensated by the passenger by the payment of transportation over its line that would have entitled him to store his property in the railroad warehouse.

Mr. MANN. The Government is supposed to be compensated—I would not say it was always so—by the services of the employee, and the travel, because that is part of his employment. While there is no legal liability, it would seem that the Government might fairly, where it required a man to travel, in its own vehicles, to deposit his baggage in its own warehouse, travel on its own ship—that the Government might properly, in a case presented to Congress, assume voluntarily such liability as a railroad would be compelled to assume legally.

Mr. MACON. But ought he to deposit his property in a government warehouse free of charge and expect the Government to reimburse him for property lost through no fault of or negligence on the part of the Government?

Mr. MANN. Because there is no other way he could do. It had been carried there by the Government; he did not deposit it personally. The Government deposited it in the transportation of the man and his baggage.

Mr. EDWARDS of Georgia. It was a government warehouse, was it not?

Mr. MANN. Yes; it was properly deposited for the purpose of putting it on board ship. The man was on travel, and it seems to me that the Government might do voluntarily that which a corporation would be required to do whether it desired to do it or not.

Mr. BONYNGE. And especially in such a case as this, where the loss has been paid to others who lost in the same fire. I hope the gentleman will not object.

Mr. MACON. The gentleman is not going to object.

The CHAIRMAN. Does the gentleman from Arkansas insist on his objection?

Mr. MACON. I withdraw the objection, Mr. Chairman.

The CHAIRMAN. The objection is withdrawn, and without objection the bill will be laid aside with a favorable recommendation.

There was no objection.

WILLIS A. JOY.

The next business on the Private Calendar was the bill (H. R. 6903) for the relief of Willis A. Joy.

The bill was read.

Mr. MANN. I ask that that go over.

The CHAIRMAN. Objection is made, and under the rule the bill will go over without prejudice.

AUGUSTUS BANNIGAN.

The next business on the Private Calendar was the bill (H. R. 16191) to refund certain moneys paid into the Treasury of the United States through mistake by Augustus Bannigan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to repay to Augustus Bannigan the sum of $419, paid into the Treasury of the United States by mistake by the said Augustus Bannigan, and which said money has been placed to the credit of pension appropriations for 1893, 1894, and 1895.

The amendment recommended by the committee was read, as follows:

In line 5 strike out "nineteen" and insert "fourteen."

The CHAIRMAN. Is there objection?

Mr. MACON. Reserving the right to object, I would like an explanation made of the mistake.

Mr. MILLER. I yield to the gentleman from New Jersey.

Mr. MACON. I would like to know how it was paid in by mistake.

Mr. HUGHES of New Jersey. Mr. Chairman, it will give me great pleasure to explain to the gentleman from Arkansas and the other Members of the House how the mistake occurred. This man was a soldier in the army during the entire civil war. After having served during the entire term of the civil war he was discharged from the army. He then reenlisted in the Regular Army and was sent to one of the western posts. Being a young man, the humdrum life of the army post did not appeal to him, and he deserted and came home. Now, having been severely wounded, he made an application for a pension. He did not state in his pension application that he had had any other service, hiding the fact that he was a deserter.

A pension was allowed to him, but somebody told him that his subsequent desertion disbarred him from receiving a pension. The fact preyed upon his mind, and he returned to the Secretary of the Interior his pension certificate and all the money that he had drawn under that pension certificate.

Mr. MANN. The fact is, he ought to be given a medal as an honor man.

Mr. MACON. Yes; the gentleman's statement is sufficient.

Mr. MANN. I move to amend the bill by inserting, after the word "Bannigan," in line 4, the words "out of any moneys in the Treasury not otherwise appropriated."

Mr. MILLER. There is no objection to that.

The CHAIRMAN. The Chair understands the gentleman from Arkansas [Mr. MACON] to withdraw his objection?

Mr. MACON. Yes; I just wanted an explanation about that mistake.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 4, after "Bannigan," insert "out of any moneys in the Treasury not otherwise appropriated."

The amendment was agreed to.

The bill as amended was ordered to be laid aside, to be reported to the House with a favorable recommendation.

MARK S. GORRILL.

The next business on the Private Calendar was the bill (H. R. 18744) for the relief of the estate of Mark S. Gorrill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue to the estate of Mark S. Gorrill, late of Methuen, Mass., duplicates in lieu of United States 4 per cent bonds of the funded loan of 1907, or to pay to the estate of Mark S. Gorrill the principal and interest due upon said bonds, described as follows: Registered bonds Nos. 13827, for $500; and 25094, 25095, 25096, 25097, 25098, and 25099, for $1,000 each, inscribed in the name of Mark S. Gorrill, amounting to $6,500; and upon coupon bonds Nos. 12501, 14782, and 34015, for $500 each, amounting to $1,500, with interest coupons attached, dated April 1, 1895, and subsequently, said registered and coupon bonds having been lost: *Provided*, That the legal representatives of said estate shall first file in the Treasury a bond in the penal sum of $12,500, with good and sufficient sureties, to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any loss on account of the said bonds and interest coupons.

The bill was ordered to be laid aside with a favorable recommendation.

W. H. BLUROCK.

The next business on the Private Calendar was the bill (H. R. 19839) for the relief of W. H. Blurock.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $185 to W. H. Blurock, for property destroyed by fire at Arlington dock, Seattle, Wash., on May 6, 1906.

With the following committee amendments:

Page 1, line 7, strike out the word "sixth" and insert in lieu thereof the word "seventh."

Mr. MACON. Mr. Chairman, I would like to know how the Government is responsible for the destruction of this property?

Mr. JONES of Washington. This is of the same character as the bill of the gentleman from Colorado [Mr. BONYNGE].

Mr. MANN. It is not the same fire, and I am not sure that it is of the same character.

Mr. JONES of Washington. He was a civil employee in the quartermaster's office.

Mr. MANN. I reserve the right to object, Mr. Chairman.

Mr. JONES of Washington. This is the same fire—May 7, 1906. This man was a civil employee in the Quartermaster-General's office, and it is for the loss of his personal effects which were destroyed.

The amendment was agreed to.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE W. WICKES.

The next business on the Private Calendar was the bill (H. R. 18639) for the relief of George W. Wickes.

The Clerk read the bill, as follows:

Whereas George W. Wickes, a born member of the Pottawatomie tribe of Indians failed, through ignorance of his rights, to avail himself of the allotments and benefits granted by the United States to the members of his tribe under certain treaties made between the said Pottawatomie tribe of Indians and the United States and has at no time received any moneys, land, or other property from the United States; and

Whereas the said George W. Wickes served faithfully in defense of the Union as a private soldier in the civil war and received an honorable discharge therefrom; and

Whereas the said George W. Wickes is now aged and infirm and unable to earn a livelihood for himself and family; and

Whereas all property and moneys formerly held by the United States under certain treaties, in trust for the said Pottawatomie tribe and the members thereof, have been distributed, and there now remains in the hands of the United States no moneys or property of any kind due to said tribe or any member thereof: Therefore

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to allot to the said George W. Wickes and his two children, out of any lands being a part of the unappropriated public domain of the United States, 160 acres each, to be selected by the said George W. Wickes, and the Secretary of the Interior is hereby authorized and directed to issue to each of said persons a patent in fee simple for the said lands so allotted, the same to be in lieu of all allotments, moneys, and annuities which the said parties should have received as members of said tribe and in full settlement of all claims of the said George W. Wickes and his said children against the United States.

The following committee amendments were read:

Amend by striking out the preamble.

Amend page 2, line 6, by inserting after the words "United States" the words "and subject to homestead entry."

Amend page 2, line 10, by striking out the words "in fee simple."

Amend by adding, after line 14, on page 2, the following:

"The patent that shall issue herewith to George W. Wickes shall be in fee simple. The patents that shall issue to each of the two children shall be of the legal effect and shall declare that the United States does and will hold the land thus allotted for the period of time preceding the years of majority of each child, and the date fixed in each patent by the United States as the true date of majority for each child shall be held as the true date of majority for the carrying out of the provisions of this act."

Mr. FERRIS. Mr. Chairman, reserving the right to object, I would like to hear an explanation of this.

Mr. BONYNGE. Mr. Chairman, under the treaty of the United States with the Pottawatomie Indians, November 15, 1861, the Secretary of the Interior was authorized to allot to members of the tribe 160 acres of land. George W. Wickes was a member of the tribe. He was not enrolled until after all the lands of the tribe had been disposed of. He was in the civil war—enlisted, I think, in 1863, in Colorado, and served for two or three years. He knew nothing about his rights until the property had been disposed of. He had been regularly enlisted. The surplus land belonging to the tribe had been otherwise disposed of before he knew about it.

Mr. MURDOCK. Was Wickes with his tribe at the time the lands were disposed of?

Mr. BONYNGE. No.

Mr. FERRIS. But by this bill I understand the land is to go to him in fee simple, and if there are no restrictions as in the case of other Indians——

Mr. BONYNGE. No; they were given their lands in fee simple. The bill provides that 160 acres of the land shall be given to him in fee simple, but as to the children——

Mr. FERRIS. The part of the band in your State may have been released from restrictions, but all over my State are numerous Indians of the same tribe that are under restrictions.

Mr. BONYNGE. The Pottawatomie tribe got their land in fee simple.

Mr. FERRIS. Not in my State. I get letters from some of them almost every day desiring their restrictions removed.

Mr. BONYNGE. I am quite certain that the report from the Secretary shows that they got their land in fee simple.

Mr. FERRIS. I am not disputing the gentleman on that particular band.

Mr. BONYNGE. The Secretary says, as shown by the report:

The third article of the treaty provided that whenever the President of the United States was satisfied that any male adults who were heads of families and who were allotted under the provisions of the foregoing article were sufficiently intelligent and prudent to control their affairs and interests, he might, at the request of such persons, cause the lands held by them in severalty to be conveyed to them in fee simple with power of alienation, etc.

Mr. FERRIS. That is true under the Burton Act in regard to all Indians. But that calls for a discretion of the Secretary of the Interior.

Mr. BONYNGE. In this case, where this man had been in the service of the Government of the United States in defense of the Union, and has been living away from his tribe supporting his family, surely there would be no contention on the part of the gentleman that he is not sufficiently intelligent under that provision of the law to have the land allotted to him in fee simple.

Mr. FERRIS. The only objection I desire to make, and all I see, is that if this bill passes and lets these Indians have these lands in fee simple when other Indians of the same tribe are restricted as not competent to transact their own affairs——

Mr. BONYNGE. That is only in cases where they are not competent.

Mr. FERRIS. It is my belief that if we give them the land in fee simple they will not remain in the hands of these Indians long.

Mr. MANN. May I ask when these lands were allotted to the tribe?

Mr. BONYNGE. I think I can tell the gentleman in a moment.

Mr. MANN. I judge they were allotted under the act of 1887 and under previous acts. At the time of that allotment I suppose any unborn children would not be considered in the allotment. Now, what are the ages of these children?

Mr. BONYNGE. One is 14 and the other is 16.

Mr. MANN. How does the gentleman figure out that those children are now entitled to an allotment because their father did not take an allotment twenty years ago? If he had taken the allotment then, they claim he would not be entitled to one now.

Mr. BONYNGE. The gentleman is wrong as to the date, because the Secretary, in his letter printed in the report of the committee, says this:

It does not appear that George W. Wickes made application for an allotment prior to the conclusion of the work and the opening of the surplus lands to public settlement.

Mr. MANN. I also read from the report, from the letter of the Secretary:

After the passage of the act of February 8, 1887, it was held that the citizen band of Pottawatomie Indians were entitled to allotments under that act without payment of the cost of the land, and that each member of the band who was allotted under the provisions of the treaties hereinbefore referred to and their descendants were entitled to allotments in the Indian Territory.

That is the last provision for making allotments.

Mr. BONYNGE. There were previous allotments to that.

Mr. MANN. Very well. That was twenty years ago. Now, if the old gentleman had taken an allotment at that time, that would have settled the thing. Because he did not get one then and did not apply for one, the gentleman now tries to get him and his two minor children——

Mr. BONYNGE. No; his children would have had the allotment because——

Mr. MANN. Then, all the children of all these other people who have taken allotments are now entitled to allotments.

Mr. BONYNGE. No; the report says:

Had George W. Wickes appeared as a member of the tribe at the time of the allotting of lands to the Pottawatomie Indians and the distribution of the tribal property, he would have received his share of the tribal property in all probability, and in addition to this would have received an allotment of land. The same is true with regard to the two children, and it is proper to state that both children were born prior to the final allotments of the land allotted to the Pottawatomie Indians—

Mr. MANN. They were born prior to the final allotments.

Mr. HACKETT. Mr. Chairman, I shall have to object to this bill.

The bill was ordered to be passed without prejudice.

WILLIAM PARKER SEDGWICK.

The next business was the bill (H. R. 22017) for the relief of William Parker Sedgwick and others, and for other purposes.

Mr. BUTLER. Mr. Chairman, that bill was passed and has no place on the calendar.

Mr. MANN. I shall have to object.

The bill was ordered to be passed without prejudice.

Mr. BUTLER. It was passed the other day.

MARY S. FERGUSSON.

The next business was the bill (S. 6529) for the relief of Mary S. Fergusson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary S. Fergusson, widow

of Arthur W. Fergusson, late executive secretary of the Philippine Islands, who died January 30, 1908, in the service of the Government, the sum of $4,500, being the amount of salary for six months.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, I reserve the right to object, and I would like to have some explanation. The bill apparently creates a precedent for paying a gratuity out of the United States Treasury.

Mr. COOPER of Wisconsin. Mr. Chairman, this is a Senate bill and can not, I think, be held to threaten a dangerous precedent, for the reasons set forth in the report which I drew on the bill. I read from page 4 of the report:

During the eight years of arduous, laborious services in the Philippines, Mr. Fergusson took only six months' vacation. More than once he requested leave of absence to recuperate his wasted energies, but each time his superiors felt that his services could not be spared, and so he remained at his post until at last nature succumbed and he fell dead, a martyr to duty. His widow and one child survive him.

To few men is ever given the power and the opportunity in time of peace to render services so illustrious as were those of Arthur Fergusson to the Philippines and the United States.

There need be no fear that the appropriation provided for in the accompanying bill will serve as a precedent for any subsequent appropriation until some other public servant, combining in himself the capacity for labor, the energy, the devotion to duty, the charm of personality of Arthur Fergusson, and blessed with his rare genius, shall die as he died and leave as noble a record.

Mr. Chairman, I wrote that out of the fullness of my own knowledge, and in accordance with the uncontradicted testimony of every man competent to judge who knew Arthur Fergusson. I call attention to the statements concerning him made by the Philippine Commission, by Secretary Taft, by John Bassett Moore, by Judge Gray, formerly of the United States Supreme Court, and by other eminent men.

Mr. OLLIE M. JAMES. What is the amount of this?

Mr. COOPER of Wisconsin. Four thousand five hundred dollars. I move to lay the bill aside with a favorable recommendation.

Mr. MANN. Oh, well, Mr. Chairman——

Mr. COOPER of Wisconsin. If the gentleman desires further information, I would be glad to give it.

Mr. MANN. I should have to object or to reserve the right to object until I get further information. I wish enlightenment, and the gentleman from Wisconsin is able to give it. I would like to ask the gentleman a question. This is a proposition to pay this man six months' salary out of the Treasury of the United States. Out of what fund was the man's salary paid?

Mr. COOPER of Wisconsin. Paid by the Filipino government.

Mr. MANN. Then I think the Filipino government had better pay the gratuity.

Mr. COOPER of Wisconsin. The services of Arthur Fergusson were services for the United States, although rendered in the Philippines. It is not too much to say, Mr. Chairman, that in the opinion of the Filipino commission, of Secretary Taft, of the present Secretary of War, General Wright, and of the Filipinos themselves, these were services which no man in the world could have rendered except Arthur Fergusson.

Mr. EDWARDS of Georgia. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Wisconsin yield?

Mr. COOPER of Wisconsin. I want to emphasize this point: The services of this man were not alone for the Philippine government, but also, and in an especial degree, for the Government of the United States. When war was on he went among the Filipinos, talked to them, interpreted speeches from English into idiomatic Spanish and Spanish speeches into idiomatic eloquent English with an accuracy, grace, force, and fluency absolutely unrivaled.

The Philippine Commission say:

The value of the services rendered by him in the various provinces for the purpose of establishing civil government can not be adequately measured at this date. His interpretations were clothed with the true feelings of the commission, and bred a trust in the United States and its beneficent policy which smoothed away a thousand difficulties and made possible that harmony and good understanding without which the solution of a very difficult problem would have been impossible.

He was the interpreter of the International American Conference of 1889, of the International Railways Commission of 1891, and secretary of the International Monetary Commission. He served the United States on the Chilean Claims Commission, the United States-Venezuelan Commission, and was the official interpreter to the American negotiators of the treaty of Paris. Each one of those negotiators, Senator FRYE or Justice Day, of the Supreme Court, or any of their associates, will say that they could not have carried out these negotiations in the successful manner in which they were carried out had it not been for Arthur Fergusson's wonderful ability as an interpreter.

The organ of the Spaniards in the Philippines who were hostile to us, El Progreso, wrote of Mr. Fergusson in 1902:

More than an interpreter, Mr. Fergusson is an orator; for in the campaign of propaganda of the civil commission, so tirelessly carried out, not only in the regular sessions in Manila, but also in the most distant provinces of the archipelago, he did not limit his efforts to the simple phonographic (we find no more appropriate word to express our idea) reproduction of the convincing arguments of Mr. Taft; but, identified with his policy of forgetfulness and confidence, he gave to those memorable speeches that brought about such marvelous results in the pacification of the country the picturesque color of the Latin oratory, poetizing with the rhythm of our tongue the dry Saxon laconism.

For us here Mr. Fergusson has been the valued and never to be forgotten assistant of the civil commission.

I hope that the gentleman will not press his point, because this would not establish a precedent for anything of the kind——

Mr. EDWARDS of Georgia. I object, Mr. Chairman.

The CHAIRMAN. Objection is made, and the bill will be passed without prejudice.

J. N. NEWKIRK.

The next business on the Private Calendar was the bill (H. R. 21167) to reimburse J. N. Newkirk, postmaster of San Diego, Cal., for moneys lost by burglary.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to repay to J. N. Newkirk, postmaster at San Diego, Cal., the sum of $234.17, to reimburse him for key-deposit funds lost by burglary on February 26, 1906.

Mr. MILLER. Mr. Chairman, I ask that this bill be laid aside with a favorable recommendation.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none and it is so ordered.

Mr. GRONNA. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from North Dakota rise?

Mr. MILLER. I yield to the gentleman from North Dakota——

The CHAIRMAN. But for what purpose does the gentleman rise?

Mr. MANN. I think we had better get through the calendar first.

The CHAIRMAN. For what purpose does the gentleman from Kansas yield to the gentleman from North Dakota?

Mr. GRONNA. To refer back to bill 1091, which is identically the same——

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent that the committee recur to Calendar No. 1091, and the Chair understands that the gentleman from Illinois [Mr. MANN] objects.

Mr. MANN. Until we get through with the Calendar.

EARL E. WHITE.

The next business on the Private Calendar was the bill (H. R. 14345) for the relief of Earl E. White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Earl E. White the sum of $64.65, out of any money in the Treasury not otherwise appropriated, to reimburse him for money stolen from the post-office at West Brooklyn, Ill., on the night of June 2, 1907, by burglars, the said White being at that time the postmaster at West Brooklyn, Ill., and having refunded to the Post-Office Department (upon demand) the amount of money so stolen.

The CHAIRMAN. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be laid aside with a favorable recommendation.

DAVID BRINTON.

The next business on the Private Calendar was the bill (H. R. 10697) for the relief of David Brinton.

The bill was read, as follows:

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to pay and reimburse David Brinton, postmaster at Timicula, Chester County, Pa., in the sum of $12.73 for postage-due stamps, etc., stolen from said post-office on the 7th day of April, 1907.

The CHAIRMAN. Is there objection to the consideration of the bill?

There was no objection.

Mr. MILLER. Mr. Chairman, I ask unanimous consent that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

E. L. SIMPSON.

The next business on the Private Calendar was the bill (H. R. 3844) for the relief of E. L. Simpson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to E. L. Simpson the sum of

$88.90, out of any money in the Treasury not otherwise appropriated, to reimburse him for money stolen from the post-office at Carrollton, Ill., on the night of January 2, 1897, by burglars, the said Simpson being at that time the postmaster at Carrollton, Ill., and having refunded to the Post-Office Department (upon demand) the amount of money so stolen.

The CHAIRMAN. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. MILLER. Mr. Chairman, I ask unanimous consent that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. Is there objection?

There was no objection.

POSTMASTER AT SANDBORN, IND.

The next business on the Private Calendar was the bill (H. R. 19762) to reimburse the postmaster at Sandborn, Ind.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay John Anderson, postmaster at Sandborn, Ind., $463.99, being the amount burglarized from the post-office safe at said place February 18, 1907, the circumstances of which burglary being beyond the postmaster's control.

Also the following amendment was read:

In lines 5 and 6, strike out the words "four hundred and sixty-three dollars and ninety-nine" and insert in lieu thereof the words "four hundred and fifty dollars and forty-three."

The CHAIRMAN. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. Without objection, the bill will be laid aside with a favorable recommendation.

There was no objection.

E. J. REED.

The next business on the Private Calendar was the bill (H. R. 4307) for the relief of E. J. Reed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to E. J. Reed, postmaster at Danby, Vt., the sum of $301.20, the sum of money and stamps stolen from the post-office at Danby, Vt., on the 29th day of April, 1906, without any fault on his part.

The CHAIRMAN. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. MILLER. Mr. Chairman, I ask that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

CLARK COUNTY, KY.

The next business on the Private Calendar was the bill (H. R. 18417) for the relief of Clark County, Ky.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the county of Clark, State of Kentucky, the sum of $2,727.05, to reimburse said county for the building of a bridge across Howards Creek in said county.

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. MURDOCK. Reserving the right to object, Mr. Chairman, I would like to hear an explanation.

Mr. MILLER. I yield to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. Mr. Chairman, this bill involves the question of the obligation of the United States Government to make reimbursement of damages resulting from public improvements. It provides that Clark County, Ky., be reimbursed for the expenses incurred by it, amounting to $2,720.05, in building a bridge across Howards Creek in that county, which was rendered necessary by the backwater from a government dam across the Kentucky River. Howards Creek is a small stream which was easily crossed on horseback and in vehicles before the dam was built. It being impossible to cross it in that manner after the dam was built, the county erected this bridge. The amount carried by the bill is the actual cost of the bridge, as certified by the county officials, who are corroborated by the report of Major Warren, in charge of the Corps of Engineers, Cincinnati, Ohio. This report was approved by the Chief of Engineers of the United States Army, who has recommended the passage of the bill. There are precedents for the proposed action, one of which can be found in the river and harbor act of March 3, 1905, on page 1134, volume 33, of the United States Statutes at Large, part 1.

Mr. MILLER. Mr. Chairman, with the permission of the gentleman from Kentucky [Mr. LANGLEY], I want to read what the Chief of Engineers says in reference to it:

Inasmuch as the building of this bridge was made practically a necessity by the construction of the government dam, I am of the opinion that the claim of the county is a just one, and that the bill should receive favorable consideration. It is understood that the sum named in the bill is the actual amount expended by the county in building the bridge and approaches.

I ask that it be laid aside with a favorable recommendation.

Mr. MURDOCK. Mr. Chairman, I withdraw my objection.

The bill was laid aside with a favorable recommendation.

FREDERIC WILLIAM SCOTT.

The next business on the Private Calendar was the bill (H. R. 19636) for the relief of Frederic William Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Frederic William Scott, out of any money in the Treasury not otherwise appropriated, the sum of $54.05, the amount of excess tariff paid the collector of customs at Richmond, Va., upon the importation of one oil painting and frame during the month of October, 1905.

The CHAIRMAN. Is there objection to the consideration of the bill?

There was no objection.

Mr. MILLER. Mr. Chairman, I ask unanimous consent that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. Is there objection?

There was no objection.

ALBERT R. HEILIG.

The next business on the Private Calendar was the bill (H. R. 10701) for the relief of Albert R. Heilig.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Albert R. Heilig the sum of $750.

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. MACON. Mr. Chairman, I want to ask for what purpose is this to be paid out? The bill does not say.

Mr. MANN. This is one of those cases—while the gentleman is looking for the facts—where a man was required to deposit money for a certificate, as is required by the department. He deposited an amount of money and received the certificate which, under the law, was supposed to be used in payment to the Government for the land. But it was discovered that he was not required to deposit the money in the first place, and hence the certificate was really not to be used in paying for the land.

Mr. MACON. This is paying back that which should not have been paid?

Mr. MANN. That is it, and this is paying it back.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE J. MILLER.

The next business on the Private Calendar was the bill (H. R. 9969) for the relief of George J. Miller, of Wenatchee, Wash.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George J. Miller, of Wenatchee, Wash., out of any money in the Treasury not otherwise appropriated, the sum of $400, that being the sum which the Acting Commissioner of the General Land Office, in a decision dated September 24, 1900, found to be due him, but which was not repaid to him because neither said commissioner nor the Secretary of the Interior had power to make such repayment, being money which said Miller, acting on the erroneous advice of the register of the United States Land Office, paid to the United States for government land which he was later held to be entitled to receive as a homestead without such payment.

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. MILLER. I ask unanimous consent to strike out lines 7, 8, 9, 10, and 11.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out lines 7, 8, 9, 10, and 11.

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

Mr. MILLER. I ask that the bill be laid aside with a favorable recommendation.

The bill as amended was ordered to be laid aside with a favorable recommendation.

STANLEY E. BROWN.

The next business on the Private Calendar was the bill (H. R. 1097) for the relief of Stanley E. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Stanley E. Brown the sum of $141.98, out of any money in the Treasury not otherwise appropriated, for services rendered in the office of the collector of internal revenue for the fifth district of Kentucky in the year 1901.

The amendments recommended by the committee were read, as follows:

Line 5, strike out the word "forty-one" and insert in place thereof the word "thirty-nine."

Line 5, strike out the word "ninety-eight" and insert in place thereof the word "thirteen."

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. MACON. I reserve the right to object in order to get an explanation from the chairman of the committee.

Mr. MILLER. Hon. George B. Cortelyou, Secretary of the Treasury, states that in equity Mr. Brown should be paid $139.13, compensation at the rate of $1,000 per annum, and your committee therefore favorably report the bill as amended, with the recommendation that it pass.

Mr. MANN. Mr. Brown performed service——

Mr. MILLER. Yes.

Mr. MANN (continuing). In the office which was not regularly authorized by the department. The services were necessary to be performed, and he supposed that authority had been granted.

Mr. MACON. But there was no law authorizing it at that time?

Mr. MANN. No; at that time the department had not authorized it, but they recommend the payment.

Mr. MACON. I have no objection.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES A. RUSSELL.

The next business on the Private Calendar was the bill (S. 3848) for the relief of James A. Russell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James A. Russell, for transporting the mail on route No. 6531, from New Smyrna to Indian River, Fla., from January 1 to March 31, 1861, the sum of $100.

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. MACON. Reserving the right to object, I will ask the gentleman why this gentleman was not paid at the time he performed the service?

Mr. MILLER. This is one of the old claims for carrying the mails in the South. It was not paid for the reason that it was before the beginning of the war. There is no evidence to show that he ever received his pay from the Government of the United States or from the Confederate States.

Mr. MURDOCK. May I ask the gentleman if this is the first time this bill has been reported?

Mr. MILLER. I think it is the first time this bill has been reported, but there are a great many bills of like character which have been reported and passed.

Mr. MANN. We pass one every time we consider bills on this calendar.

Mr. MILLER. That is true; and I hope the last of them will soon be disposed of.

The bill was ordered to be laid aside with a favorable recommendation.

B. JACKMAN.

The next business on the Private Calendar was the bill (S. 2580) for the relief of B. Jackman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to B. Jackman, agent of the Maine Central Railroad Company, Vanceboro, Me., the sum of $1,678.88, for refund of duties paid on 1,499 cases of condensed milk erroneously entered for consumption and shipped in transit through the United States to Dawson, Yukon Territory.

SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $1,678.88 for the purposes specified in this act.

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. MACON. I reserve the right to object, in order to get an explanation.

Mr. MILLER. I will yield to the gentleman from Illinois.

Mr. MANN. This was a case where some goods were shipped from Maine, intended to go through Canadian territory to Dawson, Yukon Territory. The railroad had by mistake carried them through to San Francisco, in the United States, and paid the duties on them. They were taken at San Francisco and shipped to Dawson. There is no controversy about the goods being shipped from one part of Canada to another part. They could have been shipped through the United States in bond, but through an error the railroad company—not the people who shipped the goods—the railroad company assumed that they were going to San Francisco, and they were sent to San Francisco and the duty paid. This is to refund the duty.

Mr. MACON. Did the railroad company misroute the goods?

Mr. MANN. Yes.

Mr. MACON. Brought them into the United States when they never should have come here?

Mr. MANN. Sent them to San Francisco when they should not have gone there. It was intended that they should go the other way.

The CHAIRMAN. The Chair understands that the objection is withdrawn.

Mr. MACON. Yes.

The bill was ordered to be laid aside, to be reported to the House with a favorable recommendation.

CHARLES H. DICKSON.

The next business was the bill (S. 6665) for the relief of Charles H. Dickson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Charles H. Dickson, out of any money in the Treasury not otherwise appropriated, the sum of $256.72 cents, to reimburse him for money taken by burglars from the safe in the office of the Fort Lapwai Indian school, in Idaho, on the night of October 11, 1906, said Charles H. Dickson having been on the date specified in charge of said school as Indian school supervisor and responsible for said money under his official bond, to be immediately available.

With the following committee amendment:

In line 6, strike out "fifty-six" and insert "forty-six."

The amendment was agreed to.

The bill as amended was ordered to be laid aside, to be reported to the House with a favorable recommendation.

D. J. HOLMES.

The next business was the bill (S. 437) for the relief of D. J. Holmes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to D. J. Holmes, of Portland, Oreg., the sum of $500, in full satisfaction for moneys expended by said Holmes on preemption claim to the northwest quarter of section 10, in township 6 south of range 12 east of the Willamette meridian, in The Dalles land district, State of Oregon, on which he filed declaratory statement No. 4688, June 1, 1885, and on which he settled May 17, 1885, and from which he was ousted by the same being included by a certain survey in the Warm Springs Indian Reservation in said State.

The CHAIRMAN. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be laid aside, to be reported to the House with a favorable recommendation.

M. H. PLUNKETT.

The next business was the bill (H. R. 8277) placing M. H. Plunkett, assistant engineer, United States Navy, on the retired list with an advanced rank.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent to have that bill passed without prejudice.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to have this bill passed without prejudice. Is there objection?

There was no objection.

CHARLES FITZGERALD.

The next business was the bill (H. R. 24303) for the relief of the estate of Charles Fitzgerald.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money not otherwise appropriated, to the estate of Charles Fitzgerald, late an inspector of the Post-Office Department, who was murdered while in the discharge of his duties as an officer of the United States and because of the faithful discharge of those duties, the sum of $1,600, being one year's salary.

The CHAIRMAN. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

J. DE L. LAFITTE.

The next business on the Private Calendar was the bill (S. 5268) for the relief of J. de Lafitte.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause to be investigated and examined the circumstances of an embezzlement of quartermaster funds on board the United States Army transport Logan, discovered while Jacques de L. Lafitte, captain, quartermaster, U. S. Army, was serving as transport quartermaster, amounting to $2,923.44 cents; and if upon such examination and investigation he shall be satisfied that said Lafitte exercised due diligence and care, under the circumstances existing there

at the time, in view of his physical disability, and had no personal knowledge that such embezzlement or embezzlements were occurring, and exercised due diligence in ferreting out and disclosing same, then he is hereby authorized and directed to release and discharge said Lafitte from any further liability for said sum of $2,923.44, and to refund and pay back to said Lafitte whatever sums may have been withheld and deducted from his pay.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN D. BALDWIN.

The next business on the Private Calendar was the bill (H. R. 21881) for the relief of John D. Baldwin.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $80 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to pay John D. Baldwin, of Junction City, Kans., for a horse killed by a fragment of a shell fired from a gun belonging to Siege Battery O, Seventh Artillery, while at target practice on the military reservation at Fort Riley, Kans., on December 6, 1900.

The bill was ordered to be laid aside with a favorable recommendation.

ROYAL L. SWEANY.

The next business on the Private Calendar was the bill (H. R. 24373) to reimburse Royal L. Sweany, late deputy collector of internal revenue at Tacoma, Wash.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Royal L. Sweany, late a deputy collector of internal revenue at Tacoma, State of Washington, the sum of $107, as a reimbursement of the aforesaid Royal L. Sweany for that amount of money paid by him to the Government to cover the value of certain documentary revenue stamps forwarded in the mails by said Royal L. Sweany, as deputy collector, on or about June 30, 1902, from Tacoma, Wash., to the office of the collector for the district of Oregon, at Portland, Oreg., and lost in transit.

The bill was ordered to be laid aside with a favorable recommendation.

FRANCES F. CLEVELAND AND MARY LORD HARRISON.

The next business on the Private Calendar was the bill (H. R. 25019) granting the franking privilege to Frances F. Cleveland.

The Clerk read the bill, as follows:

Be it enacted, etc., That all mail matter sent by the post by Frances F. Cleveland, widow of the late Grover Cleveland, under her written autograph signature, be conveyed free of postage during her natural life.

With the following committee amendments:

Amend the bill so as to read as follows:

"That all mail matter sent by the post by Frances F. Cleveland, widow of the late Grover Cleveland, under her written autograph signature, and by Mary Lord Harrison, widow of the late Benjamin Harrison, under her written autograph signature, be conveyed free of postage during the natural life of each, respectively.

Mr. STAFFORD. Mr. Chairman, I move that the bill be laid aside, to be reported to the House with a favorable recommendation.

The motion was agreed to.

The CHAIRMAN. The Chair will say that this completes the call of the calendar.

WILLIS A. JOY.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to return to Calendar No. 1091 (H. R. 6903), for the relief of Willis A. Joy.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to recur to Calendar No. 1091. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Reserving the right to object, Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois reserves the right to object. The Clerk will read the bill.

The Clerk read the bill, as follows:

A bill (H. R. 6903) for the relief of Willis A. Joy.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Willis A. Joy $108, to reimburse him for money paid by him at the direction of the Post-Office Department while postmaster at Grand Forks, N. Dak., for redemption of certain post-office keys, and for which redemption no funds were ever provided him nor reimbursement made, and said sum is hereby appropriated for this purpose out of any money in the Treasury not otherwise appropriated.

Mr. MANN. Mr. Chairman, I have read the report in this case carefully. It seems to me the statements are about as "fishy" as can be. The claim is ten years old and never was presented to the department, and the department says that it has no papers on file in regard to it. I wish the gentleman who introduced the bill would explain what the Post-Office Department knows about the bill, now ten years old.

Mr. GRONNA. Mr. Chairman, I am very glad to explain the bill. As a matter of fact, the claim was presented to the department six years ago, but a bill has not been introduced before this one. This is a bill for $108 which was sent by Mr. Joy, then postmaster at Grand Forks, to the department at Chicago for the redemption of keys. It is money he paid out of his own pocket. The department has never said that this was not a legitimate claim, but it has said to Mr. Spalding, then a Member of Congress, that they could not return this money without a special bill being introduced. This Mr. Spalding did not do. Four years ago when I was elected to Congress Mr. Joy asked me if anything could be done, and I introduced this bill. The department says that there is no objection to the payment of this amount. It was money actually paid to the Treasury of the United States by Mr. Joy, who was then the postmaster.

Mr. MANN. If the gentleman can find where the Post-Office Department has stated that there was no objection to the passage of this bill, or where the claim was ever presented to the department——

Mr. MILLER. There is no question about the claim being presented to the department.

Mr. MANN. Will the gentleman from Kansas point out anything in the report——

Mr. MILLER. When the bill was sent to the department the department reported that the papers originally filed in the case of Mr. Joy were not available, and they could not report. The gentleman will find, on page 3 of the report——

Mr. MANN. I have read the report.

Mr. MILLER. On page 3 it says:

OFFICE OF FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., February 12, 1908.

Hon. J. M. MILLER,
Chairman Committee on Claims, House of Representatives.

SIR: In reply to your communication of the 6th instant, which the Postmaster-General has referred to this office, in regard to the claim of Mr. Willis A. Joy, former postmaster of Grand Forks, N. Dak., for reimbursement for redemption funds sent in by him to the department, there are inclosed copies of the correspondence relating to the matter now on file in this office. The papers which would indicate the exact facts in regard to this matter are no longer available, and it is impracticable for the department to make a definite recommendation in regard to the claim submitted by Mr. Joy. It seems, however, from the correspondence submitted herewith that it is very probable that Mr. Joy, through his unfamiliarity with postal matters, transmitted to the Auditor for the Post-Office Department funds which in reality should have been retained by him for the redemption of post-office keys.

Respectfully,

F. H. HITCHCOCK,
First Assistant Postmaster-General.

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., May 2, 1906.

Hon JAMES M. MILLER,
Chairman Committee on Claims,
House of Representatives.

SIR: I beg to acknowledge the receipt of your letter of the 28th ultimo, inclosing a copy of a bill (H. R. 17311) for the relief of Willis A. Joy, formerly postmaster at Grand Forks, N. Dak., and to inform you that as the papers relating to the matter of the payment by Mr. Joy of the sum of $108 from his private funds, in 1896, in the redemption of keys to the delivery boxes are not now available, I am unable to furnish your committee any information in reference to this claim.

If the facts are as stated in certain correspondence recently submitted to the department by Representative GRONNA, Mr. Joy's claim would seem to be a meritorious one.

Respectfully,

G. B. CORTELYOU,
Postmaster-General.

They said that the papers were not now available, but they furnished us with information; so we did the next best thing——

Mr. MANN. They had no papers.

Mr. MILLER. They were not now available. They did not know where they were.

Mr. GRONNA. I will say they did have the papers, because I presented the papers to the department myself.

Mr. MANN. Here is a report from the Post-Office Department, two letters from the claimant, and in no case is there a pretense that this claim was ever presented to the Post-Office Department or that it has any papers on the subject.

Mr. MILLER. I will state to the gentleman that the claim was presented to the Post-Office Department.

Mr. MANN. By whom?

Mr. MILLER. But they had no funds out of which they could pay a claim of this kind.

Mr. MANN. It is very peculiar that neither the Postmaster-General in two reports, nor the claimant in two letters, makes the statement.

Mr. MILLER. They said to us they could not find the papers, in a verbal statement, and then in their written report that the papers were not available. There is no question about this man paying his money out of his own private funds, and there is no reason why he should not be reimbursed.

Mr. MANN. I have a great deal of question about it myself.

Mr. GRONNA. Here is the sworn affidavit in the report. The claimant is a man of very high standing and good character, and his statement must be accepted as the truth.

Mr. MILLER. Not only the sworn affidavit of the claimant himself, but the evidence discloses the fact that he was a man of high standing and good character and no question was ever raised about the veracity of his statements. We have passed

this afternoon the same kind of a bill, and for that reason I think this ought to be passed.

Mr. MANN. The case we passed this afternoon was where key-deposit money was stolen. The law returns postal money or money order stolen, and we only carried it to the extent of key-deposit money, but that is an entirely different case from this. Here is a man who waits ten years, so far as this record is concerned, and then does not make any claim to the Post-Office Department, and there are no facts stated from the Post-Office Department. It seems to me that we have a right to have these cases examined by the Post-Office Department.

Mr. MILLER. I will say to the gentleman from Illinois that the claim was presented by Mr. Joy to the Post-Office Department immediately afterwards and ever since that time.

Mr. MANN. He does not say so.

Mr. MILLER. Ever since that time he has been pressing his claim, not only through the present Member of Congress from that district, but the former Member of Congress from the same district. This man has done everything in his power that he can do. He lost his money.

Mr. MANN. We do not know whether he did or not.

Mr. MILLER. He swears he did.

Mr. MANN. He waits ten years, and a man's recollection ten years afterwards about how he complicates accounts is not worth much anywhere.

Mr. GRONNA. He made a claim for this money immediately upon his retirement as postmaster. There is no question about that.

Mr. MANN. There is a question about it. I question it. Here is a man who writes two letters on the subject, setting out his claim fully, and makes no reference to such a thing. Unless the gentleman states it upon his own information, then I question it very much.

Mr. GRONNA. I do state it on my own information that he presented the claim immediately.

Mr. MANN. If the gentleman says to me or to the House that he knows what was done in 1894, 1895, or 1896, personally, by this man, and that he presented the claim, I shall make no objection.

Mr. GRONNA. I will say this, in answer to the gentleman from Illinois, that I had no knowledge of the case at that particular time, because my predecessor was then in office, but there were some things connected with this which I do not care to state on this floor.

Mr. MANN. The gentleman to whom the gentleman refers, Mr. Spalding, was not a Member of the House at that time.

Mr. GRONNA. Not in 1894?

Mr. MANN. Not when this claim accrued, according to the statement—not until long after.

Mr. GRONNA. I will state to the gentleman that I know of my own knowledge that this claim has been presented to the Post-Office Department by Mr. Joy himself, and that I have presented it to the Post-Office Department, and that of course the department can not pay it. There is no provision of law under which the department can pay it.

Mr. MANN. The department could pay it easy enough if the thing happened the way it is stated to have happened. The department has a law to cover such cases exactly. Now, if the gentleman presented his claim, if that is the way it was presented, those papers, I presume, are still on file. I do not imagine they have destroyed papers in the Post-Office Department since the gentleman has come here as a distinguished Member of the House.

Mr. GRONNA. I will say that I have taken the case up with the department personally and asked them if this money could be refunded, and I was given to understand the only way it could be done was by a special act of Congress.

Mr. MANN. Why, certainly, because there was no claim, and under the law he could not be paid without making a claim before this time.

Mr. MILLER. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. Without objection, the bill will be laid aside with a favorable recommendation. [After a pause.] The Chair hears none.

Mr. BEDE. Mr. Chairman, I ask that the committee recur to Calendar No. 992 (S. 5330) for the relief of the Mille Lac band of Chippewa Indians in the State of Minnesota, and for other purposes.

The CHAIRMAN. The gentleman from Minnesota moves that the committee recur to the bill, Calendar No. 992. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object——

Mr. MACON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MACON. I was going to ask for the regular order, Mr. Chairman.

The CHAIRMAN. Objection is made.

Mr. BEDE. Mr. Chairman, I can explain any objection that may be made to the bill——

Mr. MACON. I think, with justice to other Members who have private bills upon this calendar, I am not objecting to the gentleman's bill——

Mr. BEDE. The calendar has been read over.

Mr. MACON. There was an understanding we were to go back after going through the calendar and take up the bills in their regular order just as if they had not been over.

The CHAIRMAN. As the Chair understands the order, the question now, as far as the calendar is concerned, is exactly the same as if no special order was made; and it would be to take up matters in order, unless the House voted otherwise.

Mr. LANGLEY. Mr. Chairman, my recollection is that I asked the gentleman from Kansas whether the regular order would be after passing all bills to which there was no objection, that then the bills objected to would be called in their regular order, and he replied in the affirmative, and his request for unanimous consent was granted with that understanding.

The CHAIRMAN. The Chair understands the situation to be exactly as the Chair stated it.

Mr. MILLER. Mr. Chairman, while I regret exceedingly to do it, I am compelled, in order that we may be able to get the bills through the House that have been reported favorably on this afternoon, to move to rise. I therefore move that the committee do now rise and report the bills and amendments back to the House with the recommendation that the same do pass.

Mr. MACON. Mr. Chairman, I withdraw——

The CHAIRMAN. It matters not whether the gentleman withdraws his point or not, the question before the House is on the motion of the gentleman from Kansas that the committee do rise.

Mr. MACON. I was going to ask the gentleman——

The CHAIRMAN. The question is on the motion of the gentleman from Kansas that the committee do now rise.

The question was taken, and the committee rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration sundry bills and resolutions and had instructed him to report the same, some with amendments and some without amendments, with the recommendation that the amendments be agreed to and that the bills do pass, and that the resolutions be agreed to, and that he was also directed to report that the bill H. R. 16048 be reported with the recommendation that it do lie on the table.

Mr. MILLER. Mr. Speaker, I ask the previous question be ordered upon all bills and amendments to their final passage.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the previous question be considered as ordered upon all bills and resolutions reported to their final passage, except the bill which is to be laid on the table.

Mr. MANN. I object.

The SPEAKER. The Clerk will report the first bill.

BILL TABLED.

House bill of the following title, reported from the Committee of the Whole House on the state of the Union with the recommendation that it lie on the table, was laid on the table:

H. R. 16048. A bill for the relief of the heirs of Cornplanter, alias John O'Bial or Abeel, a Seneca Indian chief.

HOUSE RESOLUTION PASSED.

On House resolution of the following title, reported from the Committee of the Whole House on the state of the Union with amendments, the amendments were agreed to; and the resolution as amended was ordered to be engrossed for a third reading, was accordingly read the third time, and passed:

H. Res. 414. House resolution referring H. R. 11128, for the relief of Eli Pettijohn, to the Court of Claims.

HOUSE BILLS PASSED WITHOUT AMENDMENT.

House bills of the following titles, reported from the Committee of the Whole House on the state of the Union, were severally ordered to be engrossed for a third reading, were accordingly read the third time, and passed:

H. R. 12712. A bill for the relief of the estate of Samuel J. Rogers;

H. R. 18726. A bill for the relief of Wyatt O. Selkirk;

H. R. 15098. A bill to correct the military record of John H. Layne;

H. R. 17214. A bill for the relief of Harry Kimmell, a commander on the retired list of the United States Navy;

H. R. 19871. A bill for the relief of Sanford A. Pinyan;
H. R. 10187. A bill for the relief of R. A. Sisson;
H. R. 17960. A bill for the relief of Marcellus Butler;
H. R. 19653. A bill for the relief of T. C. Wakefield;
H. R. 19893. A bill for the relief of Thomas J. Shocker;
H. R. 18487. A bill for the relief of Charles H. Dunning;
H. R. 4562. A bill for the relief of C. W. Reid and Sam Daube;
H. R. 15218. A bill for the relief of the sureties on the official bond of the late Cornelius Van Cott;
H. R. 17572. A bill for the relief of George M. Voorhees;
H. R. 4166. A bill to relieve George W. Black and J. R. Wilson from a certain judgment in favor of the United States and to relieve George W. Black, J. R. Wilson, and W. M. Newell of a certain judgment in favor of the United States;
H. R. 2911. A bill for the relief of F. S. Jette & Son, of Savannah, Chatham County, Ga., for damages done to their wharf by U. S. dredge *Cumberland;*
H. R. 13644. A bill for the relief of the Bridgeport National Bank, Bridgeport, Ohio;
H. R. 9755. A bill for the relief of Charles Lennig & Co.;
H. R. 21019. A bill to reimburse Agnes M. Harrison, postmaster at Wheeler, Miss., for loss of money-order remittance;
H. R. 20204. A bill for the relief of Clara A. Carter, widow of Martin J. Carter, late consul of the United States to Yarmouth, Nova Scotia;
H. R. 2635. A bill for the relief of Herman Lehmann;
H. R. 10752. A bill to complete the military record of Adolphus Erwin Wells;
H. R. 18744. A bill for the relief of the estate of Mark S. Gorrill;
H. R. 21167. A bill to reimburse J. N. Newkirk, postmaster of San Diego, Cal., for moneys lost by burglary;
H. R. 14345. A bill for the relief of Earl E. White;
H. R. 10697. A bill for the relief of David Brinton;
H. R. 3844. A bill for the relief of E. L. Simpson;
H. R. 4307. A bill for the relief of E. J. Reed;
H. R. 18417. A bill for the relief of Clark County, Ky.;
H. R. 19636. A bill for the relief of Frederic William Scott;
H. R. 24303. A bill for the relief of the estate of Charles Fitzgerald;
H. R. 21881. A bill for the relief of John D. Baldwin;
H. R. 24373. A bill to reimburse Royal L. Sweany, late deputy collector of internal revenue at Tacoma, Wash.; and
H. R. 6903. A bill for the relief of Willis A. Joy.

HOUSE BILLS WITH AMENDMENTS PASSED.

House bills of the following titles were reported from the Committee of the Whole House on the state of the Union, with amendments, and the amendments were severally agreed to. The bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time and passed:

H. R. 19859. A bill to provide for the payment of certain volunteers who rendered service to the Territory of Oregon in the Cayuse Indian war of 1847 and 1848;
H. R. 19641. A bill for the relief of the Wilmerding-Loewe Company, of San Francisco, Cal.;
H. R. 15603. A bill for the relief of John W. Wood;
H. R. 11039. A bill for the relief of Willard W. Alt, of Hyannis, Nebr.;
H. R. 8558. A bill for the relief of R. J. B. Newcomb (the title was amended);
H. R. 20171. A bill to correct the military record of George H. Tracy;
H. R. 8734. A bill for the relief of Niels P. Larsen;
H. R. 4286. A bill for the relief of John Shull;
H. R. 12512. A bill for the relief of persons who sustained damage by explosion near Frankford Arsenal, Philadelphia;
H. R. 21058. A bill for the relief of R. J. Warren;
H. R. 870. A bill for the relief of the heirs of James H. Galbraith (the title was amended);
H. R. 16191. A bill to refund certain moneys paid into the Treasury of the United States through mistake by Augustus Bannigan;
H. R. 19839. A bill for the relief of W. H. Blurock;
H. R. 19762. A bill to reimburse the postmaster of Sandborn, Ind.;
H. R. 10701. A bill for the relief of Albert R. Heilig (the title was amended);
H. R. 9969. A bill for the relief of George J. Miller, of Wenatchee, Wash.;
H. R. 1097. A bill for the relief of Stanley B. Brown; and
H. R. 25019. A bill granting a franking privilege to Frances F. Cleveland (the title was amended).

SENATE BILLS WITHOUT AMENDMENTS PASSED.

Bills of the Senate of the following titles were reported from the Committee of the Whole House on the state of the Union without amendment, were severally ordered to a third reading, were read the third time, and passed:

S. 604. An act to reimburse Ulysses G. Winn for money erroneously paid into the Treasury of the United States;
S. 6293. An act for the relief of Robert Davis;
S. 1751. An act to reimburse Anna B. Moore, late postmaster at Rhyolite, Nev., for money expended for clerical assistance;
S. 2873. An act for the relief of the owners of the steam lighter *Climax* and the cargo laden aboard thereof;
S. 5388. An act for the relief of Benjamin C. Welch;
S. 213. An act for the relief of S. R. Green;
S. 879. An act for the relief of John S. Higgins, paymaster United States Navy;
S. 2712. An act to authorize the Secretary of the Interior to investigate and cancel the allotment of William Jondron, Yankton Sioux allottee, should it prove to be fictitious;
S. 3848. An act for the relief of James H. Russell;
S. 2580. An act for the relief of B. Jackman;
S. 437. An act for the relief of D. J. Holmes; and
S. 5268. An act for the relief of J. de L. Lafitte.

SENATE BILLS WITH AMENDMENTS.

On Senate bills of the following titles, reported from the Committee of the Whole House on the state of the Union with amendments, the amendments were severally agreed to and the bills as amended were ordered to a third reading, were read the third time, and passed.

S. 4632. An act for the relief of the Davidson Chemical Company, of Baltimore, Md.;
S. 2253. An act for the relief of Theodore F. Northrop;
S. 6136. An act authorizing the Secretary of War to issue patent to certain lands to Boise, Idaho (the title was amended); and
S. 6665. An act for the relief of Charles H. Dickson.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House that the President had, on January 14, 1909, approved and signed bill of the following title:

H. R. 22306. An act to authorize the Delaware, Lackawanna and Western Railroad Company and the Lackawanna Railroad Company of New Jersey to construct and maintain a bridge across the Delaware River from a point near the village of Columbia, Knowlton Township, Warren County, N. J., to the village of Slateford, Northampton County, Pa.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 8439. An act authorizing the Secretary of the Interior to appraise lands in the Fort Peck Indian Reservation, Mont., and grant the same to the Great Northern Railway—to the Committee on Indian Affairs.
S. 8357. An act to extend the time for disposing of lands on the Huntley project within the ceded Crow Indian Reservation, Mont.—to the Committee on the Public Lands.
S. 8005. An act authorizing the establishment of aids to navigation in Alaskan waters and making an appropriation therefor—to the Committee on Interstate and Foreign Commerce.
S. 7396. An act for the exchange of certain lands situated in the Fort Douglas Military Reservation, State of Utah, for lands adjacent thereto, between the Mount Olivet Cemetery Association, of Salt Lake City, Utah, and the Government of the United States—to the Committee on Military Affairs.
S. R. 114. Joint resolution authorizing the Secretary of War to dispose of certain bronze or brass cannon—to the Committee on Military Affairs.
S. R. 111. Joint resolution authorizing the rebuilding of the dormitory at Osage Boarding School, Oklahoma, recently destroyed by fire—to the Committee on Indian Affairs.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles:

H. R. 23351. An act for the relief of the owners of the Mexican steamship *Tabasqueno;*

H. R. 8615. An act to correct the naval record of Edward T. Lincoln; and

H. R. 14343. An act to correct the naval record of Randolph W. Campbell.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 23866. An act to amend an act entitled "An act to authorize the construction of a bridge between Fort Snelling Reservation and St. Paul, Minn.," approved March 17, 1906.

BENJAMIN BENNETT AND GEORGE BENNETT.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 388, which I send to the Clerk's desk, entitled "An act to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his witnesses has failed to sign or seal the record, oath, or the judgment of admission, and to establish a proper record of such citizenship."

And I also ask unanimous consent that the Clerk may report the amendment in the way of an entire substitute instead of the bill.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of a bill on the House Calendar, and asks that the amendment be read in lieu of the original bill.

The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the enacting clause, and insert the following:
"*Be it enacted, etc.*, That Benjamin Bennett and George Bennett, of West Branch, Ogemaw County, Mich., may be naturalized without making the declaration required by section 4 of the act entitled 'An act to establish a bureau of immigration and naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States,' approved June 29, 1906, and without waiting the two years required by that section."

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, what is this bill? I could not understand from the reading of it, and neither could anybody else.

Mr. BENNET of New York. It was presented by the gentleman from Michigan [Mr. LOUD] originally, and covers the case of two gentlemen out in his district who have always thought they were citizens. One of them has been mayor of the city in which he lives, and another is an attorney and a county officer. The facts are that their father came here from England very many years ago when they were small children. He only filed a declaration of intention—what is commonly known as the "first papers." He voted all his lifetime, which he had a right to do in Michigan, and never went any further. And these gentlemen always thought they were citizens, and were voting and acting as citizens, until a question came up about some United States lands. Then it was found that their father had not taken out the second papers. This simply waives the two years that they otherwise would have to wait before they became citizens.

Mr. CLARK of Missouri. Does it name these two men specifically?

Mr. BENNET of New York. Yes, sir.

Mr. CLARK of Missouri. I got a letter from a man the other day who had voted for twenty years, and thought he had a perfect right to vote. But when he went to vote last fall somebody challenged his vote. It turned out that his father came over here when this boy was only 2 years old, and that his father never took out naturalization papers, although this man supposed that he had, and so he lost his vote. Now, I have not that man's letter. If I had, I would amend by putting his name in.

Mr. BENNET of New York. I will say privately, between ourselves, that if the gentleman will send that man's name to me, I will take steps to have it put in in the Senate.

Mr. CLARK of Missouri. Now, what is the provision of this bill?

Mr. BENNET of New York. Simply that it enables these men to be naturalized now instead of waiting the two years. They do not have to file a declaration or a petition. Otherwise they would have to file a declaration of intention and wait two years.

Mr. STAFFORD. Will the gentleman permit me? Are there not a number of instances of gentlemen similarly situated, and will not Congress be burdened by any number of like bills if this bill goes through?

Mr. BENNET of New York. I will say to the gentleman that the Committee on Immigration and Naturalization, which has a good many requests, never reported on another one where the facts are so strong as these. Such cases are extremely rare.

Mr. STAFFORD. There are many cases, I imagine, if the gentleman will permit my statement, of persons who have acted as citizens by voting, holding offices of trust and responsibility, and yet are not technically citizens, and who would be virtually in the same class as those designated in this bill.

Mr. BENNET of New York. Unquestionably there are men——

Mr. STAFFORD. If such is the fact, will not there be many bills presented asking for the same relief?

Mr. BENNET of New York. No; I do not think so.

Mr. MANN. I think I can give an explanation which will be explanatory. The first bill on this subject was the one I introduced——

Mr. BENNET of New York. Yes.

Mr. MANN (continuing). Covering the criminal court of Chicago, where naturalizations exceeding 15,000 or so had been issued for many years; and when that bill came up there was a difference of opinion between the House and the Senate as to whether there should be general legislation enacted. The bill finally went through in behalf of the people who had been naturalized illegally by the criminal court. Now, there is still some difference of opinion between the House and the Senate on the subject, and I apprehend before they get through discussing this measure between the two bodies that they will try to get something that will be satisfactory all around.

Mr. BENNET of New York. That is the intention.

Mr. EDWARDS of Georgia. Will the gentleman allow me to ask him a question?

Mr. BENNET of New York. Certainly.

Mr. EDWARDS of Georgia. What are the ages of these gentlemen?

Mr. BENNET of New York. Oh, they are certainly over 40 years.

Mr. EDWARDS of Georgia. One of them an attorney?

Mr. BENNET of New York. One of them an attorney, and another was the mayor of the city in which he lived.

Mr. EDWARDS of Georgia. Now, do I understand the gentleman to say that they have just recently discovered that they were not entitled to citizenship?

Mr. BENNET of New York. Within a year.

Mr. EDWARDS of Georgia. Thank you.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. I want to ask if this is a unanimous report from any committee or not?

Mr. BENNET of New York. It is.

Mr. CLARK of Missouri. When was the report made?

Mr. MANN. May 19; it is on the calendar.

The SPEAKER. May 12, 1908.

Mr. CLARK of Missouri. Now, you say you will help me to get my man in? [Laughter.]

Mr. BENNET of New York. Yes.

The SPEAKER. The Chair hears no objection. Without objection the amendment will be agreed to.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MOUNT OLIVET CEMETERY, SALT LAKE, UTAH.

Mr. HOWELL of Utah. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 23863.

The SPEAKER. The gentleman from Utah asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the following bill.

The Clerk read as follows:

A bill (H. R. 23863) for the exchange of certain lands situated in the Fort Douglas Military Reservation, State of Utah, for lands adjacent thereto, between the Mount Olivet Cemetery Association, of Salt Lake City, Utah, and the Government of the United States.

Be it enacted, etc., That the Secretary of War, for and on behalf of the United States, is hereby authorized and directed to grant and convey by deed to the Mount Olivet Cemetery Association, of Salt Lake City, Utah, the following-described tract of land: Commencing at the southwest corner of the Fort Douglas Military Reservation and running thence east along and upon the south line of said Fort Douglas Military Reservation 80 rods; thence north parallel with the west boundary line of the said military reservation to the southeast corner of the Mount Olivet Cemetery grant; thence west along the south boundary line of the said Mount Olivet Cemetery grant 80 rods to the intersection of said line with the west line of said military reservation; thence south along

and upon said west line of said military reservation to the place of beginning, containing an area of 50 acres, more or less. Said land to be by the said Mount Olivet Cemetery Association permanently used as a cemetery for the burial of the dead: *Provided*, That when it shall cease to be used for such purpose it shall revert to the United States.

SEC. 2. That the deed provided for in the foregoing section of this act shall not be delivered to the said Mount Olivet Cemetery Association until said association shall have conveyed, or caused to be conveyed, to the United States in fee simple, free and clear of all incumbrances, subject to the approval of the Attorney-General of the United States, the following-described land, to-wit: The fractional southwest quarter of section 2, township 1 south, range 1 east, Salt Lake meridian, containing 150.92 acres, situate in Salt Lake County, State of Utah.

Mr. WILLIAMS. Mr. Speaker, reserving the right to object—if I understand this matter correctly, this bill is not recommended by any committee of the House.

Mr. HOWELL of Utah. It is recommended unanimously by the Committee on Military Affairs, and has the indorsement of the Secretary of War also.

Mr. WILLIAMS. I understood the gentleman to move to discharge the committee from its consideration.

Mr. MANN. The Committee of the Whole House on the state of the Union.

Mr. SLAYDEN. Is that the cemetery bill?

Mr. HOWELL of Utah. Yes, sir.

Mr. WILLIAMS. I understand you to move to discharge the Committee of the Whole House on the state of the Union?

Mr. HOWELL of Utah. Yes, sir.

Mr. WILLIAMS. I have no objection.

Mr. SLAYDEN. Mr. Speaker, while the bill probably was reported unanimously by the Committee on Military Affairs, I think, in justice to myself, as I had consideration of the bill delayed for a week, I ought to say that when the bill first came up I made inquiry whether or not the cemetery was a public cemetery or a private corporation, indicating that in the event it was a private corporation I should object. I then went away and was absent on public business, and while I was gone the bill was reported. I am told that the committee was satisfied, although the cemetery association was a private corporation, that it was a proper bill.

Mr. HOWELL of Utah. I will explain that Mount Olivet Cemetery Association is composed of the several churches in Salt Lake City, each having a representation in the association. It is purely a benevolent and charitable association. Some thirty-five years ago the Secretary of War was authorized to set apart 20 acres of this military reservation for a burial ground, which has been under the management and control of this association. Now, all the ground originally set apart has been fully occupied, and the association desires to acquire additional ground adjoining the present cemetery, and in exchange for this ground it is proposed to give to the military reservation 160 acres adjoining the reservation on the west, and which is much more useful to the Government for military purposes, for the land acquired from the Government in exchange, and which they bind themselves to use for no other purpose than cemetery purposes.

I will state further that there is no private gain connected with the management of this cemetery. The moneys arising from the sale of burial lots is devoted to the improvement and beautifying of the cemetery grounds. The bill is considered by the Secretary of War to be in the interest of the Government, and it has been unanimously reported favorably by the Committee on Military Affairs.

Mr. SLAYDEN. As before stated, I was absent when the bill was reported.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

VETO MESSAGE—DAM ACROSS JAMES RIVER, STONE COUNTY, MO.

The SPEAKER laid before the House the following message from the President:

To the House of Representatives:

I return herewith without my approval House bill 17707 to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power. My reasons for not signing the bill are:

The bill gives to the grantee a valuable privilege, which by its very nature is monopolistic, and does not contain the conditions essential to protect the public interest.

In pursuance of a policy declared in my message of February 26, 1908 (S. Doc. No. 325), transmitting the report of the Inland Waterways Commission to Congress, I wrote on March 13, 1908, the following letter to the Senate Committee on Commerce:

Numerous bills granting water rights in conformity with the general act of June 21, 1906, have been introduced during the present session of Congress, and some of these have already passed. While the general act authorizes the limitation and restriction of water rights in the public interest and would seem to warrant making a reasonable charge for the benefits conferred, those bills which have come to my attention do not seem to guard the public interests adequately in these respects. The effect of granting privileges such as are conferred by these bills, as I said in a recent message, "taken together with rights already acquired under state laws, would be to give away properties of enormous value. Through lack of foresight we have formed the habit of granting without compensation extremely valuable rights, amounting to monopolies, on navigable streams and on the public domain. The repurchase at great expense of water rights thus carelessly given away without return has already begun in the East, and before long will be necessary in the West also. No rights involving water power should be granted to any corporation in perpetuity, but only for a length of time sufficient to allow them to conduct their business profitably. A reasonable charge should, of course, be made for valuable rights and privileges which they obtain from the National Government. The values for which this charge is made will ultimately, through the natural growth and orderly development of our population and industries, reach enormous amounts. A fair share of the increase should be safeguarded for the benefit of the people, from whose labor it springs. The proceeds thus secured, after the cost of administration and improvement has been met, should naturally be devoted to the development of our inland waterways." Accordingly I have decided to sign no bills hereafter which do not provide specifically for the right to fix and make a charge and for a definite limitation in time of the rights conferred.

In my veto message of April 13, 1908, returning House bill 15444, to extend the time for the construction of a dam across Rainy River, I said:

We are now at the beginning of great development in water power. Its use through electrical transmission is entering more and more largely into every element of the daily life of the people. Already the evils of monopoly are becoming manifest; already the experience of the past shows the necessity of caution in making unrestricted grants of this great power.

The present policy pursued in making these grants is unwise in giving away the property of the people in the flowing waters to individuals or organizations practically unknown, and granting in perpetuity these valuable privileges in advance of the formulation of definite plans as to their use. In some cases the grantees apparently have little or no financial or other ability to utilize the gift, and have sought it merely because it could be had for the asking.

The Rainy River Company, by an agreement in writing, approved by the War Department, subsequently promised to submit to and abide by such conditions as may be imposed by the Secretary of War, including a time limit and a reasonable charge. Only because of its compliance in this way with these conditions did the bill extending the time limit for that project finally become a law.

An amendment to the present bill expressly authorizing the Government to fix a limitation of time and impose a charge was proposed by the War Department. The letter, veto message, and amendment above referred to were considered by the Senate Committee on Commerce, as appears by the committee's report on the present bill, and the proposed amendment was characterized by the committee as a "new departure from the policy heretofore pursued in respect to legislation authorizing the construction of such dams." Their report set forth an elaborate legal argument intended to show that the Federal Government has no power to impose any charge whatever for such a privilege.

The fact that the proposed policy is new is in itself no sufficient argument against its adoption. As we are met with new conditions of industry seriously affecting the public welfare, we should not hesitate to adopt measures for the protection of the public merely because those measures are new. When the public welfare is involved, Congress should resolve any reasonable doubt as to its legislative power in favor of the people and against the seekers for a special privilege.

My reason for believing that the Federal Government, in granting a license to dam a navigable river, has the power to impose any condition it finds necessary to protect the public, including a charge and a limitation of the time, is that its consent is legally essential to an enterprise of this character. It follows that Congress can impose conditions upon its consent. This principle was clearly stated in the House of Representatives on March 28, 1908, by Mr. WILLIAMS, of Mississippi, when he said:

* * * There can be no doubt in the mind of any man seeking merely the public good and public right, independently of any desire for local legislation, of this general proposition, that whenever any sovereignty, state or federal, is required to issue a charter or a license or a consent, in order to confer powers upon individuals or corporations, it is the duty of that sovereignty in the interests of the people so to condition the grant of that power as that it shall redound to the interest of all the people, and that utilities of vast value should not be gratuitously granted to individuals or corporations and perpetually alienated from the people or the state or the government.

* * * It is admitted that this power to erect dams in navigable streams can not be exercised by anybody except by an act of Congress. Now, then, if it require an act of Congress to permit any man to put a dam in a navigable stream, then two things follow: Congress should so exercise the power in making that grant as, first, to prevent any harm to the navigability of the stream itself, and, secondly, so as to prevent any individual or any private corporation from securing through the act of Congress any uncompensated advantage of private profit.

The authority of Congress in this matter was asserted by Secretary Taft on April 17, 1908, in his report on Senator Newlands's Inland Waterways Commission bill (S. 500), where he said:

> In the execution of any project and as incidental to and inseparably connected with the improvement of navigation, the power of Congress extends to the regulation of the use and development of the waters for purposes subsidiary to navigation.

And by the Solicitor-General in a memorandum prepared after a careful investigation of the subject.

Believing that the National Government has this power, I am convinced that its power ought to be exercised. The people of the country are threatened by a monopoly far more powerful, because in far closer touch with their domestic and industrial life, than anything known to our experience. A single generation will see the exhaustion of our natural resources of oil and gas and such a rise in the price of coal as will make the price of electrically transmitted water power a controlling factor in transportation, in manufacturing, and in household lighting and heating. Our water power alone, if fully developed and wisely used, is probably sufficient for our present transportation, industrial, municipal, and domestic needs. Most of it is undeveloped and is still in national or state control.

To give away, without conditions, this, one of the greatest of our resources, would be an act of folly. If we are guilty of it, our children will be forced to pay an annual return upon a capitalization based upon the highest prices which "the traffic will bear." They will find themselves face to face with powerful interests intrenched behind the doctrine of "vested rights" and strengthened by every defense which money can buy and the ingenuity of able corporation lawyers can devise. Long before that time they may and very probably will have become a consolidated interest, controlled from the great financial centers, dictating the terms upon which the citizen can conduct his business or earn his livelihood, and not amenable to the wholesome check of local opinion.

The total water power now in use by power plants in the United States is estimated by the Bureau of the Census and the Geological Survey as 5,300,000 horsepower. Information collected by the Bureau of Corporations shows that thirteen large concerns, of which the General Electric Company and the Westinghouse Electric and Manufacturing Company are most important, now hold water-power installations and advantageous power sites aggregating about 1,046,000 horsepower, where the control by these concerns is practically admitted. This is a quantity equal to over 19 per cent of the total now in use. Further evidence of a very strong nature as to additional intercorporate relations, furnished by the Bureau, leads me to the conclusion that this total should be increased to 24 per cent; and still other evidence, though less conclusive, nevertheless affords reasonable ground for enlarging this estimate by 9 per cent additional. In other words, it is probable that these thirteen concerns directly or indirectly control developed water power and advantageous power sites equal to more than 33 per cent of the total water power now in use. This astonishing consolidation has taken place practically within the last five years. The movement is still in its infancy, and unless it is controlled the history of the oil industry will be repeated in the hydro-electric power industry, with results far more oppressive and disastrous for the people. It is true that the great bulk of our potential water power is as yet undeveloped, but the sites which are now controlled by combinations are those which offer the greatest advantages and therefore hold a strategic position. This is certain to be strengthened by the increasing demand for power and the extension of long-distance electrical transmission.

It is, in my opinion, relatively unimportant for us to know whether or not the promoters of this particular project are affiliated with any of these great corporations. If we make an unconditional grant to this grantee, our control over it ceases. He, or any purchaser from him, will be free to sell his rights to any one of them at pleasure. The time to attach conditions and prevent monopoly is when a grant is made.

The great corporations are acting with foresight, singleness of purpose, and vigor to control the water powers of the country. They pay no attention to state boundaries and are not interested in the constitutional law affecting navigable streams except as it affords what has been aptly called a "twilight zone," where they may find a convenient refuge from any regulation whatever by the public, whether through the national or the state governments. It is significant that they are opposing the control of water power on the Desplaines River by the State of Illinois with equal vigor and with like arguments to those with which they oppose the National Government pursuing the policy I advocate. Their attitude is the same with reference to their projects upon the mountain streams of the West, where the jurisdiction of the Federal Government as the owner of the public lands and national forests is not open to question. They are demanding legislation for unconditional grants in perpetuity of land for reservoirs, conduits, power houses, and transmission lines to replace the existing statute which authorizes the administrative officers of the Government to impose conditions to protect the public when any permit is issued. Several bills for that purpose are now pending in both Houses, among them the bill, S. 6626, to subject lands owned or held by the United States to condemnation in the state courts, and the bills, H. R. 11356 and S. 2661, respectively, to grant locations and rights of way for electric and other power purposes through the public lands and reservations of the United States. These bills were either drafted by representatives of the power companies, or are similar in effect to those thus drafted. On the other hand, the administration proposes that authority be given to issue power permits for a term not to exceed fifty years, irrevocable except for breach of condition. This provision to prevent revocation would remove the only valid ground of objection to the act of 1901, which expressly makes all permits revocable at discretion. The following amendment to authorize this in national forests was inserted in last year's agricultural appropriation bill:

> And hereafter permits for power plants within national forests may be made irrevocable, except for breach of condition, for such term, not exceeding fifty years, as the Secretary of Agriculture may by regulation prescribe, and land covered by such permits issued in pursuance of an application filed before entry, location, or application, subsequently approved under the act of June 11, 1906, shall in perpetuity remain subject to such permit and renewals thereof.

The representatives of the power companies present in Washington during the last session agreed upon the bill above mentioned as the most favorable to their interests. At their request frequent conferences were held between them and the representatives of the administration for the purpose of reaching an agreement if possible. The companies refused to accept anything less than a grant in perpetuity and insisted that the slight charge now imposed by the Forest Service was oppressive. But they made no response to the specific proposal that the reasonableness of the charge be determined through an investigation of their business by the Bureau of Corporations.

The amendment of the agricultural bill providing for irrevocable permits being new legislation was stricken out under the House rules upon a point of order made by friends of the House bill—that is, by friends of the power companies. Yet, in the face of this record, the power companies complain that they are forced to accept revocable permits by the policy of the administration.

The new legislation sought in their own interest by some companies in the West, and the opposition of other companies in the East to proposed legislation in the public interest, have a common source and a common purpose. Their source is the rapidly growing water-power combination. Their purpose is a centralized monopoly of hydro-electric power development free of all public control. It is obvious that a monopoly of power in any community calls for strict public supervision and regulation.

The suggestion of the Senate Committee on Commerce in their report on the present bill that many of the streams for the damming of which a federal license is sought are, in fact, unnavigable is sufficiently answered in this case by the action of the House Committee on Interstate and Foreign Commerce upon this very measure. As stated in the House on March 18, 1908, by Mr. RUSSELL of Missouri, a bill to declare this river unnavigable was rejected by that committee.

I repeat the words with which I concluded my message vetoing the Rainy River bill:

> In place of the present haphazard policy of permanently alienating valuable public property we should substitute a definite policy along the following lines:
>
> First. There should be a limited or carefully guarded grant in the nature of an option or opportunity afforded within reasonable time for development of plans and for execution of the project.
>
> Second. Such a grant or concession should be accompanied in the act making the grant by a provision expressly making it the duty of a designated official to annul the grant if the work is not begun or plans are not carried out in accordance with the authority granted.
>
> Third. It should also be the duty of some designated official to see to it that in approving the plans the maximum development of the navigation and power is assured, or at least that in making the plans these may not be so developed as ultimately to interfere with the better utilization of the water or complete development of the power.
>
> Fourth. There should be a license fee or charge which, though small or nominal at the outset, can in the future be adjusted so as to secure a control in the interest of the public.
>
> Fifth. Provision should be made for the termination of the grant or privilege at a definite time, leaving to future generations the power or authority to renew or extend the concession in accordance with the conditions which may prevail at that time.

Further reflection suggests a sixth condition, viz:

The license should be forfeited upon proof that the licensee has joined in any conspiracy or unlawful combination in restraint of trade, as is provided for grants of coal lands in Alaska by the act of May 28, 1908.

I will sign no bill granting a privilege of this character which does not contain the substance of these conditions. I consider myself bound, as far as exercise of my executive power will allow, to do for the people, in prevention of monopoly of their resources, what I believe they would do for themselves if they were in a position to act. Accordingly I shall insist upon the conditions mentioned above not only in acts which I sign, but also in passing upon plans for use of water power presented to the executive departments for action. The imposition of conditions has received the sanction of Congress in the general act of 1906, regulating the construction of dams in navigable waters, which authorizes the imposing of "such conditions and stipulations as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States."

I inclose a letter from the Commissioner of Corporations, setting forth the results of his investigations and the evidence of the far-reaching plans and operations of the General Electric Company, the Westinghouse Electric and Manufacturing Company, and other large concerns, for consolidation of the water powers of the country under their control. I also inclose the memorandum of the Solicitor-General above referred to.

I esteem it my duty to use every endeavor to prevent this growing monopoly, the most threatening which has ever appeared, from being fastened upon the people of this nation.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 15, 1909.*

Mr. MANN. Mr. Speaker, I move that the veto message and accompanying document be printed and referred to the Committee on Interstate and Foreign Commerce.

The motion was agreed to.

BRIDGE ACROSS CURRENT RIVER, MISSOURI.

The Speaker laid before the House the bill (H. R. 23713) authorizing the construction of a bridge across Current River, in Missouri, with a Senate amendment thereto.

Mr. SMITH of Missouri. I move to concur in the Senate amendment.

Mr. COOPER of Wisconsin. I understand that amendment strikes out the words "iron drawbridge" in the House bill, leaving it simply a bridge, with no restriction as to the kind.

Mr. MANN. I will say to the gentleman from Wisconsin that it is customary to leave the kind of bridge, under the general bridge law, in the control of the War Department. This leaves it to the War Department to determine the kind of bridge, without requiring what kind it shall be.

Mr. COOPER of Wisconsin. Does the gentleman think that is as wise a procedure as it would be for the bill itself to indicate the character of bridge? Is it not imposing a great burden upon a man in the War Department to tell what kind of a bridge shall be constructed over a stream about which he knows nothing except what is reported to him by parties largely interested always, 1,500 miles or more away from Washington?

Mr. MANN. The War Department knows far better the conditions and necessities as to a particular stream, after investigation through the Engineer Corps, than we can possibly know here. For that reason we leave it to the War Department, because otherwise we would constantly indicate a kind of bridge which would not be a sufficient protection to navigation, if we attempted to indicate it. The War Department, I think, guards those matters very carefully.

Mr. DAVENPORT. If anyone thinks otherwise, let him take a bridge bill down there providing for construction across a navigable stream.

The motion of Mr. SMITH of Missouri was agreed to.

Accordingly the House concurred in the Senate amendment.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. CALDERHEAD, for twenty days, on account of important business.

To Mr. PATTERSON, for the remainder of this week, on account of sickness in his family.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET, from the Committee on the Post-Office and Post-Roads, reported a bill (H. R. 26305) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes, which was read the first and second times and, with the accompanying report (H. Rept. No. 1861), ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. FINLEY. I desire to reserve all points of order.

The SPEAKER. The gentleman from South Carolina reserves all points of order.

ADJOURNMENT.

Mr. MILLER. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for rent, etc., of buildings at Petersburg, Va. (H. Doc. No. 1323)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the secretary of the Interstate Commerce Commission submitting an estimate of appropriation for printing and binding for the commission (H. Doc. No. 1324)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting the annual report of the Director of the Census regarding the publication of the names of heads of families at the First Census (H. Doc. No. 1325)—to the Committee on the Census and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for defraying the expenses of the dedication of certain monuments and markers on the field of Gettysburg (H. Doc. No. 1326)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Agriculture submitting a request that the apportionment of the appropriation for general expenses, Bureau of Animal Industry, for 1909 be waived (H. Doc. No. 1169, pt. 2)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of employment of civil engineers in river and harbor work (H. Doc. No. 1327)—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of State submitting a recommendation for transfer and change of grade of the consulate at Messina, Italy (H. Doc. No. 1328)—to the Committee on Foreign Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the director of the mint at Carson, Nev., submitting an estimate of appropriation for wages and expenses at the mint (H. Doc. No. 1329)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting report of Special Agent W. A. Graham Clark on manufacture of woolen, worsted, and shoddy in England and jute in Scotland (H. Doc. No. 1330)—to the Committee on Interstate and Foreign Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RODENBERG, from the Committee on Industrial Arts and Expositions, to which was referred the concurrent resolution of the House (H. C. Res. 47) accepting the invitation extended to the Congress of the United States by the Alaska-Yukon-Pacific Exposition to attend the opening ceremony of said exposition at Seattle, Wash., June 1, 1909, reported the same without amendment, accompanied by a report (No. 1857), which said concurrent resolution and report were referred to the House Calendar.

Mr. HINSHAW, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 25678) to require life-preservers on motor vessels, reported the same with amendments, accompanied by a report (No. 1858), which said bill and report were referred to the House Calendar.

Mr. WEBB, from the Committee on the Judiciary, to which was referred House bill 12432, reported in lieu thereof a bill (H. R. 26299) authorizing certain proof in mitigation of damages in actions for libel, accompanied by a report (No. 1859), which said bill and report were referred to the House Calendar.

Mr. STERLING, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 25405) to change and fix the time for holding the circuit and district courts of the United States for the eastern and middle districts of Tennessee, reported the same without amendment, accompanied by a report (No. 1860), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 25012) granting a pension to John Johnson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25536) granting a pension to Charles Wilson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BEDE: A bill (H. R. 26280) relating to the construction and reconstruction of bridges across the St. Louis River between the States of Minnesota and Wisconsin—to the Committee on Interstate and Foreign Commerce.

By Mr. PORTER: A bill (H. R. 26281) to provide for the erection of a public building at Batavia, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. WASHBURN: A bill (H. R. 26282) to provide for the administration of the copyright office—to the Committee on Patents.

By Mr. BURGESS: A bill (H. R. 26283) to provide for the selection of a site in Texas for a dry dock and navy-yard—to the Committee on Naval Affairs.

By Mr. SULLOWAY: A bill (H. R. 26284) to provide for the extension of S street NW. from Second street to Third street, and for other purposes—to the Committee on the District of Columbia.

By Mr. SMITH of Michigan: A bill (H. R. 26285) requiring reports of the Hospital for Foundlings to be made to the Commissioners of the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 26286) to amend sections 4 and 16 of an act entitled "An act to incorporate the Columbia Railway Company of the District of Columbia," approved May 24, 1870—to the Committee on the District of Columbia.

Also, a bill (H. R. 26287) to transfer from the Secretary of the Interior to the Commissioners of the District of Columbia certain duties in respect to the Washington and Georgetown Railroad Company—to the Committee on the District of Columbia.

Also, a bill (H. R. 26288) empowering the juvenile court of the District of Columbia to issue execution on forfeited recognizances—to the Committee on the District of Columbia.

Also, a bill (H. R. 26289) to prevent prize fighting on vessels using the wharfage facilities of the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 26290) to amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893—to the Committee on the District of Columbia.

By Mr. FERRIS: A bill (H. R. 26291) to extend the time of payments on certain homestead entries in Oklahoma—to the Committee on the Public Lands.

By Mr. HAYES: A bill (H. R. 26292) to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. BANNON: A bill (H. R. 26293) for construction of an addition to the United States post-office and public building in the city of Portsmouth, State of Ohio, and for repairs and alterations to the present building—to the Committee on Public Buildings and Grounds.

By Mr. McKINNEY: A bill (H. R. 26294) to amend an act entitled "An act permitting the building of dams across the north and south branches of Rock River, adjacent to Vandruffs Island and Carrs Island, and across the cut-off between said islands, in Rock Island County, Ill., in aid of navigation and for the development of water power"—to the Committee on Rivers and Harbors.

By Mr. POLLARD: A bill (H. R. 26295) to create forest reserves in the Southern Appalachian and the White Mountains in order to conserve the waters of navigable streams having their sources in these mountains, and for other purposes—to the Committee on Agriculture.

By Mr. McGUIRE: A bill (H. R. 26296) authorizing the Secretary of the Interior to sell part or all of the surplus lands of members of the Kaw or Kansas tribe of Indians in Oklahoma—to the Committee on Indian Affairs.

By Mr. HIGGINS: A bill (H. R. 26297) fixing the return days in the circuit court of the United States for Connecticut—to the Committee on the Judiciary.

By Mr. BARTLETT of Nevada: A bill (H. R. 26298) to provide for relief of delinquent water-right applicants under the provisions of the reclamation act—to the Committee on Irrigation of Arid Lands.

By Mr. WEBB, from the Committee on the Judiciary: A bill (H. R. 26299) authorizing certain proof in mitigation of damages in actions for libel—to the House Calendar.

By Mr. MADISON: A bill (H. R. 26300) relating to injunctions and restraining orders—to the Committee on the Judiciary.

By Mr. HAMILTON of Michigan: A bill (H. R. 26301) to amend section 1 of an act approved January 30, 1897, entitled "An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes"—to the Committee on Indian Affairs.

By Mr. OLCOTT: A bill (H. R. 26302) to increase the efficiency of the Marine Band—to the Committee on Naval Affairs.

By Mr. GOULDEN: A bill (H. R. 26303) fixing the age of soldiers, sailors, and marines entitled to pensions under the provisions of the act approved February 6, 1907—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of New York: A bill (H. R. 26304) to regulate the judicial procedure of the courts of the United States—to the Committee on the Judiciary.

By Mr. OVERSTREET, from the Committee on the Post-Office and Post-Roads: A bill (H. R. 26305) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes—to the Union Calendar.

By Mr. BURNETT: A bill (H. R. 26306) to pay rural mail carriers the sum of 10 cents per mile per day for each mile and fraction of a mile over 24 miles long—to the Committee on the Post-Office and Post-Roads.

By Mr. GAINES of Tennessee: Resolution (H. Res. 488) concerning Congressman LILLEY's right to membership in the House of Representatives—to the Committee on the Judiciary.

By Mr. McGAVIN: Resolution (H. Res. 489) requesting information from the Commissioners of the District of Columbia relative to the enforcement of law requiring fire escapes on certain buildings—to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introdueed and severally referred as follows:

By Mr. BANNON: A bill (H. R. 26307) granting an increase of pension to John C. Barber—to the Committee on Invalid Pensions.

By Mr. BARCLAY: A bill (H. R. 26308) granting an increase of pension to Annie E. McDonald—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 26309) granting a pension to Elizabeth Jane Merrill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26310) for the relief of N. Parker Doe—to the Committee on Military Affairs.

By Mr. CALDWELL: A bill (H. R. 26311) granting an increase of pension to David F. Hodges—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 26312) for the relief of the legal representative of William and James Taylor, deceased—to the Committee on War Claims.

By Mr. COOPER of Pennsylvania: A bill (H. R. 26313) granting an increase of pension to Isaac F. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26314) granting an increase of pension to Henry Keys—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 26315) for the relief of William S. Lewis—to the Committee on Military Affairs.

Also, a bill (H. R. 26316) for the relief of A. S. Pease—to the Committee on Military Affairs.

Also, a bill (H. R. 26317) for the relief of William Stockwell—to the Committee on Military Affairs.

By Mr. EDWARDS of Georgia: A bill (H. R. 26318) for the relief of Elizabeth T. Belt—to the Committee on War Claims.

By Mr. ELLIS of Oregon: A bill (H. R. 26319) granting an increase of pension to Robert D. Rector—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26320) granting an increase of pension to Gerard Holcomb—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 26321) granting a pension to Louis H. Pennington—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 26322) granting an increase of pension to John D. Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26323) granting an increase of pension to Joseph Leonard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26324) granting an increase of pension to Thomas K. Howe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26325) granting an increase of pension to Stephen A. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26326) for the relief of Jasper C. Banks—to the Committee on War Claims.

Also, a bill (H. R. 26327) to remove the charge of desertion from the record of Henry Benjamin—to the Committee on War Claims.

By Mr. FOSTER of Indiana: A bill (H. R. 26328) granting an increase of pension to Nancy Ulen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26329) granting an increase of pension to William H. Snider—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26330) granting an increase of pension to James F. Thurman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26331) granting an increase of pension to Joel M. Morgan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26332) granting an increase of pension to John G. Decker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26333) granting an increase of pension to James Sumner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26334) granting an increase of pension to Solomon Gundouin—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 26335) granting an increase of pension to Daniel Miner—to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 26336) granting an increase of pension to John A. McDermott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26337) granting an increase of pension to Elijah Hemmings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26338) granting an increase of pension to William A. Cotrel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26339) granting a pension to Thomas Gawthrop—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 26340) granting an increase of pension to Benjamin F. Hall—to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 26341) granting an increase of pension to Josiah Monroe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26342) granting an increase of pension to James A. Chambers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26343) granting a pension to Margaret Miner—to the Committee on Invalid Pensions.

By Mr. ADDISON D. JAMES: A bill (H. R. 26344) granting an increase of pension to George M. Bobbitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26345) to correct the military record of Elijah Crabtree—to the Committee on Military Affairs.

By Mr. KENNEDY of Iowa: A bill (H. R. 26346) granting an increase of pension to Helen P. Smith—to the Committee on Pensions.

By Mr. KIPP: A bill (H. R. 26347) granting a pension to George H. Woodruff—to the Committee on Invalid Pensions.

By Mr. LASSITER: A bill (H. R. 26348) granting a pension to John Eubanks—to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 26349) for the relief of the owners of the schooner *Fitz J. Babson*—to the Committee on Claims.

By Mr. LEVER: A bill (H. R. 26350) for the relief of Mary E. Stelling, sole heir at law of A. S. Frietas, deceased—to the Committee on War Claims.

By Mr. LOUD: A bill (H. R. 26351) granting an increase of pension to Henry M. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26352) granting an increase of pension to Albyn L. Bellinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26353) granting an increase of pension to Stewart Gorton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26354) granting an increase of pension to John H. Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26355) granting an increase of pension to Martin Lacy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26356) to remove the charges of desertion from the record of John Winton—to the Committee on Military Affairs.

By Mr. NEEDHAM: A bill (H. R. 26357) granting an increase of pension to James N. Iliff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26358) granting an increase of pension to R. A. Hamilton—to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 26359) granting an increase of pension to Charles Watson—to the Committee on Invalid Pensions.

By Mr. RANSDELL of Louisiana: A bill (H. R. 26360) granting a pension to Ann E. Davis-Smith—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 26361) granting an increase of pension to Robert Dignan—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 26362) granting a pension to G. A. Joyner—to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 26363) granting an increase of pension to Elijah J. Hodges—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26364) for the relief of Martha S. Atkins—to the Committee on War Claims.

By Mr. SLAYDEN: A bill (H. R. 26365) granting a pension to Sarah B. Hatch—to the Committee on Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 26366) granting an increase of pension to William L. Lanham—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 26367) granting an increase of pension to George H. Franck—to the Committee on Invalid Pensions.

By Mr. SWASEY: A bill (H. R. 26368) granting an increase of pension to Truman H. Bucklin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26369) granting an increase of pension to William T. Locke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26370) granting an increase of pension to Joseph Lapham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26371) granting an increase of pension to Charles W. Sanborn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26372) granting an increase of pension to John W. Bigelow—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 26373) granting an increase of pension to Edwin C. Thompson—to the Committee on Invalid Pensions.

By Mr. WALLACE: A bill (H. R. 26374) for the relief of the estate of John Gibson—to the Committee on War Claims.

By Mr. WASHBURN: A bill (H. R. 26375) to grant an honorable discharge to Theodore N. Gates—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 26376) granting a pension to Adaline Clark—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 26377) granting a pension to George McClare—to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 26378) granting an increase of pension to John Q. Barnum—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 26379) granting an increase of pension to Seymour Eldredge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26380) granting an increase of pension to Manley L. Cummings—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 26381) granting an increase of pension to Joseph M. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26382) granting an increase of pension to George H. Williams—to the Committee on Invalid Pensions.

By Mr. HEFLIN (by request): A bill (H. R. 26383) granting an increase of pension to Stephen P. Taylor—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 26384) to correct the military record of John N. Gadd—to the Committee on Military Affairs.

By Mr. JONES of Virginia: A bill (H. R. 26385) to reimburse J. H. Whealton for moneys paid by him as surety for C. W. Fullerton, late postmaster of Whealton, Va.—to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 26386) granting an increase of pension to Morrison T. McCormick—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 26387) granting an increase of pension to J. W. Hyatt—to the Committee on Pensions.

By Mr. SPARKMAN: A bill (H. R. 26388) granting an increase of pension to Phoebe E. Sparkman—to the Committee on Pensions.

Also, a bill (H. R. 26389) granting an increase of pension to Marvin Randall—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 26390) granting a pension to Sarah M. Broughton—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 26391) granting an increase of pension to John A. Stuart, alias John Vanderpool—to the Committee on Pensions.

By Mr. WATKINS: A bill (H. R. 26392) granting an increase of pension to Gilbert B. Merrow—to the Committee on Invalid Pensions.

By Mr. WILLETT: A bill (H. R. 26393) granting an increase of pension to James W. Garrett—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Chamber of Commerce of Pittsburg, Pa., favoring a river and harbor bill at this session of the Congress—to the Committee on Rivers and Harbors.

Also, petition of Pittsburg Chamber of Commerce, favoring a river and harbor bill carrying with it liberal appropriation for general waterways and particularly the improvement of the Ohio River—to the Committee on Rivers and Harbors.

By Mr. ALLEN: Petition of Harrog C. Huntress and 24 other citizens of Cornish, Me., against enactment of parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. ASHBROOK: Petition of Central Trades and Labor Council of Coshocton, Ohio, strenuously protesting against the sentence by Judge Wright of President Gompers, Mitchell, and Morrison—to the Committee on the Judiciary.

By Mr. BANNON: Paper to accompany bill for relief of David Holt (H. R. 25985)—to the Committee on Invalid Pensions.

By Mr. CARY: Petition of O. C. Hansen Manufacturing Company and shoe dealers of Milwaukee, favoring repeal of duty on hides—to the Committee on Ways and Means.

Also, petition of Milwaukee Bar Association, favoring increase of circuit and district court judges—to the Committee on the Judiciary.

Also, petitions of citizens of Milwaukee in mass meeting December 28, 1908, and the Poles of Milwaukee at Kosciuszko Hall Sunday, January 3, 1909, against the extradition by the Russian Government of Christian Rudowitz and Jan Pouren—to the Committee on Foreign Affairs.

Also, petition of American Prison Association, for appropriation to assist work of the International Prison Commission—to the Committee on the Judiciary.

Also, petition of Milwaukee Retail Grocers' Association, against parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. CHANEY: Petition of Riverside Post, Grand Army of the Republic, favoring amendment of the age-pension law—to the Committee on Invalid Pensions.

By Mr. DAWSON: Petition of Charles W. Law and 34 other citizens of Iowa, in favor of parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. DUREY: Paper to accompany bill for relief of Jacob Brazie—to the Committee on Invalid Pensions.

By Mr. ELLIS of Oregon: Paper to accompany bill for relief of Martin L. Olmsted—to the Committee on Invalid Pensions.

Also, petition of John Medler and 49 others, of Sherman County, asking that grain bags and burlap cloth used in manufacture of same be admitted free of duty—to the Committee on Ways and Means.

By Mr. ENGLEBRIGHT: Petition of Merchants' Association of San Francisco, Cal., asking additional powers for Interstate Commerce Commission regarding freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of Pajaro Board of Trade, favoring bond issue for improvement of rivers and harbors—to the Committee on Rivers and Harbors.

By Mr. FOCHT: Paper to accompany bill for relief of David G. Stahl—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: Paper to accompany bill for relief of Jasper C. Banks—to the Committee on War Claims.

Also, papers to accompany bills for relief of John D. Collins and Stephen A. Johnson—to the Committee on Invalid Pensions.

By Mr. FRENCH: Petition of Charles P. Hartley and others, of Idaho, favoring parcels-post and postal savings banks bills—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Paper to accompany bill for relief of Daniel Miner—to the Committee on Invalid Pensions.

Also, petition of Miss Olive Killefer, of Streator, Ill., for amendment of the Sherman antitrust law—to the Committee on the Judiciary.

Also, petition of Merchants and Manufacturers' Association of Westminster, Md., favoring the Lafean bill (H. R. 22339), for Lincoln memorial highway from Washington to Gettysburg—to the Committee on Appropriations.

By Mr. GARDNER of New Jersey: Petition of granges in Second Congressional District of New Jersey, favoring national highway commission—to the Committee on Agriculture.

Also, petition of citizens of Vineland, Newfield, and Bridgeton, N. J., against Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

Also, petitions of Morristown, Vineland, Medford, Cedarville, Rancocas, Columbus, Princeton, and Union granges, Patrons of Husbandry, all of the State of New Jersey, favoring parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. HARDWICK: Petition of Chamber of Commerce of Augusta, Ga., favoring bond issue of $500,000,000 for river and harbor improvement—to the Committee on Rivers and Harbors.

By Mr. HAYES: Petitions of Robert Stokes and 112 other citizens of San Jose, Cal., and vicinity; J. E. Way and 27 others, of Sandford, N. C.; J. H. Green and 47 others, of Saginaw, N. C.; J. W. Adams and 62 others, of Piedmont, W. Va.; Fred Wiedman and 69 others, of San Jose, Cal., and vicinity; and C. D. Cherry and 47 others, of Weldon, N. C., and vicinity, favoring an effective Asiatic-exclusion law against all Asiatics except merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HUBBARD of West Virginia: Papers to accompany bills for relief of Julia A. Smalley (H. R. 23594), John T. Whetzel (H. R. 24410), Elizabeth Barnhart (H. R. 23920), Mrs. Mahala C. Lydick (H. R. 23094), James H. Thomas (H. R. 18056), and Isaac H. Rice (H. R. 25593)—to the Committee on Invalid Pensions.

Also, petition of Huntington Chamber of Commerce, favoring S. 4825, for Appalachian and White Mountains forest reservation—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Charles E. Strother (H. R. 12550)—to the Committee on Pensions.

By Mr. HUFF: Paper to accompany bill for relief of Carrier Thompson (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

Also, petition of Crain Pump and Lumber Company and J. Hawood Reber, asking for an increase of salaries of United States judges—to the Committee on the Judiciary.

Also, petition of National Guard Association of Pennsylvania, favoring passage of Senate bill 2671, authorizing extra officers for the army—to the Committee on Military Affairs.

By Mr. HUGHES of New Jersey: Petition of citizens of New Jersey, favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HULL of Iowa: Petition of citizens of Grimes and Perry, Iowa, for postal savings banks and parcels-post laws—to the Committee on the Post-Office and Post-Roads.

By Mr. KAHN: Petitions of J. T. Cash and 30 other residents of North Carolina; J. S. Hager and 39 other residents of Gastonia, N. C.; F. I. Everett and 95 other residents of Humboldt County, Cal.; and Charles Armstrong and 143 other residents of Eureka, Cal., favoring a law excluding all Asiatics other than merchants, travelers, and students—to the Committee on Foreign Affairs.

By Mr. KNAPP: Petition of Leyden Grange, No. 562, of New York, favoring parcels-post and savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUD: Papers to accompany bills for relief of John Winton, Martin Lacy, Stuart Gorton, John H. Robinson, Albyn L. Bellinger, and Henry M. Smith—to the Committee on Invalid Pensions.

By Mr. McKINNEY. Petition of Tri-City Labor Congress, of Rock Island and Moline, Ill., and Davenport, Iowa, in mass meeting, against sentence of Gompers, Mitchell, and Morrison by Judge Wright—to the Committee on the Judiciary.

By Mr. NEEDHAM: Petition favoring an exclusion law against all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of the Central Labor Union, protesting against the sentence of Gompers, Mitchell, and Morrison by Judge Wright—to the Committee on the Judiciary.

Also, petition of Pajaro Valley Board of Trade, favoring appropriation of $500,000,000 for improvement of rivers and harbors—to the Committee on Rivers and Harbors.

Also, petition of F. E. Taylor and others, favoring establishment of postal savings banks and a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. NORRIS: Petition of Commercial Club of Norfolk, Nebr., for increased compensation for railway mail clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Blue Hill and Cowles, Nebr., against a parcels-post system and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of California and Nevada Grand Army of the Republic, favoring H. R. 13846, amending the age pension act—to the Committee on Invalid Pensions.

By Mr. OLMSTED: Petition of E. H. Molly, of Lebanon, Pa., urging appointment of a commission of army and navy men to investigate the claim of Theodore R. Timby to the invention of the revolving turret used on monitors and other turret ships—to the Committee on Naval Affairs.

By Mr. PRAY: Petition of Local Union No. 1070, United Mine Workers of America, of Gebo, Mont., for legislation to secure investigation of the Treadwell Mining Company in Alaska—to the Committee on Mines and Mining.

By Mr. RANSDELL of Louisiana: Paper to accompany bill for relief of Mrs. Annie Davis Smith—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: Paper to accompany bill for relief of Robert Dignan—to the Committee on Invalid Pensions.

Also, petition of James L. Noble Post, American Veterans of Foreign Service, of Altoona, Pa., favoring the granting of a medal to each retired veteran of foreign service—to the Committee on Military Affairs.

By Mr. ROBINSON: Paper to accompany bill for relief of the heirs of R. A. Crutcher—to the Committee on War Claims.

By Mr. SLEMP: Papers to accompany bill granting an increase of pension to J. I. Cochran—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John I. Cockran—to the Committee on Invalid Pensions.

By Mr. SPERRY: Resolution of Higganum Grange, No. 129, of Higganum, Conn., favoring parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. SWASEY: Petition of sundry citizens of Greene, Me., for passage of parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS of Ohio: Petition of Ravenna Grange, No. 32, Patrons of Husbandry, for parcels post on rural free-delivery routes and for postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Ravenna, Ohio, against passage of Senate bill 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. VREELAND: Petition of Sinclairville Grange, No. 401, Patrons of Husbandry, residents of Cattaraugus County, N. Y., for postal savings banks and parcels-post laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Petition of Stephen Betts and 17 other citizens of Newton, Bucks County, Pa., and vicinity, for a system of parcels post on rural free-delivery routes—to the Committee on the Post-Office and Post-Roads.

Also, petition of John Lucus & Co., of Philadelphia, Pa., asking increase in salary of United States judges—to the Committee on the Judiciary.

Also, petition of Stephen Betts and 17 other citizens of Newton, Bucks County, Pa., and vicinity, for a system of parcels-post delivery on rural free-delivery routes and postal savings banks law—to the Committee on the Post-Office and Post-Roads.

Also, petition of John Lucas & Co., favoring H. R. 22279, increasing judges' salaries—to the Committee on the Judiciary.

By Mr. WATKINS: Paper to accompany bill for relief of Alexis F. Bareyve—to the Committee on War Claims.

Also, papers to accompany bill for the relief of Alexis Bareyve, of Natchitoches Parish, La., for reference of his claim to Court of Claims—to the Committee on War Claims.

By Mr. YOUNG: Petition of citizens of twelfth district of Michigan, favoring parcels-post system and postal savings banks—to the Committee on the Post-Office and Post-Roads.

SENATE.

SATURDAY, *January 16, 1909.*

The Senate met at 1.30 o'clock p. m.

The Chaplain, Rev. Edward E. Hale, offered the following prayer:

The everlasting God, the Lord, Creator of the ends of the earth, fainteth not neither is weary; there is no searching of His understanding. He giveth power to the faint, and to him that hath no might He giveth strength.

* * * * * * *

Even the youth shall faint and be weary, and the old men shall utterly fail. But they that wait upon the Lord shall renew their strength. They shall mount on wings as eagles; they shall run and not be weary; they shall walk and not faint.

Let us pray.

Father of life, we thank Thee that in the memories of death and of sickness we learn the lesson of life; that we live and move and have our being in our God. And here to-day, as we meet to go back upon the history of the past and to know how Thy children have served Thee in the days that have gone by, we ask Thee for this whole Nation to quicken the memory of the history of these centuries; how this Nation has relied upon her children and found them in their places; how men, and women, and boys, and girls have served their country, have lived to Thy glory, and have died without fear. Not in vain for us that Thou art renewing the knowledge of Thy Gospel every day and every year of our lives.

Show us, Father, how we can live in the Spirit, how we can walk in the Spirit, if we enter into the service of God, which is the service of mankind. We ask it in Christ Jesus.

Our Father Who art in Heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil, for Thine is the kingdom, and the power, and the glory, for ever and ever. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

MEMORIAL ADDRESSES ON THE LATE SENATOR WHYTE.

Mr. RAYNER. Mr. President, I offer the resolutions which I send to the desk.

The VICE-PRESIDENT. The Senator from Maryland submits resolutions, which will be read by the Secretary.

The Secretary read the resolutions, as follows:

Resolved, That it is with deep regret and profound sorrow that the Senate has heard the announcement of the death of Hon. WILLIAM PINKNEY WHYTE, late a Senator from the State of Maryland.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Secretary transmit to the family of the deceased a copy of these resolutions, with the action of the Senate thereon.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The resolutions were considered by unanimous consent and unanimously agreed to.

Mr. SMITH of Maryland. Mr. President, the stoutest courage and the most gifted tongue might well be overwhelmed on this occasion by the impossibility of doing justice to the character and memory of WILLIAM PINKNEY WHYTE, who was lately a member of this body, taking an active part in its deliberations, buoyantly supporting, as he did, the weight of great cares and many years, bearing the respect and veneration of all, the tender love of many friends, shortly before his death decorated by a grateful constituency with the badge of their confidence en-

graved by their votes so deep upon the tablets of history as to far outlive his life, crowned with honors such as few can boast, fearing none but God.

But in the judgment of those, who, like myself, enjoyed the privilege of knowing WILLIAM PINKNEY WHYTE, the best tribute to his memory is an unemblished narrative, which faithfully describes his rare qualities of character and intellect, simply portraying him as he was, for his own works speak more eloquently for him than any words of ours can do.

To tell in detail the history of Senator WHYTE's professional career is to write the history of a large part of the more important litigation in Maryland for over sixty years. He was a lawyer by heredity, nature, and training. He was the grandson of the great lawyer and statesman, William Pinkney, and worthily sustained his grandfather's reputation, as the Maryland reports, the reports of the United States Supreme Court, and the political history of Maryland and of the Nation for the last sixty years abundantly show.

Senator WHYTE was born in Baltimore, August 9, 1824. He was of distinguished ancestry on both sides; and while his parents during his early life were by no means rich, they were nevertheless able to give him good educational advantages, including a course at the Harvard Law School. This, with a preceding period spent in study under the tutelage of Brown & Brune, at that time perhaps the leading lawyers of Baltimore, and a subsequent period spent in the office of Judge John Glenn, amply fitted him to hold the commanding position among men of his profession, which was easily his for two generations.

While his youth was free alike from the enervating effect of wealth and from the struggle with adverse conditions, such as often make strong men stronger and crush the weak, his was a rugged, ambitious, and assertive nature, which would easily have survived either extreme, and needed no tempering to make it pure and strong.

The worthy and the good in his cultured and intellectual ancestors were perpetuated in him, so that to a remarkably strong and vigorous physique was added a virile, active mind, mature in its development and sure in its conclusions.

After having worked two years in the office of Peabody, Riggs & Co. as a clerk, and having studied law, we find him in 1847, at the age of 23, for more than a year a member of the bar and also a member of the Maryland legislature, as well as happily married to his first wife, who was the daughter of Levi Hollingsworth, a prominent merchant of Baltimore.

Thus almost simultaneously he began his professional and political career, both crowned with success and honors never before equaled by any son of his native State, and also his domestic life, which was blessed with happiness unshaken and unbroken until he was bowed by the weight of a great domestic sorrow during the year 1880, in the death of Mrs. Whyte.

No other Marylander ever lived a life so filled to the brim with public honors as was his, or perhaps gained a higher place in the esteem of his fellow-citizens.

His unique public service began, as I have said, in 1847–48, as a delegate from Baltimore to the Maryland legislature.

Six years later he was elected to the office of comptroller of the state treasury, where, a youth almost that he was, he made a distinct impression, lasting to this day, because of the marked ability shown by him in reorganizing and simplifying the bookkeeping and financial system of the State.

In 1851 he was nominated by the Democrats for Congress, but was defeated by the Whig candidate, T. Yates Walsh, by a small plurality.

In 1857 he was again nominated for Congress, having refused to accept a renomination for state comptroller, and this time was defeated by the Know-nothing candidate. Senator WHYTE contested the election, and after a wearisome delay and a bitter fight, the House of Representatives, by a vote of 106 to 97, rejected the report of the Elections Committee declaring the seat held by his opponent to be vacant.

In 1868 he was a delegate to the national convention which nominated Horatio Seymour and Francis P. Blair for President and Vice-President of the United States.

In 1871 he was elected governor of Maryland for a term of four years, and was made mayor of Baltimore without organized opposition in 1881.

Without solicitation on his part he was nominated and later elected by the Democrats as attorney-general of Maryland in 1887, and thereafter was again called upon to serve his city as chairman of the important commission appointed to revise and redraft the charter of Baltimore.

While it would thus seem he had spent his full share of time and energy in the public service, he was not permitted to rest or to devote himself to his practice so that he might accumulate some financial resources for his later years, for in 1900 he was again called upon to serve the public, and this time as city solicitor of Baltimore.

He was at three different periods a Member of this body. In 1868 he was appointed by Governor Swann to fill out the unexpired term of Reverdy Johnson, who had resigned his seat to accept the appointment from President Johnson as minister to the Court of St. James.

In 1875, having been elected by the Maryland general assembly, he again took his seat in this Chamber; and thirty-one years later—in 1906—he reentered these doors, by appointment of the governor of Maryland for the interval until the legislature met, as the successor of the late Senator Arthur Pue Gorman, to end his days a Member of this body.

At the primary election next ensuing his appointment as Senator, for the selection by the Democratic party of its candidates for United States Senators, there being two positions to fill from Maryland, factional discord, the selfish aspirations of others, and even diversity of opinion in party councils disappeared, like frost in the sunshine, before the heat of the popular approval of his candidacy by the people throughout Maryland.

As a result, he was nominated for the term ending the 4th of next March by direct vote of his party at the first primary election ever held in Maryland for such a purpose, not only without opposition, but with a spirit of enthusiasm which was a fitting tribute to the service and character of any man, however exalted, and which must have brought fresh warmth to his aged heart, so soon to feel the chill of death, and fresh pride to his great mind, so soon to realize the glories of his Lord.

Senator WHYTE first entered this Chamber while the minds of its Members were still inflamed by the recent impeachment proceedings of President Johnson and when our nation was sore and bleeding after the strife of four years' civil war. At that time he stood with Thomas A. Hendricks and the Democratic minority in support of the President, who had incurred the bitter animosity of Sumner, Conkling, Edmunds, Morton, and the giant leaders of the majority of that day.

But even during his first short service in the Senate he did not shrink from any encounter when he heard the call of duty, no matter how powerful his antagonists or how heavy the odds against him.

A single incident, perhaps long since lost to sight and public memory in the high tide of stirring events of a trying period, will serve to prove the worth of his moral courage and effective argument.

He entered here to find the conflict between Andrew Johnson and the radical Republican majority of this body at its fiercest extreme. Any expression of sympathy for the President was sufficient to blast its author's influence and becloud his subsequent service with angry suspicion and open resentment. The nation was scarcely more than two hostile camps, one overwhelmed, torn, and disarmed, it is true, and the other dominant, compact, victorious. Magnanimity, generosity, confidence, even justice, were well nigh obsolete national virtues, for men's passions ran high, and for a time ran riot with their finer feelings and wiser statesmanship. In the Senate the majority, powerful in numbers, in leadership, and in intellectual capacity, completely controlled the situation, and the handful of Senators composing the minority, able men that they were, could protest, and only protest, and submit.

It was at this stage that President Johnson in December, 1868, submitted his message to the Senate; and before the opening sentences had been read Senator Conness, of California, who within the last week has died, moved to dispense with the further reading of the message, at the same time declaring it in all respects to be an offensive document, and that time could be better employed than in hearing it read.

Scarcely had Senator Conness taken his seat when Senator Whyte arose to defend the President in discharging a public duty in obedience to the Constitution in submitting what he, in the performance of that duty, deemed a proper communication to a coordinate branch of the Government, and that the President was entitled to the Senate's attention and respect.

I trust—

He said—

that for the sake of maintaining that respectful attention which the country demands on the part of the legislative branch of this Government the message of the President may be read in the hearing of the Senate. He is called upon to discharge a great public duty, and in pursuance of the demands made upon him by the Constitution of the United States he seeks to give information to the Senate and House of Representatives of the state of the country. He may use language strong in its character, as Senators often in the discussion of subjects before the Senate may do. He may use language that may be irri-

tating. But, nevertheless, he occupies the high and exalted position of President of the United States. He is communicating in the discharge of his duty that which he conceives ought to be communicated to this, a coordinate branch of the Government, and I trust that at this, the beginning of a new session, or a continued session of Congress, we may have a cordiality in sentiment, or at least a respectful attention to the views and sentiments of those who may differ with regard to the manner in which the Government shall be conducted. I trust, sir, that the motion made by the Senator from California may not prevail.

And the motion did not prevail, for in spite of their early opposition some of the master minds of the majority, notably, Senator Edmunds and Senator Sumner, yielded to the force of Senator WHYTE's position. Though I know of no contemporaneous account of the incident, we may be sure that young though he was, both in years and in point of service as a Member of the Senate, that he defended his position with the same intellectual force, the same hardy, confident courage, the same all-compelling personal attraction which marked all his public utterances.

During his second service as a Member of this body, beginning in 1875, he quite fulfilled the promise of his youth and the hopes of his friends for a useful and distinguished career, as I have no doubt the senior Senator from Colorado, the only Member of this body who served with Senator WHYTE at that period, easily recalls.

His eloquence, his energy, his personal magnetism and transparent honesty carried him far toward leadership on this floor.

His knowledge of the country's needs, his broad, dispassionate view of public questions, his wise conservatism, and his rare legal attainments did much for the Nation, and established his claim to rank among the great men of our times.

Senator WHYTE's career as a lawyer may best be appreciated and best expressed by my colleague. His utterances as a Member of the Senate, his discussion of the currency question, his fight against the Electoral Commission, his service as a member of the committee of Congress to prepare the act establishing substantially the present form of government of the District of Columbia, his fight against ship subsidies, and many others, as well as his speech delivered here last February, forty years after he first addressed the Senate, are all matters of permanent official record, accessible alike to all. There is no need to speak of them.

But for the benefit of those present whose acquaintance with Senator WHYTE was limited to his last short service here, and for those who will come after us, I wish I could frame some worthy description of those personal, human characteristics of his—qualities which require the genius of a Lord Macaulay to portray, so vivid and so rare were they as developed in him by nature, by discipline, and by his faith in religion. However, I must perforce leave them unperpetuated by any lasting or worthy memorial, to finally fade and fail with the decaying memories of those who knew him.

Then, too, I owe him so much for his unvarying personal and political friendship that should I speak of him as I feel he deserves I fear perhaps some may think that my true and sincere esteem for him and for his memory may seem false in this, that any spoken praise of him by me finds inspiration in my own flattered vanity rather than in his worth.

No one who knows the people of Maryland, however, can doubt that my feeling for him was shared by a large majority of the people of his State, and the reason for his well-nigh universal popularity and respect in his own State is not hard to find.

It was impossible for anyone to resist the charm of his old-fashioned manners, recognizing in their exquisite taste and beaming kindliness no distinction of social caste or of age. Caring little for money himself, he loved no man the less who was without it. Even his quaint law offices on the first floor of a very old brick house, once the home of the late Chief Justice Taney, and which he had occupied continuously for over half a century, seemed to link him to a fast-disappearing type of the picturesque past. There, with fine scorn for modern office furniture and conveniences, he laboriously wrote his letters, prepared his legal papers, and his many public speeches with his own pen.

Work had no terror for him, and at the time of his death he had many cases pending; and even on the day of his death he did not rest, but inquired for his mail and for news from the Senate, so that it may be said that he literally almost died at his work.

Like all strong men, he made some bitter enemies; and like all men, who are neither more nor less than human, he cherished a few implacable antagonisms.

Those who have seen something of the malicious and loose statements made in the heat of political campaigns can well appreciate the force of the testimonial to his lofty character and almost perfect domestic life inadvertently furnished by one of his most bitter and ingenious political enemies, one who boasted consummate skill in the use of invective.

This gentleman was urged by his associates to make a public attack on Senator WHYTE, and he in desperation of success said:

> Attack him! What can I say about him? He is a model citizen, a model father, a model son, and a model husband, and he hasn't a bad habit in the world.

It was as a political speaker that Senator WHYTE was best known and best appreciated by his own people, and where, so it seemed to me, he was most in his element. He never failed to attract an audience limited in size only by the capacity of the hall.

As a rule he spoke without notes, and when warmed up to his subject none could surpass him in dramatic effect. His tall, erect frame was all animation then, and seemed possessed with an energy which apparently defied fatigue. His voice was strong and full as he would hurl forth a veritable torrent of vigorous argument, interspersed with occasional touches of broad humor which, as handled by him, in no way seemed to detract from the dignity and earnestness of his address.

His logic and power must have carried consternation to the hearts of his opponents as he usually carried conviction to the minds of his hearers, for surely I have never seen a combination of great physical strength and mental capacity more symmetrical in development or more harmoniously proportioned.

And all his powers seemed to grow and gather force as he spoke, so that he simply dominated his audiences, and none could hear him out and doubt his power or his sincerity or the fact that in that great heart of his there was no hiding place for fear.

Until within a few days of his death, Senator WHYTE did not not seem to feel at all the weight of his 83 years. Then he would speak lightly of that which evidently bore heavily upon his mind, as he marked his increasing loss of weight. Then he would jocosely apologize for taking a little extra care of himself, as he explained, because "he was getting to be an old man."

But still his indomitable spirit sustained unimpaired the effect of his slowly progressive physical weakness and drove him on to a point beyond his strength to bear, until he might have truly said of himself, in reviewing his long life with its ceaseless activity in the light of his ambition to triumph over his physical ills:

> Much have I seen and known; cities of men
> And manners, climates, councils, governments;
> Myself not least, but honour'd of them all.
>
> * * * * *
>
> Tho' much is taken, much abides; and tho'
> We are not now that strength which in old days
> Moved earth and heaven; that which we are, we are;
> One equal temper of heroic hearts,
> Made weak by time and fate, but strong in will
> To strive, to seek, to find, and not to yield.

He showed no signs of actual illness until Friday, the 13th day of last March, when he left this Chamber for his home in Baltimore, a stricken man. His trouble was diagnosed as erysipelas. The disease did not assume an especially virulent form until late the following Tuesday afternoon, when he rapidly grew worse. Then, surrounded by his children, grandchildren, and stepchildren—children of his second wife, who predeceased him—conscious almost to the last, manifesting to the end a gentle consideration for others, he closed the wonderful earthly career which had earned for him that title which he loved best, "The Grand Old Man of Maryland," and passed quietly away, serene in his confident faith in the life everlasting.

Mr. RAYNER. Mr. President, we are here to-day to pay the last tribute to the memory of our departed colleague, the Hon. WILLIAM PINKNEY WHYTE, Senator from Maryland.

The word "honorable" has had a varied signification in the political nomenclature of this country. It often has no meaning, and is frequently attached to names that have very little claim to its title. In his case it has a double signification. His life was full of honors, conferred upon him by the people of his State, and as he bore them successively his public and private career was as honorable in all of its acts and deeds as that of any man who ever served his people in the history of this country.

Senator WHYTE was a remarkable man in point of character and ability, and certainly not in my day has our State ever produced anyone who had so firm a hold upon popular confi-

dence and affection as he did. In fact, looking over the history of Maryland, I can safely say, taking his record as a unit—at the bar and in the various professional employments that he filled and the high places that he honored and in the universal esteem that he was held by our people for over half a century—I know of no one who occupied a higher or more distinguished position than he did in the annals of our State.

Coming from a distinguished ancestry, of which fact he was never known to boast and never even to allude to, the representative of an illustrious and honored lineage that was the pride of Maryland in its earlier days and that will continue to reflect glory upon her in all the years to come, it might be supposed that such a descent and such an environment became his easy passports to favor when he entered upon the public career that he had planned for himself in the pursuit of an honorable ambition. This was not the case. He seemed to throw off at the very outset of his career every help and claim that such an influence might be supposed to give and to practically proclaim to the people that he desired nothing from their hands except that which his merits entitled him to. He had made up his mind at an early age to work by honest toil from the bottom round of the ladder to the top, if possible, and never to depend in the slightest degree upon any extraneous influence to lift him into places that his qualifications did not entitle him to hold.

He filled so many posts of honor with such lasting credit that it would be almost impossible to sketch in this brief presentation the history of all that he did and the great and arduous work of his lifetime that he accomplished. It is sufficient to say that he was either elected or appointed to every office that the State of Maryland could give him and which he was willing to accept.

He had a business and a professional and a political training combined. Commencing his active life in one of the largest commercial houses in America, he acquired an experience and knowledge that were of invaluable service to him afterwards in his profession and that for years gave him a reputation in certain of its departments unsurpassed by any of his brethren at the bar. In commercial practice, when it became necessary to investigate in detail the accuracy of complicated accounts, he was the most marvelous hand at our bar to unravel and explain them and discover the slightest mistake or inaccurate entries that they contained.

I remember once an important case in which I was associated with him, in which a large amount of money was involved, embracing partnership settlements that had run over a long period of years, upon which the auditor of one of our courts, himself an expert accountant, had stated an account and certified its accuracy to the court, and which Senator WHYTE had set aside through the discovery of an error in bookkeeping that had not occurred to any one of the numerous counsel who were connected with the case.

When it came to the trial of cases before juries, civil and criminal, when he was at the height of his practice, he stood without a peer. For years and years he was the leading counsel in almost every great criminal case that was tried in our courts, and his success was so wonderful that it would sound like fiction if I were to attempt to recapitulate the verdicts that he secured and the victories that he won. In his palmy days upon the hustings he was incomparable. As has been well said by my colleague, with a commanding presence, with a captivating voice, with ready wit, and a memory for events and individual recollections that seemed to grow stronger as he advanced in years, Senator WHYTE held hundreds of audiences spellbound by the charm and magic of his eloquence.

A man may possess all of these great gifts and still not be personally popular with the masses. This was not his case, however. He was the idol of his fellow-citizens, because he was always easy of approach, never exclusive in the slightest degree, and at all times willing to place himself upon a par with the humblest of his constituents with whom he came in contact.

He possessed another gift that was with him until his death. He had the greatest capacity for untiring and systematic work of anyone whom I ever knew. For years and years I saw him almost daily, but I never saw him disengaged or idle. He was always at work on something. And during almost the whole of the time he held public office, with the exception perhaps of the period during which he was governor of the State, he never relinquished his professional work, but carried it right along, accomplishing the rare feat of being able to bestow his attention upon his practice and at the same time faithfully and assiduously perform the great public trusts that had been committed to him. And, Mr. President, he did loyally perform them. No matter how minute the detail, how tiresome the inquiry, or how laborious the examination, no subject was ever committed to his charge to which he did not devote the concentrated powers of his great intellect.

He filled the office of comptroller of the State of Maryland; he was governor of the State; he held important posts as legal adviser for the municipality of Baltimore; he was mayor of the city; he was attorney-general of Maryland; and three times a member of this body—once to fill the unexpired term of Reverdy Johnson by appointment, second by election of the general assembly, and third by appointment of Governor Warfield to fill the unexpired term of Senator Gorman.

During the whole of his political career he was the type and representative of a generation of constitutional Democrats, who have shed imperishable luster and renown upon the history of their country. He believed in the Constitution of his country as it was written and intended, and not as it has been perverted and disfigured. He was not what we may designate a strict constructionist of its provisions, because he always believed in putting into exercise the powers of the Federal Government whenever the emergency demanded it. He was, however, irrevocably opposed to conferring upon the Federal Government powers that were never intended it should possess. And, so far as the rights of the States were concerned, he stood here in this body and elsewhere as a sentinel upon the watchtower, to protect them from invasion by sounding the alarm whenever an assault was attempted upon their institutions. In this political faith he lived, and in it he died.

There is but one Senator here now who was with him in those stormy and memorable days, the senior Senator from Colorado [Mr. TELLER], whose voluntary absence from this body we shall all lament in the years to come. Beyond the Senate, however, the people of Maryland and the Democracy of the Union will never forget the services that Senator WHYTE rendered in their behalf. If Democracy means anything at all, he illustrated it in its truest sense. Time and time again he lifted his voice in this Chamber without avail against political tyranny and oppression, and time and time again he thundered through this Hall the discarded warnings of the Constitution. His last effort in the Senate, when his clarion voice rang as it did in the days of yore, was upon the reserved rights of sovereign States. He pointed to the fact that the States were still sovereign when they acted within their own jurisdiction, and that no emergency justified a violation of their constitutional prerogative or a breach of their inherent rights. Inherent rights of the States and not inherent rights of the Union was the precept of the creed at whose altars he worshiped. He threw aside with lofty disdain the vain conceit of an unwritten constitution which is bewildering the minds of some of our modern statesmen.

He stood upon the basic principle of a constitution with delegated and enumerated powers; and in so far as he was concerned, the billows of political opposition and adversity beat in vain against the bulwark he had reared. His political record affords an example worthy of the profoundest study and the closest emulation. Men like him, Mr. President, do not perish; they perish from the face of the earth, but they live upon the pages of immortality. I mean not merely that their names are honored and their deeds remembered, but that the impression that they have made is indelibly stamped upon the course of history. Their work becomes so interwoven with the spheres of action in which they labor that long after their departure the creation of their minds, even if not written upon the page of history, stamps itself imperishably upon succeeding generations. If the night of forgetfulness and decadence should ever overtake us in our political wanderings, names like his should light and lure us back to the paths of honor and of duty as they flash and sparkle on the firmament.

It must not be inferred, however, Mr. President, from anything I have said that his political career was a placid one. Calmness and tranquillity were not the usual accompaniments of political contests when he led us on to battle in Maryland. Those were days of tumult and contention, when bitter charges were made, and feelings were inflamed, but through it all no one ever attacked the honor of the man. Let it be written down that no personal charge of opprobrium or of dishonor was ever brought against him by his most malignant foe. In one of these contests he waged it almost single handed. There was opposed to him an array of brilliant talent, comprising the flower of the Maryland bar, the foremost men upon the forum's field. A compromise was suggested before the lists were closed, but he refused to yield.

He was of heroic mold; and whether it be right or wrong, there was one political virtue in which he always gloried, and that was his gratitude to his friends. He did not belong to the school of statesmen who believe in using men to further their

ambition and then sacrificing them when the occasion demanded it. He was not a theorist or an ingrate in politics, but his blood was warm for those who served him. In this contest he was the center of the storm and the shining mark of the enemy, and he went down to defeat. Defeat did not dismay him and reverses did not intimidate him; and while his friends were still mourning over the disaster, he sprang unsullied back again to the hearts and confidence of the people, and there was no honor with which they could have endowed him that was not at his disposal.

I will not dwell upon the surroundings of his home. He possessed the deepest devotion for his family; and while he never had any ambition to accumulate a large fortune, he was always solicitous for those around him and seemed to be perfectly satisfied if he was able to provide for them every comfort and indulgence they desired. In his own habits he was abstemious to a degree of absolute forbearance, and he pursued a life of self-denial and sacrifice that is rarely to be met with. There was something exquisite about the love he bore for those who were dear to him and the tender and touching care that he bestowed upon them. I was with him at one of the saddest scenes of his life, when his heart was rent in twain with grief and sorrow. I can never forget the way he bore his affliction. It was not the callous philosophy of stoicism. It was an absolute resignation and submission with a spirit of sublime fortitude to the divine will that left an impression upon me that I can never erase and that has often made me feel that of all his virtues I would rather possess this one, so that, imitating him when the shades of night are gathering around my fireside, my spirit could rise above the gloom and behold in its dying embers the reflected vision of a reunited home.

His was the philosophy of faith that never permitted him to question the great truths that are alone worth living and struggling and dying for, and without which human life would only culminate in despair. These truths were axiomatic with him. He never discussed them or allowed himself to doubt them, and he passed upon his journey to the shoreless sea with an unerring confidence in their realization that no reasoning could shake and no visitation of Providence could impair; and without which belief human life would be but the involuntary outcome of a cruel fate, absolutely purposeless and meaningless, with not a ray of divine love to illumine the impenetrable mystery.

Upon one occasion a great philosopher said to a great scientist:

> Your belief in a personal creator and in a future state is at war with your profession; it is all a myth and a fable, and you can not reconcile one with the other.

The answer came:

> Well, even if it be a fable, which I do not believe, it has led me to a better and a purer life. I cherish the ambition that this fable shall be my dying dream, and I will follow it to the grave.

Governor WHYTE in his religious belief was a man of the deepest devotion and the most profound convictions. While as a statesman he worshiped the cardinal principles of the Constitution, as a firm believer in the responsibility of man to God he followed with unfaltering footsteps to his end the cardinal principles of his faith and his church. In every step of his illustrious career there predominated that which is greater than anything he ever did, and that was his unyielding spirit of honor and integrity, which, with the great moral purpose that pervaded his life, enabled him to resist every possible temptation at any time to swerve from the path of duty. He was honest in the fullest and broadest acceptation of the term; honest to such a point of delicacy and refinement in his professional intercourse with his clients that he hardly ever placed a proper estimate upon the valuable services that he performed for them. And in his public life no one would ever have dared by any form of allurement even in the remotest degree to attempt to influence him in the discharge of his public functions.

Thus he lived and thus he died. With us his place will not be filled in the present day at least. It would be difficult to emulate or imitate him, because Providence had given him a combination of virtues and of talents that rarely work in harmony with each other. He needs no monument to commemorate his life. In due time, however, I suppose our State will erect some memento in grateful acknowledgment of his services in her behalf. Such a testimonial, while it would perpetuate his memory, is not necessary to elevate him in the respect or esteem in which he was held by the community among whom he passed his days. His life needs no legend or inscription to adorn it. He has built his own memorial. He has written upon the "eternal skies" the record of a stainless name.

Mr. TELLER. Mr. President, after the two very eloquent and deserved tributes which have been paid to the memory of Senator WHYTE by the Senators from Maryland, I shall on this occasion content myself with a very few words. The reference made by the senior Senator from Maryland [Mr. RAYNER] to the part taken by Senator WHYTE in the deliberations of this body in the great contest which preceded the inauguration of President Hayes has recalled vividly to my mind the services he rendered as a Member of this body, and particularly the zeal and power with which he presented his views on that occasion, when the Senate and the whole country to a great extent were disturbed and uncertain as to the result.

My acquaintance with Senator WHYTE began when I entered this body on the 4th of December, 1876, and with my acquaintance began my friendship for him, which lasted until his days were ended as a member of this body.

Senator WHYTE first became a member of the Senate by appointment of the governor of Maryland, July 14, 1868, to fill the place of Reverdy Johnson, who resigned his seat in the Senate to become minister to England, and he served in that capacity until the 4th of March, 1869, when he resumed the practice of his profession. Soon after the expiration of his term he was elected governor of Maryland, and in 1874 resigned his position as governor and was elected to the Senate. He entered the Senate on the 4th of March, 1875, and served out the full term ending March 4, 1881. He was a lawyer of marked ability, and after the expiration of his term he resumed the practice of law in the city of Baltimore, and soon afterwards was elected mayor of Baltimore, without opposition.

Senator WHYTE came of a good family. His maternal grandfather was a distinguished citizen of Maryland; an attorney-general of the State; a joint minister to Great Britain with James Monroe in 1806 and 1807; Attorney-General of the United States from 1811 to 1814; minister to the two Sicilies; minister plenipotentiary to Russia from 1816 to 1818, and was elected to the United States Senate January 4, 1820, and served until his death, February 22, 1822.

On the death of Senator Gorman Mr. WHYTE was again, on the 8th of June, 1906, appointed by the governor to fill the vacancy, and on the 11th day of that month entered the Senate. He was subsequently elected by the legislature of his State to serve out the unexpired time of Senator Gorman.

Among the members of the Senate of the Forty-fourth Congress at the time of my entrance into this body, and of which Senator WHYTE was a member, were the following: Thomas F. Bayard, of Delaware; Logan, of Illinois; McDonald and Morton, of Indiana; Allison, of Iowa; Ingalls, of Kansas; Hannibal Hamlin, of Maine; Boutwell and Dawes, of Massachusetts; Bogy and Cockrell, of Missouri; Frelinghuysen, of New Jersey; Conkling and Kernan, of New York; Sherman and Thurman, of Ohio; Cameron and Wallace, of Pennsylvania; Edmunds and Morrill, of Vermont; Cameron and Howe, of Wisconsin; Anthony and Burnside, of Rhode Island, and Jones of Nevada.

I need not say that the Forty-fourth Congress was, in membership, a notable one, and Senator WHYTE was an active and influential Member of that Congress. As a constitutional lawyer he took high rank from his entrance into this body. He was a student in all things pertaining to our history and the character of our institutions. He had decided views as to the powers and duties of the General Government. He was familiar with the Constitution and the construction that the Supreme Court of the United States had put on that instrument, and was vigilant that nothing should be done by the State or Nation to lessen in any degree the power conferred on the Nation or reserved to the States. He was a believer in the rights of the States to exercise complete sovereignty when such sovereignty had not been delegated to the Nation and when the welfare and interest of the State demanded such exercise.

He was a citizen of whom the people of his State were proud, as is shown by his last election to the Senate at an age at which most men are required to quit official life. His death was a loss to the Senate, and was keenly felt by his associates in this body. As a Senator he will be remembered as wise and learned; as a man, as courteous in all his intercourse with his fellows. He was a scholar, a statesman, a gentleman—a gentleman in all the word implies.

Mr. CLAPP. Mr. President, although not among those originally expected to participate in these services, I could not let this occasion pass without paying my feeble tribute to the memory of Senator WHYTE unless I was false to one of the closest and tenderest associations and friendships of my life, for, sir, although many years separated us in age and while he was here only a short time after his return to the Senate, for some

reason—I never knew why or how—it was my rare privilege to enjoy an intimate association with Senator WHYTE. It was in that association that I learned to know him, to appreciate his spotless character, and to recognize his rare ability. But beyond even character and ability what most won my admiration was the man's courage.

It was my privilege to sit in this Chamber and listen to his last great speech, and while, being of a different political party, I could not subscribe to all that he said, while I realized that in the inevitable trend of affairs on the part of a great people in working out a national destiny we must of necessity pass beyond and perhaps submerge some of the earlier constitutional traditions, I could but feel that it would be far better for this country to-day if there was a force of sentiment and purpose along the line which he pursued in that great argument serving as a check and a balance wheel, a factor to conserve the trend and direction of this people in their progress along a broader and more liberal interpretation of the Constitution. I fully agree with the senior Senator from Maryland [Mr. RAYNER] that if the time ever comes when disaster shall overwhelm us it will be because we have not listened to admonitions similar to those embodied in that remarkable speech of his—the last great effort of his life in this Chamber.

Mr. President, it was not that alone which so strongly appealed to me. I have among the most cherished papers which I preserve the memoranda of his speech, in which he raised his voice against intolerance. It was, sir, this courage, this willingness to stand against the trend of conditions to-day, this willingness to voice, out of his great genius, his experience, and his devotion to the Constitution, what he believed just and right, that so won my admiration and which, while years separated us, made us, during the period of his brief return to the Senate, such close and intimate friends.

I only wish, Mr. President, that occasion had presented the opportunity for a more fitting tribute to his memory. The few words I have uttered have come from the heart and are not the product of preparation. But sir, above and beyond this was the grand Christian character of that man, and as he laid down his armor, as his eyes closed upon the scenes of this life he looked forward to another; and as we recall the splendid character of the man we may well say of him:

> The weary sun hath made a golden set,
> And, by the bright track of his fiery car,
> Gives signal of a goodly day to-morrow.

Mr. RAYNER. Mr. President, I move that, as a further mark of respect to the memory of the deceased, the Senate adjourn.

The motion was unanimously agreed to; and (at 2 o'clock and 39 minutes p. m.) the Senate adjourned until Monday, January 18, 1909, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 16, 1909.*

The House met at 12 o'clock noon, and was called to order by the Clerk, Hon. Alexander McDowell, who read the following communication:

I designate Hon. JOHN DALZELL, of Pennsylvania, to serve as Speaker pro tempore, House of Representatives, for this day.

J. G. CANNON, *Speaker.*

JANUARY *16, 1909.*

Thereupon Mr. DALZELL took the chair as Speaker pro tempore.

Prayer was offered by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

NAVAL APPROPRIATION BILL.

Mr. FOSS, chairman of the Committee on Naval Affairs, by direction of that committee, reported the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes, which was referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. PADGETT reserved all points of order.

PENSION APPROPRIATION BILL.

Mr. KEIFER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the pension appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BUTLER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 26203, the pension appropriation bill, and the Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending June 30, 1910, and for other purposes, namely:

For army and navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, $160,000,000: *Provided,* That the appropriation aforesaid for navy pensions shall be paid from the income of the navy pension fund, so far as the same shall be sufficient for that purpose: *Provided further,* That the amount expended under each of the above items shall be accounted for separately.

For fees and expenses of examining surgeons, pensions, for services rendered within the fiscal year 1910, $500,000.

For salary of one agent for the payment of pensions, $4,000.

For clerk hire, and other services, in the pension agencies, $335,000: *Provided,* That the amount of clerk hire, and other services, and the salaries paid shall be subject to the approval of the Secretary of the Interior.

For stationery and other necessary expenses, $30,000: *Provided,* That the Secretary of the Interior shall hereafter furnish free to all pensioners franked or penalty envelopes, properly addressed, to be used by said pensioners only for the return of their pension vouchers.

The Commissioner of Pensions is hereby authorized and directed, with the approval of the Secretary of the Interior, to arrange the pensioners, for the payment of pensions, in three groups as he may think proper; and he may from time to time change any pensioner from one group to another as he may deem convenient for the transaction of the public business. The pensioners in the first group shall be paid their quarterly pensions on January 4, April 4, July 4, and October 4 of each year; the pensioners in the second group shall be paid their quarterly pensions on February 4, May 4, August 4, and November 4 of each year; and the pensioners in the third group shall be paid their quarterly pensions on March 4, June 4, September 4, and December 4 each year. The Commissioner of Pensions is hereby fully authorized, with the approval of the Secretary of the Interior, to cause payments of pensions to be made for the fractional parts of quarters created by such change so as to properly adjust all payments as herein provided.

In case of sickness or unavoidable absence of the agent for payment of pensions from his office, the Commissioner of Pensions may, with the approval of the Secretary of the Interior, authorize the chief clerk of his office or some other clerk employed therein to temporarily act as such agent for payment of pensions.

And with the approval of the Commissioner of Pensions and the Secretary of the Interior, the agent for payment of pensions may designate and authorize the necessary number of clerks to sign the name of the agent for payment of pensions to official checks.

The official bond given by the agent for payment of pensions shall be held to cover and apply to the acts of the person appointed to act in his place.

Mr. KEIFER. Mr. Chairman, it is not my purpose at this time to discuss the merits of the appropriation bill for the payment of pensions. There have been several applications for time in general debate, and I now propose to give way for general debate to those Members who have applied. Later on I expect to address the committee in reference to the bill. I now yield one-half hour to the gentleman from Wisconsin [Mr. JENKINS].

The CHAIRMAN. The gentleman from Ohio yields one-half of his time to the gentleman from Wisconsin [Mr. JENKINS].

Mr. KEIFER. Mr. Chairman, I did not understand that I was yielding out of my time. I yielded one-half hour for the purpose of indicating the time that the gentleman from Wisconsin should take in his own right for general debate.

The CHAIRMAN. There has been no arrangement for the control of time on either side. As far as the Chair understands, when the gentleman from Ohio yields time he yields it out of his own time.

Mr. KEIFER. Then, Mr. Chairman, I ask unanimous consent to be allowed to control the time, dividing it as may be requested on either side, or for the gentleman from Mississippi to control the time on that side.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to control by himself the time on his side, and the other half of the time to be controlled by the gentleman from Mississippi [Mr. BOWERS].

Mr. UNDERWOOD. Do I understand that the time is to be equally divided?

The CHAIRMAN. It is understood without further specification that the time will be equally divided between the gentleman from Ohio and the gentleman from Mississippi.

Mr. PAYNE. Mr. Chairman, reserving the right to object, this is the short session, and I do not think that any Member should be yielded more than one hour. If the gentleman from

Ohio will include in that request that no Member shall be yielded more than an hour, I will not object.

Mr. KEIFER. I have assumed, Mr. Chairman, that I would not have the right, nor anybody else, to yield more than one hour to any one Member.

Mr. CURRIER. I think the gentleman from Ohio is right—that he can yield only one hour.

Mr. PAYNE. That has not been the custom of the House.

Mr. CURRIER. I beg the gentleman's pardon, but it has been repeatedly held in the House, and when I have been presiding myself and two or three hours' time has been yielded, I have invariably stopped the Member at the end of every hour.

Mr. PAYNE. I have often seen the Member in control of the time yield more than an hour, two hours, and even three hours, and I think it is important that the gentleman from Ohio should include this in his request.

Mr. KEIFER. I will repeat that it was my understanding that there was no right to yield more than one hour to one person; but if there is any doubt about it, I will include the suggestion of the gentleman from New York in my request.

Mr. BOWERS. I did not understand the gentleman from Ohio to put any limit to the time of general debate.

Mr. KEIFER. None whatever.

The CHAIRMAN. It has been customary at the end of the hour for the Chairman to notify the speaker that his time has expired. After the conclusion of his hour, oftentimes, the gentleman speaking has had his time extended by the Member who yielded to him or by some other gentleman yielding to him.

Mr. PAYNE. I do not want to interfere with unanimous consent, but I want it understod that no man shall have the right under a yielding of time to speak longer than one hour.

The CHAIRMAN. Did the Chair understand the gentleman from Ohio to include in his request that no Member should be permitted to speak more than one hour without the consent of the committee?

Mr. KEIFER. That is right.

The CHAIRMAN. Is that satisfactory to the gentleman from Mississippi?

Mr. BOWERS. It is.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. JENKINS. Mr. Chairman, I am very glad to have an opportunity to express my views upon a very important subject. I am anxious to give publicity to my views on a question that I want to discuss, because there is so much said in the country to-day about the so-called "Sherman law," and it seems to me that there is a great deal of misunderstanding in reference to this important subject. I read in the newspapers that a committee of intellectual and capable gentlemen from different parts of this country have been selected to see what beneficial changes can be made in the so-called "Sherman law," and at the same time the Committee on the Judiciary have been severely criticised and attacked because they have not reported out some amendments to that act. I simply want to present my personal views for the purpose of showing how important is the subject and how difficult it is to make the necessary amendments. Therefore I ask this question:

CAN THE SO-CALLED "SHERMAN ACT" BE BENEFICIALLY AMENDED?

There is so much said about amending the Sherman law, an act to protect trade and commerce against unlawful restraints and monopolies, passed July 2, 1890, that it may be profitable to examine it and all of its surroundings.

It declares illegal every contract, combination, any form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations; and further provides that every person who shall make any such contract or engage in such combination or conspiracy shall be deemed guilty of a misdemeanor and punished accordingly. The question can be answered categorically without hesitation, but the answer will shed no light or impart any information on a subject interesting and important. It must be answered in the light of the Constitution.

Notwithstanding constitutional difficulties, the broad and well-worded title of the act, there are important factions diametrically opposed to each other, demanding that the act be amended. One, so as to destroy trusts and combinations and reduce the chance to increase wealth; the other to permit the making of commercial contracts not in unreasonable restraint of trade and commerce. Another, that the act shall not be enforced so as to interfere with or to restrict any right of employees to strike for any cause or to combine or to contract with each other or with employers for the purpose of peaceably obtaining from employers satisfactory terms for their labor or satisfactory conditions of employment, or so as to interfere with or to restrict any right of employers for any cause to discharge all or any of their employees or to combine or to contract with each other or with employees for the purpose of peaceably obtaining labor on satisfactory terms; and, if amended, the title of the act should be amended so as to read:

An act to violate the Constitution and to refuse protection to personal and property rights, trade, and commerce against unlawful restraints and monopolies.

The statute is both prohibitory and penal. The power to penalize the statute is ample, and this feature can be amended so as to punish those entering into any contract, combination, or any form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations.

The prohibitory part of the statute is unauthorized and absolutely unnecessary, therefore no amendment of value can be made to the same. All demands for amendments can be answered by the Constitution. The Constitution provides that Congress shall regulate commerce among the several States and with foreign nations. When adopted, what was the condition of affairs in this country? What change contemplated by the Constitution? What remedy created? What mischief suppressed? Each State regulated commerce between the several States; the same article, both out and in. That is, if a party was going to take his produce out of the State of New York into Maryland, both States could not only regulate but prohibit, and it could only depart and enter upon conditions imposed by the interested States. And it was thought best to have but one regulating power. The only thing sought at the time was protection to interstate and foreign commerce from State interference, but the power was made sufficiently broad to prevent interference with interstate or foreign commerce from any source.

The power and duty of Congress is to protect interstate and foreign commerce in transit, and to make all laws necessary and proper to carry this power into execution. If an article not commerce is seeking transportation from one State into another, Congress can prohibit its transfer for the reason that it is not commerce. It is a very important question whether Congress can exclude from commercial intercourse what are proper and lawful subjects or articles of commerce.

It is very clear from what the Supreme Court of the United States has said that it is a very important question whether Congress can exclude from commercial intercourse what is proper and lawful subjects or articles of commerce. Field, J., in Bowman *v.* Chicago and N. W. Ry. Co. (125 U. S., 501), said:

What is an article of commerce is determinable by the usages of the commercial world, and does not depend upon the declaration of any State.

Fuller, C. J., in Lottery cases (188 U. S., 371), said:

To say that the mere carrying of an article which is not an article of commerce in and of itself nevertheless becomes such the moment it is to be transported from one State to another is to transform a noncommercial article into a commercial one simply because it is transported. I can not conceive that any such result can properly follow.

In Groves *v.* Slaughter, 15 Peters, 449 (1841), the court said:

That Congress can not lay an embargo upon interstate commerce.

In Dooley *v.* United States (183 U. S., 151, p. 171), the minority of the court was discussing the power of Congress in this regard, and Chief Justice Fuller said:

But if that power of regulation is absolutely unrestricted as respects interstate commerce, then the very unity the Constitution was framed to secure can be set at naught by a legislative body created by that instrument.

Such a conclusion is wholly inadmissible. The power to regulate interstate commerce was granted in order that trade between the States might be left free from discriminating legislation and not to impart the power to create antagonistic commercial relations between them.

The prohibition of preference of ports was coupled with the prohibition of taxation on articles exported. The citizens of each State were declared "entitled to all privileges and immunities of citizens in the several States," and that included the right of ingress and egress and the enjoyment of the privileges of trade and commerce. (Slaughterhouse cases, 16 Wall., 36.)

Justices Harlan, Brewer, and Peckham concurred in the opinion of the Chief Justice. While this appears in the dissent, it unquestionably represents the views of the court, as there is nothing said in the majority opinion in conflict with what was said by the Chief Justice in his opinion.

An important question to determine is, What is commerce? The word "commerce" is not defined by the Constitution. Con-

gress has not defined the word, but its meaning has been defined by the courts, and it is to the Supreme Court of the United States, in its many cases, that we have to look to ascertain what is included in the word "commerce."

It is more than traffic. It includes navigation, intercourse, transportation of passengers, interchange and transportation of commodities or visible and tangible things, transmission by telegraph, electrically transmitting of articulate speech by telephone.

Lawful subjects of commerce are determined by the generally accepted opinion of the commercial world, subject to the opinion of the Supreme Court of the United States, as to whether or not a given article is a proper subject of commerce. But in many cases it might properly be said it is largely a question of good judgment, for the foundation of the whole subject, in a limited sense, is exchange of commodities and transportation of the same.

The power to regulate commerce between the States and with foreign nations is by the Constitution exclusively committed to Congress, and Congress can not delegate nor in any manner part with this exclusive authority. The power is not only exclusive, but limited to regulating commerce between the States and with foreign nations, and any attempt by contract or otherwise to regulate commerce between the States or with foreign nations is void.

The talk about amending the Sherman law practically amounts to nothing, as the prohibitory part is of no effect. The penal part is the only thing of value, as Congress has a right to make it a penal offense to regulate or restrain commerce between the States or with foreign nations. It does not need an act of Congress to prevent the regulation of commerce between the States or with foreign nations by contract or otherwise. Any such contract is void and can be annulled by a court without legislation. Congress can only interfere when some other power regulates or attempts to regulate or restrain or attempts to restrain commerce between the States and with foreign nations, or enters into a contract that on its face provides for regulating and restraining commerce between States or with foreign nations, or that in its performance would regulate or restrain commerce between the States or with foreign nations; therefore Congress has no power to permit the making of any contract. The power of Congress being limited to protecting the product in transit, it has nothing whatever to do with the making of any contract, unless the contract undertakes to regulate commerce between the States or with foreign nations. Congress can not abrogate its functions and delegate to any person, corporation, or State its functions to regulate commerce among the States or with foreign nations by contract or otherwise.

The doctrine of the fathers was and the commercial clause of the Constitution was framed upon the theory that commerce between the States and with foreign nations should and must be free and not regulated by contracts in restraint of trade, if not in unreasonable restraint of trade.

Commerce would not be free if regulated by the fluctuating, uncertain, relative, and elastic term "not in unreasonable restraint of trade." No standard could ever be erected or adopted by which it could be judged or defined. One case would not be a precedent for another subsequent one. Those claiming injury by the contract would be subjected to expensive and long-time litigation to obtain freedom of commerce granted by the Constitution. As the power of Congress is exclusive, it is not necessary for Congress to declare that its exclusive power shall not be exercised by any person, corporation, or State.

As so aptly said by Taney, C. J., in the License cases (5 How., 504):

> It can hardly be contended that an act of Congress can alter the Constitution.
>
> As far as the power of Congress is concerned, to interfere with private contracts, it is limited by the Constitution to contracts designed to restrain or regulate commerce between the States or with foreign nations.
>
> Congress can not annul private contracts not designed to restrain or regulate interstate commerce. (Ry. Co. *v.* Richmond, 19 Wall., 584. Addystone Pipe and Steel Co. *v.* U. S., 175 U. S., 211.)

To permit the making of contracts not in unreasonable restraint of trade, even if not in violation of the Constitution, would be class legislation of the most dangerous character. In short, the courts can, without any legislation, do all that can now be done under the act except to punish criminally those who violate the Constitution by regulating or restraining commerce between the States and with foreign nations.

A great many business interests protest against the act and insists that its broad and drastic provisions prevent the making of commercial contracts of great benefit to contracting parties and in the interest of trade and commerce generally. This is a mistake. The prohibitory part of the statute is simply declaratory of the power enumerated in the Constitution, declaring what shall be illegal when the same is illegal by virtue of the Constitution, giving Congress exclusive power to regulate commerce between the several States and with foreign nations, the statute is not broader than the Constitution. Unless in violation of the Constitution, Congress can not prevent the making of a contract, and Congress can not give anyone permission to make a contract in violation of the Constitution. The only protection Congress has is to punish as criminal what is done in violation of the Constitution.

It will be a very difficult matter for any lawyer or any person that might be considered a student of constitutional law to be able to satisfy a thinking public that Congress has got any right to interfere with or restrict any right of employees to strike or to contract with each other or with employers. The line of demarcation between state and federal power is too plainly marked to mislead anybody upon this point.

As long as they make no combinations or enter into any conspiracy or make any contract to regulate or restrain interstate commerce, Congress has no power to deal with them.

These conclusions irresistibly follow:

Congress can not interfere with any private contract, unless it is one made in restraint or regulation of commerce between the States. As its power is exclusive, Congress can not affirmatively permit the making of any contract that on its face or in its performance will regulate or restrain interstate commerce. No prohibitory legislation is necessary, as the power of Congress is exclusive, and any attempt to interfere with or usurp the power of Congress is void. Without any legislation, the courts can nullify any contract made in violation of the exclusive power of Congress. To declare the violation of the exclusive power of Congress a crime and punish it as such is necessary to prevent violations. The power of Congress is limited to protecting interstate commerce in transit.

Congress can not legislatively permit any interference with commerce between the States or with foreign nations. It is superfluous legislation to declare illegal every contract, combination, any form of trust or otherwise, or conspiracy in restraint of trade or commerce between the States. It does not need an act of Congress to declare illegal what is void by the Constitution, as exclusive power is vested in Congress to regulate commerce between the States and with foreign nations. Congress does not possess the power to legalize contracts regulating commerce between the States or with foreign nations, and if the contract is a regulation it is void. If not, it is within the power of Congress to affect it.

It is for the courts to say, without the aid of legislation, whether a given contract is void for usurping congressional power to regulate commerce. If the trust mentioned in the act is not regulating or restraining commerce between the States or with foreign nations, Congress is powerless to operate or affect the trust mentioned. As the power of Congress is limited to regulating commerce between the States and with foreign nations, Congress can not do anything other than what may be necessary to carry this power into execution. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WATSON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7639. An act authorizing the Secretary of the Interior to appraise certain lands in the State of Minnesota for the purpose of granting the same to the Minnesota and Manitoba Railroad Company for a ballast pit; and

S. 7764. An act for the relief of J. Randolph Peyton.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 12499) for the relief of Clarence Frederick Chapman, U. S. Navy, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DICK, Mr. MARTIN, and Mr. SMITH of Maryland as the conferees on the part of the Senate.

PENSION APPROPRIATION BILL.

The committee resumed its session.

Mr. KEIFER. Mr. Chairman, I yield one hour to the gentleman from Minnesota [Mr. NYE].

Mr. NYE. Mr. Chairman, I shall undertake to offer a few general observations on law and lawbreakers. What I shall say of law is not intended as a contribution to the learning of

the profession, but I desire to base my thought largely upon what I deem to be the primary law, from which man's law, so far as it is enduring, must be derived, that supreme command forever commanding what is right and prohibiting what is wrong. The advance of nations toward a purer civilization must depend almost wholly upon their fidelity to high and worthy ideals. The artist must have his model; so public thought, in order to shape laws that are just, humane, and wise, and in order to secure a wholesome administration, must enthrone some ideal of government. I believe in a government in which the sources of life may be found in the moral, intellectual, and spiritual wellsprings of its being.

No government can succeed and long endure that utterly ignores these sources of its strength and power. This Nation, the pride and glory of the centuries, thrives and prospers only as it recognizes in its daily life the supreme and divine order which forever commands the right and prohibits the wrong. I am no pessimist. I believe in that evolution and advancement of human society which is based upon the belief that the universe is planned for good and that the Great Lawgiver has His way after all in the end. One poet has said:

> Ill fares the land, to hast'ning ills a prey,
> Where wealth accumulates and men decay.

I am aware that my remarks may be somewhat unusual in a legislative body, but I feel prompted to make them, and I know that they will be received for whatever the committee may deem them to be worth, and I am prompted to announce the doctrine as I entertain it—that this is essentially a Christian government. I do not mean it in any narrow sense; I do not mean that it may exclude that which is good in other religions of the world, but I mean that the essential and fundamental idea, the sources of the nation's life, spring from the teachings of the golden rule and good will to men proclaimed by the Great Founder of that religion, and on that this Government of a free and progressive people is based. I shall therefore present, in a general and no doubt very imperfect way, some thoughts which I entertain as to these essential teachings. According to a scriptural narrative, on one occasion a young man said to the Great Teacher:

> Speak to my brother that he divide the inheritance.

The Great Teacher answered:

> Who made me a judge or a divider over men? Beware of covetousness, for a man's life consisteth not in the abundance of the things which he possesseth.

Mr. Chairman, neither does a nation's life consist in the abundance of the things which it possesses. I think sometimes this is a civilization of property—property, property, nothing but property. We seem to be buried and smothered at times in vast production and vast wealth, and to forget the inner and essential life, both of the individual and of the Nation.

The belief that a nation's life is existent in these material things is an illusion. It matters not what vast commerce may move upon the land or blossom on the sea, how abundant are the opportunities of wealth—so much so that all men become intoxicated, if you will—still, if we forget the principles of humanity and good will to men, and forget the basis and foundation of this Republic, we are doomed. I do not fear that we will go down, for I am a believer in its splendid triumph; and I predict now—I may be visionary—a day not hidden in the night of future centuries, but almost breaking with the dawn of to-morrow, when that era of good feeling and justice among classes, among industries, among capital and labor, and in all the industrial world will so predominate that in the light of this principle of right and justice and humanity and equality we shall solve, and permanently and rightly solve, all problems which vex us to-day.

After making that statement, which calls attention to the vital principle of the great law which the Master came to expound. He proceeds with a wonderful parable, plain, simple, but one not inappropriate to refer to at this time. He seemed to give it to clinch His statement that we should beware of covetousness, and that a man's life consisteth not in the abundance of the things which he possesses. I shall not undertake to quote it verbatim, but I can give it in substance. He said:

> The ground of a certain rich man brought forth plentifully, and this rich man said to himself: "What shall I do? Where shall I bestow all my fruits and all my goods? This will I do: I will tear down my barns and build greater, and there I will bestow all of my fruits and my goods, and I will say to my soul: 'Soul, thou hast much goods laid up for future years.'"

He was laying it up, you see, for the future.

> Take thine ease; eat, drink, and be merry.

In the light of the real law, which is the basis of government of a free people, I should say that this man was a very great egotist, a mighty important and conceited fellow. "My goods, my fruits, my barns." He could not call down a drop of rain or dew or a ray of sun; he could not stay the early frost nor beat back the storm. He had produced nothing, and probably so far as human agency had contributed to the production it had been done by the men who had toiled in the heat and burden of the day to fill his barns. An egotist. If he had been a little kinder, moved by the impulses of love, generosity, and good will toward perhaps the very men who had filled his barns, he would not have been required to build a larger one. But divine and infinite wisdom said, according to the parable:

> Thou fool, this night thy soul shall be required of thee: then whose shall those things be?
> So is he that layeth up treasure for himself, and is not rich toward God.

That is, does not recognize the source of every good and perfect gift, the source of all enduring law. The parable may not be misapplied to a nation, not perhaps this Nation more than others, but to human society in the aggregate, and we American people are somewhat boastful. We boast of our vast material resources, our mighty wealth and commerce, our engines in the mines of South Africa, our steel rails traversing the plains of Siberia, our cotton and our flour in the Orient, our productions all over the earth, and our vast supremacy among the nations of the world. We have ever boasted and professed to be a Christian nation. The real and permanent expression of this great law is the expression of unity, of the relation of all things, and of one common brotherhood. All is one. The leaf at the top of the tree may look down to the rootlet far under the earth and say, "We are one." The spark struck from the miner's hammer down in the chambers of night may flash out to the great sun and say, "We are one." The little lake hidden in the crevice of the mountain may look over to the vast sea and say, "We are one;" continents and islands are all of one mother earth, washed by one common sea; "all is one."

And if we come to the blind and selfish commercial world in which we live, we find in spite of all we have to in some degree obey this great law which compels us to recognize our neighbor. The farmer plows and sows to feed the thousands he will never see; the miner toils down in the chambers of night to enrich those he will never see; the sailor climbs the mast above the wild waves to protect the lives of those on board whom he does not know; the physician hurries to the bedside of the sick and dying stranger with the fidelity of a friend; the lawyer pleads the cause of the outcast, of the vicious, aye, of the criminal, whose deeds he can not approve, with a fidelity born of the ethics of his noble profession; the clergyman preaches and prays for saint and sinner alike; the mother gives her life for her family and her children; the father wears out his body and his years in their support; armies of toilers go to their work before the sun rises, and return at night, obedient to the law that man can not live to himself alone. This is the supreme edict, it seems to me, of this great law—the law of unison. Now, who are the lawbreakers? In my practice in the profession I spent most of my years in the criminal side of the court, prosecuting or defending, mainly in prosecution. I studied the law somewhat, but I have studied more the ethical foundation of our criminal law, and I have come to the conclusion that all crime, in its last analysis, is the effort of the individual to live to himself alone. Whether they be crimes of malice and hate and revenge, avarice or lust or whatever class, in the last analysis, from the smallest criminal to the greatest, he simply disobeys the great primary law, the law which we profess is the fundamental law of this American Republic—to do unto others as we would be done by.

If this be true—and I challenge its earnest and thoughtful study, in principle—if this be true, how are we going to say who the lawbreakers are? The most important point that I have in mind to-day is this, That we should be a little more careful how we throw stones at anybody. If we do a good deal of hard work to take out the beam from our own eye before we proceed to the more difficult task of extracting the mote from our neighbor's eye, the country would be a great deal better off. The tendency, however, of our day to inquire into the conduct of men both in public and private affairs and in the business and industrial world, I think, results in general good and general benefit. While it may have some very unpleasant and unwholesome accompaniments, while it may tend to feed the public mind with sensationalism and for a moment may seem to degrade all men to a common basis of dishonesty, yet

I believe that on the whole it will be beneficial, because it directs the public mind to the real sources of our national life and strength. It induces a study of the fundamental principles which underlie government and which give it its life and its spirit, and I trust and believe that, on the whole, it may be beneficial. Better ideals may be enthroned.

But, pursuing a little further this thought of the lawbreakers, in the first place, to determine who the real lawbreakers are, everything depends upon our conception of the law itself. What laws do they break? What is the real law? Let us not forget in the discussion that from the morning of creation the men who were willing to die for truth, and have died for it, were numbered among the transgressors. They drank the hemlock, they went to the stake, they were burned, they were drawn and quartered, they went to crucifixion and death, because in their day the real law was not understood or comprehended. Washington might have gone down to history as a traitor, even, under man's law. But under the supreme law of the Supreme Lawgiver, in the light of ages, these men will shine transcendent when all who seem to be in authority in their day are dust.

We need to study these questions. We are the representatives of that which is best in our national life. We are not the representatives of classes, of wealth or of poverty, of capital or of labor, but of that which is best in the spirit and source of our national power, and which includes capital and labor—all classes and all interests, all humanity and all races, and all conditions.

Now, so much for that class that the world adjudged in their day lawbreakers. They were not lawbreakers. They were the real law obeyers. They were the men who understood the law on which all law must stand. Neither this nation, nor any other nation since the morning of creation, has written or enacted a law that was permanent or enduring which was not derivative of the principles of the golden rule, the Sermon on the Mount, and good will to men. But when we come to consider lawbreakers on the plane of man's law and as we generally understand lawbreakers, then we have a great problem on our hands, for I think we are all more or less in it, and when we get the beam out of our eyes and examine the question we find that we have got the same disease that the other fellow has.

A great deal is said of monopolies. Why, monopoly is not confined to corporations or large monopolies. It is a principle in the human heart, and we can not legislate it out by human enactment, but we can eliminate it in the process of time in proportion as we are just and right ourselves. This man spoken of in the parable was not incorporated. He was a little horticulturist over there in the East, with a little piece of ground, but he was laying up the fruits and goods for future years, and he was an egotist and a fool. But the vast mass of humanity, including us all, are lawbreakers—that is, we are violators to some degree of the law, which is the essential and the only enduring law. They attributed to Lincoln the expression at one time—but I doubt if he ever made it—that human society was divided into two classes, the caught and the uncaught. And to-day, if we were honest with ourselves and undertook to make a real division, we would not be far out of the way to make it in that manner. We have violated the law about loving our neighbor as ourselves. We have sought to appropriate a portion of the garment of truth to ourselves.

The capitalist has been too much inclined to think that he was the power that moved the world, and labor, or men who have spoken for it, have sought to impress the country with the idea that the world rests on labor alone. It does not rest on either capital or labor alone. It is all one. Labor has not produced all that is great. Labor and thought, or thought and labor combined, have wrought the miracle of the age and the miracle of every age.

Thought and labor have spun webs of steel that have crossed chasms and bridged rivers; thought and labor have bored the mountains, built highways, planted civilization, touched the springs of industry, opened the fountains of philanthropy, and planted the flowers of benevolence and the fruit of faith and love along the pathway of civilization. All is one. And when we undertake to segregate and say this is the influence that has wrought the miracle, it is a great mistake; absolute unity and the unification of all in one are necessary in order to accomplish real civilization. It may be said to the glory of the workingmen of America that they are the inventors as a rule. While their hands have wrought their brains have thought, and they have wrought out the inventions that have lightened toil and made multiplication of production possible in the world. I might say it is the "thinking hand" that works the miracle, but all is one. Shall the head say to the hand, "I have no need of thee," or shall the hand say to the foot, "I have no need of thee?" All is one, as much as the human personality is one, and complete justice and good health require recognition of it by all classes and all industries.

Unity is the motto written everywhere by this law, which rules in all the universe, from the rolling worlds in space to the falling leaf. No truth is inconsistent with any other truth. All is one; and as we understand this we become enlightened. Truth does not change. It is forever the same. But man's comprehension of it enlarges, unfolds, as the flower opens to the day and vines turn to the sun. Truth remains ever the same. And the lessons which truth reveals in our day, and which I believe is foremost in the minds of thinking people, is the necessity of recognizing unity in our system of business and industry and the unity of our people and our common country. Our beautiful Nation seems to me, in the political history of the world, the most mighty and splendid symbol of this principle of unity. Bound together by ties unseen, and which no human law, I trust, can change or eradicate, bound by the ties of a common kindred, this Nation, in spite of all the contests of the past, stands as a symbol of that unity of which I have spoken. For twoscore years or more time has gradually and beautifully blended the blue and the gray in a vast arch of brotherhood as broad and as ample as the Republic which it spans. [Applause.]

These, I trust, gentlemen, are no idle words; and I say, by the memory of the spirit of our Government—which is greater than its written law, greater than all its material wealth—by the memory of the fatherly Washington, and by the tender memory of the loving Lincoln; by all our inspiring history; by the memory of a hundred battlefields; by the memories of conflicts in the past; and by virtue of the ideals which we enthrone for the future, let us as a Nation, and let us as Representatives of the Nation, recognize that the supreme fundamental law of this Republic is the golden rule—"Do unto thy neighbor as thou wouldst be done by." I thank you. [Loud applause.]

Mr. KEIFER. I yield, out of the time of the gentleman from Mississippi, to the gentleman from Ohio [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. Chairman, on the 8th of last May, during the discussion of the bill reported by the Committee on Military Affairs to make the Porto Rican Provisional Regiment of Infantry permanent, the discussion took quite a wide range, involving the relation between Porto Rico and the United States. At that time I expressed my intention, at the first opportunity, of saying something further upon this subject, and this I now desire to do.

During that discussion I indicated my opinion, formed during a visit to the island, that the present feeling of the Porto Ricans for the American flag was not a friendly one, and that I thought this unfriendliness to be unwarranted. The gentleman from Mississippi [Mr. WILLIAMS] declared, in reply to what I had said, that the unfriendly feeling of Porto Rico toward the United States was justified by our treatment of that island; and furthermore declared that if we keep the Porto Ricans in the status in which they now are—

> Within ten years from now there will not only be an unfriendly feeling toward America in Porto Rico, but there will be a hatred equal to that which the Irish feel for England.

If this were so, it would be a strange commentary upon our dealing with the people of that island. But I do not believe that any unbiased person, considering the present and the past conditions of life—social, political, and material—in the island of Porto Rico, will concur in so pessimistic a view of present conditions there.

Politically, socially, and materially the ten years of our occupation of the island of Porto Rico has witnessed a development and an improvement which is a just and hearty occasion for pride to the American people. In the debate last May, to which I have referred, the Commissioner from Porto Rico put into the RECORD a speech made by the leader of his party, Munoz Rivera, in the Porto Rican house of delegates. In the course of that speech the leader of the Unionist party in Porto Rico declared that in 1897 Spain had recognized the right of the Porto Ricans to self-government, and had given them, to use his own language:

> A system of government more complete and more dignified than that of Canada and Australia.

And, continuing, the orator declared:

> Our hard feelings were turned into sincere love, because servitude had disappeared, because liberty was dawning.

It will be something of a surprise to many Americans to learn that even the appearance of autonomy had been granted

by Spain to Porto Rico the year before the American occupation. Without dwelling at too great length upon a comparison of the form of government granted by Spain to Porto Rico in 1897 and the form of government now existing in Porto Rico as established by ourselves, I will undertake to show that the present American system of government in Porto Rico is far more "complete," far more "dignified," far more free, and far more just to the Porto Ricans than that then granted by Spain.

Under this decree of November 25, 1897, the governor-general represented not the people of Porto Rico, but the King of Spain. He had power to appoint all of the officers of the insular government. He had the power to pardon or reprieve criminals. He had the right to promulgate or to suspend the laws. In the name of the King he could call or prorogue a session of the insular legislature. He had power to suspend, if in his opinion public order required it, certain essential guaranties relating to personal liberty, and in effect to declare martial law. And to enforce all this authority, he was made commander in chief of all the land and naval forces of the island. It is idle to pretend that such powers as these are consistent with any reasonable degree of local autonomy or of political liberty.

The upper house of the so-called "parliament" was composed of 15 members, who must each be the owner of real estate yielding an annual revenue of 4,000 pesos, or Spanish dollars; and of those 15 rich landowners, 7 were to be appointed by the governor-general. The lower house was composed of 1 representative for each 2,500 inhabitants. Moreover, this insular parliament was not permitted to make any appropriations of money for purely insular purposes until what was called the "state budget" was provided for—such as the army and navy, the church (which in 1897 enjoyed a revenue of $235,000 from the insular treasury), post-offices, coast defenses, quarantine light-houses, etc. The duty on goods and products passing from Porto Rico to Spain and from Spain to Porto Rico was to be fixed by agreement between the island and the mother country.

To say that such a "system of government was more complete and dignified than that of Canada or Australia" requires no comment.

It should finally be noted that this "law of autonomy for Porto Rico," as it was called, was enacted, not by the Spanish Parliament, but by a royal decree of the King of Spain, and its continuance was wholly within his pleasure.

It is hardly necessary to compare such a government—here briefly, but I believe fairly, outlined—with the government established in Porto Rico by the so-called "Foraker Act" and subsequent laws. Our governor of Porto Rico has no such powers as those above enumerated. The one regiment of Porto Rican soldiers are not even under his control. This regiment is supported wholly from the National Treasury; and so with the post-office, and 95 per cent of the post-office employees are native Porto Ricans. The coast defenses, quarantine stations, naval station, and light-house service are all paid for out of the United States Treasury; and we are expending more in harbor improvements in one appropriation than all that the King of Spain expended for this purpose from 1508 to 1898. Furthermore, it was the common practice of Spain to take funds from the Porto Rican treasury to suppress insurrection in Cuba or for other uses, and large sums on this account were due from Spain to Porto Rico at the time of the American occupation. In contrast to this, we have turned $3,000,000 into the insular treasury to be used wholly for insular improvements, and every dollar of their customs collections go into the insular treasury. We have turned over to the insular government all of the public lands on the island and all public buildings, and we are now erecting new buildings at the national expense.

I need not dwell at length upon the evidence and the proof of the material improvement and prosperity that has come to this densely populated island since and as incident to the American occupation. Everyone, even the most ardent advocate of independence, admits it. No one can go there; no one can seek, from reports and books, information on the subject without realizing that in substantially every direction the conditions of life and the material prosperity of the people have improved to a degree that fills our hearts with satisfaction and with pride.

The very rugged topography of this beautiful little island does and will compel it to depend largely for inland travel and transportation upon its ordinary highways. Most of these have been improved, and some wonderfully fine roads wholly constructed under American management. The splendid new road across the island from Arecibo to Ponce is certainly one of the most beautiful drives in the world, and several important branches to the fine old military road from San Juan to Ponce have been built. Schoolhouses filled to overflowing with eager happy children are seen everywhere. Diseases which almost decimated the population have been brought under scientific control. Peace and good order prevail; and justice is administered, substantially for the first time in the history of the island, without bribery, without fear, and without favor.

Mr. BENNET of New York. Will the gentleman allow me to ask him a question?

Mr. DOUGLAS. Certainly.

Mr. BENNET of New York. Has the system of having some American judges in the island of Porto Rico—or all of them Americans, as far as I know; I admit a good deal of ignorance on the subject—proved successful or unsuccessful?

Mr. DOUGLAS. I think it has proved successful. There are only a few American judges left on the island. Nearly all the judges, both of the municipal and district courts, are Porto Ricans, and some of them men of great ability and fine character.

Mr. BENNET of New York. I thank the gentleman for the information.

Mr. DOUGLAS. The sugar and tobacco industries have grown by leaps and bounds. In each the independent operators are successfully competing with the so-called "trusts." In spite of the devastation of the forests, which shelter the coffee plantations, by the awful cyclone of August 8, 1899, the coffee industry is reviving. The Porto Rican coffee is one of the most delicious in the world, and this industry should certainly be favored and assisted by our laws. Wages have more than doubled under the new régime, so that in this hot and fruitful land, where nature is so liberal of the gifts of the soil, where frost is unknown and the necessities of shelter and clothing are reduced to a minimum, a month's work will supply for a year to the peon such necessities as the teeming soil will not produce.

If then it be true, as it is true, that the ten years of American occupation have brought such marked improvement, political, social, and material, to the island and to the people of Porto Rico, why is it nevertheless true that when, upon the plaza at San Juan, the band of the Porto Rican regiment plays our Star-Spangled Banner and every American present rises and stands uncovered, the natives all sit in sullen silence?

The fault is both theirs and ours. They certainly have shown in many respects a lack of appreciation of what has already been accomplished in their behalf; and this discontent has undoubtedly been fostered and augmented by their political leaders for their own purposes.

On the other hand, I believe that we, too, have failed to appreciate the feelings of a sensitive people. We have disappointed their reasonable expectations and wounded their pride by keeping them too long in a state of political tutelage.

The Porto Ricans are a unique and interesting people. I doubt if anywhere else the three races, Caucasian, American-Indian and negro, have become so mixed. Under Spanish law they were divided into white, gray, and brown, but these nominal orders certainly fade indistinguishably into one another. About half of the million or more people on the island are called white; and among many of these their original Indian blood is plainly noticeable, as well as, in many of them, their negro blood.

About half of the population is illiterate, but it is hard to overestimate their eagerness to learn. Their quickness of apprehension, especially as evidenced among the children in the schools, is spoken of by everyone who has come into contact with them as extraordinary. As a race they are docile, law-abiding, peaceable, hospitable, and kindly. At the same time, like most Latin-American people, they are excitable and volatile. The lightest argument about any trivial matter is apt to be carried on with a rapidity of utterance, violent gesticulation, and an intensity of feeling quite out of keeping with the real importance of the matter under discussion. They are far more governed by sentiment than by reason, and this makes them especially amenable to the influence of their orators. One of the most intelligent and partial of their American critics, a man who dwelt among them for five years, wrote:

> There is probably nothing in the prospect of Porto Rico so dark, so full of peril as the prominence of the eloquent politician. He is very apt to prove a most malignant curse among a people so easily affected by florid vociferation and cantankerous rhetoric.

Some of these leaders mislead them with selfish appeals for and vain hopes of independence. With independence they, or some of them, would soon become the virtual rulers of the island.

But surely the American Republic can not afford to indulge in any pique over the failure of these people to appreciate what

has been done for them, or to deny them justice as a whole on account of the vagaries of some of their popular leaders.

From the time of our occupation of the island we have held out to them the hope of citizenship. The Foraker Act was declared to be a provisional and probationary measure. Had the great Senator who framed it and whose name it bears been permitted to have entirely his own way "the path of Porto Rican evolution would be smoother than it is." The time has come—indeed, it long since came—when the just demand of the Porto Ricans for citizenship in the great Republic of which they are now and must in all probability forever remain a part should be heeded by the American Congress. The Republican party is pledged to it, the honor of the Nation is pledged to it, and expediency as well as justice pleads for it.

At the same time I do not believe that the wisest or the best course is to confer citizenship in block upon the whole male population of Porto Rico. I believe that it will be wiser and more expedient to permit every elector of Porto Rico, upon his own motion and by his own act, to become a citizen of the United States.

Therefore it is that after a careful consideration, after consulting, both in person and by letter, with many whose opinions upon the subject I considered valuable, I introduced in this Congress a bill, to which I respectfully invite not only the attention of the Committee of the Whole House, but also of the Committee of the House on Insular Affairs, as a substitute for the bill from that committee now pending on the calendar; and this bill, which is brief, I now ask to have read at the Clerk's desk and to be inserted here as a part of my remarks.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

A bill (H. R. 509) permitting citizens of Porto Rico, under certain conditions, to become citizens of the United States.

Be it enacted, etc., That any male person over the age of 21 years, actually resident in the island of Porto Rico, and an elector of Porto Rico under the laws thereof, may, upon his own motion, become a naturalized citizen of the United States by complying with the following forms and conditions:

First. He shall appear in person before the municipal judge of that municipality and judicial district within the island of Porto Rico wherein he may reside and file a declaration of his desire to become a citizen of the United States.

Second. Having filed such declaration, he shall, within not less than thirty and not more than sixty days thereafter, appear again in person before such municipal judge and take and subscribe an oath to support, maintain, and defend the Constitution and laws of the United States; whereupon a certificate of citizenship shall be issued to him by said municipal judge, and he shall thereupon become a citizen of the United States, and his name and residence shall be entered by said municipal judge upon a register to be kept by him for that purpose.

SEC. 2. That the municipal judge of each municipality shall provide and keep blanks for such declaration of a desire to become a citizen, of said oath of allegiance, and of said certificate of citizenship, which blank declaration shall contain spaces for the name, age, parentage, and residence of the applicant desiring to become a citizen, with his desire therein expressed, which blanks shall be in both the English and Spanish languages, and shall be filled up by said judge and read and carefully explained to the applicant before he signs the same; and upon the same being signed, it shall be filed by the said municipal judge.

SEC. 3. That for filing each declaration of a desire to become a citizen such municipal judge shall be paid by the applicant a fee of 25 cents; and for preparing and filing such oath of allegiance and issuing the said certificate the said judge shall be paid by the applicant a further fee of 25 cents.

SEC. 4. That after the 1st day of January, 1910, no person residing in Porto Rico and not a citizen of the United States may hold any office of honor or profit in any of the departments of public service in Porto Rico, whether executive, legislative, judicial, police, or whatsoever.

Mr. DOUGLAS. I submit that this bill has several important advantages over a bill granting citizenship indiscriminately to the Porto Rican electors.

In the first place, the bill puts it up to every elector of Porto Rico to become a citizen of the United States upon swearing allegiance to the country, to its laws, and to its Constitution, and this must of itself have some effect in the future upon those who thus voluntarily assume the obligations of citizenship. Then it will be noted that the bill itself, after a fixed date, which should now be extended, provides that no one not a citizen of the United States shall hold office in Porto Rico. In this way it provides, as I believe, for substantially quieting the malcontents who preach disloyalty, independence, or revolution. They must either go out of office or take an oath of allegiance to the Constitution and laws of the United States.

While I sincerely hope that this bill, or some such measure, will be speedily adopted by the Congress, I am not of the opinion that we should stop here.

I sincerely believe that the Porto Rican people are capable of a much greater measure of self-government than is conferred upon them by the present organic law governing that island. Their present parliament consists of two houses—an executive council and a house of delegates. The executive council consists of 11 members, all appointed by the President, 6 of whom, citizens of the United States, are all heads of departments, and the other 5 are citizens of Porto Rico, without portfolios. The house of delegates is elected by the people in the various districts into which the island is divided. I believe the time has come to increase the executive council to 13 and to permit a majority of it to be elected by the people of Porto Rico. This would leave the veto to the governor, the heads of departments for the present in the hands of Americans, but would give the control of both houses to the Porto Rican people.

So far I am convinced we can now go with entire safety. This much would at least show to the people of Porto Rico our disposition to advance them toward the goal, not of independence, but of self-government, toward which, however distant, their aspirations ardently lead them, and the ultimate grant of which not one of us can have the temerity to deny. [Applause.]

Mr. KEIFER. Mr. Chairman, I yield to the gentleman from Delaware [Mr. BURTON] one hour.

Mr. BURTON of Delaware. Mr. Chairman, for more than a quarter of a century the question of a postal savings system has engaged the attention of this country. Believing in the wisdom of postal savings banks, I introduced, at the first session of this Congress, House bill 21263, which provides for the establishment of such a system. It is to this subject, and especially to the provisions of this bill, that I ask the attention of this Committee of the Whole for a brief period.

The importance of the measure under consideration will not be questioned by anyone. The money of a country is the life-blood of its trade and commerce, and determines, in a great measure, its financial and material condition. This, in turn, is a true index to the progress and development of a nation along economic, social, and moral lines. What, for instance, is more patent to the careful student of history than the fact that as peoples have developed and perfected their systems of finance they have also risen in the scale of social, intellectual, and moral well-being. That is to say that the two go hand in hand.

It is not intended to suggest that the development of a monetary system stands to these higher phases of life in the relation of cause to effect, or that the forces working for the improvement of financial conditions can in any sense be made a substitute for those higher moral and religious forces which make for the betterment of man and the upbuilding of a nation in all that is worthy and desirable. Far from it. The glory of a nation is its manhood, and its hope lies in those forces which build up and establish the highest and best type of manhood.

The suggestive fact remains, however, that a nation's material welfare keeps pace with its intellectual and moral growth, each reacting upon and promoting the other, and no nation has attained a high degree of civilization without developing a more or less elaborate and complex financial system. As a people ascends in the scale of social and civic life their needs and requirements become more numerous and complex, and their financial system must be correspondingly elaborated if they are to continue their progress and improvement along other lines.

Every nation of importance, either ancient or modern, has, sooner or later, developed commercial intercourse, not only among its own people, but with its neighboring peoples. The facility with which this intercourse can be carried on and the benefits to be derived therefrom are determined, in a large measure, by the character and condition of its financial system.

The most highly civilized nations have developed the most highly organized and elaborate systems of finance. This is essential to their material welfare; and if we, as a people, are to continue to ascend in the scale of life and approximate the glorious destiny which God has designed for us and placed within our reach, we must give careful consideration to, and make wise disposition of, this important question.

All careful students of our financial conditions are agreed that our system, if system it may be called, is defective in many respects, and should be speedily improved if we are to be saved from a recurrence of some of our sad and almost disgraceful experiences—item, the panic of 1907—or from possibly worse calamities, the very thought of which, if realized, must have a very detrimental effect upon our progress in every department of life.

Many thoughtful men have been searching for the remedy, and various plans have been suggested, and various expedients recommended. The painfully frequent and alarming upheavals which occur in our financial conditions are evidence that there is something radically wrong with the system, and the numerous bills now before Congress, proposing measures for relief, are

evidence that very earnest and persistent efforts are being made to meet the conditions and solve the difficulties.

In the way, however, of every speedy action to accomplish the desired relief stands the fact that our financial interests are so great and far-reaching and in their ramifications touch in a vital way so many other interests, individual or corporate, that it is almost impossible to devise any plan that will command sufficient support and following to carry it into effect in the face of the opposition of various elements likely to be aroused.

Consequently the time is passing away without any action, and our financial interests are left meanwhile exposed to the possibility of panic, with all its attendant evils and distress. Certainly some action affording relief and protection should be taken, and that right speedily.

I therefore bring forward for your consideration a measure which, I believe, has in it the possibilities and the promise of the most speedy relief, together with the largest measure of permanent good.

It does not claim to be perfect; no such measure would stand any show of passage. It does not presume to offer a panacea for all the financial ills; no single measure could probably be devised to accomplish that. It does not propose any distinctive or radical scheme of finance.

It proposes a simple plan for a large measure of immediate relief which entails no large amount of expense, no elaborate and complicated machinery for putting it into effect, which does not antagonize any pet schemes, or any sensitive financial interests, and which, for these reasons, should be able to pass Congress promptly and be put at once into operation, which could be done in the course of a few weeks.

The bill which I propose merely provides for carrying into effect, in the simplest and most effective manner, the recommendations of the President and of the Postmaster-General regarding the establishment of a postal savings system.

A number of bills have been presented to the same purpose, and following the plan not to propose any strictly new or radical scheme of finance the bill which I propose has followed in the main—so far as its strictly financial features are concerned—the general plan of other bills proposed for the same purpose.

Its distinctive feature is that it proposes the use of the postal savings certificate in carrying into effect the provisions of the bill, instead of the savings pass book, as proposed in other bills. This furnishes a much simpler and more available method, and would result in great benefit to the Government, both in the ease and facility with which it could be put into operation and in the saving in expense of operation.

The idea of postal savings banks or depositories is not new. An active propaganda was begun in England a hundred years ago, and after fifty years of agitation the idea was enacted into law by act of Parliament, passed in 1861. Since that time postal savings banks have been in successful operation in England. As proof of their satisfactory results, no backward step has ever been taken in England, but in rapid succession her example has been followed by the most progressive nations, until at least 14 of the foremost have such a system in successful operation, leaving the United States almost alone among the commercial nations in the want of it.

It has been advocated by the ablest statesmen and financiers in this country, from Postmaster-General Creswell, in 1871, to the present time. Postmaster-General Meyer has been an active supporter of the plan, and presented a most convincing argument in its favor before the Committee on Post-Offices and Post-Roads during the last session of Congress. The report of that committee presents perhaps the strongest array of facts, figures, and arguments in favor of a postal savings system ever presented to a legislative body. No fair-minded person can read this report without being convinced, and I heartily commend it to your consideration.

The press is almost unanimous in favor of postal savings banks, and popular sentiment is overwhelming. Only from the savings banks is there heard a discordant note, and they appear to be laboring under a misapprehension. Unfortunately, their patriotism appears not to have arisen above their own selfish interests, and the term "savings bank" seems to suggest to them competition in their own field.

Mr. GILLESPIE. Will the gentleman allow an interruption?

Mr. BURTON of Delaware. Certainly.

Mr. GILLESPIE. The gentleman states that the only opposition comes from savings banks. The national banks are opposing the system down in my district. Does not the gentleman have the same experience, that it is the national banks as well as the savings banks that are opposing it?

Mr. BURTON of Delaware. I will say to the gentleman that as far as my knowledge goes, I have heard no opposition from the national banks.

Mr. NORRIS. Is there not as much opposition from state banks? Does it not come from the bankers generally?

Mr. GILLESPIE. I have received no protest from state banks, but I have from national banks.

Mr. BURTON of Delaware. I never heard very much opposition from national banks, and very little, if any, from the state banks. That, however, might have escaped me, knowing that I was an advocate of it in a general way.

Mr. GAINES of Tennessee. If the gentleman will pardon me, my general information is that at the Denver convention the national bankers pronounced against postal savings banks, and are actively fighting it now. The bankers in my district have said nothing about it; but that is the fact, as I understand it.

Mr. BURTON of Delaware. I will say, so far as that is concerned, that that is no concern of ours. It is our duty to legislate for the people in order to do the greatest good to the greatest number. It is savers of small amounts that we are looking out for.

Mr. GAINES of Tennessee. I think the reason why the national banks are opposed to it is because they say that the Government is behind the postal-savings system, and that the law makes a depositor absolutely safe, which argues, by implication, that they are not safe in the national banks, which we know is a fact.

Mr. BURTON of Delaware. I will say that the Government can well afford to be responsible for the money that it gets. It has control of it; it has control of the investment and knows where it is put.

Mr. GAINES of Tennessee. The Government either ought to do that or make the national banks absolutely safe.

Mr. BURTON of Delaware. By a little investigation they can easily verify the fact that in every country where a postal savings system is in operation it has proven advantageous to the other savings banks.

The postal savings banks are not designed to be, and are not, in fact, a substitute for other savings banks or their rival, but their feeder. They meet a need which the other savings banks could never meet and reach a class which they could never reach.

Many people are timid about attempting to do banking business. They are suspicious of the stability of the banks and unfamiliar with their methods. Again, a large class of people are not convenient to banks. The average distance from banks of the rural population in the South and West is many miles, and thus a large per cent of the population of the country is practically debarred from the privilege of banking.

As evidence that this fact materially affects the saving habits of the people, it is only necessary to observe that the average of the savings business runs much higher in New England, where savings banks are most numerous, than in the South and West. The savings banks do not reach the people. The post-office is near to all.

Moreover, the masses of the people have absolute confidence in the Government and would be glad to have it take care of their savings. They somehow feel that the post-office belongs to them. They have been brought up to deal with it from childhood and to look upon it as the people's institution. Many would therefore deal with the post-office and deposit their savings who would not deal with the banks. No such mystery surrounds the transaction of business with the post-office as, in the minds of many, surrounds the banking business.

Because of this feeling of awe of the banks, and the idea that there is some mystery about the business, and the fear that their money may not always be safe in the hands of a bank, the masses of the people do not do a banking business. The result is that their savings, amounting from a few dollars to some hundreds, and in some cases to thousands, and in the grand total of many millions, are hidden away in various odd corners and curious receptacles for safe-keeping, being withdrawn thereby from the channels of trade to the serious detriment of every financial interest.

I want to say that I have in mind an instance that occurred in my section. I walked into the Lewis National Bank one day, and the cashier held out to me a bunch of money, faded, compressed, looking old and worn, and I said, "Where did you get that bunch of money?" He said that a woman living out 3 or 4 miles in the country brought it in the other day. A few days before she had come in and said that she heard that we were paying interest on deposits the way savings banks paid it. She said she would bring in some money, and she brought in this bunch of money, amounting to about $475, and told the cashier that she had been walking over that money under the kitchen carpet for the last five years. Now, that money would have gone into the postal savings bank whenever she had accumulated five or ten dollars, and the commerce of the country would have had the benefit of it and she would have had the income from it.

The saver loses the income from his money, the banks are deprived of the profit that would accrue from its use, and trade suffers, because robbed of its lifeblood, resulting in periods of depression and financial unrest, often reaching the condition of panic.

From these considerations it appears certain that if the Government should furnish an attractive method for the accumulation and safe-keeping of these savings, it would not only result in bringing this money out of hiding and restoring it to the legitimate channels of trade, to the immediate and material benefit of a large class of people and of the commercial interests of the country generally, but would also furnish the solution to many of our financial problems and the remedy for many of our monetary ills.

No more important matter has demanded the attention of this body, and I solicit your very careful consideration of its details. As previously stated, the distinctive feature of this bill is its provision for the use of the postal savings certificate, and in this lies its superior merit. In other respects the bill follows the lines of other bills dealing with this subject, which have apparently received the most favorable consideration; and as these features are more or less familiar to you, I desire to call your attention especially to this simple, though unique, and ingenious device—the postal savings certificate—the ease with which it can be put into use by the Post-Office Department, and the beneficial results which would follow its use.

This device is the outgrowth, primarily, of the efforts of a practical banker to meet the needs and requirements of his own bank in the conduct of its daily business. He realized, with other bankers generally throughout the country, that there is a very real and pressing need for some provision to draw out and to put into circulation the vast sums hoarded and hidden away by the savers, as previously cited.

To accomplish this some inducement must be offered to them, and this has generally taken the form of the payment of interest on time deposits. The various plans and expedients which have been put into operation to that end have had a measure of success, to the extent that a large and distinctive branch of the banking business has been developed; but in their final working all of these various expedients have proved so troublesome and unsatisfactory that many banks have discarded their devices and abandoned the attempt.

The effort to meet the conditions has, however, resulted in the conception and development of a patented device, known as the "adjustable coupon certificate of deposit," which is claimed to furnish the solution of all these difficulties and to meet the needs and requirements of the case fully and exactly.

It furnishes a simple and adequate method of conducting the time-deposit business. It provides not only to the depositor a convenient and attractive means of accumulating savings and deriving an income therefrom in the meantime, but also proves a large saving to the bank in labor and expense. It secures the largest returns with the least outlay. Essentially, it is simply a certificate of deposit, which may be issued with the greatest ease and facility by any bank or financial institution to any customer for any amount, for any time, at any rate, and upon any terms and conditions that may be agreed upon. Its distinctive feature is that it has attached to it interest coupons, which are manufactured, as to value, at the moment of issue. The bank is enabled by this device to make the value of the coupons accord with the varying amounts of the deposits represented by the certificates to which the coupons are attached.

A study of the features and the possibilities of this device soon developed the fact that it might be employed for a wide range of uses. Indeed, it is available wherever an interest-bearing obligation can be employed.

The originator, as a test of its possibilities and of its adaptability to various uses and conditions, has applied it theoretically and practically to various financial propositions as they have been brought to his attention. In the pursuit of this plan, when the proposition of the Postmaster-General for the establishment of postal savings banks was made public, the principle of the device was applied to the plan, resulting in the postal savings certificate, which, I believe, solves the whole question, and furnishes a simple and available means of putting the plan into speedy operation, and thus of realizing the benefits which are certain to accrue.

As the details of the form of this device are treated somewhat exhaustively in the appendix which accompanies the bill, and with more accuracy and fullness than would be possible for me in the limited time at my disposal, I will ask permission to print the appendix as a portion of my speech in the RECORD without reading it at this time; and as a copy of this appendix will be supplied to each Member, I respectfully urge that you give it very careful study, and I assure you that it will well repay the trouble.

APPENDIX.

GENERAL DESCRIPTION OF POSTAL SAVINGS CERTIFICATE.

The device proposed to be used as an evidence of postal savings deposits and in lieu of the ordinary savings pass book, under the provisions of the foregoing bill, consists of five sheets of paper the size of a $1 bill, bound together at the left-hand end and perforated near the binding, so that they can be readily torn apart. The first two of these sheets are signature cards, or stubs, to be signed by the depositor, one being forwarded on the date of issue to the Treasurer of the United States, Washington, D. C., and the other being retained by the post-office issuing the postal savings certificate. The third and fourth sheets are interest coupons, numbered "1" and "2" and arranged in the order of their maturity, and the last is the certificate proper. The forms of these various sheets are shown below, and for convenience in reference are designated as follows:

Signature card to be sent to the Treasurer of the United States, designated as "a;" signature card to be retained by the post-office of issue, designated "b;" interest coupon No. 1, maturing six months after date, designated "c;" interest coupon No. 2, maturing twelve months after date, designated "d;" postal savings certificate proper, designated "e;" the back of signature cards (the same form appearing on the back of each), designated "f;" back of interest coupons (the same form appearing on the back of each), designated "g;" and back of certificate proper, designated "h."

ILLUSTRATIONS OF FORMS.

Signature card No. 1.

(Designated "a.")

Tear off along dotted line.

Amt. deposited is punched here. Good only when one space is punched in each line.

Amount Deposited	
Tens	Dols.
0	0
1	1
2	2
○	3
4	4
5	5
6	6
7	○
8	8
9	9
○	10

STUB OR SIGNATURE CARD:

To be signed by Depositor, torn off by Post Office issuing the Certificate and forwarded on day of issue to Treasurer of the United States, Washington, D. C.

UNITED STATES OF AMERICA

Postal Savings Certificate No. 72.

ISSUED FOR NOT MORE THAN $100

ISSUED by the Post Office at GOOD WILL, VIRGINIA, for the amount punched in the left-hand margin of this sheet. With two interest coupons attached, maturing respectively, at six and twelve months from date of issue, each being for one per cent. of the amount of Certificate.

RECEIVED on the date punched on this sheet the above-described Certificate, with two interest coupons attached. This Certificate if made payable "to order," must be endorsed as follows:

Address_____ Name_____

DATE OF DEPOSIT IS PUNCHED HERE.—VOID IF MORE THAN ONE DATE IS PUNCHED.

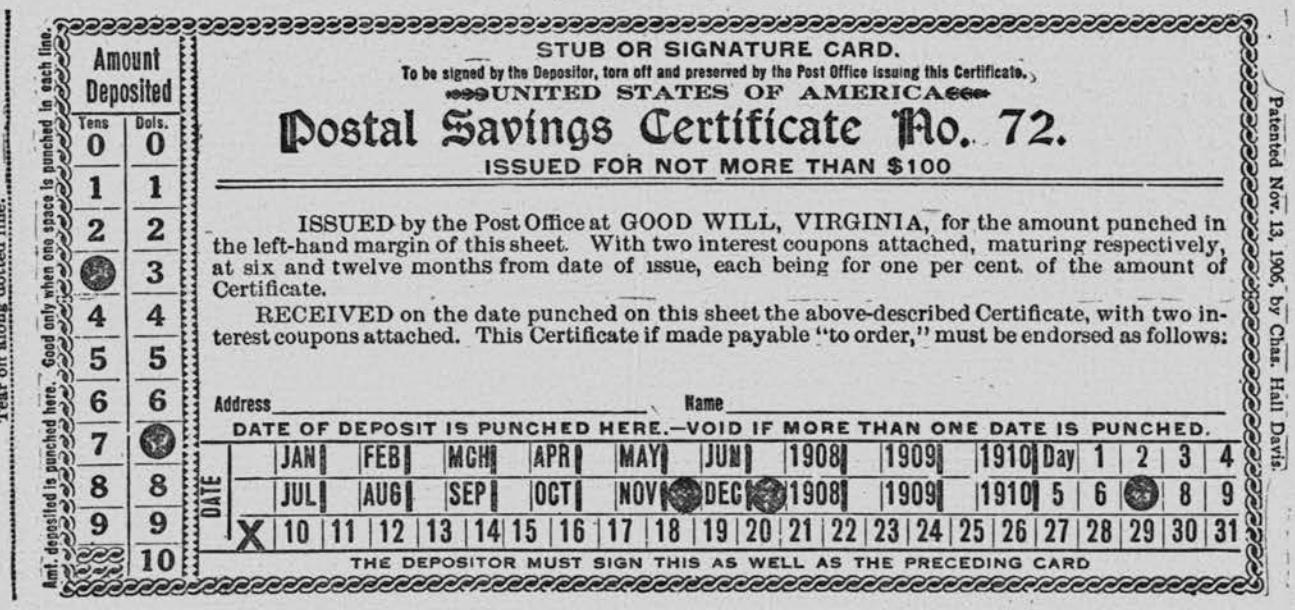
DATE																									
	JAN	FEB	MCH	APR	MAY	JUN	1908	1909	1910	Day	1	2	3	4											
	JUL	AUG	SEP	OCT	NOV	○ DEC ○	1908	1909	1910		5	6	○	8	9										
X	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31			

PUNCH PROPER MONTH. THEN PUNCH THE REQUIRED YEAR IN THE SAME LINE

Patented Nov. 13, 1906, by Chas. Hall Davis.

Signature card No. 2.

(Designated "b.")



Tear off along dotted line.

Amount Deposited

Tens	Dols.
0	0
1	1
2	2
●	3
4	4
5	5
6	6
7	●
8	8
9	9
	10

Amt. deposited is punched here. Good only when one space is punched in each line.

STUB OR SIGNATURE CARD.

To be signed by the Depositor, torn off and preserved by the Post Office issuing this Certificate.

UNITED STATES OF AMERICA

Postal Savings Certificate No. 72.

ISSUED FOR NOT MORE THAN $100

ISSUED by the Post Office at GOOD WILL, VIRGINIA, for the amount punched in the left-hand margin of this sheet. With two interest coupons attached, maturing respectively, at six and twelve months from date of issue, each being for one per cent. of the amount of Certificate.

RECEIVED on the date punched on this sheet the above-described Certificate, with two interest coupons attached. This Certificate if made payable "to order," must be endorsed as follows:

Address_____ Name_____

DATE OF DEPOSIT IS PUNCHED HERE.—VOID IF MORE THAN ONE DATE IS PUNCHED.

DATE																									
	JAN	FEB	MCH	APR	MAY	JUN	1908	1909	1910	Day	1	2	3	4											
	JUL	AUG	SEP	OCT	NOV	DEC	1908	1909	1910		5	6	●	8	9										
X	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31			

THE DEPOSITOR MUST SIGN THIS AS WELL AS THE PRECEDING CARD

Patented Nov. 13, 1906, by Chas. Hall Davis.

Interest coupon No. 1.

(Designated "c.")



Tear off along dotted line.

Value of Coupon

Dimes	Cents
0	0
1	1
2	2
●	3
4	4
5	5
6	6
7	●
8	8
9	9
	10

Val. of this Int. Chk. is punched here. Good only when one space is punched in each line

INTEREST COUPON NO. 1

DETACHED FROM TWO PER CENT. POSTAL SAVINGS CERTIFICATE

NOT GOOD FOR MORE THAN ONE DOLLAR

THE UNITED STATES OF AMERICA will pay to bearer on the date punched below (which date is six months from the date of issue of the Certificate, from which this interest coupon is detached) at the United States Treasury, Washington, D. C., or at any money order Post Office of the United States, the amount punched in the left-hand margin of this sheet, being interest on its two per cent. Postal Savings Certificate, issued for the amount punched on the back of this coupon, and numbered 72.

SPECIMEN Treas. U. S.

DUE-DATE OF THIS INTEREST CHECK IS PUNCHED HERE. VOID IF MORE THAN ONE DATE IS PUNCHED

DATE																									
	JUL	AUG	SEP	OCT	NOV	DEC	1908	1909	1910	Day	1	2	3	4											
	JAN	FEB	MCH	APR	MAY	JUN	1909	1910	1911		5	6	●	8	9										
X	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31			

TO COLLECT INTEREST TEAR OFF TOP COUPON SHEET WHEN IT FALLS DUE

Patented Nov. 13, 1906, by Chas. Hall Davis.

Interest coupon No. 2.

(Designated "d.")



Tear off along dotted line.

Value of Coupon

Dimes	Cents
0	0
1	1
2	2
[illegible]	3
4	4
5	5
6	6
7	[illegible]
8	8
9	9
[illegible]	10

Val. of this Int. Chk. is punched here. Good only when one space is punched in each line

INTEREST COUPON NO. 2

DETACHED FROM TWO PER CENT. POSTAL SAVINGS CERTIFICATE

NOT GOOD FOR MORE THAN ONE DOLLAR

THE UNITED STATES OF AMERICA will pay to bearer on the date punched below (which date is twelve months from the date of issue of the Certificate, from which this interest coupon is detached) at the United States Treasury, Washington, D. C., or at any money order Post Office of the United States, the amount punched in the left-hand margin of this sheet, being interest on its two per cent. Postal Savings Certificate, issued for the amount punched on the back of this coupon, and numbered 72.

SPECIMEN Treas. U. S.

DUE-DATE OF THIS INTEREST CHECK IS PUNCHED HERE. VOID IF MORE THAN ONE DATE IS PUNCHED

DATE																									
	JAN	FEB	MCH	APR	MAY	JUN	1909	1910	1911	Day	1	2	3	4											
	JUL	AUG	SEP	OCT	NOV	DEC	1909	1910	1911		5	6	[illegible]	8	9										
X	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31			

TO COLLECT INTEREST TEAR OFF TOP COUPON SHEET WHEN IT FALLS DUE

Patented Nov. 13, 1906, by Chas. Hall Davis.

Certificate proper.

(Designated "e.")



Tear off along dotted line.

Amount Deposited

Tens	Dols.
0	0
1	1
2	2
[illegible]	3
4	4
5	5
6	6
7	[illegible]
8	8
9	9
[illegible]	10

Amount deposited is punched here. Good only when one space is punched in each line

CERTIFICATE.

UNITED STATES OF AMERICA

TWO PER CENT. POSTAL SAVINGS CERTIFICATE No. 72.

ISSUED FOR NOT MORE THAN $100.00 AND FOR NOT LONGER THAN ONE YEAR. Payable at or after the Expiration of one year from date of issue

After the expiration of one year from the date of issue. this Postal Savings Certificate will cease to bear interest. The title to this Certificate will pass by delivery, if made payable to bearer.

THIS CERTIFIES that there has been deposited with the United States Government at its Post Office in Good Will, Va.. the amount punched in the left-hand margin of this Certificate,

This amount will be paid to _____ or order, on or after the expiration of one year from the date punched hereon, upon the surrender of this Certificate properly endorsed. This Certificate is payable at the United States Treasury, Washington, D. C., or at the Post Office issuing same. This Certificate bears interest at the rate of two per cent. per annum, payable semi-annually at six and twelve months, respectively, from the date of issue of this certificate, on presentation and surrender of the interest coupons hereto attached when respectively due. (The due-date of each interest coupon is punched near the bottom of the coupon itself.)

(Countersigned) SPECIMEN Postmaster at _____ Signed SPECIMEN

Treas. U. S.

DATE OF DEPOSIT IS PUNCHED HERE.—VOID IF MORE THAN ONE DATE IS PUNCHED.

DATE																									
	JAN	FEB	MCH	APR	MAY	JUN	1908	1909	1910	Day	1	[illegible]	3	4											
	JUL	AUG	SEP	OCT	NOV	DEC	1908	1909	1910		5	6	[illegible]	8	9										
X	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31			

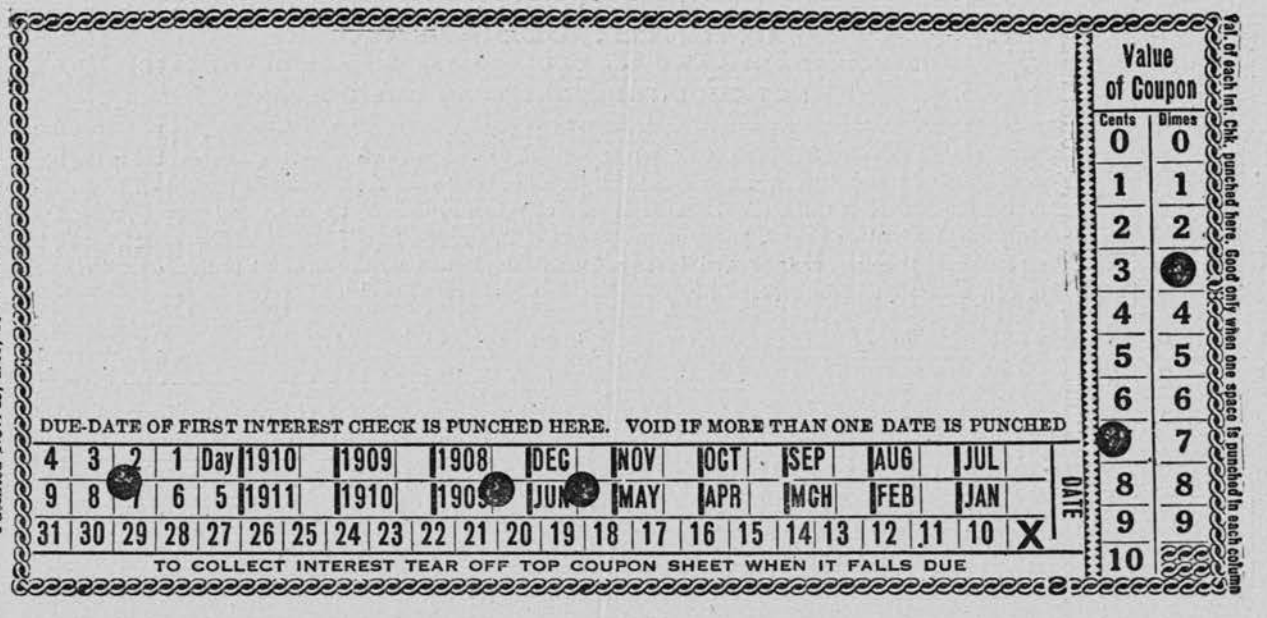
TO COLLECT INTEREST TEAR OFF TOP COUPON SHEET WHEN IT FALLS DUE

Patented Nov. 13, 1906, by Chas. Hall Davis.

Back of signature cards.

[The same form appearing on the back of each.]

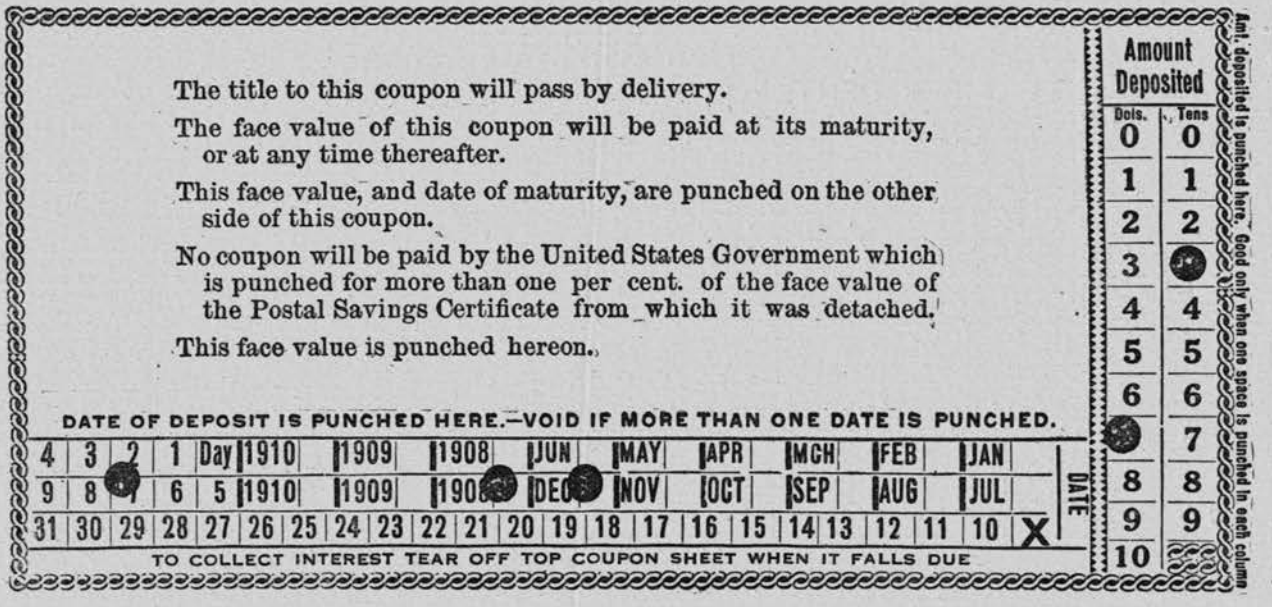
(Designated "f.")



Back of interest coupons.

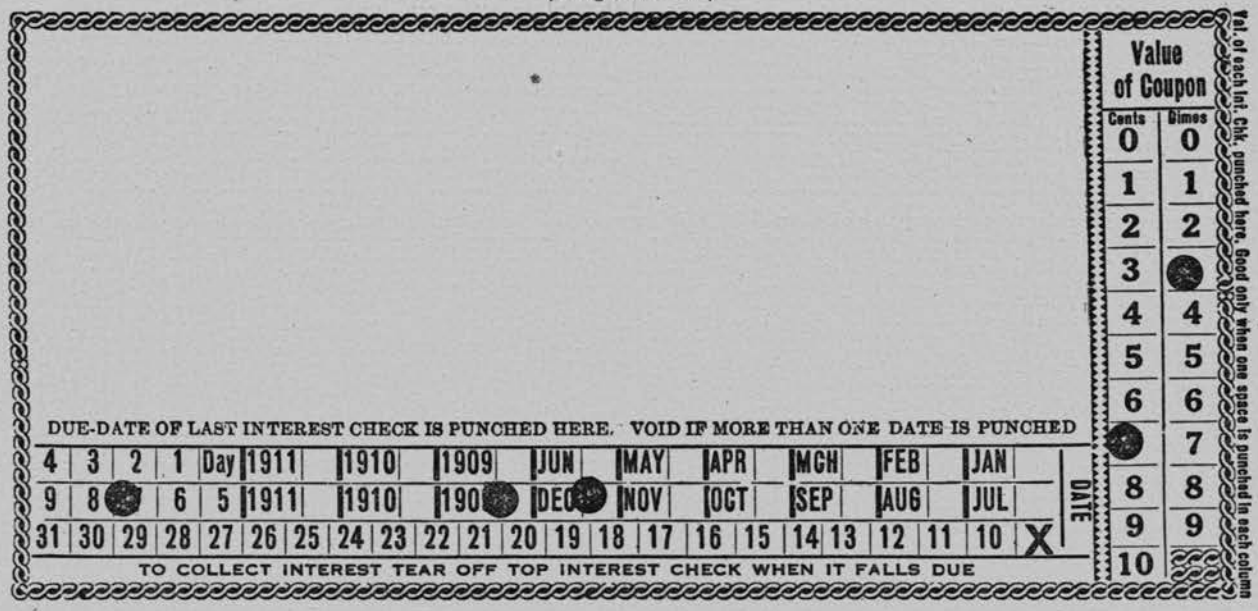
[The same form appearing on the back of each.]

(Designated "g.")



Back of certificate proper.

(Designated "h.")



SCHEDULES.

There are at the left-hand ends of both signature cards, of both interest coupons, and of the certificate proper, schedules of figures consisting of two vertical columns. The left-hand column runs from zero to nine, inclusive; the right-hand column from zero to ten, inclusive. These schedules are headed as follows: On the two signature cards and certificate proper, "Amount deposited;" on the two interest coupons, "Value of coupon." Above these vertical columns of figures are placed subheads, as follows: On the two signature cards and the certificate proper, the left-hand column is headed "Tens," and the right-hand column "Dollars," giving the schedule a maximum capacity of $100; on the two interest coupons, the left-hand column is headed "Dimes," and the right-hand column "Cents," giving these schedules a maximum capacity of $1. These schedules are employed to denote, on the two signature cards and certificate proper, the amount deposited, and on the two interest coupons the value of these interest coupons, or, in other words, the interest on the amount deposited for a certain specified time. The desired amounts are indicated in these schedules by punching out the proper figures. When the figures are punched the punch cuts entirely through the signature cards, the interest coupons, and the certificate proper, thus indicating by one process the proper amount on each one of these sheets.

By virtue of the different headings to these schedules the amount indicated by the figures in the schedules at the left-hand ends of the interest coupons is 1 per cent of the amount indicated by the corresponding figures in the schedules at the left-hand ends of the two signature cards and the certificate proper. Consequently each of the coupons represents 1 per cent of the amount deposited, as represented by the signature cards and the certificate proper. As the certificate bears interest at the rate of 2 per cent per annum, each coupon will represent the interest on the amount deposited for a period of six months, which is 1 per cent.

These schedules are superposed and made to register, so that when the amount deposited is punched in the schedule as it appears on the first signature card, by punching through the form this amount deposited is indicated on the two signature cards and the certificate proper, and the value of each interest coupon is indicated upon the coupon itself.

In the illustration given above, the figure "3" is punched in the "tens" column of the schedule on the face of the first signature card and the figure "7" in the "dollars" column, showing a value of $37. The thrust of the punch cuts through each sheet of the form and indicates on the two signature cards and the certificate proper that the amount deposited is $37. At the same time it punches on the interest coupons "3" in the "dimes" column and "7" in the "cents" column, indicating a value of 37 cents. Three dimes are 1 per cent of 3 tens of dollars; 7 cents are 1 per cent of $7, and 37 cents are 1 per cent of $37. Each coupon, therefore, represents 1 per cent interest on the amount deposited, which is the interest thereon for six months; and the two coupons represent the interest on the amount deposited for one year at 2 per cent.

Thus by a single stroke of the punch, the amount deposited is indicated on the two signature cards and the certificate proper, and the interest thereon is automatically calculated and its amount shown on the interest coupons. Error in interest calculation is rendered impossible.

Near the bottom of the two signature cards, the certificate proper, and the two interest coupons is a schedule of dates, so superposed as to register. These schedules on the two signature cards and the certificate proper are employed to denote the date of deposit and on the two interest coupons the due date, or date of maturity, of these interest coupons, respectively. The dates on the two interest coupons are so transposed that when the date of deposit is indicated in the schedule on the first signature cards, by punching through all the sheets of the form this date of deposit will be indicated on the two signature cards and the certificate proper and on the two interest coupons will be indicated their own due dates, respectively.

Thus in the illustration given, the date of deposit is indicated in the schedule on the face of the first signature card as December 7, 1908. The stroke of the punch cuts through all the sheets of the form and at the same time indicates on the two signature cards and the certificate proper this date of deposit, December 7, 1908; on the first interest coupon its due date, June 7, 1909; and on the second interest coupon its due date, December 7, 1909.

Both the schedules denoting amounts and the schedules denoting dates, which appear upon the faces of the various sheets of the form, are also placed in the reverse order on the backs of the sheets in such position that the schedules on the face and back of the several sheets register with each other, as follows:

"The schedules, which on the face of the two signature cards and the certificate proper denote the amount deposited and the date of deposit, are placed upon the backs of the two interest coupons; and the schedules, which on the face of the two interest coupons denote the value of these interest coupons and their due dates, respectively, are placed upon the backs of the two signature cards and the certificate proper."

This provides both a safeguard and additional information, with these results:

"When the amount deposited and the date of deposit are correctly punched in the schedules as they appear upon the face of the first signature card, by punching through all the sheets of the form, the amount deposited and the date of deposit are indicated on the faces of the two signature cards and of the certificate proper, and the value of each interest coupon and the respective due dates of these coupons are shown upon the faces of these coupons themselves. On the backs of the two signature cards and the certificate proper are shown the value of each interest coupon, and the due dates of these coupons, and on the backs of the coupons the amount deposited and the date of deposit.

"At the left-hand ends of the columns of figures as a precaution is printed the statement that the certificate is 'good only when one space is punched in each column.' Above the dating schedule on each sheet of the form is a statement of the particular date indicated in that schedule, and of the fact that the certificate is 'void if more than one date is punched.' Below the schedule on the first signature card are placed instructions for properly punching the date. Below the dating schedule on the second signature card are placed instructions for the signing of these signature cards. Below the dating schedule on the two interest coupons and the certificate proper are placed instructions for the collection of interest. On the signature cards, the interest coupons, and the certificate the serial number of the certificate appears. In the illustration shown the serial number is 72, so that the various parts of the device can be identified with reference to each other."

SIGNATURE CARDS "A" AND "B."

The signature cards recite that the certificate is issued by the post-office at Good Will, Va., for the amount punched in the left-hand margin, which amount can not exceed $100. It further recites that the certificate has attached to it two interest coupons maturing, respectively, at six and twelve months from the date of issue, each being for 1 per cent of the amount of the postal savings certificate. Below this is a receipt and place for signature to be signed by the depositor. This statement acknowledges the receipt, on the date punched on the signature cards, of the certificate described thereon, with two interest coupons attached, and directs that the certificate, if made payable "to order," must be indorsed according to the signature thereon. Below this is a blank space for the signature and address of the depositor.

The two signature cards, designated above as "a" and "b," are identical, except that at the top of "a" is a notice to the postmaster directing him to tear off "a" when the certificate is issued and forward it on that day to the Treasurer of the United States, Washington, D. C., and at the bottom are instructions for properly punching the date, while at the top of "b" is a notice to the postmaster directing him to tear off "b" and retain it, and at the bottom are instructions for the proper signing of the signature cards. Both of these signature cards are signed by the depositor with his name and address. There is, therefore, provided both at the United States Treasury, Washington, D. C., and at the post-office issuing the certificate, the signature of the depositor, so that if the certificate is made payable to the order of the depositor, both the post-office of issue and the United States Treasury, at Washington, D. C., have his signature, thereby enabling them to see that the indorsement on the back of the certificate is made by the proper party.

The signature cards bear the same serial number as the certificate proper, and afford an easy method of identifying the indorsement of the depositor. If the certificate is presented for redemption at the post-office of issue, the postmaster looks up signature card No. 72, and compares the signature on the card with the signature on the back of the certificate. If the certificate is presented for redemption at the United States Treasury, Washington, D. C., it is only necessary to look up Good Will, Va., No. 72, and compare the indorsement on the back of the certificate with the signature card No. 72. These two signature cards designated as "a" and "b" in the illustration above are detached before the postal savings certificate is delivered to the depositor.

INTEREST COUPONS "c" AND "d."

The interest coupons designated as "c" and "d" in the illustration above are practically duplicates, except as to number and date of maturity. When the postal savings certificate to which they are attached is properly issued, they will each represent the interest on the amount of value of the certificate for six months, which is 1 per cent of the value of said certificate. They have at their left-hand ends schedules similar to the schedules at the left-hand ends of the two signature cards and the certificate proper, and registering therewith, but so headed that the figures in these schedules represent 1 per cent of the amount indicated by the corresponding figures in the schedules at the left-hand ends of the signature cards and the certificate proper.

The interest coupons have near the bottom a dating schedule similar to the schedules placed upon the signature cards and the certificate proper, and made to register therewith, but so arranged as to indicate the date of maturity or due date of the interest coupons, respectively. The interest coupon No. 1 matures six months from the date of issue, and coupon No. 2 matures twelve months from date of issue. Both coupons state that they are detached from 2 per cent postal savings certificate, and the serial number 72 appears on each.

The coupons recite that the United States of America will pay to bearer on the date punched near the bottom of the coupon, which is six months (or twelve months) after date of issue of the certificate from which they are detached, at the United States Treasury, Washington, D. C., or at any money-order post-office of the United States, the amount punched in the left-hand margin of the coupon, being interest on its 2 per cent postal savings certificate, issued for the amount punched on the back of the coupon, and bearing the serial number 72.

The signature of the Treasurer of the United States is presumed to be engraved on these coupons in the space indicated for that purpose.

Above the dating schedule is the statement, "Due date of this interest coupon is punched here. Void if more than one date is punched." Below the dating schedule is the instruction, "To collect interest tear off the top coupon when it falls due."

As the maximum value of the certificate is $100 and the maximum value of the coupon is 1 per cent of $100, it follows that the maximum value of the coupon is $1, and as an additional safeguard there appear on the face of each coupon the words, "Not good for more than $1."

The coupons are made payable to bearer. They therefore require no indorsement, and no coupon can exceed $1 in value. As they require no indorsement or identification, they are made payable either at the Treasury of the United States at Washington, D. C., or at any money-order post-office. In this particular the difference between the coupons and the certificate is that the certificate can be registered as payable to a named party, in which case it requires the indorsement of that party. The signature of the depositor is furnished on the signature card, both to the post-office of issue and to the United States Treasury at Washington, D. C. Consequently, the certificate is made payable only at the post-office of issue or at the United States Treasury at Washington, where the signature can be identified. The coupons, being payable to bearer, require no such provision and are therefore payable at any money-order post-office. The coupons being necessarily for small amounts, there is no danger of embarrassment to the money-order post-office by a call for this money.

POSTAL SAVINGS CERTIFICATE "e."

The depositor then receives the postal savings certificate No. 72, and designated as "e" in the illustration above, with two interest coupons attached, designated as "c" and "d" in the illustration above. This postal savings certificate bears at its left-hand end the schedule of figures denoting amounts, and near the bottom the dating schedule, as heretofore described.

The certificate is identified by the statement at the top, designating it as 2 per cent postal savings certificate No. 72, issued for not more than $100 and for not longer than one year, payable at or after the expiration of one year from the date of issue, at which time it will cease to bear interest. It also states that "the title to this certificate will pass by delivery, if made payable to bearer," the object of this being to notify the depositor that unless the certificate is registered as payable to him, it will pass by delivery like ordinary currency.

The face of the certificate certifies that there has been deposited with the United States Government, at its post-office in Good Will, Va., the amount punched in the left-hand margin of the certificate, namely, $37. It further states that this amount, $37, will be paid to the depositor (a blank space being left for the insertion of the name of the depositor) or order, on or after the expiration of one year from the date punched on the certificate, upon the surrender of the certificate properly indorsed. The certificate states that it is payable at the United States Treasury, Washington, D. C., or at the post-office of issue. It can readily be paid at either of these places, as the United States Treasury, at Washington, D. C., and the post-office of issue have each retained a signature card enabling them to identify the indorsement, should the certificate be payable to a named party.

The certificate further recites that it bears interest at the rate of 2 per cent per annum, payable semiannually, at six and twelve months from the date of issue of the same, on the presentation and surrender of the interest coupons attached to the certificates when respectively due. It also calls attention to the fact that the date on which the interest coupons become due is punched on these interest coupons themselves. The signature of the Treasurer of the United States is presumed to be engraved on this certificate, but the certificate is not valid until countersigned by the postmaster at Good Will, Va., and a space for his countersignature is provided at the lower left-hand portion of the certificate.

The certificate also instructs the depositor how to collect his interest, namely, "To collect interest, tear off top coupon sheet when it falls due," the top coupon sheet being the first maturing coupon, as above described. The certificate contains a safeguard in that it has printed on its face the words, "Issued for not more than $100 and for not longer than one year," indicating that the maximum value of the certificate can never exceed $100 (that being the maximum value that can be punched in the columns of figures at the left-hand end), and indicating further that the certificate matures at the end of one year and does not bear interest after that time.

It might be advisable to provide that the certificate can be cashed at any time. This can be done by adding to one of the paragraphs on the face of the certificate so that it will read as follows: "This amount will be paid to ——— ——— or order, on or after the expiration of one year from the date punched hereon, upon the surrender of this certificate properly indorsed, or it will be paid on demand at any time, upon the surrender of the certificate properly indorsed, together with all unmatured interest coupons."

BACK OF SIGNATURE CARDS.

The backs of the signature cards, designated as "f" in the illustration given above, are duplicates and are identical with the schedules appearing on the face of the interest coupons, except that on the backs of the signature cards these schedules are arranged in the reverse order, so as to register with the schedules on the face of the signature cards. When the amount deposited and the date of deposit are punched on the face of these signature cards, the same process will indicate in the schedules on the backs of these cards the value of each interest coupon and the date of maturity of the first interest coupon.

BACK OF INTEREST COUPONS.

The backs of the two interest coupons, designated "g" in the illustration given above, are identical. They bear the same schedules as are found on the face of the two signature cards and certificate proper, except that they are reversed so as to register with the schedules on the face of these interest coupons. When the value of each interest coupon and its date of maturity are punched on the face of the interest coupon, the schedules on the back will indicate the amount deposited and the date of deposit.

The backs of the interest coupons also bear the following explanation and instructions: That the title to the coupon will pass by delivery; that the face of the coupon will be paid at maturity or at any time thereafter; that the face value and date of maturity are punched on the other side (face) of the coupon; as a safeguard, that no coupon will be paid which is punched for more than 1 per cent of the face value of the postal savings certificate from which it was detached; and that the face value of the certificate is shown by the schedule on the back of the interest coupon.

BACK OF CERTIFICATE.

The back of the certificate proper, designated as "h" in the illustration given above, bears the same schedules as are found on the face of the interest coupons, except that they are arranged in the reverse order, so as to register with the schedules on the face of the certificate. When the amount deposited and the date of deposit are punched on the face of the certificate, the same process indicates in the schedules on the back of the certificate the value of each interest coupon and the due date of the last interest coupon.

Any other matter of explanation or instruction deemed desirable may be placed upon the backs of the two signature cards and certificate proper, which, in the illustration given above, are left blank, except as heretofore described.

In all cases the schedules denoting amounts described herein as being placed across the left-hand end of the various sheets of the forms may be enlarged and placed horizontally across the face of the sheets above the dating schedules. In that case the schedule is used as a background and the other matter printed over it. This gives more space, both for schedules and for the other matter, and by a proper contrast in the ink both can be made perfectly plain. This form does not in any manner affect the principle or application of the device, and the explanations given are equally applicable to this form.

ELASTICITY.

The device is absolutely elastic, and a certificate with interest coupons attached can be issued for $1 or for $100, or for any intermediate amount, with equal ease. As an illustration, suppose that it be desirable to issue a certificate for $7. In that case, the figure "0" would be punched in the "tens" column, and the figure "7" in the "dollars" column, in the schedule at the left-hand end of the form, indicating that the value of the certificate is no "tens" and 7 "dollars." When this amount is punched in the schedule as it appears on the face of the first signature card, by punching through all the sheets of the form the punch cuts through the interest coupons, indicating on them their own value, which is the interest at 1 per cent on the amount deposited. In the illustration before us this process will indicate on the two signature cards and the certificate proper that the value of the certificate is no "tens" and 7 "dollars." At the same time it will indicate on each interest coupon that its value is no "dimes" and 7 "cents." It will be observed that the 7 cents is 1 per cent of $7. The calculation of interest is therefore absolutely automatic, and requires no thought or attention. When the proper figures are punched to denote the amount deposited, or value of the certificate, the same punch automatically calculates the interest, and indicates on the face of each interest coupon its own value.

FLEXIBILITY.

The flexibility of the device can be seen by noting that if it were deemed advisable to make the maximum value of the certificate $1,000 instead of $100, this could be accomplished by adding another vertical column of figures to the left-hand side of the schedules, which additional column on the signature cards and the certificate would be headed with the word "hundreds," and on the interest coupons with the word "dollars," so that the three columns of figures at the left-hand ends of the signature cards and the certificate would be headed "hundreds," "tens," and "dollars," and on the interest coupons the corresponding columns would be headed "dollars," "dimes," and "cents." In this case the maximum value of the certificate would be $1,000, and the maximum value of the interest coupons would be 1 per cent of $1,000, or $10.

This would also necessitate a change in the statement on the face of the signature cards and the certificate, "Issued for not more than $100," to "Issued for not more than $1,000," and on the interest coupons it would require a change of the statement, "Not good for more than $1," to "Not good for more than $10." Moreover, if the Government preferred to use these postal savings certificates with coupons for more than one year, this could easily be done by simply adding additional coupons, and the number of coupons attached to the postal savings certificate could be increased to cover any number of years. This will not in any way conflict with the essential principle of the device nor affect its simplicity. The same thrust of the punch which indicates the face value of the certificate and of the coupons in the illustration given above would in like manner indicate the face value of the certificate, and the value of the coupons, even if coupons for any number of years were attached to the certificate. The vertical col-

umns of figures being so superposed as to register, the punch would cut through all the coupons at the same stroke.

It is therefore evident that the details of this device can be modified in almost any respect to suit the requirements of the situation, as the same may become apparent, without in any manner affecting its availability for use. The essential of the device consists in the schedules of figures indicating, respectively, the value of the certificate and the value of the coupons, and providing, on account of our decimal system of money, an absolutely automatic calculation of interest.

SIMPLICITY.

The absolute simplicity of this postal savings certificate constitutes one of the strongest arguments for its use. Upon its adoption it could be at once placed in operation in every post-office. The details of its use are so simple that a child could issue the certificate and calculate the interest. The only preparation needed would be to furnish each post-office of issue with the necessary forms of certificate and a simple hand punch. To issue a postal savings certificate requires only the following steps:

"1. Have the depositor write his name and address on both signature cards.

"2. Punch through all the sheets at the left-hand end one figure in each column to indicate the amount of deposit.

"3. Punch through all the sheets in the dating schedule at the bottom the date of deposit.

"4. On the certificate proper fill out the name of the depositor, and have the postmaster countersign.

"5. Detach the two signature cards and deliver the certificate with the two interest coupons to the depositor.

"6. Mail signature card No. 1 to the department in Washington; file signature card No. 2 for future reference."

These simple steps require no special knowledge or ability. A man of less than average intelligence could carry out the instructions. There is no calculation of interest, and no opportunity for mistake. As between the postmaster and the department, in handling these postal savings certificates there is a simple and absolute check. The department sends to the postmaster at Good Will, Va., 1,000 forms of postal savings certificates, numbered from 1 to 1000, inclusive, and takes his receipt therefor. The signature cards sent in each day keep the department fully informed from day to day as to the business done. When the post-office inspector comes to Good Will he is informed that at the close of business on the preceding day, say, 513 postal savings certificates have been issued out of the 1,000 forms received by the postmaster. This would leave 487 forms in the postmaster's hands. The inspector counts them, and if he finds only 486 the postmaster is immediately required to deposit with the department $100 (maximum value of the certificate) plus twice $1 (maximum value of the coupons), or a total of $102, thereby absolutely protecting the Government. Should a postal savings certificate be mutilated in issuing, then this mutilated certificate could be returned as a voucher to the department and the postmaster receive proper credit therefor.

DISTINCTIVE FEATURES.

The foregoing bill, providing for the use of this device by postal savings depositories, corresponds in the main with other bills presented for the same purpose. The essential difference is that the foregoing bill provides for the use of the postal savings certificate as an evidence of deposit in the place of the savings pass book provided for in other bills.

COMPARISON BETWEEN THE SAVINGS PASS BOOK AND THE POSTAL SAVINGS CERTIFICATE.

The savings pass book is open to the following objections:

"(*a*) The depositor placing his savings with the post-office receives as an evidence of his deposit a small pass book. This pass book is not transferable, and is not available for use in any way, except that the depositor can bring his pass book back to the post-office of issue, and upon doing this can withdraw all or a part of his funds. If it is inconvenient to go to the post-office of issue, then the depositor has no means of obtaining any portion of his deposit. The pass book not being transferable must necessarily be deposited by him in some place for safe-keeping, and will frequently be lost or mislaid, thereby occasioning great trouble to the department and to the depositor to have it reissued so as to enable him to withdraw his money."

Moreover, under the savings pass-book plan, there is no method provided by which the depositor can withdraw his interest as such at stated periods. The interest under the savings pass-book system is calculated at certain times upon the delivery of the pass book to the department, and is then credited on the pass book, which is thereupon returned to the depositor. There is no piece of paper or obligation of any kind representing the interest as distinguished from the principal, and enabling the depositor to withdraw the interest at stated periods.

Moreover, during the period when the pass book is in the hands of the department for the purpose of computing and crediting the interest, the depositor has nothing to represent his account, and is in the meantime debarred both from depositing or withdrawing money.

"(*b*) Under the pass-book system, and under the bills providing for its use, the books must be turned in at stated intervals, say, twice a year, so that the interest can be calculated. If there were outstanding a million pass books, it would be almost impossible to have all of these pass books turned in to the department for the purpose of computing and crediting the interest. Should the number equal the number outstanding in Great Britain in 1904, which was approximately 10,000,000, the task would be quite impossible. Should even a large part of them be turned in, the labor devolving upon the department in calculating the interest on this number of separate accounts would be enormous; it would necessarily result in errors, and would prove a cumbersome machinery both to the Government and to the depositor. The cost involved would also be a serious item, at the lowest estimate running into millions.

"(*c*) Under the pass-book system the depositor only draws interest from and after certain specified times. He does not draw interest from the date of deposit, and is therefore deprived of interest for the use of his money for a portion of the time that the money is deposited with the Government. This also involves the Government in a great deal of unnecessary labor to compute the interest for the proper time. It also increases the liability to error and the opportunity for fraud."

THE POSTAL SAVINGS CERTIFICATE.

The postal savings certificate offers the following advantages over the savings pass book:

"(*a*) The certificate is issued at the time of deposit, with interest coupons attached representing interest on the deposit from the time that the money is placed with the Government; that is to say, the certificate bears interest from the date of deposit.

"The depositor receiving a postal savings certificate need not come to the post-office of issue to collect his interest, because he can detach his interest coupon when the same matures and collect it at any money-order post-office, or he can deposit it for collection with any bank or country store. He can collect his certificate in the same way by simply indorsing it. He therefore does not have to go to the post-office of issue to collect either his interest or principal, as he has to do in the case of the savings pass book.

"Moreover, the savings pass book is of no value except to enable the owner to withdraw his money from the post-office where it is deposited, while the postal savings certificate is, in substance, a coupon bond or obligation, registered as to principal, with coupons payable to bearer. The depositor can use his postal savings certificate in all the ways in which he can use an ordinary coupon bond or obligation. He can detach his coupons when due and collect his interest or he can use both coupons and certificate in any way in which any other security could be used. He can transfer his certificate with the coupons to any other party by simply indorsing the certificate, whereas under the savings pass-book plan he can not transfer it except by withdrawing the deposit and having another party redeposit it.

"(*b*) With the postal savings certificate the interest is automatically calculated for the life of the certificate at the time of issue. With the savings pass book the pass books must be turned in to the department at stated times, and each account requires an interest calculation and a credit of the accrued interest to the depositor on the pass books, and also on the books of the department. Under the postal savings certificate plan, the automatic calculation of interest is complete when the figures denoting the amount deposited are properly punched in the schedule as it appears on the face of the first signature card, the punch at the same time cutting through all the sheets of the form. There is never any other calculation of interest. There is no necessity for returning the postal savings certificate to the department in order to have the interest calculated. The interest is calculated at the beginning for the life of the certificate, and the life of the certificate can be made as long as desired by simply adding two additional coupons for each year of additional life. The labor involved in the illustration given above, to calculate interest on a million or ten million pass books assumed to be turned in, is entirely eliminated by the use of a postal savings certificate, because of the fact that with the postal savings certificate this calculation is made at the time of issue, and is made automatically. The liability to error and mistake necessarily incident to a large number of calculations of interest is absolutely done away with. The loss on account of errors in interest calculations and the enormous amount of work incident to such calculations would probably constitute the largest portion of the cost to the Government in the use of the savings pass book. By eliminating those two items of cost, the employment of the postal savings certificate in the conduct of a postal savings bank system would probably save the Government over any other plan proposed more than the entire cost of the operation of such a system under this plan.

"(*c*) With the postal savings certificate the depositor draws interest from the date of deposit, this being payable in equal installments at six and twelve months after the date of deposit. The Government, upon paying this interest, has a voucher for every interest payment. The interest is paid only upon the presentation of the voucher. The depositor must present his interest coupon to collect his interest, and the Government pays the interest to the party who holds the coupon, thereby obviating all questions as to what amount of interest is due and to whom it is payable. No error in interest calculation can occur, for the reasons stated above. The interest coupon itself contains safeguards which prevent the Government from paying out any improper amount of interest. It provides the Government with a voucher for each payment, and prevents the postmaster, or any employee of the Government, by collusion with other employees, from paying out an improper amount of interest.

"(*d*) With the savings pass book as an evidence of indebtedness, the Government, in attempting at any time to ascertain the interest due depositors, would have to call in the pass books from all depositors and then calculate the interest accrued on the account of each depositor as of the date when the statement was desired. This would be practically impossible, and consequently the Government would never be able to determine accurately its liabilities under the savings pass-book system. With the postal savings certificate the amount of interest for which the Government is liable will be evidenced by the interest coupons, and the value of these coupons would be absolutely known, thereby enabling the Government to obtain at any time an accurate statement of its liability without extra labor."

THE POSTAL SAVINGS CERTIFICATE AS AN EMERGENCY CURRENCY.

It has been demonstrated in recent months that in times of stress the general public are disposed to withdraw their deposits from the national and state banks and hide the money away in various places, thereby withdrawing it from circulation. On the other hand, it has been demonstrated that the general public, in the effort to find a safe depository for their funds, naturally look to the Government. This has been evidenced particularly by the fact that during the period of greatest financial stress a great many people took out post-office money orders, payable to themselves, simply using post-offices as depositories, so as to feel assured that they could get their money upon demand. The Post-Office Department in this case paid no interest, and the object of the public was simply to secure a safe depository for their funds.

In consequence it is reasonable to assume that in times of financial stress the public will always be tempted to withhold its funds from national and state banks and to look for some depository of unquestioned financial strength and safety. Naturally these deposits will be made with the Government, through its Post-Office Department, if the Government is receiving such deposits.

In the several bills recently presented to Congress the postal savings idea is evidently intended to be a means of preventing a recurrence of financial conditions such as existed during the latter part of the year 1907. In these bills it is provided that where money is deposited with a post-office, that post-office shall redeposit these funds with the national banks in the community or section where the post-office is located, thereby restoring this currency to circulation. In this way the party withdrawing $37 from the bank in times of stress and depositing this money with the post-office and receiving therefor a savings pass book would really not have withdrawn his money from circulation, because the post-office would redeposit the money with the banks from which it was withdrawn, thus restoring the money to circulation. The banks would secure these deposits to the Government as they secure other Government deposits, and would pay for the use of the same a stipulated rate of interest.

It appears from this that with the use of the savings pass book in the conduct of a postal-savings system the money withdrawn from circulation by the people and deposited with the post-office would be returned to circulation.

With the postal-savings certificate this same result is accomplished, and in addition an extraordinary currency is created somewhat similar to clearing-house certificates which have been successfully used in every time of financial stress in recent years; but having this important difference, that whereas the clearing-house certificates are an emergency currency based on the credit of an association of banks, the postal-savings certificate would constitute an emergency currency based on the credit of the Government itself.

ILLUSTRATIONS.

We will assume that in a time of financial stress similar to that which existed in the latter months of 1907, John Doe withdraws $37 from the Good Will National Bank, of Good Will, Va. He takes this $37 to the post-office at Good Will, and the postmaster issues to him postal-savings certificate No. 72, with two interest coupons for $0.37 each, maturing, respectively, at six and twelve months after date of issue of the certificate, as shown in the illustration above.

John Doe has withdrawn from the bank $37, and has deposited it with the post-office. The post-office at Good Will immediately redeposits this $37 with the Good Will National Bank from which it was withdrawn by John Doe, thereby restoring the $37 to circulation. In addition, John Doe has in his possession as an evidence of his deposit of this $37 with the Government, a postal savings certificate, No. 72, for $37, payable one year after date of issue, if in accordance with the preceding forms; or payable on demand, if the suggestion following the description of the forms providing for the payment of the certificate upon its delivery with all unmatured coupons, were followed. In addition to this certificate for $37, he has two coupons each for $0.37, maturing, respectively, at six and twelve months. He goes to the merchant with whom he trades in Good Will, and to whom he owes $25. He states that he can not pay the $25 in money, but that he has a postal savings certificate for $37, and will pay his bill of $25 with this certificate, provided the merchant will return him the difference, namely, $12. There being absolutely no question about the ultimate redemption of the certificate, and the times being times of great financial stress, when clearing-house certificates are ordinarily in current use, and when the stores and great business houses are advertising that they are willing to accept clearing-house certificates in payment of purchases, there could scarcely be a question but that the merchant in Good Will would accept this postal savings certificate in settlement of his $25 debt, handing over to John Doe the difference between the debt and the face of the certificate.

John Doe would previously have detached the two coupons for $0.37 each, maturing, respectively, at six and twelve months, and with these he would likewise pay small debts, or would use them as fractional currency.

The ultimate result of this would be that, while John Doe had withdrawn $37 from the bank, placing it in the post-office, the post-office would have restored this $37 to circulation by redepositing it with the bank. John Doe would also have put into circulation $37 plus twice $0.37 of emergency currency. He would have done this by using this postal savings certificate and coupons separately. In consequence, his withdrawal of $37 from the bank would have resulted in the restoration of this $37 to circulation, and in the creation of 102 per cent of $37 in emergency currency, which would pass current, and be used in business, while the strained financial conditions continued. John Doe would therefore have increased the currency by 102 per cent of emergency currency, instead of decreasing it, as is now the case. Having increased the currency, he would necessarily have helped to overcome the financial stress.

To follow this to its conclusions, assume that in a time of financial stress $100,000,000 was withdrawn from the banks and placed with the Post-Office Department in exchange for postal savings certificates. This $100,000,000 would be immediately returned to circulation by reason of the fact that the Post-Office Department would redeposit the money with the banks. In addition the Post-Office Department would have issued $102,000,000 of emergency currency. Of this $102,000,000 of government obligations, $100,000,000 would be represented by postal savings certificates, none of which would exceed $100 in value, and $2,000,000 would be represented by interest coupons, none of which would exceed $1 in value, thereby increasing the fractional currency. The very fact that the circulation was increased by this emergency currency would serve to render impossible a continuation of strained financial conditions.

In the absence of any postal savings system, as is at present the condition, this money withdrawn from the banks in times of financial stress and because of the timidity of depositors, would be hidden away. It would thus be withdrawn from circulation, which fact would tend to greatly aggravate the already strained conditions.

With a postal savings system, employing the savings pass book as an evidence of deposit, this condition would be in a measure overcome by the fact that the money thus withdrawn from the banks would to a great extent be deposited with the post-offices, and by them redeposited with the banks, and thus returned to circulation.

With a postal savings system, employing the postal savings certificate as an evidence of deposit, this advantage would be greatly enhanced by the fact that this money withdrawn from the banks under panic conditions would be placed with the post-office, and by the post-office redeposited with the bank, and thus returned to circulation; and, at the same time, an emergency currency to the amount of 102 per cent of the sums thus deposited with the post-office would be issued by the post-office in the form of certificates and interest coupons, thereby practically doubling the circulation, instead of reducing it as at present. When the financial stress was over, these certificates and coupons would no longer be received as currency, the necessity therefor having passed, and they would, from time to time, be redeemed as they matured. The banks would probably accept both certificates and coupons as cash and would redeem them at the post-office. The post-office would pay these postal savings certificates and coupons by checks drawn on the banks presenting them, thereby retiring the emergency currency and preventing money from becoming too plentiful.

In all cases the Government would be absolutely protected, because it would pay principal and interest only upon the presentation of certificates and coupons. It would be immaterial to the Government as to who held the certificates and coupons, because they would be payable in any case at certain specified times.

Further, in order to relieve or prevent panic conditions, whether they be the cause or effect of a scarcity of currency, it might be provided that the national-bank depositories of the postal funds under this act be permitted themselves to buy the postal-savings certificates, or, in other words, the Government's bonds issued by the post-office, and to employ these bonds as a basis for their own circulation. For this purpose a special issue of certificates of larger denominations might be provided. This would be perfectly feasible and might be accomplished without any additional machinery and with little expense or delay. The plan would be in perfect harmony with the methods at present in use of employing Government bonds as a basis for national-bank circulation. For example, in a time of financial stress or a great scarcity of circulating medium, suppose the national bank of Goodwill, W. Va., should deposit $100,000 with the post-office at Goodwill, and receive therefor postal-savings certificates, or, in other words, Government bonds for like amount. This money deposited with the post-office, under the plan proposed, would be redeposited with the National Bank of Goodwill. At the same time the bank might deposit this $100,000 of postal certificates with the Government and have issued therefor $100,000 of its own circulation.

By this means it can readily be seen that the circulating medium could be practically doubled in a very brief time. This without any additional machinery or without doing violence to any of the plans or methods ordinarily employed by the Government. The large addition to the circulating medium accomplished thereby would certainly and speedily put a stop to, or prevent, any financial panic. After the panic conditions had passed this extraordinary currency would speedily be retired. Should the banks be dilatory in retiring this extraordinary circulation, the process could easily be hastened by raising the rate of interest to be paid by the banks on government deposits. Should they hesitate or delay to take out circulation under this plan, the process might be hastened by reducing, or, if necessary, removing entirely the interest charges on account of government deposits in national banks. Thus, by the simple process of raising or lowering the rate of interest to be paid by the national banks on government deposits, the volume of circulation could be increased or diminished at will. In other words, it would create an automatically elastic currency, expanding and contracting with the country's needs and requirements. This simple plan would furnish the solution of our most troublesome financial problems.

THE SAVING TO THE GOVERNMENT BY USING THE POSTAL SAVINGS CERTIFICATE.

The Government, receiving the money on deposit with the post-office and paying 2 per cent therefor, would redeposit this money with the banks, receiving therefor a minimum of 2½ per cent on such deposits. In times of stress the banks would be only too glad to pay this or even a higher rate for money. The Government would in consequence be receiving a least 2½ per cent on the entire amount deposited with it.

A great number of the postal savings certificates and of the coupons would be lost or destroyed and would never come in for redemption. In addition, neither the coupons nor the certificates would bear interest after their due dates. Many of them, after their due dates, would not be presented for redemption for a long period of time, because these certificates and coupons, having become demand obligations of the Government, would be like ordinary paper currency; and, because of the fact that the money could be obtained by them on demand, they would not be presented, but would stay out until they came into the hands of the Government through regular channels. In consequence, while the Government would be receiving 2½ per cent on the entire amount of deposits for the entire time, it would be paying to the public only 2 per cent on a part of the deposits for a part of the time. Of course, if the Government received more than 2½ per cent, or if it invested any of this money in securities bearing a higher rate, there would be so much additional revenue to the Government from this source.

In addition, the saving in the expense of operation in the use of the postal savings certificate over any other plan would be very great; the supplies required would be few and inexpensive; no individual bookkeeping would be necessary; no calculations of interest; no training or experience on the part of the postmasters; and no army of clerks required by the Government for the keeping of records and the calculation of interest; error and fraud would be practically eliminated. The Government would be absolutely protected at every point, and all the benefits of a postal savings system secured without its objectionable features.

Mr. GAINES of Tennessee. Right there I would like to ask the gentleman if in his bill he exempts the deposits from attachment execution or process of the court?

Mr. BURTON of Delaware. The provision in all the bills makes the money loaned to the bank by the Government a first lien on all the assets of the bank. That applies only to national banks. I see no reason why state banks or savings banks that would be willing to submit to an examination by the Government experts, so that their condition might be ascertained, might not be allowed the benefit of the same privilege.

Mr. GAINES of Tennessee. I think the gentleman misapprehends my question. I want to know if his bill provides that when the depositor puts his money in these postal banks that it shall be exempt from execution or attachment by creditors?

Mr. BURTON of Delaware. No; there is no such provision as that; but, as I understand, all such funds are exempt by law. I do not know, but perhaps the gentleman does. He is a lawyer.

Mr. GAINES of Tennessee. That is one of the complaints against some of the bills, and I believe possibly on Mr. Meyer's recommendation, that a man may take his money and put it in one of these banks, and then his creditors can not get it out by any kind of court process.

Mr. BURTON of Delaware. It has been some time since I read those bills.

As we study the characteristics of this simple device, a broad field of possibilities opens before us. So varied and interesting are its applications that we deem it a matter of the greatest concern; that, in advocating its adoption for this specific purpose, we avail ourselves of all the light possible upon the subject. The purpose for which its use is recommended has in it the possibilities of the most important and far-reaching results—results that may affect for weal our whole financial structure and the welfare of the generations to come. For a better understanding, therefore, of this subject, we may look more care-

fully into the history of this device and the results of its present use.

I have before called your attention to the fact that the principle employed in this device is the discovery of a practical banker. In the ordinary conduct of his business, and after much study and experiment, he brought out and put into practical use the essential principle of the device now proposed for use in this connection. This was accomplished in the effort to provide a means whereby the banks could accomplish, in a measure, what the Government has in view in advocating the establishment of postal savings depositories, namely, to draw out of hiding and put into the channels of trade the savings of the people, and also to encourage the people in habits of saving and thrift. It will therefore be seen that its use involves no conflict between the Government and the banking interests, both working for the same end by the same means.

As applied to banking, this device takes a slightly different form, but does not differ in principle. In mechanical features, it consists of a stub or signature card, the certificate proper, and a number of interest coupons, which number is determined by the rate of interest paid and the number of years for which the certificate is issued. There are as many coupons for each year as there are units or fractions thereof in the rate of interest. For example, a 3 per cent certificate has three coupons per year, each being for 1 per cent of the principal, and the total number of coupons will be the product of the numbers denoting the rate and the time.

Lastly, there is attached what is called the "pink sheet," which describes the terms and conditions on which the use of this device may be had.

The various sheets in this banking form are similar to the sheets in the postal savings certificate and are collated in the same manner. They are bound together at the left-hand end and have similar schedules of figures at the left-hand end, so superposed that they register, by means of which the amount or value of the certificate may be indicated on the signature card, pink sheet, and certificate proper, and the value of each interest check may be indicated on the interest check itself by a single stroke of the punch cutting through the same figures on each sheet.

The date of deposit may also be indicated on the signature card, pink sheet, and certificate proper, and the due date of each interest check may at the same time be indicated on each interest check itself by one and the same stroke of the punch cutting through all the sheets of the form in the dating schedule near the bottom of the sheets.

Thus is the calculation of the interest made perfectly automatic for the life of the certificate. The issuing of these certificates is made so simple that even a child can do it after being once shown. It consists only of the following steps:

Have the depositor write his name and address on the signature card; punch through the schedules at the left-hand end of the sheets the figures denoting the amount for which the certificate is to be issued, as indicated by the schedule on the the face of the signature card. Because of the arrangement of the schedules on the several sheets, and the fact that they are so superposed as to register, this will indicate on the signature card, pink sheet, and certificate proper the amount deposited, or, in other words, the value of the certificate, and it will at the same time and by the same stroke of the punch indicate on each interest check its own value. This value of each interest check will be 1 per cent of the amount deposited, and will represent the correct interest on that amount for a specified time. This makes the calculation of interest absolutely automatic, and error in that respect impossible.

Punch through the schedules at the bottom of the sheets the date of deposit, according to the form on the face of the signature card. This will show on the signature card, pink sheet, and certificate proper the date of deposit, and on each interest check its own proper due date or date of maturity.

Fill out the certificate proper by writing in ink the depositor's name and the amount deposited, both in figures and in words.

Tear off the signature card and the "pink sheet" to be retained by the bank, and deliver the certificate thus completed, with the interest calculated for the life of the certificate, to the depositor.

What is the result? The bank has put into the hands of the depositor a coupon bond, registered as to principal, but which may pass freely by indorsement, thus giving it the largest possible field of usefulness, and as to interest coupons, perfectly negotiable.

This has proved in practice a great attraction, greatly facilitating matters and relieving the depositor of many troublesome and annoying details. Incidentally, it increases the income from his money, shows him exactly what his interest will be and when due, and enables him to collect the same without even the trouble of going to the bank, if he so desires.

Because of these advantages, many are induced to deposit their money who would not otherwise do so, thus fulfilling the purpose for which the plan was designed, and others are constrained to continue their deposit who might otherwise withdraw it.

As to the bank, where it is in use, it has given the greatest satisfaction. It enables them to build up their time deposits, by furnishing inducements to depositors. It solves banking by mail. It makes the work of issue simple and easy. It eliminates the heretofore almost insuperable difficulties of the matter of interest calculations and payments on time deposits—as to calculations, by making them automatic; as to payments, by furnishing a coupon to represent the interest, which is paid like an ordinary check, and which furnishes both a record and a voucher for the interest payments, thus preventing both errors and dishonesty among employees. It furnishes the most simple and concise method of keeping the records ever devised, by which the labor involved in taking care of a large volume of business is reduced to the minimum and made absolutely simple, thus saving the bank in labor and expense. It is perfectly elastic, both as to form and as to use, and so can be made to meet any needs or conditions that may arise in the conduct of the time-deposit business, and promises to prove a boon to the depositor and to the bank.

I have thus gone somewhat into detail in giving a general account of this device in its development and its more general application so that you may understand more fully its nature and be able to judge more intelligently as to the probable effects of its use in carrying out the provisions of the bill now under consideration.

The matter is of such vital importance that it should command our most careful investigation in the light of all the information available.

In my opinion it furnishes an adequate means for prompt and substantial relief along financial lines. That there is both a need and a demand for such relief no one will deny. The country has just passed through the most startling financial crisis in its history, resulting in panic and ruin and in widespread business depression, from which we are recovering very slowly, and with the possibility of a repetition of similar conditions constantly hanging over us.

If the Government will adopt this plan, so simple in all its details, so inexpensive in its establishment and maintenance, and so full of possibility for good, it will furnish the people with a convenient and attractive means of saving, will add millions to the wealth of the Nation, will make provision for the possible solution of many of our financial problems, and the correction of our monetary ills, and will prevent the frequent recurrence of panics and costly financial upheavals similar to the one through which we have so recently passed, with all their attendant and consequent evils.

The country is looking to this Congress for some form of relief. They have waited long and patiently for some favorable action. Every consideration of self-interest as well as of patriotism demands it. If not moved by any loftier motive, we dare not go before the people again without having heeded their call.

Let not the party leaders deceive themselves into inactivity with the comfortable thought that when the time comes the people can be whipped or cajoled into submission. The people have called long and loudly for relief.

The country is ripe to-day for the establishment of postal savings banks, and this is being urged both by the President and by the Postmaster-General. If we ignore this opportunity and allow it to pass without action, the people will have their day of reckoning.

I offer you here, ready to hand, the means of meeting the demands of the people in a most simple and effective manner. The establishment of postal savings banks, employing the postal savings certificate, would furnish a large measure of immediate relief and would, I believe, in its working out, in a large measure, obviate the necessity for further or other financial legislation.

The bringing out of hiding hoarded millions of the people's savings and putting them into the channels of legitimate trade, with the possibility in times of financial stress of practically doubling this amount in circulation by the use of the postal savings certificate as currency, is certainly big with the possibilities of financial good. And all this is possible and the means at hand for its accomplishment without disturbing any vested interests, without antagonizing anyone's pet schemes, and without arousing the resentment or antagonism which almost any other financial plan would encounter.

Herein lies a very hopeful feature of this bill. All the other financial plans proposed run counter to so many interests, and so provoke such violent opposition, that, whether good or bad, there appears no hope of their passage. The financial interests, meanwhile, are left in jeopardy, and the storm of public wrath gathers black and ominous, ready to break upon our heads.

Now to sum up: The postal savings depositories employing the postal savings certificate could be put into actual operation in the course of a few weeks with the greatest ease and facility. It requires no red tape, would necessitate very little expense more than the engraving of the certificates, and is so simple in its operations that it would not require any previous preparation or training on the part of the postmaster, even a child being able to do the work.

It furnishes the people a most convenient and attractive means of accumulating their savings, and, moreover, one in which they have absolute confidence, and of realizing an income therefrom in the meantime.

It furnishes every safeguard to the Government. As between the Government and the post-office of issue there is an absolute check.

The certificates themselves have every known safeguard, and as interest is paid only upon the presentation of matured interest coupons, which can easily and quickly be checked up, and which furnish both a record and a voucher for the payment, there is no opportunity for error or fraud.

The necessary bookkeeping is so simple, and the amount required so small, that it would result in a very large saving to the Government, over any other plan proposed, besides giving more complete and satisfactory results. By a very simple entry the Government would be able to determine exactly the amount of interest for which it is, or is to become, liable, on certificates outstanding, which result would not be possible by any other system proposed.

It would also, as a most important collateral result, furnish an elastic emergency circulation, which feature might be further emphasized, and rendered automatic, should it be deemed wise to authorize the Postmaster-General, by and with the advice and consent of the President, and the Secretary of the Treasury, or otherwise, as might be prescribed by law, in times of financial stress, to remove the limit to the amount that may be deposited. And, further, to allow the banks themselves to deposit with the post-offices, on demand, with or without interest, receiving the money back on deposit, properly secured, and a like amount of emergency circulation, in the form of postal savings certificates of small denomination, to be called in at the pleasure of the Government.

This emergency circulation might easily be increased to any desired extent by providing that the banks taking out these certificates might employ them as a basis for circulation. That is, they might deposit these bonds with the Government and issue their own circulation against them, as is now regularly done. For this purpose, it would be more convenient to issue these certificates or bonds in larger denominations prepared for the purpose.

Thus, in emergency, the volume of circulation might be practically doubled in the briefest time. And this without any additional machinery, and without doing violence to existing conditions. Moreover, the volume of this emergency circulation might be readily controlled by the simple process of raising or lowering the rate of interest to be paid by the banks on Government deposits. This would furnish an emergency circulation, automatically elastic, and based upon the best of all foundations, the people's savings, backed by the Government. This, however, is not provided for in the present bill, and is merely dropped as a suggestion that may be worth considering.

I advocate a postal savings bank system, on principle, believing it to have in it the possibilities of the greatest good to the greatest number of our people.

I advocate the use of the certificate of deposit in the conduct of such a system because I believe it is more simple and inexpensive, and that it will more perfectly meet the conditions and accomplish the ends in view.

I advocate particularly this form of postal savings certificate because of its flexibility and its possibilities of adaptation to every condition and to every need, its availability for the accomplishment of the most desirable results along financial lines.

I have investigated the subject with care, and as far as my information goes I find nothing which in my judgment even approaches this instrument in its possibilities for usefulness. It will bear investigation, and I ask that you inform yourselves in regard to it; that you study it with open minds, and I am willing to abide by your honest conclusions.

Mr. GRONNA. Will the gentleman permit an interruption?

Mr. BURTON of Delaware. Yes.

Mr. GRONNA. Would the gentleman have any objection to including state banks? I see from his bill that it would be impossible for any state bank to receive any of these deposits.

Mr. BURTON of Delaware. In answer to the gentleman I will say that only a few moments ago that question was asked me by the gentleman from Tennessee [Mr. GAINES]. I see no objection to it, but if a state bank should want to take advantage of this measure it would be necessary that it submit to an examination by a government expert, so that its assets might be clearly shown and the Government know it would be safe to loan a certain amount of money to it.

Mr. GRONNA. The reason I asked the question is this: In nearly all new countries the banker prefers to operate under the state laws, because, as a matter of fact, no loans can be made on real estate by national banks. That is one of the reasons why bankers prefer to operate under the state laws. Another question I would like to ask the gentleman is this: If we enact a law of this kind, do not you believe we should say where and how this money should be deposited, and not leave it to the discretion of the Postmaster-General? For instance, we will say in a State like mine, North Dakota, that the Postmaster-General shall designate the places where this money shall be deposited, and let us say that he designates a certain bank in the city of Fargo or in the city of Grand Forks. Only a limited amount of that deposit can be placed in an institution where, as a matter of fact, hundreds and thousands of dollars are being deposited by the citizens of that State, but they are being deprived of getting these deposits because the Postmaster-General has the power to designate the banks that shall be national depositories.

I do not care to make a speech in the gentleman's time, but I want to say this, that there is one of the essential points—that the money should be deposited and remain in the locality where it is being deposited. Money is the lifeblood of this Nation, of any commercial nation, and it should absolutely remain in the community where it is being deposited. I believe that if we pass a law of this kind we should limit the amount that could be placed with any bank in any particular community.

Mr. BURTON of Delaware. I was just going to suggest to the gentleman that he should ask for some time, as I would like to see that brought out. I believe there is no provision for loaning money to state banks in any of the bills, but I suggest that might be a good amendment. I also say that the provision in the bills that the money shall be loaned to the banks near at hand does not prevent the Postmaster-General from loaning it to other banks if those banks near at hand could not use it.

Mr. GRONNA. No; but it is in his discretion whether he wants to do it or not.

Mr. BURTON of Delaware. Well, the responsibility and the administrative features must be left to somebody.

Mr. GRONNA. Is it not true under our present system of banking that where certain banks have asked for government deposits they have been refused, and one of the reasons that has been advanced is that they did not care to open any more accounts?

Mr. BURTON of Delaware. This would open accounts with all national banks under the provision. That is understood.

Mr. HAUGEN. All banks that have been designated as depositories.

Mr. BURTON of Delaware. They might all be, under these circumstances.

Mr. HAUGEN. They are not at the present time.

Mr. BURTON of Delaware. No.

Mr. GILLESPIE. Mr. Chairman, will the gentleman yield for a question?

Mr. BURTON of Delaware. Yes.

Mr. GILLESPIE. Is not the difficulty suggested by the gentleman from North Dakota [Mr. GRONNA], who just took his seat, one that we can not well get over in this country? In foreign countries, as I understand it, where they have this system, they are not using the postal bank to borrow money for national banks or any other banks from the people. They take the postal-bank receipts and invest them in government securities. It is a device used by those governments for borrowing money from the people. The difficulty here is that we do not want to use this system for that purpose. This plan undertakes to spread the wings of the Government over certain classes of people and to say that we want to provide a safe place for them to put their money and that we will pay them interest upon it. One of the difficulties is, what are we going to do with the money when we get it? Are you going to pick out favorites and say, "You shall have this money?" Is not that an insuperable difficulty in the way of that system in this country as compared with foreign countries, because the purpose for which they use it is not applicable, for we do not want

to use it for that purpose here. The question is, Shall the power of the Government be extended to taking care of the people's money and paying them interest on it and then lend this money to favorites?

Mr. BURTON of Delaware. That is a matter of detail which, of course, has to be worked out. I do not think anything could be made perfect along that line, but there is no question that a postal savings system is urgently demanded in this country, and if the Government could do nothing better with the money, it had better use it for current expenses than to leave it hidden away under carpets, outside of all the channels of trade. However, that is a matter of detail that I do not feel able to provide for or to give a solution of, as the gentleman's question indicates.

I am not wedded to this device, and advocate its use only on the grounds of its merits, which have become apparent to me through careful investigation. If anyone has a better plan to propose, I am with him heartily. What we want is a postal savings system, conducted in the manner best adapted to secure the ends in view, and to bring the largest measure of good to all the people. I challenge your support of this plan or the production of a better. In the absence of any better plan, let us sink out of sight our personal pride or preference or interests or prejudices and get together upon this simple, inexpensive, and perfectly feasible plan, which furnishes apparently the only solution of our financial difficulties possible at this time, and which will bring peace and calm to the troubled sea of finance, confidence to the business interests of the country, larger prosperity to the great saving class, which forms, indeed, the bone and sinew of our prosperity, to us the gratitude of a great people and the satisfaction of approving consciences, and to posterity, the inestimable blessing of a stable and well-ordered financial system which shall keep pace with our onward progress in social, intellectual, and moral development, toward a glorious destiny, in which we shall bless humanity, and honor God in the advancement of His purpose.

Mr. Chairman, in addition to what I have said I want to call the attention of the House and of the country to the fact that during the past summer the two great political parties of this Nation, in conventions assembled, made certain promises in their platform declarations to the people of this country. Among others was the establishment of a postal savings bank system. They went before the people upon the promises made in their platforms. Because of the greater confidence of the people of this land in the Republican party and greater confidence in its nominee, its lease of power was renewed for four years, beginning on the 4th of March next. Can that great party expect to live longer than that four years if it fails to fulfill its pledge that it has made to the people, as far as it is possible to do so? I do not believe it can, and on the shoulders of the Republican party of this Nation rests this great proposition. I hope and trust that it may be equal to the occasion and will fulfill every pledge; and then that party to which this Nation owes so much of its prosperity, its general good, and its general uplift may be allowed to control its destinies for a longer period of time. [Loud applause.]

But unless it keeps faith with the people who have trusted it so completely, they will ask that it surrender its stewardship to some other. Realizing what it has done in the past; knowing that it has had the intelligence, the patriotism, and the courage to meet every past emergency, I confidently trust it to deal with this problem now.

Mr. KEIFER. Mr. Chairman, I move that the committee do now rise and report progress.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BUTLER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 26203, the pension appropriation bill, and had directed him to report that it had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. ANTHONY was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Luke Morrissey (H. R. 8298, Fifty-seventh Congress), no adverse report having been made thereon.

EULOGIES.

Mr. GUERNSEY. Mr. Speaker, I ask unanimous consent to introduce the following order, and ask that it be read and considered at this time.

The SPEAKER. The gentleman from Maine asks unanimous consent for the consideration of the following order, which the Clerk will report.

The Clerk read as follows:

Order No. 15.

Ordered, That there be a session of the House at 12 o'clock m., Sunday, January 31, for the delivery of eulogies on the life, character, and public services of the Hon. LLEWELLYN POWERS, late a Member of this House from Maine.

The SPEAKER. Without objection, the order is agreed to.

There was no objection.

URGENT DEFICIENCY BILL.

Mr. TAWNEY, from the Committee on Appropriations, reported the bill (H. R. 26399) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909, which was read the first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. SHERLEY. Mr. Speaker, I desire to reserve all points of order on the bill.

The SPEAKER. The gentleman from Kentucky reserves all points of order on the bill.

Mr. TAWNEY. Mr. Speaker, I desire to give notice that I will call this bill up on Monday.

Mr. CLARK of Missouri. Mr. Speaker, I would like to understand if it is to be called up just after the morning hour.

Mr. TAWNEY. At the conclusion of the consideration of the pension appropriation bill.

Mr. CLARK of Missouri. Then, we will go on with the pension bill Monday?

Mr. TAWNEY. Yes.

LEAVE OF ABSENCE.

By unanimous consent, Mr. NICHOLLS was granted leave of absence for two weeks on account of important business.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 7639. An act authorizing the Secretary of the Interior to appraise certain lands in the State of Minnesota, for the purpose of granting the same to the Minnesota and Manitoba Railroad Company for a ballast pit—to the Committee on Indian Affairs.

S. 7764. An act for the relief of J. Randolph Peyton—to the Committee on Military Affairs.

UNITED STATES COURTS, TENNESSEE.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 25405) to change and fix the time for holding the circuit and district courts of the United States for the eastern and middle districts of Tennessee.

Be it enacted, etc., That the terms of the circuit and district courts of the United States for the northeastern division of the eastern district of Tennessee, held at Greeneville, shall commence on the last Mondays in March and September of each year instead of the first Mondays in June and November, as now provided by law; that the terms of said courts for the middle district of Tennessee, held at Nashville, shall commence on the second Mondays in April and October of each year instead of the first Mondays in April and October, as now provided by law; that the terms of said courts for the southern division of the eastern district of Tennessee, held at Chattanooga, shall commence on the fourth Mondays in May and November of each year instead of the first Mondays in May and December, as now provided by law; and that the terms of said courts for the northern division of the eastern district of Tennessee, held at Knoxville, shall commence on the first Mondays in July and January of each year instead of the first Monday in March and second Monday in September, as now provided by law.

SEC. 2. That no action, suit, proceeding, information, indictment, recognizance, bail bond, or other process in any of said courts shall abate or be rendered invalid by reason of the change of time in the holding of the terms of said courts, but the same shall be deemed to be returnable to, pending, and triable at the terms herein provided for.

SEC. 3. That all laws and parts of laws in conflict with this act be, and are hereby, repealed.

SEC. 4. That this act shall take effect from and after February 1, 1909, the public welfare requiring it.

The SPEAKER. Is there objection?

Mr. KEIFER. Mr. Speaker, reserving the right to object, I would like to know how far this changes existing law.

Mr. GAINES of Tennessee. It just changes the time of holding court in the middle and eastern districts of Tennessee. Court is held at Nashville, Chattanooga, and Knoxville.

Mr. KEIFER. Does it fix any new places for holding court?

Mr. GAINES of Tennessee. No. It does not name any new places, but changes the time of holding the court for the convenience of the judges—Judge Lurton and Judge Sanford.

Mr. KEIFER. Did the committee report it?

Mr. GAINES of Tennessee. Yes; a unanimous report. Judge Sanford wrote to the delegation, and here is a letter in the report, Mr. Speaker, dated "Judges' Chambers, United States District Court, Chattanooga, Tenn., January 4, 1909," to Mr. Brownlow, and I received one of the same kind. In that letter he not only sends the bill and asks that it be made law, but he states:

I have written Judge Lurton in reference to the proposed bill, and he writes that it meets his "most hearty indorsement," and that he hopes it will soon be enacted into law.

Mr. KEIFER. I have no objection.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent to place in the RECORD the letter of Judge Sanford to the gentleman from Tennessee [Mr. BROWNLOW].

There was no objection.

Following is the letter referred to:

JUDGES' CHAMBERS,
UNITED STATES DISTRICT COURT,
Chattanooga, Tenn., January 4, 1909.

MY DEAR SIR: I inclose you draft of a bill which I have prepared for the purpose of changing the terms of the federal courts in the eastern and middle districts of Tennessee, the enactment of which would, I believe, greatly facilitate the due and orderly dispatch of the work of these courts.

Under the present arrangement the first spring term commences in Knoxville on the first Monday in March and the last at Greeneville on the first Monday in June, with both the Chattanooga and Nashville terms between; while the first fall term commences at Knoxville on the second Monday in September and the last at Chattanooga on the first Monday in December, with both the Nashville and Greeneville terms between. This puts all of the spring terms practically in the three months of March, April, and May and the early part of June, and all of the fall terms practically in the four months of September, October, November, and December, leaving no term whatever in the midwinter months of January and February, or in July, August, and the greater part of June in the summer.

There are several serious disadvantages under the present arrangement.

First. The different terms are so crowded together in the fall and spring that it is very difficult to complete, after each regular term is held and before taking up the next term elsewhere, the large amount of chamber work which accumulates at each term and to decide the equity cases that are heard and the motions for new trials that are made, it being, however, very desirable that there should be sufficient time between the courts to permit all of the matters relating to each term at any given place to be disposed of before the next term is taken up at another place, so that they can be promptly decided while clear in the memory and not postponed, as they must otherwise frequently be, until after the end of the terms held elsewhere.

Second. The fall term at Knoxville is especially inconvenient, being held in September, which is the hottest and, I think, the most trying month of the year in this section, and also commencing on the same date that the supreme court begins its sessions there, thus making it very inconvenient for the attorneys, who are just returning from their vacations and have considerable office work on hand, as well as the preparation of cases for hearing in the supreme court.

Third. The intervals between the different terms of court at the same places are not always equally divided into two periods of six months, there being both at Chattanooga and at Greeneville periods of five and seven months between the two terms. This is undesirable in all cases, and in the longer interval may work great hardship to a defendant bound over to a court on a criminal charge and unable to give bond.

Under the proposed bill the fall terms would commence at Greeneville on the last Monday in September, after the excessive summer heat has passed and the summer vacation ended, and the actual court work would continue at the different places until the end of the January term at Chattanooga, while the spring terms would commence on the last Monday in March at Greeneville and continue until the end of the July term at Knoxville, ending usually before the heat of August and September. The terms at Knoxville would be practically restored, as you will note, to the times at which they were formerly held before being changed by the act of February 27, 1896, chapter 35, the only difference being that before that date they commenced on the second Mondays in January and July instead of the first, as now proposed (R. S., 572, 658).

There would be a period of two weeks for the Greeneville term, six weeks for the middle district term at Nashville, and five weeks for the Chattanooga term, which would, I believe, give sufficient time at each place not merely for holding the court but also, ordinarily, for the disposition of all motions for new trials and the decision of equity causes and other matters taken under advisement before commencing the term at the next place. There would, furthermore, be equal intervals of six months between the successive terms at all places.

I am very sure that if the desired change is made I should be able in holding the courts to keep up with the work of the two districts much more promptly than I am able to do under the present arrangement.

I have written to Judge Lurton in reference to the proposed bill, and he writes that it meets his "most hearty indorsement," and that he hopes it will soon be enacted into law.

Believing that the passage of the proposed bill would be to the public interest, I should on that account, if it commends itself to your judgment, be glad if you could give it the benefit of your suport and influence.

Very truly, yours, EDWARD T. SANFORD,
District Judge.

Hon. W. P. BROWNLOW, M. C.,
House of Representatives, Washington, D. C.

WILLIAM JONDRON.

The SPEAKER. The Chair lays before the House a bill of the following title, which the Clerk will report.

The Clerk read as follows:

An act (S. 2712) to authorize the Secretary of the Interior to investigate and cancel the allotment of William Jondron, Yankton Sioux allottee, should it prove to be fictitious.

The SPEAKER. It seems that this bill passed yesterday. Examination shows that on May 28 last, I believe, the bill in substance was enacted into law with other bills. Without objection, the vote by which the bill was passed will be reconsidered and the bill laid on the table.

There was no objection.

ANNIE WARD.

The SPEAKER. The Chair lays before the House the bill of the following title, which the Clerk will report.

The Clerk read as follows:

An act (S. 558) to authorize a patent to be issued to Annie Ward, formerly Annie Brown, for certain lands therein described.

The SPEAKER. This bill is in the same condition as the one just referred to. As a motion to reconsider was made, and that motion laid upon the table, without objection the motion to reconsider will be taken from the table and the vote by which the bill was passed will be reconsidered and the bill lie on the table.

Mr. ADAIR. Mr. Speaker, is the author of the bill willing that this should be done?

The SPEAKER. The Chair is informed that the bill was introduced by the gentleman from North Dakota [Mr. GRONNA]. The Chair has not been informed by that gentleman. The provisions of the bill were enacted at the last session of Congress.

Mr. ADAIR. The only question I was making was whether the author of the bill was present and knew what was being done with relation to his bill.

The SPEAKER. The Chair is informed that the gentleman from North Dakota was notified yesterday of the condition referred to.

Mr. ADAIR. Well, I have no objection, then.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. KEIFER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 2 o'clock and 44 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a statement of rents received from the property purchased for a hall of records (H. Doc. No. 1332)—to the Committee on Expenditures in the Treasury Department and ordered to be printed.

A letter from the Secretary of War, transmitting a reply to the inquiry of the House as to detail of retired officers of the army for certain services (H. Doc. No. 1331)—to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 26216) to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona, reported the same without amendment, accompanied by a report (No. 1863), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOSTER of Illinois, from the Committee on Mines and Mining, to which was referred the bill of the Senate (S. 3764) to apply a portion of the proceeds of the sales of public lands to the endowment of schools or departments of mines and mining, and to regulate the expenditure thereof, reported the same with amendment, accompanied by a report (No. 1867), which

JUN 10 1905